

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

September 13, 2022

Executive Summary

This Seventh Periodic Report of Review assesses the status of implementation of the Department of Labor (DOL)’s recommendations to the government of the Dominican Republic (GODR) in its September 2013 public report (2013 Report of Review) issued in response to a submission filed under the Labor Chapter of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) regarding government enforcement of labor laws in the sugar sector. In the 2013 Report of Review, DOL provided recommendations related to government enforcement and outreach, freedom of association and collective bargaining rights, the prohibition of all forms of forced or compulsory labor, a minimum age for employment and the eradication of child labor, and acceptable conditions of work.

This report assesses the status of the 2013 Report of Review recommendations. DOL acknowledges that any discussion about labor rights in the sugar sector must address the current precarious legal status of the vast majority of field workers in the sugarcane sector, who are Haitian migrants or Dominicans of Haitian descent. Workers’ lack of documentation and irregular status limit their ability to exercise their rights under Dominican law and the ability of the GODR to conduct outreach and enforcement in the sugar sector. Even the most robust inspections and outreach efforts may be ineffective if workers constantly fear deportation; this fear leaves workers vulnerable to exploitation and forced labor. The National Migration Council, which includes the Ministry of Labor (MOL), the President of the Central Electoral Board, the Ministry of Interior and Police, and the General Directorate of Migration, thus has an important role to play in ensuring that workers’ rights are protected and accessible.

After extensive virtual and in-person engagement through the U.S. Embassy in the Dominican Republic, the U.S. government (USG) conducted a two-week mission to the Dominican Republic in March 2022. During the mission, the USG met with several GODR ministries, all major sugarcane producers, unions and several other civil society organizations, and over 200 sugarcane workers representing 20 communities from across the country. In addition, on June 10, the USG and the GODR formed a Technical Working Group composed of representatives from the Office of the U.S. Trade Representative (USTR), DOL, and State Department and their counterparts in the Dominican Ministries of Trade, Labor, and Foreign Affairs to take concrete steps to address ongoing concerns with working and living conditions in the sugar sector.

This report recognizes that the GODR, and in particular the MOL, has taken important steps to enhance regular outreach to workers, convene relevant stakeholders, update inspection protocols and systems, conduct inspections, improve Creole language capacity, and double the minimum wage in the sugar sector. Nevertheless, DOL finds that outreach and inspections continue to fail

to reach most sugarcane field workers¹ and recommends that the MOL dedicate sufficient resources and training, as well as develop strategies to enhance outreach on and enforcement of labor laws, to serve these vulnerable workers. In addition, DOL emphasizes the importance of the Office of the Attorney General and Public Ministry in ensuring that labor law violations are properly sanctioned, as the MOL does not have the authority to sanction violations of labor law.

Companies have taken important steps to improve compliance with labor laws. The most significant improvements have occurred where companies have transitioned from ad-hoc to more systematic processes. One promising contrast, identified in the recent USG visit, was that workers confirmed that minors are typically no longer permitted to cut sugarcane, though child labor still occurs in other areas of sugar production. Companies should continue to take positive steps to strengthen their systems for ensuring labor law compliance, respecting workers' rights, addressing grievances, affording access to company benefits and services, and enhancing due diligence down their supply chains.

A continuing concern is that field workers, despite paying union dues, indicate that enterprise-level unions do not represent their interests, advocate on their behalf, or involve them in union matters. We encourage unions to identify ways to build trust and better reach all workers in their communities. The GODR, sugar companies, and unions might further consider how partnering with trusted civil society advocates could improve their communication and engagement with workers who are particularly vulnerable to labor rights abuses.

DOL proposes that the recently created Technical Working Group use the findings of this report to support actions to improve labor law enforcement and working conditions in the sugar sector. DOL further proposes that the Presidency ensure suitable inter-ministerial coordination and adequate attention and resources to achieve full compliance with the Labor Chapter of the CAFTA-DR and address the lack of identity documents and/or work permits for those employed in the sector. DOL, in consultation with the State Department and USTR, will continue to monitor labor concerns and the impact of steps taken on the vulnerabilities that workers face. DOL is committed to working with the GODR, and where appropriate, to providing technical assistance and support to proactively identify and address potential labor law violations and other ongoing labor concerns in the sugar sector.

Background and Engagement

DOL issued the [2013 Report of Review](#) in response to a submission filed under the Labor Chapter of the CAFTA-DR. The 2013 Report of Review identified labor concerns in the sugar sector in the Dominican Republic and provided recommendations to the GODR to address the report's findings and improve enforcement of Dominican labor laws in that sector. In the report,

¹ In this report, the term "field workers" refers to workers involved in the growing and harvesting of sugarcane: those that prepare and clean fields and those that plant, water, fumigate and cut cane. Though not the primary focus of this report, the USG has also met with those involved in cane transport and in equipment maintenance. Other workers in the offices and mills, where cane is processed and refined, typically experience different working and living conditions and are often located centrally with greater access to private and government services. They are also more likely to have full Dominican citizenship or regularized legal status and documentation.

DOL committed to engage with the GODR to address the identified concerns and to assess any progress.

Since publication of the 2013 Report of Review, the USG has engaged at senior and technical levels with the GODR to address the concerns identified. As part of this engagement, the USG has conducted nine site visits to the Dominican Republic with the support of the U.S. Embassy in the Dominican Republic. During these trips, the USG delegation has met with GODR officials, representatives of the three major sugar producers, and civil society, as well as directly with sugar sector workers to discuss labor rights and working and living conditions in the sector.

