

Better Work Haiti
Mid-term Evaluation

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Acronyms and Abbreviations

ACTEMP	ILO Employers' Activities
ACTRAV	ILO Workers' Activities
BFC	Better Factories Cambodia
BW	Better Work
BWG	Better Work Global
BWH	Better Work Haiti
BWI	Better Work Indonesia
BWJ	Better Work Jordan
BWL	Better Work Lesotho
BWN	Better Work Nicaragua
BWV	Better Work Vietnam
CAT	Compliance Assessment Tool
CTA	Chief Technical Advisor
CTMO-HOPE	Commission Tripartite de la Mise en Oeuvre de la Loi HOPE
DIALOGUE	ILO Industrial and Employment Relations Department
EA	Enterprise Advisers
FOA	Freedom of Association
HOPE II Act	Hemispheric Opportunity through Partnership Encouragement Act of 2008
HRD	ILO Human Resources Department
HRSDC	Human Resources and Skills Development, Canada
IBRD	International Bank of Reconstruction and Development
IFC	International Finance Corporation
ILO	International Labour Organization
IOE	International Organization of Employers
IRIS	Integrated Resource Information System
ITGLWF	International Textile, Garment and Leather Workers' Federation
ITUC	International Trade Union Confederation
LAB/ADMIN	ILO's Labour Administration and Labour Inspection Programme
MAST	Ministry of Social Affairs and Labor
M&E	Monitoring and Evaluation
MOU	Memorandum of Understanding
OMT	Operations Management Team
PAC	Project Advisory Committee
PICC	Performance Improvement Consultative Committee
SOTA	Trade Union of Textile and Apparel Workers
STAR	Supply-chain Tracking of Assessments and Remediation
TAICNAR	Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program
TOR	Terms of Reference
USDOL	United States Department of Labor

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Executive Summary

Purpose of evaluation and methodology

The ILO retained Nexus Associates, Inc. to undertake a mid-term evaluation of Better Work Haiti.¹ As stated in the terms of reference (TOR), the evaluation is intended as a formative evaluation that will allow the ILO to address problems and take corrective actions. In this regard, the stated purpose of the evaluation is “to review the progress made toward the achievement of the immediate objectives of the project² and identify lessons learned from its key services implemented to date, its approach taken toward stakeholder capacity building, and its general engagement with national and international stakeholders.” In keeping with the framework for evaluations used by ILO, performance is assessed in terms of six criteria: relevance and strategic fit; validity of project design; project progress and effectiveness; efficiency of resource use; impact orientation and sustainability of the project; and effectiveness of management arrangements.

The evaluation draws on four methods: review of documents, review of operating and financial data, interviews with key informants, and field visits to Haiti in January and June 2012.³ Interviews were conducted with program stakeholders, including BWG and BWH staff, representatives of ILO Departments in Geneva and San Jose, Costa Rica; representative of the International Trade Union Confederation; members of the HOPE Commission; officials of employer organizations and trade unions in Haiti; and owners/managers of individual garment factories.⁴

Principal Findings

Relevance and strategic fit	<ul style="list-style-type: none">• The Government of Haiti and other stakeholders view the garment sector as a key contributor to economic development in the country.• While Haiti has ratified all fundamental ILO conventions, national labor laws are not fully aligned with these conventions and enforcement is challenging.• The trade union movement in Haiti is struggling to find traction.• Voluntary corporate codes of conduct and auditing mechanisms adopted by international brands are insufficient to ensure compliance with international labor standards and national labor law.• The Better Work Haiti program is tied directly to U.S. trade legislation.
Validity of project design	<ul style="list-style-type: none">• The compliance assessment process is generally well designed; however, some aspects remain challenging.• In Haiti the assessments are conducted every six months in keeping with the HOPE II Act, resulting in more emphasis on assessment than remediation; the strategy to introduce PICCs may not be appropriate.• Publicly available <i>Biannual Synthesis Reports</i> serve as input to the USDOL/USTR report to Congress and are meant to help ensure compliance.• Given institutional weaknesses in Haiti, BWH was intended to build the capacity of MAST, ADIH, and trade unions, but the planned level of support is unlikely to be sufficient.

¹ The contract was signed on 25 May 2012. Service Contract No. 40089095 / 0

² Objectives are identified in the project document and subsequent work plans.

³ The field visit conducted in January 2012 was undertaken as part of an evaluation of Better Work Global.

⁴ A list of interviews is presented in Appendix A.

	<ul style="list-style-type: none"> • Better Work engages brands in efforts to encourage their suppliers to comply with international standards and national labor laws, but plans for taking action in the event of non-compliance are not systematic. • The Project Advisory Committee (PAC) is meant to oversee the program and serve as a vehicle for fostering productive dialogue on labor issues; effectiveness depends on the willingness and ability of members to engage in the process. • The <i>Project Document</i> envisions that BWH would develop a strategy for “full cost recovery” through fees charged for services; this is unrealistic and may be counterproductive.
Project progress and effectiveness	<ul style="list-style-type: none"> • Immediate Objective 1. To increase compliance with national labour law and with international labour standards in the Haitian apparel sector <ul style="list-style-type: none"> • ILO has conducted an analysis of the national labor law and has organized a tripartite process to bring it into compliance with ILO conventions. • While a Compliance Assessment Tool (CAT) has been developed, it continues to be refined and has yet to be formally endorsed by the PAC. • BWH has adapted training programs for factory managers and workers developed by BWG for use in Haiti. • All EAs have received training on core services; however, training for those hired in August-September 2011 does not appear to be consistent with BW operating policies. • BWH has not developed a Quality Management Strategy for BWH assessments and advisory services. • STAR is operational in the BWH office. • BWH has not developed a communications strategy. • Researchers from Tufts University have conducted surveys of managers and workers in garment factories and prepared case studies. • BWH has carried out four rounds of factory compliance assessments, including the initial baseline. The most recent round (completed in February 2012) included 20 factories. • As required by the HOPE II Act, results from the assessments have been summarized in publicly available <i>Biannual Synthesis Reports</i>. • Advisory services have been limited. BWH has established PICCs at two factories; prospects for establishing additional PICCs are uncertain. • BWH has provided training to managers and workers in most registered factories, focusing primarily on OSH. • BWH conducted an investigation of the dismissal of SOTA officials at three garment factories and recommended their reinstatement. • Immediate Objective 2. Strengthen the institutional capacity of the Ministry of Social Affairs and Labour <ul style="list-style-type: none"> • A needs assessment was conducted in July 2009; however, the report was not submitted until March 2010 and a follow-on workshop was not held until April 2011. • ILO organized training workshops for MAST officials and inspectors in November 2011 as part of the HRSDC-funded project; no further follow-up has taken place. • BWH provided computers and printers to MAST. • Objective 3. Capacity of tripartite constituents to engage in effective social dialogue is enhanced <ul style="list-style-type: none"> • BWH commissioned a report on the trade union movement in Haiti. • ILO has not yet provided technical assistance to trade unions in Haiti and

	<p>assistance provided by international trade unions has been limited.</p> <ul style="list-style-type: none"> • BWH purchased computers and printers for trade unions and worker organizations. • An ILO senior specialist conducted an assessment of ADIH in November 2010 and undertook an “organizational review” in July 2011; no further follow-up has been provided. • A case study on CODEVI was drafted, but never disseminated. • BWH has organized three buyers’ forums since the inception of the program, but many firms that are sourcing garments from factories have not attended these events or otherwise been engaged in the program. • BWH organized “Multistakeholders Forums” immediately following the buyers’ forums in 2011 and 2012. • Immediate Objective 4. Development of a second phase of BWH programme <ul style="list-style-type: none"> • Plans for the full five-year program approved by ILO and USDOL in May 2009 and subsequent modifications were prepared without the active involvement of the PAC. • BWH did not develop operational guidelines for the Office of the Labor Ombudsman.
Efficiency of resource use	<ul style="list-style-type: none"> • EAs should be able to devote more time to advisory services even given the requirement to complete two assessments per year. • The budget for the five-year project has been increased above the level originally envisioned and now stands at US\$4.6 million • As of June 2012, roughly US\$3.0 million had been spent or encumbered. This works out to roughly US\$118,000 per factory and US\$100 per worker (excluding encumbrances).
Impact orientation and sustainability of the project	<ul style="list-style-type: none"> • Better Work is committed to a rigorous assessment of its impact. • Better Work Haiti is unlikely to be financially and political sustainable without the backing of USDOL. • Long-term sustainability requires fundamental changes in institutions in Haiti.
Effectiveness of management arrangements	<ul style="list-style-type: none"> • The CTA was not in place until six months after the project start date; given the hard deadline stipulated in the HOPE II Act for completion of the baseline compliance assessment, the process was hurried. • Management systems are in place, but could be strengthened. • BWH has worked with other departments in ILO as well as with international trade unions, but greater commitment and coordination is needed; interaction with IFC has been minimal. • USDOL has been heavily involved in the program. While the relationship is strong, coordination could be improved. • The PAC has not operated as intended and stakeholder relations are strained.

Conclusions

<p>Given difficult circumstances, Better Work Haiti has accomplished a good deal in the two years since the CTA came on board, but many “immediate objectives” are unlikely to be met by 31 December 2013.</p>	<ul style="list-style-type: none"> • While the project started in January 2009, the first six months were lost due to the delay in hiring a CTA. From the beginning, BWH has operated in a difficult environment, where effective social dialogue is challenging – government institutions are weak; national trade unions are undeveloped; and many employers have not been committed to constructive labor-management relations. Moreover, the ability of BWH to carry out activities has been disrupted on repeated occasions, including the earthquake (January 2010), cholera outbreak (October 2010), hurricane (November 2010), and political unrest following presidential elections (December 2010). • Against this setting, BWH has been able to establish an office, recruit and train staff, complete four rounds of assessments, provide advisory services to factories, and organize training events. The special report prepared by BWH on the dismissal of SOTA officials in three garment factories led to their reinstatement and has set the stage for broader discussions on freedom of association in the garment sector. The investigation also called attention to provisions in the national labor law that are at odds with ratified ILO conventions. These provisions and others aspects of the labor code are currently being reviewed under a project headed by DIALOGUE. • Still, the project is a long way from accomplishing stated objectives. BWH elected to focus on core services, even though objectives as stated in the HOPE II legislation and Project Document are much broader. Efforts to build the capacity of MAST and ADIH were not initiated until two years into the project and initiatives to strengthen national trade unions have never gotten off the ground. While evidence suggests that the project has resulted in better compliance on certain dimensions among some factories, non-compliance on a broad range of issues is still rife. Engagements with MAST, ADIH and national trade unions have focused on defining needs: little has been done to implement recommendations and strengthen the capacity of these institutions.
<p>The assessment process has been good, but needs to be strengthened. Insufficient attention has been paid to encouraging and helping companies address deficiencies.</p>	<ul style="list-style-type: none"> • The compliance assessment process is generally valid and reliable, but BWH continues to face challenges with respect to determining compliance with core labor standards, dealing with ambiguous national laws, and ensuring that assessments are conducted in a consistent manner. In this regard, it is troubling that the process is still evolving after four rounds and that BWH and USDOL reached different conclusions with respect to compliance on core labor standards in particular factories. Moreover, the continued debate about the interpretation of the minimum wage law has created a great deal of frustration. • Not enough time has been devoted to advisory services. This stems, in part, from the HOPE II legislation, which requires the publication of synthesis reports twice per year. However, it may also be due to poor scheduling and inefficient time use. Clear, realistic expectations are needed to help ensure accountability. • The Better Work model for advisory services is built around the establishment of PICCs; however, BWH has simply not had much success in establishing PICCs so far and the national trade unions continue to voice legitimate concerns about these committees given the current stage of organizing. Even if BWH elects to continue to establish PICCs on a pilot basis, it needs to develop an alternative model for working with the majority of factories that do not have PICCs.

	<ul style="list-style-type: none"> • Advisory services and training have focused on OSH with little attention devoted to helping companies address deficiencies with respect to core labor standards. • BWH has not yet figured out a way to bring buyers into the process in a systematic manner. Most companies that are sourcing garments from factories in Haiti are not involved in the program. Buyers can have leverage over suppliers, but only if they are well informed and committed to taking collective action in the event of non-compliance.
Institutional capacity building efforts have been insufficient: a new approach is needed.	<ul style="list-style-type: none"> • In general, efforts to build the capacity of MAST, ADIH, and national trade unions have not been well designed or executed. The planned level of engagement is not commensurate with the level of need, and even those plans have not been fully implemented. Long-term sustainability requires fundamental changes in institutions in Haiti. Assistance needs to be in-depth, comprehensive, properly sequenced, and sustained. • The HOPE II Act and the Project Document assign responsibility for institutional capacity building to BWH as the entity in charge of the TAICNAR. However, it has neither the technical expertise nor resources to take this on. Moreover, charging BWH with the task of training unions on how to organize workers and negotiate collective bargain agreements may muddy the water, opening the door to accusations of bias by employers. To be successful, other ILO departments/programs need to be actively involved and held accountable for meeting stated objectives.
Efforts to engage with the HOPE Commission and national stakeholders need to be redoubled.	<ul style="list-style-type: none"> • The awareness of the need for garment factories to comply with international labor standards has increased over the past six months in the aftermath of the release of the SOTA report and the intensive engagement of USDOL in the run up to the publication of the USTR report to Congress. However, some stakeholders still lack a solid understanding of these standards, particularly in areas where national laws are not aligned with ILO conventions, or are not yet committed to upholding them. The issue of freedom of association is likely to become more salient as SOTA and other unions seek to organize factories. A more concerted effort by national constituencies to promote constructive social dialogue is required. The HOPE Commission, as a tripartite consultation mechanism, has an important role to play in this regard.

Recommendations

1. **BWH should firm up the process of conducting compliance assessments.** Better Work should review the CAT to ensure that it measures what is intended and does so in an accurate, consistent, and transparent manner. Particular attention should be paid to core labor standards. Representatives of BWH and USDOL should meet to review the method used by each organization to determine non-compliance and agree to a common approach, including acceptable evidence and standards of proof. A standard design for worker surveys should be adopted, including the questionnaire, sampling strategy, administration, and data analysis. BWH should explore the use of CAPI technology.

BWH should settle the issue of how to assess compliance with minimum wage provisions. To this end, it should carry out the promised study on production quotas as soon as possible. (It should also coordinate with DIALOGUE to ensure that minimum wage provisions are addressed in the labor code review.)

BWH should develop a process for obtaining data on grievances filed by workers with MAST, the office of the Labor Ombudsman, and national trade unions. (The development of procedures for filing grievances and requisite information systems should be supported by LAB/ADMIN and ACTRAV as part of capacity building efforts.)

While the legislative mandate has to be met, BWH, USDOL, and the HOPE Commission should consider whether two full assessments of each factory are required every six months in order to satisfy the requirement. Perhaps, one of the reports could focus solely on core labor standards. This may lessen the workload and allow more time to be spent on remediation efforts. (Note that progress reports prepared by BWH as an integral part of advisory services would still be made available to factories, buyers and other approved third-parties, potentially including USDOL.)

Finally, BWH should seek the HOPE Commission's endorsement of the compliance assessment process, including the CAT (guidance notes and data collection plan) and timing of the assessments.

2. **BWH should refine the *Biannual Synthesis Reports*.** Better Work should review the format and content of the reports. It should improve how results are presented, particularly in the section on individual factories. The reports should present the compliance status of each factory in each period, with a clear statement on the particular findings that triggered the determination of non-compliance and the specific steps that factories have taken to remediate identified deficiencies. Consideration should also be given to including more detailed information on individual questions, summarizing the number of companies that changed status from one period to the next to provide a picture of the extent of improvements. Finally, BWH should consider publishing the reports in Creole and providing hard copies of the reports to representatives of unions that are active in the sector.
3. **BWH should refine the model for advisory services.** More time should be devoted to advisory services. Much of the effort should remain focused on facilitating the remediation process; however, enterprise advisors should offer advice on how to address certain issues in areas where they have specific expertise. In this regard, all advice offered to factories should be summarized in memos to factory owner/managers and included in program files.

While efforts to pilot PICCS in selected factories should continue, BWH should also develop a standard approach to working with factories that does not revolve around the establishment of PICCs. In all likelihood, BWH will finish this year with, at best, a handful of factories with PICCs. The process that EAs should follow in working with the remaining firms should be specified in written guidelines, including the frequency of visits and method of engagement. BWH and USDOL should work out roles and responsibilities for supporting remediation efforts in factories named in USTR reports.

Buyers should be actively involved in remediation efforts, specifying the actions that they will take to help resolve problems and repercussions of failure of factories to carry through on commitments. All buyers that source from the same factory should be involved in the process of defining improvement plans and monitoring performance. Consideration should be given to organizing separate meetings (in-person or teleconference) with buyers to review the results of the compliance assessment for the particular factory and determine an appropriate course of action. Buyers should be asked to encourage remediation and actively support steps to address non-compliance. Consideration should also be given to publishing the names of buyers that continue to source garments from factories that are found to be

non-compliant particularly with respect to core labor standards. In this regard, BWH should maintain a complete up-to-date list of all companies that are sourcing garments from factories in Haiti and consider obtaining blanket permission from factories to share detailed compliance assessment reports with all their buyers. (BWH should consider providing reports at no charge to buyers at least for the next year. The foregone revenue is not significant and may be more than offset by the benefit of greater compliance.)

Working in concert with BWG, IFC should play a more active role in supporting remediation efforts, particularly in companies in which it has made direct investments. In this regard, IFC has provided financing to CODEVI. As such, it should take a stronger stance on compliance issues, helping to ensure that the factory is fully compliant with all international labor standards and national labor laws. Any future investment in garment factories in Haiti should be conditional on such compliance.

4. **BWH should expand training programs for factory managers and workers.** BWH should develop a plan for rolling out training programs in Haiti over the next 12 month, including a detailed course schedule and marketing plan. In addition to OSH and life skills training, courses should include HR management (including dealing with sexual harassment), supervisory skills training, and industrial relations. BWH should complete work on the two comic books and distribute them to workers in all factories. Finally, BWH should work with USDOL to examine the potential to incorporate training on worker rights at the USAID-funded Haiti Apparel Center.
5. **BWH should review resource requirements and set clear service delivery goals.** BWH should conduct a systematic review of the assessment process to develop a better estimate of the level of effort and calendar time required to complete the process in order to identify potential efficiencies and improve scheduling. This information is also needed to determine the staff resources available for advisory services and training. Based on the results of the review, BWH should clarify expectations and hold staff accountable for meeting service delivery goals. In a related vein, BWG has a good understanding of the competencies required for an EA and has training programs to help ensure that EAs are competent. As suggested in the BWG evaluation, consideration should be given to developing a certification system.
6. **BWG should shift M&E toward a greater focus on compliance outcomes and the role of PICCs.** BWG has collected a great deal of factory-level data. These data should be used in M&E efforts to help determine the pattern of non-compliance in factories and the factors that influence changes in compliance status. In addition, good qualitative research on the role that EAs play in advisory services and the operations of the PICCs should be undertaken. With regard to the latter, research should address the process used to establish the PICC, the way in which the agenda is set, its role in developing an implementation plan, and the degree to which it contributes to improved management-labor relations. The research should also investigate the extent to which the PICC duplicates existing structures within factories, such as OSH committees, and potentially undermines the development and operations of trade unions.
7. **ILO should develop and implement a comprehensive plan to build the capacity of key institutions.** To be effective, a much more significant and sustained effort is required to build the capacity of MAST, Office of the Labor Ombudsperson, ADIH, and the national trade unions. As an institution, ILO needs to determine whether Haiti is a priority and merits greater attention. Building on activities of the past two years, DIALOGUE, ACTEMP, LAB/ADMIN, ACTRAV, NORMES and other relevant department/program should formulate a multi-year plan for working in the country. In this regard, DIALOGUE is in the process of working with national stakeholders to develop a first draft of a revised labor code, but will need additional resources over a number of years to see the law through Parliaments and help develop

appropriate regulations. Improving the functioning of MAST and setting up the Labor Ombudsman office entails significant work: LAB/ADMIN should consider placing ILO staff/consultants in MAST for an extended period of time. ACTRAV should work with ITUC and the AFL-CIO to help build the trade union movement. Funding for all of these initiatives will need to be secured from internal and external sources. These initiatives should be managed directly by the respective departments/programs and coordinated by the ILO representative in Haiti.

8. **The HOPE Commission should assume more responsibility for promoting constructive social dialogue and encouraging factories to comply with international labor standards and national labor laws.** As a tripartite consultative mechanism, the HOPE Commission has an important role to play. It should work with BWH to define steps needed to foster better communication among constituencies and address identified deficiencies in labor-management relations and working conditions in garment factories. It should be clear in public pronouncements and private conversations that all garment factories, whether located in Port-au-Prince, Ouanaminthe, or the new industrial park in Caracol, are expected to comply with international labor standards and national labor laws. The HOPE Commission should sponsor seminars on key issues in association with ILO. Finally, consideration should be given to appointing representatives of the trade unions that are active in the garment sector to the Commission and establishing a regular schedule of quarterly meetings.

Purpose of Evaluation

Aim and scope of the evaluation

1. The ILO retained Nexus Associates, Inc. to undertake a mid-term evaluation of Better Work Haiti.⁵ As stated in the terms of reference (TOR), the evaluation is intended as a formative evaluation that will allow the ILO to address problems and take corrective actions. In this regard, the stated purpose of the evaluation is “to review the progress made toward the achievement of the immediate objectives of the project⁶ and identify lessons learned from its key services implemented to date, its approach taken toward stakeholder capacity building, and its general engagement with national and international stakeholders.” In keeping with the framework for evaluations used by ILO, performance is assessed in terms of six criteria: relevance and strategic fit; validity of project design; project progress and effectiveness; efficiency of resource use; impact orientation and sustainability of the project; and effectiveness of management arrangements.

Methodology

2. The evaluation draws on four methods: review of documents, review of operating and financial data, interviews with key informants, and field visits to Haiti in January and June 2012.⁷ Interviews were conducted with program stakeholders, including BWG and BWH staff, representatives of ILO Departments in Geneva and San Jose, Costa Rica; representative of the International Trade Union Confederation; members of the HOPE Commission; officials of employer organizations and trade unions in Haiti; and owners/managers of individual garment factories.⁸

Background

Better Work Haiti is part of a global program.

3. Building on the experience of Better Factories Cambodia, the International Labour Organization (ILO) and the International Finance Corporation (IFC) launched the Better Work (BW) program on a cooperative basis in January 2007. The objective of Better Work is to increase the rate of compliance of enterprises in developing countries with international labor standards and national labor laws. In addition to improving working conditions, it is believed that greater compliance will lead to increased productivity and improved competitiveness. The program in Haiti is the second country program established under Better Work.⁹

USDOL approached the ILO to establish a Better Work program in Haiti pursuant to HOPE II legislation that was being considered in Congress; the project was approved in September 2008.

4. As discussed in more detail below, the legislation allows duty-free access to the U.S. market for certain types of apparel products made in Haiti provided that factories are compliant with international labor standards and national labor laws. To this end, the government of Haiti is required to establish an independent Labor Ombudsman and ensure that factories participate in the Technical Assistance Improvement and Compliance

⁵ The contract was signed on 25 May 2012. Service Contract No. 40089095 / 0

⁶ Objectives are identified in the project document and subsequent work plans.

⁷ The field visit conducted in January 2012 was undertaken as part of an evaluation of Better Work Global.

⁸ A list of interviews is presented in Appendix A.

⁹ A list of all BW country programs is shown in Appendix B.

Needs Assessment and Remediation (TAICNAR) program established in cooperation with the International Labor Organization.

