

Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008

2014 USTR Annual Report on the Implementation of the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program and Assessment of Producer Eligibility

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) affords preferential treatment for imports of apparel, textiles, and certain other goods from Haiti. To be eligible for preferential treatment under HOPE II, Haiti must first have (i) implemented the TAICNAR program; (ii) established a Labor Ombudsperson's Office; (iii) agreed to require producers of articles for which preferential tariff treatment may be requested to participate in the TAICNAR program; and (iv) developed a system to ensure participation by such producers, including by establishing a producer registry. On October 16, 2009, the President certified to Congress that Haiti had taken these actions. To remain eligible for preferential treatment, Haiti must also have established or be making continual progress towards establishing the protection of internationally recognized worker rights.¹

HOPE II calls for the President to transmit an annual report to Congress by June 18 regarding the establishment and operation of the Labor Ombudsperson's Office and implementation of the TAICNAR program. The President has delegated the production and transmittal of this report to the United States Trade Representative (USTR). This report is to include an explanation of the efforts of the Government of Haiti, the President, and the International Labor Organization (ILO) with respect to the Labor Ombudsperson's Office and the TAICNAR program; a summary of reports prepared by the ILO, as the operator of the TAICNAR program, during the preceding one-year period; and, on a biennial basis, a list of the producers that the President has identified as failing to comply with core labor standards² and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. 19 U.S.C. § 2703a(e)(5)(B).

TAICNAR program: In accordance with 19 U.S.C. § 2703a(e)(3), the TAICNAR program coordinates with the Labor Ombudsperson, and appropriate representatives of Haitian government agencies, employers, and workers to:

- assess compliance by producers of products eligible for benefits under HOPE II (“producers”) with core labor standards and the labor laws of Haiti that directly relate to and are consistent with core labor standards and Haitian laws on acceptable conditions of work;

¹ HOPE II defines internationally recognized worker rights to include: the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health. 19 U.S.C. § 2703a(a)(3). There are also additional HOPE II eligibility requirements not directly related to the TAICNAR program.

² HOPE II defines the core labor standards as follows: freedom of association, the effective recognition of the right to bargain collectively, the elimination of all forms of compulsory or forced labor, the effective abolition of child labor and a prohibition on the worst forms of child labor, and the elimination of discrimination in respect of employment and occupation. 19 U.S.C. § 2703a(a)(3).

- issue public reports on compliance with such worker rights;
- assist producers with addressing deficiencies in worker rights compliance;
- provide training for workers and management to promote such compliance; and
- provide assistance to Haiti's government to improve its capacity to inspect producers' facilities, enforce national labor laws, and resolve disputes.

The TAICNAR program in Haiti is being implemented through the ILO and the International Finance Corporation's Better Work program, which promotes improved labor standards in global supply chains. The Better Work Haiti program (BWH) has received a total of \$ 7.6 million from the U.S. Department of Labor (DOL) from fiscal years 2008 through 2013 which will support project activities through 2016.

Labor Ombudsperson: HOPE II calls for the Labor Ombudsperson to (i) develop and maintain a registry of producers whose articles are eligible for the preferential tariff treatment; (ii) oversee the implementation of the TAICNAR program; (iii) receive and investigate comments regarding compliance with core labor standards and relevant Haitian labor laws; and (iv) assist producers in meeting the requirements of HOPE II. 19 U.S.C. § 2703a(e)(2). In addition, the Ombudsperson is required to coordinate with the assistance of the ILO a tripartite committee, described below, to evaluate the progress of the TAICNAR program and consult on improving core labor standards and working conditions in the textile and apparel sector. 19 U.S.C. § 2703a(e)(2)(B)(v).

Producer eligibility: For a producer to remain eligible for preferential treatment, it must comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. 19 U.S.C. § 2703a(e)(4)(B)(i). Every two years, DOL, in consultation with the USTR, is responsible for identifying any producer not in compliance with the core labor standards and related national law and seeking to provide assistance to such producer to come into compliance. If such efforts to assist fail, the President is required to withdraw, suspend or limit that producer's benefits. 19 U.S.C. § 2703a(e)(4)(B)(ii). The first producer identification under HOPE II was made in December 2011 and reflected in the 2012 report to Congress (see <http://www.ustr.gov/about-us/press-office/reports-and-publications/2012-3>) and the 2013 identification of one non-compliant producer is discussed below.