Since publishing its last periodic review in 2018, DOL has continued to engage virtually and in-person with the GODR (via the MOL and Dominican Embassy in Washington, D.C.), sugar producers, and civil society advocates for sugar sector workers. The USG conducted missions in 2019 and resumed visits in March 2022 as the global health situation improved. This engagement continued through the transition between the Medina and Abinader Administrations and included three U.S. Embassy visits to sugar-producing regions and communities, as well as direct Embassy engagement with Dominican stakeholders on the ground, including high-level engagement with the GODR. Further, USTR convened a Technical Working Group in early 2022 to help improve labor law enforcement in the Dominican sugar sector, including regarding forced labor. Representatives of the Ministries of Trade, Labor, and Foreign Affairs from the GODR and their USG counterparts—USTR, DOL, and the State Department—comprise the Technical Working Group, which was [formally announced](#) on June 10. Since 2017, DOL also has provided technical assistance to the MOL through a program implemented by the International Labor Organization (ILO).²

The March 2022 mission was the longest to date and included the USG’s largest delegation on this matter to ensure a comprehensive accounting after the pandemic. The delegation engaged with technical- and high-level officials from the MOL, who convened meetings with the Agriculture, Health, Interior and Police, and Public Ministries to discuss cross-cutting issues affecting workers and companies in the sugar sector. The MOL also coordinated meetings that allowed the delegation to speak with the broadest range of private sector representatives from the sugar sector to date, including not only the three major private sugar companies, but also the state-run *Consejo Estatal del Azúcar* (CEA), the private producer of Dominican alcohol that relies on sugarcane (*Alcoholes Finos Dominicanos*, AFD), and the Dominican Federation of Sugar Farms (*Federación Dominicana de Colonos Azucareros*, FEDOCA) to better reach down sugar supply chains identified as a focus area in the last periodic review. Most critically, the expansive mission allowed the USG to meet directly with over 200 field workers representing 20 different company-provided housing settlements (*bateyes, comunidades, complejos habitacionales*) from all five companies, not just the three private producers, and some smallholder farms (*colonos*). Following recommendations in the 2013 Report of Review, most of

² A project summary is available at <https://www.dol.gov/agencies/ilab/project-reduce-child-labor-and-working-conditions-agriculture-dominican-republic>.

these conversations were conducted out of the presence of management and with a Creole language interpreter.

Precarious Legal Status, Documentation, and the Impact on Labor Rights

Nearly all field workers in Dominican sugarcane production are Haitian migrants without documentation or Dominicans of Haitian descent who were retroactively stripped of citizenship by a 2013 Constitutional Court ruling issued after DOL’s 2013 Report of Review. The precarious legal status of such workers raises significant concern regarding their ability to know and act on their legal rights under Dominican law.³ Workers universally reported that they were afraid to move around the country, remained isolated in their communities, feared availing themselves of company and MOL grievance mechanisms or trade unions, or faced harassment, extortion, and intimidation because of their lack of documentation. Some workers—including many born in the Dominican Republic—had no document tying them to the country beyond their company ID, and their families lacked even that documentation. Many reported going into debt to be illegally transported across the border by independent smugglers (*buscones*), perpetuating a cycle of debt and poverty that persisted throughout the harvest season. This situation leaves workers vulnerable to abuse, exploitation, and forced labor. Workers also indicated that they and their families often have no options other than to work in the sugarcane sector and remain in the *bateyes*.

Children born in the Dominican Republic to sugarcane workers with irregular legal status inherit the status of their parents and, as a result, new generations are born without access to proper registration or documentation and face limited access to social services and education, increasing their vulnerability to child labor and other labor rights abuses. Without identity documents, it is nearly impossible for the MOL and companies to verify that minors under 18 years of age are not engaging in hazardous labor. Further, workers and their families often lack access to or coverage under social security programs, including medical care for workplace injury and illness, protection from workplace risks, and pensions, even though taxes are often deducted from their wages to cover these services.

Workers in the sugar sector have limited access to information on their rights and benefits, formal and informal grievance mechanisms, and ability to shape and improve their working and living conditions due in part to their irregular status. Government and company outreach efforts are often infrequent, do not reach workers in their communities, and fail to adequately account for some workers’ and their families’ limited formal education or literacy. A lack of documentation ties workers to their employer, which creates a fear of retaliation or deportation for raising concerns and filing formal complaints. Workers without a Dominican identity number

³ A more extensive discussion of the 2013 Constitutional Court ruling that retroactively stripped Dominicans of Haitian descent and their descendants of their legal status and its implications appears in the U.S. Department of State *2021 Country Reports Report on Human Rights Practices: Dominican Republic (April 12, 2022)* in Sections Two, “Respect for Civil Liberties” (see especially section 2.g., “Stateless Persons”), Six, “Discrimination and Societal Abuse,” and Seven, “Worker Rights,” available at <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/dominican-republic/>.

(*cédula*) are unable to participate in workplace safety and health committees (*comités mixtos*) by law.

Offices and information about the regularization process are often concentrated in urban centers. Both workers and civil society report that traveling to a government office risks immediate deportation once workers leave company land. Workers, civil society, and companies all cited unclear processes that often fail to give guidance on rejection or irregularities, impose heavy fines for expired documents that cannot be easily renewed, or simply fail to yield visas or a Dominican identity document.