5. A joint ILO/IFC mission to Haiti was undertaken in June 2008 to identify technical assistance requirements for the project.¹⁰ Five months later, a three-member ILO team, including two people on the staff of Better Work and a representative from the ILO subregional office in Costa Rica, participated in a second mission to meet with national stakeholders and discuss the *Project Document*.^{11, 12} The *Project Document* was finalized soon thereafter.^{13, 14} It centered on a “preparatory phase” lasting 14 months (1 January 2009 to 28 February 2010) at the conclusion of which ILO would launch a full comprehensive Better Work program in Haiti.¹⁵ The budget for the preparatory phase was set at US\$1 million, fully funded by the U.S. Department of Labor. The *Project Document* laid out four “immediate objectives” for the project:
 - “To increase compliance with national labour law and with international labour standards in the Haitian apparel sector.
 - To increase the Ministry of Social Affairs and Labour’s ability to conduct labour inspections and conflict resolution.
 - To increase social dialogue among tripartite partners in the Haitian apparel sector.¹⁶
 - To develop a full-fledged Better Work Haiti programme.”
6. In September 2009, noting that the foundation for a full-scale program in Haiti had been laid successfully, the decision was made to extend the project until 31 December 2013 and to increase the budget by US\$2.5 million to US\$3.5 million. The *Project Revision Form* stated that Better Work Haiti would serve as the TAICNAR, performing all functions stipulated in the HOPE II legislation. In this regard, it notes that the “immediate objectives” of the project would “basically remain the same” as presented in the original *Project Document*, but with the inclusion of additional outputs and activities.¹⁷ In March 2012, the ILO sought an additional

¹⁰ ILO records do not contain the report from the June 2008 mission. Email from A. Rossi (BWG) to E. Oldsman (Nexus Associates), 22 June 2012.

¹¹ *Report on ILO/IFC Haiti Scoping Mission* (November 24-27, 2008). During the November mission the team met with representatives of the HOPE Commission, Ministry of Social Affairs and Labor (Ministère des Affaires Sociales et du Travail – MAST), Association of Haitian Manufacturers (Association Des Industries d’Haïti – ADIH) and three trade unions – Confederation of Haitian Workers (Confédération des Travailleurs Haïtiens – CTH), Haitian Trade Union Coordination (Coordination Syndicale Haïtienne – CSH), and the Mouvement des Organisations Indépendantes Intégrées et de Syndicats Engagés – MOISE).

¹² A draft of the *Project Document* was circulated to national stakeholders prior to the November mission.

¹³ International Labour Office (ILO) Better Work Programme, Multi Bilateral Programme of Technical Cooperation, November 2008, Government of the United States of America and Government of Haiti. ILO Project Code: HAI/08/01/USA. Cooperative Agreement Number IL-17778-08-60-K. USDOL Appropriation Number 08-K105-RWBR-4143-CG001-000. The Project Document notes an approval date of 30 September 2008 and a start date of 1 January 2009.

¹⁴ The *Project Document* was not formally approved by the Government of the Republic of Haiti. Interview with L. Dumas, BWG, 19 June 2012.

¹⁵ Noting delays in recruiting a CTA, ILO sought and was granted a four-month no-cost extension for the preparatory phase in May 2009, extending the completion date until 30 June 2010. USDOL-ILO Project, Project Revision Form, 13 May 2009.

¹⁶ In another part of the document, this objective is worded as “Workers’ and employers’ organizations are able to engage in effective social dialogue.”

¹⁷ “Under Component 1: (a) Assessment and training programmes regularly implemented in all factories participating in the project; (b) The Better Work Information Management System (IMS) called STAR will be installed and functioning; (c) Awareness raising materials to be used at factory level for workers will be designed and distributed; (d) Buyers’ meetings will be regularly organized at national level; (e) An improved M&E framework will be available to measure the impact of the project at enterprise level, as part of the global Better Work Programme. Under Component 2: (a) An employment policy will be available. Under Component 3: (a) Additional trainings will be provided to the ILO constituents to strengthen social dialogue, based on the needs analysis carried out under the first phase.”

US\$1.1 million for the Better Work Haiti program through an allocation from the USDOL-funded BWG umbrella grant.¹⁸ Again, the document notes that “project objectives and outcomes will remain the same,” but adds an output related to the production of a labor law guide following passage of a new labor code (see below).

7. The *Project Document* notes that Better Work would implement factory-level services. Efforts to building the capacity of MAST, ADIH, and trade unions would be supported by ILO technical departments with relevant expertise. Specifically, it was foreseen that DIALOGUE would undertake an analysis of the labor law; LAB/ADMIN would conduct an audit of MAST and support efforts to enhance capacity of the labor inspectorate; ACTEMP would work with ADIH; and ACTRAV would “train representatives of the trade union movement on organizing and negotiation skills.” The assistance would revolve around a series of fact-finding missions and workshops with national stakeholders in Haiti.
8. Finally, while IFC was not a signatory to the agreement, the *Project Document* states, “IFC will fund and carry out a management training and productivity improvement program in 10 pilot companies in the garment sector.”¹⁹ It also notes that Better Work Haiti would “coordinate with work IFC is carrying out in the areas of investment promotion and free trade zone regulatory reform, both specifically within the apparel sector.”²⁰

A parallel project to revise the labor code and address deficiencies in labor administration was approved by Human Resources and Skills Development Canada (HRSDC) in December 2010.

9. HRSDC approved US\$236,470 for technical support to Haiti to revise the labor code and enhance the capacity of the Ministry of Social Affairs and Labor (MAST) to enforce labor laws. Funding is channeled through Better Work, but all monies are allocated to DIALOGUE AND LAB/ADMIN, which are responsible for project implementation. The intended outcomes of the project are stated as follows:
 - “Submit a draft revision of the labor code to the Haitian Government and Parliament;
 - A group of officials of the Ministry of Social Affairs and Labor and representatives from employers and worker organizations have acquired the necessary skills to revise legal texts in a clear and precise manner;
 - Improved Management and Coordination of the Labor Administration;
 - Training and Retraining of Staff; and
 - Modernize the Labor Inspectors Training and introduce New Tools and New Working Methods.”
10. The schedule calls for the HRSDC-funded project to be completed by 8 December 2012.

¹⁸ ILO TC Project Number: INT/10/13/USA. USDOL Agreement Number IL-21187-10-75-K.

¹⁹ *Project Document*, op. cit.

²⁰ Ibid.

Performance Assessment

Relevance and strategic fit

The Government of Haiti and other stakeholders view the garment sector as a key contributor to economic development in the country.

11. Haiti is the poorest country in the Western Hemisphere with 80 percent of the population living under the poverty line and 54 percent in abject poverty. Unemployment is widespread and more than two-thirds of the labor force works in the informal sector.
12. While down from a peak of 100 factories and more than 100,000 workers thirty years ago, the garment sector in Haiti still employs some 24,000 workers and generates more than US\$620 million in exports, accounting for roughly 90 percent of total exports and 10% of total GDP.
13. The government sees the garment sector as an important element of the country's development strategy. As stated by the Executive Director of the HOPE Commission in testimony before the U.S. Congress in June 2011, "The government of President Rene Preval prioritized the successful implementation and expansion of the HOPE Act from 2006 to 2010, and the apparel sector remains a cornerstone of the country's economic revitalization strategy for the new government of President Martelly."^{21,22}
14. That said, as shown in Table 1, there has been a fair amount of consolidation in the garment sector over the past few years even as exports have grown. Some companies have merged and a number of factories have ceased operations. In this regard, 32 factories have been assessed by BWH since 2009. As of April 2012, there were 23 registered factories, two of which were in the process of merging. Eleven factories are majority-owned by foreign investors – Korea (5), USA (3), Taiwan (1), India (1), and Dominican Republic (1). The remaining 12 are owned by Haitians.²³ All of the factories, except, CODEVI are located in Port-au-Prince.
15. The government has ambitious plans to attract new investment in the garment sector, buoyed by the development of a 600-plus acre industrial park along the northern coast of the country in Caracol – about 15 miles (25 km) from the port city of Cap Haitien. It has been reported that Sae-A Trading Co. is planning to invest \$78 million in the initial phase of the project, backed by US\$124 million from the U.S. government and US\$100 million from the Inter-American Development Bank.²⁴
16. According to BWH, Sae-A Trading Co. is planning to register soon and another new factory – Gladiator – has been approached.²⁵ If these factories join the program, BWH would cover all garment factories operating in the country.^{26, 27}

²¹ Testimony of Georges Barau Sassine, President, Association of Haitian Manufacturers (ADIH) and Executive Director of CTMO-HOPE, Senate Committee on Foreign Relations, 23 June 2011.

²² The development of the garment sector was singled out in the economic growth plan commissioned by U.N. Secretary-General Ban Ki-moon in 2008. See Paul Collier, *Haiti: From Natural Disaster to Economic Security*, January 2009.

²³ The largest is the Apaid Group with four factories – Genesis, GMC, Interamerican Wovens, and Premium Apparel – accounting for more than 20 percent of total employment in the sector. According to Mr. Apaid, four families own all of the Haitian factories.

²⁴ SONAPI, Republic of Haiti, Information Pamphlet, August 2011.

²⁵ BWH, Presentation on Program Update, Buyers Forum, 13 June 2012.

²⁶ Ibid.

²⁷ A report prepared by ILO on ADIH states, "As of July 2011, ADIH's membership number stands at approximately 90 members... Forty-one percent of ADIH's membership is in the textile and garment manufacturing sector... (See L. Howell, Mission Report: Haiti, 9 August 2011.) This would suggest that there are roughly 36 manufacturers in the sector."

Table 1. Status of Factories as of April 2012

Factory	Majority Ownership	Date Registered	Number of Workers (Dec 11- Feb 12)	Status
Aplus Garments SA	Haitian	2009	0	Closed in July 2010.
Astro Embroidery & Screen Printing	Korean	25 Oct 10	0	Not in operation, no plan to reopen
CODEVI	Dominican	24 Sep 09	4,555	
DKDR Haiti SA	Korean	09 Oct 09	1,535	
Fairway Apparel SA	Taiwanese	22 Oct 10	488	
Fox River Caribe, Inc.	American	29 Sep 09	41	
Galaxy Industrial SA (a)	Korean	27 Aug 10	0	Not in operation, no plan to reopen
Genesis SA	Haitian	28 Oct 09	833	
Global Manufacturers & Contractors	Haitian	19 Sep 10	2,030	
Horizon Manufacturing SA	American	25 Aug 10	328	
Indigo Mountain Haiti SA	Indian	15 Mar 12	98	
Interamerican Knits, SA	Haitian	09 Sep 10	509	Merged with Interamerican Wovens in early 2012 (a)
Interamerican Tailor, SA	Haitian	28 Oct 09	0	Merged with One World Apparel in the summer 2011
Interamerican Wovens SA	Haitian	28 Oct 09	860	Merged with Interamerican Knits in early 2012 (a)
Island Apparel	American	09 Sep 09	1,518	
Johan Company	Haitian	23 Sep 09	260	
Lucotex Manufacturing Co.	Haitian	19 Oct 10	59	
Magic Sewing Mfg. SA	Haitian	01 Oct 09	293	
Modas Gloria Apparel	Korean	08 Oct 09	763	
Multiwear SA	Haitian	05 Oct 09	1,689	
One World Apparel	Haitian	27 Oct 09	1,573	Merged with Interamerican Tailor in summer 2011
Pacific Sports Haiti	Korean	11 Nov 09	1,359	
Palm Apparel	Haitian	17 Nov 09	1,547	
Premium Apparel SA	Haitian	28 Oct 09	1,112	
Quick Response Mfg.,	American	2009	0	Closed in Jan 2010 and re-opened under Horizon in Aug 2010
Sew Rite Manufacturing	Haitian	19 Oct 10	0	Closed
Sewing International SA	Haitian	25 Sep 09	1,677	
Team Manufacturing	Haitian	2009	0	Closed Dec 2009
Textrade	Haitian	2009	0	Closed May 2010
Willbes Haitian I SA	Korean	27 Aug 10	0	Not in operation, no plan to reopen
Willbes Haitian II SA	Korean	27 Aug 10	524	
Willbes Haitian III SA	Korean	27 Aug 10	592	
Willbes Haitian V SA / Azteca	Korean	27 Aug 10	0	Not in operation, no plan to reopen
Total			24,243	

Notes: (a). These two companies were not assessed in the 4th assessment round. As such, employment figures are from the 3rd round.
Source: Nexus Associates based on Biannual Synthesis Report and written comments from BWH, 20 June 2012 and 1 August 2012.

While Haiti has ratified all fundamental ILO conventions, national labor laws are not fully aligned with these conventions and enforcement is challenging.

17. As shown in Table 2, Haiti has ratified all fundamental (core) conventions and 16 others adopted by the International Labour Organization.²⁸ However, the ILO Commission of Experts on Conventions and Recommendations has repeatedly advocated over the years that Haiti amend certain provision of the Labor

²⁸ As a tripartite body, the International Labour Organization (ILO) is responsible for developing and overseeing international labor standards. These standards are either in the form of conventions or recommendations. The former are legally binding international treaties, which may be ratified by member state; the latter serve as non-binding guidelines. Once the ILO adopts a standard, member states are required under the ILO Constitution to submit it to the parliament or other competent authority for consideration. In the case of conventions, this means consideration for ratification. Ratifying countries commit themselves to applying the convention in national law and practice.

Code to make it more consistent with Conventions 87 and 98. Moreover, Haiti has not ratified other ILO conventions, including some that relate directly to areas covered by Better Work compliance assessments and proposed capacity building efforts.²⁹ The current Labor Code dates from 1984, supplemented through periodic amendments.

Table 2. Ratification of ILO Conventions

Type	Convention	Title
Fundamental	29	Forced Labour Convention, 1930
	87	Freedom of Association and Protection of the Right to Organize Convention, 1948
	98	Right to Organize and Collective Bargaining Convention, 1949
	100	Equal Remuneration Convention, 1951
	105	Abolition of Forced Labour Convention, 1957
	111	Discrimination (Employment and Occupation) Convention, 1958
	138	Minimum Age Convention, 1973
Governance	182	Worst Forms of Child Labour Convention, 1999
	81	Labour Inspection Convention, 1947
Technical	1	Hours of Work (Industry) Convention, 1919
	12	Workmen's Compensation (Agriculture) Convention, 1921
	14	Weekly Rest (Industry) Convention, 1921
	17	Workmen's Compensation (Accidents) Convention, 1925
	19	Equality of Treatment (Accident Compensation) Convention, 1925
	24	Sickness Insurance (Industry) Convention, 1927
	25	Sickness Insurance (Agriculture) Convention, 1927
	30	Hours of Work (Commerce and Offices) Convention, 1930
	42	Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
	45	Underground Work (Women) Convention, 1935
	77	Medical Examination of Young Persons (Industry) Convention, 1946
	78	Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946
	90	Night Work of Young Persons (Industry) Convention (Revised), 1948
	106	Weekly Rest (Commerce and Offices) Convention, 1957
	107	Indigenous and Tribal Populations Convention, 1957

Source: <http://webfusion.ilo.org/public/applis/appl-byCtry.cfm?lang=EN&CTYCHOICE=0280>

18. Responsibility for enforcing labor laws rests primarily with the Ministry of Social Affairs and Labor (MAST). However, MAST is among the weakest public institutions in Haiti.³⁰ It lacks resources needed to identify violations of the law and seek redress through administrative or judicial channels. Additionally, at times, politics may favor factory owners over factory workers.
19. Institutional weaknesses have been exacerbated by repeated changes in leadership. Since 2009, there have been six different labor ministers.³¹ After five months with a government in place, in October 2011, the President of the Republic of Haiti appointed Mr. Francois Lafaille, as Minister of Social Affairs and Labor and Mr. Leon Ronsard Saint-Cyr as Director General. Seven months later, as part of a broad cabinet shakeup, Mr.

²⁹ In this regard, among the conventions that Haiti has not ratified are the following: C122 - Employment Policy Convention, C144 - Tripartite Consultation (International Labour Standards) Convention, C102 - Social Security (Minimum Standards) Convention, C118 - Equality of Treatment (Social Security) Convention, C130 - Medical Care and Sickness Benefits Convention, C131 - Minimum Wage Fixing Convention, 1970, C135 - Workers' Representatives Convention, 1971. C150 - Labour Administration Convention, 1978, C154 - Collective Bargaining Convention, 1981, C155 - Occupational Safety and Health Convention, 1981, C170 - Chemicals Convention, 1990, and C187 - Promotional Framework for Occupational Safety and Health Convention, 2006.

³⁰ Interview with HOPE Commission, 5 June 2012.

³¹ Ms. Gabrielle P. Baudin, Mr. Yves Cristalin, Gérald Germain, Mr. François Richel Lafaille, Mr. Leon Ronsard Saint-Cyr, and Ms. Josepha Raymond Gauthie.

Saint-Cyr replaced Mr. Lafaille as minister. However, this appointment did not last long. In August 2012, a new minister was named – Ms. Josepha Raymond Gauthie. As of August 2012, the DG position had been vacant for roughly four months.

The trade union movement In Haiti is struggling to find traction.

20. Until recently, the Union of CODEVI Workers in Ouanaminthe (Sendika Ouvriye Kodevi Wanament – SOKOWA) was the only registered union representing workers at a garment factory in Haiti. SOKOWA was organized in 2004 with the help of Batay Ouvriye – a worker rights organization based in Haiti – and pressure from international trade unions. SOKOWA negotiated a collective bargaining agreement with CODEVI management, which addresses wages, work time, safety and health, and other workplace issues. In October 2011, another union – SOFEZO – was established in CODEVI under the direction of CATH. Industrial relations have not been smooth. In January 2012, SOKOWA officials were dismissed after a series of work stoppages. (The cases were resolved through financial settlement, rather than reinstatement.)
21. As discussed below, a new union for the garment sector was established in fall 2011 – Trade Union of Textile and Apparel Workers (Sendika Ouvriye Takstil ak Abiman – SOTA). Soon after registering with MAST, union officials were dismissed from three factories. Separate investigations by BWH and USDOL determined that there was credible evidence that workers were dismissed for union activity in violation of international standards regarding freedom of association. The workers were subsequently reinstated. SOTA now has union representatives in five factories – Genesis, Interamerican Wovens, Multiwear, One World Apparel, and Premium Apparel. Initial organizing activities are underway, but elections have not yet been held.
22. Many workers are hesitant to join unions. In survey conducted by researchers from Tufts University of 500 workers in 23 garment factories (conducted from March to December 2011), less than 5 percent of workers reported being a member of a union. Roughly 55 percent of respondents believe that they probably or [might] lose their job if they joined a union.³²

Voluntary corporate codes of conduct and auditing mechanisms adopted by international brands are insufficient to ensure compliance with international labor standards and national labor law.

23. In the absence of strong laws and enforcement, international brands that source from factories in Haiti and elsewhere have adopted codes of conduct for suppliers and established auditing mechanisms to assess compliance. In theory, suppliers that do not meet established standards face sanctions in the form of lower orders or termination of contracts. The effectiveness of the approach is based on the assumption that suppliers will take corrective action if the cost of compliance is less than the expected value of the sanction.
24. In reality, however, sourcing decisions tend to be driven more by cost, quality and lead time than compliance with labor standards. Few brands actually terminate contracts unless suppliers fail to meet “zero threshold” concerns such as child labor, forced labor, or life-threatening conditions within the factory. Moreover, the leverage of a brand may actually be quite limited, particularly in instances where it represents a small share of the factory’s total production. In this regard, four of five buyers that responded to a survey conducted as part of this evaluation indicated that orders placed by their company with a factory in Haiti typically account for less than one-quarter of that factory’s annual production; three responded that their orders account for less than ten percent.³³

³² Given the size of the sample and the population noted in the report, Nexus Associates calculated the margin of error at $\pm 4\%$.

³³ BWH Buyer Survey.

25. Significantly, many factories that Better Work Haiti has assessed are suppliers to international brands or other major buyers; yet, all have been found to be non-compliant with some aspect of international labor standards and national labor laws.³⁴

The Better Work Haiti program is tied directly to U.S. trade legislation.

26. On 18 June 2008, the U.S. Congress approved the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II Act), which allows duty-free access to the U.S. market for certain types of apparel products made in Haiti provided that factories are compliant with international labor standards and national labor laws.³⁵ To this end, the government of Haiti is required to establish an independent Labor Ombudsman³⁶ and ensure that factories that are eligible to enjoy preferential treatment under HOPE II participate in the Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) program established by the International Labor Organization. As stipulated in the legislation, the TAICNAR program is required to perform the following: (i) assess compliance of registered producers with core labor standards and the national labor laws of Haiti that relate directly to these core labor standards; (ii) help producers remediate “identified deficiencies” with respect to compliance; (iii) issue public reports on a biannual basis detailing compliance and remediation efforts of producers; and (iv) provide assistance to improve the capacity of the Government of Haiti to inspect producer facilities, enforce national labor laws, and resolve labor disputes.³⁷
27. On 24 May 2010, the Haiti Emergency Lift Program of 2010 (HELP Act) was signed into law, expanding the Caribbean Basin Economic Recovery Act and the HOPE II Act. Specifically, the HELP Act increases the limits on the volume of knit and woven apparel that can be exported under preferential tariffs and extended the program through September 2020 (with the exception of the value-added tariff rate quota, which expires in December 2018.)
28. The HOPE II Act authorized an appropriation of \$10 million to implement all elements of the legislation (not just the TAICNAR program) from 1 October 2008 to 30 September 2013. While Congress has not appropriated any funds specific to the HOPE II or HELP Act, the appropriations bill for the USDOL International Bureau of

³⁴ Based on review of *Biannual Synthesis Reports*.

³⁵ The HOPE II Act was included as part of the Food Conservation and Energy Act of 2008 (Farm Bill 2008), which includes modifications to the Caribbean Basin Economic Recovery Act and the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006.

³⁶ HOPE II calls for the Labor Ombudsperson to (i) develop and maintain a registry of producers 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 the HOPE II legislation. In addition, the Ombudsperson is required to coordinate a tripartite committee with the ILO to evaluate the progress of the TAICNAR program and consult on improving core labor standards and working conditions in the textile and apparel sector.

³⁷ The legislation notes that the assistance shall include the following activities: (i) to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards; (ii) to develop additional strategies for facilitating protection of core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health; (iii) to increase awareness of worker rights, including under core labor standards and national labor laws; (iv) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws; (v) to assist the Labor Ombudsman in establishing and coordinating operations of the tripartite committee; (vi) to assist worker representatives in more fully and effectively advocating on behalf of their members; and (vii) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

Labor Affairs (ILAB) in 2008 included US\$1 million for a technical assistance program in Haiti to address worker rights.³⁸

Validity of project design

The compliance assessment process is generally well designed; however, some aspects remain challenging.

29. The program revolves around compliance assessments of individual factories. Working in concert with ILO technical specialists and experts in NORMES, Better Work Global has developed a compliance assessment framework that reflects the core international labor standards and national labor laws. As shown in Table 3, the framework is divided into eight “clusters” – four are based on international labor standards and four are based on national labor laws related to working conditions. Each cluster covers a number of “compliance points,” representing different elements of the cluster. There are 38 compliance points in the current compliance assessment framework. Finally, each compliance point includes a series of roughly 280 “Yes-No” questions to determine whether the factory is compliant with the applicable standard or law. If the factory is found to be non-compliant on any question related to a compliance point, the enterprise is considered to be non-compliant with respect to that point.
30. Detailed guidance notes are developed to help enterprise advisors determine non-compliance. The guidance notes reference provisions in relevant laws, if applicable, and provide instruction on methods of verification. Given differences between national laws and ILO core conventions, the latter apply. The framework and guidance notes are modified periodically based on field experience. For example, additional questions were added in 2011 to address hazardous work for workers under age 18; clarifications were also made to guidance on assessing freedom of association (FOA), specifically with respect to trade union officials’ access to factories and management interference in trade union affairs.³⁹ All modifications are made in close consultation with ILO experts in Geneva.

