Fifth Periodic Review of Implementation of
Recommendations in the U.S. Department of Labor's
Public Report of Review of Submission 2011-03 (Dominican Republic)

October 5, 2016

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.

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 five 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, representatives of the three major sugar companies of the Dominican sugar industry, and civil society, as well as directly with sugar sector workers to discuss labor rights and working conditions in the sugar sector. Additionally, on August 16, 2016, Secretary of Labor Thomas E. Perez led the U.S. delegation to the inauguration of President Danilo Medina, and the delegation took the opportunity to raise the USG's concerns about worker rights in the sugar sector.

USDOL observes that, while concerns remain, the GODR has continued to take some positive steps towards addressing some of the labor issues identified in the public report. For example, since the last review statement of December 2015, the Dominican Ministry of Labor (MOL) reports that it has added 15 vehicles to its inspection fleet to help reach more remote areas, including sugarcane fields and the *bateyes* surrounding them. The MOL also shared with USDOL plans to conduct labor inspections of the sugar industry during the current non-harvest season, which runs through December, in addition to the existing practice of conducting inspections during the annual sugarcane harvest from December through May or June. USDOL notes the particular importance of labor inspections throughout the year in all elements of the sugar industry. Workers in the sugar industry in many regions are employed year-round, and issues identified in the September 2013 public report, such as apparent payments below the minimum wage for sugarcane field workers, appear to be most prevalent during the non-harvest season when workers are engaged in tasks such as clearing fields and planting sugarcane.

In June 2016, the MOL shared with the USG reports of inspections conducted in the sugar sector during the 2016 harvest, which USDOL recognizes as a positive, open, and transparent exchange of information. After reviewing the inspection reports in detail, USDOL notes that the most rigorous inspections reflected in the reports include inspectors speaking to workers at various worksites about matters related to labor law compliance; identifying violations of relevant labor laws; notifying employers of violations and providing specific time periods for remediation; re-inspecting for remediation; and issuing violation notices to employers when remediation has not occurred.

USDOL notes, however, that portions of inspection reports also reflect a wide range of practices and capacities among individual inspectors, including practices poorly suited to identifying and ensuring remediation of labor violations. While recognizing the MOL's efforts to continue to improve labor inspections in the sugar sector, USDOL urges the MOL to take a number of measures to address continued weaknesses in its inspection regime. Such measures include: providing Creole interpreters to accompany labor inspectors on inspections in the sugar sector; training labor inspectors on 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; discussing with workers, in all cases, matters related to labor law compliance; and expanding existing initiatives to conduct outreach campaigns to sugar sector workers to inform them of their labor rights and of methods to anonymously report labor law violations to appropriate authorities. USDOL is committed to working together with the inspectorate to address existing shortcomings and identify and encourage continued use of best practices.

Apart from the efforts of the MOL, USDOL also notes that certain Dominican sugar companies have taken positive steps towards addressing some of the labor issues identified in the public report. These include: expanding the systems to better record all workers' hours of work and compensation due, which helps to facilitate compliance with laws governing 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; providing orientation sessions in Spanish and Haitian Creole, at the beginning of the harvest, to inform workers of their rights and an overview of good occupational safety and health practices; providing workers with written employment contracts; and visibly posting the minimum wage in Spanish and Haitian Creole in major *bateyes* and payment stations. Efforts and progress, however, continue to vary widely across companies. USDOL continues to emphasize the importance of cross-company collaboration and dialogue so that companies which have made more significant advances, such as CAEI, share best practices with other companies that have shown little progress.

Additionally, USDOL, the U.S. Embassy, the GODR, and the sugar industry representatives started discussions in 2014 about the possibility of an independent assessment or survey of child labor and forced labor in the sector. During the reporting period, the key stakeholders did not reach agreement regarding the survey. USDOL believes that an independent assessment would enable the GODR to use the most comprehensive, objective, and up-to-date information available as the basis for policies, social programming, and labor law enforcement. Moreover, the information resulting from such an assessment would assist USDOL in assessing progress and remaining challenges. USDOL, the U.S. Embassy, the GODR, and sugar industry representatives have also discussed establishing independent mechanisms that would monitor the sugarcane supply chain in the Dominican Republic in an ongoing manner, which could also help identify labor violations as well as facilitate their remediation. The USG remains committed to continuing to collaborate with the GODR, the sugar industry, and other stakeholders to make progress in this area.

Over the next twelve months, USDOL, in coordination with the Office of the U.S. Trade Representative and the U.S. Department of State, including the U.S. Embassy, will continue to monitor and assess progress towards addressing the labor concerns identified in the report, in particular those reiterated above, and to consider whether further action is needed, including, but not limited to, providing support for such progress.