Implementation of DOL Recommendations and Ongoing Challenges for Enhanced Focus

The 2013 Report of Review included 11 recommendations to the entire GODR, including but not limited to the MOL. While significant concerns remain, the GODR continues to take positive steps towards addressing some of the labor issues identified in the 2013 Report of Review. This periodic review will follow a different format from previous reports, organizing an analysis of the status of implementation of DOL recommendations into five categories: (1) enforcement and outreach; (2) freedom of association, the right to organize, and collective bargaining; (3) prohibition on the use of any form of forced or compulsory labor; (4) a minimum age for the employment of children and the prohibition and elimination of the worst forms of child labor; and (5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. Despite the efforts of the MOL, the GODR must make further improvements in the areas below to satisfactorily address key recommendations in the 2013 Report of Review.

I. Enforcement and Outreach

Recommendations from the 2013 Report of Review

- Follow the MOL's 2008 General Inspection Protocol, 2011 Inspection Protocol for Agriculture, and other best practices for labor inspections, including:
 - speaking with significant numbers of workers chosen by inspectors;
 - interviewing workers outside the presence of management representatives;
 - discussing with workers, in all cases, matters related to labor law compliance following up on allegations of labor law violations made by workers during the inspection process; and
 - conducting follow-up inspections to verify remediation of violations identified.
- Use labor inspectors or interpreters with the language skills necessary to communicate with workers in the sugar sector, in particular Creole.
- Provide training for labor inspectors on methods and best practices for identifying forced labor and indicators of forced labor, child labor, and violations of acceptable conditions of work, including with respect to minimum wages, hours of work, and occupational safety and health, particularly with regard to the sugar sector.
- Conduct outreach campaigns to sugar sector workers to inform them of their labor rights and increase awareness of existing methods to anonymously complain and provide

information to the MOL about alleged labor law violations. Ensure that any such methods involving verbal communication are staffed with sufficient personnel with relevant language skills, in particular Creole.

- Formally and publicly commit that the MOL will maintain the confidentiality and anonymity of workers involved in inspections or who have filed complaints with the Ministry, as recommended in the 2008 General Inspection Protocol, regardless of migration status.

Efforts Undertaken

Since the last periodic review, the MOL has reported efforts to improve the capacity of the labor inspectorate, worker outreach, and inspections in the sugar sector. Specifically, the MOL reported that personnel conducted an average of 534 inspection visits⁴ in the sugar sector each year since 2013, though this number fluctuated between 289 and 1009. While inspections decreased from 2019 to 2021 (likely due to the pandemic), the MOL had conducted 272 visits between January and March 2022. After an extensive recruitment process nationwide in 2019, the MOL added 10 inspectors in 2020, reaching 215 inspectors nationally. As part of its cooperation with the DOL-funded FORMITRA project, implemented by the ILO, the MOL updated its labor inspection protocols with specific questions related to different legal protections and fundamental labor rights, released a user-friendly guide on safe usage of pesticides, and is nearing completion of a new pilot electronic case management system aimed at making labor inspection records more consistent and allowing for more strategic use of data. The MOL expressed interest in expanding this pilot across the country, including to additional sugar-producing regions. The MOL also outlined its strategic efforts in the sector to substantively strengthen compliance through outreach and enforcement in all matters of Dominican labor law.

Three MOL labor inspectors also took language courses in Creole, consistent with recommendations in the 2013 Report of Review. Further, the MOL has employed a Creole language speaker who has received ongoing training on international labor standards in the last several years. Despite a change in administration and the pandemic, the MOL has consistently reached nearly 3,000 field workers with information on their rights at the three major private companies' pre-harvest orientations using a Creole language interpreter.

On March 20, 2022, the MOL chaired a first-ever meeting of civil society organizations serving Haitian migrant and Haitian-descendent populations to discuss challenges in the sugar sector and access to government services. The GODR also has been expanding committees addressing child labor in sugar-producing regions. DOL commends MOL leadership for convening other government agencies to discuss issues related to sanctions, health care, education, and documentation and representatives of nearly all sugarcane producers to speak about making, sharing, and scaling improvements in a sector-wide fashion with the USG delegation in March. These efforts to convene sector-wide fora for addressing ongoing challenges that emphasize worker voice and include trusted civil society advocates can facilitate more systematic improvements. Further, these efforts can also build trust with vulnerable workers, make

⁴ A full inspection, particularly in large sugar operations, often entails many inspection visits.

engagement more strategic and accessible, and help provide workers with more user-friendly and consistent information on their rights and how to exercise those rights freely and fully using government, company, and union services and mechanisms.

Ongoing Concerns

DOL still lacks evidence that inspections consistently identify or ensure remediation of labor violations in the sugar sector. Workers reported very limited interaction with labor inspectors. In those instances, workers were on duty, in the presence of supervisors, and under pressure to cut sugarcane on a piece rate system and so could not fully interact with the inspector. Most advocates and workers agreed that Creole language interpretation is essential to identify labor rights violations, and one Creole language speaker to cover all Haitian migrant workers across the country cannot meet that need. While GODR officials were clear that Dominican law protects the anonymity of workers involved in inspections and who file complaints, DOL found no evidence that the GODR has formally and publicly reiterated this commitment, including during the outreach efforts that the USG observed. As noted earlier, workers with irregular legal status are often unable to or fearful of attempting to reach MOL offices to file cases and unable to speak freely at worksite inspections.

The MOL's proactive and intensive efforts to reach workers at pre-harvest orientations has been a consistent good practice; however, it would take about ten years to reach every worker in the sector. Further, for populations like sugarcane field workers with limited access to information, one touch point is insufficient for them to understand or act on their rights. It is also unclear whether vulnerable workers down the supply chains on smallholder farms, at the state-run CEA, or in sugarcane cultivation for AFD have access to these educational outreach sessions.

