

Measuring the progress towards improved labour conditions at palm oil plantations.

A reflection on CNV-Internationaal's project in the Siak Pelalawan Landscape Programme

CNV Internationaal

April 2024

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Disclaimer: The research included in this report was supported by ISEAL Alliance and made possible through funding by the Walmart Foundation. The findings, conclusions and recommendations presented in this report are those of the author alone, and do not necessarily reflect the opinions of the Walmart Foundation or ISEAL Alliance.

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Glossary

Bipartite Institution – A forum where workers and management communicate and consult with each other regarding issues relating to industrial relations, enterprise sustainability and workers' welfare.

Casual Worker – Casual worker is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days, or weeks, in return for a wage set by the terms of the daily or periodic work agreement.

Collective Bargaining Agreement (CBA) – A collective bargaining agreement is a written legal contract between an employer and a union representing the employees

Freedom of Association (FoA) – Refers to the right of workers and employers to form and join independent organisations without interference from others

Gender Committee – Main aims of gender committees are to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women workers.

Human Rights Due Diligence (HRDD) – A dynamic, ongoing process that companies should incorporate in their business processes and policies to make sure they respect human rights, the environment and the global climate in their international value chains.

International Labour Organisation (ILO) – A tripartite U.N. agency that brings together governments, employers and workers of 187 Member States , to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

Outcome harvesting – A qualitative evaluation approach in which evidence of what has been achieved is gathered in order to identify whether and how a project (intervention) contributed to this change.

RSPO – Roundtable on Sustainable Palm Oil

Siak Pelalawan Landscape Programme (SPLP) – A private sector-driven initiative that aims to achieve sustainable palm oil production in Siak and Pelalawan districts in Riau, Indonesia.

Social dialogue – Social dialogue concerns negotiation, consultation and information exchange between employers and employees.

Introduction

Landscape programmes have until recently predominantly focused on addressing environmental impact, and much of the available impact measurement methodology is not applicable to the topic of human and labour rights. In recent years, next to the environmental challenges in the palm oil sector, the labour challenges on the palm oil plantations have increasingly been on the agenda (e.g. within RSPO). With Human Rights Due Diligence (HRDD) initiatives and legislation upcoming, some of the landscape programmes have started to focus on human and labour rights in addition to the environmental impact and are now pioneering how to measure their progress on these topics.

CNV-Internationaal (CNV-I) is since 2021 working within two landscape programmes in Indonesia (SPLP with Proforest and in Central Kalimantan with Kaleka) on setting up and improving Social Dialogue (SD) practises with the ultimate objective to improve labour rights standards. Setting up meaningful Social Dialogue and working closely with local labour unions, is the most sustainable way (and enshrined in Indonesian law) to improve labour conditions. Labour Unions on the ground are very well aware of the labour issues at stake, by means of SD and negotiating Collective Bargaining Agreements (CBAs), labour conditions can be uplifted. This particular assignment, made possible through the ISEAL grant, has been executed with the aim to evaluate the impact thus far within the Siak Pelalawan Landscape Programme (SPLP), and to evaluate the effectiveness of the measurement tools that are currently available to measure the impact in these areas.

First, some general background information about the project and the context will be provided. This will be followed by a description of all the activities that have been carried out between 2021 and 2024, starting with the general findings of the baseline assessment that has been conducted in 2021 and that has served as the foundation for the development of the activities.

The second part of this report contains the findings and recommendations of a recently conducted outcome harvesting by an independent consultant who has studied the actual progress and changes (or the lack thereof) of the Social Dialogue programme in SPLP. The third part contains an evaluation of the outcome harvesting, and in the fourth part the different measurement tools that are currently available to measure the impact of programmes focussing on improving human and labour rights in landscape programmes will be assessed.

1. The project and executed activities

SPLP project and context

The Siak Pelalawan Landscape Programme (SPLP) is a private-sector driven initiative that aims to achieve sustainable palm oil production in two districts in Riau Province, Indonesia: Siak and Pelalawan. These are two major palm oil producer districts with significant numbers of independent smallholders (see: Siak Pelalawan Landscape Programme). In a landscape approach, all stakeholders are united behind a shared vision of sustainable development where the needs of the environment and local communities are balanced, and it recognises that no single organisation, local authority, company or group of people alone can achieve what is possible when everyone works together.

One of the pillars of the SPLP is labour rights and since 2021, CNV-Internationaal has implemented a Social Dialogue project in the SPLP. The palm oil industry is one of the most important sectors in these districts, but various labour issues, such as wages, the welfare of women workers, child labour, and worker's safety hinder the full implementation of sustainable palm oil initiatives. Social Dialogue is considered both a means and a space where these issues can be discussed, with the aim of reaching consensus on improving human and labour rights by working towards fair wages and better working conditions.

◦ Definition of Social Dialogue

Social dialogue can generally be defined as various types of information exchange, consultation and negotiation between industrial relations actors (Gultom et al., 2022). It should thus be differentiated from one-way communication, such as instructions or work orders. Yet, Social Dialogue is also the exercise of Freedom of Association (FoA), which is a fundamental Human Right as proclaimed in the Universal Declaration of Human Rights. While the settlement of disputes within the company between management and workers/unions can be considered as part of Social Dialogue processes, Social Dialogue if functioning well should be able to form a preventative instrument for disputes not to take place and is meant to lift working conditions across the entire spectrum, by means of the negotiation of CBAs which should be in alignment with National and International Labour Organisation (ILO) standards.

Activities

◦ Baseline assessment

In 2021, CNV-Internationaal started the SPLP project with a baseline assessment on Social Dialogue. The main objectives of this research were twofold. First, to gain insight into whether and how Social Dialogue was already implemented in the palm oil sector in Siak and Pelalawan in 2021. Secondly, to identify the main factors influencing the development of Social Dialogue in the palm oil sector in Siak and Pelalawan. These goals were set in order to design more effective and focussed interventions to promote Social Dialogue in the continuation of the project.

The main findings of this study read that Social Dialogue was sparsely present at the bipartite level, and many challenges, and thereby opportunities for improvement were signalled. If Social Dialogue was present, it was mainly focussed on dispute-settlement instead of a constructive discussion among social partners on employment and other relevant issues. Illustrative for the (lack of) Social Dialogue are the following numbers:

out of the 82 palm oil companies in Siak and Pelalawan, only 31 companies had a LKS Bipartite registration (by Indonesian law employers with over 50 employees are obliged to have a LKS Bipartite committee and to set up a SD with the present unions), there were 21 CBAs, 21 company regulations, and 29 labour unions. It was mainly the company level unions who played a major role in Social Dialogue at the company level. These unions showed great enthusiasm to engage in Social Dialogue, but we also found that they often lacked adequate skills and knowledge on how to make these dialogues successful. This enthusiasm generally lacked among company managers, which was reflected in practices such as avoiding dialogue, using a personal approach with union leaders, or even actively violating FoA, by intimidation or politically motivated job transfers.

At the tripartite level, dialogue mechanisms specifically focussing on the palm oil sector were absent. There are existing institutions, such as LKS Tripartite and the District Level Wage Council (DPK), that could be used to discuss labour right issues in the palm oil sector on the tripartite level, but the enactment of the job creation law¹ caused the role of the DPK to be very limited. On another note, it was found that the existing Social Dialogue was not inclusive, especially regarding the representation of women and casual workers. Some of the casual workers that were included in the study did report improvements that they had experienced, e.g. in one company the unions had achieved all casual workers to become contract workers. The inclusion of women, who represent more than half of the workers at plantations (GAPKI & Hukatan, 2019), turned out to be very limited on all levels; both in Social Dialogue, and in unions. This results in the needs and aspirations of women workers not being addressed, represented, or met in Social Dialogue.

◦ **Continuation: development of activities**

The above outlined findings and challenges of the baseline assessment have been used to shape the project and to develop the activities. The report of the baseline assessment has been shared with multiple stakeholders, not only by means to inform them, but mainly to show the relevance of the project and to actively involve them. Once these stakeholders were socialized with the project, the execution of the activities was started, which aimed to contribute to a paradigm shift from dispute-centred Social Dialogue to constructive-oriented Social Dialogue. These activities will be further elaborated below and can roughly be divided in:

1. Formation of an informal Social Dialogue Forum at the district level
2. Training and technical assistance for LKS Bipartite
3. Capacity development for independent unions
4. Training and technical assistance for Gender Committees.
5. CBAs: research and analysis and trainings.
6. Research on daily casual workers.

¹ [Job creation Law Indonesia.indd \(cnvinternationale.nl\)](http://Job%20creation%20Law%20Indonesia.indd%20(cnvinternationale.nl))

1. Formation of informal Social Dialogue Forum at the district level

One of the main findings of the baseline assessment was that fundamental challenges with regard to establishing Social Dialogue occurred mainly at the company level. If Social Dialogue existed, it was almost entirely related to dispute-settlement, which is a very narrow interpretation of Social Dialogue.

A lack of capacity and skills among the unions, and low commitment from the management came to the fore as the main causes of the lack of room for, and the poor quality of the existing Social Dialogue. Therefore, activities have been developed to increase the room for bipartite Social Dialogue platforms at the workplace. The most important activity relating to this is the formation of a Social Dialogue Forum in 2022 in Siak and Pelalawan, whose main mandate is to promote LKS Bipartite and gender committees in each district. The forum – which is different from the mandatory district level LKS Tripartite— has been initiated with the idea to be the backbone of this initiative. It therefore provides advice, supervision, and technical assistance if needed (see activity 2 and 4). It also sets the standards of LKS Bipartite and Gender Committees. The forum meets at least 2 times per year, to monitor and plan the activities. Besides the main social actors such as the unions and company management, other stakeholders have been involved in the Forum, such as the department of Women and Child Protection, the Department of Agriculture, the statistical bureau (BPS), the social security agency (BPJS), academics, and NGOs.

One of the outputs of this forum is a manual that has been published and distributed to the companies' management and unions in Siak and Pelalawan. This manual consists of the procedures and practical steps that should be taken to develop a LKS Bipartite, which includes the composition of LKS Bipartite members, the functions and scope of LKS Bipartite, registration procedures of LKS Bipartite to the Manpower Office, and reporting schedules of LKS Bipartite to the Manpower Office. This manual has contributed to the accessibility for companies to form LKS Bipartite, which has thus far resulted in the formation of 9 LKS Bipartite in Siak, and 8 LKS Bipartite in Pelalawan. Also the formation of Gender Committees has been stimulated by the forum, which will be elaborated under activity 4. 'Set up of Gender Committees'.

2. Training and technical assistance for LKS Bipartite

The previously described activity, the formation of the Social Dialogue Forum, has been initiated to promote LKS Bipartite and gender committees in each district and thereby create more space for Social Dialogue. Forming an LKS Bipartite structure is a mandatory legal requirement for companies with above 50 employees, but as the baseline assessment has highlighted, a lot of companies did not have such a LKS Bipartite; of the 82 palm oil companies in the region, only 31 had an (officially registered) LKS Bipartite. The Social Dialogue Forum has stimulated the formation of 17 new LKS Bipartite.

An important activity that has contributed to the functioning of these new LKS Bipartite is the technical assistance that has been provided by CNV-I in collaboration with the Manpower Office in each district. This technical assistance focussed on creating an overall structure that contributed to the improvement of the Social Dialogue within LKS Bipartite. As highlighted in the baseline assessment, existing LKS Bipartites were mainly focussed on dispute-settlement instead of constructive discussions among social partners on employment and other relevant issues. By providing technical support in organising digital meetings on a frequent basis, providing an agenda that stretches Social Dialogue beyond

the topic of dispute-settlement, and visiting the companies to discuss these matters, the functioning of 31 LKS Bipartites have been improved. This includes the 17 newly formed LKS Bipartite, and 14 companies that already had a LKS Bipartite.

Another activity that aimed to improve Social Dialogue at the company level are the trainings that CNV-I organised on Social Dialogue and CBA negotiations. In 2022, the participants were 20 representatives of the management of palm oil companies, and 20 representatives of the unions. During these training sessions, the participants increased not only their knowledge and skills on Social Dialogue, but they also learned about the role of the LKS Bipartite as a Social Dialogue Platform. The training was also given in 2023, where 11 managers of palm oil companies and 11 union members joined and increased their knowledge and skills. Thus, in total 31 managers and 31 union leaders have been trained

3. Capacity development for independent unions

The baseline assessment from 2021 has shown that unions were the most active and consistent actors in promoting and engaging in Social Dialogue, especially at the bipartite level. However, in terms of knowledge and skills they were also the weakest among the social partners. Therefore, CNV-I has not only provided them with training on Social Dialogue and CBA negotiations (activity 2 and 5), but also provided specific training on union capacity building and management. CNV-I's toolkit on this topic has been used as a guideline and was combined with similar modules developed by the union partners themselves. Topics such as Social Dialogue measurement, CNV-I's CBA database, and how to strengthen or form gender committees in their organisations have been covered by these training sessions.

In 2022, 18 union leaders followed this training and increased their capacity in Social Dialogue. In 2023 an advanced follow-up training was organised, in which 19 unions participated. This training focussed on three topics: 1) the functioning of the LKS Bipartite, 2) the applicable CBAs, and 3) the development of gender committees. The attending participants were encouraged to draft work plans on how to improve the situation at their respective companies with regard to these topics. In May/June 2024 a follow-up training will be given about CBA negotiations

4. Training and technical assistance for Gender Committees

The baseline assessment showed that the existing Social Dialogue in Siak and Pelalawan was not inclusive, especially regarding the representation of women workers. There were hardly any functioning gender committees, which resulted in the needs and aspirations of women workers not being addressed, represented, nor met. Additionally, the Law of Sexual Violence Crimes (Undang-Undang Tentang Tindak Pidana Kekerasan Seksual or UU TPKS Number 12/2022) has been issued in 2022. The establishment of gender committees at the company level is seen as a form of the commitment of the companies in overcoming the problem of gender-based violence (GBV) including sexual harassment. This thus created an additional opportunity to show the relevance and promote gender committees.

To gain more insight in the situation of women workers and the functioning of gender committees, an assessment has been conducted in 2022. The main findings of this study showed that all companies that were included in the study had set up gender committees. However, it seemed like they were mainly set up to meet the commands of the RSPO, and thereby did not function optimally. This had to do with several causes: HR-administrators who did not seem to have sufficient knowledge about the concept of gender and the

function of gender committees, a lack of funding from the companies, gender committee work predominantly being viewed as voluntarily and something that should be done outside of the working hours, and a lack of guidelines to evaluate the performance of gender committees. The report concluded that all stakeholders; both the government and companies must set-out clear guidelines and continue to collaborate to provide protection for the rights of women workers in oil palm plantations to create a conducive and women-friendly work climate.

