



EMBASSY OF THE HASHEMITE KINGDOM OF JORDAN  
WASHINGTON D. C.

*No.* .....DOS.526.....  
*Ref.* .....5.5.2016.....  
*Date* .....

The Embassy of the Hashemite Kingdom of Jordan presents its compliments to the U.S. Department of State/ Bureau of Near Eastern Affairs and has the honor to attach herewith a letter from Her Excellency the Minister of Trade and Supply Maha Ali to the honorable Secretary of Labour Thomas Perez.

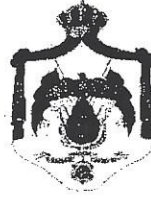
The Embassy of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the U.S. Department of State/ Bureau of Near Eastern Affairs the assurances of its highest consideration.



**U.S. Department of State  
Bureau of Near Eastern Affairs  
Washington, DC**



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



المملكة الأردنية الهاشمية  
وزارة الصناعة والتجارة والتموين

الوزير

الرقم 13 717  
التاريخ 26-4-2016

The Honorable Thomas Perez  
Secretary  
Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

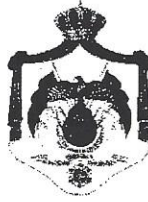
Excellency,

Jordan and the United States of America share a rich history of economic cooperation and trade that dates back to the 1950's with the signing of an agreement of cooperation in 1957, culminating with the Qualified Industrial Zones Agreement and the Free Trade Agreement. Since the signing of the Free Trade Agreement in 2001, our trade relations with the United States have continued to positively grow to mutually benefit both our countries. The United States continues to be one of Jordan's major trading partners.

We are keen to further develop and expand economic cooperation between our countries and build on the success of our FTA in increasing bilateral trade. In this regard I enclose a document containing corrective information with respect to the continued inclusion of garments from Jordan on the "List of Goods Produced by Child Labor or Forced Labor". In this document we continue to press our position to call on that the US Government, for the reasons outlined therein, to reconsider the inclusion of garments from Jordan on the list as well as revising its reporting in other publications regarding such violations in the Jordanian garment sector. The continuation of Jordan's inclusion in the mentioned list may hinder the expansion of Jordanian garment exports in the USA market as well as other potential markets.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



المملكة الأردنية الهاشمية  
وزارة الصناعة والتجارة والتموين

الوزير

الرقم 13717 / 19-2-23  
التاريخ 26-4-2016

We should be grateful if you would kindly consider the enclosed document and ensure that it is delivered to the respective offices for their consideration. Your support in this regard assures the continued mutual cooperation between our two countries.

I would like to thank you in advance for your continued support to Jordan and in particular as regards the Jordanian garment sector.

Please accept our highest consideration.

Yours sincerely,

Maha Ali

Minister of Industry, Trade and Supply

Nidal Al- Katamine

Minister of Labour

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May 11, 2016

**Re: Removal of Jordanian Garments from the TVPRA List**

This corrective information is being provided with regard to the continued inclusion of garments from Jordan on the “List of Goods Produced by Child Labor or Forced Labor (“TVPRA<sup>1</sup> List, the List”),” which is maintained and published by the Bureau of International Labor Affairs (“ILAB”) of the U.S. Department of Labor (“DOL”).<sup>2</sup> This letter builds upon earlier submissions by the Government of Jordan (“Government”) dated October 5, 2009 and the Jordan Garments, Accessories, and Textiles Exporters’ Association (“JGATE”) dated January 28, 2014, to ILAB’s Office of Child Labor, Forced Labor, and Human Trafficking’s (“OCFT”), which previously presented the detailed reasons for why the U.S. Government should remove garments from Jordan from the TVPRA list, and revise its reporting in other official publications about such violations in the garment sector in Jordan.