These limitations stem, in large part, from resource deficiencies for MOL enforcement and outreach. The MOL budget for labor inspections decreased from \$5.1 million in 2019 to \$3.9 million in 2020 during the pandemic but returned to only \$4.4 million in 2021.⁵ Most MOL specialists (e.g., safety and health, child labor) and the single Creole language speaker are based in Santo Domingo and must travel across the country to support labor outreach and inspections. While the MOL reported that 65 supervisory and auxiliary inspectors serve offices in sugar-producing regions, they also reported that smaller offices that would oversee sugar inspections lacked vehicles and other resources and often relied on support from headquarters to conduct inspections. MOL officials indicated a desire to strengthen local offices and their efforts in these regions, but a lack of financial, human, and logistical resources directly impedes their ability to reach sugarcane fields and communities.

Inspection reports reviewed by DOL also lacked evidence collected during inspections and documentation of the process that inspectors took to determine employer compliance with labor laws. Because the MOL does not have the authority to assess sanctions for violations and can

⁵ U.S. Department of Labor (September 2021), *Findings on the Worst Forms of Child Labor: Dominican Republic*, available at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/dominican-republic>.

only issue a recommendation that labor tribunals impose applicable sanctions, it is critical that these reports are as thorough as possible.

Areas for Enhanced Focus

While the ILO project has worked intensively with the inspectorate to modernize its inspection protocols and case management system, the MOL, supported by the ILO, should redouble its efforts to train inspectors, integrate training and these tools into the field inspections and outreach, and provide sufficient oversight and guidance to strengthen inspections. It is critical that the MOL undertake proactive efforts to reach workers in their communities outside of work hours, including by conducting outreach and providing information, proactively verifying compliance with labor laws, and seeking remediation of any violations identified.

Ensuring that workers understand their rights and can access the government institutions responsible for protecting them and enforcing labor law requires a government-wide effort that extends beyond the MOL. Because the MOL lacks sanctioning authority, DOL encourages the Office of the Attorney General and Public Ministry to impose appropriate sanctions to deter *all* labor law violations, not just the most egregious, to urge courts to apply appropriate sanctions for labor cases in an efficient manner, and to inform the MOL of the status of sanctions on any violations identified in order to properly document and penalize repeat offenses.

II. Freedom of association, the right to organize, and collective bargaining

Recommendations from the 2013 Report of Review

- As provided under the relevant Inspection Protocols, all inspections conducted in the sector should verify that employers are not restricting workers' right to freely associate.
- The Government of the Dominican Republic should identify any violations and, as appropriate, impose sanctions and ensure remediation.

Efforts Undertaken

DOL has seen no evidence indicating that the GODR has conducted inspections, investigated violations, or applied any sanctions or remedies related to sugarcane field workers' right to freely associate, organize, or collectively bargain. The USG confirmed that the MOL did explain these rights to workers annually during pre-harvest orientation, which reaches a relatively small subset of the worker population each year.

Ongoing Concerns

Workers in the sugar sector, including field workers without legal status, are generally dues-paying members of enterprise-level unions affiliated to national union confederations that have collective bargaining agreements in place with the companies. Nevertheless, most workers in field positions like cutting, watering, and planting reported limited or no contact with representatives of these unions. While the USG recently observed some union representatives in workers' communities for the first time, most field workers reported that they were unfamiliar with those representatives and felt that only workers in the mills and offices are currently

represented by the enterprise-level unions. None of the field workers interviewed in the last ten years reported involvement in general assembly meetings, election of union delegates or leaders, or the negotiation or ratification of collective bargaining agreements.

Very few workers had contact with the union to present a grievance and, in several cases, field workers undertook industrial actions (like work stoppages) at great risk to themselves without any union support. The USG met with workers who alleged that they had been fired as the organizers of such industrial actions and that the local MOL office did not investigate when affected workers complained. Some independent efforts to organize workers resulted in promises by employers of improvements, while others resulted in dismissals that allegedly targeted the most vocal workers. One local MOL office reportedly delayed the registration of an independent union to allow a company-aligned union to register instead. USG officials also received reports that one union threatened and bribed workers to prevent them from speaking to the USG about their working and living conditions on multiple occasions.

Areas for Enhanced Focus

DOL emphasizes the need for the MOL to investigate for compliance with freedom of association laws and, where appropriate, provide guidance and recommend sanctions. When workers experience threats or intimidation for filing grievances or otherwise availing themselves of their rights, no matter the source of those threats, the MOL must also investigate and pursue sanctions when appropriate. Where independent unions organize, it is important that the MOL ensure the integrity of the registration process. Further, if workers are punished for industrial action, the MOL should conduct a rapid, thorough, and impartial investigation.

To the extent that unions continue to increase their presence in worker communities and advocate for workers' stated priorities (e.g., an increase in wages), they can help focus enforcement and outreach efforts and improve working conditions by amplifying and including all workers in their educational outreach and organizing efforts, particularly as various companies are negotiating new collective bargaining agreements in 2022. Unions could provide further support to sugarcane field workers by working with trusted civil society organizations addressing documentation issues and supporting social and economic development in *bateyes*. All workers, including field workers, must be included in the unions to which they already pay dues to ensure that their needs and concerns are collectively and adequately addressed.