As a follow up, CNV-I organised a training on gender with the aim of promoting gender committees in palm oil companies by increasing knowledge on the concept of gender, gender issues at the workplace and the role and functioning of gender committees. The gender manual, which was jointly developed by CNV-I and Hukatan (one of the biggest palm oil labour union federations in Indonesia) has been updated and used as the training module for this. In the second half of 2022, 8 representatives of company management and 9 representatives of the unions joined this training and identified the challenges and weaknesses of the gender committees in their respective palm oil companies. Challenges that came to the fore were getting commitment and support from high-level management, fitting the work for the committee in the working hours, and gaining budget for the activities. A particular situation was also discussed where a Gender Committee had been established only for the purpose of the audit (having a gender committee is a RSPO requirement). This means that the committee existed on paper, but did not really function. It was concluded that the Gender Committees needed intensive technical assistance, particularly focussing on getting the committees 'up and running'. In 2023, this was taken up further by CNV-I in collaboration with the District Manpower Office and the District Women Empowerment Office and Child Protection by providing three companies with technical assistance and feedback to improve the structure and functioning of gender committees.

In May 2023, a meeting was organised to reformulate the target for Gender Committee development. Here it was decided that more focus should go to the Gender Based Violence (GBV) elimination function. This was followed up in the same month by giving a workshop on this topic to nine Gender Committees, where they increased their capacities on GBV prevention and the handling of these cases. Apart from training and empowering existing gender committees, four new gender committees have been formed in 2023 due to the support provided by this project.

5. Research and analysis of CBAs

In 2019, participants of the Working Group of the Palm oil Value Chain of the Dutch multi stakeholder initiative "the Dutch Banking Agreement (DBA)", made an analysis of the most severe human rights issues in the Palm oil supply chain, focusing on Indonesia. CNV-I was one of the participating organisations. Amongst labour rights violations, forced labour clearly came to the fore as one of the most severe identified risks. The partners in this DBA concluded that transparency about labour rights at palm oil plantations is a first step to support Social Dialogue and promote Freedom of Association (FoA), to negotiate and achieve better working conditions for workers, and in the end to direct the investment in this sector towards a transformational change.

Therefore, a pilot project was developed by CNV-I in West Kalimantan, where CBAs were collected and analysed in terms of their quality, and a CBA benchmark and database was set up. Within the SPLP project, last year the same exercise took place; to collect and map CBA

s on palm oil plantations in a participative way with local stakeholders. In total, 19 CBAs were analysed and mapped (see Annex. 2) and this data was added to the CBA benchmark of CNV-I to create a database in which the CBAs are rated. This rating serves as an indicator of the quality of a CBA (in alignment with national legislation and international (ILO) standards) and thus of the agreement's alleged respect of labour rights, the level of Social Dialogue, and the presence of a bipartite structure. Transparency about, and accessibility of different CBAs can help unions in their CBA negotiations.

With regard to CBA negotiations, CNV-I organized in 2023 a CBA training for the unions and management in the targeted companies. This training aimed to promote CBA as the paramount product of Social Dialogue, in compliance with the ILO standards. In May 2024, another CBA training will be given, combined with technical assistance to the companies that have planned to renew their CBAs in 2024. In this training attention will also be paid to how unions can use the CBA database to strengthen their position and arguments during CBA negotiations.

6. Casual Workers Study

Besides showing that the existing Social Dialogue was not inclusive with regard to women workers, the baseline assessment also highlighted casual workers as a group that was sparsely represented and having a vulnerable position. The Employment Services of Siak and Pelalawan estimate that about 70% of the workers at the plantations in their areas are casual daily workers, many of them women. Due to their contractual status (or lack thereof) it is difficult for casual workers to become a member of a union, and thus we decided that more research was needed to see how unions can be of help to casual workers to defend their rights. This study used existing literature and qualitative methods, such as interviews and focus group discussions. Palm oil workers, both casual daily workers and contract/permanent workers, were the main informants. Apart from that, the researchers also interviewed the Plantation Service, Manpower Service, DPA3AKB (Women's Empowerment, Child Protection, and Family Planning Service), and labour unions. The total number of informants involved in this research were thirty-one casual daily workers, seventeen women casual workers, twelve contract workers, four regency and provincial service representatives, and seven labour union officials at both regency and company levels.

The study indicated that existing labour regulations provide space for the implementation of the casual daily workers' scheme, which is yet far from fair in guaranteeing workers' labour rights. However, it is an implication that casual daily workers face a lot of vulnerabilities, such as working without contracts, getting paid below the legal minimum wage, not receiving wages for days that they are unable to work, e.g. due to bad weather conditions, a lack of access to social security, being prone to forced labour due to poverty, debts, and unpaid labour. On top of that, female casual daily workers also bear the risk of experiencing gender discrimination, and sexual violence.

As part of the study it was recommended that labour unions can help to address vulnerabilities faced by casual daily workers and therefore work on improving their position in several ways:

- 1) by clarifying casual daily workers employment relations status with the company,
- 2) by carrying out case advocacy related to casual daily workers normative rights,

- 3) by negotiating the practical daily needs of workers in the workplace,
- 4) by strengthening the bargaining power of casual daily workers in the workplace.

There are several factors that are restricting when it comes to the effectiveness of unions, such as unbalanced power relations, minimal government support, a lack of transparency from the companies on the numbers of casual workers that they employ at their plantations, and fragmentation both within and between unions. Supportive factors are limited, but include collaboration with Legal Aids to change regulations and legal demands in the Industrial Relations Court, and the results of projects such as the SPLP that increase union capacity, the formation of Gender Committees and Bipartite Cooperation Institutions.

The research is being used by the unions for lobbying and advocacy to the Manpower Offices as well as through LKS Bipartite at the company level. The main focus of this lobby is to achieve that more casual workers will be given contracts, so that their rights can be better protected.

2. Outcome Harvesting

The outcome harvesting report can be found in Annex 1.



3. Reflection on Outcome Harvesting

In March 2024 CNV-I conducted an outcome harvesting evaluation on the Social Dialogue component in the Siak and Pelalawan Landscape Project (SPLP). It aimed at analysing social dialogue development in the palm oil industries in Siak and Pelalawan Districts, if any, and whether CNV-I has contributed to the development. The evaluation was done by an external evaluator, and the report has been submitted at the end of March (Activity 2).

In this section 3, the main findings and recommendations of the outcome harvesting report will be assessed. Besides, in section 4, the follow up action recommended in the report will be described, in particular regarding the framework or tools to measure social dialogue practices, which is the main objective of this report.

1. CNV-I's Contribution to Improving Social Dialogue in the Palm Oil Industry in Siak and Pelalawan Districts

The outcome harvesting concludes that social dialogue at the oil palm plantations and mills in Siak and Pelalawan have been enhanced due to the development of social dialogue platforms supported by CNV-I, namely LKS Bipartite (Bipartite Cooperation Institution) and Gender Committees. The stakeholders from unions, management, employer associations, and various government offices recognize the importance of CNV-I's intervention in this regard. The outcome is obvious especially in terms of quantity (the number of LKS Bipartite and Gender Committees formed) and changes in the knowledge and behaviour of the social partners, including the more intense cooperation between various government offices.

Nevertheless, the report highlights to strengthen the quality aspect of social dialogue in the LKS Bipartite and Gender Committees. Besides increasing the capacity of the social partners, especially the unions and workers, the report also suggests strengthening the commitment of the social partners to conduct constructive dialogue, especially company management. The report also highlights the issue of women's representation in LKS Bipartite. Hence, it recommends to engage more substantively women workers' rights in the LKS Bipartite, and connecting Gender Committee's with LKS Bipartite would be an effective way to address the issue.

With regard to the qualitative aspect, CNV-I agrees with the conclusion and recommendations. However, it must be underlined that the outcome harvesting covers the period of 2021 – 2023, where the focus was on the quantitative aspect, namely the formation of LKS Bipartite and Gender Committees. In mid-2023 up to now, the focus of CNV-I's intervention has increasingly been on the qualitative aspect of social dialogue as recommended in the report; in fact, some of the recommendations have been implemented since early 2024, such as connecting gender committees to LKS Bipartite and improving some elements at the LKS Bipartite, whose initial results have already been gathered.

2. CNV-I's methods to measure the improvement of Social Dialogue in the Palm Oil Industry in Siak and Pelalawan Districts

In improving the qualitative aspect of the Social Dialogue program, the outcome harvesting report makes some valuable suggestions, as the current way of measuring is mostly functional for measuring quantitative improvement rather than measuring improvements in quality. Social dialogue guidelines developed by CNV-I in 2021 have been used to help unions identify and address weaknesses at the LKS Bipartite they participate in. However, as also suggested by the outcome harvesting report, a more structured and measurable framework along with a clear Theory of Change (ToC) would be helpful to guide social partners in improving the quality of social dialogue at the company-level bipartite structures –an issue that will be discussed below in section 4.

While CNV- I as an organisation does have a Theory of Change, where working with local labour unions, strengthening their organisational capacity and negotiation skills, improving the bi and tri partite structures, is assumed to lead to improved CBAs and thus working conditions, which implementation should be monitored closely by the unions. The ToC can indeed also be applied on the scale of the SPLP programme, by breaking it down in clear steps. In the next section (section 4) the suggestions for improved measurement tools from the outcome harvesting report, along with some of CNV-I's newly developed tools will be discussed in more detail.

4. Assessment of measurement tools and methods

Landscape programmes have until recently predominantly focused on addressing environmental impact, and much of the available impact measurement methodology is thus not applicable to the topic of human and labour rights. In this section, several available measurement tools and methods will be discussed and attention will be paid to how they can contribute to measuring progress on human rights in landscape projects. Two of these tools, the CBA-database and the Fair Work Monitor, have been developed by CNV-I. Other methods, such as the After Action Review Method and Theory of Change, are commonly used tools within the field of international development, and were mentioned in the recommendations of the outcome harvesting report.

1. Theory of Change (ToC)

A theory of change is a widely used method for development projects to outline systematically how a given activity, or set of activities, is expected to lead to a desired development change. It draws on an analysis based on available or obtained evidence. A theory of change serves as the foundation of a development project and helps to identify solutions, or draft activities, that effectively address the causes of problems that hinder progress and guide decisions on which approach should be taken. It also helps in identifying the underlying assumptions and risks that are vital to understand and revisit throughout the process to ensure that the approach will contribute to the desired change (United Nations Development Group, n.d.)

Human and labour rights projects in landscape programmes that are currently pioneering with measurement tools and methods will benefit from developing a theory of change. However, proceeding drafting such a ToC, depending on the quality and quantity of the available information about a certain context and topic, it can be advised to conduct a baseline assessment (e.g. by means of the Fair Work Monitor). From this baseline assessment, desirable outcomes and a corresponding M&E framework can be drafted in a theory of change that will serve as a guideline to measure progress. Subsequently, measurement tools or methods can be used that correspond with the outcomes that are aimed to be measured.

2. Fair Work Monitor (FWM)

The Fair Work Monitor (FWM) is an online survey tool created by CNV-Internationaal in collaboration with trade unions and workers to collect and analyze real-time data about the working and living conditions of workers. It was originally designed for the sugarcane and mining sector in Latin America, has expanded to also being used in the textile sector in Cambodia, and can now also be used for the palm oil sector in Indonesia. Local trade unions are generally in charge of the data gathering process since they are in direct contact with the workers and have knowledge about the local contexts, which the FWM can be adjusted to. It is easy and accessible for workers to fill in the survey; it can be completed on a mobile phone or tablet, both online or offline, and anonymity is ensured. This way, the Fair Work Monitor supports local trade unions in gathering up-to-date data that they can use to identify labour rights gaps, improve CBA negotiations and to adjust their strategies to reach workers with a vulnerable position, like women, forced laborers, or casual workers.

Besides being useful for the trade unions, the Fair Work Monitor could also be used by parties that are implementing projects on human and labour rights, e.g. landscape projects, to gain insight in the context they aim to start a project in (baseline assessment), or measure progress and impact. A precondition for this is to establish connections with local trade unions to collaboratively design the survey and who can help in administering it. Before the

kick-off of such projects, the FWM could be used to conduct a baseline assessment. The outcomes can serve as a foundation to draft activity plans and to formulate their desirable outcomes. Depending on the duration of the project, the FWM could also be used for a half-way assessment to gain insight in the progress that is made (impact level), and thereby provides opportunities to adjust the existing activity plans. Eventually the FWM could be used at the end of a project to get a clear idea of the results and the real impact that is made.

Since the FWM is a survey that is meant to be conducted among workers, the results also reflect their experiences and vision. It is therefore a suitable tool to gain insights in whether and how improvements on the structural level also triple down to the grassroots level of workers and whether and how their labour conditions have been improved. It can be utilized for both narrative reporting and to measure quantitative results, depending on the design of the survey and the nature of the questions. This is eventually the main aim of programmes on human and labour rights. However, establishing these kinds of structural changes takes time, and besides that, the FWM could also be used for a grassroots perspective baseline assessment, utilizing it to measure which progress works best for long term projects. Therefore, this could mean that the FWM is a less suitable tool to measure how the functioning of institutions is improved, since it will take time before workers will notice the results of this. For this, CNV-I has developed a framework that can be found in Annex 3 and will be elaborated further below.

3. Outcome harvesting

Outcome harvesting is a qualitative approach to evaluation in which evaluators (harvesters) identify, formulate, verify, analyse and interpret outcomes. This evaluation methodology does not focus on progress or achievement of intended, expected or planned outcomes of the intervention, but gathers evidence of what has been achieved and works backwards to identify whether and how the project intervention contributed to this change. In this regard, the outcome is an observable change in behaviour, in the actions, activities, policies, practices or relationships of individuals, groups, communities, or organizations that the project tries to influence. In the harvest, all the changes that really took place are analysed, which also includes unexpected positive and negative results. The evaluator or harvester collects information from reports, individual interviews, group discussions, and other resources to document how a given program or initiative has contributed to outcomes. Questions that are at the core of outcome harvesting are: (i) Who did what, when and where; (ii) How significant is this change in relation to the project objectives?; and (iii) What contribution was made by the social dialogue project to this change?

As mentioned, outcome harvesting does not focus on measuring progress or achievement of intended, expected, or planned outcomes of the interventions executed within a project. Its open approach makes it a suitable method for programmes that did not draft clear, quantitative M&E guidelines at the start of their project, or to gain more insight in the unintended effects of projects, either negative or positive. Besides, it is possible to include many different stakeholder groups, e.g. workers, company management, union representatives, experts on certain topics/themes, etc. Its qualitative approach results in data that can be well used for narrative reporting, but is less useful to gain insight in the progress or results of pre-established Key Progress Indicators (KPI's), which is often requested by donor organisations.

4. CBA Database

Transparency on the respect for labour rights at palm oil plantations is considered a first step to support Social Dialogue and promote FoA, to negotiate and achieve better working conditions for workers, and to direct the investment in this sector towards transformational change. CBAs are considered the paramount product of Social Dialogue and therefore CNV-I has established a CBA database to contribute to more transparency within sectors. In this database, CBAs are rated along the quality of a CBA (in alignment with national legislation and international (ILO) standards, which includes the agreements alleged respect of labour rights, the level of Social Dialogue, and the presence of a bipartite structure.