Efforts by the Government of Haiti

The Government of Haiti has engaged with the ILO and with the U.S. Government in all phases of the TAICNAR program. The Government of Haiti also has played an active role in the Tripartite Commission for the Implementation of the HOPE Act (known as the HOPE Commission or by its French acronym, CTMO-HOPE). HOPE II accords important oversight roles to the HOPE Commission, including evaluating the progress on implementing the TAICNAR program and consulting on improving core labor standards in the textile and apparel sector in Haiti. The HOPE Commission is composed of Haitian government officials from the Office of the Prime Minister and the Ministries of Commerce and Industry, Economy and Finance and Labor and Social Affairs (MAST), the Labor Ombudsperson, three representatives of employers' associations, and three representatives of labor unions.

The HOPE Commission, led by its President, Henri-Claude Müller-Poitevien, and Executive Director, Yves Savain, continues to serve an important coordination role, facilitating communication between Commission members, the U.S. Embassy, BWH, and DOL. The Commission is directly engaged in many of BWH's project activities and its members participate in meetings of the tripartite Social Dialogue Roundtable. In July 2012, the Social Dialogue Roundtable was created by representatives of the employers, unions, government, and Better Work Haiti. A memorandum of understanding was signed in March 2014 defining the roundtable's mandate and operational procedures. It serves as a forum to consult on critical labor issues and improve labor relations between employer and worker organizations.

In the 2012 and 2013 reports to Congress, it was noted that the worker organizations on the HOPE Commission did not adequately represent the apparel sector. Since then, two of the HOPE Commission's worker organizations have increased their presence in the apparel sector. The Government of Haiti has also included apparel sector unions in two recently formed tripartite bodies, the Superior Wage Council (*Conseil Supérieur des Salaires*, CSS) and the Administrative Council of Social Security Bodies (*Conseil d'Administration des Organismes de Sécurité Sociale*, CAOSS). Currently, there are six union confederations in the apparel sector, with plant-level representation in over half of Haiti's apparel factories. In 2010 there was only one apparel factory in Haiti with a trade union presence.

In April 2012, Josseline Féthière was officially appointed as the Labor Ombudsperson for the apparel sector. In March 2014, the Office of the Ombudsperson hired an additional mediator to assist Ms. Féthière. The HOPE Commission is also working to finalize details for the Ombudsperson to have office space within the Metropolitan Industrial Park in Port-au-Prince (part of *La Société Nationale des Parcs Industriels*, or SONAPI) to facilitate worker access to mediation services. During the reporting period, the Ombudsperson has continued to play an active role on behalf of the Government of Haiti in working with producers identified as non-compliant by the Secretary of Labor in 2011 and 2013. Additionally, she has continued to mediate and assist in the resolution of cases throughout the sector. To date, she reports that she has worked on cases in thirteen factories, resulting in the reinstatement of nineteen workers.

MAST opened a regional office in Trou-du-Nord, near the new Caracol Industrial Park in Haiti's northern corridor. MAST, with the technical assistance of the ILO, is also undertaking a labor law reform process to revise the existing labor code. The labor law reform project has experienced several delays since being launched in 2011. However, in October 2013 the ILO facilitated discussions of a draft labor code, resulting in agreement by worker, employer and government representatives on 11 of the 38 labor code chapters. While the ILO will continue to provide technical support, MAST has taken ownership of the process, committing to on-going tripartite dialogue on the remaining chapters and finalization of the draft for presentation to the cabinet and parliament. Currently, no target date has been set for completing the drafting of the revised labor law.

Efforts by the ILO

Capacity Building and Program Support

The ILO, through BWH and the work of experts in other program areas, has continued to provide a wide range of support to Haitian stakeholders within the context of implementing HOPE II requirements. In March 2014, the ILO and MAST formally launched a new two-year project funded by DOL to strengthen labor inspection services in Haiti's apparel sector. The ILO conducted two training workshops for labor inspectors and other personnel from MAST in March and April 2014, which also served as an opportunity to assess current capacity and anticipated training needs. Based on the assessments from these initial sessions, the ILO will work with MAST to develop a comprehensive training strategy and establish a specialized task force for inspections in the apparel sector.