III. Prohibition on the use of any form of forced or compulsory labor

Recommendation from the 2013 Report of Review

- Strengthen enforcement of Article 62.2 of the Labor Code prohibiting forced labor, including by developing and implementing a plan to address conditions contributing to and indicators of forced labor, including unlawful overtime performed under threat, deceptive recruitment practices, fear of dismissal or deportation for formally complaining about unlawful labor conditions, fear of deportation or denouncement to authorities for quitting work or leaving the *bateyes*, a bonus payment system that creates pressure for

workers to return to work each season or remain on the *bateyes* year-round, and growing indebtedness to local privately owned *colmados* on the *bateyes*.

Efforts Undertaken

DOL has seen no evidence indicating that the GODR has conducted inspections designed to ensure that sugarcane field workers are protected from any form of forced or compulsory labor, nor that the GODR has applied any related sanctions or remedies. While the updated inspection protocol released in February 2022 includes some specific questions for inspectors to identify forced labor, it only reflects some of the recognized ILO indicators of forced labor. DOL found that progress had been made on regular payment of bonuses (*regalia*) that no longer creates pressure to stay and on limits to the amount of credit extended by privately owned *colmados*, though indebtedness persists through loan sharks and informal lending by company employees with access to cash for paying workers (*ajusteros*). Companies have developed written contracts in Creole that help mitigate the specter of deceptive recruitment, though Dominican law does not require written work contracts.

Ongoing Concerns

In its conversations with sugarcane field workers, the USG identified several potential indicators of forced labor. Precarious legal status and a lack of documentation limit workers' movement and have led to their isolation, fear of dismissal or deportation for complaining about unlawful labor conditions, and fear of deportation or denouncement to authorities for ceasing work or leaving the *bateyes*. Many reported going into debt to be transported across the border by independent smugglers (*buscones*), often leaving workers in a cycle of debt and poverty that persisted throughout the harvest season. Workers also indicated that they and their families often have no other options but to work in the sugarcane sector and remain in the *batey*. Several workers reported abusive treatment by supervisors for complaining, including being told that because they are Haitian, they need to take what they receive, and being compared unfavorably to animals.

Though discussed in greater detail under acceptable conditions of work, the cut sugarcane is often grouped together with very little oversight, which makes it nearly impossible to determine the amount cut by individual workers and thus whether workers have experienced wage theft. Further, these piece-rate workers reported factors compelling them to work faster or without breaks to rest or eat: cart-loaders often hurried workers to cut faster to fill carts and workers reported being assigned to work in pairs or toward one another in rows to compel them to work faster.

The USG observed degrading living conditions in many company-provided worker housing communities, another potential forced labor indicator.⁶ Many communities lacked basic

⁶ The International Labor Organization refers to abusive working and living conditions as a potential indicator of forced labor, see *ILO Indicators of Forced Labour* (2012) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf. The ILO also identifies abuse of vulnerability, restriction of movement, isolation, intimidation and threats, withholding of wages, debt bondage, and excessive overtime among other potential indicators of forced labor.

sanitation services and were in a state of disrepair. Conditions were crowded: sometimes six or more young men or a family with several children crammed into a single hot, humid room with little ventilation, which sometimes contributed to unsanitary living conditions and insect infestations. In many cases, residents claimed that they were unable to get repairs to their employer-provided housing and expressed fear of eviction for complaining or if they were unable to work.

Workers described vague or explicit prohibitions on growing food, raising animals, using charcoal, and even hanging tarps for shade, and most companies lacked a clear policy that would guide workers and those overseeing the *bateyes*. Some communities are located closer to company resources or towns, which generally increased access to transport and services, but also increased fear of being detained or deported by immigration and police authorities. Other communities are isolated and rely on expensive, infrequent transportation from private motorcycle taxis. Workers reported feeling that they were constantly watched in their communities, could not easily communicate among communities, and had limited control over whom they could visit or who could visit them.

Areas for Enhanced Focus

The irregular legal status of workers and lack of documentation hinders them from leaving their worksites and communities and, in turn, from seeking alternative employment, getting information on their legal rights at work, and filing grievances for alleged labor rights violations, rendering them susceptible to labor rights abuses. Thus, the GODR, especially the National Migration Council, including the Ministry of Interior and Police and the General Directorate of Migration, should ensure that affected—indeed all—workers may safely access government services and grievance mechanisms so that workers’ precarious legal status does not prevent them from seeking remedies for concerns related to their legal rights or benefits. DOL reiterates its recommendation that the GODR develop and implement a plan to address conditions contributing to and indicators of forced labor, which would enhance the section on identifying forced labor in the updated inspection protocol. Forced labor indicators are complex, poorly understood, and often involve a constellation of different actors that are outside of companies’ direct control (for example, loan sharks and *buscones*). Such a plan should involve all stakeholders and have educational outreach, enforcement, and oversight components. Workers, unions, and other civil society organizations could then be proactive in identifying vulnerabilities and working with companies to promptly remediate them to avoid the potential for forced labor. Companies could also integrate such a plan into their corporate structure and supply chain oversight, giving more concrete guidance to smallholder farms that may not be aware of the nuances of forced labor indicators. To recognize poor living conditions as one potential indicator of forced labor, DOL encourages the General Directorate of State Assets (*Dirección General de Bienes Nacionales*), the GODR entity that has assumed responsibility for state-run sugar lands operated by CEA, to actively participate in plans to improve housing and community conditions in all CEA *bateyes* in addition to efforts in the private sector to improve living conditions for their workers.