Besides that the data contributes to a better negotiating position for unions (see '5. Research and analysis of CBAs' under activity 1), it can also be used to measure progress of projects on human and labour rights. The rating system makes it possible to compare CBAs within a certain sector, and offers the opportunity to keep track of their improvement over a certain period of time. It can thereby also be used to set clear indicators on the progress that a project aims for with regard to the improvement of CBAs. The database will be open-access and its functioning and the accuracy of the data will improve the more CBAs are included. It is thus interesting to expand the usage to other projects and contexts focussing on labour rights in the palm oil sector.

However, it should be kept in mind that this tool especially focusses on CBAs, which is the paramount product of Social Dialogue. It takes time to establish CBAs, and this tool might thereby initially not be the most useful tool for projects that are in earlier processes of establishing or stimulating Social Dialogue processes. These projects can of course still use the data from the database for capacity building and in negotiations on the bipartite level. Next to that, the database is, once further developed and expanded, also meant to create more transparency for, for instance, the financial sector. The available data can be used by them for feasibility studies and risk analysis. In this way, the transparency created by the database also puts pressure on palm oil plantations to invest in Social Dialogue and to score well in the database in order to be more attractive for investors.

5. Internal reflection: After Action Review (AAR)

The consultant who conducted the outcome harvesting of activity 3 pointed out that internal reflection processes are of great importance to identify what has (not) succeeded, and what needs to be improved for future optimization efforts. The relevance of internal reflection becomes even more prominent for projects like ours, that are pioneering in new fields, such as projects on human and labour rights within landscape projects. We consider it useful to discuss the after action review (AAR) method as a useful tool for internal reflection, since it will contribute to the improvement of impact measurement tools. The AAR method can also be combined with progress outcomes obtained by using one of the above outlined methods.

An AAR is a qualitative review of actions taken, or activities carried out within a project. It is a tool that aims to maximize learning experiences in an organizational setting by including the knowledge of stakeholders. The latter helps in establishing trust and confidence, which will have positive effects on the remainder of projects, especially in new settings. An AAR can be used to: 1) improve practices in the context of a specific project, 2) develop capacity within a team, 3) reflect on significant moments in a project.

Four questions are central in AAR sessions:

- What was supposed to happen (in the activity under review)?
- What actually happened?
- Why was there a difference (between the plan and the actual result)?
- What will we do next time (the same and different)?

(Mullerbeck, 2015)

6. Measuring the implementation and improvement of Social Dialogue

In response to recommendation 4 in the outcome harvesting report, CNV-I has developed a measurement framework for social dialogue on the bipartite and tripartite level in order to provide a more structured and measurable framework for Social Dialogue (see Annex 3). This framework was developed from the Social Dialogue guidelines that have been used in the SPLP Project since 2021. It does not aim to measure on the impact level –that is, how social dialogues contribute to improving the labour rights and industrial relations—since the Fair Work Monitor could be used for this. Rather, this framework aims to measure whether social dialogue is practiced in compliance with the international labour rights standards and good governance principles, which is considered to be a means to and a condition of contributing to the improvement of labour rights.

However, this framework needs to be tested and revised before it can be finalized and used for other projects. In the coming eight months, CNV-I plans to test it in the landscape projects. Once finalized, CNV-I expects that it can be gradually used by the social partners themselves, to self-assess the social dialogue practices they participate in.

Conclusion

On a concluding note it can be said that the different measuring tools and methods that are discussed above can be used to measure outcomes on different levels and can thereby be used to serve different goals. In order to choose the right tools or methods, the intended results should first be clearly defined, e.g. in a Theory of Change. A ToC contains a clearly outlined, evidence-based strategy on how the activities of a project contribute to the preferred (developmental) change. The Fair Work Monitor can be used to conduct a baseline assessment that can be the foundation of a ToC. Besides, it can be used to measure (mid-term) progress or outcomes on the impact level. It can therefore be used for both narrative and quantitative reporting, e.g. on indicators or KPI's.

The open approach of outcome harvesting makes it an interesting method to widen the scope of the measurement of results beyond impact areas that are pre-established within M&E frameworks. The qualitative approach makes it possible to include participants from different stakeholder groups, and it also includes unexpected and unintended results (both positive and negative). Besides the benefit of the CBA-database for unions, it is also a tool that can be used to measure (progress of) the quality of the CBAs that are established within programmes on human and labour rights. However, CBAs are the paramount product of Social Dialogue, and it should be kept in mind that it takes time before CBAs can be established. Prior to this, processes of Social Dialogue should be improved, or even established. The outcome harvesting conducted under activity 3. showed that a structured framework was missing to measure the progress of Social Dialogue, therefore CNV-I has developed a framework that can be found in Annex 3.

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Annex 1. Outcome Harvesting Report

Strengthening Social Dialogue in the Palm Oil Sector in Siak and Pelalawan Districts of Riau Province.

Outcome Harvesting Evaluation Report.

March 2024

Acknowledgment

The Outcome Harvesting for the Evaluation of the Siak and Pelalawan Landscape Program (SPLP) was commissioned by the SPLP program, specifically CNV International with the aim of enhancing the Social Dialogue initiative which will contribute to efforts to promote sustainable palm oil in Siak and Pelalawan Districts, Riau Province.

The Evaluation team would like to sincerely thank all parties, especially representatives of trade unions, company managements, and plantation workers who were willing to be recruited as respondents and provided very valuable information for the implementation of this Outcome Harvesting in Siak and Pelalawan. We also express our thanks to representatives of Riau palm oil business associations (GAPKI), NGOs and academics who have agreed to be recruited as respondents and substantiators for this Outcome Harvesting. Our sincere thanks go to the regional government, especially the District and Provincial Manpower Offices (Disnaker), the District Women and Child Protection Office (Dinas PPA), the District Agriculture Service's plantation section (Dinas Pertanian), and the Siak and Pelalawan Regency Bappeda who act as social partners and provide full support for the SPLP program, including in the implementation of evaluation of the SPLP program.

We would also like to express our gratitudes to the SPLP program field team in Riau, especially Mrs. Emi Andriati, Mr. Samuel Gultom, Mrs. Ratna Akiefnawati, Mrs. Amalia Falah, Mr. Aseli Sinaga and Mr. Parisman Haro for all their help in carrying out this Outcome Harvesting. Finally, we do not forget to thank the representatives of the CNV-I Netherlands (Suzan Cornellissen and Luca Naus) who have provided direction and opportunities for the Evaluation team to carry out this Outcome Harvesting study.

Sincerely,

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Executive Summary

Since 2021 CNV International has collaborated with Proforest and Daemeter in the Siak and Pelalawan Landscape Program (SPLP). The program aims at promoting sustainable palm oil in the District of Siak and District of Pelalawan in Riau Province. One of the components in the program is labour rights, in particular the social dialogue initiative, which is under the technical leadership of CNV-I. This social dialogue initiative is quite important given the fact that there are still many basic rights of palm oil plantation workers that have not been addressed. Social dialogue itself is considered as key to promote labour rights, which in effect will contribute to more socially sustainable palm oil.

In 2024, as part of the program learning process, CNV-I conducted a qualitative evaluation of the Social Dialogue initiatives in Siak and Pelalawan Districts using outcome harvesting methodology. The study aimed at (i) providing information on the changes (or not) related to social dialogue in the palm oil sector in Siak and Pelalawan, and the key elements and processes that lead to the changes (if any); (ii) identification of the specific contribution, or the lack of, CNV-I's intervention as well as other key stakeholders that lead to the changes (if

any); and (iii) Feedback on CNV-I's strategy, approach, and method to optimize the intervention in the future.

As described further in the methodological section of this report, Outcome harvesting is a qualitative approach to evaluation in which evaluators (harvesters) identify, formulate, verify, analyze and interpret outcomes. This evaluation methodology does not focus on progress or achievement of intended, expected or planned outcomes of the intervention, but gathers evidence of what has been achieved and works backwards to identify whether and how the project intervention contributed to this change. Data triangulation and validation (substantiation) processes are included as part of the outcome harvesting analytical steps.

The following are the main findings, conclusions, recommendations, and lessons learned of the outcome harvesting study conducted for the evaluation of the SPLP/CNV program in Siak and Pelalawan districts.

The intervention of the social dialogue program has succeeded in forming a new Lembaga Kerjasama (LKS) Bipartite and functioning the existing LKS Bipartite, which is part of the outcomes of the CNV's Social Dialogue initiatives. This LKS Bipartite is a platform for the implementation of bipartite dialogue in the company involving management and labor unions. Through this bipartite platform, it is expected to be a means to conduct constructive social dialogue for the benefit of the company's advancement and ultimately have a positive impact on the realization of harmonious industrial relations in the company and the fulfillment of workers' basic rights.

Meanwhile, the management and trade unions have agreed to conduct social dialogue on a scheduled basis or not according to needs. It seems that the existence of bipartite platforms and social dialogue activities has begun to encourage the realization of constructive dialogue to solve industrial relations problems in companies. However, it is acknowledged by some trade unions that the representation of women workers in the process of inclusive social dialogue is still lacking. The company management has also begun to accommodate the aspirations of workers in fulfilling their basic rights, including for example, working hours arrangements in accordance with labor regulations in the palm oil industry.

In addition, the CNV project has also succeeded in establishing gender committees in the company, though more efforts are still needed to enhance its functioning. In this case, in addition to gender training support from the CNV project, technical guidance from local governments, such as the District Manpower Office related to women-friendly palm oil industry labor governance, is also needed. It is also necessary to involve the district women's empowerment office (Dinas PPA) in strengthening gender aspects in the company, because, for example, some socialization efforts to prevent and handle cases of gender-based violence are the technical domain of the district PPA Office. However, from the results of field studies, there are still cases where the company's management has not accommodated support from the PPA Office to strengthen gender aspects in the equitable palm oil industry. Therefore, synergy between sectors of district government agencies is needed in supporting efforts to enhance gender perspectives, including gender committees in the companies.

Based on the results of data analysis and validation on the Outcome Harvesting, it can be concluded that the SPLP/CNV project strategies and activities have made an important contribution to the realization or emergence of the expected outcomes, such as the formation and functioning of the LKS Bipartite, Social Dialogue, and Gender Committee.

In addition to training activities and technical guidance from the CNV project, support from all parties, especially the district governments, is an enabling factor for the achievements of the SPLP/CNV project goals. In practice, good cooperation has been established between

CNV projects and local governments to encourage the realization of a sustainable palm oil industry in Siak and Pelalawan districts.

Several recommendations have been proposed in the evaluation report, including better delivery of capacity building in the social dialogue activities, the need to provide ongoing and technical guidance tailored to the needs of the target beneficiaries. In addition, horizontal as well as vertical agency cooperation between district and provincial manpower offices is needed to be enhanced to build synergy and collaboration to sharpen the effectiveness of supervision as well as law enforcements to improve labour governance in the palm oil sector.

Findings from this outcome harvesting study suggest there are several important lessons to be learned to improve the effectiveness of project outcomes related to social dialogue initiatives. These include: (i) the importance of any efforts to increase the commitment and capacity of human resources from both parties, company management and trade unions, because in the end the effectiveness of the existence of LKS Bipartite and social dialogue, as well as gender committees depends on the sincere commitment and capacity of both parties in carrying out their respective functions; (ii) Women workers who the majority work in the plantation section generally have a dual role, as housewives and plantation workers, and generally reluctant to participate in trade union activities because they are tired enough and take time to carry out these dual roles. However, their participation in trade union activities is important not only to voice their opinions in the company policies but also to raise awareness of their basic rights as part of the working community in the palm oil industry. Need support from company management to give permission for them to be able to participate in social dialogue activities in the company; (iii) Collaboration across local government sectors, both horizontally and vertically, is part of efforts to improve labor governance in the palm oil industry. It is necessary to increase synergy between related sectors in order to support the achievement of sustainable palm oil industry development goals.

1.Introduction

Since 2021 CNV International has collaborated with Proforest and Daemeter in the Siak and Pelalawan Landscape Program (SPLP). The program aims at promoting sustainable palm oil in the District of Siak and District of Pelalawan in Riau Province. In this project, Proforest, Daemeter and CNV-I work closely with the local government, companies and trade unions and other key stakeholders to implement the government's action plan on sustainable palm oil.

One of the components in the program is labour rights, in particular the social dialogue initiative. Social dialogue itself is considered as key to promote labour rights, which in effect will contribute to more socially sustainable palm oil. The objective of this initiative is to promote social dialogue at the company level. It is to be achieved through the development of bipartite platforms and the actual dialogue by the representatives of company management and workers.

The SPLP/CNV support project in the development of the company's Bipartite platform and social dialogue are very important initiatives considering the fact that there are still many basic rights of palm oil plantation workers that have not been fulfilled. For example, there is still gender discrimination, violations of rights related to job security, decent wages, child labor, occupational health and safety, and social security. The establishment and functioning of the Bipartite platform (LKS Bipartite) including gender committees in companies and the implementation of constructive social dialogue activities are expected to solve industrial relations problems in companies in ways that are more constructive and

beneficial for both the advancement of the company and its workers.

The SPLP programme itself started in 2020 but one of the components, social dialogue initiative, has been started in 2022. This component of social dialogue is primarily under the technical leadership of CNV-I in collaboration with Proforest and Daemeter. The objective of this initiative is to promote constructive-oriented, gender aware social dialogues at the company level in the palm oil sector in Siak and Pelalawan districts. In this regard, the development of constructive-oriented and gender aware social dialogue processes in Siak and Pelalawan can support the improvements of labour rights which will have positive impacts on producing palm oil sustainably and responsibly.

In 2024, as part of the program learning process, CNV-I conducted a qualitative evaluation of the Social Dialogue initiatives using outcome harvesting methodology. The use of outcome harvesting for evaluating the social dialogue initiatives due to the complexity inherent in social dialogue intervention in which there is a kind of uncertainty about which activities of which actors will achieve change as well as uncertainty about what precise changes can be achieved through the influence of social dialogue initiative.

This report is the result of an evaluation of social dialogue initiatives by the use of outcome harvesting methods where field data collection took place from 18 to 23 March 2024 in Siak and Pelalawan districts.

2.Objective and Scope of the Outcome Harvesting Evaluation

◦ Study Aims:

Gather information regarding the actual progress or changes related to social dialogue in the palm oil sector in Siak and Pelalawan, and CNV-I contribution to, or the lack of, the progress or changes.

Providing feedback to optimize the interventions toward the expected results.

Assessing the framework and tools that have been used by CNV-I in implementing the initiative and measuring the progress.

◦ Scope of Writing:

In light of the use of outcome harvesting methodology for evaluating the Social Dialogue Initiative under the SPLP Project in Siak and Pelalawan, Riau Province, the following is the scope of writing:

General information on the changes (or not) related to social dialogue in the palm oil sector in Siak and Pelalawan, and the key elements and processes that lead to the changes (if any).

Identification of the specific contribution, or the lack of, CNV-I's intervention as well as other key stakeholders that lead to the changes (if any).

Feedback on CNV-I's strategy, approach, and method to optimize the intervention in the future.

Assessment on the framework and tools that have been used by CNV-I, including feedback to improve the gaps in measuring social dialogue.

