

**Haitian Hemispheric Opportunity
through Partnership Encouragement
Act of 2008**

**2018 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 Technical Assistance Improvement and Compliance Needs Assessment and Remediation (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. Further, 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 On June 29, 2015, the President signed the Trade Preferences Extension Act of 2015, which included the extension of Haiti's preferential tariff treatment until September 30, 2025.

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

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(d)(1)(A)(vi). 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).

(“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;

- 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 factory-level compliance assessment and assistance, as well as the public reporting requirements of the TAICNAR program are being implemented through the ILO and the International Finance Corporation’s Better Work program, which promotes improved labor standards in global supply chains. Since 2008, the U.S. Department of Labor (DOL) has provided the Better Work Haiti program (BWH) a total of \$13.3 million, which will support project activities through 2019. DOL also provided \$2.4 million over three years for a separate ILO project providing technical assistance to the Government of Haiti that focused on improving labor inspection and other aspects of labor law enforcement. Although this project ended in December 2017, BWH will continue the ILO’s efforts to support capacity building of the labor ministry in Haiti.

Labor Ombudsperson: HOPE II called for Haiti to establish the Office of the Labor Ombudsperson within the national government 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 providing 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). At the end of the two-year review period ending in December 2017, DOL and USTR did not identify any producers in Haiti as non-compliant.

Efforts by the Government of Haiti

The Government of Haiti continues to engage with the ILO and with the U.S. government in all phases of the TAICNAR program. The Office of the Ombudsperson and the Ministry of Labor and Social Affairs (*Ministère des Affaires Sociales et du Travail*, MAST) remain the key

institutions representing the Government of Haiti in its efforts to effectively implement HOPE II. The Office of the Labor Ombudsperson has benefited from the continued leadership of Josseline Colimon Féthière, who has served as the Labor Ombudsperson for the apparel sector since 2012.

As in previous years, the Ombudsperson and her staff have remained active in the sector. Her office works closely with BWH and MAST to address disputes in the sector; and in the past year she has intervened in disputes involving nearly half of Haiti's apparel factories, convening approximately 60 mediation sessions with the disputing parties. These cases have covered a range of issues, including individual wage disputes, general conditions of work, inter-union disputes, and allegations of unlawful dismissals or suspensions of trade unionists.

As contemplated by HOPE II, the Ombudsperson also coordinates, with the assistance of the ILO, a tripartite committee comprised of three representatives each from the Government of Haiti as well as from sectoral employer and worker organizations. This Project Advisory Committee (PAC) meets on a quarterly basis and is designed to assist BWH in a consultative role, ensuring that relevant national partners are fully involved in the BWH program and promoting coordination of the project with other initiatives in the sector. Lastly, the Office of the Ombudsperson is assisted by other entities of the Government of Haiti in implementing the requirement for it to maintain a registry of eligible producers. In particular, the Office works with the Tripartite Commission for the Implementation of HOPE II (known as the HOPE Commission or by its French acronym, CTMO-HOPE) and the Ministry of Commerce and Industry (MCI) to process and track electronic visas for shipments of HOPE II-eligible products and to examine other key issues such as transshipment of goods. Key initiatives during the year included improving electronic systems and training of MCI officials responsible for issuing visas. More broadly, the Office of the Ombudsperson has been instrumental in working with high-level government officials, in particular within MAST and the Offices of the President and Prime Minister on the critical need to develop a comprehensive strategy to address challenges and opportunities in Haiti's apparel sector. This resulted in the formation, in April 2018, of a commission tasked with reporting to the Prime Minister on proposed steps to support the growth of the sector and improve industrial relations.