IV. A minimum age for the employment of children and the prohibition and elimination of the worst forms of child labor

Recommendation from the 2013 Report of Review

- Strengthen enforcement of Labor Code Articles 245 and 247 and Labor Resolution 52/2004 establishing 14 as the minimum age for legal employment, limiting the workday to six hours for children under 16, and banning dangerous and unhealthy work for children under 18, to prevent unlawful child labor in the sugar sector, including by establishing a system to verify the ages of young workers without birth certificates or other legal documentation to help protect them from exploitation.

Efforts Undertaken

DOL confirmed that some inspections had focused on preventing unlawful child labor, though the rigor of those inspections varied. Further, the MOL's Child Labor Directorate has established community-level committees designed to identify and prevent child labor (*células de vigilancia*), including in sugarcane-producing regions. The USG also confirmed that the GODR's outreach efforts reiterated the categorical prohibition on child labor and hazardous labor for minors. These efforts, combined with strengthened company implementation and enforcement of policies prohibiting child labor, likely contributed to a marked increase of workers who confirmed that children are not permitted to work or even enter the sugarcane cutting front at the three major private sugar companies.

Ongoing Concerns

With respect to child labor, while the USG observed a significant increase in the implementation of policies prohibiting child labor in hazardous field work, the USG also observed that some minors still engage in hazardous activities in the state-run producer, CEA, in smallholder farms down supply chains in the East, and in non-cutting jobs alongside adult workers in the South. The three major companies and the MOL expressed concern about potential violations of company policy and Dominican labor laws and committed to build on the recent overall progress. Where workers lacked birth certificates, it was unclear how the MOL or companies verified the ages of younger workers.

Areas for Enhanced Focus

Because child labor occurred where there was least oversight, DOL reiterates the need for more frequent and rigorous inspections that strategically reach areas where child labor may persist, such as in smallholder farms. Training for labor inspectors on child labor should also be improved to increase the quality of inspections and ensure they are able to properly identify and detect any such cases. There is also a need for the government to increase the human and financial resources of the MOL and the judicial system to ensure there is adequate enforcement of child labor laws. The GODR should also work with companies to address the precarious documentation status of workers to remedy challenges regarding age verification. A plan to

establish and support community-level committees designed to identify and prevent child labor (*células de vigilancia*) and conduct other forms of regular outreach in *bateyes* and worker communities could also help with preventive efforts. More robust and comprehensive data about the prevalence and extent of child labor in the sector, such as a survey, could ensure that these efforts strategically and efficiently use limited resources.

Since the last periodic review in 2018, DOL found a lack of progress related to access to education, particularly secondary school, for the children of sugarcane workers without identity documents, which puts these children at greater risk for child labor. While the Ministry of Education had taken steps to ensure that students would receive education regardless of their documentation status in the past, many families reported that they had been turned away by school directors or constantly pressured to produce legal documents for their children. Further, children lacking documentation are unable to obtain a diploma at the end of their course of study, pursue higher education, or enter the formal job market. The pandemic complicated matters further, as virtual learning reduced access to school programs, particularly in isolated *batey* communities without electricity or internet connection. GODR entities like the Ministry of Education can play an important role in preventing the worst forms of child labor by removing barriers that might impede children's education. Concretely, the Ministry of Education can conduct oversight of this policy and update the current Operations Manual of Public Education Centers, which is used by school principals, to reiterate its policy that children are not to be turned away from school for lack of documentation.

V. Acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health

Recommendations from the 2013 Report of Review

- Strengthen enforcement of the 2012 Minimum Wage Resolution requiring visible posting of the minimum wage in the workplace.
- Strengthen enforcement of Article 161 of the Labor Code requiring employers to record workers' hours of work and compensation due and effectively enforce other labor laws related to hours of work and the minimum wage, with a particular focus on ensuring payment of the minimum wage, a 36-hour weekly rest period or premium pay or a subsequent day off for working that period, workdays under the 10-hour limit for agriculture, and paid holidays.
- Strengthen enforcement of relevant laws governing workers' social security contributions to ensure that workers who are legally entitled to social security benefits are able to receive them, that employers do not deduct contributions from workers who are not legally entitled to receive benefits, and that workers who are ineligible for benefits can fully recover any deducted amount.
- Strengthen enforcement of Occupational Safety and Health Regulation 522-06 and Resolution 04-2007 requiring employers to provide all workers with a sufficient quantity of potable water or other healthy beverage and free adequate personal safety equipment.

Efforts Undertaken

DOL has reported in previous periodic reviews that the MOL has conducted special inspections related to social security and taken some steps to inspect for compliance with the minimum wage and safety and health protections. The USG observed more consistent posting of the minimum wage and company safety and health policies. Companies have improved the provision of protective equipment, registration of work start times, and protection of days of rest.

Recently, the MOL convened a tripartite group to double the minimum wage for sugarcane field workers from RD\$198 (\$3.60) to RD\$400 (\$7.25) per day. That action had some impacts in the South and could serve as a buffer for elderly or other workers who may struggle to reach that amount in per ton or per hectare piece-rate wages during a typical day. Most importantly, this tripartite group is an example of the broader efforts of the GODR to convene more stakeholders to make improvements. Further, the MOL plans to conduct outreach on the minimum wage and was open to DOL suggestions about making its outreach more accessible to workers in the sector.