3.Methodology

Outcome harvesting is a qualitative approach to evaluation in which evaluators (harvesters) identify, formulate, verify, analyze and interpret outcomes. This evaluation methodology does not focus on progress or achievement of intended, expected or planned outcomes of the intervention, but gathers evidence of what has been achieved and works backwards to identify whether and how the project intervention contributed to this change. In this regard, the outcome is an observable change in behavior, in the actions, activities, policies, practices or relationships of individuals, groups, communities, organizations that the project

tries to influence. In the harvest, all the changes that really took place are collected, which makes it possible to capture also unexpected, positive and negative results. The evaluator or harvester collects information from reports, individual interviews, group discussions, and other resources to document how a given program or initiative has contributed to outcomes. As mentioned, the outcomes can be positive or negative, intended or unintended, but the connection between the intervention and the outcomes should be verifiable. There are some important questions addressed during the analysis of observed outcomes, namely: (i) Who did what, when and where; (ii) How significant is this change in relation to the project objectives?; and (iii) What contribution was made by the social dialogue project to this change?

In the context of evaluating the social dialogue initiatives under the SPLP Project in Siak and Pelalawan, the outcomes of the social dialogue initiatives consist of three major components, namely (i) availability of a platform for constructive-oriented social dialogue at the company level; (ii) quality of social dialogue; and (iii) the establishment of gender committee to promote gender aware social dialogues at the company level in the palm oil sector in Siak and Pelalawan districts.

Primary and secondary data collection methods were employed to gather the project outcomes and the extent to which the project activities and framework contributed to the harvested outcomes. The secondary data collection method uses project reports/documents and other relevant documents as sources of information to harvest the project outcomes in which this document analysis was initiated prior to conducting primary data collection using a qualitative approach. The result of document analysis is utilized as a draft of the project outcomes that are categorized into three components of outcomes, namely availability of a platform for social dialogue; quality of the social dialogue; and the presence of gender committee at the company.

The primary data collection will be administered using key informant interviews and FGD that cover two types of respondents: Bipartite stakeholder (workers and employers representatives) at the company level and Social dialogue project management/officers. This primary data collection is used to review the draft outcomes developed through document analysis, clarify and determine other outcomes which have not been identified through the document review. Information gathered from project beneficiaries can be triangulated by information collected through key informant interviews and FGD with the project management/staff who are responsible for implementing the social dialogue project. An overview of the type and number of respondents successfully interviewed using KII and participated in the FGD can be requested.

In addition, KII is also carried out with social partners, parties involved in the ecosystem of social dialogue programs but not program implementers, such as respondents from the District Manpower Office, the Agriculture Office (Plantation Section), the District Women and Children Empowerment Office (Dinas PPA), and academician. This interview with social partners respondents is intended for the purposes of data validation (substantiation).

In this regard, the project activities together with supporting and hindering factors that may play roles in contributing the observed outcomes to be examined during the outcome harvesting process. The contributing factors to be analyzed include the CNV-I's strategy, approach, framework and tools that are implemented under the social dialogue project.

Essentially, outcome harvesting consists of six distinct steps that can be adjusted to fit the specific context of the evaluation. These steps include designing harvests, collecting data and compiling outcome descriptions and related interventions, engaging with informants, substantiating results, analyzing and interpreting findings, and supporting the use of results. Every step is crucial in ensuring a quality and comprehensive harvesting process.

As part of the preparation phase prior to a fieldwork, the evaluator consulted with harvest users (CNV-International as harvest users) regarding evaluation objectives and questions as well as outcome harvesting methodology. It is intended to get the same understanding about the scope of evaluation using outcome harvesting methodology. This included gaining input from harvest users on field data collection guidelines to ensure that the evaluation instruments will answer evaluation questions as stated in the term of reference for the evaluation. For this purpose, in the evaluation methodology document submitted to the evaluation user (CNV-I), the evaluator has created a 'getting to answer matrix' which is a worksheet for identifying the most appropriate evaluation designs and data collection methods for answering evaluation questions.

4. Mapping of the conditions of social dialogue and gender committee prior to project intervention

In 2021, prior to the start of the social dialogue program intervention in Siak and Pelalawan districts, the social dialogue program implementation team conducted a study/mapping of the initial conditions of social dialogue with the aim of providing basic information on the implementation of social dialogue in the palm oil sector in Siak and Pelalawan, as well as identifying the main factors influencing the development of social dialogue in the two districts. The findings of this mapping study are not only for programming purposes related to social dialogue but also for program evaluation purposes, although in the context of outcome harvesting methodology does not require baseline data on the conditions of social dialogue to be intervened by the program. However, at least the availability of such baseline data is useful for understanding the dynamics of program implementation in achieving its goals. The following is a summary of the main findings of the mapping study, as follows:

Bipartite social dialogue

The establishment of LKS Bipartite in companies involving representatives of employers and trade unions is part of the mandate of labor regulations. LKS Bipartite is expected to be a platform for implementing constructive and inclusive social dialogue, among others, by involving representatives of women workers in the management structure and dialogue process. Information from the results of the social dialogue mapping study revealed that LKS Bipartite had been formed in several companies. For example, official data from the Siak District Manpower Office states that 10 out of 35 palm plantation and mill companies (33%) have formed LKS Bipartite and registered in the local Manpower Office. Those number of LKS Bipartite is considered small because according to Article 106 of Law No. 13 of 2003, every company that employs 50 or more workers is obliged to form a bipartite cooperation entity.

It is further stated in the findings of the social dialogue mapping study, that: (i) the topic of discussion of social dialogue is generally around dispute resolution, has not been proactive to anticipate or prevent industrial relations problems; (ii) the company's lack of commitment to dialogue, both in proactive and dispute resolution; (iii) although trade unions are enthusiastic about conducting social dialogue, they have limited knowledge and skills in conducting social dialogue; (iv) the representation of women workers in social dialogue is still lacking and gender issues are almost ignored; (v) specific mechanisms or institutions for discussion of women's labor rights and gender equality are still very limited; and (vi) District government agencies that are potentially involved in encouraging the involvement of women workers and gender equality, such as the Women and Children Protection Agency (Dinas PPA), have not been involved in labor governance in the palm oil industry.

In addition, the study report also mentions that mechanisms and institutions to encourage, foster and supervise proactive social dialogue have not worked well, for example

coordination between district and provincial manpower offices has not worked well as expected. This affects the effectiveness of LKS Bipartite coaching activities carried out by the district employment office to the company because it is not supported by law enforcements.

- **Supporting and inhibiting factors for effective bipartite social dialogue**

The mapping study also identifies and analyzes several factors related to the supporting and inhibiting aspects of constructive social dialogue, including (i) supporting factors, such as policies and regulations conducive to social dialogue, trade union enthusiasm for social dialogue, the presence of external parties (NGOs, Associations, Academicians, etc.) who care about encouraging harmonious industrial relations in the palm oil industries; and (ii) inhibiting factors, including weak understanding and capacity of companies and trade unions to conduct social dialogue, weak commitment from management to encourage the proactive social dialogues and lack of commitment in following up on the results of dialogue, and lack of coordination between district and provincial manpower offices in supervision and law enforcement related to the institutionalization of LKS Bipartite.

As mentioned, an understanding of the initial conditions of social dialogue that occurs in the company as well as the supporting and inhibiting factors of constructive social dialogue is important to see the dynamics of a social dialogue project in achieving its goals. Although project evaluation with outcome harvesting methodology does not compare quantitatively/statistically the conditions under study before and after the program commencement, it will at least help evaluators in contextualizing behavioral changes that occurred and then doing retrospective analysis the extent to which CNV's social dialogue project strategies and activities contribute to these changes (observed outcomes).

5. Methodological Limitations

It is worth noting that the availability of a picture of the initial conditions of the social dialogue does not mean that harvesting outcomes in this evaluation is a generalization of CNV's social dialogue program activities, but the outcome harvesting rather provides a picture of outcomes that are free from predetermined metrics and reduces bias through a series of data triangulation and validation with external parties who understand the social dialogue programs. However, there are limitations in this evaluation because data validation (substantiation) with external parties is less than optimal because it turns out that one of the external parties in question (*EarthWorm Foundation*) does not quite understand social dialogue programs even though the organization concerned is often involved in the SPLP projects.

Given the nature of CNV's social dialogue program interventions that are implemented collaboratively, for example by collaborating with local governments as part of the program intervention ecosystem, it will be difficult to obtain external parties who are not entirely part of the ecosystem but have sufficient knowledge about social dialogue programs for the purpose of outcome substantiation. In this study, the social partners, such as District Manpower Office (*Disnaker*) of Siak and Pelalawan is recruited as part of the knowledgeable substantiators in the verification of observed outcomes even though they are not fully external parties in the ecosystem of social dialogue projects supported by SPLP/CNV.

The evaluation mitigated the possible bias by seeking substantiation across various levels and from different categories of sources, and no substantiator was a member of the CNV's social dialogue consortium.

6. Main Findings

This section will discuss observed/harvested outcomes of social dialogue programs based on information obtained from a series of interviews and group discussions with social actors as well as with the SPLP and CNV's field project officers and consultants and CNV staff at the national level. Information from the results of document analysis is also used in harvesting results.

6.1 The observed SPLP/CNV project outcomes

◦ The establishment of LKS Bipartite

Although outcome harvesting does not specifically analyze the target scope of the SPLP/CNV project, the achievement of the LKS Bipartite formation target indicates the positive performance of the project towards efforts to improve collaboration, consultation and communication as well as negotiations between companies and trade unions/workers in order to achieve a good labor governance in the palm oil industry. LKS Bipartite is a platform for harmonious, dynamic, and fair industrial relations that is mandated in national laws and regulations as well as international conventions (ILO conventions No.87/1948 and No.98/1949).

Based on information derived from CNV documents analysis and with confirmation from CNV project officer, currently the CNV project has succeeded in forming LKS Bipartite in 9 (nine) companies in Siak and 8 (eight) companies in Pelalawan. The number of LKS Bipartite established with support from the CNV project has exceeded the 20% target planned by the social dialogue project.

Group discussions with several trade unions suggested that the SPLP/CNV project not only helped encourage the establishment of new LKS Bipartite, but also helped improve the role and function of the previously formed LKS Bipartite. The latter about the prior existing LKS Bipartite in companies is generally an effort by companies to meet certification needs, for example fulfillment of ISPO/RSPo's checklists but without seriously supporting the functioning of LKS Bipartite as mandated in labor legislation.

The development and supervision of LKS Bipartite is actually the responsibility of the district governments. However, since the enactment of regional autonomy (UU No. 23/2014), the aspect of supervision and especially law enforcement of LKS Bipartite has become the authority of the provincial government (Disnaker Provinsi). The authority of the district government is limited to supervision and coaching without doing law enforcement. The lack of coordination across districts and provinces in the supervision and control of LKS Bipartite is one of the barriers in the effective supervision and development of LKS Bipartite institutions.

There needs to be a coordination mechanism between the district and provincial manpower offices in providing technical guidance, especially to companies that have not yet formed a LKS Bipartite. According to information from the Siak district Employment Office (Industrial relations section), coaching the company's management leaders (HRD department) is very important because in the end they are the ones who will take a decision to support the functioning of LKS Bipartite and resolve industrial relations problems in the company. As stated by head of the industrial relations section, Siak District Transmigration and Manpower Office:

".. I'm focusing on coaching the company's HRD department, because HRD must fix this company in relation to workers issues, through trade union forums." (Interview with head of institutional, dispute and industrial relations section, the Transmigration and Manpower Office of Siak District).

◦ **Social Dialogue: the availability, process, and quality**

LKS Bipartite is a platform for constructive social dialogue within palm oil companies involving management and workers/trade union representatives in the company. Social dialogue is aimed at preventing and overcoming problems that occur in the company, whatever the cause. If social dialogue is carried out systematically and well-planned and there is commitment from both parties (management and trade unions), then social dialogue has the potential to be able to solve the problems encountered.

The commitment of the trade union related to the LKS Bipartite is generally better than the commitment of the company's management. For example, in the initiation of bipartite LKS meetings are generally initiated by trade unions, but sometimes the response from the management in following up on the agreement of bipartite social discussions is slow. Another example is in the formation of LKS Bipartite, although the union has encouraged management to form it, but often management procrastinates with the result that LKS Bipartite has not been formed in the company. The absence of law enforcement from the district government may be one of the causes of the lack of commitment of the company in the formation of LKS Bipartite and/or functionality of existing LKS Bipartite.

From the results of group discussions with several company representatives and trade union officials, it was revealed that social dialogue was carried out on a scheduled basis of every month or 3 (three) months, or unscheduled depending on needs. There are no major complaints related to the frequency of social dialogue because in addition to scheduled social dialogue, the dialogue can also be carried out at any time depending on the needs and mutual agreement between management and trade unions.

The process of social dialogue, for example participation in the process of social dialogue must be carried out inclusively, among others by involving representatives of women workers, so that all parties can express their aspirations in the social dialogue.

However, based on the results of group discussions with corporate management as well as trade union representatives and corporate gender committees, it was found that the participation of women's representatives in social dialogue was rare. The participation of women's representatives in social dialogue usually occurs in topics related to plans for religious commemorations and maternal and child health services. No ideas emerged of the importance of women's representation in discussions on labor topics involving women workers in plantations or mills. The lack of participation of women workers in social dialogue activities was also found during the mapping study. The absence of women representatives in the social dialogue may potentially result in a lack of transparency on how risks among women workers are identified and resolved.

The topic of social dialogue varies, but generally revolves around unmet aspects of workers' welfare. The discussion about gaps in workers' basic rights is important but has not been materialized by constructive topics to advance the company which ultimately has an impact on workers' welfare. LKS Bipartite is a forum for communication, negotiation and consultation, and not a mechanism for resolving industrial disputes.

Social dialogue must be followed by commitment from companies and trade unions for the implementation of collective agreements in the social dialogue. The results of social dialogue are usually outlined in social dialogue reports submitted to company management. Findings from discussions with labor unions revealed that management's response to the social dialogue report varied, some responded immediately, or pending in following up on the report. The latter, due to the points of social dialogue that require further discussion between companies and unions.

In a series of discussions with trade union groups, issues also emerged related to the importance of CBA as a reference in delivering social dialogue activities. Some companies

already have CBAs and some do not despite having company regulations. The presence of CBA in the company is not only beneficial for workers as a basis for developing constructive social dialogue but also for companies to improve working conditions and create transparency, which will ensure access to markets and the financial sector. When the company is transparent, the possibility of attracting investors will increase.

CNV's social dialogue project also provides CBA training for 11 companies (in 2023) that was attended by management and union representatives. With the expectation that both parties increase their knowledge and skills related to the implementation of CBA including its database and on development of advanced social dialogue.

The foregoing discussions suggest that the social dialogue project has succeeded in achieving the expected outcomes such as an increase in the formation of LKS Bipartite as a platform for a constructive social dialogue, although improvements are still needed, for example, in aspects of the inclusiveness process, i.e increasing participation of woman worker representatives in the dialogue processes.