The key national authority mandated to enforce labor law in Haiti's formal sector, MAST, continues to face significant resource constraints. However, with the support of the ILO program discussed below, MAST labor inspectors have continued their work within the apparel sector, conducting 29 unannounced labor inspection visits in 2017. MAST inspectors have generally taken a more active role in the sector, conducting visits beyond the routine inspections, particularly in response to strikes or other workplace disputes. They have increasingly collaborated with the Ombudsperson and BWH in joint efforts to assess and remediate potential violations of labor standards. Upon completion of the ILO training program in December 2017, participants from MAST initiated a training program for their colleagues in Port-au-Prince and other regions in order to expand the reach of the program. A new Minister of MAST was installed in September 2017.

In July 2017, the Government of Haiti raised the minimum wage for workers engaged in export industries, including the apparel sector, effective August 1, 2017. Following the recommendation of the Superior Wage Council (*Conseil Supérieur des Salaires*, CSS), the

tripartite body tasked with reviewing wage rates on an annual basis, the daily minimum wage rose from 300 to 350 gourdes per day.³ The CSS is currently conducting its 2018 review and is expected to issue recommendations regarding minimum wage setting in August 2018. As in previous years, the minimum wage issue continues to give rise to significant tension within the sector. In May 2018, there were protests in the apparel sector as sectoral unions called for a general strike and demonstrators took to the streets to demand a raise to 1,000 gourdes per day and to advocate for improved social services. At the time of drafting this report, several trade unions have called for further protests and another general strike in mid-June 2018. The Government of Haiti and industry representatives have spoken out against the May 2018 demonstrations, citing acts of destruction of property and interference with non-striking workers as evidence that these activities are not legitimate strike activity in accordance with the Haitian Labor Code.

Efforts by the ILO

Capacity Building and Program Support

The ILO provides a wide range of support to Haitian stakeholders within the context of implementing HOPE II. BWH performs factory assessments, provides compliance advisory services, and as required under HOPE II, issues reports twice a year in October and April. While the ILO project to build the capacity of MAST concluded in December 2017, BWH is working closely with the Ministry in implementing the remaining activities of the program, including support for a national call center, which will answer labor law-related inquiries from the public. As previously reported, the ILO provides on-the-job training by working closely with MAST labor inspectors.

Through BWH, the ILO works to improve industrial relations in Haiti's apparel sector, which has approximately 40 trade union committees (affiliated with eight confederations) present among the 27 factories registered with the program. BWH continues to liaise with national partners to strengthen social dialogue and to promote greater compliance with freedom of association issues, which remain key challenges in the industry. BWH also has increased the presence and effectiveness of labor-management committees called Performance Improvement Consultative Committees (PICCs) at the factories. The PICCs provide a mechanism to promote social dialogue at the factory level, supporting improvement priorities outlined in BWH remediation plans. To date, BWH has worked with employers and workers to establish PICCs at twenty-five factories.

Compliance Assessment

HOPE II requires the TAICNAR program to assess producers' compliance with core labor standards and the labor laws of Haiti related directly to those standards and to ensure acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and

³ When HOPE II was passed in 2008, the national daily minimum wage in Haiti was 70 gourdes per day. With the passage of a new minimum wage law in 2009 and subsequent increases recommended by the CSS, the minimum wage for export industries, including the apparel sector, has risen over time to 125 gourdes in 2009, 150 gourdes in 2010, 200 gourdes in 2012, 225 gourdes in 2014, 240 gourdes in 2015, 300 gourdes in 2016 and finally to 350 gourdes in 2017.

safety. BWH continues to implement this aspect of the TAICNAR program, reporting on non-compliance findings and remediation efforts on a biannual basis as required by HOPE II.

BWH assesses factory compliance using a compliance assessment tool comprised of indicators for four categories based on international core labor standards and four categories based on national law. The international 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 national labor law issues 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. Following BWH's factory assessment, a detailed report is shared with each factory before the biannual synthesis report is published.

The findings from each factory's annual assessment are reported in one of the two synthesis reports issued by BWH each year. The other report will include information gathered through regular engagement and follow up contacts with the producer, especially with regard to remediation efforts by the factory undertaken in response to prior non-compliance findings. This annual cycle provides factories with additional opportunities to work with the BWH Enterprise Advisors on long-term solutions for weak management systems, which are usually the root cause of recurrent non-compliance issues.

