

NATIONAL ADVISORY COMMITTEE
FOR LABOR PROVISIONS OF U.S. FREE TRADE AGREEMENTS

U.S. Department of Labor
200 Constitution Ave. N.W.
Washington D.C.

Thursday, October 13, 2011
MINUTES OF MEETING

Committee Members Present:

Public Representatives

Kimberly Ann Elliott, Center for Global Development
Kevin Kolben, Rutgers University, Business School (via teleconference)
Lance Compa, Cornell University, School of Industrial and Labor Relations (via teleconference)
Raymond Robertson, Macalester College, Department of Economics (via teleconference)

Labor Representatives

Benjamin N. Davis, United Steel Workers (USW) (via teleconference)
Cathy Feingold, American Federation of Labor & Congress of International Organizations (AFL-CIO)
Ramon Ramirez, Pineros y Campesinos Unidos del Noroeste (PCUN) (via teleconference)

Business Representatives

Adam B. Greene, United States Council for International Business (USCIB) (via teleconference)
Anna Walker, Levi Strauss & Co (via teleconference)
Darryl Knudsen, Gap Inc. (via teleconference)
Ed Potter, The Coca-Cola Company (via teleconference)

Absent: Cindy Estrada, United Auto Workers (UAW) (Labor Representative)

Welcome and introductions

Kimberly Ann Elliott, Committee Chair, convened the meeting at 4:24 p.m. Ms. Elliott thanked everyone for attending, both in person and via teleconference. She asked the Committee members who had called in via teleconference for the meeting to identify themselves and announced that she and Ms. Feingold were also present at the Department of Labor (USDOL).

Adoption of minutes from August 2011 meeting

Ms. Elliott asked if the Committee members had any corrections they wished to make to the minutes from their August 2011 meeting. There being none, Mr. Robertson moved to approve the minutes, this motion was seconded by Ms. Feingold, and the minutes from the August 2011 meeting were adopted.

Recommendations of the Subcommittee on How the USG Can Facilitate Implementation of the White Paper

Ms. Elliott opened discussion on the subcommittee's draft recommendations on how the U.S. Government can facilitate implementation of the White Paper. Mr. Robertson, Co-Chair of the subcommittee along with Mr. Kolben, explained the purpose of the recommendations. Mr. Robertson summarized the subcommittee's recommendations as encapsulating five main areas: (1) a long-term focus on the broader development context, (2) ways of fostering political will within the CAFTA states, (3) means of promoting sustainability in both the short and long-term, (4) integrating and coordinating funding across the U.S. Government (USG), and (5) addressing specific short-run concerns. Mr. Robertson also noted that in response to a concern raised by Mr. Greene, the subcommittee had removed the draft recommendations' negative tone referencing Guatemala. Mr. Greene added that he approved of the revisions. Ms. Elliott thanked the subcommittee members and emphasized that the revisions were made not only to address Mr. Greene's concern, but also to fit the narrow mandate of this report to focus on the implementation of the White Paper.

Ms. Feingold thanked the subcommittee and especially Mr. Robertson. She noted that the diverse opinions of the subcommittee made it stronger. However, she expressed concern about the process by which Mr. Greene's issues were addressed. She would have preferred a discussion which included all subcommittee members rather than an email exchange. Ms. Feingold accepted that time was limited in this case because of the deadline for submitting the DOL report to Congress, but emphasized the need for more conversation in order for the subcommittee's recommendations to be meaningful and urged an opportunity for more thorough full Committee discussion in the future.

Mr. Kolben added that another limitation of the recommendations was that the subcommittee tried to avoid saying anything that would need to be reviewed by the Office of Management and Budget (OMB). He stated that some ambitious recommendations, such as tying labor compliance to tariff reduction incentives, were not included in the recommendations for this reason. Ms. Albertson replied that since CAFTA is already in place, the USG doesn't have the option of suggesting alternative compliance mechanisms. Mr. Kolben responded that perhaps these could be issues to

consider in the future, outside of the CAFTA context. Ms. Albertson also reiterated Mr. Kolben's concerns about avoiding recommendations that would need to be reviewed by OMB, to avoid additional clearance procedures, and echoed Ms. Elliott's thanks to the subcommittee.

Mr. Davis expressed his agreement with Ms. Feingold. He added that while the subcommittee's recommendations were a very good effort at addressing these issues, there is still a long way to go in remedying problems on the ground. He stated that he wasn't proposing a change to the language and didn't want to hold up the process, but he hoped that a fuller discussion of the problems existing in the CAFTA countries would be a part of the next meeting.

Mr. Potter questioned why the subcommittee's recommendations referenced standards in one place and ILO standards specifically in another, when he recalled that the White Paper only referenced the ILO Declaration. Ms. Elliott responded that the White Paper went beyond the ILO Declaration by identifying areas for legal reforms as well as improvements in compliance. She added that she suggested adding the word compliance after "raising labor standards" in the first instance because the White Paper recommendations emphasize improved compliance, regardless of which ILO conventions a country has ratified. Mr. Potter questioned whether this was what was intended under CAFTA and Ms. Elliott replied that the committee was tasked with assessing the White Paper recommendations, not Chapter 16 of CAFTA. Mr. Potter clarified that his understanding was that the White Paper recommendations were meant to focus on state-parties' political commitments to improve their policies, without needing to adhere to the specific details of a particular standard. Mr. Robertson then suggested striking the language later in the document that specifically referenced ILO standards. Ms. Elliott added that this language could be amended to say that states amend their labor codes to bring them in line with the goals identified in the White Paper. Mr. Potter expressed his agreement with this amendment.

Ms. Elliott asked if there were any objections to the recommendations being adopted by the full Committee and submitted to the USDOL. There were no objections and the Committee adopted the recommendations and submitted them to the USDOL at 4:52 p.m.

Scheduling the next meeting of the Committee

Ms. Elliott discussed scheduling a meeting for the spring and asked the Committee members if they had known conflicts. The Committee members agreed to collaborate online to schedule the spring meeting. Mr. Ramirez requested that an agenda for the meeting be circulated beforehand. Ms. Albertson responded that an agenda would be circulated beforehand and Committee members would be able to provide feedback on how to make the next meeting most productive.

Mr. Kolben inquired into whether there was a timeline for the work of the NAALC subcommittee. Mr. Compa, the Chair of the NAALC subcommittee, asked whether the subcommittee's report is due in the spring. Ms. Albertson replied that she would check on the timeline for the NAALC subcommittee's report. She added that the work of the NAALC subcommittee is very important because the USDOL wants to make the NAALC as effective as possible. Ms. Albertson suggested that the Committee may convene another teleconference ahead of the spring meeting if they wish, but that the NAALC recommendations should otherwise be presented at that spring meeting. Mr. Compa stated that he would correspond with the other members of the NAALC subcommittee to form a schedule.

Ms. Elliott thanked everyone and adjourned the meeting at 4:57 p.m.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

Kimberly Ann Elliott

Chair

National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements

These minutes will be formally considered by the NAC at its next meeting, and any corrections or notation will be incorporated in the minutes of that meeting.