◦ **Gender Committee in the company**

Protecting the basic rights of women workers in palm oil industries is important because quite a lot of women are involved as plantation workers in the palm oil industry. Women workers participate in almost every stage of production in the palm oil industries, starting from fertilizing, weeding, spraying, and even participating in harvesting loose palm fruits.

The gender committee is a key institution for the protection of women workers in palm oil companies. The gender committee was established to raise awareness, identify and raise issues related to employment, and encourage the improvement of women's working conditions. The existence of a gender committee in the company will be one of the motivating factors for the company's management leaders to make a written commitment so that resources are allocated to improve the working conditions of women workers.

The establishment and functioning of gender committees is part of the target outcomes to be achieved in the CNV social dialogue project. Technical assistance from the CNV project includes gender training (2022), gender workshop (2023), and in-person technical assistance by visiting the company or online technical assistance using zoom meeting (2024).

So far, there are 6 (six) companies that have formed gender committees with the encouragement and technical support of the CNV project: 3 (three) in Siak District (PT. Lekonindo Kandis, PT. Anugrah Tani Makmur, and PT. Teguh Karsa Wana Lestari bungaraya) and 3 (three) in Pelalawan District (PT. Mitra Unggul Pusaka, PT. Rimbun Sawit Sejahtera, PT. Peputra Supara Jaya). Based on the project milestone to achieve in 2023, the target achievement of the formation of the gender committee including improving its function is a total of 4 companies in Siak and Pelalawan. The current number of establishments of the gender committee apparently exceeds the 2023 target and this achievement marks the success of the CNV project in supporting the establishment of a gender committee in the companies.

However, the noble goal of raising the issue of women's workforce to improve and encourage the improvement of women's working conditions has not been achieved optimally. Based on the results of several FGDs conducted in Siak and Pelalawan involving gender committees and trade unions, women's representation in trade union organization structure and social dialogue activities were still lacking. This was acknowledged by the representatives of trade unions who were present at the group discussion with the gender committee in Siak.

It should be noted that in the social dialogue meetings, the invited participants are usually representatives of trade unions and representatives of company management in a ratio of 1:1 (50% representatives of workers and 50% representatives of company management). In this regard, the gender committee is not part of the organizational structure of the LKS Bipartite, but if by chance there is a gender committee member who is also concurrently an LKS Bipartite administrator, the person concerned can attend the social dialogue meeting. Therefore, it would be ideal if the management of the Trade Union involved representatives from the gender committee.

However, gender committee members are also sometimes invited to participate in social dialogues when the topic of discussion of social dialogue is related to the topic of women's roles such as preparation for religious events and matters related to reproductive health and child care issues.

Social dialogue activities with the involvement of representatives of women workers (those who usually have the dual roles of housewife and worker) can be carried out on weekdays, provided that the management gives permission/leave of several hours for the dialogue activities and representatives of women workers are invited to the meeting.

The lack of women workers representation in the LKS Bipartite is partly based on social perceptions related to the role of women and the fact that women have a dual role as housewives and workers with the result of their lack of free time which then has an impact on reluctance to be active as members of organizations, such as trade unions. This inactive involvement of women workers in the company workers organization has led to the neglect of women's aspirations in fighting for their basic rights as part of the working community in the palm oil industry.

Some companies that have previously established gender committees (5 companies) are generally motivated by the need for certification, for example RSPO certification which requires documents on the existence of a gender committee complete with a decree and organizational structure. However, the existence of a gender committee on the basis of certification purposes does not guarantee the proper functioning of the gender committee. The CNV/SPLP project interventions in gender committees, such as gender training and workshops, and technical assistance provided to the companies have a positive impact on the formation and functioning of gender committees. As expressed by FGD participants with gender committee representatives, they said, after attending gender training including technical guidance from the CNV project, they became more aware of the importance of gender aspects in palm oil labor governance including the basic rights of women workers. They also became more aware of the role and activities of gender committees.

According to the interview with a respondent from GAPKI (Indonesian palm oil entrepreneurs association), GAPKI has an interest in supporting gender committees because now workers are considered as assets not burdens. Currently, GAPKI in collaboration with CNV and the Hukatan Federation has produced a guidebook to protect the basic rights of women workers. It was also mentioned by the respondent that the gender committee activity program is important, among others, to remind company management to maintain the needs of female workers in order to prevent a large number of worker turnovers. According to him, the cost for turn over (hidden costs) are large. These findings may suggest the need for the participation of company management and other relevant parties in the gender committee organizational structure. With the hope that the voice of the gender committee will be more easily heard or conveyed to the company's management because they participate as part of the gender committee board.

The company's actual support to gender committees varies, some provide operational funds for the gender committee and some do not provide operational costs. The latter is due to the absence of a gender committee decree or activities carried out by the gender

committee that are limited to socialization about women's workers' rights and socialization about reproductive health and child care that does not require costs because the function of health services in general has been carried out by the company's clinic and government health facilities that are close to the surrounding plantation areas.

This evaluation study did not conduct a specific evaluation of the performance of the gender committee, but based on the results of interviews with a gender researcher at the University of Riau (independent respondent) confirmed the findings that women workers' voice is underrepresented in the company policy. Further, it was found that the performance and/or quality of gender committees in the majority of sampled companies were in latent status and emerging status; within 3-point scale: latent (the lowest level), emerging, and established/advance (the highest level). Such conditions indicate the need for technical support from the SPLP/CNV project to improve the performance of the gender committee.

It's noteworthy that in the context of awareness raising on gender aspects in the palm oil industry and the development of the company's gender committee, the role of the women's and children's empowerment office (Dinas PPA) should also be considered as part of important leading sectors. While District Manpower Office provides technical guidance related to women-friendly palm oil industry labor governance, the district women's empowerment office (Dinas PPA) plays roles in strengthening gender aspects in the company, for example, socialization for the prevention and how-to handle cases of gender-based violence that are the technical domain of the PPA Office. However, from the results of field study, there are still cases where the company's management has not accommodated support from the PPA Office to strengthen gender awareness in the equitable palm oil industry. Therefore, synergy between sectors of district government agencies is needed in supporting efforts to enhance gender aspects, including gender committees in the companies.

Actually, the Siak and Pelalawan district governments have issued regional regulations related to the empowerment and protection of women (e.g, Siak Regency Regional Regulation NO.9/2016 concerning women's empowerment and protection). But unfortunately in the Regional Regulation (Perda) there is no clause about gender committees so that the Regional Regulation on Gender Mainstreaming cannot be used as a legal umbrella for the PPA Office to supervise companies related to improving the performance of gender committees.

The foregoing discussions also indicate that the social dialogue project has succeeded in achieving the expected outcomes in term of the increased number of companies that established gender committees, although it is still necessary to expand the committee's work program that pays more attention to aspects of basic rights of women workers in the palm oil industry, including the identification of occupational risks for women workers.

6.2 Contribution of CNV's project strategy and activities that lead to the observed outcomes

Outcome harvesting is a qualitative approach to evaluation in which evaluators (harvesters) identify, formulate, verify, analyze and interpret outcomes. This evaluation methodology does not focus on progress or achievement of intended, expected or planned outcomes of the intervention, but gathers evidence of what has been achieved and works backwards to identify whether and how the project intervention contributed to this change.

Contribution of the SPLP/CNV project in realizing good industrial relations

The contribution of the CNV project in realizing good industrial relations, especially the social dialogue component supported by the CNV-I organization has succeeded in forming

several LKS Bipartite as a platform for communication, negotiation and information sharing in an effort to improve harmonious industrial relations between company management and representatives of workers or trade unions through a series of social dialogues. In addition, the SPLP project has also succeeded in the establishment of a Gender Committee which also played a role in encouraging the functioning of inclusive social dialogue in the company.

There are several factors for the realization of constructive social dialogue, including the commitment and capacity of both parties (management and trade unions) to conduct social dialogue. In this regard, training, workshops and technical assistance provided to social actors (target beneficiaries) by the SPLP/CNV project have succeeded in increasing the awareness and ability of the parties in forming and functioning of LKS Bipartite and gender committees.

The main intervention of the CNV project is to provide awareness and strengthening of knowledge and skills of social actors/target beneficiaries in managing and functioning of LKS Bipartite institutions and gender committees through a series of training, workshops and technical guidance. There are 4 (four) main types of training provided to beneficiaries, namely: (i) Social dialogue training (for management and unions); (ii) Gender training (for management and union); (iii) CBA Training (for management and union); and (iv) union capacity training.

It should be mentioned that at the end of each training session, participants are asked to make a work plan where this plan will be asked/evaluated by CNV officers during technical guidance visits or during subsequent training. In addition, in each training, the facilitator conducted pre- and -post-tests to see the effectiveness of the training, where the pre-test is carried out at the beginning of the training session, while the post-test is at the end of the training session. The results of pre- and -post tests will be used for improving the quality of training as well as material for conducting technical guidance to the company.

The CNV project has also published several manuals related to the implementation of LKS Bipartite and gender committees which are not only useful as part of training materials but also practical guidelines for strengthening the function of LKS Bipartite and gender committees.

From the results of KII and FGD conducted in all types of respondents who fall into the category of social actors, it was found that almost all of them stated that the SPLP/CNV project interventions were useful not only in the formation of new LKS bipartite and gender committees but also supported the functioning of LKS Bipartite and gender committees that had previously been formed but had not functioned as expected. After attending the training organized by the CNV project, they felt aware and had sufficient knowledge/skills to carry out the activities of the LKS Bipartite and gender committee.

The social dialogue training by CNV had increased the union's understanding of the benefits of a constructive bipartite social dialogue, as stated by one of the company's management representatives who participated in the group discussion, as he said:

"... there are Trade Unions when there are problems in the company they're making a scene by inviting journalists, and others. So, it's like not looking for a solution but looking for excitement If the union is not familiar with this bipartite communication, then the union is more looking for personal benefits. Now, after these CNV trainings, the trade unions understand more about the benefits and rules of social dialogue ..." (a group discussion with company management representatives in Pelalawan district).

The CNV training turned out to be useful in sharpening knowledge/understanding of union management, as expressed by trade union representatives in Pelalawan:

"...I have participated in the CNV training 3 times. What I felt most about the training was the knowledge of the union procedures, which I probably didn't understand all along. From that training, become understanding. How to organize, how to solve problems, In the company, actually the Trade Union is already running, but there are some things that we still don't understand. But, in training, our understanding of the union stuff became sharpened..." (Group discussion with trade union representatives in Pelalawan district).

In the training conducted by CNV, an evaluation of the effectiveness of training was also carried out. But, we cannot find the pre- and -post test data to assess the magnitude of the increase (percentage points) of participants' knowledge before and after attending the training. However, the CNV project monitors how participants apply the knowledge gained during the training into daily work practices. This activity is carried out by providing task sheets to the trainees about their work plan after the training and these task sheets will be discussed in the next training session or monitored by CNV's project officer and/or District Manpower Office (Disnaker) before the next training takes place.

While monitoring of individual work plans related to the training of trade unions and gender committees is carried out by CNV project officers via WA and telephone; monitoring of LKS Bipartite and social dialogue training is carried out jointly by the District Manpower Office (Disnaker) together with CNV project officers through field visits to companies. As mentioned, post-training monitoring is intended to examine how far the knowledge and skills gained through training are applied to daily work practices.

The result of monitoring the application of knowledge gained is an evaluation of the training effectiveness at level 3, namely whether there is an application of knowledge gained during training into daily work practices. Results from the post-trainings monitoring revealed, some of the trainees have applied knowledge about LKS Bipartite and social dialogue into the practice of social dialogue in the company.

For example, the follow-up plan for LKS Bipartite and social dialogue trainings in the form of a proposal to form an LKS Bipartite, for companies that do not yet have it, (for example in the case of PT Meredan Sejati Surya Plantation) turns out that currently an LKS Bipartite has been formed so that every industrial relations problem in the company can now be discussed in the LKS Bipartite forum through social dialogue activities. In addition, the results of the minutes of social dialogue are delivered to company workers at a morning ceremony in each section/department of the company. The company's management also began to accommodate employees' working hours in accordance with labor regulations and PKB (CBA).

However, there are some participants from other companies who have not realized their work plans because there are several factors that come into play, such as attention and/or commitment that is still lacking from the company's management. Such conditions certainly require technical guidance support from local governments, such as the District Manpower Office (Disnaker) so that each company is committed to complying with existing laws/regulations.

Despite some shortcomings, these findings suggest, when related to the evaluation of Kirkpatrick's model of training, not only did there be an increase in awareness and knowledge (level 2) of the trainees but they were also able to apply the training materials into practice (level 3) in social dialogue and gender committees activities. These achievements can also be regarded as the contribution of the CNV project to the observed outcomes.

The field findings discussed provide evidence that the CNV activity program contributes to the achievement of project target outcomes (the establishment of LKS Bipartite and gender

committees), although, as mentioned, it still requires some improvements related to the quality of the process and its function.

CNV project activities related to awareness raising and increasing knowledge and capacity of company management and trade unions in the formation and management of LKS Bipartite and gender committees are important stepping stones in supporting the realization of sustainable and equitable palm oil programs in Siak and Pelalawan districts.

Contribution of the SPLP project in supporting local government in realizing their roles and responsibility in developing and maintaining good industrial relations in the palm oil industries.

In accordance with the mandate of the law in the labor sector, the development and maintenance of good industrial relations is the responsibility of local governments carried out by several relevant agencies, including the district manpower office (Disnaker), the PPA office, and the plantation agriculture office.

From the results of interviews and group discussions with respondents from representatives of these agencies in Siak and Pelalawan, it was found that the SPLP/CNV project greatly helped them in carrying out their duties, including in the formation and development of LKS bipartite and the formation of gender committees. Respondents consider the importance of support from SPLP/CNV projects given their limitations in human resources and local government funding to realize their duties and responsibilities. It can also be explicitly said that the SPLP/CNV project works in a context that is in alignment with the regional policies in labor governance in the palm oil industry. Such conditions coupled with the acceptance from relevant agencies, especially the District Manpower Office, has made the SPLP/CNV project intervention run smoothly and sustainably.

They expressed high appreciation for the support of the SPLP/CNV project and hoped that this project would continue to run to provide support for improving industrial relations and supporting sustainability in the palm oil industry sector in this region.

6.3 Assessment on the framework and tools that have been used by CNV-I, including feedback to improve the gaps in measuring social dialogue.

As part of efforts to monitor the progress and achievement of the results of the social dialogue project, the CNV project team has created a database of the progress of the LKS Bipartite, social dialogue and gender committee training. The database includes data on companies that have succeeded or have not succeeded in forming LKS Bipartite and their registration, work plans and realization of KLS Bipartite and social dialogue, and data on training provided by the CNV project to the targeted companies. The results of project monitoring stored in the database will be used as part of project accountability as well as organizational learnings to improve implementation design and attainment of project objectives and outcomes efficiently.