³⁸ Specifically, the appropriation provided US\$5 million “to implement model programs to address worker rights through technical assistance in countries with which the United States has trade preference programs and directs that this activity be carried out through a cooperative agreement with an international organization that has experience in working to assure adherence to a set of core labor standards through work with governments, employers and labor organizations... The Appropriations Committees believe that a component of this new program should first be implemented in the Republic of Haiti, at a funding level of not less than \$1,000,000. “ The bill also states, “an adequate cost-share from Haitian sources should also be committed before the initiation of the project.” Consolidated Appropriations Act, 2008 (H.R. 2764; Public Law 110–161).

³⁹ BWG, Written Comments, op. cit. as well as field interviews.

Table 3. Better Work Compliance Assessment Framework

	Compliance clusters	Compliance Points	
Core Labor Standards	Child labor	<ul style="list-style-type: none"> • Child Laborers • Unconditional Worst Forms 	<ul style="list-style-type: none"> • Hazardous Work • Documentation and Protection of Young Workers
	Discrimination	<ul style="list-style-type: none"> • Race and Origin • Religion and Political Opinion 	<ul style="list-style-type: none"> • Gender • Other Grounds
	Forced Labor	<ul style="list-style-type: none"> • Coercion • Bonded Labor 	<ul style="list-style-type: none"> • Forced Labor and Overtime • Prison Labor
	Freedom of Association and Collective Bargaining	<ul style="list-style-type: none"> • Union Operations • Interference and Discrimination 	<ul style="list-style-type: none"> • Collective Bargaining • Strikes
Working Conditions	Compensation	<ul style="list-style-type: none"> • Minimum Wages • Overtime Wages • Premium Pay • Method of Payment 	<ul style="list-style-type: none"> • Wage Information, Use and Deduction • Paid Leave • Social Security and Other Benefits
	Contracts and Human Resources	<ul style="list-style-type: none"> • Employment Contracts • Termination 	<ul style="list-style-type: none"> • Discipline and Disputes • Contracting Procedures
	Occupational Safety and Health	<ul style="list-style-type: none"> • OSH Management Systems • Chemicals and Hazardous Substances • Worker Protection • Working Environment 	<ul style="list-style-type: none"> • Health Services and First Aid • Welfare Facilities • Worker Accommodation • Emergency Preparedness
	Working Time	<ul style="list-style-type: none"> • Regular Hours • Overtime 	<ul style="list-style-type: none"> • Leave

Source: Better Work

31. Enterprise advisors (EAs) employed by ILO as part of the Better Work program undertake assessments of factories to gauge compliance. The assessment centers on whether there is sufficient evidence to find that the factory is non-compliant with a particular question in the CAT. However, Better Work does not certify compliance, nor does it provide an overall score or rating.
32. To a great extent, the quality of the assessment hinges on the validity and reliability of the measurement.⁴⁰ A discussion of several issues follows:
- Some national laws are ambiguous, which has led BWH to develop its own interpretation. For example, the minimum wage law effective beginning in October 2009 has two dimensions. In that year, all workers had to be paid a minimum of 125 gourdes (roughly US\$3.60) for an eight-hour workday. Piece rate workers had to be able to earn at least 200 gourdes (roughly US\$4.80) in an eight-hour workday.⁴¹ In the absence of clarification by the government,⁴² Better Work has defined the second provision as at least 90 percent of production workers (with at least three months on the job) actually earning 200 gourdes in an eight-hour workday. The 90% threshold and three-month period are not based on an international labor

⁴⁰ Validity refers to whether the assessment is measuring what it is intended to measure; reliability refers to whether the measurement yields consistent results.

⁴¹ Specifically, the law states, “the salary paid for the production unit must be fixed so as to allow the worker to realize for 8 working hours per day at least 200 gourdes per day.” (Written comments from BWG, 8 February 2012.) The law raises the minimum wage according to the following schedule:

Effective Date	Minimum Wage	Piece Rate Wage
October 2009	125	200
October 2010	150	250
October 2012	200	300

Source: Better Work

⁴² In response to a request from BWH, CTMO-HOPE sent a letter signed by one representative of each groups (government, private sector and union) to BWG, which essentially reiterated the law without further clarification.

standard or national labor law. When asked to explain the rationale for setting the threshold at 90%, Better Work explained, “The 90% requirement here is to allow for a certain margin of error in compliance with the standard. We use the set figure of 90% to ensure that all EAs apply a consistent standard.”⁴³ According to the Better Work, “many stakeholders, including the unions and the US government and the ILO as a whole are firmly in support of this interpretation.”⁴⁴ For their part, employers continue to question BWH’s interpretation of the law and how it is being applied in compliance assessments. Some argue that the piece rate wage is included in the legislation as a guideline, not as a legal mandate.⁴⁵ Others argue that the legal requirement is achieved if some piece rate workers can earn the specified wage. (The fact that 22 percent of workers in assessed factories actually earn the wage referenced in the legislation suggests that many employers “are not setting production quotas in ways that allow workers to earn the wage called for in the law.”⁴⁶)

- Not all of the compliance points are anchored in law. For example, the CAT guidelines hold that 10% of the workforce has to receive first aid training annually and include both men and women workers in all sections and on all shifts. Although the guidance states that the question is based on R177, when queried, Better Work explained the 10% figure “is based on a review of the ILO Encyclopedia on OSH, which looks at standards applied in several countries.” Again, the argument is made for the need for BW to establish a consistent benchmark in the absence of clear regulations.⁴⁷
- Many of the compliance points are qualitative in nature, requiring EAs to make judgments about whether a particular factory is non-compliant based, in part, on worker interviews. In this regard, *Better Work Global Assessment Guidelines* call for “workers will be selected at random” for interviews, noting that the sample should be representative in terms of work location, function, shift, gender, ethnic background, age, length of service, union membership, and other characteristics. With respect to the size of the sample, the guidelines note, “EAs will need to exercise their judgment on the number of workers they interview depending on the size, situation at the factory and quality of the information coming in. However they should formally interview at least 10% of workers (more if the facility is small) up to a maximum of about 40 workers.” In Haiti, it appears that workers are chosen based on some notion of who is likely to be willing to talk with the EAs (e.g., eye contact) rather than on random sampling where each worker has the same probability of selection.⁴⁸ EAs also do not use a standard questionnaire or follow a prepared script. It is felt that a less structured approach is preferable in order to establish trust with workers and allow the concerns of workers to emerge during the course of the discussion.⁴⁹ In addition, sometimes interviews are done individually, other times they are done in groups. According to Better Work, “Both methods are at EA’s disposal, so that if one approach is not bearing fruit, EAs have the option to alter their approach.”⁵⁰ While the approach to worker surveys may lead to more open discussion, it does have drawbacks including the potential for bias and inability to generalize results to the population of workers as a whole.

⁴³ BW, Written Comments, op. cit. An additional explanation was provided in response to the draft report: “The former [90%] based on ILO advice elsewhere and the latter based on industry practices in terms of how long new workers should take to get up to speed (actually managers plan for considerably shorter learning curves than 3 months, so this is being generous.)”

⁴⁴ BW, Comments on Draft Report, 25 July 2012

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Interview with EAs and CTA, op. cit. This approach is known as a “convenience sampling.”

⁴⁹ Ibid.

⁵⁰ BW, Comments on Draft Report, op. cit.

- A common refrain voiced by EAs interviewed during the evaluation in Haiti and elsewhere was the lack of a hard boundary between compliance and non-compliance in some areas. While some compliance points revolve around thresholds established by law such as the minimum wage, allowable overtime and the number of toilets; others are more subjective in nature. In this regard, Better Work explained, “The number of workers supporting a finding would depend on the issue under consideration, as well as the EA’s perception of the workers’ veracity. To the greatest extent possible, we try to triangulate all findings, and not to rely solely on workers’ statements.”⁵¹ Consistent assessments across EAs depends on the strength of EA training and rigor of quality assurance procedures.⁵²
- EAs pose questions related to sexual harassment in terms of whether a worker knows someone who has been subject to sexual harassment rather than experienced it directly; as such, the scale of the problem may be difficult to discern. At the extremes, all workers interviewed could be referring to the same case or each worker could be referring to a case that is unknown to all other interviewed workers. Better Work notes, “This is a very widespread methodology to investigate sensitive questions among research subjects,” adding, “While it is true that different workers may be referring to one single case, for the purpose of identifying NC [non-compliance] findings, even one episode of sexual harassment if properly documented and corroborated would be sufficient for the factory to be NC [non-compliant].”⁵³
- Comparisons across time are likely to be unreliable. Reliable assessment of improvements relative to a baseline requires consistent application of the same instrument. However, guidance notes have been modified periodically, effectively changing the standard used to gauge compliance. This is particularly evident in compliance points dealing with freedom of association, forced labor, and discrimination where the rate of non-compliance increased across the four assessment rounds. The increase in findings of non-compliance is due to changes in method used to determine non-compliance and experience gained by EAs over time rather than underlying practices in the factories. The heightened emphasis on these three core issues arose, in part, due to encouragement by USDOL.

In Haiti the assessments are conducted every six months in keeping with the HOPE II Act, resulting in more emphasis on assessment than remediation.⁵⁴ The strategy to introduce PICCs may not be appropriate.

33. Typically, two EAs spend roughly two days on-site observing conditions, reviewing documentation, and conducting interviews with managers and workers. In addition to sharing the workload, the team approach is designed to help avoid potential irregularities.⁵⁵ Individual EAs rotate among factories.⁵⁶ Assessment reports are provided to factory managers and with their approval shared with buyers.⁵⁷ (It is intended that these

⁵¹ BW, Written Comments, op. cit.

⁵² This is an issue of interrater reliability.

⁵³ Better Work, Comments on Draft Report, 25 July 2012.

⁵⁴ In other country programs the assessments are done annually.

⁵⁵ All staff on ILO contracts must sign a code of ethics – “The Standards of Conduct for Staff” – that sets out principles and expectations of ethical conduct. As more significant risks are associated with the role of staff of country programs, especially EAs, an additional code of ethics was drafted in 2011. This sets out a more detailed set of expectations and procedures for staff that are specific to the implementation of Better Work country programs.

⁵⁶ Email from R. Lavallée (BHW) to E. Oldsman (Nexus Associates), 20 June 2012.

⁵⁷ In general, Better Work is obligated to hold information obtained through factory visits strictly confidential and is precluded from sharing it with any third-party without the consent of factory managers. There are specific exceptions to this provision. Better Work policy calls for all instances of suspected child or forced labor to be reported immediately to the national ministry of labor along with “egregious” violations of freedom of association and instances where there are immediate threats to the health and safety of workers. Based on memoranda of understanding (MOU) signed with ministries of labor, government officials are expected to investigate within 24 hours, determine whether a violation has occurred, and take necessary action.

reports will replace audits conducted by brands and/or other third parties, helping to ensure a consistent approach and reducing administrative burdens.)

34. Unlike many compliance programs, Better Work is designed to provide advisory services to help factories address identified deficiencies. The standard approach adopted by Better Work Global calls for EAs to work with each factory to establish a Performance Improvement Consultative Committee (PICC), which is tasked with setting priorities, developing plans to bring the factory into compliance (Improvement Plans), and monitoring implementation. The PICC is intended to be a vehicle for improving workplace cooperation, but is not intended to engage in collective bargaining or deal with industrial disputes. The committees are meant to include an equal number of representatives from management and worker, with the latter elected through a transparent and credible process.⁵⁸ The BWG protocol calls for EAs to visit factories and facilitate a PICC meeting once per month. (The EA assigned to provide advisory services to a particular factory is not supposed to have been involved in the compliance assessment process.) EAs may follow-up on issues that arise during the course of the discussion, as required, including recommendations on training programs. (However, as noted below, this element of the Better Work design has not been fully implemented in Haiti.)
35. The idea of a management-worker committee that meets regularly to discuss and resolve compliance issues has an intuitive appeal. However, the countries in which Better Work is operating are at very different stages in trade union development. In Haiti, the trade union movement is finding it difficult to establish a foothold in the garment sector and has met with considerable resistance from factory owners/managers. Legitimate concerns have been raised with respect to the process used to choose worker representatives, the potential for creating a parallel system of worker representation as a substitute for trade unions and collective bargaining, and coordination with existing structures within factories, such as OSH committees.
36. While the *Project Document* envisioned setting up PICCs in all factories, none were established during the two years of operation. In late March 2011, the BWG Program Officer with responsibility for industrial relations visited Haiti to train EAs and develop a strategy to establish PICCs in participating factories.⁵⁹ With respect to the latter, BWH organized a two-day meeting with trade union representatives, facilitated by the ITUC representative in Haiti.⁶⁰ Representatives from 18 trade union organizations attended the meeting. The first day was devoted to a general discussion of the trade union movement in Haiti and the role of the HOPE Commission and BWH. The PICCs were the subject of the second day's discussion, providing an opportunity for trade union representatives to voice their concerns. Following the meeting, the BWG/BWH team and the ITUC representative hashed out a plan for the development of PICCs in the country.⁶¹ The plan noted that guidelines for the PICCs would be finalized by 15 May in consultation with the HOPE Commission, ADIH, and the ITUC representative. EAs would promote the PICCs with management and workers in all participating factories with the intention of establishing two PICCs by the end of 2011 and six more in 2012.⁶² Two local organizations – Sofitraining and the Center for Protection of Female Workers (CPFO) – would be retained by BWH to provide training to management and worker representatives. EAs would receive training on

Better Work policy also calls for all subscribed buyers to be notified within 48 hours of the ministry notification and keep brands abreast of remediation efforts. The MOU has not been signed in Haiti.

⁵⁸ Ibid.

⁵⁹ Daniel Cork, Summary Mission Report, 21 April 2011

⁶⁰ ITUC fielded a representative in Haiti for a year, beginning in September 2010.

⁶¹ Ibid.

⁶² Ibid. However, minutes of Trade Union Contact Group Discussion plan ion 16 September 2011 state, "The plan is still to establish 3 PICCs before the end of the year; 2 in PAP and 1 in Ouanaminthe [CODEVI]."

workplace cooperation and facilitation skills from the BWG focal point for training. Both ADIH and ITUC endorsed the plan.⁶³

37. The PICC guidelines and work plan were shared with Haitian trade unions that are active in the garment sector.⁶⁴ In December 2011, the CTA and BWG Programme Officer with responsibility for industrial relations met with the head of Batay Ouvriye to discuss the PICCs. At that time, Batay Ouvriye reiterated its concern that the establishment of PICCs could undermine union organizing efforts, but noted that it was “open” to the suggestion that union members stand for election to serve on the PICC and/or that the mandate of the PICCs be limited solely to OSH issues.⁶⁵ Additional consultations were held with Batay Ouvriye, CNOHA, and CATH in early 2012, “in which the unions were amenable to the idea that pilot PICCs would be established and they would have at least one seat on the PICCs reserved per union at the pilot factories.”⁶⁶ However, in a group interview conducted in June 2012 as part of this evaluation, union officials continued to voice displeasure with the PICCs and the process used to make decisions regarding this aspect of the BWH program.⁶⁷ The national trade unions feel that their concerns are being ignored. As one person put it, “BWH is trying to impose PICCs without regard to the union situation.”⁶⁸ The unions with members in the garment sector (except for CATH) issued a press statement in July 2012, voicing their staunch opposition to the establishment of PICCs.⁶⁹
38. As importantly, few companies have been willing to establish PICCs and the level of interest among workers is not high. The prospect of establishing additional PICCs is uncertain. In the absence of a PICC, the assigned EA meets with managers to discuss the factory compliance report, who are “invited to write their action plan based on the improvement plan provided by the EA. It is up to the managers to determine their priorities...”⁷⁰

Publicly available Biannual Synthesis Reports serve as input to the USDOL/USTR report to Congress and are meant to ensure compliance.

39. The HOPE II Act stipulates that BWH, as the entity responsible for the TAICNAR program, publish publically available reports on a biannual basis. The legislation stipulates the content of the biannual report, noting that it should include a list of the registered producers that have been determined to be non-compliant, describe the deficiencies found to exist in each non-compliant producer, list the specific suggestions for remediating such deficiencies made by BWH, describe the efforts by the producer to remediate the deficiencies, including a description of any assistance provided to the producer by BWH and other organizations; indicate the amount of time that has elapsed since the deficiencies were first identified in a report, and describe the progress made in remediating deficiencies and whether they still exist.
40. The *Biannual Synthesis Reports* are prepared on the basis of individual factory assessment reports and are published in mid-April and mid-October. The *Biannual Synthesis Reports* are forwarded to USDOL and used as

⁶³ BWH, Trade Union Contact Group Discussion, PICC Establishment Plan and Stakeholder Engagement, 9 May 2011

⁶⁴ BW, response to draft report, 25 July 2012.

⁶⁵ Better Work, Mission Report: FOA Assessment Training for BWH Enterprise Advisors, 1 to 10 December 2011.

⁶⁶ BW, response to draft report, 25 July 2012.

⁶⁷ Interview with union officials, 7 June 2012.

⁶⁸ Ibid.

⁶⁹ BW, response to draft report, 25 July 2012.

⁷⁰ Ibid.

one input into the determination of whether particular producers should be cited for non-compliance and be subject to sanction if actions are not taken to address identified deficiencies.⁷¹

41. The *Biannual Synthesis Reports* are also published on the Better Work website in both English and French in keeping with the stated Better Work policy. Better Work has argued that public reporting helps encourage continuous improvement and reduces the probability of compliance gains being reversed.⁷²
42. The *Biannual Synthesis Reports* use a scale based on dots – a solid black dot and a half-black dot – to indicate compliance on particular points for particular factories. Specifically, as defined in the report:⁷³

“Black dots (•) represent non-compliance identified in the baseline assessment and non-compliance has not been addressed in the improvement plan. A black dot means that the factory has not included the specific non-compliance issue in their improvement priorities and remains in violation. Half-black dots represent areas where factories have made several improvements but are still in non-compliance.”

43. The coding scheme conflates compliance and improvement plans. The central issue is whether the factory is non-compliant, regardless of whether the particular issue is referenced in an improvement plan. Presumably, a black dot would still be used if a factory failed to take planned actions and remained non-compliant. In addition, the publicly available reports do not always specify the specific reasons for non-compliance.⁷⁴ This is particularly important given that compliance points are derived from multiple questions any of which could trigger a determination of non-compliance. The reports also do not always indicate the improvement priorities or the remediation efforts taken to bring the factory closer or fully into compliance.⁷⁵ Finally, while the reports do not define an empty dot (circle), it could be taken to mean that the factory is compliant with respect to the particular compliance point. This would run counter to the notion that Better Work is not certifying compliance.

Given institutional weaknesses in Haiti, BWH was intended to build the capacity of MAST, ADIH, and trade unions, but the planned level of support is unlikely to be sufficient.

44. Working in conjunction with other organizations (including other parts of the ILO), Better Work Haiti was supposed to include efforts to strengthen relevant institutions in Haiti. Specifically, plans call for helping to bring national labor laws into alignment with international labor conventions; strengthening the enforcement of labor laws by helping to build the capacity of ministry of labor, including the labor inspectorate; building the capacity of employer organization to engage in constructive social dialogue; and building the capacity of trade unions to organize, negotiate collective bargaining agreements, and support worker rights. The *Project Document* envisions that BWH would work closely with technical specialists from NORMES, DIALOGUE, LAB/ADMIN, ACTEMP and ACTRAV in the ILO subregional office in San Jose, Costa Rica and in ILO headquarters in Geneva. However, a clear commitment from these departments to engage in the project was lacking at the outset of the project.

⁷¹ According to USDOL, “When violations of core labor standards are identified by BWH, USDOL may request a 3rd Party Access Waiver for the detailed factory report. Some factories have authorized this in the past, while others have not. USDOL does not see the vast majority of the detailed factory reports.” Comments from USDOL.

⁷² This was based, in part, on findings presented in BWG Discussion Paper No. 1 on the results of a study in Cambodia.

⁷³ An empty circle is not explicitly defined in the report, but signifies that there is “no evidence of non-compliance.” BW, response to draft report, 25 July 2012.

⁷⁴ The full factory compliance reports provide much greater detail.

⁷⁵ See in 4th *Biannual Synthesis Report*, for example, Fox Caribe – minimum wages and social security; Horizon Manufacturing – working environment; Johan Company – wage information, use and deduction; Modas Gloria Apparel – paid leave; and Palm Apparel – termination.

45. More than two years after the USDOL-funded project was approved, ILO secured funding from HRSDC to help revise the labor law and build the capacity of MAST. DIALOGUE and LAB/ADMIN are directly responsible for the management of the components of this project. Separately, ACTEMP secured internal funding to provide assistance to ADIH. Neither of these initiatives, however, entails the type of comprehensive and sustained support required to accomplish intended outcomes.
46. A specific plan for building the capacity of trade unions in Haiti has never been fully designed or funded. Moreover, although the *Project Document* and the HOPE II Act saw union capacity building activities being undertaken under the rubric of Better Work Haiti, this appears at odds with current BWG policy. After several years of discussion, in 2011, Better Work Global clarified its strategy to engage with trade unions in its country programs.⁷⁶ The strategy centers on strengthening communications with trade unions, ensuring that EAs have a better understanding of industrial relations, and enhancing the ability of trade union representatives on PICCs to engage effectively with management on compliance-related issues.⁷⁷ Initiatives geared directly to trade union development are seen as falling under the purview of ACTRAV and/or international unions such as the International Trade Union Confederation (ITUC), AFL-CIO Solidarity Center and the International Textile, Garment and Leather Workers' Federation (ITGLWF).

Better Work engages brands in efforts to encourage their suppliers to comply with international standards and national labor laws, but plans for taking actions in the event of non-compliance are not systematic.

47. BWG has been working with international buyers since the inception of the program in Cambodia in 2001. Numerous forums have been held over the years at both the global and country level to promote Better Work, solicit input on the design of the program, and encourage the adoption of certain principles.⁷⁸ BWG is in the process of rolling out a new model for buyer engagement. The partnership agreement calls on buyers to actively encourage participation in the program, strive to increase the number of participating suppliers over time, stop duplicative assessments of suppliers in areas covered by the BW compliance assessments, and work together on remediation based on the improvement plan. Under the new agreement, partners will, among other things, receive public recognition, participate in the governance of Better Work through elected representatives on the advisory committee, receive more detailed reports on factory improvements, and have the opportunity to engage in factory-level activities, including training and PICC meetings.⁷⁹ Buyers will pay an annual "partnership fee" to support Better Work and fees for subscriptions to factory compliance assessment reports.⁸⁰ Revenues will be shared with country programs.
48. With respect to the program in Haiti, engagement with buyers center primarily on annual forums, which have attracted a handful of international brands. While there have been discussions concerning the need for collective action to ensure compliance with international labor standards and national labor laws, no clear commitments have been made by buyers with respect to the specific actions that will be taken in the event of a determination of non-compliance and no concrete plans to involve buyers in remediation efforts are in

⁷⁶ Draft guidelines for trade union engagement are in the process of being developed.

⁷⁷ An individual within BWG has been assigned as the "focal point" for industrial relations and an EA in each country has been assigned as the "focal point" for trade union engagements. In addition, BWG has developed EA training programs focusing on industrial relations, including the application of ILO Conventions 87 and 98. (See written comments from BWG, op. cit.)

⁷⁸ Twenty-five brands have signed the *Better Work Buyer Principles* – including some of those that have been engaged in the Haiti program. See betterwork.org

⁷⁹ Better Work, *Buyer Relations: For Decision*. Undated.

⁸⁰ The fee will be on a sliding scale based on corporate revenue from garment sales, ranging from US\$7,500 to US\$20,000. Partners will also be charged for assessment reports, with prices subject to volume discounts – US\$500 to US\$700 per report.

place. Moreover, as discussed below, the companies that attend these events constitute a small fraction of the buyers that source garments from factories in Haiti.