At the factory level, BWH has continued promoting the establishment of labor-management committees called Performance Improvement Consultative Committees (PICCs). The PICCs promote dialogue at the factory level, supporting both labor standards improvement and enterprise upgrading. To date, BWH has worked with employers and workers to establish PICCs at four factories, one of which was established during this reporting period.

Compliance Assessment

HOPE II requires BWH to assess producers' compliance with core labor standards and the labor laws of Haiti that relate directly to those standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. BWH has continued to recruit and train additional staff in order to provide comprehensive assessment and advisory services for the 23 factories currently registered with BWH. Information from the compliance assessments is included in BWH's biannual reports (described below), which are publicly released in April and October of each year.

Following the factory assessments, BWH shares a detailed report with each factory, presenting findings on eight categories of labor standards, half of which are based on international standards and half on national legislation. BWH assesses factory compliance based on the answers to a compliance assessment tool comprised of indicators for each of the eight categories. The four categories based on international core labor standards include: freedom of association and the right to collective bargaining; the elimination of forced or compulsory labor; the effective abolition of child labor and a prohibition on the worst forms of child labor; and the elimination of discrimination in employment and occupation. The four categories based on national labor laws cover the Haitian standards on compensation, contracts and human resources, health and safety at work, and working time. In cases where national law is not consistent with core labor standards, BWH assesses whether there is compliance with the latter.

Remediation

Where BWH has identified instances of non-compliance, it works with the individual factory to advise and assist in prioritizing specific improvements, which often includes identifying and providing relevant advisory services and training. Advisory services provided in the past year included:

- **Fire Safety and Emergency Preparedness:** BWH has continued its work with the Port-au-Prince Fire Department and the Civil Protection Committee of Tabarre to promote fire safety, preparedness assessments, and conducting emergency drills.

Occupational Safety and Health (OSH): As occupational safety and health issues have continued to have the highest number of non-compliance findings, BWH has provided a wide range of services, including increasing the advice and training on proper labeling and handling of dangerous chemicals, use of protective equipment, and working with OSH committees in each factory to ensure that they are adequately equipped to fulfill their role within the factory.

In addition to factory-specific advisory efforts, BWH and the ILO have provided various trainings for stakeholders in the apparel sector. Key trainings and initiatives include:

- A two-day workshop with the members of the CSS on minimum wage setting.
- A three-day training course on prevention and resolution of workplace conflicts for over 50 participants from the Government of Haiti, employers and workers.
- Follow-up training on negotiation skills was provided to 24 factory managers and trade union leaders in September 2013.
- Ongoing training programs on Occupational Safety and Health and Life Skills (including maternity protection, workplace communication, financial literacy, and HIV/AIDS for workers, line supervisors and human resource managers). Between October 2013 and February 2014, BWH provided these trainings to 482 workers from several different factories.
- A new training module on supervisory skills has been developed and provided to 26 supervisors and managers from two factories and will be offered to additional factories in the coming year.

Biannual Report under the TAICNAR program

HOPE II requires the ILO to publish biannual reports identifying the producers that are complying with core labor standards and the labor laws of Haiti that relate directly to those standards and to acceptable conditions of work. The report also includes the names of producers that have deficiencies with respect to those standards and laws and have failed to remedy such deficiencies. With regard to the deficient producers, HOPE II requires a description of the deficiencies identified, specific suggestions for remediation, a description of any remediation efforts, and the time elapsed between the initial identification of deficiencies and the report's publication. The ILO publishes its biannual reports in October and April of each year, as specified by HOPE II. 19 U.S.C. § 2703a(e)(3)(D). The U.S. Government must consider these reports in identifying non-compliant producers under HOPE II. 19 U.S.C. § 2703a(e)(4)(B)(iv).

The ILO's seventh report was published on October 16, 2013, and is available at: <http://betterwork.org/global/?p=3690>. The document is based on assessments conducted between May and August 2013 in 23 factories. The report shows a similar number of non-compliance findings compared to previous assessments with regard to core labor standards and improved compliance with certain aspects of national labor law on acceptable conditions of work (including progress on working time issues and some aspects of occupational safety and health). Despite these improvements, occupational safety and health issues still represented the highest percentage of non-compliance findings and remain a focus area for BWH training and remediation efforts.