As discussed, the post-training monitoring tool is considered quite successful because it is able to document the achievements of the results of CNV's training deliveries. However, in the context of comprehensive program monitoring and evaluation, the existence of post-training monitoring tools needs to be complemented by other monitoring tools that can provide a complete picture and/or information about the progress and achievements of project interventions along with any follow-up actions to overcome problems in the field.

This program monitoring tool can be made simply using Microsoft Excel Sheets which among others explore information about project activities along with details about time, place and participants, achievements and challenges, including who does what in the follow-up plan. It would be ideal, if the development of monitoring tools is associated with the project theory of change so that there is a relationship and coherence between

extracting/collecting information on the project progress and results with logic models or logframes reflected in the theory of change. This project monitoring tool can be shared with related parties, including the District Manpower Office, so that all interested parties in the social dialogue project can understand the progress of the program and provide necessary support for better program implementation. The CNV project officer who will manage and validate the monitoring tool.

Although the SPLP/CNV project has made a strategy scheme and steps in the implementation of the SPLP/CNV project, it has not been outlined in a systematic way in the form of theory of change. The availability of project theory change or logic models will be very helpful in the preparation of M&E guidelines including project monitoring tools and indicator tracking tables needed to monitor the progress and performance of the SPLP/CNV projects.

As part of monitoring and evaluating the CNV program, it is also necessary for the CNV project to conduct an internal reflection process to identify what has succeeded, what has not succeeded, and what needs to be improved for future optimization efforts. Meanwhile, there has not been any systematic internal reflection activities carried out by the CNV project to improve the performance of the social dialogue project.

In this case, the After Action Review method can be used as a means of internal reflection, allowing project staff to capture the essence of learning from the social dialogue project and act as a repository of knowledge that can be useful for training new team members and guidelines for better project implementation. This reflection activity is also important to ensure that success is replicated, and failures are not repeated.

The After-Action Review is a powerful tool because it produces quick results in a short time and can be applied to a broad range of activities, including the CNV's support projects. The project database together with other relevant sources can be used as part of the monitoring information discussed in the After Action Review.

Conclusions and Recommendations

The following are conclusions and recommendations of the evaluation study derived from data/information collected from various sources, which involves data triangulation processes and substantiation.

◦ Conclusion

It can be concluded that the SPLP/CNV project interventions have succeeded in supporting the establishment and functioning of LKS Bipartite and Gender Committees which are the major project outcomes and are important conditions in improving harmonious industrial relations in the company through social dialogue and gender committee activities. The contribution of the SPLP/CNV social dialogue project is not only appreciated by social actors (project recipients) at the company level but also by local governments (social partners) who by the law have the authority to foster harmonious industrial relations in the company within their jurisdiction.

It seems that the commitment and capacity of both parties, company management and trade unions, are important aspects in encouraging the formation and functioning of LKS Bipartite, social dialogue, and Gender Committees. Therefore, efforts to improve both aspects are very important.

a. Recommendations

Training activities to increase awareness and knowledge in the operationalization of LKS Bipartite and gender committees need to be supported by continuous technical guidance

tailored to the needs of participants which may vary between companies. In addition, ideally, training activities should also be carried out using participatory approaches which are participant centered. The training rises out of specific needs of participants as articulated by them. This requires a learning environment where learners and their experiences are valued and they feel psychologically secure and safe to learn, try their new ideas and share their experiences.

Where possible, membership in the gender committee structure also needs to involve representatives of management and other relevant parties. This is not only to encourage transparent discussions on labor rights issues related to basic rights of women workers but also to speed up the process of delivering information to management and its follow-up actions.

Efforts are needed to encourage collaboration between District and Provincial Manpower Offices to synergize and maximize the role of manpower offices in fostering labor governance towards a sustainable and equitable palm oil industry, including encouraging the establishment of LKS Bipartite and social dialogue mechanisms which are important to support the fulfillment of labour rights in a way that are beneficial for the advancement of company and its workers. In terms of regulation/legislation, there has been clarity on the need for cooperation between local and provincial governments to enhance public services, however, it is necessary to find common visions from both parties as a basis for such cooperation.

In the context of comprehensive project management, the availability of monitoring tools for post-training evaluation purposes is not enough, it needs to be complemented with other monitoring tools to monitor the achievement of project activities and results in a timely manner, as well as identify problems or implementation gaps to be solved immediately. As discussed, this project monitoring tool can be developed simply using Microsoft Excel sheets that contain basic information about project outcomes, outputs and activities, external factors as well as obstacles and follow-up action plans to improve project delivery. In the context of social dialogue projects in Siak and Pelalawan, these monitoring tools need to be shared with related parties, especially the District Manpower Office which is an important social partner in the ecosystem of social dialogue projects. The monitoring tool will be managed by CNV field officers, and if necessary the monitoring tool uses a web-based platform so that monitoring results can be known in real time and the necessary follow-up actions can be taken in a timely manner. This strategy is expected to foster the commitment of the district governments in supporting the social dialogue project which is also the responsibility of the district government.

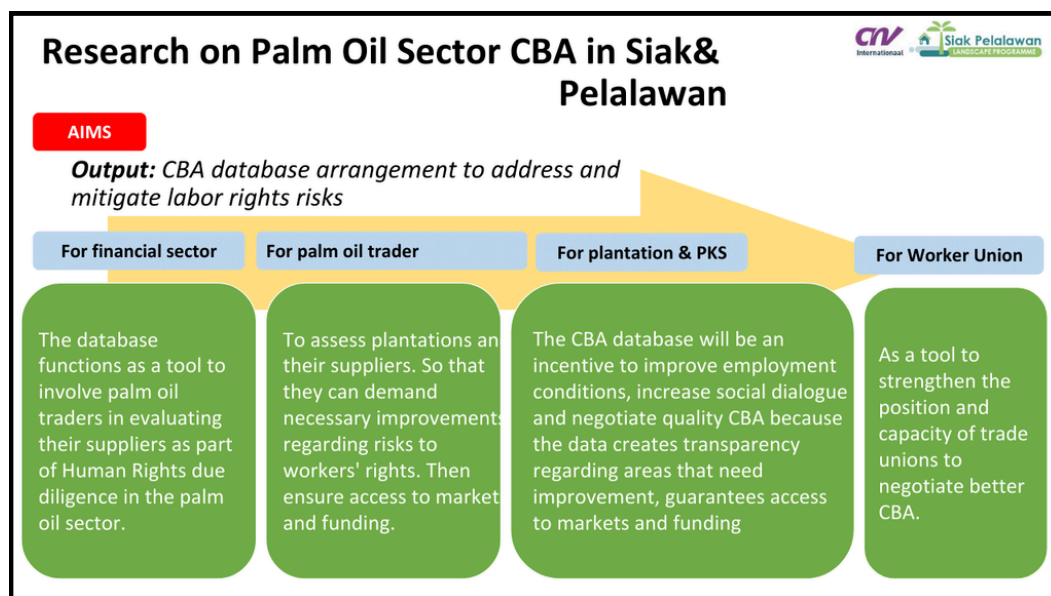
As a companion to the project monitoring activities it may also be worthwhile to introduce internal reflection activities, such as the use of After Action Review method that will support organizational learning for better project performance, and to ensure that success is replicated, and failures are not repeated. As mentioned, the After-Action Review is a powerful tool because it produces quick results in a short time and can be applied to a broad range of activities, including the CNV's support projects.

Annex 2. CBA Database

CBA Analysis of Palm Oil in Siak and Pelalawan Regencies

Click on the following link to see the PowerPoint:

[PowerPoint CBA Analysis](#)



Data Collection



- There are a total of 82 palm oil companies (plantations and palm oil mills/PKS) in Siak(35) & Pelalawan(47)
- There are 20 palm oil companies that have CBA (1 CBA company is registered with the Riau Province Manpower and Transmigration Office, because it operates in two districts, namely Siak& Bengkalis)
- Collected 19 CBA documents, company categories:
 - Plantations: 5 (Siak4, Pelalawan1)
 - Palm Oil Mills: 2 (Siak1, Pelalawan1)
 - Combined plantations & mills: 13 (Siak6, Pelalawan7)



Data Collection



- There are 10 CBAs in SiakRegency (from 35 companies)
- There are 9 CBAs in PelalawanRegency (from 47 companies)
- There are 7 companies having the same CBA:
 - 4 BKS-PPS CBAs
 - 3 company CBAs in 1 group
- There are 2 CBAs that have expired (will be extended, in the process of preparing a new CBA)
- Apart from collecting copies of CBA documents, the researchers also obtained :
 - Sample of 4 Company Regulations (PP), 2 PP each in Siak& Pelalawan
 - 2 CBA draft (1 extension, 1 improvement from the Company Regulation to CBA) in Pelalawan



CBA Analysis



1. RIGHTS TO WORK

1.1. SLAVERY AND FORCED LABOR

INDICATOR	YES	NO
CBA contains a prohibition on forcing workers to do work with the threat of punishment or imposing any sanctions	19	0
CBA does not contain regulations that have the potential to create forced labor, including deducting wages related to achieving targets, working outside of working hours, retaining workers' original identity documents by the company, placing workers in a vulnerable position so that they have the potential to be trapped in debt and providing paid training	16	3

Article 25 in those 3 CBAs states various types of fines that must be paid by workers who commit violations, namely: Cutting unripe fruit, ripe fresh fruit bunches are not being harvested, ripe fresh fruit bunches are not being transported from the Harvest Collection Area, fresh fruit bunches are not being transported from the Harvest Collection Area, long-stemmed fresh fruit bunches, loose fruits are not being collected, incorrect spraying process, delay in providing Vehicle Registration Certificate or KEUR renewal process, etc.

CBA ANALYSIS



1. RIGHTS TO WORK

1. 2. FREEDOM OF CHOOSE AND ACCEPTING JOB

INDICATOR	YES	NO
CBA stipulates that work placements, transfers or promotions, and overtime are carried out with the approval of the worker concerned	2	17
CBA stipulates that workers are free to apply for leave in accordance with their statutory leave rights. Prohibition or postponement of leave must be approved by the employee concerned	2	17
CBA regulates the status of employment relations which guarantees job security in accordance with the law	19	0

TRANSFER

[CBA 4] Chapter IV: Employment Relations. Article 11 paragraph 1: Transfer based on company should consider workers' needs
[CBA 5] Article 13 regarding Transfers: Pay attention to employee career development. Paragraph 1: Without reducing employee rights. Paragraph 5: As long as the employee is willing.

LEAVES

[CBA 10] Article 44 paragraph 5: Leave is discussed with the Head of Division/Manager so that a leave schedule can be arranged that satisfies the wishes of workers and the interests of the company.
[CBA 5] Article 21 paragraph 3: If leave is postponed at the company's request until the leave period ends, it can be extended by 6 months. Paragraph 7: Annual leave can be cashed out by agreement of both parties.

CBA Analysis



1. 3. TERMINATION OF WORK

INDICATOR	YES	NO
CBA regulates the criteria and procedures for termination of work in accordance with statutory regulations, including the Constitutional Court Decision	19	0

2. NON-DISCRIMINATION

INDICATOR	YES	NO
CBA prohibits discrimination against workers in any field based on gender, ethnicity, religion, race, nationality, age, sexual orientation, disability, health status (PLWHA), political views, and union membership, both in terms of job acceptance and work conditions, placement, training, promotion or provision of facilities.	19	0
CBA regulates socialization or training programs on discrimination for the board of directors, management and all workers, which are organized by the employer	0	19
CBA regulates procedures for handling cases of discrimination in the workplace	0	19

CBA Analysis



3. VIOLENCE AND HARASSMENT

INDICATOR	YES	NO
CBA prohibits all forms of violence and harassment, including gender-based ones in the work site. OR it does not have provisions that allow violence and harassment	190	
CBA regulates socialization or training programs on violence and harassment, including gender-based ones in the work site, for the board of directors, management and all workers, conducted by the employer	0	19
CBA regulates procedures for handling cases of violence and harassment, including gender-based ones, in the work site	19	0

4. REMUNERATION AND WAGE

4.1 FAIR WAGE FOR FAMILY'S LIFE PROSPERITY

INDICATOR	YES	NO
CBA regulates wage and allowance provisions that are at least in accordance with applicable minimum wage regulations and other related regulations	19	0

CBA Analysis



4.1 A FAIR WAGE FOR A FAMILY'S PROPER LIVE

INDICATOR	YES	NO
CBA regulates procedures for negotiating wages and benefits on a bipartite basis following applicable regulations	217	

WAGE DISCUSSION

[CBA 8] Article 14 paragraph 9: Increases in employee salaries are determined by the Board of Directors by considering the proposals made by local leaders.

[CBA19] Article 34 paragraph 4: The basic salary determined by the company shall be communicated in advance with Company Level Plantation Workers Union of PT Perkebunan Nusantara V (SPTP-BUN PTPN V)

4.2. EXPLANATION ABOUT THE AMOUNT OF WAGE

INDICATOR	YES	NO
CBA requires employers to provide information about the amount of wages that the workers receive when they are hired and the calculations for each month, including all deductions that reduce take-home pay.	190	
Wage slips must be given to workers and provide information at least gross wages and net wages. All deductions, such as income tax, Securities contributions, union dues, and so on are listed transparently on the pay slip	5	14

CBA Analysis



4.3. PAYMENT METHOD

INDICATOR	YES	NO
CBA makes the wage payment in a legal currency and it is paid on the agreed term based on the law.	15	4
If it is agreed, there are some wages paid in kind benefit, CBA ensures that the amount is sufficient for the needs of the workers and their family. The amount calculation of in kind benefit should be based on the market price on the working site location	13	6

4.4 FREEDOM TO USE WAGE

INDICATOR	YES	NO
The CBA guarantees workers' freedom to use their wages OR does not contain provisions that interfere with workers' freedom to use their wages	190	

CBA Analysis



4.5 PROHIBITION OF WAGE DEDUCTION

INDICATOR	YES	NO
CBA prohibits reducing a worker's wages to obtain or retain his or her job OR does not contain provisions permitting such action	19	0

5. WORKING HOUR, DAY OFF, HOLIDAY, AND LEAVE

5.1 WORKING HOUR AND BREAK

INDICATOR	YES	NO
CBA limits working hours under the applicable law, including when carrying out religious services during work time	190	

CBA Analysis



5. WORKING HOUR, DAY OFF, HOLIDAY, AND LEAVE

5.2. ANNUAL LEAVE

INDICATOR	YES	NO
CBA regulates the provisions and procedures for annual leave while still getting paid for at least 3 working weeks	0	19
CBA regulates leave other than annual leave without reducing the number of days of annual leave	19	0

ANNUAL LEAVES

There is no a single CBA that mentions 3 weeks of work leave according to international standards. Generally, CBA includes 12 working days of annual leave, following the Employment Law No.13/2003

5.3. WEEKLY DAY OFF

INDICATOR	YES	NO
CBA regulates provisions on dayoff every week for at least 24 hour	19	0

CBA Analysis



6. OCCUPATIONAL HEALTH AND SAFETY(OSH)

INDICATOR	YES	NO
CBA regulates OSH procedures, facilities, and equipment in accordance with standards regulated by law	19	0
CBA guarantees that the steps required for OSH protection, including training or dissemination, will not burden workers	19	0
CBA regulates special OSH procedures in extreme conditions, e.g. forest fires and smoke disasters	1	18

OSH FOR EXTREME CONDITIONS

[CBA 2] Article 45 regulates the prevention of forest and land fires in detail (10 paragraphs), e.g. regarding: fire extinguishers, firefighter team members, etc.