Remediation

BWH Enterprise Advisors work with individual factories to advise and assist in prioritizing specific improvements when instances of non-compliance have been identified. Key advisory services provided in the past year focused on occupational safety and health issues, which continue to be the subject of the highest number of non-compliance findings. According to BWH, non-compliance rates continue to remain high in this category because factories do not have effective management systems in place to ensure continuous monitoring, verification, and follow-up.

In addition to factory assessments and advisory work, the ILO provided a wide range of services for stakeholders in the apparel sector, including:

- Working with MAST and sectoral stakeholders on the resumption of a tripartite process to revise the Labor Code (which dates back to 1961 with amendments in 1984 and 2003) in order to update it and ensure consistency with international standards;
- Working in collaboration with MAST to disseminate a comprehensive guide to Haiti's existing Labor Code, which was published in early 2017. Following the publication of the guide (which was translated into five languages), BWH and MAST launched a joint labor law training program for factory staff. The training has been conducted in Port-au-Prince as well as in the north in order to serve industrial parks in Ouanaminthe and Caracol. Over one hundred twenty factory representatives, primarily representing the compliance and human resource departments of the facilities, have already participated in the training;

- Serving as a key interlocutor with the Government of Haiti, providing technical expertise and advice on improving government provision of key services, including health insurance programs and pension schemes for apparel sector workers;
- Responding to recurring strikes and industrial disputes by continuing to work closely with the Office of the Labor Ombudsperson, MAST, and representatives from employer and worker organizations to improve mechanisms for social dialogue;
- Providing ongoing training programs on key issues for all stakeholders, such as occupational safety and health, supervisory skills, human resource management, grievance mechanisms, negotiation skills, and workers' rights and responsibilities;
- Convening a tripartite stakeholder meeting in March 2018 in Costa Rica, which concluded with a signed agreement among the parties confirming their commitment to the ILO Decent Work Country Program, recognizing the need for the institutionalization of social dialogue, and committing to work collaboratively on improving the employment environment in Haiti, including enhanced respect for international labor standards;
- Collaborating with social security institutions in order to increase the levels of enrollment as well as the quality of services provided with regard to pensions, accident insurance, and health programs;
- Hosting an annual buyers' and multi-stakeholders' forum to allow international brands sourcing from Haiti to discuss challenges and opportunities in the Haitian apparel sector with officials from the Haitian and U.S. governments, the ILO, and representatives of employers' and workers' organizations in Haiti.

Biannual Report under the TAICNAR program

HOPE II requires the ILO TAICNAR program 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 that 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 fifteenth synthesis report was published on October 30, 2017, and is available at: <https://betterwork.org/blog/portfolio/better-work-haiti-15th-biannual-synthesis-report/>. The document is based on assessments and advisory visits conducted between October 2016 and September 2017 in all 26 factories in operation during that assessment period.⁴ The ILO revised its factory assessment services and now carries out only one formal assessment per year. Because of this, each synthesis report now captures findings from two cycles, as non-compliance

⁴ The total number of participating factories is subject to change for each BWH reporting cycle as new factories are established and others close down operations. Since the release of the previous Annual Report in June 2017, employment in the sector has increased from approximately 40,000 to 48,000 workers.

points are not removed from the report until remediation has been verified during the next assessment. As a result, the findings from the previous synthesis report are still found in the factory tables along with new findings. The fifteenth ILO report contained two new findings of non-compliance with regard to core labor standards. Both of these cases related to the dismissals of trade unionists. In addition, there continued to be relatively high rates of non-compliance with certain aspects of national labor law, with occupational safety and health issues as well as payment of social security and other benefits continuing to represent the highest percentage of non-compliance findings.

