

**Twenty-Four-Month Review of Implementation of
Recommendations in the U.S. Department of Labor's
Public Report of Review of Submission 2011-03 (Dominican Republic)**

December 30, 2015

On September 27, 2013, the U.S. Department of Labor (USDOL) issued a public report in response to a submission filed under Chapter 16 (the Labor Chapter) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) (the report is available in full at <http://www.dol.gov/ilab/reports/pdf/20130926DR.pdf>). USDOL's Public Report of Review of Submission 2011-03 identified labor concerns in the sugar sector in the Dominican Republic and offered recommendations to the Government of the Dominican Republic (GODR) to address the report's findings and improve enforcement of Dominican labor laws in that sector. In the report, USDOL committed to engage with the GODR to address the identified concerns and to review any progress made to implement the recommendations at six months and again 12 months after publication. This statement continues such regular interval reviews.

Since publication of the report, the U.S. government (USG) has engaged at senior and technical levels with the GODR to address the concerns identified in the report. As part of this engagement, USDOL has undertaken four trips to the Dominican Republic with the support of the U.S. Embassy to the Dominican Republic. During these trips, the USDOL delegation met with GODR officials, as well as with representatives of the three major sugar companies of the Dominican sugar industry, civil society, and directly with sugar sector workers to discuss labor rights and working conditions in the sugar sector and any relevant recent changes. USDOL, the U.S. Embassy, the GODR, and the sugar industry representatives also continue to discuss the possibility of an independent assessment of child labor and forced labor in the sector.

USDOL notes that, while concerns remain, the GODR has taken positive steps towards addressing some of the labor issues identified in the public report, including in the last six months. For example, USDOL's public report noted that the law regarding workers' eligibility for Dominican Social Security System (SDSS) benefits was unclear, as the Constitution and the Social Security Act of 2001 seemed to be contradictory with respect to whether non-Dominicans could receive SDSS benefits. The SDSS includes medical benefits, compensation in cases of occupational injuries and illnesses, and a pension. On November 12, 2015, the Dominican Social Security Council (CNSS), which is chaired by the Minister of Labor, issued a resolution declaring that all persons with regularized migratory status in the Dominican Republic are entitled to participate in the SDSS. The CNSS resolution came shortly after the GODR reported that 239,956 persons were granted regularized temporary legal status pursuant to the National Plan for the Regularization of Foreigners. The resolution notes that employers are required to enroll all eligible workers and their direct dependents in the SDSS by demonstrating workers' regularized migratory status and by providing workers' current employment contracts or other appropriate documentation.

USDOL commends the GODR for this clarification, which will make many workers, including in the sugar sector, newly eligible for SDSS benefits. Given this clarification, USDOL notes the particular relevance of the public report's recommendations that the GODR strengthen

enforcement of laws governing workers' SDSS contributions to ensure: (1) that workers who are legally entitled to SDSS benefits are able to receive them; (2) that employers do not deduct contributions from the wages of workers who are not legally entitled to receive benefits; and, (3) that workers who are ineligible for benefits can fully recover any part of their wages erroneously deducted by their employer.

Subsequent to the October 2015 USDOL delegation trip, the Dominican Ministry of Labor (MOL) also provided information that included details on trainings for labor inspectors on inspection protocols and best practices, as well as on MOL outreach campaigns for workers and employers that focused on labor rights and duties, enrollment in social security, work contracts, and child labor. USDOL notes that this information provides a useful basis for further engagement with the MOL regarding efforts described in previous reviews that, if fully implemented, would represent positive steps towards implementing some of the report's recommendations, including: providing a Creole interpreter to accompany labor inspectors on inspections in the sugar sector; training labor inspectors on certain best practices for labor inspections, such as interviewing workers outside the presence of management representatives and speaking with significant numbers of workers chosen by inspectors on each inspection; and conducting outreach campaigns to sugar sector workers to inform them of their labor rights.

USDOL also notes that the Dominican sugar industry has taken positive steps towards addressing some of the labor issues identified in the public report, though the efforts and progress continue to vary widely across companies. These include: continuing to implement systems that would enable the companies to better record sugarcane cutters' hours of work and compensation due, which could facilitate compliance with Dominican labor laws concerning hours of work and the minimum wage; taking steps to ensure that workers are provided with free and adequate personal safety equipment and sufficient quantities of potable water; continuing to utilize and expand verifiable systems to ensure that workers receive a 36-hour weekly rest period each week; and, in the case of the CAEI company, providing workers with written employment contracts and visibly posting the minimum wage in Creole and Spanish in major bateyes and payment stations.

In light of the recent CNSS resolution, USDOL also emphasizes the particular importance of registered employment contracts for sugar sector workers. In addition, USDOL continues to emphasize the importance of addressing other pending labor issues identified in the public report, such as: ensuring that all workers, including those employed in tasks other than cutting sugarcane, receive at least the minimum wage; and ensuring that workers receive government-declared paid holidays, unless they happen to coincide with the weekly day of rest.

Over the next six months, USDOL, in cooperation with other USG agencies and the U.S. Embassy, will continue to monitor and assess progress towards addressing the labor concerns identified in the report and to consider whether further action is needed, including, but not limited to, additional ways to provide support for such progress.