CBA Analysis



7. SOCIAL SECURITY

INDICATOR	YES	NO
CBA regulates the participation of every worker regardless of their field and work status in the social security program as regulated by law	16	3

[CBA 12, 17, 18 –One Company Group] CHAPTER IX concerning Social Security does not mention the obligation to participate in the BPJS Health or Employment (Health or Employment Securities) programs. Article 32: Health Facilities from Company Clinics. Article 33: Workers' Social Security is provided by the company to employees passing away based on the Company Regulation 35/2021

8. FEMALE WORKERS

INDICATOR	YES	NO
CBA guarantees equality for female workers in terms of, among other things: opportunities to work and apply for jobs, promotions, job security, benefits from various services, training and apprenticeship opportunities, wages, equal treatment in performance appraisals, social security programs, and OSH protection, including reproductive health. OR it does not have provisions that are detrimental to women's equality in this regard.	19	0
CBA regulates special protection for pregnant female workers so that they are not given tasks that endanger the condition of their pregnancy, including their trip from and to the work site.	12	7

CBA Analysis



8.2 SPECIAL PROTECTION FOR PREGNANT FEMALE WORKERS

[CBA 2] Article 39 paragraph A.3: Companies are prohibited from employing pregnant female workers who, according to a doctor's statement, are dangerous to the worker's health and the safety of her womb.

[CBA 3] Article 4 paragraph 6: regulate working hours of pregnant women. Article 15 paragraph 5.e: regulates the work location of pregnant women.

[CBA 4] Article 19 paragraph 1.c: Pregnant female employees can be transferred to another suitable job/position (on doctor's recommendation)

[CBA 6, 7, 15, 16 –The Sumatran Plantation Company Cooperation Agency/BKS-PPS] Article IV paragraph 6 r working hours for pregnant workers

[CBA 12, 17, 18 –one group] Article 41 paragraph 4: Pregnant workers can be transferred to a position that does not endanger themselves and their womb.

[CBA 13] Article 5 paragraph 6: working hours regulations for pregnant women (with doctor's statement)

[CBA 19] Article 26 paragraph 1.1: Pregnant workers are not employed at night if the doctor thinks it endangers the safety of themselves and their womb. Paragraph 1.2: Entrepreneurs provide shuttle transportation at adjusted times.

CBA Analysis



8. FEMALE WORKERS

INDICATOR	YES	NO
CBA regulates provisions for maternity leave of at least 14 weeks with pay	019	
CBA regulates paternity leave as part of reproductive health and rights	19	0
CBA regulates the provision of childcare and lactation facilities for breastfeeding female workers	8	11

8.3 MATERNITY LEAVE

There is no a single CBA that mentions 14 working weeks of MATERNITY LEAVE according to international standards. Generally, CBA includes 12 WEEKS / 3 MONTHS maternity leave in accordance with Employment Law No.13/2003

8.5 CHILDCARE & LACTATION FACILITIES

[CBA 3] Article 14 on Baby Care for Female Workers. Article 4.a) Babysitting place complete with facilities and caregivers, max 10 children/1 caregiver. Paragraph 4.b) The company provides sufficient opportunities for female workers to breastfeed their children [CBA 6, 7, 15, 16 idem]

[CBA 13] Article 15 paragraph 4 regulates in sufficient detail the babysitting area and its facilities + babysitters provided by the company, as well as sufficient time for mothers to breastfeed their babies.

[CBA 19] Article 31 paragraph 3: Permitted to leave work 2 hours/day to breastfeed children up to 2 years old.

CBA Analysis



8. FEMALE WORKERS

INDICATOR	YES	NO
CBA regulates other leaves related to women's reproductive health, especially menstrual leave while still getting paid	172	

8.6 MENSTRUAL LEAVES

Menstrual leave is commonly 2 days (with doctor's prescription)

9. CHILD LABOR PROHIBITION

INDICATOR	YES	NO
CBA prohibits the children labor on plantations	172	
CBA regulates special supervision procedures to prevent the use of child labor	912	

9.1 PROHIBITING CHILD LABOR

[CBA1 & 9] Does not mention age in job requirement when recruiting workers

9.2 SPECIAL SUPERVISION TO PREVENT CHILDREN LABOR

[CBA2] Article 38 on Children Protection, specifically regulates the Prohibition of Child Labor (3 paragraphs)

CBA Analysis



10. MIGRANT WORKERS

INDICATOR	YES	NO
CBA guarantees equal treatment of migrant workers OR it does not have provisions that discriminate against migrant workers	190	

11. HEALTH SERVICE

INDICATOR	YES	NO
If not available in local public services, CBA regulates the provision of affordable health services for workers and their families	190	

12. HOUSE FACILITY

INDICATOR	YES	NO
If not available in local public services, CBA arranges adequate housing facilities for workers and their families, especially for migrant workers	15	4

CBA Analysis



13. RESOLUTION OF COMPLAINTS AND DISPUTES

13.1. PROCEDURES FOR FILING COMPLAINTS AND DISPUTE RESOLUTION

INDICATOR	YES	NO
CBA regulates simple procedures for submitting complaints	181	
CBA regulates procedures for bipartite dispute resolution in accordance with the law	181	

13.2. RECOVERY FOR WORKERS WHOSE RIGHTS HAVE BEEN VIOLATED

INDICATOR	YES	NO
CBA regulates recovery procedures for workers whose rights have been violated in the form of, among other things, restitution, and compensation.	18	1

CBA Analysis



14. WORKER UNION

14.1. FREEDOM OF WORKERS TO FORM AND JOIN UNIONS

INDICATOR	YES	NO
CBA guarantees that every worker is free to establish or join a labor union OR it does not have provisions that limit workers from joining a labor union	190	

14.2. FREEDOM OF LABOR UNIONS TO FORM AND JOIN FEDERATIONS/CONFEDERATIONS

INDICATOR	YES	NO
CBA guarantees that labor unions are free to establish or join any federation/confederation OR it does not have provisions that limit a labor union from joining a federation/confederation	19	0

14.3. FREEDOM OF WORKER UNIONS TO PERFORM THEIR FUNCTIONS

INDICATOR	YES	NO
CBA guarantees the freedom of labor unions to carry out their functions and carry out their programs and activities, as long as they do not conflict with applicable law	190	

CBA Analysis



14. Worker Union

14.4. FREEDOM OF WORKER UNIONS TO CONDUCT COLLECTIVE BARGAINING

	INDICATOR YES NO	
CBA guarantees the freedom of worker unions to represent workers in negotiating with employers	1	0
CBA states the commitment and procedures for the preparation and sustainability of the CBA	9	0

14.5. THE UNION'S FREEDOM TO STRIKE UNDER THE LAW AS THE LAST OPTION IN DISPUTES

INDICATOR	YES NO	
CBA guarantees the freedom of labor unions to strike as a last attempt in disputes based on the applicable legal regulations OR at least it does not contain provisions that prohibit the right to strike.	17	2

[CBA 4] Article 8 on guarantees for companies. Paragraph 3: Strikes should be avoided wherever possible

[CBA 11] Article 32 on Causes of employment relationship termination. e.g: carrying out demonstrations, sabotage, slowing down work or striking in violation of applicable laws.

CBA Analysis



15. BASIC FREEDOMS

15.1. FREEDOM OF THINKING AND DELIVERING OPINION

	INDICATOR YES NO	
CBA guarantees every worker's freedom of thought, belief, and religion, as well as political choices under the rule of law OR it does not contain any provisions that limit these basic freedoms		190

15.2. MARRIAGE AND FAMILY

INDICATOR	YES NO	
CBA does not prohibit workers from marrying in the same company in accordance with the Constitutional Court Decision	18	1

[CBA11] Article 34 paragraph 3: Workers who are married to fellow workers in the company, one of them is declared to have resigned; Article 5 paragraph 1 concerning Employee Acceptance: Do not have a marriage or blood relationship with other workers.

CBA Analysis



16. ENFORCEMENT OF REGULATIONS AND SANCTIONS

	INDICATOR YES NO	
CBA regulates procedures for enforcing CBA rules and sanctions for violations of the rules outlined in the CBA carried out by each party, in addition to procedures and legal sanctions that have been regulated in law.	0	19

THERE IS NO SINGLE CBA THAT REGULATES SANCTIONS FOR A COMPANY IF IT CANNOT PERFORM ITS OBLIGATIONS. Apart from workers' rights and obligations, most CBAs contain sanctions for workers if they do not carry out their obligations



FINDINGS

Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)

What is The Sumatran Plantation Company Cooperation Agency (BKS-PPS)?

- The Sumatran Plantation Company Cooperation Agency/BKS-PPS is an association of plantation entrepreneurs in Sumatra with palm oil, rubber, and tea commodities with an area of around 1,270,000 Ha.
Members: 162 plantation companies (PTPN/BUMN/SOE, Foreign Private, National Private, and Regional Companies)
- The main task and function of BKS-PPS is to coordinate with its members for the smooth and sustainable progress of plantation companies, including:
 - work together, unite in one forum to provide strength and support for members.
 - provide input to the government/agencies related to participating in maintaining the implementation of plantation sector laws and regulations.
 - facilitate communication and exchange information that is mutually beneficial to members.
- The Sumatran Plantation Company Cooperation Agency/BKS-PPS is headquartered in Medan, North Sumatera.



FINDINGS

Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)

The Federation of Agricultural and Plantation Workers' Unions Indonesian Workers Union (FSP.PP –SPSI)

- The Federation of Agricultural and Plantation Workers' Unions-Indonesian Workers Union is a combination of Agricultural and Plantation Workers' Unions with its head office in Jakarta
- Chairperson: Achmad Mundji, SH. K
- Chairperson of the Regional Representative Council of The Federation of Agricultural and Plantation Workers' Unions-Indonesian Workers Union (DPD FSPPP-SPSI) Riau: Amrul Hadi Dalimunthe
- Members of The Federation of Agricultural and Plantation Workers' Unions-Indonesian Workers Union (FSPPP-SPSI) Riau are about 45,000 members including employee or workers from the Agricultural and Plantation companies in Riau Province



Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)

- **The Sumatran Plantation Company Cooperation Agency (BKS-PPS) with the Agricultural and Plantation Workers Union Indonesian Workers Union (SPPPP-SPSI) arranged CBA in the headquarter.**
The Sumatran Plantation Company Cooperation Agency (BKS-PPS) negotiating team is representative of its member companies and the Agricultural and Plantation Workers Union-Indonesian Workers Union (SPPPP-SPSI) is the branch/regional/central administrator.
- **The chairperson of the Agricultural and Plantation Workers Union-Indonesian Workers Union (SPPPP-SPSI) and the chair of Regional Representative Council of Agricultural and Plantation Workers' Unions-Indonesian Workers Union (DPD SPPPP-SPSI) Riau signed the CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) period 2022-2024.**
- **The practice of CBA drafting that does not comply with the law has been going on many times, since several years ago.**

Medan, 13 Maret 2022.

FEDERASI SERIKAT PEKERJA PERTANIAN DAN
CEBUNAN SERIKAT PEKERJA SELURUH INDONESIA
(FSP PP-SPSI)

Berdasarkan Surat Kuasa Khusus dari
Pengurus Umum Cabang/Daerah/Pusat



Tim Perunding PP.FSP.PP-SPSI

1. Achmad Mundji
2. Amrul Hadi Dalimunthe
3. Suparianto
4. P.A. Ginting
5. Suriono, ST. M.Si.
6. Musta Efendi, AMK
7. April, SH.
8. Tedi Irawan, SH.
9. Puri Endri, SH.

22/09/22

Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)



- *The Organization for Strengthening and Development of Community Enterprises (OPPUK) has highlighted this matter) since 2016.*
- *The preparation of the CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) violates the provisions of Article 25 paragraph (1) point a of Law no. 21 of 2000 on Labor Unions, and also violates the provisions of Article 116 paragraph (1), Article 120 paragraph (1), Paragraph (2), Paragraph (3), Article 121 of Law no. 13 of 2003 on Employment.*
- *Another violation of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) and the Agricultural and Plantation Workers Union-Indonesian Workers Union (SPPP-SPSI) is a collective agreement to pay wages lower than Regency Minimum Wage which was made unilaterally by Sumatran Plantation Company Cooperation Agency (BKS-PPS) with the North Sumatra Federation of Worker Union of Agriculture & Plantation of Regional Management of Indonesian Workers Union (FSPPP –SPSI) without coordination and discussion with the labor union other plantations in North Sumatra.*
- *Violates the provisions of Article 89 paragraph (1), (2), (3), Article 90 paragraph (1), Article 91 paragraph (1) and paragraph (2) of Law No. 13 of 2003 on Employment, which contains regulations regarding wages*



Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)



CHRONOLOGY

- 2018: The Sumatran Plantation Company Cooperation Agency (BKS-PPS) registered the CBA for the 2018-2020 period with the Ministry of Manpower
- 26/10/2018 : The Ministry of Manpower emphasized that the CBA could be negotiated jointly by the Worker Union/Labor Union in the company or several Worker Unions/Labor Unions from each company. However at the time of signing, it must still be carried out by each entrepreneur with the Worker Union/Labor Union represented by each Worker Union/Labor Union Management in each company concerned, in accordance with the certainty of the legal subject (Letter No: B.319/PHIJSK/2018)
- 13/3/2022 :The Sumatran Plantation Company Cooperation Agency (BKS-PPS) and the Federation of Agricultural and Plantation Workers' Unions-Indonesian Workers Union (FSPPP-SPSI) signed the CBA again, for the 2022-2024 period.
- 23/3/2022 : The Sumatran Plantation Company Cooperation Agency (BKS-PPS) registered the 2022-2024 CBA with the Indonesian Ministry of Manpower

Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)



CHRONOLOGY

- 9/9/2022: The Indonesian Ministry of Manpower gave the same reply as the 2018 letter, **essentially rejecting the CBA registration (Letter No: 4/1265 /HI.00.00/IX/2022)**
- For the umpteenth time, the Sumatran Plantation Company Cooperation Agency (BKS-PPS) again ignored the letter from the Ministry of Manpower. Under the pretext of waiting for the registration of the CBA for the 2022-2024 period at the Ministry of Manpower which is still in process, the Sumatran Plantation Company Cooperation Agency (BKS-PPS) and the Agricultural and Plantation Workers Union-Indonesian Workers Union (SPPP-SPSI) continued to enforce the CBA they have agreed to.
- 12/26/2022 : CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) applied to member companies (except Lampung & Bengkulu)
- 15/2/2023: The Sumatran Plantation Company Cooperation Agency (BKS-PPS) sent a letter to the Riau Province Manpower and Transmigration Service regarding the CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) with the Agricultural and Plantation Workers Union-Indonesian Workers Union (SPPP-SPSI) for which registration has been requested from the Ministry of Manpower since 2022.
- 28/2/2023: Riau Provincial Manpower and Transmigration Office stated that the CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) was illegal (Letter No. 560/Disnakertrans/HK/990)

Problems of CBA of The Sumatran Plantation Company Cooperation Agency (BKS-PPS)

4. CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) with Company Regulation of the Federation of Agricultural and Plantation Workers' Unions-Indonesian Workers Union (FSPPP-SPSI) of 2022-2023 cannot be used as an official and legal Industrial Relation Means. Hence, it cannot be used as a guidance. You are expected to be competent in taking legal actions.