The Project Advisory Committee (PAC) is meant to oversee the program and serve as a vehicle for fostering productive dialogue on labor issues; effectiveness depends on the willingness and ability of members to engage in the process.

49. Better Work is designed to include the establishment of a tripartite Project Advisory Committee (PAC) in each country that includes representatives from the national government, business associations, and worker organizations. Its role is to advise and monitor the development and progress of the program. It can also serve as a forum for advancing policies to improve working conditions. In this regard, issues that emerge from working with factories as documented in the *Synthesis Reports* and other publications are intended to inform discussions at the national level.⁸¹
50. The *Project Document* for Better Work Haiti notes that the HOPE Commission would serve as the Project Advisory Committee (PAC). The HOPE Commission (*CTMO-HOPE*) was established on 21 November 2008 by Presidential Decree.⁸² It is responsible for overseeing the implementation of the HOPE II/HELP Act and promoting investment in the country. In this regard, it is tasked, *inter alia*, with ensuring that all technical and legal steps are taken to enable Haiti to meet the certification requirements in the HOPE II/HELP Act, including support for the Labour Ombudsman and operationalization of the ILO Better Work Haiti program. The presidential decree stipulates that the commission will have ten members: a representative of the Prime Minister (chairperson) a representative of the Ministry of Economy and Finance; a representative of the Ministry of Commerce and Industry; a representative of the Ministry of Social Affairs and Labour; three representatives of local business associations; and three representatives of the trade union sector. The union representatives are from CTH, CSH, and MOISE⁸³—CTH and CSH are affiliates of the International Trade Union Confederation (ITUC). However, none of these unions are active in the garment sector.
51. According to BWG, senior government officials confirmed the role of the HOPE Commission as the PAC during a mission by the Better Work the Senior Programme Officer to Haiti in March 2009 and again in June 2009 when the CTA arrived in the country.⁸⁴ However, when the HOPE Commission met in late September 2009, the president of Hope Commission indicated, “this decision was no longer acceptable” given the time required for other responsibilities assigned to the Commission.^{85, 86} As an alternative, the HOPE Commission delegated responsibility for the PAC to a subcommittee and initially named three members.⁸⁷ Three additional members were appointed in July 2010.⁸⁸

⁸¹ In Haiti, the relationship between the HOPE Commission and the PAC had not been fully clarified until August 2011 when a decision was made that the Commission would serve as the PAC. It has met sporadically since the inception of the program.

⁸² It replaces the commission that had been established pursuant to the HOPE Act.

⁸³ The particular individual representing MOISE on the HOPE Commission has not been a member of the union since 2009. BW, Comments on Draft Report, 25 July 2012.

⁸⁴ TPR #3 No. 3 and BW, written comments from BWG, op. cit.

⁸⁵ Ibid.

⁸⁶ This is reflected in the MOU signed with members of the PAC in March 2010, which states, “lors d’une réunion extraordinaire de la Commission HOPE tenue le 26 septembre 2009, la Commission représentée par son président a refusé que cette dernière assume le mandat du CCP.”

⁸⁷ Mr. Louis-Pierre Joseph (Director General, MAST), Mr. Jean-Paul Faubert (executive committee, ADIH), and Mr. Bernard Regis (Secretary of Education, CSH). The initial memorandum of understanding (MOU) for the PAC was signed on 31 March 2010.

⁸⁸ Mrs. Sanite Desir (Advisor, Ministry of Commerce), Mr. Maxim Conde (DG Haiti Apparel Center), and Mr. Retes Rejouir (President, Unity for Constructive Action by Haitian Unions - UACSH). A new MOU was signed 21 January 2011.

52. In August 2011, the BWG Director and the Senior Programme Officer met with national stakeholders, including extant members of the Hope Commission. (The former president of the commission had resigned a month earlier.)⁸⁹ At that time, the decision was made to re-establish the HOPE Commission as the PAC. After the presidential election, the President of the Republic of Haiti named a senior advisor to head up the Hope Commission in November 2011 and appointed a new government representative and two representatives from the private sector (including one from the apparel sector). The three trade union representatives remained the same. None of the unions represented on the Hope Commission (and by extension the PAC) represent workers in garment factories

The Project Document envisions that BWH would develop a strategy for “full cost recovery” through fees charged for services; this is an unrealistic and may be counterproductive.

53. The *Project Document* states, “Better Work Programmes are designed to promote long term financial sustainability. This requires that Better Work charges fees for services delivered to maximise cost recovery from factories and buyers participating in the programme... a full cost recovery strategy will be developed during the preparatory phase, based on the private sector contribution for services at appropriate market rate.”^{90, 91} A cost-recovery strategy was not developed. Perhaps, more importantly from the perspective of the validity of the project design, the notion that the program should and could become financially self-sufficient is ill conceived. There is substantial justification for subsidizing services in Haiti on economic grounds. Moreover, given high fixed costs, financial self-sufficiency is impossible to achieve given the size of the garment sector. (These issues are discussed in more detail in the section on sustainability.)

Project progress and effectiveness

Immediate Objective 1. To increase compliance with national labour law and with international labour standards in the Haitian apparel sector.

Output 1.1: The compliance of national labor law with international labour standards is assessed.

54. Table 4 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 4. Status Reported by BWH as of April 2012

Activities	Status
1.1.1 Conduct a study to assess compliance of national labor law with international labor standards	Completed (29/04/11)
1.1.2 Organize a validation workshop with representatives from government, employers and workers organizations	Completed (29/04/11)
1.1.3 Produce a guide to review the labour law	Postponed (exp. completion 31/12/13)

⁸⁹ Three presidents have been appointed in three years and for almost six months in 2011 the position was vacant. BW, Comments on Draft Report, 25 July 2012.

⁹⁰ International Labour Office (ILO) Better Work Programme, Multi Bilateral Programme of Technical Cooperation, November 2008, Government of the United States of America and Government of Haiti.

⁹¹ The *Project Document* for Better Work Global indicates that the intent is to “build sustainable independent organizations that will continue after funding has stopped.”⁹¹ The *Operations Manual* maintains this objective with qualification, stating, “In large markets, where the industrial base can support such actions, the aim is for Better Work country programmes to become independent and self-financing over time.” Programs in Haiti and Lesotho are identified as those where ongoing funding is likely to be needed. Policies concerning the sustainability of Better Work programs are being refined.

ILO conducted an analysis of the national labor law and has organized a tripartite process to bring it into compliance with ILO conventions.

55. As noted above, the HOPE II Act states that the TAICNAR is required “to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards.”⁹² While a review of the labor law was contemplated in the *Program Document for the* USDOL-funded project, work in this area was subsumed under the HRSDC-funded project and did not begin in earnest until October 2011.⁹³ The aim of the HSDRC-funded project is to produce a “first draft” of a new labor code by September 2012. As noted in the proposal to HSRDC, additional resources would be required to finalize the labor code and marshal it through Parliament.
56. An ILO labor law specialist in DIALOGUE who is based in Geneva is leading work on this component of the project.⁹⁴ ILO retained an international consultant to prepare an issues paper and support the tripartite process.⁹⁵ The issue paper was completed in October 2011 based on a review of the national labor code, materials prepared in 2001 as part of an earlier reform effort, and comments and direct requests made by the ILO Committee of Experts on the Application of Conventions and Recommendations to the Government of Haiti between 2007 and 2011.⁹⁶ The paper reviews each article of the labor code that is relevant to the ILO conventions ratified by Haiti, including the eight core conventions, and suggests revisions needed to bring the national labor code into alignment with the ratified ILO conventions.
57. The ILO labor law specialist and the international consultant visited Haiti from 23-29 October 2011 to meet with national stakeholders, discuss the issues paper, and organize a plan of work.⁹⁷ Separate meetings were held with each of the three constituents groups— MAST officials, representatives of ADIH and other private sector representatives, and representatives of 16 trade unions – over a three-day period. A meeting was also held with the new Minister of Social Affairs and Labor, who expressed his support for the project.⁹⁸
58. Funds were allocated to each constituent group to hire a consultant to help draft the position paper containing proposed revisions to the existing labor code. MAST named Mr Louis Pierre Joseph, the former Director General of MAST; ADIH named Me Jean-Frederic Sales, a lawyer specializing in labor law; the trade unions agreed to have a three-person team draft the position paper facilitated by Mr. Pierre Ose of the Solidarity Center.^{99,100} Each group was expected to submit its respective position paper in February 2012.¹⁰¹
59. At this point, two groups – MAST and the trade unions – have submitted initial drafts of their respective position papers. No materials have been received from ADIH. In an interview conducted as part of this

⁹² HOPE II Act.

⁹³ In its proposal to HRSDC, ILO indicates that a “preliminary assessment of the labor code” had been conducted. Presumably, the authors were referring to the needs assessment of MAST. (See below.)

⁹⁴ The HRSDC-funded project is being undertaken within the framework of the BWH program, but responsibility for this component rests with the DIALOGUE.

⁹⁵ Prof. Adele Blackett, McGill University

⁹⁶ ILO, *Reforme du Code du Travail Haitien: Une Note D’Orientation*, October 2011.

⁹⁷ Corinne Vargha, ILO, *Report on Mission to Haiti*, 23-29 October 2011.

⁹⁸ The Minister was replaced in May 2012.

⁹⁹ The three members of the team are Mr. Jean-Claude Lebrun (CATH-CLAT), Ms. Yannick Etienne (Bataye Ouvriere) and Ms. Fanfan Evel (labor lawyer).

¹⁰⁰ ITUC has indicated that financial support has been provided by TUCA to the trade unions for this purpose. Email from D. Cork (BWG) to E. Oldsman (Nexus Associates), 5 July 2012.

¹⁰¹ ILO, *Semi-Annual Technical Progress Report*, 1 July 2011 to December 2011.

evaluation, ADIH representatives noted that it has been hard to engage their members on this issue and the lawyer hired to prepare the position paper has been “very busy” on other matters.¹⁰²

60. Once the three position papers are finalized, the ILO consultant will compile proposals into one document, along with her own suggestions, for discussion at a tripartite consultation meeting chaired by the Minister of Social Affairs and Labor (originally scheduled for spring 2012, but postponed). ILO is also in the process of developing a TOR to look more carefully at provisions in the labor law that deal with dispute resolution and the specific mechanisms that are currently in place to resolve disputes. This review will be co-financed by DIALOGUE and BWH.¹⁰³
61. It is important to note this effort is still at a very early stage. Much more work will be needed to finalize the legislation,¹⁰⁴ secure passage of a new labor code, establish appropriate administration procedures, and ensure that the procedures are implemented as intended. DIALOGUE has been upfront from the beginning that additional resources will be required.

Output 1.2 Training, tools and resources to support remediation are available

62. Table 5 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 5. Status Reported by BWH as of April 2012

Activity	Status
1.2.1 Adapt the Better Work Compliance Assessment Tool to the Haitian context.	Completed (18/12/09) (a)
1.2.2 Adapt the Better Work factory and EA Training material to the Haitian context	Completed (20/09/10) (b)
1.2.3 Train EAs on assessment, advisory and training services	Ongoing
1.2.4 Develop Quality Management Strategy for BWH assessments and advisory services	Postponed (exp. completion 31/12/2013)
1.2.5 STAR is operational	Completed
1.2.6 Communications strategy is available	Exp. to be developed in second half of 2012
1.2.7 Design and implement a comprehensive impact assessment scheme with Tufts Univ.	In progress (exp. completion date 21/12/2015)
1.2.8 Implement training in factories (a)	In progress

Notes (a) While the CAT was developed for the baseline compliance assessments, as noted below, it has subsequently been modified approximately once per year. Moreover, the PAC has not officially endorsed the first or subsequent versions that have been used in assessments thus far. (b) Technical progress reports do not indicate which BW training materials were adapted as of the “completion” date. In any event, work on adapting training materials is still under way. (c) When asked why this activity was included under Output 1.2 rather than Output 1.3 “Regular Better Work assessment, advisory and training services provided” Better Work responded “A distinction wanted to be made between external training provided for under output 1.2., and training provided internally by the Enterprise Advisors.”

While a Compliance Assessment Tool (CAT) for use in Haiti has been developed, it continues to be refined and has yet to be formally endorsed by the PAC.

63. ILO hired a local consultant in early July 2009 to “adapt and translate” the generic CAT developed for the Better Work global program.¹⁰⁵ A version in English was finished by the end of September 2009;¹⁰⁶ the French translation was completed roughly three months later.¹⁰⁷ BWH used the CAT in the baseline compliance assessments carried out between October and December 2009 without endorsement by MAST or the PAC. In this regard, BWH reported in January 2010 that it planned to submit the CAT to MAST in early 2010 for

¹⁰² Interview with Norma Powell and Gregor April, ADIH, 5 June 2012.

¹⁰³ Email from D. Cork (BWG) to E. Oldsman (Nexus Associates), 5 July 2012.

¹⁰⁴ At some point, ILO NORMES will review the new labor code to ensure that it is consistent with conventions that have been ratified by the Republic of Haiti. Interview with Karen Curtis, Deputy Director, NORMES, 21 June 2012

¹⁰⁵ BWH, Technical Progress Report #3 from 1 Jul 2009 to 30 Sep 2009, prepared 19 Oct 2009.

¹⁰⁶ Ibid.

¹⁰⁷ BWH, Technical Progress Report #4 from 01 Oct 2009 to 31 Dec 2009, prepared 11 Jan 2010.

endorsement.¹⁰⁸ However, neither the original version of the CAT, nor any subsequent version, has been formally endorsed by MAST or the PAC despite repeated requests by the BWH CTA.¹⁰⁹ In fact, no written comments were provided by MAST until May 2012.

64. It should be noted that the CAT has been refined approximately once per year to incorporate modifications made in the global compliance assessment framework and changes in the national law.

BWH has adapted training programs for managers and workers developed by BWG for use in Haiti.

65. A number of training courses were developed under the auspices of Better Factories Cambodia, including multi-module training packages, single-issue seminars, and other training events. A curriculum for supervisory skills training was developed in 2006 and has since proved popular in other countries to be very successful. While not mentioned specifically in the BWH *Project Document*, it was envisioned that the BW training courses would be provided to management and workers in Haiti.
66. BWH has adapted OSH awareness and risk self-assessment materials developed by BWG for use in Haiti (courses were first offered in Haiti in mid-September 2010) as well as courses for PICC representatives (courses first offered in Haiti in November 2011.) Haiti is also one of five countries¹¹⁰ where “Life Skills Training” for workers is being piloted in conjunction with Better Work. The training initiative is part of a broader effort started in 2011 by Levi Straus & Co to address worker needs and improve their well-being. It consists of a set of one-hour, classroom-based training sessions organized under four themes – HIV/AIDS, financial literacy, OSH, and workplace communication. (Courses were first offered in Haiti in October 2011.)
67. The curricula for other courses offered under the auspices of BWH have been developed by training providers without the direct involvement of BWH or BWG or BWG. For example, Sofitraining – a for-profit training company – based in Haiti offers *Business Edge* training programs developed by IFC. BWH contracted Sofitraining to offer selected courses to garment factories in 2010 and 2011. BWH has also helped organize training events on OSH in conjunction with the Interamerican Development Bank (IDB), based on the curriculum developed by IDB.
68. At this point, many of the training courses developed by BWG have yet to be adapted for Haiti, including supervisory skills and HR management training. (The reason that BWH chose to offer the *Business Edge* HR

¹⁰⁸ Ibid.

¹⁰⁹ Minutes of the PAC meetings show the following: At the first meeting of the PAC in March 2010, the BWH CTA called attention to the need for the PAC to “validate” the CAT. At the second PAC meeting in May 2010, the CTA reiterated the need for PAC members to review the PAC and made a “formal request” to the Director General of the MAST to provide an official interpretation of the minimum wage law. The CTA repeated the need for validating the CAT at the third PAC meeting (September 2010), particularly since the next assessment cycle was scheduled to begin that month. One member suggested that written comments be submitted to BWH by email; however, he was the only person to do so before the 4th PAC meeting held in October 2010. Following the 4th meeting, the DG of MAST and the BWH CTA met to discuss the CAT and MAST officials raised several issues verbally. At the 5th meeting (January 2011), the Chairperson of the PAC asked MAST to submit comments in writing. The CTA indicated that a “validation document” would need to be signed by all members of the PAC. At the 6th meeting (August 2011), the Chairperson of the PAC asked MAST officials to provide their comments. Nothing has been prepared in writing, but MAST officials indicated that the CAT needed to be amended slightly to include a particular provision in the labor law (article 148) dealing with compensation. According to BWH, written comments on the provision were provided to BWH at the end of May 2012. (Interview with R. Lavallee, 4 June 2012). BWH plans to incorporate this modification and seek official endorsement of the CAT by the HOPE Commission later this summer.

¹¹⁰ The other countries are Bangladesh, Cambodia, Egypt, and Pakistan.

management course rather than BW's HR management course was driven by "expertise developed by Sofitraining in the field of HR Management and ... [the] good reputation of the organization in Haiti."¹¹¹

All EAs have received training on core services; however, training for those hired in August-September 2011 does not appear to be consistent with BW operating policies.

69. The CTA is responsible for recruiting local staff, including Enterprise Advisors, who are employed under ILO contracts. Recruitment for enterprise advisors (EAs) began in the spring of 2010.¹¹² An initial group of four EAs joined in mid-August 2010.¹¹³ However, it was later determined that the number of EAs was insufficient given the requirement to complete two rounds of assessments per year and fulfil other assigned duties.¹¹⁴ As such, the decision was made to expand the number of EAs to six. After the departure of one of the original EAs in June 2011, three new EAs were hired – one in August 2011 and the other two in September 2011.
70. Under the BW operating policy, EAs are supposed to undergo a three to four-month induction process, which includes self-directed e-learning modules, classroom training, and on-the-job coaching.¹¹⁵ BWG has developed an on-line introductory course for EAs and worked with the ILO Turin Centre to develop e-learning modules covering the four core ILO labor conventions.¹¹⁶ Perhaps, most importantly, two BWG staff (one based in Vietnam, the other in Jordan) have been tasked with visiting other countries to help train EAs in assessment services provision. In addition to classroom training, the senior staff accompany ("shadow") EAs during initial factory visits as part of the induction process to observe, offer advice, and identify the need for additional support. Other training is provided by BWG staff or external consultants on specific themes, including OSH, PICCS, and industrial relations.
71. Better Work was asked to provide a complete list of all training provided to EAs in Haiti since the inception of the program. This information is presented in Table 6. Initial training was provided through online courses, supplemented by sessions with the CTA. In September 2010, a consultant working with BWV came to Haiti to provide training on OSH to BWH staff (and factories). The same month a BWJ colleague provided training on procedures for carrying out factory assessment. This included on-site training at two factories that were part of the second round of assessment.¹¹⁷ In November 2010, the BWG team leader for advisory services and training came to Haiti to provide training on advisory services, including the establishment and role of PICCs.¹¹⁸ In March 2011, the BWG focal point on industrial relations visited Haiti to train EAs on industrial relation, trade unions and PICCS. Additional training on advisory services and training was provided in June 2011. As noted in the table, the three EAs hired in August-September 2011 have received less training on factory assessment and advisory services than those hired earlier. In general, training for these EAs has not been consistent with stated policy with respect to induction procedures. According Better Work, the induction process was disrupted by the SOTA situation, which required a lot of time and effort.¹¹⁹ In addition, the EAs with

¹¹¹ Better Work, Comments on Draft Report, 25 July 2012.

¹¹² The baseline compliance assessments were performed by a team of international and local consultants. (See below).

¹¹³ Neither of the two local consultants who worked on the initial baseline assessments was hired for EA positions. One did not apply; the other applied, but was offered a position at UNOPS at a much higher salary. Written comments from Better Work, 20 June 2012.

¹¹⁴ The need for two additional EAs, as well as a second driver and a Finance and Administration Officer, was highlighted in TRP #8 from 1 Oct 2010 to 31 Dec 2010, prepared 4 January 2011).

¹¹⁵ The *Operations Manual* includes a list of "mandatory" training for EAs; however, there is no centralized record of the training received by each EA.

¹¹⁶ This was included in the logframe in the *Project Document*.

¹¹⁷ TRP #7

¹¹⁸ TRP #8

¹¹⁹ Better Work, Comments on Draft Report, 25 July 2012.

supervisory responsibility (NOB) were “supposed to participate in the induction program but there was a clash between the “old team” and the “new team” members. A long and difficult adaptation period was needed before [the EAs] felt comfortable working together.”¹²⁰ Team building efforts were part of weekly staff meeting as well as missions undertaken by BWG staff to Haiti in November 2011, December 2011 and January 2012.¹²¹ The issue is not full resolved; however, BWH staff has expressed a commitment to greater collaboration.¹²²

Table 6. Training Provided to BWH Enterprise Advisors

Dates	Duration (Hours)	Topic	Training Provider
12 Aug 10	5	Seminar “Success through innovation”	TC2
16-24 Aug 10	20	ILO CLS and priority standards, video and documents available online	BWH CTA
17 Aug 10	2	HOPE Legislation	CTMO-HOPE Executive Director
25 Aug – 03 Sep 10	11	Compliance Assessment Tool	BWH CTA
06 Sep 10	4	Factory assessment reports	BWH CTA
06-17 Sep 2010	60	OSH	Christophe Margot, consultant with BWV
20 Sep – 01 Oct 10	60	Factory Assessments	Tareq Abou Qaoud, BWJ
11 Oct 10	3	CSR and certifications	Dimitri Naud, consultant in Haiti
Nov 10	2	Advisory services and training	Conor Boyle, BWG
21 Mar – 01 Apr 11	40	PICCs, TUs and Industrial Relations	Dan Cork, BWG
06-10 Jun 11	25	Advisory services and training	Conor Boyle, BWG
Sept-Nov 2011	6	ILO CLS and priority standards, video and documents available online	BWH CTA
Sept-Nov 2011	8	Compliance Assessment Tool	BWH CTA
Oct 2011	40	PICC establishment	Wim De Groof, BWG consultant
Nov 2011	27	Factory Assessments	Tareq Abou Qaoud, BWJ
Nov 2011	2	Advisory services and trainings	Conor Boyle and Minna Maaskola, BWG
Dec 2011	28 - classroom 16 - in factory	FOA Investigation training	Dan Cork, Industrial Relations Officer, BWG
Jan 2012	2	Report writing	Anne Ziebart, Legal Officer, BWG
Feb 2012	32	PICC establishment	Wim De Groof, BWG consultant
Feb 2012	3	Forced labour and sexual harassment	USDOL
Mar 2012	3	Corporate social responsibility	Penn Law School
Mar 2012	3	Freedom of association and collective bargaining	USDOL
8 – 11 May 2012	28	EA Summit in Indonesia on Core Services (2 EAs from Haiti attended), included sessions on FOA investigation (2 hours) and a basic introduction to sexual harassment (1.5 hours).	BWG with participation by all country programs.
June 2012	3	Report writing	Anne Ziebart, Susanna Harkonnen, Deborah Schmidiger, BWG
July 2012	14	ILO Core Labor Standards	ILO Geneva and ILO SRO San Jose

Source: Better Work

¹²⁰ Ibid.

¹²¹ Email from R. Lavalley (BWH) to E. Oldsman (Nexus Associates), 1 August 2012.

¹²² Ibid.