Ongoing Concerns

There is limited outreach and education to explain how piece-rate pay comports with a daily minimum wage. Additionally, weak systems complicate tracking wages and hours to verify compliance. There is a daily minimum wage for eight hours of field work, but workers are paid per ton of sugarcane cut or per hectare of land planted or watered. Some companies acknowledged that the minimum wage increase would not increase the wages of sugarcane cutters, which also confused those workers who wondered why their wages had not increased. Only one company weighs individual workers' cane where it was cut with a plan that would allow the company to substantiate a grievance if a worker felt they were paid incorrectly. Otherwise, several workers' cane is weighed together. Workers are usually not present when the cane is weighed, and printed stubs are issued only in some cases to verify work performed the day before. As noted earlier, this complicates verifying proper payment of workers and increases the potential for wage theft.

Pay also depends on a complex system of bonuses, incentives, deductions, and different prices depending upon whether the sugarcane is burnt, yet these complexities are not fully explained to workers or documented clearly in their paystubs. There are still very limited and often optional systems for tracking when workers stop working for the day. For example, while companies often punched workers in as they arrived at the cutting front, companies reported inconsistent practices for punching workers out at the end of the day (sometimes encouraging punching out with a pay incentive). It is then challenging—or impossible—to verify that shift length, a minimum wage based on an eight-hour day, and applicable overtime pay meet legal requirements.

This complexity also makes it generally challenging for workers to know their rights and, when appropriate, seek remedy. Workers generally do not trust these pay systems and often feel they are being cheated or that the weight of the cane cut is manipulated to offset other benefits, which companies deny. While workers were more likely to report working hours consistent with

Dominican law and pay above the minimum wage during the USG's most recent trip, limited outreach and explanation prevent workers from fully knowing their legal rights and how to file grievances when necessary. A planned MOL outreach campaign to field workers on the new minimum wage could help address these challenges.

Working conditions and oversight were generally less consistent outside of the harvest season, down supply chains, and for tasks outside of cane cutting. As a result, many workers had limited or no access to potable water or a suitable equivalent, adequate rest and shade, proper treatment and medical care for workplace injury or illness, or access to free personal protective equipment (particularly free replacement of worn equipment). Several workers reported that their supervisors pressured them to work without breaks or that peer pressure compelled workers to work ceaselessly since their pay is dependent upon the speed of others (e.g., the cart loader would pressure workers to fill carts with cane faster, workers working in a pair system would experience pressure to cut enough cane to earn higher wages).

Because of the isolation of worksites and communities and barriers to using public services, many workers and their families reported being denied adequate care or experiencing prolonged waits while seeking care for workplace illness and injuries, sometimes despite company efforts to provide private services. The Ministry of Public Health reiterated that workers had access to medical treatment regardless of their documentation status, though workers reported being denied access to treatment or care at public clinics. This may have been the result of a tacit assumption that companies provide private services. Workers expressed fear to seek treatment at public health facilities because of immigration raids taking place at or near medical centers.

Areas for Enhanced Focus

The MOL should continue to improve and increase the frequency of inspections to ensure acceptable conditions of work, emphasizing worker access to free replacements of personal protective equipment, ensuring compliance with the new minimum wage, ensuring more consistent oversight of hours of work, working with companies to ensure verifiable systems for weighing tied to individual workers, and addressing any incorrect deductions of social security taxes for ineligible workers. The GODR should ensure proper deductions and meaningful access to services and pensions due to workers with a visa or temporary legal status. Desk audits of wage and hour records could be helpful in this regard. A planned MOL outreach campaign to field workers on the new minimum wage using accessible language could further help address confusion and ensure compliance. The GODR should ensure that undocumented workers can participate in worker safety and health committees.

Private Sector Efforts to Strengthen Compliance

DOL recognizes that Dominican sugar companies continue to take positive steps towards addressing some of the labor issues identified in the 2013 Report of Review. Previous periodic reviews highlighted improvements in systems for tracking wages and hours and ensuring days of

rest, better provision of adequate personal safety equipment, providing written contracts,⁷ and posting signage to better inform workers of their rights. Building on that progress, the three major private companies have taken additional steps to demonstrate increased adherence to their stated policies and labor laws. Additionally, there was a far greater overall provision of free personal protective equipment reported by workers at the start of the harvest and observed in the field.

One positive example is the overall improvement in preventing minors from working in hazardous labor: previous missions identified a gap between company policies prohibiting child labor and workers regularly reporting that children were still working. However, during the recent visit, field workers at the largest three companies were clear that children were not permitted on sugarcane fields and thus were generally not working. While the USG did find some examples of child labor, this is the first time that workers consistently confirmed the application of company policies preventing child labor.⁸ Most companies reported paying for the construction of schools, administered by the Ministry of Education, and operating buses for children in communities that were distant from those schools.

The USG witnessed evidence of new toilets, fresh paint, and chlorinated water in some *bateyes*, and as mentioned earlier, one company appeared to have decent levels of repair, cleanliness, and services even in its distant communities. Two companies have plans to rehabilitate and repair *bateyes* over the coming years, though many communities, including those operated by the state-run CEA, were in extreme disrepair and offered substandard living conditions. Workers expressed concern that they will not be involved or informed in advance of *batey* demolition and consolidations and that networks of support among *batey* residents will be broken as a result. In the South, companies do not administer the *bateyes*, but many workers reported debt and lack of health, education, sanitation and other public services in these communities.

Individual companies also took steps that, if fully implemented across operations and down supply chains, could significantly improve working and living conditions and improve workers' access to their rights, including:

- One company invested \$1.85 million to hire a legal team, obtain documents, transport workers, and otherwise help regularize the documentation status of its workers.
- Companies reported various systems for receiving feedback and grievances that ranged from comment boxes to hotlines with Creole capacity to an electronic system that tracks the status of worker grievances supported by promoters in worker communities.