5. Following up that matter, all companies joined in the Sumatran Plantation Company Cooperation Agency (BKS-PPS) should arrange Collective Bargaining Agreement to protect workers/labors in each respective companies.

In witness whereof, it is written for proper perusal

HEAD OF EMPLOYMENT AND TRANSMIGRATION OFFICE OF RIAU PROVINCE

Signed and sealed

Dr. ImronRosyadi,ST., MH

First Class Administrator

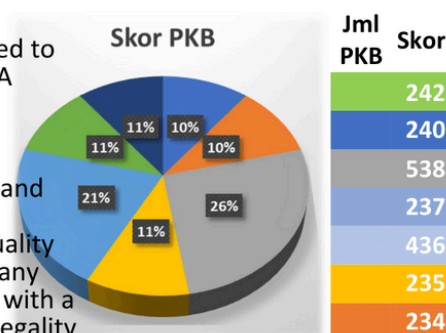
NIP. 19780605 200501 1 006 Letter from the Employment and Transmigration Office of Riau Province

Office of Riau Province
n Ketenagakerjaan RI.



CBA ANALYSIS IN SIAK & PELALAWAN CONCLUSION

- In terms of quantity, the number of CBAs in Siak(29%) and Pelalawan(19%) needs to be increased.
- In terms of quality, the CBA contents also need to be improved in the two districts, because CBA score is still far from the ideal value: 51.
- The 2 highest scores (42) were in Siak& Pelalawan(1 company each)
- The 2 lowest scores (34), respectively in Siak and Pelalawan
- Even though there are legal problems, the quality of the CBA of the Sumatran Plantation Company Cooperation Agency (BKS-PPS) is quite good, with a score of 38 (middle up). For this reason, the legality issue must be addressed immediately in order to provide clear legal protection for Worker Union in the company.



CBA ANALYSIS IN SIAK & PELALAWAN CONCLUSION

- Apart from those mentioned in the analysis above, good practices found in the CBA in Siak& Pelalawan, include:
 - That female workers who are the main breadwinners are entitled to the same rights as male workers (starting from rice allowances to housing facilities)
 - Vacation facilities once a year, 2-3 balls for each field (football/volleyball, etc.), entertainment facilities, extra food (eggs and green beans) for overtime and night shift workers, basic food for overtime workers, etc.
 - Company support for the establishment and management of worker cooperatives
- In general, both the quantity and quality of CBA in Siakand Pelalawanare better than in West Kalimantan. However, there are still several things that need to be improved and fixed.



Annex 3. Social Dialogue Measurement Tool

**Measurement Framework for Social
Dialogue Draft #1
CNV Internationaal**

Aspect	Element	Company-level Bipartite Structure	Scale	Score	SD Structure	Sectoral-level Bipartite Structure	Scale	Score	Tripartite Structure	Scale	Verification
Existence	Legality	SD structure is not regulated in the law/local regulations and company regulations/CBA SD structure is regulated by the law/local regulations The SD structure is regulated by the law/local regulations and company regulations/CBA	1 2 3		SD structure is not regulated in the law/local regulations and sectoral agreement SD structure is regulated by the law/local regulations The SD structure is regulated by the law/local regulations and sectoral agreement	1 2 3		SD structure is not regulated in the law/local regulations SD structure is regulated by the law/local regulations SD structure is regulated by the law/local regulations	1 2 2		Legal documents and KII
	Regularity	Meetings are not scheduled (occasionally) Meetings are scheduled regularly Meetings are scheduled regularly and occasionally when necessary	1 2 3		Meetings are not scheduled (occasionally) Meetings are scheduled regularly Meetings are scheduled regularly and occasionally when necessary	1 2 3		Meetings are not scheduled (occasionally) Meetings are scheduled regularly Meetings are scheduled regularly and occasionally when necessary	1 2 3		Legal documents and KII
	Function	SD only for exchange of information SD only for exchange of information and consultation SD can make decision	1 2 3		SD only for exchange of information SD only for exchange of information and consultation SD can make decision	1 2 3		SD only for exchange of information SD only for exchange of information and consultation SD can make decision	1 2 3		Legal documents and KII
	Participants	Representations of workers and managements Representations of workers and managements, and relevant stakeholders or external parties when necessary	1 2		Representatives of unions and employer associations Representatives of unions and employer associations, and relevant stakeholders or external parties when necessary	1 2		Representatives of unions, employer associations and government Representatives of unions, employer associations and government, and relevant stakeholders or external parties when necessary	1 2 2		Legal documents and KII
	Total Score		2		Total Score			Total Score			
	Accessibility		N/A		If offline, some parties have difficulties to attend due to distance or time constraints. If offline, all parties do not have difficulties to attend		1 2		If offline, some parties have difficulties to attend due to distance or time constraints. If offline, all parties do not have difficulties to attend		1 2
Quality: Process	Representation	Meetings only represent the aspirations of one social partner Meetings represent the aspirations of all social partners in general Meetings represent the aspirations of all social partners in general, and specific concerns of vulnerable group of workers (women, migrant, etc.) Meetings represent the aspirations of all social partners in general, specific concerns of vulnerable group of workers (women, migrant, etc.), and relevant stakeholders	0 1 2 3		Meetings only represent the aspirations of one social partner Meetings represent the aspirations of all social partners in general Meetings represent the aspirations of all social partners in general, and specific concerns of vulnerable group of workers (women, migrant, etc.) Meetings represent the aspirations of all social partners in general, specific concerns of vulnerable group of workers (women, migrant, etc.), and relevant stakeholders	0 1 2 3		Meetings only represent the aspirations of one social partner Meetings represent the aspirations of all social partners in general Meetings represent the aspirations of all social partners in general, and specific concerns of vulnerable group of workers (women, migrant, etc.), and relevant stakeholders	0 1 2 3		Meeting's documents, KII
	Transparency	Only limited social partners, especially among the workers, were informed about the SD and meetings, including the meeting's agenda and results All or most of the social partners, especially among the workers, informed about the SD and meetings, including the meeting's agenda and results The representatives do not consult the meeting agenda with the members/supervisors and do not report back the meeting results to the members/supervisors	1 2 3		Only limited companies or unions were informed about the SD and meetings, including the meetings' agenda and results All or most of the companies and unions informed about the SD and meetings, including the meetings' agenda and results The representatives do not consult the meeting agenda with the companies/unions and do not report back the meeting results to the companies/unions	1 2 3		Only limited companies or unions were informed about the SD and meetings, including the meetings' agenda and results All or most of the companies and unions informed about the SD and meetings, including the meetings' agenda and results The representatives do not consult the meeting agenda with the companies/unions and do not report back the meeting results to the companies/unions	1 2 3		Meeting's documents, survey interview
	Accountability	The representatives consult the meeting agenda with limited members/supervisors and report back the meeting results to limited members/supervisors The representatives consult the meeting agenda with the members/supervisors and report back the meeting results to the members/supervisors	1 2		The representatives consult the meeting agenda with limited companies/unions and report back the meeting results to limited companies/unions The representatives consult the meeting agenda with the companies/unions and report back the meeting results to the companies/unions	1 2		The representatives consult the meeting agenda with limited companies/unions and report back the meeting results to limited companies/unions The representatives consult the meeting agenda with the companies/unions and report back the meeting results to the companies/unions	1 2		Survey and KII
	Total Score		3		Total Score			Total Score			
	Legitimacy	Meeting results partially comply with the international labour standards Meeting results fully comply with the international labour standards Meeting results above the international labour standards	1 2 3		Meeting results partially comply with the international labour standards Meeting results fully comply with the international labour standards Meeting results above the international labour standards	1 2 3		Meeting results partially comply with the international labour standards Meeting results fully comply with the international labour standards Meeting results above the international labour standards	1 2 3		Meeting's documents, media coverage, KII
	Quality: Result	Results are not legally binding Results are legally binding but not enforceable Results are legally binding and enforceable Some social partners do not accept the results, partially or wholly	1 2 3 4		Results are not legally binding Results are legally binding but not enforceable Results are legally binding and enforceable Some social partners do not accept the results, partially or wholly	1 2 3 4		Results are not legally binding Results are legally binding but not enforceable Results are legally binding and enforceable Some social partners do not accept the results, partially or wholly	1 2 3 4		Meeting's documents, KII
	Acceptance	All social partners accept the results, partially or wholly	2		All social partners accept the results, partially or wholly	2		All social partners accept the results, partially or wholly	2		Meeting's documents, KII
Total Score		2		Total Score			Total Score				

Name of Institution: District Wage Council in Siak
Period of Assessment: 2021 - 2024 (after the implementation of the Job Creation Law)

Aspect	Element	SD Structure			Verification
		Tripartite Structure	Scale	Score	
Existence	Legality	SD structure is not regulated in the law/local regulations	1	2	Legal documents and KII
		SD structure is regulated by the law/local regulations	2		
	Regularity	Meetings are not scheduled (occasionally)	1	2	Legal documents and KII
		Meetings are scheduled regularly	2		
		Meetings are scheduled regularly and occasionally when necessary	3		
	Function	SD only for exchange of information	1	2	Legal documents and KII
		SD only for exchange of information and consultation	2		
		SD can make decision	3		
	Participants	Representatives of unions, employer associations and government	1	2	Legal documents and KII
		Representatives of unions, employer associations and government, and relevant stakeholders or external parties when necessary	2		
	Total Score			8	
Accessibility		If offline, some parties have difficulties to attend due to distance or time constraints	1	2	KII
		If offline, all parties do not have difficulties to attend	2		
	Total Score			2	
Quality: Process	Representation	Meetings only represent the aspirations of one social partner	0	2	Meeting's documents, KII
		Meetings represent the aspirations of all social partners in general	1		
		Meetings represent the aspirations of all social partners in general, and specific concerns of vulnerable group of workers (women, migrant, etc.)	2		
		Meetings represent the aspirations of all social partners in general, specific concerns of vulnerable group of workers (women, migrant, etc.), and relevant stakeholders	3		
	Transparency	Only limited companies or unions were informed about the SD and meetings, including the meetings' agenda and results	1	3	Meeting's documents, survey, interview
		Part of the companies or unions were informed about the SD and meetings, including the meetings's agenda and results	2		
		All or most of the companies and unions informed about the SD and meetings, including the meetings' agenda and results	3		
	Accountability	The representatives do not consult the meeting agenda with the companies/unions and do not report back the meeting results to the companies/unions	1	3	Survey and KII
		The representatives consult the meeting agenda with limited companies/unions and report back the meeting results to limited companies/unions	2		
		The representatives consult the meeting agenda with the companies/unions and report back the meeting results to the companies/unions			
	Total Score			8	
Quality: Result	Legitimacy	Meeting results do not comply with the international labor standards	0	1	Meeting's documents, media coverage, KII
		Meeting results partially comply with the international labour standards	1		
		Meeting results fully comply with the international labour standards	2		
		Meeting results above the international labour standards	3		
	Legality	Results are not legally binding	1	2	Meeting's documents, KII
		Results are legally binding but not enforceable	2		
		Results are legally binding and enforceable	3		
	Acceptance	Some social partners do not accept the results, partially or wholly	1	1	Meeting's documents, KII
		All social partners accept the results, partially or wholly	2		
	Total Score			4	

Notes:

- 1 District Wage Council Siak is the tripartite social dialogue platform for minimum wage fixing
- 2 Numbers highlighted in red mean down grade compare to previous period

Name of Institution: LKS Tripartit Pelalawan (Pelalawan Tripartite Cooperation Institution) Period of Assessment: 2023

Aspect	Element	SD Structure			Verification
		Tripartite Structure	Scale	Score	
Existence	Legality	SD structure is not regulated in the law/local regulations	1	2	Legal documents and KII
		SD structure is regulated by the law/local regulations	2		
	Regularity	Meetings are not scheduled (occasionally)	1	3	Legal documents and KII
		Meetings are scheduled regularly	2		
		Meetings are scheduled regularly and occasionally when necessary	3		
	Function	SD only for exchange of information	1	3*	Legal documents and KII
		SD only for exchange of information and consultation	2		
		SD can make decision	3		
	Participants	Representatives of unions, employer associations and government	1	1	Legal documents and KII
		Representatives of unions, employer associations and government, and relevant stakeholders or external parties when necessary	2		
Total Score			9		
Accessibility		If offline, some parties have difficulties to attend due to distance or time constraints	1	2	KII
		If offline, all parties do not have difficulties to attend	2		
		Total Score		2	
Quality: Process	Representation	Meetings only represent the aspirations of one social partner	0	2	Meeting's documents, KII
		Meetings represent the aspirations of all social partners in general	1		
		Meetings represent the aspirations of all social partners in general, and specific concerns of vulnerable group of workers (women, migrant, etc.)	2		
		Meetings represent the aspirations of all social partners in general, specific concerns of vulnerable group of workers (women, migrant, etc.), and relevant stakeholders	3		
	Transparency	Only limited companies or unions were informed about the SD and meetings, including the meetings' agenda and results	1	1**	Meeting's documents, survey, interview
		Part of the companies or unions were informed about the SD and meetings, including the meetings's agenda and results	2		
		All or most of the companies and unions informed about the SD and meetings, including the meetings' agenda and results	3		
	Accountability	The representatives do not consult the meeting agenda with the companies/unions and do not report back the meeting results to the companies/unions	1	2**	Survey and KII
		The representatives consult the meeting agenda with limited companies/unions and report back the meeting results to limited companies/unions	2		
		The representatives consult the meeting agenda with the companies/unions and report back the meeting results to the companies/unions	3		
			Total Score		5
	Quality: Result	Legitimacy	Meeting results do not comply with the international labor standards	0	2
Meeting results partially comply with the international labour standards			1		
Meeting results fully comply with the international labour standards			2		
Meeting results above the international labour standards			3		
Legality		Results are not legally binding	1	2*	Meeting's documents, KII
		Results are legally binding but not enforceable	2		
		Results are legally binding and enforceable	3		
Acceptence		Some social partners do not accept the results, partially or wholly	1	2	Meeting's documents, KII
		All social partners accept the results, partially or wholly	2		
			Total Score		6
	Overall Score		22		

Notes:

- 1 LKS Tripartite Pelalawan is a tripartite consultation structure for unions, employer associations and Manpower Office
 - 2 *: legally-binding decisions can be made, but in order to be implemented needs to be adopted in the Manpower Office's Decree
- ** : Only 3 unions and 1 employer associations that are parties in the LKS Tripartite that have the information about the meetings and results