The ILO's eighth report was released on April 16, 2014, and is available at: <http://betterwork.org/global/?p=4002>. The document is based on assessments conducted between October 2013 and February 2014 in 23 factories. The report showed a reduction in the findings of non-compliance with core labor standards from the previous assessment, but gender discrimination and freedom of association remained issues of particular concern. The report notes improvements in some occupational health and safety categories such as chemicals and hazardous substances and worker protection. However, the occupational safety and health cluster still includes the highest rate of non-compliance findings.

In previous reports, BWH had reported factories as non-compliant with minimum wage requirements if a producer failed to set the piece rate that would allow most workers to earn a minimum "piece rate wage" of 300 Gourdes per day. On October 14, 2013 the Government of Haiti issued a notice that stated that "the price per piece, dozen, gross and meter can under no circumstance be considered as a minimum wage." Beginning with the eighth report, BWH amended its methodology in the compensation category to report on the minimum wage of reference (200 Gourdes) for all workers and not on producers' compliance with the piece-rate wage. However, BWH continues to provide information on the percentage of workers earning the piece-rate wage of 300 Gourdes or more per day.

Efforts by the Administration

The U.S. Government has continued to work closely with the Government of Haiti and other national and international stakeholders to promote the viability of Haiti's apparel sector, to facilitate producer compliance with labor-related eligibility criteria under HOPE II, and to ensure full implementation of the TAICNAR program in accordance with the provisions of HOPE II.

In January 2011, the U.S. Government facilitated a public-private partnership with the Government of Haiti and the Inter-American Development Bank to build the Caracol Industrial Park with the Republic of Korea's largest garment manufacturer, S & H Global, as the anchor tenant. The Caracol Industrial Park is projected to create at least 20,000 apparel sector jobs from this manufacturer's investment alone and could create an estimated total of 65,000 jobs with the arrival of other tenants and factory buildings. The total committed investment from all partners exceeds \$300 million. As of May 2014, there were four tenants operating at Caracol and over 3,000 workers. Through the U.S. Agency for International Development (USAID), the U.S. Government provided training in industrial sewing to 619 individuals from the Caracol Industrial Complex. USAID's Office of Transition Initiatives has also funded the rehabilitation of MAST's new regional office near the Caracol Industrial Park.

The U.S. Government continues to provide technical assistance to support implementation of the provisions of HOPE II. As noted above, since fiscal year 2008, DOL has contributed \$7.6 million to the ILO BWH program, which will fund the TAICNAR program at least through the end of 2016. In addition, DOL has provided \$1.4 million to the ILO for a MAST capacity building project, which was formally launched in March 2014. The project focuses on improving MAST's labor inspection capacity in the apparel sector to create a set of strong inspection practices that can later be expanded to other sectors. DOL also continues to support efforts to build the capacity of worker organizations in Haiti through a \$1.2 million grant to the American Center for International Labor Solidarity, a non-profit organization affiliated with the AFL-CIO.

DOL staff made six monitoring and assistance visits to Haiti in the reporting period, assessing specific compliance-related issues at eight factories. As discussed below, DOL has provided assistance to the factories that the Secretary of Labor identified as non-compliant in December 2011 and 2013 as well as to factories where there were preliminarily findings of non-compliance during 2012 and 2013.

Implementation of the Producer-level Labor Eligibility Provisions of HOPE II

Summary of Relevant HOPE II Provisions

HOPE II requires the President to identify on a biennial basis “whether a producer . . . has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.” 19 U.S.C. § 2703a(e)(4)(B)(i). The statute provides further that the President “shall seek to assist” any non-compliant producers “in coming into compliance with core labor standards” and with directly related Haitian labor laws that are consistent with those standards. In turn, “[i]f such efforts fail, the President shall withdraw, suspend, or limit the application of preferential treatment . . . to articles of such producer.” 19 U.S.C. § 2703a(e)(4)(B)(ii). HOPE II requires the President to “consider” BWH reports in making determinations of producer non-compliance, though it does not limit the President to that source of information. 19 U.S.C. § 2703a(e)(4)(B)(iv).