⁷ Dominican Labor Law does not require written contracts, so this practice was adopted as a means of improving worker understanding of their rights and responsibilities.

⁸ The delegation's visit was not intended to be a systematic study of the prevalence of child labor, but rather to identify areas where labor enforcement and outreach can be strengthened in support of recommendations in DOL's 2013 Report of Review. While this is indeed progress to be celebrated at the company level, DOL cannot comment on overall sectoral prevalence from this visit. However, based on the USG's observations, it appears that minors may still be engaged in hazardous labor in the sector, particularly at the state-run mill (*Consejo Estatal del Azúcar/Ingenio Porvenir*), in smallholder farms (*colonos*), and in some non-cutting tasks and off-season work.

- One company recently established a 42-person Community Relations Directorate that is currently developing a strategic plan for reaching workers and their families in *bateyes* to improve working and living conditions.
- One company directly weighs each individual worker's cane in the field where it was cut and applies a unique worker identification number that can be better corroborated against a cutting plan that maps individual workers' assigned parcels.
- One company employs a system of tracking the free issuance of personal protective equipment for each type of job and replacement equipment, and two companies track and analyze workplace injury, illness, and accidents in detail.
- Companies reported new pilot systems for improving conditions at the cutting front that include a portable toilet, an ambulance or first aid kit, and potable water.
- One company provides small business grants and employment in bio-energy projects to women in its communities.
- Two companies report systems for overseeing conditions in supplying *colonos* that contemplate labor standards, regular oversight, plans of action to address challenges, and the potential to reject sugarcane from a supplier that does not meet company requirements.
- One company uses written contracts for cane cutters tied to individuals (rather than a handout explaining protections and benefits) with more specific explanations of pay and benefits.
- One company created a facility for cane cutters that affords regular access to meals, medical care on site, sanitation services, and cookstoves and established a policy for cleaning and repair of that housing facility at regular intervals.

While some of these initiatives are new or only partially implemented, they demonstrate some specific company investments in improving working and living conditions that go beyond past efforts, which tended to prioritize ad-hoc charitable efforts rather than systematic change to protect workers' rights and improve conditions. Some initiatives also have drawbacks or limitations, and workers would benefit from more user-friendly and consistent communication and consultation on company efforts, policies, and services. Companies are also responsible for oversight of their managers and supervisors to ensure that they act in accordance with policies and Dominican law and that workers have meaningful access to services and the full exercise of their rights. Where companies have supply chains, they can continue to improve accountability and due diligence by explaining requirements for suitable working and living conditions in greater detail and ensuring meaningful oversight of those requirements, including prevention, remedy, and consequences for non-compliant suppliers when necessary. Nevertheless, companies were open to DOL suggestions, including efforts to make worker outreach more frequent and accessible. As companies scale such strategies across the sector and down supply chains and strengthen engagement with field workers, sector-wide compliance with labor laws and respect for labor rights should increase. Improvement in workers' ability to form independent and democratic unions and bargain collectively would also strengthen labor law enforcement and improve working conditions.

As noted in previous periodic reviews, efforts and progress continue to vary significantly across companies and down the major companies' supply chains in smallholder farms (*colonos*). Further, there appears to be less direct oversight and systematization during the off-season

(*tiempo muerto*) and for tasks that go beyond cutting sugarcane (e.g., planting, watering, transport). Of particular concern, the USG observed the least oversight of working and living conditions in the case of the government-run CEA and remains concerned regarding access to services such as sanitation, water, and electricity in CEA-administered *bateyes*. These *bateyes* not only serve their own workforce, but also workers down the supply chains of other companies. The Abinader Administration has been focused on improving the operations of CEA. As part of these efforts, it is imperative that the GODR monitor and significantly improve working conditions in state-run sugarcane production and living conditions in the communities that CEA administers nationwide.

Conclusion

This report highlights a number of efforts undertaken by the GODR and sugar companies and renewed stakeholder commitment to make progress on labor issues. It also notes continued areas of concern from the 2013 Report of Review recommendations. Over the next 12 months, DOL, in coordination with USTR and the State Department, including the U.S. Embassy in the Dominican Republic, will continue to engage with GODR counterparts individually and through the Technical Working Group to identify concrete, time-bound steps the GODR can take to improve labor law enforcement and working conditions in the sugar sector. DOL notes the importance of high-level GODR attention, including from the Ministry of the Presidency, to ensure strong inter-ministerial coordination—particularly on challenges that extend beyond the participants in the Technical Working Group—and to ensure that ministries have adequate resources to fulfill DOL’s 2013 Report of Review recommendations and address ongoing labor concerns across the sugar sector. The USG will continue to monitor and assess progress towards addressing the labor concerns discussed and to consider whether further action is needed, including, but not limited to, providing additional, targeted support to facilitate further progress.

DOL reiterates the importance of cross-company collaboration and encourages all major companies to participate in ongoing coordination and tripartite efforts to share and scale best practices, including on labor law compliance and respect for international labor standards, and use the combined efforts of the major producers to better identify and remediate potential problems in their supply chains. It is clear the GODR has an important role to play in regularly convening all relevant stakeholders to discuss issues affecting the sugar sector, exchange best practices, and take coordinated action to build on past efforts. Because many field workers are vulnerable to labor rights abuses, isolated, or mistrustful, there appears to be a strong role for civil society to play in improving awareness of rights, services, and mechanisms for informing or accessing those rights and services.

The USG is committed to working with the GODR and other relevant stakeholders to proactively identify and address ongoing labor concerns in the Dominican sugar sector.