72. The SOTA incident raised the need for greater attention to be paid to freedom of association. Moreover, in fall 2011, USDOL provided feedback to Better Work that EAs were not “sympathetic to unions.”¹²³ According to the USDOL program manager, SOTA officials felt that they had not been well treated by EAs during the investigation initiated by BWH after their dismissals, making comments to the effect that unions were not good for the country.¹²⁴ In response, BWG conducted extensive training for all EAs in December 2011, which combined classroom and on-site training. Following the December training, “an ongoing remote coaching relationship has been put in place between BWG and two of the EAs who are focused on FOA investigation.”¹²⁵ According to BWG, the “skills of the team in this area have much improved.”¹²⁶
73. In interviews conducted as part of the evaluation, EAs noted that training on how to conduct factory assessment was generally good; however, all but one EA stated that the training on FOA and discrimination had been inadequate.¹²⁷ They are unsure how to interpret the guidelines, what constitutes acceptable evidence, and the specific standard that should be applied in making the determination of non-compliance. In addition, EAs are looking for a better understanding of industrial relations and the basic functions of unions.¹²⁸

BWH has not developed a Quality Management Strategy for BWH assessments and advisory services.

74. BWH has indicated that this activity has been postponed.

STAR is operational in the BWH office.

75. STAR (Supply-chain Tracking of Assessments and Remediation) is a web-based, database application developed by Cambridge Technology Partners (CTP) under contract to the ILO.¹²⁹ The application is used to capture and store factory-level data obtained during compliance assessments and advisory services, and generate reports. The application sits on a server based in Geneva and is accessible by the offices in Haiti and other countries via the Internet. Better Work Global is in the process of upgrading the system to include, *inter alia*, automated resource scheduling, on-line subscription registration and payment, modules to capture data on improvement plans, and an ability to collect and upload data from a mobile device.

BWH has not developed a communications strategy.

76. BWH has indicated that this activity has been postponed.

Researchers from Tufts University have conducted surveys of managers and workers in garment factories and prepared case studies.

77. When the global Better Work program was still in the initial planning stages, ILO/IFC wanted to ensure that it would be able to demonstrate whether Better Work actually resulted in intended outcomes. Researchers at Tufts University were retained to develop and implement a monitoring and evaluation system, including a methodology for assessing the impact of the program. *Measuring the Impact of Better Work* laid out the research objectives and critical questions to be addressed in the impact assessment as well as the evaluation

¹²³ Interview with A. Luinstra, BWG, Team Leader Global Tools, 20 July 2011.

¹²⁴ Interview with L. Stern, op. cit.

¹²⁵ Better Work, Comments on Draft Report, 25 July 2012.

¹²⁶ Ibid.

¹²⁷ Interview with EAs, op. cit.

¹²⁸ Follow-up training on industrial relations is planned for September 2012. Better Work, Comments on Draft Report 25 July 2012.

¹²⁹ The initial contract with CTP was signed in July 2008. The application is built on the Microsoft SharePoint platform.

design, specific impact measures, and plans for data collection and analysis.¹³⁰ Fieldwork entails extensive surveys of factory managers and workers that complement data collected by Better Work through compliance assessments.¹³¹ The research methodology also includes case studies of selected factories. Topics are slated to include managerial innovation, occupational health, and human development.¹³²

78. Tufts University conducted a “baseline” survey in participating factories between March and December 2011. Random samples of 30 workers were selected at each factory; all told, 500 workers completed the survey. (However, not all workers answered all questions.) In addition to demographic information, the questionnaire include questions related to wages; hours; training; occupational safety and health; health care; verbal, physical and sexual abuse, common punishments, communication and problem solving, life and family, debt, contracts, and factory facilities. As noted by Better Work, “The surveys are designed to assess the impact of BW on worker wellbeing as they perceive it, not on factories’ compliance with the law.”¹³³ The report prepared by researchers from Tufts University presents a picture of workers who are concerned about many aspects of working conditions in factories and are experiencing emotional and physical problems.^{134, 135} While generating interesting and useful information, the way in which several questions are posed makes it difficult to interpret certain results and certain findings could be misleading without additional context.¹³⁶
79. Selected survey results were presented at the Buyers Forum and Multistakeholders Forum in June 2012. Some participants raised a number of questions regard the methodology, noting the difference between perceptions and objective conditions in factories. Some also expressed concern about how the findings would be presented to the public. (Better Work is in the process of preparing a report for public release.)
80. The results from the survey have led Better Work to pay more attention to certain issues in factory compliance assessments, particularly sexual harassment. Roughly 34 percent of workers that responded to the question in the survey (95 of 280) conducted by researchers from Tufts University reported that sexual harassment or touching was a concern to factory workers.¹³⁷ However, complaints about sexual harassment had not come out in the first three rounds of assessments conducted by BWH. Due, in part, to the survey finding, BWH

¹³⁰ Tufts University, *Measuring the Impact of Better Work*, 1 November 2010. A second version of the document was produced on 5 October 2011.

¹³¹ Surveys of factory managers are administered through Computer-Assisted Self-Interview (CAPI) methodology and cover workplace practices and factory characteristics and performance. A separate survey is administered to workers through Audio Computer Assisted Self-Interview (ACASI) methodology.

¹³² *Measuring the Impact of Better Work*, 5 October 2011, Revised.

¹³³ Better Work, Comments on Draft Report, 25 July 2012.

¹³⁴ Tufts University, *Haiti Worker Survey Baseline Report*, 10 January 2012.

¹³⁵ According to Better Work, “this is an internal report only intended only to give Better Work a snapshot of findings from the most recently collected data. It is completed independently by the research team with no conclusions or involvement by Better Work.” Better Work, Comments on Draft Report, 25 July 2012.

¹³⁶ For example, some questions revolve around asking workers whether various issues – low wages, late payment, dangerous equipment, injuries, or bad chemical smells – are a “concern” to workers in the factory. Responses do not necessarily indicate whether the factory is compliant or non-compliant with international labor standards or national laws. Moreover, some questions (such as those dealing with punishments) are phrased in terms of whether respondents had experienced this directly or know someone who had. Phrasing the question in this way makes it difficult to discern the scale of the problem and determine whether the incidence of the behavior changes over time. In addition, some questions seek information on how often (never, rarely, occasionally, or often) the respondent experiences certain symptoms such as fatigue, thirst, headache, dizziness, and backache. However, the survey does not ask whether these symptoms are experienced at work or elsewhere. Finally, in a related vein, the survey seeks information on the prevalence of feelings of fearfulness, sadness, and hopelessness among workers. While this may provide important information on the emotional wellbeing of workers, responses are likely to be affected by much more than the stress of the workplace.

¹³⁷ This suggests that the item response rate was 56% (280/500).

subsequently “stepped up efforts to detect” sexual harassment during the assessment process.¹³⁸ As noted above, three factories were determined to be non-compliant with respect to gender discrimination due to sexual harassment in the fourth round.

1.3 Regular Better Work assessment, advisory and training services provided

81. Table 7 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 7. Status Reported by BWH as of April 2012

Activities	Status
1.3.1 Conduct baseline assessments in the factories	Completed (10/12/2009)
1.3.2 Conduct pilot test in 6 factories of the Better Work Program [training] modules	Cancelled
1.3.3 Conduct regular compliance assessments and issue detailed assessment reports, improvement plans and progress reports	In progress
1.3.4 Produce biannual public reports	In progress

BWH has carried out four rounds of assessments, including the initial baseline.

82. Assessments of registered factories are carried out twice per year, each over the course of roughly three months. The timing is dictated by the schedule for the required biannual reports published in October and April. As shown in Table 8, BWH has completed four rounds of assessments since the inception of the program. The initial (baseline) compliance assessments were conducted by a team of international and local consultants hired and trained by BWG/BWH.¹³⁹ All subsequent assessments have been conducted by Enterprise Advisors on the staff of Better Work Haiti.

Table 8. Compliance Assessments

Round	Assessment Period	No. of Factories	Public Report
1 st	Oct 09– Dec 09	21	Compliance Synthesis Report – 09 Jul 10 (a)
		16 (b)	1 st Biannual Report under the HOPE II Legislation—19 Oct 10
2 nd	Sep 10 – Feb 11 (c)	28	2 nd Biannual Report under the HOPE II Legislation—15 Apr 11
3 rd	Jun 11– Sep 11	23	3 rd Biannual Report under the HOPE II Legislation— 16 Oct 11
4 th	Dec 11– Feb 12	20	4 th Biannual Report under the HOPE II Legislation— 16 Apr 12

Notes: (a) baseline compliance report. (b) Four factories closed between the time of the assessment and the publication of the synthesis report and one was forced to relocate following the earthquake in January 2010. Data are not provided for these five companies. (c) The process was disrupted by the earthquake.

83. The initial compliance assessments began on 19 October 2009 and were completed on 10 December 2009. Preparation of the factory assessment reports was delayed due to the massive earthquake in January 2010 and the reports were not released to factory owners until 16 April 2010.^{140,141} Twenty-eight factories were assessed in the second round;¹⁴² however, the number dropped in the next two rounds to 23 and 20. The

¹³⁸ Better Work, Comments on Draft Report, 25 July 2012.

¹³⁹ Tareq Abu Qaoud (BWJ) came to Haiti to train the consultants. The international consultants had experience in CSR as compliance managers for major US and European brands. Written comments, 20 July 2012.

¹⁴⁰ TPR #6

¹⁴¹ Following the earthquake, after seven months of operating without permanent office space, BHW opened a new office in Petionville in late August 2011. See TPR #7

¹⁴² The increase was due to several new firms registering as well as the registration of five factories that had previously registered as one enterprise.

drop in the number of participating factories reflects consolidation in the industry due to underlying business factors.¹⁴³

84. Factory assessment reports are provided in English to factory owner/managers, who are given 5-7 days to respond before the reports are finalized.¹⁴⁴ However, many of those interviewed as part of the evaluation felt their feedback was ignored even when documentation was provided to substantiate a particular claim.¹⁴⁵
85. If authorized by the factory owner/manager, the factory compliance assessment reports are provided to buyers or other designated third parties on a paid subscription basis. As shown in Table 9, ten buyers have subscribed to reports on 14 factories since the inception of the program

Table 9. Subscriptions to Factory Assessment Reports

Buyer ID	Factory													
	Astro Embroidery	CODEVI	Genesis	Interamerican Wovens	Modas Gloria Apparel	Multi Wear S.A.	One World Apparel	Pacific Sports Haiti	Palm Apparel	Premium Apparel	Sewing International SA	Willbes Haitian II	Willbes Haitian III	Willbes Haitian V Azteca
08		S				S		S						
12	S	S		S				S				S	S	S
13 (a)					S		S							
15		S						S						
36			S						S	S	S			
40		S												
52		S												
57		S												
90												S		
95		S		S										

Notes: (a) The buyer is listed as subscribing to Willbes Haitian S.A., but the particular factory or factories are not identified.

Source: Nexus Associates based on data provided by Better Work

86. Five buyers that responded to the survey conducted for this evaluation had received a factory compliance assessment report. Of these, four believe that the reports are valid and reliable. The one respondent, who felt that the report was not valid, questioned "BW's interpretation of local law."¹⁴⁶ Two of the five buyers still require an internal or other third-party audits of factories in Haiti in addition to the compliance assessments conducted by BWH.
87. Two buyers had used the BWH reports to assess compliance before placing the first order with a new supplier and all reported using the reports to monitor compliance of existing suppliers. The reports can lead to buyers to take steps to encourage compliance. In this regard, three buyers reported providing assistance to help their suppliers address compliance issues. Two respondents have issued warnings that they would cancel orders if the factory did not comply with certain labor standards, specifically child labor, forced labor, occupation safety

¹⁴³ Consolidation does not appear to be the direct result of the earthquake. As reported by BWH, the earthquake caused major damages to seven of the 21 factories that were assessed in late 2009; however, by October 2010 all of these factories were back in business, albeit not all were operating at full capacity. TPR #5, op.cit.

¹⁴⁴ The factory assessment reports are not shared with workers, including representatives on PICCs. This is true in all BW country programs.

¹⁴⁵ Interview with factory/owner managers, op. cit.

¹⁴⁶ BWH Buyer Survey

and health, and working time; however, neither of those buyers reported providing assistance on these or other compliance matter. Finally, none of the buyers that responded to survey reported cancelling orders due to non-compliance with labor standard over the past three years.

Results from the assessments are summarized in publicly available reports.

88. As required by the HOPE II Act, the results of factory assessments are summarized and presented in *Biannual Synthesis Reports*, which are submitted to USDOL and made available to the public in French and English on the Better Work website.¹⁴⁷ Table 10 presents the findings of non-compliance drawn from the four reports. Non-compliance tends to be more prevalent in areas covered by national labor law than core labor standards. While a detailed analysis of the findings is outside the scope of the evaluation, a few issues are worth highlighting:

- **Forced labor.** In the first three rounds, no factories were found to be non-compliant with respect to forced labor and overtime. However, BWH subsequently altered its approach. As a result, four factories were determined to be non-compliant with this compliance point in the fourth round. According to text in the main body of the report, in three cases, overtime exceeded legal limits and workers reported that they were threatened with suspension or dismissal if they left work. The fourth case refers to workers who reported that they were unable to leave the factory without permission for one hour after normal working hours. The evidence cited to justify the finding of non-compliance varies across factories. For example, in the case of Fairway the report states, “According to workers, skipping overtime on Sunday triggers multiple unpaid days of suspension. Workers who are subject to the suspensions work more than 80 hours of overtime per trimester. Evidence of these punishments has been seen in workers’ files. Management confirmed the practice of significant punishment through suspension.” In this case, the EAs clearly relied on multiple forms of evidence. However, in the case of DKDR the report merely states, “Workers report that skipping overtime or Sunday work triggers multiple days of suspension.” It is not clear whether a different standard of evidence was used in the case of DKDR or that important information was left out of the report.
- **Discrimination.** Non-compliance in the first three rounds tended to deal with situations where the employers’ stated hiring policy and/or recruitment materials blatantly discriminated against individuals of a particular gender, race, or religion. For the most part, factory managers addressed this issue when it was brought to their attention. BWH changed its approach to assessing discrimination in the fourth assessment round, focusing more on sexual harassment than it had earlier. BWH determined that three factories were non-compliant with respect to gender discrimination due to sexual harassment. The fourth case of non-compliance on gender discrimination related to the fact that pregnant women were not paid sick leave at one factory. Again, the language used in the synthesis report to justify the determination of non-compliance varies across factories. For example, in the case of Palm Apparel, the report makes explicit mention of the percentage of workers that reported sexual harassment, noting “24% of interviewed workers complained of sexual harassment from supervisors. Women are promised promotions if they go out with supervisors.” In the two other cases, the percentage is not mentioned. For DKDR the report states, “Workers report that promises are made to women if they go out with supervisors, and they can be fired when they refuse and sometime even if they accept the conditions.” In the case Willbes Haitian III, the report states, “Sexual harassment is mentioned by workers as a concern in

¹⁴⁷ <http://www.betterwork.org/EN/Publications/Pages/home.aspx>

the workplace. Promises to keep the job in exchange for sexual favours are made by supervisors to newly hired women. If women refuse, they are fired.”

- **Freedom of association.** The compliance assessment framework includes four compliance points related to freedom of association – union operations, strikes, interference and discrimination, and collective bargaining. Despite a widely held view that union activity in garment factories has been suppressed, BWH has reported relatively few instances of non-compliance over the past two years. This is due, in part, to the difficulty of obtaining hard evidence of anti-union activity in specific factories. It also arises from the timing of the assessments. The dismissal of SOTA officials occurred after the third round of assessments had been completed, but by the fourth round workers at two of the three factories already had been reinstated. As such, neither of these factories was reported to be non-compliant.

The four factories that were determined to be non-compliant in the most recent report follow:

- **CODEVI** – The factory was determined to be non-compliant with respect to collective bargaining, because wages, working hours and other provisions in the CBA were not consistent with labor laws.
 - **One World Apparel** – The factory was determined to be non-compliant with respect to union operations, and interference and discrimination. This stems from the dismissal of SOTA workers. With respect to the first point, the report states, “Batay Ouvriye/SOTA officials were denied access on September 23, 2011 when they presented themselves at the factory gates in an effort to support a fellow member of the executive committee who was in the process of being terminated.” With respect to the second point, the report notes, “...the employer did not provide sufficient information to counter the allegations of anti-union discrimination... Management did not reinstate the worker stating that he was terminated for insubordination.”
 - **Pacific Sports** – The factory was determined to be non-compliant with respect to strikes. The report states, “Based on a correspondence sent to the Ministry of Labor and provided by management, a strike related to a lack of production on September 12, 2011 has resulted in two week suspension of 156 workers in building 27.”
 - **Sewing International** – The factory was determined to be non-compliant with respect to strikes. The justification in the report reads, “The factory dismissed approx. 140 workers following an illegal strike that took place in May 2011. No action has been taken so far by employer to reinstate the terminated workers.”

One item mentioned in the report is interesting to highlight because it did not trigger a determination of non-compliance. On 19 January 2012 (during the fourth assessment round), following a series of work stoppages earlier in the month, the management of CODEVI announced the dismissal of the nine members of the SOKOWA executive committee. The dismissed workers agreed to accept a severance payment in full settlement of the matter.¹⁴⁸ CODEVI was not found to be non-compliant with respect to freedom of association and collective bargaining because the workers accepted a financial settlement.

- **Minimum wage.** The initial compliance assessment reports caused considerable consternation among national stakeholders, particularly with respect to findings of non-compliance on payment of the legal minimum wage. (The minimum wage had been increased effective 1 October 2009 – just at the start of the assessment process.) A delegation consisting of the president of HOPE Commission, General Director

¹⁴⁸ BWH, 4th *Biannual Synthesis Report Under the HOPEII Legislation*, 12 April 2012.

of MAST, vice president of ADIH, a union representative on the HOPE Commission, and an American lobbyist went to Geneva to express their concerns. As a result, findings regarding non-compliance were omitted from the first report.

The finding of non-compliance in subsequent rounds is due to factories not “setting the piece rate at a level such that workers can earn at least 250 gourdes per day for ordinary hours of work.” (All factories pay the stated minimum wage of 150 gourdes.) The 4th Biannual Synthesis Report notes, *on average*, only 22 percent of workers in the assessed factories earn at least 250 gourdes. However, the figures for particular factories are not reported except in one instance. (While not mentioned in the report, Better Work has adopted a 90% threshold for non-compliance, i.e., if less than 90% of piece rate workers, with three or more months of experience, actually earned less than 250 gourdes, the factory was determined to be non-compliant. Factory owner/managers have continued to complain about the way in which BWH is interpreting the minimum wage law and applying it in assessments.

- Social security and other benefits. The findings of non-compliance arise from the failure of factories to submit required payments to government agencies on time and/or in the amount required by law. In some cases, BWH found that monies withheld from workers’ pay had not been forwarded to authorities.¹⁴⁹

¹⁴⁹ BWH met with DGs of OFATMA (Office for Work, Health and Maternity Insurance) and the ONA (National Office for Old-Age Insurance) in early 2012. Both agencies “acknowledged BWH findings and committed to support any effort to bring the factories to compliance .TRP #13 (01 Jan 12 to 31 Mar 12, prepared 11 Apr 12)

Table 10. Summary of Non-Compliance Findings

Round of Factory Assessments		OCT 2009- DEC 2009	SEP 2010- FEB 2011	JUN 2011- SEP 2011	DEC 2011- FEB 2012
	Total Number of Factories Assessed	21	28	23	20
	Number of Factories in Non- Compliance on One or More Points	21	28	23	20
Core Labor Standards	Child labor				
	Hazardous work				
	Worst forms				
	Documentation and protection of young workers		2	1	1
	Child labourers				
	Forced labour				
	Prison labour				
	Forced labour and overtime				4
	Coercion	2	3		
	Bonded labour				
	Discrimination				
	Religion and political opinion	6	4		
	Race and origin		1		
	Gender	8	5		4
	Freedom of association and collective bargain				
	Union operations	9			1
	Strikes			1	2
	Interference and discrimination	1			1
	Collective bargain		1	1	1
Working Conditions	Compensation				
	Wage information, use and deduction	12	12	2	2
	Social security and other benefits	16	28	13	15
	Premium pay				1
	Paid leave	17	16	1	4
	Method of payment	1			
	Minimum wages	NA	17	21	18
	Overtime wages		2	1	2
	Contracts and human resources				
	Termination	4	12	3	10
	Employment contracts	10	28	20	12
	Discipline and disputes	6	1		4
	Contracting procedures	2			
	Occupational safety and health				
	Working environment	10	6	12	15
	Worker protection	21	26	22	20
	Worker accommodation				
	Welfare facilities	19	28	22	19
	Osh management systems	18	28	17	14
	Health services and first aid	20	28	23	20
	Emergency preparedness	18	23	22	19
	Chemicals and hazardous substances	21	25	20	14
	Working time				
	Regular hours	21	28	21	16
	Overtime	19	28	10	14
	Leave	1	2	20	14

Source: Nexus Associates based on 1st Compliance Synthesis Report and 1st-4th Biannual Synthesis Report under the HOPE II Legislation

BWH conducted an investigation of the dismissal of SOTA officials at three garment factories and recommended their reinstatement.

89. Batay Ouvriye has been working on creating a union for the textile and apparel sector at least for the past two years. The effort gained considerable traction in late summer 2011 with the formation of SOTA (Sendika Ouvriye Takstil ak Abiman). Elections of the SOTA Executive Committee took place at the offices of Batay Ouvriye in early September and SOTA submitted a registration request to MAST on 14 September, which approved the registration two days later. Between 23 and 30 September, six members of the Executive Committee were terminated at three factories – Genesis (4), Multiwear (1) and One World Apparel (1).¹⁵⁰
90. Given the termination of members of the SOTA Executive Committee, Batay Ouvriye, international trade union organizations, and ADIH called on Better Work to intervene.¹⁵¹ (ADIH raised doubts about the legitimacy of the new trade union.) In response, Better Work agreed to assess the circumstances surrounding the dismissal of the six workers in consultation with relevant ILO technical departments, including NORMES, DIALOGUE, ACTRAV, and ACTEMP.
91. BWH issued a report on 24 November 2011 based on a review of “relevant available documentation” and interviews conducted by BWH staff. Better Work reached the conclusion that there was “strong circumstantial evidence to demonstrate that officers of the SOTA trade union were terminated based on their trade union affiliation.” Furthermore, referring to the ILO’s Workers’ Representative Recommendation, 1971 (No. 143) that the burden of proof is on employers to demonstrate that termination is justified, the report concluded that “employers have not provided sufficient evidence to show that SOTA workers were not fired for their trade union affiliation.”
92. The report states that Better Work holds the view that “reinstatements [of the workers] would be the most constructive response by employers.” In this regard, the report notes the following: 1) “The remedy of reinstatement with back pay should be available to trade unionists who have been dismissed on the grounds of their trade union activities or membership.2) Even in circumstances where trade unionists are dismissed without employers knowing their trade union affiliation, reinstatement is a justifiable remedy in order to promote conditions of freedom of association.”
93. Following the release of the report, MAST initiated a negotiation process aiming at the reinstatement of the dismissed workers.¹⁵² Reinstatement at Genesis was actively encouraged by Gilden Activewear, which accounts for 100% of the factory’s production. Based on the findings presented in the report prepared by BWH, the company informed the factory owner that it would terminate contracts unless the workers were reinstated.¹⁵³ While continuing to argue that the dismissals had nothing to do with the workers’ affiliation with SOTA, all three companies eventually reinstated the workers (but not necessarily at the same factory).
94. In an interview conducted as part of this evaluation, ADIH officials noted that the SOTA incident strained the relationship between factory owners and BWH. They explained that members of ADIH feel that the report prepared by BWH does not reflect all facts in the specific cases and believe that BWH “is actively trying to

¹⁵⁰ These events occurred just after the completion of the third round of factory assessments.

¹⁵¹ Better Work, *Report on Dismissals of the SOTA Union Executive Committee*, 24 November 2011

¹⁵² TRP #12 (1 Oct 11 to 31 Dec 11, Prepared 25 Jan 12)

¹⁵³ Interview with Armando Escobar, Gildan Activewear, 6 June 2012

force the setting up of unions inside the factories.”¹⁵⁴ This sentiment was also voiced by the heads of the Apaid Group and One World Apparel in a separate interview.¹⁵⁵ The latter serves on the HOPE Commission.

