



## **HAITI's UPR: VIOLATIONS OF WORKERS' RIGHTS**

Despite having adopted a labor code for the protection of workers' rights and ratified international treaties protecting the right associate and unionize, the Haitian Government's failure to adequately enforce legislative protections allows employers to violate the rights of workers with impunity. Union activists face persecution, lay-offs, and exploitation in the public and private sectors, notably in the textile industry. Dozens of union leaders and activists in the textile sector have been fired, including 36 workers who were fired after having requested a salary increase in December 2013. Workers in state-owned enterprises, including the Haiti Electric Utility (EDH) Haiti and National Telecommunications S.A.M. (Teleco) have also been fired unlawfully.

The Haitian Government has failed to adequately enforce minimum salary protections. Separate investigations led by Better Work Haiti and Workers Rights Consortium (WRC) in 2015 found widespread violations by textile factories of the 2009 law on the minimum wage. While the minimum daily salary was modestly increased on 1 May 2016 to between 175-350 gourdes (HTG) per day (\$2.70-\$5.40 USD) depending on industry, the Haitian government has also failed to take steps to create opportunities with a living wage (estimated at 500 HTG per day), nor to promote the education and training required for those jobs.

4806 working members of the Union of Cane Workers (UTC) who were born in Haiti have paid 4,806,000.00 Dominican pesos (DOP) to the Embassy of Haiti in the Dominican Republic to obtain legal identification (birth certificate, passport, identity card etc.) required by the Dominican Republic to gain legal residency and work permits. Despite several requests and protests, the Haitian government has not issued these documents, nor has it refunded payments to the cane workers.

### **QUESTIONS**

1. What steps is the Government taking to effectively protect the right to freedom of association, including protecting workers' right to collectively bargain, as well as from retaliatory actions for strikes and other protests of unfair labor practices?
2. What steps is the Government taking to ensure public and private employers comply with minimum wage rates of 1 may 2016?
3. What steps is the Government of Haiti taking to ensure Haitian migrants working in the Dominican Republic are provided with national identity documents, including issuing documents to workers of the Union of Cane Workers?

### **RECOMMENDATIONS**



1. Strengthen the administrative infrastructure to monitor and enforce the Haitian Labor Code and the international conventions signed and ratified by Haiti.
2. Take concrete measures to effectively ensure the right to freedom of association for all workers in Haiti.
3. Facilitate further debate on the minimum wage, and ensure transparency and accountability concerning wage rates and payments.
4. Ensure that every person is able to access identification documents (identification cards, driving licenses and passports) at the following institutions: National Identification Offices (ONI), Ministry of Economy and Finance, and Immigration and Emigration Services. Decentralization of such services is necessary because each of these institutions are in Port-au-Prince.
5. Ensure that the thousands of Haitian migrants in the Dominican Republic are provided with national identity documents, in order to allow them to apply for work permits, residency and social services.

**For more information see civil society coalition report: “*Violations du droit de travail*”<sup>1</sup>**

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<sup>1</sup>Submission by a coalition of Haitian human rights, lawyers, activists, students, women, trade unionists and workers’ organizations engaged in the struggle for respect of workers’ rights on working conditions, wages, and the fight against government corruption, including Bureau des Avocats Internationaux (BAI); Fanm viktim Leve Kanpe (FAVILEK); Batay Ouvriye; Institute for Justice and Democracy in Haiti (IJDH); KOURAJ; Mouvement des Étudiants pour Libérer Haïti (MELA); Programme d’Engagement Civique (Boucan Carré) (PEC); Programme d’Engagement Civique (La Chapelle) (PEC); Programme d’Engagement Civique (Saut d’Eau) (PEC); Réalité Femme Fort-National en Action (DFR).