The purpose of this submission is to again make clear that the removal of Jordanian garments from the TVPRA List is required for the following reasons: (1) the Jordanian government and industry have instituted proactive and comprehensive reforms, including the adoption of a third-party initiative, the Better Work Program run by the International Labor Organization (“ILO”), that have significantly reduced any indicators of forced labor in the garment industry, thus negating the original basis for including garments on the List; (2) the DOL’s evidence and justification for continuing to include the Jordanian industry on the TVPRA List does not meet the DOL’s own standards and guidelines in maintaining the list, (3) maintaining Jordanian garments on the List creates a disincentive for other industries to adopt similarly transparent programs aimed at reducing child and forced labor and improving overall labor compliance.

Over the last decade, the Jordanian garment industry’s labor compliance profile has undergone a positive transformation. Determined efforts by the Jordanian Government and private sector, in partnership with the ILO and U.S. Government agencies, have put in place a comprehensive and effective labor compliance framework, Better Work Jordan (“BWJ”), for the garment industry. The BWJ program has not only implemented high level compliance auditing, but also put in place other innovative elements. For example, a major labor innovation in the sector includes the Al-Hassan Workers’ Center established in 2014 in partnership with the ILO, which functions to improve the quality of life and provide services for workers in the Jordanian garment industry. These facilities and services include: (1) training courses and seminars on job and life skills; (2) a social forum and entertainment activities, including sports and recreation and free internet; (3) peer support programs on health and psychological needs; and (4) discounted services and canteen commodities.

Considerable progress has also been made in improving industrial relations. In 2013 and again in 2015, sector-wide Collective Bargaining Agreements were signed between JGATE, the Association of Owners of Factories, Workshops, and Garments (AOFWG) and the General Trade Union of Workers in Textile, Garment & Clothing Industries (GTUWTGCI). The 2013 agreement was considered by the ILO to be “one of the more comprehensive of its type in the

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<sup>1</sup> Trafficking Victims Protection Reauthorization Act of 2005

<sup>2</sup> <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>

garment sector anywhere in the world.”<sup>3</sup> On its expiry in 2015, JGATE, AOFWG, and the GTUWTGCI engaged in dialogue and negotiations to sign a new Collective Bargaining Agreement, which further enhanced worker rights and benefits in areas such as annual wage increases, occupational health and safety, employment for women, and creation of new job opportunities for Jordanians.<sup>4</sup> This agreement is in force through July 2017. Additionally, in March 2015, JGATE and the GTUWTGCI together established the “Jordan Garment Sector Industrial Relations Joint Council,” comprised of representatives from both parties, which is responsible for the promotion of social dialogue and collective bargaining, oversees the implementation of Collective Bargaining Agreements and dispute resolution, and provides parties with technical services on working conditions and terms of employment.

In December 2015, with the support of the ILO a new Capital Unified Contract for migrant workers was added to the 2015 Collective Bargaining Agreement, to further harmonize recruitment and employment policies for migrant workers in the home country, as well as provide them with a clearer understanding of their employment conditions.<sup>5</sup> The Jordanian garment industry has also adopted the ILO’s Fair Recruitment Initiative, one of the first countries to do so after it was launched in 2014. Under this pilot initiative, the industry engages with the Jordanian Government, workers’ organizations, and non-governmental organizations to prevent human trafficking and forced labor. Consultations on ensuring fair international recruitment practices such as verifying there are no recruitment fees have already begun to take place through meetings and technical workshops.<sup>6</sup>

These significant improvements in labor compliance have all been documented in the seven synthesis reports of the BWJ program, which is considered the best practice standard for monitoring and remediating worker rights compliance issues globally. Importantly, in 2011 the Jordanian Ministry of Labour made participation in the BWJ program compulsory for all garment-exporting factories. Each BWJ report reflects a positive trajectory on compliance in each of the four forced labor issue areas assessed by the ILO: (1) Coercion, (2) Bonded Labor; (3) Forced Labor and Overtime; and (4) Prison Labor. Findings of noncompliance, if any, have occurred only under the “Coercion” and “Bonded Labor” clusters. There have been no findings under the other two clusters, and since 2013, there have also been no findings under the “Bonded Labor” cluster (please see Annex for details). Consequently, while issues indicative of coercion may suggest an indicator of possible forced labor, these are still not equivalent to findings of forced labor.