Haiti has ratified the eight ILO Conventions covering the core labor standards: freedom of association and collective bargaining (Conventions 87 and 98), forced labor (Conventions 29 and 105), child labor (Conventions 138 and 182) and discrimination in employment/occupation (Conventions 100 and 111). Pursuant to the Haitian Constitution, once international treaties or agreements are approved in the manner stipulated by the Constitution, they become part of Haitian legislation and abrogate any laws in conflict with them.³ As such, these eight core ILO conventions are part of Haitian law.

2013 Identification of non-compliant producers

In 2008, then President George W. Bush delegated the function of identifying non-compliant producers to the Secretary of Labor, in consultation with the USTR.⁴ At the same time, he delegated to the Secretary of Labor the task of assisting non-compliant producers to come into compliance with HOPE II’s labor requirements.⁵

Modas Gloria Apparel (MGA)

In December 2013, the Secretary of Labor, in consultation with USTR, identified MGA as non-compliant with the core labor standard relating to freedom of association. After significant investigation, DOL found that management at MGA engaged in the following practices: (1) anti-union discrimination, by dismissing members of a nascent union; and (2) interference with the independent operations of unions, by promoting and assisting in the attempted dissolution of a second union.

Anti-union discrimination: On February 2, 2013, MGA dismissed 11 workers, including seven committee members of a trade union and two of their close associates. Their union, the *Association des Travailleurs du Textile du Bâtiment 11* (“Association of Workers of Building 11”⁶, or “ATT-B11”), was in the process of registering with MAST at the time of the dismissals.

³ See 1987 Constitution of Haiti, Art. 276-2.

⁴ Presidential Proclamation 8296, September 30, 2008.

⁵ *Id.*

⁶ MGA operates in Buildings 11, 17, 52, and 53 within the Metropolitan Industrial Park in Port-au-Prince.

Workers alleged that their dismissals were based solely on their membership in the union and violated their rights related to freedom of association. DOL commenced its review of the case in May 2013, reviewing documentation and interviewing dismissed ATT-B11 members, the director of MGA, representatives from the human resources department, and the production manager responsible for supervising the dismissed workers. MGA personnel confirmed that they had witnessed the signing of papers several days before the dismissals, but denied knowing the contents of the documents being signed. MGA representatives gave a variety of justifications for the dismissals, including a reduction in orders and problems with work quality, but were unable to produce any relevant supporting documentation. In its assessment, DOL concluded that the union members had been dismissed because of their union affiliation and that the activity violated relevant Haitian law and international standards protecting freedom of association.

Trade union interference: The *Syndicat des Travailleurs de MGA* (“Union of MGA Workers”, or “STMGA”) received formal recognition as a union from MAST on September 20, 2012 and on September 24, 2012, notified the company of its existence and provided a list of committee members to MGA’s management. According to workers, within days of notifying the company, MGA management pressured STMGA members to resign from the union and sign papers requesting the dissolution of the union. Once all members had been pressured to sign dissolution papers, MGA personnel delivered the papers to MAST in October 2012. MAST took no action on the dissolution request and the STMGA continued to operate. In May 2013, the STMGA submitted a revised committee list (replacing the four committee members who had resigned) to MGA. After submitting the revised committee list, the President of the STMGA reported intensified harassment by MGA management until he was dismissed on June 19, 2013. MGA management claimed that their engagement with the union was at the request of the four members who wished to remove themselves from the union. However, after careful review, DOL concluded that MGA’s extensive engagement in internal union affairs violated international labor standards protecting freedom of association, in particular the right establish and operate unions without employer interference.

Compliance Assistance Provided to the Producer

With respect to the union dismissals, MGA participated in mediation sessions with the Labor Ombudsperson during the reporting period and agreed to reinstate six of the dismissed workers by March 2013. However, by June 2013, MGA had only reinstated one of the nine workers connected to the union. DOL notified MGA of its preliminary findings of non-compliance related to freedom of association in September 2013. DOL provided MGA with a remediation plan that recommended: offers of reinstatement to all dismissed trade union members, development and implementation of a policy that expressly recognizes the rights of workers to form and join organizations of their choosing without interference or discrimination based on union membership or associational activity, and appropriate training for all management and supervisors with respect to freedom of association rights and how to avoid violating these rights in practice.