The ILO's sixteenth synthesis report was released on April 30, 2018, and is available at: <https://betterwork.org/blog/portfolio/better-work-haiti-16th-biannual-synthesis-report/>. The document is based on assessments and advisory visits conducted between March 2017 and February 2018 in all of the 27 participating factories. The sixteenth synthesis report indicated that there continued to be no findings of non-compliance with child labor, forced labor, and discrimination standards. However, there was one case related to the termination of union officials following a strike.

In its most recent reports, BWH has expressed its concern at the persistent non-compliance found in certain categories of its assessments. The challenge of promoting sustainable solutions to these recurring compliance problems is not unique to Haiti. The Better Work program is currently operating in nine countries, including Bangladesh, Cambodia, Egypt, Ethiopia, Haiti, Indonesia, Jordan, Nicaragua, and Vietnam. It is hoped that increased emphasis on management systems within the factories, in conjunction with increased collaboration with national labor ministries will contribute to improved compliance with national labor laws.

In terms of wages in the sector, BWH continued to assess minimum wage compliance based on the legal wage applicable at the time of assessment. Effective August 1, 2017, the Government of Haiti raised the minimum wage from 300 to 350 gourdes (US \$5.38) per day. The 2017 minimum wage decree eliminated the two-tier wage system that included a minimum wage of reference and a piece-rate wage. Accordingly, BWH synthesis reports no longer provide information on the percentage of workers earning an average of the prevailing piece-rate wage or more per day. All factories assessed by BWH were found to be in compliance with regard to payment of the legally required minimum wage during the reporting period.

Efforts by the Administration

The U.S. government continues 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.

The U.S. government provides technical assistance to support implementation of the labor provisions of HOPE II. As noted above, since fiscal year 2008, DOL has contributed \$13.3 million to the BWH program, which will support the TAICNAR program through the end of 2019. In addition, DOL provided \$2.4 million to the ILO for the MAST capacity-building component, which concluded at the end of 2017. In terms of the assistance to worker organizations required of the TAICNAR program under HOPE II, the ILO and the Office of the

Ombudsperson have continued to engage directly with worker organizations in Haiti to ensure ongoing support for unions in their efforts to represent the interests of apparel sector workers in Haiti.

DOL staff make routine monitoring and assistance visits to Haiti in the reporting period, conducting follow up reviews of any BWH non-compliance findings with regard to core labor standards. With the increased engagement of MAST, DOL also reviewed cases in which the national labor authorities found non-compliance with laws relevant to core international labor standards. In addition, these visits have provided an opportunity for DOL to engage with the Government of Haiti, project partners, and sectoral stakeholders to promote continued compliance with the country- and producer-level eligibility requirements of HOPE II.

In partnership with the Government of Haiti and the Inter-American Development Bank, the U.S. government continues to provide significant support to the Caracol Industrial Park (CIP), a mixed-use light manufacturing facility in the northern commune of Caracol. Established in 2012, the CIP now employs nearly 13,000 workers – the majority of whom are women. Additional support to the apparel sector is also being provided through the Local Enterprise and Value Chain Enhancement (LEVE) project, funded by the U.S. Agency for International Development (USAID). In its efforts to promote new investment and increase employment in the sector, LEVE is supporting activities such as training of production line workers, mechanics, and supervisors. To support ongoing training efforts, in August 2017, LEVE assisted the Haitian industry association in launching the Textile and Apparel Service Center in the largest industrial park in Port-au-Prince.

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 further provides 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.⁵ As such, these eight core ILO

⁵ See 1987 Constitution of Haiti, Art. 276-2.

conventions are part of Haitian law.

Identifications of Non-compliant Producers

In 2008, President George W. Bush delegated the function of identifying non-compliant producers to the Secretary of Labor, in consultation with the USTR.⁶ 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.⁷

Throughout the two-year period, beginning in January 2016 and ending December 2017, DOL has continued to review all BWH public reports, as well as the more detailed reports that BWH provides to individual producers. DOL has also conducted significant additional research regarding compliance with core labor standards in the sector. DOL staff delegations have traveled to Haiti five times in the two-year assessment period, interviewing dozens of workers and meeting with BWH staff, Haitian government officials, factory owners, human resources managers, supervisors, representatives of trade unions, representatives of brands sourcing from Haiti, and representatives of non-governmental organizations representing both business and labor. After each visit, DOL conducted significant follow-up investigation, including through e-mail correspondence, telephone interviews, and video conferences, specifically seeking additional corroborating evidence from employers, workers, and worker organizations related to allegations presented to the fact-finding delegations.