The 7<sup>th</sup> and most recent BWJ report, released in January 2016, clearly states that “Jordan has significantly reduced forced labor since the inception of Better Work.” It finds only four factories were non-compliant (out of 64), largely because of holding worker passports. Notably, the Jordanian government has shut down one of these four non-compliant factories due to a number of violations. In the words of the ILO, this demonstrates “the government’s willingness, commitment, and ability to intervene when evidence of forced labour exists.”

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<sup>3</sup> [http://www.ilo.org/beirut/media-centre/news/WCMS\\_214426/lang--en/index.htm](http://www.ilo.org/beirut/media-centre/news/WCMS_214426/lang--en/index.htm)

<sup>4</sup> 2015 Collective Bargaining Agreement

<sup>5</sup> [http://www.ilo.org/beirut/media-centre/news/WCMS\\_435506/lang--en/index.htm](http://www.ilo.org/beirut/media-centre/news/WCMS_435506/lang--en/index.htm)

<sup>6</sup> [http://www.ilo.org/beirut/events/WCMS\\_357944/lang--en/index.htm](http://www.ilo.org/beirut/events/WCMS_357944/lang--en/index.htm)

This reiterates the commitment of both the government and the industry to eradicating forced labor, as well as highlights their achievements in reducing instances of forced labor since 2006.

The continued inclusion of the industry on the TVPRA list does not reflect the reality, and therefore undermines the credibility of the list itself. Moreover, the TVPRA bibliography presents no current evidence that Jordanian garments are produced with forced labor. Almost all of the sources cited in the latest version of the list published on September 30, 2015 as the basis for the inclusion of the garment sector of Jordan only relate to circumstances that existed in 2006, which is reflected by the fact that almost all the sources were published in 2006 and 2007.<sup>7</sup>

The reliance on almost decade-old information to support an outdated conclusion is also in contravention of ILAB's own Procedural Guidelines ("Guidelines") for the development and maintenance of the TVPRA List. ILAB guidelines indicate that information only five years old or less would be considered; all but two of the twenty-four citations for Jordanian garments in the List's bibliography are older than seven years and by ILAB's own standards, should no longer be presumed to provide an accurate picture of the Jordanian garment industry. Moreover, this consistent recycling of outdated and limited citations by the U.S. Government without any reconsideration or new evidence results in considerable damage to the Jordanian garment sector.

Also troubling is that ILAB selectively cites the synthesis reports of the ILO's Better Work Program as the most recent justification of its finding of prevailing forced labor in the Jordanian garment industry. As Better Work is the most transparent, intrusive, and credible program that a national garment industry can embrace, ILAB would be expected to take implementation of the program into consideration as a presumptive reason to delist an industry from the TVPRA List, and not use it as a rationale to maintain or list it. Indeed, as explained below, ILAB only relies on one BWJ report out of several, and that being the oldest one, as the basis for maintaining Jordan's garment industry on this list.

ILAB's decision to cite the BWJ's 2<sup>nd</sup> Compliance Synthesis Report from 2011 as a basis to continue to list the industry in the 2015 TVPRA report both distorts the ILO report and acts as a disincentive, rather than an incentive, for countries and industries to participate in such programs. Of course, if the ILO was in fact reporting worsening or even a high level of ongoing abuses of forced labor, it might be appropriate to use such information for a TVPRA listing.