DOL has visited MGA five times to discuss the freedom of association cases since September 2013 and has maintained regular contact with MGA management to encourage fulfillment of the steps outlined in the remediation plan.

Steps Taken by the Producer to Remediate

As noted above, following mediation provided by the Office of the Ombudsperson, MGA rehired one ATT-B11 member in March 2013. MGA also reinstated one more ATT-B11 member and the President of the STMGA in August 2013. Following continued engagement with DOL and representatives of the ATT-B11, MGA reinstated an additional five union members in January 2014 and one on June 9, 2014. MGA has committed in writing to rehire the remaining worker by July 15, 2014. DOL will continue to monitor the implementation of the reinstatement agreement reached with the union and to assist MGA in developing and disseminating appropriate policies and ensuring that all staff has received appropriate training on freedom of association issues.

Preliminary findings not resulting in Secretary of Labor identifications

In addition to the one producer identified above, during the course of the two-year review cycle under HOPE II, DOL made preliminary findings of non-compliance with respect to two additional producers. The preliminary findings in these cases were sufficiently remedied and therefore the producers were not formally identified by the Secretary of Labor and will not be identified in this report. For the first producer, DOL made preliminary findings relating to non-compliance with discrimination (sexual harassment) and forced labor (mandatory overtime practices) standards. The producer sufficiently remediated the non-compliance through revised policies and procedures, training programs for all supervisory personnel, and changes to the work schedule. For the second producer, DOL made a preliminary non-compliance finding related to discrimination (pregnancy testing). The producer revised its employment application and agreed to cease the practice of requiring female workers to submit pregnancy test results. The producer subsequently halted export production in Haiti, but in the event the producer resumes operations, DOL will confirm whether these remediation steps continue to be fully and effectively implemented.

Follow up on 2011 identification of non-compliant producers

During the previous identification cycle, ending in December 2011, three producers were identified as non-compliant with one or more core labor standards. Details of these cases have been provided in previous USTR reports (see <http://ustr.gov/about-us/press-office/reports-and-publications/2013/hope-II-2013-annual>). These identifications were related to the following core labor standards: 1) freedom of association; 2) non-discrimination, in particular sexual harassment; and 3) forced labor, in particular certain mandatory overtime practices. At the time of the release of the 2013 USTR HOPE II Annual Report, DOL concluded that the issues relating to discrimination and forced labor had been successfully remediated by the producers in question. On the issue of freedom of association, one producer's non-compliance had also been effectively addressed but two others, Sewing International, S.A. (SISA) and Inter-American Wovens, S.A. (IW) still had outstanding issues at the time of the 2013 report.

SISA

In the case of SISA, DOL has been monitoring the implementation of the agreement that SISA signed with dismissed workers and their legal representative in May 2013. Under that agreement, the parties agreed that SISA would pay severance to all dismissed workers and rehire 101 workers following their completion of training programs provided by Better Work Haiti and the Solidarity Center. To date, all workers have received their severance payments and 44 workers have completed the training, while the remaining workers have either indicated that they do not wish to return to SISA or were unreachable following repeated attempts by the worker representatives to contact them. In May 2014, SISA commenced rehiring from the list of 44 trained workers and expects to hire an average of ten workers per month until all eligible workers have been reinstated, with the aim of completing all rehiring by October 2014. The rehiring process is being supervised by the Labor Ombudsperson. DOL will continue to monitor the process until all eligible workers have either been rehired or have indicated, through their legal representative, that they do not wish to return to SISA.

IW

With regards to IW's remediation of the freedom of association finding, as discussed in the 2013 USTR report, the producer agreed to offer reinstatement to all affected workers. In March 2013, pursuant to an agreement with DOL, IW posted two lists on the factory gates, offering to rehire the 48 dismissed workers. While workers and their legal representative were aware of the lists, the workers did not express an interest in returning to IW. As a result, DOL deemed that IW had implemented the agreed upon actions in their remediation plan and has concluded its assistance to IW with regards to the non-compliance finding related to freedom of association.