During the current identification cycle under HOPE II, DOL engaged with 11 producers on 13 cases of potential violations of international labor standards or directly related Haitian laws, and, in all cases where DOL had concerns, the producers have fully remediated the potential violations. Of the 13 cases DOL reviewed, there were eight cases in which trade union members were dismissed, potentially in violation of standards related to freedom of association. In four of those cases, DOL conducted an investigation and determined that the dismissals did not violate freedom of association standards because the employers demonstrated that there were legitimate justifications for the dismissals. In two of the cases, during the course of DOL's review, the employers and the trade union involved were able to reach agreements on the reinstatement of dismissed trade union members prior to any finding of non-compliance by DOL or BWH. In one case involving an allegation of an unlawful trade union dismissal, DOL was not able to complete its investigation because the factory closed at the outset of the review and has not subsequently resumed operations. In the final case concerning freedom of association, BWH issued a finding of non-compliance after the unlawful dismissal of a trade union member. DOL interviewed the relevant parties and engaged with the producer to discuss the potential of a finding under HOPE II. The producer agreed to resolve the case promptly, and DOL verified that the case was successfully remediated by the employer reinstating the union member, training key staff, and adopting a company policy addressing freedom of association in the plant.

DOL reviewed one case in which BWH reported that the producer failed to provide lunch for workers on Sundays, in violation of the terms of the collective bargaining agreement. However, during the course of its review, DOL confirmed that the matter had been resolved after

⁶ Presidential Proclamation 8296, September 30, 2008.

⁷ *Id.*

discussions between the producer and the union, which led to changes in the producer's work schedule.

DOL also reviewed three cases involving gender discrimination based on findings of sexual harassment, revealed in BWH biannual reports released during the review cycle. DOL visited each of the producers to review the BWH finding, informed the producers of the seriousness of the allegations, and notified them of the potential for a finding under HOPE II. After consulting with DOL, the producers conducted more robust internal investigations of the allegations and took disciplinary action, firing the supervisors and training officers who were found to have harassed female workers. In addition, the producers worked closely with DOL and BWH to develop and post policies prohibiting sexual harassment in the workplace and provided training to relevant staff on the issue. As a result, DOL determined that the producers had taken sufficient steps to fully remediate the non-compliance. With strong disciplinary steps taken against offenders, these cases demonstrate that enforcement efforts under HOPE II are contributing to more serious treatment of an issue that had gone unaddressed in the sector for years.

Lastly, DOL reviewed one case in which MAST identified a forced labor violation, based upon allegations of excessive overtime accompanied by a threat of dismissal for refusing to work these hours. According to MAST, this issue was promptly resolved by changes to the producer's overtime practices. BWH and DOL conducted follow-up investigations and were able to confirm the issue has been remediated.

Notably, there were several cases regarding freedom of association that BWH identified at the end of the two-year cycle. This included findings from the October 2017 synthesis report and an investigation of dismissals of striking workers, the results of which had not yet been reported through the regular reporting procedures prior to the end of December 2017. These cases involved dismissals of trade union leaders and other workers following a May 2017 sectoral strike over Haiti's minimum wage and a separate case of employer interference with the union and unlawful dismissals. Due to the timing of the release of the findings, DOL was not able to complete its thorough review processes prior to the end of the identification cycle in December 2017. DOL has continued to review these cases and, if applicable, will make findings and engage in remediation assistance on an ongoing basis. Any preliminary findings resulting from these, or other ongoing cases, will be reported on in the next USTR report.