However, in the case of Jordan, any findings related to indicators of potential forced labor (*there are no findings of actual forced labor at all*) have continued to decline in the BWJ's 3<sup>rd</sup> Compliance Synthesis Report (2012),<sup>8</sup> 4<sup>th</sup> Compliance Synthesis Report (2012),<sup>9</sup> 5<sup>th</sup> Compliance Synthesis Report (2013),<sup>10</sup> or the 6<sup>th</sup> Compliance Synthesis Report (2015)<sup>11</sup> –

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<sup>7</sup> <http://www.dol.gov/ilab/reports/pdf/TVPRA2014-2015Bibliography.pdf>, Page 108

<sup>8</sup> Better Work Jordan: Garment Industry 3<sup>rd</sup> Compliance Synthesis Report, March 2012

<sup>9</sup> Better Work Jordan: Garment Industry 4<sup>th</sup> Compliance Synthesis Report, November 2012

<sup>10</sup> Better Work Jordan: Garment Industry 5<sup>th</sup> Compliance Synthesis Report, December 2013

<sup>11</sup> Better Work Jordan: Garment Industry 6<sup>th</sup> Compliance Synthesis Report, January 2015

none of which are mentioned as sources by ILAB. That is simply inexplicable, especially since the 2<sup>nd</sup> Compliance Synthesis Report is cited. There is also now available to ILAB the 7<sup>th</sup> Compliance Synthesis Report (2016).<sup>12</sup>

The fact that Jordan's garment industry has an ILO Better Work program should *prima facie* be a basis to remove the garment industry from the TVPRA List. The program represents a commitment of both the industry and government not to tolerate labor abuses in the sector, especially forced labor abuses, and to have the ILO identify any abuses so that they may be effectively and immediately addressed.

Consequently, there is no basis justifying the continued inclusion of Jordan's garment sector on a list of industries that supposedly traffics its work force or otherwise imposes conditions of forced labor. Indeed, ILAB Guidelines state that a good can be removed from the list if it is demonstrated that "there is no significant incidence of child labor or forced labor in the production of the particular good."<sup>13</sup> Moreover, such an action would no doubt be a signal to apparel industries in other countries that there is an incentive to adopt best practices, one of the underlying rationales for developing such a list in the first place.

Maintaining Jordanian garments on the TVPRA list also acts as an additional hurdle to provide employment opportunities for Jordanians as well as Syrian refugees. Jordan is currently struggling to manage the impact of some 1.3 million refugees. It is imperative that steps be taken to immediately create jobs and income opportunities for these Syrian refugees. The Jordanian garment industry can play a leading role in this area; however, it needs to be supported by the international community and not have its reputation undermined by anachronistic and distorted allegations of forced labor. As long as Jordanian garments are maintained on the TVPRA list, there will be a negative impact on international buyers and a continued disincentive to source from Jordan, which, after all, is the stated intent of the TVPRA list. Jordan needs recognition and encouragement of the efforts it has made to address labor conditions in the sector, and also support to carry the burden of Syrian refugees in need of work opportunities.

**In light of the Jordanian garment industry's considerable progress in eliminating the types of practices that caused concerns in 2006 and its role in the Jordanian economy and the refugee challenge, DOL should remove Jordanian garments from the TVPRA list. We urge that such a decision be made immediately, and we are available to provide any further information that may be required to support such a determination.**

**We look forward to your positive response.**

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<sup>12</sup> Better Work Jordan: Garment Industry 7<sup>th</sup> Compliance Synthesis Report, January 2016

<sup>13</sup> 72 Fed Reg 73378, December 27, 2007

## Annex

BWJ reporting provides a basis for ILAB to evaluate the effectiveness of the Jordanian garment industry's efforts to reduce forced labor practices and improve labor compliance more broadly. Since 2011, BWJ has published seven synthesis reports, the latest being publicly released in January 2016. Non-compliance findings in those reports under the category of forced labor, while very few, have involved three practices of concern to the ILO: (1) the use of nighttime curfews that restrict the free movement of workers; (2) the withholding of passports or other important documents; and (3) bonded labor tied to the payment of recruitments fees to agents in the country of origin of the workers.