95. On the other hand, trade unions view the outcome of the investigation as very positive and believe that it has helped set the stage for organizing factories in the garment sector. The report also exposed weaknesses in the Haitian labor law with respect to protecting the rights of workers to freedom of association. It is expected that deficiencies in the law will be addressed in the labor law review currently underway with the support of DIALOGUE and NORMES.

A meeting was held in February 2012 to address issues raised in the SOTA and other assessments.

96. BWH organized separate meetings on 14 February 2012 with employers and worker organizations to obtain feedback on the process used to produce the SOTA report, to discuss the principles of freedom of association, and to consider specific actions that the parties could take to improve industrial relations and social dialogue.¹⁵⁶ BWG/BWH staff were joined by representatives of ILO – Cleopatra Doumbia-Henry (Director, NORMES, Geneva) Tania Caron (specialist, San Jose, CR) and Antonio Cruciani (ILO Coordinator, Haiti). At the conclusion of the meeting, Better Work Haiti proposed undertaking the following activities: awareness raising and training on FOA; the development of a “tripartite pact” to accept Conventions 87 and 98; a study on production quotas; and continued dialogue between employers and unions in the garment sector in the form of a series of meeting over six months.¹⁵⁷
97. Follow-up has been slow. In June 2012, NORMES issued a paper with its analysis of the SOTA,¹⁵⁸ which was shared with ADIH and SOTA.¹⁵⁹ A training workshop on ILO conventions 87 and 98 for employers, union and government officials took place 12-13 July 2012, roughly five months after the February meeting. According to Better Work, participants agreed to create a “dialogue roundtable” to meet on a monthly basis.¹⁶⁰ In addition, IOE/ITUC have plans to undertake a joint mission in August 2012 to encourage positive social dialogue. BWG is working on a TOR for the study on production quotas;¹⁶¹ however, funding has not yet been secured.¹⁶²

BWH has established PICCs at two factories; prospects for establishing additional PICCs are uncertain.

98. As noted above, the plan adopted by BWH was to establish PICCs at two factories in 2011 and six more in 2012. In fall 2011, two companies – Island Apparel and Pacific Sports – agreed to set up PICCs. A chronology of events related to the establishment of the PICCs at these factories is presented in Table 11.

¹⁵⁴ Interview N. Powell and G. April, ADIH, op. cit.

¹⁵⁵ Interview with Clifford Apaid (Apaid Group) and Charles Baker, One World Apparel), 8 June 2012,

¹⁵⁶ The president and executive director of the HOPE Commission attended the meeting with employers.

¹⁵⁷ BWH, Minutes of Meetings with Employers and Trade Unions, 14 February 2012 (undated)

¹⁵⁸ ILO, *Review by the International Labour Standards Department (NORMES) of the report on dismissals on the SOTA union executive committee members in the light of ILO standards and principle on freedom of association*, undated.

¹⁵⁹ Better Work, Comments on Draft Report, 25 July 2012.

¹⁶⁰ Ibid.

¹⁶¹ Interview with A. Luinstra, BWG, op. cit.

¹⁶² Interview with D. Schmidiger, BWG, Programme Officer, 20 June 2012.

Table 11. Establishment of PICCs

Milestone	Island Apparel	Pacific Sports
Date of one-day session to explain purpose of PICC and election process	11 Nov 2011	15 Nov 2011
Number of workers that attended one-day session	42	40
Date of PICC managers training	NA	17 Nov 2011
Date of election	9 Dec 2011	11 Jan 2012
Number of workers that ran for PICC	15	18
Number and percentage of workers that cast votes (a)	1,216 (~80%)	816 (~60%)
Gender of elected representatives	2 women, 4 men	3 women, 3 men
Date of worker-management training	7-8 Feb 2012	9-10 Feb 2012
Dates of all PICC meetings	7 Mar 2012 17 Apr 2012 8 May 2012 28 Jun 2012	15 Mar 2012

Notes: (a) Percentage is based on employment figures presented in April 2012 Synthesis Report

Source: Nexus Associates based on information provided by Better Work, including April 2012 Biannual Synthesis Report

99. All workers in the factories were invited to a one-day session to learn about the purpose of the PICCs and the election process; they also received preliminary training in negotiation, communication, and workplace cooperation. An election campaign was facilitated in both factories with candidates were given the opportunity to put up posters in the factory and address workers over the factory intercom. Roughly 80% and 60% of workers at Island Apparel and Pacific Sports voted, respectively.¹⁶³

100. Sofittraining conducted a workshop for management representatives in late 2011¹⁶⁴ and a Better Work consultant conducted a two-day training workshop at each factory for the elected worker representatives in February 2012.¹⁶⁵ Management representatives were invited to the last part of the February training as a “first opportunity for managers and workers alike to discuss factory issues.”¹⁶⁶

101. The first official PICC meetings were held on 7 March 2012 in Island Apparel and 15 March 2012 in Pacific Sports. The PICC at Island Apparel has met three other times. For the most part, discussions have focused on procedural matters related to the PICC itself rather than on substantive issues related to labor standards or working conditions in the factory.¹⁶⁷ That said, the PICC has already led to a change in practice at the factory. Specifically, one of the worker representatives noted that workers in the cutting department had to wait to be paid until all work had been completed; management immediately rectified this when it was brought to their attention.¹⁶⁸ (This issue was not identified by BWH in the assessment process.)

102. At the first meeting at Pacific Sports, the quality of the water (taste and temperature) was discussed.¹⁶⁹ Members of the PICC agreed that a worker representative should be present during maintenance of the system. However, BWH EAs do not know whether this has been put into effect. While the protocol calls for

¹⁶³ TPR #12 (1 Oct 11 to 31 Dec 11, Prepared 25 Jan 12)

¹⁶⁴ Prior to the workshop, a Better Work consultant trained two people on the Sofittraining staff.

¹⁶⁵ The Center for the Promotion of Women Workers (CPFO) has been slated to provide worker training. According to TPR #11, CPFO “declined the offer late in the process.” However, when asked to explain the reasons for their decision, Better Work stated, “CPFO didn’t decline the offer but had conditions among others the full participation of the trade unions in the establishment of the PICCs. Back in the summer 2011, this was not possible.” Written comments, op. cit

¹⁶⁶ TPR #13, op. cit.

¹⁶⁷ Interview with BWH EAs, 4 June 2012 and interview with Julia Fechlin, Island Apparel, 7 July 2012.

¹⁶⁸ Interview with Julia Fechlin, Island Apparel, op. cit.

¹⁶⁹ Interview with EAs, 4 June 2012.

monthly PICC meetings, there has been no follow-up at Pacific Sports over the past three months. The responsible EA reported being too busy.¹⁷⁰

103. BWH plans to set up PICCs in seven more factories by the end of 2012.¹⁷¹ The process of establishing the new PICCs was initiated in May 2012. Three factories initially indicated that they would go ahead with elections – Interamerican Wovens, Multiwear and One World Apparel – however, Multiwear subsequently decided to postpone the elections indefinitely. The prospect for establishing PICCs at the other two factories is uncertain. Workers’ interest in participating in the PICC has been limited – only two workers expressed interest in being a candidate at Interamerican Wovens and none have done so at One World Apparel. While SOTA has union officials at both factories, they did not offer themselves as candidates for the PICCs.

Advisory services have been limited.

104. The CTA began to provide advisory services to factories in May 2010, several months before any full-time EAs came on board.¹⁷² Advisory services revolve around the development of an improvement plan and monitoring of progress. Table 12 lists the visits made to each factory compiled by Nexus Associates from information included in the 3rd and 4th Biannual Synthesis Reports.¹⁷³ The data suggest that visits have been limited, generally entailing one meeting immediately following the submission of the assessment report; EAs contend that having to conduct two rounds of assessments each year precludes them from devoting more attention to advisory services. According to EAs, advisory services have tended to focus on OSH and other working conditions in the factory.¹⁷⁴ Much of the advice is provided verbally; it is not documented in emails, letters, or memoranda.

¹⁷⁰ Ibid.

¹⁷¹ BWH, Presentation on Industrial Relations, Buyers Forum, 13 June 2012.

¹⁷² Better Work, Comments on Draft Report, 25 July 2012.

¹⁷³ According to Better Work, the organization does not maintain a computer database with this information. Written comments, op. cit.

¹⁷⁴ Interview with EAs, 4 June 2012.

Table 12. Advisory Visits Reported in 3rd and 4th Synthesis Reports

Factory	Number of Visits	Dates
CODEVI	5	23-24/05/11, 14-16/06/11, 11/10/11,13/10/11, 11/11/11
DKDR Haiti SA	4	14/05/11, 17/05/11, 13-14/10/11, 16/11/11
Fairway Apparel SA	2	11/05/11, 17/05/11
Fox River Caribe, Inc.	2	24/05/11, 12/10/11
Galaxy Industrial SA	0	
Genesis SA	0	
Global Manufacturers & Contractors	1	22/11/11
Horizon Manufacturing SA	2	14/05/11, 26/10/11
Interamerican Knits	2	12/05/11, 01/06/11
Interamerican Wovens SA	2	12/05/11, 20/05/11
Island Apparel	3	25/03/11, 24/05/11, 04/11/11
Johan Company	1	01/05/11
Lucotex Manufacturing Co.	3	10/05/11, 27/10/11, 22/11/11
Magic Sewing Mfg. SA	3	13/04/11, 14/05/11, 11/11/11
Modas Gloria Apparel	2	17/05/11, 14/10/11
Multiwear SA	2	14/05/11, 30/11/11
One World Apparel	2	14/11/11, 19/11/11
Pacific Sports Haiti	1	14/05/11
Palm Apparel	2	20/05/11, 24/10/11
Premium Apparel SA	2	17/05/11, 18/10/11
Sew Rite Manufacturing	3	10/05/11, 14/05/11, 01/06/11
Sewing International SA	2	20/05/11, 15/11/11
Willbes Haitian I SA	0	
Willbes Haitian II SA	2	20/09/11, 04/11/11
Willbes Haitian III SA	2	20/09/11, 04/11/11
Willbes Haitian V SA / Azteca	0	

Notes: This includes meetings referenced as “advisory services” and other meeting referring to “improvement plan.” It excludes training events, including training provided to OSH committees.

Source: Nexus Associates based on information in Biannual Synthesis Report

BWH has provided training to managers and workers in registered factories.

105. Nexus Associates asked Better Work to provide a complete list of all training events since the inception of the program. Table 13 contains a summary of data provided by Better Work, supplemented with information gleaned from technical progress reports.¹⁷⁵

Table 13. Factory Training

Training Course	No. Of Factories	Year
Business Edge		
Communicate Effectively	13	2010
Becoming Effective Managers	7	2011
HR Management	15	2011
Worker Life Skills		
Workplace Communication	7 plus SOTA	2011-12
Financial Literacy	3	2011-12
HIV/AIDS	3	2011-12
Maternity Protection	2	2011-12
OSH Awareness	2	2011-12
OSH Training		2012
OSH Training IDB	NA (a)	2012
Other OSH Training	5	2012
Other OSH Awareness	4	2010-11
OSH Risk Self-Assessment	14	2010-11

Notes: (a) BWH indicated 14 managers and 10 workers attended the IDB training events. The number of factories is unknown.

Source: Nexus Associates based on information provided by Better Work

¹⁷⁵ See Appendix F for additional detail.

106. A brief discussion of factory-level training follows:

- **Business Edge.** A significant percentage of factories sent managers to *Business Edge* courses offered by Sofitraining in 2010 and 2011.¹⁷⁶ The courses on effective communication and effective management were one and two-day events, respectively. The HR Management course was more extensive, entailing 50-hours of training delivered over the course of two months. Twenty HR managers from 15 factories participated in the program.¹⁷⁷ The cost of the first two courses was fully supported by Better Work Haiti and the IFC; however, factories were charged a fee to help defray the cost of the HR Management course. At this point, there is no plan to offer *Business Edge* training in the future.¹⁷⁸ It will be replaced with HR management courses developed by Better Work geared specifically to garment factories.¹⁷⁹
- **Worker Life Skills.** Developed as part of a broader initiative of Levi Straus & Co., the training involves a series of one-hour, highly participatory training sessions specifically designed for workers. Workplace communication training has been delivered in seven factories. The other three training modules have been delivered in two or three factories. The cost of the training has been covered by a grant from the Levi Straus Foundation.
- **OSH Training.** A variety of OSH training events have been offered in conjunction with BWH. For example, the Interamerican Development Bank (IDB) sponsored OSH training for garment factories in May 2012. On 15 May, 34 managers (factory, production, compliance managers) from 14 factories participated in a daylong workshop covering OSH best practices, the relationship between OSH and productivity, and environmental issues. The next day 63 workers (mostly members of OSH committees) from 10 factories participated in a similar workshop, albeit with greater focus team exercises to develop a better understand of OSH problems and solutions. The cost of the training was fully covered by IDB.

107. BWH, in partnership with ADIH, held events in April 2011 and April 2012 at the SONAPI Industrial Park in Port-au-Prince as part of the ILO International Day for Safety and Health at Work.¹⁸⁰ Workers were offered medical and eye exams, screening for HIV/AIDS and diabetes, and counselling on cholera prevention and family planning. The events were also used to promote OSH awareness through skits and quizzes. According to information provided by BWH, 1600 workers registered for the event in 2011 and more than 2600 registered in 2012.¹⁸¹

108. Finally, BWH expected to translate a comic book on OSH used in Cambodia by September 2011 and distribute it during awareness-raising events to be held during lunch breaks at participating factories.¹⁸² BWH also

¹⁷⁶ Sofitraining is a division of SOFIHDES a private development finance corporation founded in March 1983. In 2009, IFC entered into an agreement with SOFIHDES to provide Business Edge courses in Haiti. Training courses were launched in April 2009. Courses provided to garment factories under the rubric of BWH constitute a small percentage of those offered in Haiti. According to IFC, Business Edge courses have been delivered to almost 1500 people. Each person has participated in 1.7 courses, i.e., the total number of participants in all courses is roughly 2570. CODEVI is the only garment factory that has contracted Sofitraining to deliver courses since 2011. Interview with Elvira van Daele, IFC, 11 July 2012.

¹⁷⁷ TPR #10 (01 Apr 11 to 31 Jun 11, prepared 18 Jul 11)

¹⁷⁸ Interview with Conor Boyle, BWG, Team Leader Training and Knowledge Management, 27 June 2012.

¹⁷⁹ Ibid.

¹⁸⁰ Trade unions wanted to receive a formal invitation to participate in the event and have an opportunity to set up a booth to provide information to workers. This was not provided. Interview with union officials, op. cit. According to Better Work, an invitation was extended to the unions and officials from three unions attended. However, "The request from unions to set a booth was made too late and couldn't be accommodated." Better Work, Comments on Draft Report, 25 July 2012.

¹⁸¹ Better Work, Comments on Draft Report, 25 July 2012.

¹⁸² TPR #10, op. cit.

expected to complete work on a HIV/AIDS comic book in time for World AIDS Day on 1 December 2011.¹⁸³ The OSH comic book has been translated into Creole, but has not yet been distributed. The one on HIV/AIDS has not yet been produced.

109. Globally, Better Work is focusing on three key training products for factories: supervisory skills, HR management, and OSH. It is anticipated that these courses will be offered in Haiti in the coming year. In addition, BWG is developing training materials on sexual harassment, which will be piloted in Haiti.¹⁸⁴ Better Work plans to recruit an additional international hire (P3) for the Better Work Haiti program to focus on training activities as well as other core services.

Immediate Objective 2. Strengthen the institutional capacity of the Ministry of Social Affairs and Labour

110. Work on strengthening the capacity of MAST began under the USDOL-funded project, but was later subsumed under the HRSDC-funded project. As noted above, the HRSDC-funded project is being undertaken within the framework of the BWH program, but responsibility for carrying out this component rests with the ILO Labor Administration Department (LAB/ADMIN).¹⁸⁵

Output 2.1. A strategy to improve labour administration policies and procedures, particularly in the areas of labour inspection and conflict resolution, is endorsed.

111. Table 14 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 14. Status Reported by BWH as of April 2012

Activities	Status
2.1.1 Conduct a labour administration audit including an assessment of current mechanisms for labour inspection and dispute resolution <u>AND</u> 2.2.1 Conduct needs assessment of MAST (a)	Completed (16/07/2009) (b)
2.1.2 Based on the findings and recommendations of the audit develop a strategy improve policies and procedures.	Completed (29/04/2011)
2.1.3 Organize workshops with technical staff from MAST to assess, validate, and disseminate audit findings and recommendations.	Completed (29/04/2011)
2.2.2 Support the labour inspectors of the Ministry of Social Affairs and Labour to more effectively carry out their duties.	In progress
2.2.3 Support the development of information access and management in the Ministry of Social Affairs and Labour. (c)	Completed (30/09/2010)

Notes: (a) These activities were merged. (b) The date when the activity was "completed" is incorrect. The date refers to when the ILO technical specialist completed fieldwork in Haiti however, as noted in the text, the report was not submitted until March 2010.

A needs assessment was conducted in July 2009; however, the report was not submitted until March 2010 and a follow-on workshop was not held until April 2011.

112. The original work plan called for an ILO technical specialist to conduct a needs assessment, including an audit of the labor inspectorate, produce a report, hold a validation workshop with MAST officials to review recommendations, and develop an agreed course of action. Training and other assistance would be provided to MAST based on the assessment and agreed action plan.

¹⁸³ Ibid.

¹⁸⁴ TRP #13, op. cit.

¹⁸⁵ The project is managed by Jose Louis Daza, Senior Adviser (LAB/ADMIN), based in Geneva.

113. The effort started well, but quickly became bogged down. An ILO technical specialist visited Haiti from 8-16 July 2009 to conduct the needs assessment.¹⁸⁶ During the mission, interviews were conducted with the Minister, General Director, and Division Directors of MAST as well as with officials from ONA (pension), OFATMA (health), IBESR (welfare), and EPPLS (social housing).¹⁸⁷ However, the report was not submitted until March 2010, eight months after the mission, due to competing commitments of the ILO specialist.¹⁸⁸ The “validation” workshop was finally held on 26-29 April 2011 – 13 months after the submission of the report and 21 months after the completion of the original fact-finding mission. Delays were due to a variety of factors, including difficulties in obtaining a response to invitations extended to MAST and finding dates that would be convenient for all parties. While a mission had been scheduled for December 2010, post-election unrest led to its postponement.¹⁸⁹

114. The 28-page report presents general information on the country as context, refers to key elements of the national labor code, describes the structure and functions of MAST, identifies issues meriting attention, and offers a series of recommendations. The report suggests that MAST take “urgent actions” with respect to the following:

- Create a decent working environment in MAST, including the identification of facilities to accommodate central services and rehabilitation of regional offices.
- Strengthen institutional and managerial capacities, including the development of a good information system and establishment of better communication through regular coordination meetings at all levels.
- Develop synergies among department, including OFATMA and ONA, and maximize response capabilities,
- Resume the review process of the labour code and organic law.
- Improve information systems
- Improve the work of labor inspectors through greater standardization of the process, improved training, and better oversight by senior officials.
- Modernize human resources management.

115. The report goes on to suggest medium to long-term actions for MAST to pursue, including the development of a “national policy on labour and employment.”

116. Based, in part, on the report, a “strategic action plan” for strengthening MAST was discussed with senior officials of the Ministry in May 2011.¹⁹⁰ The action plan defines four areas of intervention: i) priority managerial reforms; ii) priority legislative and regulatory reforms, iii) recovery and revitalization of social dialogue; and iv) development of effective management methods and tools.”¹⁹¹ The schedule called for the action plan to be implemented between July 2011 and January 2012.

¹⁸⁶ TRP #3, op. cit

¹⁸⁷ Ibid.

¹⁸⁸ TRP #3. In addition, TRP #4 (11 January 2010) stated the ILO expert who led the mission “is in charge of many French-speaking countries. Therefore, he has been very busy travelling ... Consequently, he couldn’t submit his report as scheduled.” TRP #4 indicated that the submission of the report had been rescheduled to January 2010 and a validation workshop would be held in March 2010.

¹⁸⁹ TRP #8.

¹⁹⁰ ILO, Semi-Annual Technical Progress Report #1, 10 December 2010 – 30 June 2011, submitted to HRSDC. Reiterated in the quarterly Technical Program Report #10 (01 Apr 11 to 31 Jun 11, prepared 18 Jul 11) submitted to USDOL.

¹⁹¹ Ibid.

Output 2.2. The institutional capacities of MAST are strengthened.

117. Table 15 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 15. Status Reported by BWH as of April 2012

Activities	Status
2.2.2 Support the labour inspectors of the Ministry of Social Affairs and Labour to more effectively carry out their duties.	In progress
2.2.3 Support the development of information access and management in the Ministry of Social Affairs and Labour. (a)	Completed (30/09/2010)

Notes: (a) As discussed in the text, the activity consisted solely of purchasing computers

ILO organized training workshops for MAST officials and inspectors in November 2011 as part of the HRSDC-funded project; no further follow-up has taken place.

118. Four training sessions were organized in November 2011:¹⁹² overview of international labor standards, including conventions related to labor administration – 150, 122, 81, 129 and Protocol 81; strategic management of administration, including the functions of management, principles of results-based management, and the development of action plans; methodology for developing labor and employment policies, including a review of convention of 150 and 122; and methodology for developing a guide for labor inspection.¹⁹³

119. An ILO technical specialist based in Senegal, who is heading a project to strengthen labor administration in West Africa (ADMITRA), conducted the first three training sessions. The first session had 38 participants; the second and third had 19. A Brazilian Labor Inspector hired by ILO LAB/ADMIN on a consulting basis led the fourth session.¹⁹⁴ According to BWG, the training provided by the ILO technical specialist was well received; the training for inspectors did not receive high marks.¹⁹⁵

120. Following the training, MAST was supposed to develop an implementation plan, including the identification of priority sectors and development of policies and procedures.^{196, 197} This has not been done. Said the ILO project manager, “we were a little bit naïve” to think that this could be accomplished based simply on the one week of training provided in November.¹⁹⁸ There has been no follow-up since the training workshops and, at this point, no further technical assistance or training has been scheduled.¹⁹⁹

BWH provided computers and printers to MAST.

121. ILO purchased 17 computers and 17 printers for MAST for use at the main office in Port-au-Prince and 13 regional offices. The equipment was delivered in mid-2010. This was done without benefit of an IT plan.²⁰⁰

¹⁹² The training sessions were originally scheduled for August 2011, but had to be postponed “due to conflicting schedules.” TPR #11 (1 Jul 11 to 30 Sep 11, Prepared 25 Oct 11).

¹⁹³ Ms. BA Abdatou Kane, Mission Report, 29 November 2011.

¹⁹⁴ The training included an inspection visit to Sewing Magic [sic], a Haitian garment factory.

¹⁹⁵ Interview with D. Schmidiger, op. cit.

¹⁹⁶ Interview with J.L. Daza, Senior Advisor (LAB/ADMIN), 21 June 2012.

¹⁹⁷ ILO suggested that priority be given to the informal sector. Ibid.

¹⁹⁸ Interview with J.L. Daza, op. cit.

¹⁹⁹ Interview with R. Lavalée, op. cit and interview with J.L. Daza, op. cit.

²⁰⁰ Interview with R. Lavalée, op. cit.

Objective 3. Capacity of tripartite constituents to engage in effective social dialogue is enhanced

Output 3.1: An education campaign targeting both employers and workers in factories on the role and responsibilities of trade unions and workplace cooperation is implemented.