### Night-Time Curfew / Restrictions on Mobility

The record of Jordan's industry on these elements can be clearly seen in the ILO synthesis reports. The ILO reports initially raised concerns about the existence of nighttime curfews for workers at their dormitories, which were regarded as unnecessarily early and restrictive on the right of workers to come and go from their living quarters. In the first report, 10 of the 15 factories assessed, or 67%, had such curfews, with seven setting the time before 8:00pm. That number declined to 58% in 2010 (14 out of 24 factories surveyed), and to only 14% in 2012 (7 out of 52 factories surveyed). The 6<sup>th</sup> Synthesis Report released in 2015 only mentions findings with regard to the restriction of mobility at two factories out of 59, or 3.4% of factories, although it is not identified if this issue related to a nighttime curfew impeding freedom of movement or some other type of restriction.

In fact, BWJ previously revised its reporting and reformed its own criteria with regard to nighttime curfews and freedom of movement. According to BWJ reporting, the issue of nighttime curfews has all but been eliminated in the sector, and since the 4<sup>th</sup> Synthesis Report, has no longer even been reported as a specific finding. Rather, instances of restrictions on worker mobility are reported, and such findings have been very limited – just three cases in the 5<sup>th</sup> report and only two cases in the 6<sup>th</sup> report, culminating in no cases in the 7<sup>th</sup> report.

- 67% 1<sup>st</sup> Synthesis Report (Mar. 2009 – Feb. 2010)
- 58% 2<sup>nd</sup> Synthesis Report (Dec. 2009 – Dec. 2010)<sup>14</sup>
- 37% 3<sup>rd</sup> Synthesis Report (Feb. 2010 – Feb. 2011)<sup>15</sup>
- 14% 4<sup>th</sup> Synthesis Report (Sep. 2011 – Sep. 2012)<sup>16</sup>
- 5% 5<sup>th</sup> Synthesis Report (Oct. 2012 – Sep. 2013)<sup>17</sup> – BWJ did not report a statistic for nighttime curfew non-compliance, but reported a maximum of 3 of 55 factories, or 5% of factories, with an issue of a restriction on worker mobility
- 3% 6<sup>th</sup> Synthesis Report (Oct. 2013 – Sep. 2014)<sup>18</sup> – as discussed for the 5<sup>th</sup> report above, and reported a maximum of two factories of 59, or 3% of factories, with an issue of restriction of worker mobility

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<sup>14</sup> Better Work Jordan: Garment Industry 2<sup>nd</sup> Compliance Synthesis Report, April 2011

<sup>15</sup> Better Work Jordan: Garment Industry 3<sup>rd</sup> Compliance Synthesis Report, March 2012

<sup>16</sup> Better Work Jordan: Garment Industry 4<sup>th</sup> Compliance Synthesis Report, November 2012

<sup>17</sup> Better Work Jordan: Garment Industry 5<sup>th</sup> Compliance Synthesis Report, December 2013

<sup>18</sup> Better Work Jordan: Garment Industry 6<sup>th</sup> Compliance Synthesis Report, January 2015



- 0% 7<sup>th</sup> Synthesis Report (Nov. 2014 – Oct. 2015)<sup>19</sup> – No cases of restrictions of worker mobility were found

### Access to Personal Documents

BWJ reports also show a decline of findings on workers being denied access to their personal documents. This was one of the most widespread alleged abuses in 2006. In the first report, there were actually no findings of document withholding for the first 15 factories surveyed. The 2<sup>nd</sup> Synthesis Report found an issue at 2 out of 24 factories, or 8%, with regard to workers being denied access to their personal documents (such as birth certificates, passports, work permits, and identification cards). In the 3<sup>rd</sup> report, it was 1 out of 27 factories, or 4%.

This has continued to be an issue identified in subsequent reports, but generally at only 3 or 4 factories, and there is no suggestion this is more than an isolated occurrence. Indeed, the number of non-compliant factories on document retention remains small and aberrational, and the fact that such findings occur and actions taken to address them, validates the effectiveness of the BWJ program.