122. Table 16 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 16. Status Reported by BWH as of April 2012

Activities	Status
3.1.1 Design and validate an education campaign on labor law and the role of unions	Postponed
3.1.2 Implement the campaign in all targeted apparel factories.	Postponed

123. These activities have been postponed pending passage of the new labor law.

Output 3.2: Capacity building program for workers' organizations implemented.

124. Table 17 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 17. Status Reported by BWH as of April 2012 (a)

Activities	Status
3.2.1 Conduct needs assessment of the main trade union federations	Completed (31/10/2010)
3.2.2. Train representatives of the TU movement on social dialogue, labour law, organising and negotiation skills. (b)	Postponed (No date provided)
3.2.3 Support the development of information access and management among the main TU federations	Completed (30/09/2010)
3.2.4 Support the establishment of PICC at the factory level (c)	In progress

(a) The *Project Document* included an additional activity under this output: "3.2.5 Implement an information campaign on labour law and the roles of the unions targeted towards formal sector workers. The campaign would include the production and dissemination of promotional materials and radio spots over a three-month period." This activity is not mentioned in the current work plan. When queried, Better Work responded, "During the extensive project revision conducted in April 2011, it was decided to drop this activity, as eventual dissemination of labour law campaigns and promotional material was included under other activities." Written comments, 20 July 2012. (b) The original Project Document listed two separate activities: 3.2.2. Train representatives of the trade union movement on social dialogue, labour law and the ILO Declaration on Fundamental Principles and Rights at Work, and 3.2.3 Train representatives of the trade union movement on organising and negotiation skills. When asked the reason for merging these tasks, Better Work responded, "The activities were merged because they are related and would be implemented by the same external partner (such as the ITUC or AFL-CIO). It is not the ILO who is providing the training." Written comments, 20 July 2012. (c) When asked why this activity was included under output 3.2 rather than 1.3 given that PICCs are joint management-worker committees established as part of advisory services and are not, per se, worker organizations, Better Work responded, "The activity was added under output 3.2 because the preparatory training for workers to become effective PICC members was outsourced to external partners. The Better Work Haiti team did not have the necessary capacity to implement all those trainings." Written comments, 20 July 2012.

BWH commissioned a report on the trade union movement in Haiti.

125. In December 2009 ILO retained a two-person team (an international and a local consultant) to assess the needs of trade unions in the garment sector in Haiti and define a capacity building strategy. Work was scheduled to begin in January 2010; however, it did not start until April 2010 due to the earthquake.²⁰¹

²⁰¹ TRP #6

ACTRAV provided assistance to design the methodology for the study, including questionnaires.²⁰² But ITUC was not involved in any way.²⁰³

126. An initial draft of the report was submitted in August 2010 and, after several iterations, was finalized in November 2010.²⁰⁴ In addition to a broad history on the trade union movement in Haiti, the report provides a brief profile of 12 unions,²⁰⁵ including their structure, administration, previous training, and relations with the government and employers. Recommendations are general.²⁰⁶ At one point, BWH planned to share the report with ACTRAV and “other relevant workers’ organizations (i.e., TUCA, ITCWLF, and the Solidarity Center);”²⁰⁷ however, it was only provided to ACTRAV.²⁰⁸

ILO has not yet provided technical assistance to trade unions in the garment sector in Haiti and assistance provided by international trade unions has been limited.

127. The BWG Trade Union Contact Group has held a number of meetings to discuss the situation in Haiti and arrive at an agreed course of action.²⁰⁹ For example, as noted above, representatives of BWG/BWH, ACTRAV and ITUC held a conference call on 9 May 2011 to discuss the plan for establishing PICCs as well as broader issues related to stakeholder engagement.²¹⁰ Participants agreed to the following steps:

- Better Work will engage with the ILO Dialogue Unit and ensure that information on wider social dialogue efforts in Haiti is shared with the Trade Union Contact Group representatives. It will also provide a more detailed explanation of how it looks at trade union access to industrial zones.
- ITUC Haiti will draft a concept paper on two proposed initiatives for submission to Better Work Haiti for funding consideration: a) the establishment of a mechanism to collect information on violations of worker rights, and b) training for SOKOWA. In addition, ITUC will continue discussions with ITGLWF, ACTRAV, and others on possible longer-term union engagement and capacity building efforts in Haiti.

128. When asked about the status of the steps agreed by Better Work, it was noted that information on DIALOGUE’s efforts to support labor code reforms have been shared with ACTRAV and ITUC. As noted above, the trade unions in Haiti are developing a position paper on proposed changes to the law. ITUC has not received requests for technical assistance from its affiliates.

129. With respect to the concept paper, no further work was done on establishing a database on worker rights violation. While the ITUC representative in Haiti (Anthony Jones) went to Ouanaminthe in August 2011 – roughly three months after the conference call – to meet with SOKOWA representatives and the CODEVI

²⁰² Email from R. Lavallee (BWH) to E. Oldsman (Nexus Associates), 4 July 2012.

²⁰³ Interview with D. Cork, op. cit.

²⁰⁴ Mikerlande Legrand and Odette Gagnon, ÉLÉMENTS DE DIAGNOSTIC DU MOUVEMENT SYNDICAL HAÏTIEN DANS LE SECTEUR DU TEXTILE ET ÉVALUATION DES BESOINS, Août 2010(Consolidé novembre 2010)

²⁰⁵ Coordination Syndicale Haïtienne (CSH), Confédération des Travailleurs Haïtiens (CTH), International 1er Mai Batay Ouvriye, Mouvement des Organisations indépendantes Intégrées des Syndicats Engagés (Moïse), Fédération Nationale des Conducteurs de Transport Public Privé (FENCTRAPP/CTH), Réseau National des Femmes Syndiquées (RENAFANM/CSH), Commission Nationale des Ouvriers Haïtiens (CNOH), Association des Propriétaires et Chauffeurs d’Haïti (APCH), Confédération des Travailleurs et des Travailleuses du Secteur Public et Privé (CTSP), Fédération des Travailleurs de l’Électricité d’Haïti (FESTRED’H), Organisation Générale Indépendante des Travailleurs, Travailleuses d’Haïti (OGIT), and Syndicat du Personnel Infirmier (SPI).

²⁰⁶ This view is shared by the BWG, focal point for industrial relations. Interview with D. Cork, op. cit.

²⁰⁷ TPR #7

²⁰⁸ email from R. Lavallee to E. Oldsman, op. cit.

²⁰⁹ The Trade Union Contact Group consists of representatives of BWG, ACTRAV, ITU, ITGLWG, and the AFL-CIO.

²¹⁰ BWH, Trade Union Contact Group Discussion, PICC Establishment Plan and Stakeholder Engagement, 9 May 2011

management team,^{211,212} the planned capacity building effort came to a halt with his departure in mid-September. ITUC has not had anyone on the ground in Haiti to advance this work over the last nine months. But the organization currently plans to field a full-time representative in Haiti beginning in July/August specifically to work on trade union development.²¹³

130. The AFL-CIO fielded a representative (Susan Washington) in Haiti for a five-month stint to work with the Solidarity Center in Haiti, beginning in November 2011. During this period she did “strategic planning work with SOTA, Batay, and CNOHA.”²¹⁴ The AFL-CIO plans to place a full-time representative in Haiti as soon as funding can be secured.²¹⁵

BWH purchased computers and printers for trade unions and worker organizations.

131. ILO purchased desktop computers (one each) for CTH, CSH, and MOISE as well as a computer and four printers for AUMODH.

Output 3.3 Capacity building program for the national employers’ organization (ADIH) implemented.

132. Table 18 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 18. Status Reported by BWH as of April 2012

Activities	Status
3.3.1 Train leaders of ADIH on social dialogue, labour law and workplace cooperation	In progress
3.3.2 Document and disseminate best practices of social dialogue at enterprise level in Haiti.	Completed (31/01/2011) (a)

Notes: (a) This activity is listed as having been “completed”; however, as described below, the sole output – a case study on CODEVI – was not disseminated to employer organizations or any other parties.

An ILO senior specialist conducted an assessment of ADIH in November 2010 and undertook an “organizational review” in July 2011; no further follow-up has been provided.

133. In November 2010, an ILO senior specialist (ACTEMP) based in Port of Spain (Trinidad and Tobago) conducted a weeklong mission to Haiti to provide “technical support” to ADIH. The mission was “in response to formal appeals by the executives of ADIH in June 2010 to ACTEMP and the International Organization for Employers to which ADIH is a member.”^{216, 217} The objectives of the mission were three-fold: assist ADIH to establish its roles and priorities with respect to the reconstruction effort, assess the existing capacity of ADIH, and provide recommendations “on a plan of action within ACTEMP’s capacity-building programs for employer organization.” The cost of the mission was fully underwritten by ACTEMP.

²¹¹ BWH, Minutes, Trade Union Contact Group Discussion, 16 September 2011.

²¹² The ITUC representative reported that SOKOWA is well recognized by workers and employers alike. It was felt that “CODEVI should serve as a model for IR in Haiti to show that a bipartite committee can work.” *Ibid.* Just four months after the meetings held in Ouanaminthe, CODEVI dismissed all union officials.

²¹³ Interview with Alison Tate, International Trade Union Confederation, 25 June 2012.

²¹⁴ Email from D. Cork (BWG) to E. Oldsman (Nexus Associates), 5 July 2012.

²¹⁵ *Ibid.*

²¹⁶ ILO Memorandum, Terms of Reference for Proposed Mission to Haiti, 4 November 2010.

²¹⁷ According to the TOR, the request for assistance originated at a meeting held between representatives of ADIH and ACTEMP at the July 2010 ILO Conference. It appears that neither BWG, nor BWH were involved in these discussions.

134. During the mission (13-20 November 2010) meetings were held with the Executive Board of ADIH, DG of MAST, a representative of the Gender Affairs Ministry, Labor Attaché of the US Embassy, the Economic Counsellor of USAID, and the BWH CTA. The mission report noted that ADIH would benefit from a thorough review of the organization's current strategic plan and the provision of comprehensive training programs.²¹⁸ The ILO specialist prepared a follow-up note with inputs from ACTEMP Geneva and the ILO International Training Center, which outlines proposed technical support for ADIH.²¹⁹ The proposed program was approved and funding secured from the Office of the Executive Director of SECTOR IV (Social Dialogue) during the first quarter of 2011 with a planned end date of December 2011.²²⁰
135. ADIH participated in the third Caribbean Academy for the Management of Employers' Organizations (CAMEO III – June/July 2011 - Barbados). Following this event, ADIH requested assistance to conduct an "organizational review" to help guide ADIH in the right direction. The objective of the organizational review was to examine operations with the aim of offering recommendations to increase efficiency and effectiveness. The exercise included a review of relevant documents, including the existing strategic plan, and interviews with the executive board, staff, and members. The interviews were conducted during the second mission in 25-29 July 2011.²²¹ Ms. Howell was joined on the mission by an "external coordinator" from Costa Rica. The recommendations set out a series of steps, including the establishment of an action plan, administration of a member survey, and the development of a new strategic plan. ILO planned to follow-up on a regular basis.
136. The work undertaken by ACTEMP was well received by ADIH.²²² However, ACTEMP has not had further engagement with ADIH. Interviews conducted as part of this evaluation suggested that ADIH has not implemented any significant changes in its operations over the past year.²²³

A case study on CODEVI was drafted, but never disseminated.

137. ILO retained an international consultant to prepare a case study on CODEVI in Ouanaminthe. Grupo M, a leading apparel manufacturer based in the Dominican Republic, operates CODEVI. CODEVI was selected for the case study because it is the only garment factory in Haiti with a recognized union. It was expected that the report would be completed by November 2009 and shared soon thereafter with employers and workers.²²⁴

²¹⁸ Luesette Howell, Senior Specialist – Employers' Activities, Mission Report: Haiti, 20 December 2010.

²¹⁹ Luesette Howell, Senior Specialist – Employers' Activities, Note for Review by ADIH, Proposed Technical Support for the National Employers' Organization of Haiti (ADIH), 15 February 2011. The proposed plan included assistance to help ADIH develop a strategic plan; delivery of the ACTEMP training program "Effective Employers' Organizations" in Haiti, full fellowships to the ILO Training Center in Turin to participate in courses on international labor standards; travel costs to attend the Social Dialogue Symposium in Barbados (17-18 May 2011) and the Third Caribbean Academy for the Management of Employers' Organizations in Barbados (27 June – 1 July 2011); and the organization of a series of national workshops on topics such as social dialogue, decent work, corporate social responsibility, conciliation/mediation, SME development, HR management, and OSH. It noted that some of the workshops could be offered through Better Work Haiti.

²²⁰ Luesette Howell, Senior Specialist – Employers' Activities, Mission Report: Haiti, 24 - 30 July 2011, 9 August 2011.

²²¹ Luesette Howell, Senior Specialist - Employers' Activities, Mission Report: Haiti 24 - 30 July 2011, 9 August 2011.

²²² Interview with N. Powell and G. April, ADIL, op. cit.

²²³ Ibid.

²²⁴ TPR #4 noted that work was progressing and the report would be completed soon. TPR #6 indicated that a second draft had been submitted in early May 2010, but still needed modifications. At the time, it was expected that the final draft would be completed by August 2010. No mention of the report is made in subsequent report other than to note that the activity had been "completed" on 21 January 2011.

According to the CTA, the report was finalized;²²⁵ however, the decision was made to forgo publication due, in part, to the conclusion that CODEVI did not represent an example of best practice in social dialogue.²²⁶

BWH has organized three buyers' forums in Haiti, but many firms that are sourcing garments from factories have not attended these events or otherwise been engaged in the program.

138. Unlike in Vietnam and Indonesia, participation of factories in the Better Work program is mandatory under the HOPE II legislation. Furthermore, factories that do not comply with international core labor standards may be subject to sanction in terms of access to preferential trade provisions. The legislative mandate removes the need for buyers to strongly encourage or require suppliers to participate in the program and potential sanctions provide a significant inducement for suppliers to comply with core labor standard. Still, active buyer involvement is needed to reinforce required behaviour and encourage compliance in areas not covered by USDOL/USTR. Buyers can also serve as an important source of technical assistance.

139. As shown in Table 19, three buyers forums have been held since the establishment of the program. Each of these meetings has attracted representatives of five to eight companies. Four firms – Fishman and Tobin, Gap, Inc., Levi Straus & Co., and Wal-Mart – have sent representatives to all three meetings. These companies are active globally. The meetings have provided an opportunity for stakeholders to learn more about the program and discuss the current situation in Haiti. In general, buyers that have been engaged in the program tend to be large, reputation-sensitive international brands.

Table 19. Participation in Buyers' Forums

Date	Participating Buyers
30 Sep 09	American Eagle, Earth Savvy, Eileen Fisher, Fishman and Tobin, Gap, Inc., Levi Straus & Co., and Wal-Mart
18 Nov 10	Cancelled (a)
08 Jun 11	Fishman and Tobin, Gap, Inc., Gildan Activewear, Levi Straus & Co., New Balance, and Wal-Mart
13 Jun 12	Colombia Sport, Fishman and Tobin, Gap, Inc., Gildan Activewear, Levi Straus & Co., New Balance, Target and Wal-Mart

Notes: (a). The meeting was cancelled due to the cholera outbreak in Port-au-Prince.

Source: Nexus Associates based on information provided by BWG

140. Nexus Associates conducted a survey of representatives of 18 buyers that Better Work identified as engaged in the program in Haiti. Only five responded. The responses to questions regarding satisfaction are presented in Table 20. One respondent voiced dissatisfaction with BWH across the board, explaining, "Believe that BW is far too focused on calling out noncompliances in a black and white fashion than truly supporting the industry's improvement. It focuses too much on the negative and does not adequately focus on the positive. Its mission should be to fundamentally improve factory conditions to spur investment and help create desperately needed jobs. Not asking that it should cover up problems just work in a more proactive and collaborative way to drive improvement." The particular buyer has not participated in any buyers' forums.

²²⁵ Better Work, Comments on Draft Report, 25 July 2012.

²²⁶ Ibid.

Table 20. Satisfaction with BWH Performance

	Number of Respondents			
	Very Dissatisfied	Dissatisfied	Satisfied	Very Satisfied
Compliance assessments	0	1	4	0
Advisory services	0	1	2	0
Management and worker training	0	2	1	0
Support of social dialogue	0	1	3	0

Source: BWH Buyer Survey

141. As it turns out, the buyers that have attended the forum constitute a small percentage of firms that source garments from factories in Haiti or are otherwise “engaged” in the program.²²⁷ Table 21 lists the factories that were registered as of April 2012. The buyers that are sourcing from these suppliers are denoted by the shaded cells.²²⁸ For example, seven companies had contracts with CODEVI. Of the 34 buyers that are identified as sourcing garments from factories in Haiti, 16 (47%) are not engaged in the program according to Better Work.

142. The table also demonstrates that the use of BWH factory compliance assessments by buyers is limited. Data compiled by ADIH suggest that there are 48 contractual arrangements between buyers and suppliers in Haiti. In only 14 (29%) of these cases has a buyer subscribed to the respective BWH factory compliance assessment report. No buyers have subscribed to reports for 55 percent of the registered factories. For example, Island Apparel has three customers – none has subscribed to the BWH factory compliance report. According to Island Apparel, these buyers require WRAP certification and have not expressed interest in the BWH reports.²²⁹ Another firm, which BWH identified as “engaged,” recently made the decision to “try out” the factory without benefit of seeing the full compliance report prepared by BWH.²³⁰

²²⁷ The share of total production accounted for by these buyers is not known.

²²⁸ Data on buyer-supplier relations was compiled by ADIH. These data may not be comprehensive or up-to-date. As such, information presented in the table should be treated with caution. BWH does not maintain complete information on buyers that are sourcing garments from registered factories.

²²⁹ Interview with Julia Fechlin, Island Apparel, *op. cit.*

²³⁰ *Ibid.*

Table 21. Buyer-Supplier Relationship and Engagement with BWH

Buyer ID	Involvement	CODEVI	DKOR Haiti	Fair Way Apparel	Fox River Caribe Inc	Genesis	Global Manufacturers & Contractors	Horizon Manufacturing	Indigo Mountain Haiti	Interamerican Wovens	Island Apparel	Johan Company	Lucotex	Magic Sewing	Modas Gloria Apparel	Multi Wear S.A.	One World Apparel	Pacific Sports Haiti	Palm Apparel	Premium Apparel	Sewing International SA	Willbes Haitian II	Willbes Haitian III
02																							
04																							
05																							
08	(a) (c)	S														S		S					
12	(a) (b) (c) (d)	S								S								S				S	S
13	(a) (b) (c)														S		S					S	S
15	(c)	S																S					
18																							
19																							
21	(a)																						
24																							
28																							
29																							
30																							
34	(a) (b)																						
35																							
36	(a) (b) (c)						S													S	S		
39	(a)																						
40	(a) (b) (c)	S																					
47																							
48	(a)																						
49																							
52	(a) (b) (c)	S																					
53																							
57	(a) (c)	S																					
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74	(b)																						
81																							
83																							
86	(a) (b)																						
87	(a)																						
90	(a) (b)																						
92																							
95	(a) (c)	S								S													
97	(a)																						

Notes: (a) Buyers identified by BWG as being “engaged” in the BWH program. (b) Buyers that have attended at least one Buyers Forum (c) indicates that the buyer has subscribed to at least one factory assessment report, the particular subscriptions labeled “S”. (d) This buyer subscribed to reports for factories in 2010, which are no longer in operation.

Source: Nexus Associates based on information provided by Better Work and ADIH.

BWH organized “Multistakeholders Forums” immediately following the buyers’ forums in 2011 and 2012.

143. The meeting in June 2012 was very well attended. In addition to buyers who had attended the meeting the day before, participants included members of the HOPE Commission, officials from MAST, officials from the Ministry of Commerce and Industry, Labor Ombudsperson, owners/managers of garment factories, officials from trade union in Haiti, representatives from the AFL-CIO, and representatives the U.S. Embassy.²³¹ The meeting included breakout sessions where each group met separately to assess the past 12 months and define steps to be taken over the coming year. The results of these discussions are shown in Table 22.

²³¹ BWH, List of Participants, Multistakeholders' Forum, 14 June 2012.

Table 22. Stakeholders' Assessment and Plan for Next 12 Months

Group	What has gone well?	What could be better?	Action Plan for next 12 months
Government	<ul style="list-style-type: none"> ▪ Nomination of the Labour Ombudsperson ▪ Organization of training on mediation ▪ Active contribution to the revision of the labour code Initiation of social dialogue ▪ Separation of mediation and "arbitrage" service 	<ul style="list-style-type: none"> ▪ Strengthen relationship between the Ministry of Commerce and the Ministry of Labour and Social Affairs ▪ Institutional strengthening of the MAST ▪ Strengthen the office of the Labour Ombudsperson ▪ Accelerate the revision of the labour code and continue the enactment of the ILO conventions ratified by Haiti 	<ul style="list-style-type: none"> ▪ Consolidate the relations between Better Work Haiti and the governmental institutions, i.e. strengthening of their institutional capacities ▪ Further strengthen social dialogue ▪ Promote the application of existing laws
Employers	<ul style="list-style-type: none"> ▪ Employers strengthened their relationship with BWH and worked closely with the programme to improve compliance issues ▪ Employers participated in trainings offered by BWH ▪ BWH motivated ONA to reach out to factories to promote new service and to answer questions from workers ▪ Strengthened relationship between factories and unions, improved communication ▪ OFATMA improved their services 	<ul style="list-style-type: none"> ▪ Employers could be more proactive by doing internal audits and by encouraging OSH participation ▪ Provide BWH with proper documentation ▪ Establish and enforce clear procedures 	<ul style="list-style-type: none"> ▪ Continue to engage BWH to report findings in a way that still promotes production Work with BWH to be sure that reports reflect the progress that the factory is making ▪ Engage the government to provide social benefits for workers ▪ Brainstorm with unions, government and BWH on ways to improve communication and problem solving ▪ Promote meetings between factories, unions and CTMO-HOPE ▪ Create database at ADIH on solutions for compliance issues as well as resources ▪ Promote training of workers and managers on communication and workplace best practices ▪ Clarifications of international labour laws that are in conflict with the Haitian Labour Code
Trade unions	<ul style="list-style-type: none"> ▪ Better Work has provided more training ▪ Better Work has strengthened dialogue with trade unions ▪ Better Work produced interesting reports 	<ul style="list-style-type: none"> ▪ Better Work to share hard copies of the reports ▪ Better Work to better leveraged its convening power to facilitate dialogue between the actors in Haiti ▪ More training needs to be provided to Trade Unions ▪ Better Work to take into account the positions and recommendations from the TU on the PICC establishment ▪ Importance of mediation 	<ul style="list-style-type: none"> ▪ Openness to dialogue ▪ Strengthening the trade union sector ▪ Participate actively in trainings ▪ Share information, reports and training opportunities with all workers ▪ Share information on developments in the trade union sector with Better Work ▪ Establish written agreement between manager and trade unions on trade union rights ▪ Promote transparency
Buyers	<ul style="list-style-type: none"> ▪ Transparency of reporting ▪ No cost for factories ▪ Focus on long-term improvements ▪ Reduction of audit fatigue ▪ Fairness of assessment services - Factories are recognizing need to comply with international labour standards ▪ BWH drives consistency 	<ul style="list-style-type: none"> ▪ More effective trainings ▪ Get more brands on board ▪ Establish effective ways of communication with workers ▪ Quicker turnaround of reports ▪ BWH to drive the process of revision of the labour code ▪ Simplify/unify the reporting and report improvements and progress 	<ul style="list-style-type: none"> ▪ Support Better Work with training on sexual harassment ▪ Pay more attention to remediation of non-compliances identified by BWH ▪ Encourage participation of factories in BW training ▪ Motivate other brands to participate in the programme ▪ Support BWH in creating jobs in the Haitian apparel industry

Source: Better Work Haiti Multistakeholder Forum Meeting Notes and Action Steps, 9 June 2011

Immediate Objective 4. Development of a second phase of BWH programme

Output 4.1 To increase social partners understanding of the HOPE II legislation

144. Table 23 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 23. Status Reported by BWH as of April 2012

Activities	Status
4.1.1 Information workshop on HOPE II legislation	Cancelled

145. The BWH CTA consulted with ADIH on the relevance of such a workshop in late 2009. Both the President and the Executive Director replied there was no need for the workshop at this stage.²³² As such it was cancelled. However, there have been a number of meetings where presentations have been made on the HOPE II legislation, including the multi-stakeholders' meetings held in June 2011 and June 2012.