- 0% 1<sup>st</sup> Synthesis Report (Mar. 2009 – Feb. 2010)
- 8% 2<sup>nd</sup> Synthesis Report (Dec. 2009 – Dec. 2010)
- 4% 3<sup>rd</sup> Synthesis Report (Feb. 2010 – Feb. 2011)
- 4% 4<sup>th</sup> Synthesis Report (Sep. 2011 – Sep. 2012)
- 9% 5<sup>th</sup> Synthesis Report (Oct. 2012 – Sep. 2013)
- 3% 6<sup>th</sup> Synthesis Report (Oct. 2013 – Sep. 2014)
- 6% 7<sup>th</sup> Synthesis Report (Nov. 2014 – Oct. 2015)

### Bonded Labor

With regard to bonded labor, the ILO first reported on whether a worker paid recruitment fees to agents in the worker's country of origin as an indicator of non-compliance in the second synthesis report, even as it was acknowledged in the report it can be difficult for factory management to be certain whether a migrant worker has paid a recruiter in their country of origin to connect them to the job in Jordan. For the 2<sup>nd</sup> synthesis report there were concerns about workers in 7 out of 24 factories, or 29%, and in the 3<sup>rd</sup> report in 14 out of 27 factories, or 52%.

BWJ partially attributes these relatively high figures in the 2<sup>nd</sup> and 3<sup>rd</sup> reports to labor shortages, when factories in urgent need of workers may have become less likely to monitor whether their labor recruiters charged recruitment fees to workers. BWJ also required that factories have in place written agreements with their recruitment agents not to charge workers and recruitment fees, and found factories out of compliance if they had no such agreements.

By 2012, in the 4<sup>th</sup> report, 7 factories out of 52 factories (15 percent) were workers found to have debts related to recruitment fees or other recruitment costs such as airline tickets.

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<sup>19</sup> Better Work Jordan: Garment Industry 7<sup>th</sup> Compliance Synthesis Report, January 2016

The 5<sup>th</sup> and 6<sup>th</sup> Synthesis Reports published in 2013 and 2015 respectively, do not report any findings of recruitment fees that raise the possibility of bonded labor concerns. The 7<sup>th</sup> Synthesis Report, published in 2016, does discuss recruitment fees in more detail, having established clearer criteria and benchmarks for this issue. Nowhere in the report does BWJ indicate that this is an issue of forced labor; it categorizes recruitment fee problems as a violation of proper contracting procedures.

The 5<sup>th</sup> and 6<sup>th</sup> reports contain findings of three and two incidences, respectively, of factories restricting workers' mobility through the use of threats, such as deportation or cancellation of visas. Again, the percentage of factories where such incidences were reported is very low (5 percent in 2013, and 3 percent in 2014), and therefore, this issue cannot be taken to be representative of the industry.

- 0% 1<sup>st</sup> Synthesis Report (Mar. 2009 – Feb. 2010)
- 29% 2<sup>nd</sup> Synthesis Report (Dec. 2009 – Dec. 2010)
- 52% 3<sup>rd</sup> Synthesis Report (Feb. 2010 – Feb. 2011)
- 15% 4<sup>th</sup> Synthesis Report (Sep. 2011 – Sep. 2012)
- 0% 5<sup>th</sup> Synthesis Report (Oct. 2012 – Sep. 2013)
- 0% 6<sup>th</sup> Synthesis Report (Oct. 2013 – Sep. 2014)
- 0% 7<sup>th</sup> Synthesis Report (Nov. 2014 – Oct. 2015)

#### Other Issues

BWJ also measures two other dimensions of forced labor: “Forced Labor and Overtime” and “Prison Labor.” Only one instance has ever been reported on these two dimensions, in the 6<sup>th</sup> Synthesis Report in 2014. However, the report does not provide any more details apart from a single incidence of non-compliance in “Forced Labor and Overtime.” Consequently, it is abundantly clear that any alleged incidents of forced labor are extremely few and isolated, and therefore, cannot be interpreted as a “significant incidence of forced labor.”