Output 4.2 To develop a project document and implementation plan for BWH 2010-2013

146. Table 24 lists the planned activities associated with this output and the status reported by BWH in the most recent Technical Progress Report submitted to USDOL.

Table 24. Status Reported by BWH as of April 2012

Activities	Status
4.2.1 Participatory design of project document	Cancelled
4.2.2 Validation workshop	Cancelled
4.2.3 Develop operational guidelines for the Ombudsman's office	Cancelled

Plans for the full five-year program approved by ILO and USDOL in May 2009 and subsequent modifications were prepared without the active involvement of the PAC.

147. The proposal for the full five-year program was handled through a revision to the initial agreement between ILO and USDOL. This was approved prior to the first PAC meeting. A review of the minutes of PAC meetings suggests that revisions to the work plan have not been discussed.

BWH did not develop operational guidelines for the Office of the Labor Ombudsman.

148. While the project document envisioned that BWH would be responsible for this activity, given its political nature, BWH has not been directly engaged in this process. However, according to BWH, "technical advice" has been provided to national constituents in response to specific requests.²³³

149. It should be noted Mrs. Joselline Colimon Féthière, former Minister of Commerce, was appointed Labor Ombudsperson in early 2012. The Office is in the process of being established.

²³² TPR #3, op. cit.

²³³ Written comments. op. cit. No further detail was provided.

Efficiency of resource use

EAs should be able to devote more time to advisory services even given the requirement to complete two assessments per year.

150. As noted above, the CTA and EAs have suggested that the requirement to conduct assessments twice a year leaves little time for advisory services. It is not clear why this is. It should take no more than ten person-days to complete each assessment – four person-days for the factory visit and another six person-days to complete the report. As such, 240 person-days would be required to assess 24 factories. In Haiti, each assessment round is carried out over a period of three months. It appears that EAs would need to devote two-thirds of their available time to complete all assessment within this three-month period.²³⁴ Moreover, much of the time between rounds should be available for advisory services. Even if EAs devoted two person-days per factory per month for advisory services in the three-month period between assessments, this would still only account for 40 percent of the total available time. This is not to say that EAs are not busy, but it would appear that a significant percentage of time might be allocated to activities other than core services, including staff development and administration. (As noted below, it is important to track actual time usage.)

The total budget for the five-year project stands at \$4.6 million; as of June 2012, roughly US\$3.0 million had been spent or encumbered.

151. The budget for the 14-month preparatory phase was US\$1.0 million. In September 2009, the budget was increased by US\$2.5 million to US\$3.5 million to cover the full cost of implementing the BWH program for five years, ending 31 December 2013. However, in March 2012, ILO submitted a request to provide an additional allocation of US\$1.1 million for BWH from the Better Work Global Umbrella grant²³⁵ to cover project operations through the end of 2013. One month later, the ILO submitted a revision for the BWH project, which reallocated funds among budget items within the US\$3.5 million budget.²³⁶ The budget and expenditure for the USDOL-funded project as of June 2012 are shown on a consolidated basis in Table 25.²³⁷

152. Roughly 20 percent of the budget is allocated directly to the four “immediate objectives” specified in the *Project Document*. The remainder is allocated to operating expenses including ILO salaries, equipment, travel, office expenses, and administrative support. As such, it is not possible to discern the magnitude of resources committed to specific activities. (The ILO system is not geared to full activity-based costing.)

153. Since the inception of the program, roughly US\$2.4 million has been spent on Better Work Haiti. If encumbrances are included the total rises to just over US\$3.0 million. As noted above, costs have been incurred by other ILO department/programs that are not reflected in these expenditures. This includes costs incurred by DIALOGUE/LABADMIN under the HRSDC-funded project and by ACTEMP for the work with ADIH.

²³⁴ Total available time equals the number of EAs (6) X 20 workdays per month X 3 months = 360 person-days.

²³⁵ USDOL-funded ILO Projects, Project Revision Better Work Haiti, 30 March 2012 (USDOL Agreement no. IL-21187-10-75-K : ILO TC Project No. INT/10/13/USA).

²³⁶ USDOL-funded ILO Projects, Project Revision Form, 3 April 2009.

²³⁷ In addition to the USDOL funding, ILO received US\$234,000 from HRSDC to help revise the labor code and build the capacity of MAST, including the labor inspectorate. These funds and associated expenditures are not reflected in the table.

Table 25. Consolidated Budget and Expenditures for Better Work Haiti

Budget Items	Budget	Actuals Expenditures					Encumbrances		Remaining	
		2009	2010	2011	2012	2013	2012	2013		
101421										
- Objective 1	288,241	16,750	110,511	56,339	13,955	-	58,356	-	255,911	32,329
- Output 1.1	20,074	-	2,772	7,062	4,000	-	6,240	-	20,074	-
- Output 1.2	98,028	14,200	5,924	19,703	2,739	-	31,029	-	73,595	24,432
- Output 1.3	170,139	2,550	101,815	29,574	7,215	-	21,088	-	162,242	7,897
- Objective 10	315,406	16,693	47,815	61,515	-	-	-	-	126,023	189,383
- Output 10.1	315,406	16,693	47,815	61,515	-	-	-	-	126,023	189,383
- Objective 2	70,083	6,250	28,796	28,536	6,235	-	-28	-	69,789	293
- Output 2.1	15,959	6,250	1,261	8,447	-	-	-	-	15,959	-
- Output 2.2	54,124	-	27,535	20,089	6,235	-	-28	-	53,831	293
- Objective 3	228,452	-	97,200	83,952	1,099	-	21,423	-	203,674	24,778
- Output 3.1	-	-	-	-	-	-	-	-	-	-
- Output 3.2	182,612	-	94,975	52,137	-	-	14,609	-	161,721	20,891
- Output 3.3	45,840	-	2,225	31,815	1,099	-	6,814	-	41,953	3,887
- Objective 4	9,841	9,236	-	605	-	-	-	-	9,841	-
- Output 4.1	605	-	-	605	-	-	-	-	605	-
- Output 4.2	9,236	9,236	-	-	-	-	-	-	9,236	-
- Objective 5	2,587,977	206,233	446,563	695,451	447,381	-	445,508	106,345	2,347,481	240,496
- Output 5.1	1,337,751	104,651	257,614	413,246	253,291	-	286,040	102,910	1,417,752	-80,001
- Output 5.2	230,860	8,530	43,965	38,681	23,105	-	50,275	3,435	167,990	62,870
- Output 5.3	76,162	32,037	7,045	24,280	-	-	8,655	-	72,017	4,145
- Output 5.4	440,491	4,253	77,302	81,526	58,244	-	38,352	-	259,677	180,814
- Output 5.5	214,879	26,366	21,574	52,093	21,255	-	12,186	-	133,473	81,406
- Output 5.6	47,250	-	-	-	-	-	46,910	-	46,910	340
- Output 5.7	240,584	30,396	39,063	85,625	91,485	-	3,091	-	249,660	-9,076
Sub-total 101421	3,500,000	255,163	730,886	926,398	468,670	-	525,259	106,345	3,012,720	487,280
103410										
-1	1,100,000	-	-	-	-	-	-	-	-	1,100,000
-1.1	32,190	-	-	-	-	-	-	-	-	32,190
-1.2	865,000	-	-	-	-	-	-	-	-	865,000
-1.3	202,810	-	-	-	-	-	-	-	-	202,810
Sub-total 103410	1,100,000	-	-	-	-	-	-	-	-	1,100,000
Total	4,600,000	255,163	730,886	926,398	468,670	-	525,259	106,345	3,012,720	1,587,280

Source: Better Work

154. Expenditures incurred to date (excluding encumbrances) works out to roughly US\$118,000 per currently registered factory or just over \$100 per worker.²³⁸ It is too early to gauge the cost of the program relative to its impact on working conditions, worker livelihoods, and factory performance in the garment sector or its broader contribution to constructive social dialogue. While preliminary findings from research in Cambodia suggest positive gains, research in Haiti and other countries is still underway and it will be some time before benefits can be quantified.

²³⁸ As of 30 June 2012, BWG estimated the annual operating “cost per worker” for all of 2012 in different countries would range from roughly US\$5 to US\$32 as shown below. Operating costs exclude costs associated with stakeholder capacity building, curriculum development, CAT adaption, and other development costs.

Cambodia	Haiti	Indonesia	Jordan	Lesotho	Nicaragua	Vietnam
US\$4.65	US\$18.39	US\$4.67	US\$32.00	US\$16.60	US\$27.50	US\$5.05

Source: BWG

Impact orientation and sustainability of the project

Better Work is committed to a rigorous assessment of its impact.

155. As noted above, Better Work Global has instituted a monitoring and evaluation system in all country programs, including Haiti. As part of this process, researchers from Tufts University have conducted a baseline survey of management and workers. However, no analysis has been conducted on data from factory assessments, other than simple frequency counts reported in the *Biannual Synthesis Reports*.²³⁹ Changes in reported compliance rates are due, in part, to changes in guidance notes and the data collection methods.

156. That said, information in the *Biannual Synthesis Reports* demonstrates that some factories have instituted changes in practices, which have brought them into compliance on particular points. Interviews with factory owners/managers provided further evidence that factories have taken steps to comply with international standards and national laws, particularly with respect to working conditions.

Better Work Haiti is unlikely to be financially and political sustainable without the backing of USDOL.

157. The *Project Document* charged management with developing a strategy for “full cost-recovery” during the preparatory phase. This strategy has not been developed. In 2011, fees from services were equal to less than one-tenth of one percent of program expenditures as shown in Table 26. BWH may be able to charge for certain types of training, particularly those targeted to managers and supervisors. However, given high fixed costs and the limited number of factories and engaged buyers, BWH has little prospect of generating sufficient revenue to cover its full operating cost. Continued funding for core services as well as capacity building efforts will be required

Table 26. Revenue (US\$) and Cost Recovery (a)

	Jan-Jun 2009	Jul- Dec 2009	Jan-Jun 2010	Jul- Dec 2010	Jan-Jun 2011	Jul- Dec 2011
Program revenue received in the reporting period (US\$)	NA	NA	NA	4,000	3,750	4,500
Revenue as a percentage of “operating cost” (cost recovery) in the reporting period.	NA	NA	NA	0.1%	<0.1%	<0.1%

Source: Better Work Global

158. In the absence of legislation mandating factories to participate in the BWH program, it is unlikely that owners/managers would choose to subject themselves to compliance assessment unless required by buyers. However, only a small number of buyers would potentially impose this requirement, resulting in partial coverage of the sector.

Long-term sustainability requires fundamental changes in institutions in Haiti.

159. Better Work aims to boost compliance with international labor standards and national labor law among factories in selected countries. It also aims to foster a greater commitment to improved labor conditions through social dialogue. The need for Better Work will continue until the government establishes and enforces strong labor laws, trade unions have the capacity to protect workers, and businesses operate with enlightened self-interest. It is not clear how or when these conditions will be met in Haiti.

²³⁹ Detailed data on questions underlying each compliance point are available, but not in a format that allows ready analysis.

Effectiveness of management arrangements

The CTA was not in place until six months after the project start date; given the hard deadline stipulated in the HOPE II Act for completion of the baseline compliance assessment, the process was hurried.

- 160.A Chief Technical Advisor (CTA), recruited internationally by the ILO Human Resource Department (HRD), heads BWH. The CTA reports directly to the BWG Director in Geneva²⁴⁰ and for administrative purposes to the head of the ILO subregional office in San Jose, Costa Rica.²⁴¹
- 161.ILO found it difficult to recruit someone to serve as the CTA in Haiti. The first two candidates who were offered the position elected not to take the job. A third candidate accepted the position in April 2009 and started work in Haiti on 18 June 2009 after a weeklong orientation in Geneva and a weeklong induction with Better Factories Cambodia.²⁴² The individual had no prior experience working in Haiti and did not have expertise on labor standards or a background in the garment industry. As such, the learning curve was very steep. (Some members of the HOPE Commission indicated that they were disappointed with the appointment, expecting someone better qualified.²⁴³)
- 162.While there was a six-month delay in getting management in place, HOPE II stipulates that the first round of compliance assessments had to be completed by December 2009. While setting up an office, the CTA had to manage stakeholder outreach, the adaption of the CAT, and the recruitment and training of people to conduct the first round of assessments. Unlike in other countries, the decision was made to use a team of international and local consultants to conduct the assessment rather than full-time EAs. There is a common view among national stakeholders that in the rush to complete the first round of assessments insufficient attention was paid to raising awareness and building trust among constituent groups.²⁴⁴ The CTA feels that the support provided by BWG during the critical first six months of the program could have been better.²⁴⁵

Management systems are in place, but could be strengthened.

- 163.BWG has developed an *Operations Manual* for the global program. In addition to providing an overview of the program, it includes chapters dealing with the project design cycle, human resource administration, knowledge management, public communications, financial management and administration. The manual includes links to relevant documents. Better Work instituted a new system to document and disseminate management decisions in October 2011. *Programme Directives* are now issued by management to Better Work staff in offices around the world, including Haiti, detailing changes in policies and procedures.
- 164.A major part of management revolves around planning and control. In this regard, the planned staffing level and budget proved insufficient to carry out core services, let alone undertake envisioned capacity building efforts. In April 2012, the budget was increased from US\$3.5 million to \$4.6 million to enable BWH to continue

²⁴⁰ The BW Director, BWG team leaders, and CTAs from the seven country programs constitute the Operations Management Team (OMT), which meets quarterly (twice per year in person and twice virtually) to review progress, discuss operating policies and procedures, and future directions for the overall program.

²⁴¹ This reporting arrangement reflects the ILO/IFC Cooperation Agreement, which called for the BW Director to manage the program under the direction of a joint Management Group. Under the decentralized administrative system adopted by ILO, Country Directors oversee all programs operating in their respective country, including technical cooperation projects.

²⁴² In the interim, the senior programme officer (Laetitia Dumas) based in Geneva conducted a mission to Haiti in March 2009, during which a series of meetings were held with government officials as well as representatives of ADIH and the three trade union federations (CSH, CTH and MOISE).

²⁴³ Interview with HOPE Commission, op. cit.

²⁴⁴ Stakeholder interview, January and June 2012.

²⁴⁵ Interview with R. Lavalée, January 2012.

operating through 31 December 2013. The 31 percent increase in the budget was not accompanied by any significant increase in the scope of work. Even with staff expansion, scheduling remains an issue and advisory services continue to receive short shrift.

165. BWG has established a common M&E matrix for country programs as part of the control system.²⁴⁶ It includes 44 indicators organized into seven categories: factory registration, compliance assessments, advisory services, training services, stakeholder engagement, financial viability, and staffing. As pointed out in the BWG evaluation, the indicators are generally well conceived; however, two indicators overlap²⁴⁷ and some indicators lack clear operational definitions. There have been some minor problems with data integrity in some countries, including Haiti.

BWH has worked with other departments in ILO as well as with international trade unions, but greater commitment and coordination is needed. Interaction with IFC has been minimal.

166. The original *Project Document* and subsequent iterations of the work plan envisions that BWH would focus on core services, while other ILO departments/programs – Employers' Activities (ACTEMP), Industrial and Employment Relations Department (DIALOGUE), Labour Administration and Labour Inspection Programme (LAB/ADMIN), and Workers' Activities (ACTRAV) – would be directly involved in capacity building efforts in Haiti. However, at the outset of the project, the specific way in which services would be delivered was not clear. According to Better Work, the project budget included monies for travel and other direct expenses; however, it was expected that staff resources committed to activities in Haiti would be covered by the respective departments/programs.²⁴⁸ In fact, Haiti received little attention from these departments/programs until after the earthquake in January 2010.

167. In February 2010, Mr. Antonio Cruciani was appointed ILO Coordinator for the Reconstruction of Haiti, responsible for the coordination of ILO programs in Haiti and cooperation with other organizations operating in the country. As noted above, DIALOGUE and LAB/ADMIN started working in Haiti in October 2011 under the auspices of the HRSDC-funded project with direct responsibility (and accountability) for specified activities and outputs. Similarly, ACTEMP initiated a project with PSI funding in 2011. ACTRAV has not participated directly in any activities in Haiti; in fact, no one from the department has visited Haiti over the past two years.²⁴⁹ According to the Deputy Director of ACTRAV, the department does not have the resources to support a trade union development effort in Haiti.^{250,251} At this point, it is the only department that has not yet agreed to a specific work plan backed by clear funding commitments.

²⁴⁶ The M&E matrix for Haiti is included in Appendix G.

²⁴⁷ Indicators 13 and 22 seem to cover the same concept and are worded in essentially the same way. Interestingly, the values reported for these indicators for the same country in the same period differ (see Haiti – January to June 2010.) BWG has indicated that the indicators “are the same” and that indicator 13 will be deleted. (BWG written comments, 19 January 2012.) This does not explain the discrepancy in responses, particularly if they were intended to measure the “same” concept.

²⁴⁸ Interview with L. Dumas (BWG), op. cit.

²⁴⁹ Interview with A. Cruciani, op. cit.

²⁵⁰ Interview with A. Biondi, Deputy Director, ACTRAV, 21 June 2012.

²⁵¹ In this regard, Ms. Biondi pointed to work in Vietnam as a model. To explain: Better Work and ACTRAV has been working with APHEDA in Vietnam. The first phase started in July 2009; the second phase was launched in January 2011. The contracts for these two phases were administered by ACTRAV with monies provided by the Levi Straus Foundation, ILO and ACTU. Phase I included TOT training to 26 officials from VGCL on organizing, collective bargaining, negotiation, dispute resolution and other union issues; in Phase II, six of these officials were selected for follow-on training specifically related to the PICC. Better Work received funding from USDOL for a third phase in December 2011: funds for ACTRAV and APHEDA will flow through Better Work to ACTRAV, which will contract APHEDA.

168. The Trade Union Contact Group established by BWG has had multiple meetings to discuss the situation in Haiti. As noted above, ITUC fielded a representative in Haiti for one year and the AFL-CIO sent a staff person to Haiti for five months. While well received, these efforts were relatively minor compared to the scale of issues confronting the trade union movement in Haiti. A comprehensive plan to help build the capacity of trade unions that are active in the garment sector has still not been developed.

169. BWH has had no substantive engagement with IFC in Haiti, other than contracting Sofitraining to deliver three training courses based on the IFC *Business Edge* curriculum. It should be noted that IFC has provided financing to Grupo M for the development of CODEVI and is working with the Haitian government to develop policies for special economic zones.

USDOL has been heavily involved in the program. While the relationship is strong, coordination could be improved.

170. USDOL is not just a donor. It is actively involved in Haiti, including doing its own compliance assessments and providing assistance directly to companies found to be non-compliant with core labor standards. While the relationship has been good, there are two issues meriting comment:

- USDOL and BWH have not conveyed consistent messages on compliance with core labor standards. Beginning in June 2012, the United States Trade Representative (USTR) is required to include the names of producers determined to be non-compliant in reports to Congress every two years, along with a statement on the specific findings used to justify the determination of non-compliance and a description of subsequent remediation efforts undertaken by USDOL.²⁵² In keeping with this legislative requirement, USDOL conducted its first assessment of producers in Haiti during the second half of 2011. The USDOL assessment is independent from Better Work Haiti;²⁵³ however, USDOL used the October 2010 and April 2011 *Biannual Synthesis Reports* prepared by BWH to identify issues related to the core labor standards and screen factories for further investigation.²⁵⁴ The USDOL team visited seven factories in November 2011. In addition, workers from all factories were invited to attend a meeting to voice their concerns. Roughly 100 workers attended from 18 factories in Port-au-Prince. Follow-up telephone calls were conducted with these and other workers to corroborate statements. In late December 2011, the determination was made that “there was sufficient credible evidence to conclude that three specific producers were non-compliant with one or more of the core labor standards...” The three firms and areas on non-compliance are shown in Table 27. The table also shows the results of the BWH compliance assessments. Notable is the difference in conclusions on discrimination and forced labor.

ILO and USDOL/USTR held a series of meetings to discuss the assessment process in 2011 and shared “significant portions of the USTR report” with the BWH CTA, including findings related to specific producers.²⁵⁵ On the one hand, having USDOL conduct an independent assessment may insulate Better Work from being associated with potential sanctions imposed on factories by the U.S. Government; on the other hand, the fact that the parties reached different conclusion may sow confusion among stakeholders in Haiti with respect to the “correct” interpretation of labor standards and their application to garment factories in Haiti.

²⁵² The HOPE II Act requires the submission of reports to Congress every six months. However, information on specific non-compliant producers is only required every two years. The next report naming non-compliant producers is due June 2014.

²⁵³ In this regard, “HOPE II requires the President to “consider” BWH reports in making the determination of non-compliance, though it does not limit the President to that source of information.” USTR 2012 Annual Report,

²⁵⁴ Interview with L. Stern, International Relations Officer, US Department of Labor, 19 June 2012

²⁵⁵ Comments provided by USDOL.

Table 27. Non-Compliance Producers as Determined by USDOL

Producer	Area of Non-Compliance	USDOL/USTR Findings	BWH Findings			
			1 st	2 nd	3 rd	4 th
Sewing International, SA	Freedom of association	"In response to a May 2011, work slowdown and stoppage, SISA targeted and dismissed 146 workers most actively engaged in in organizing the slowdown and stoppage, all of whom were participating in nascent association efforts in the factory." Workers were subsequently "blacklisted"	●	O	●	●
	Non-discrimination, in particular sexual harassment	"...certain SISA supervisors regularly solicited workers for sex and subjected workers to negative consequences if they refused, including less favourable treatment, transfer to less productive modules, and termination."	O	O	O	O
	Forced labor, in particular certain mandatory overtime practices	... the following practices, when taken together, are inconsistent with the core labor standard of forced labor: requiring workers to work overtime in excess of the legal limit; threatening them with dismissal or suspension if they refused to do so; physically preventing workers from freely leaving the facility, including by posting armed guards at the exit, locking gates so that workers could not leave without the assistance of guards, and frequently denying exit passes required for leaving the facility; and additional practices that evidence worker vulnerability, such as sexual harassment and payment at less than the legal minimum wage, suggesting extensive employer control and worker inability, in practice, to decline the unlawful overtime	O	O	O	O
Inter-American Wovens, SA	Freedom of association	"... IW targeted for dismissal, workers who had begun organizing a group to discuss and address their terms and conditions of employment and had collectively expressed concerns about terms and conditions to management." Specifically, "Fifty-four of the workers who had complained to management and had been suspended, accompanied by union representatives, filed complaints with MAST for wrongful suspension. They also joined with other workers to establish a Committee of Victims of IW. On November 21, IW terminated them."	O	O	O	Not Assessed
	Forced labor, in particular certain mandatory overtime practices	"...the following practices [when], taken together, are inconsistent with the core labor standard of forced labor: requiring workers to work overtime in excess of the legal limit; threatening them with suspension or dismissal if they refused to work unlawful overtime, and in the above-described case, in fact suspending them on October 18 for such refusal; and additional practices that evidence worker vulnerability, such as limiting workers' ability to get up from their machines for water or restroom breaks, suggesting extensive employer control and worker inability, in practice, to decline the unlawful overtime.	O	O	O	Not Assessed
One Work Apparel, SA	Freedom of Association	"... OWA fired a union representative without adequate justification for the dismissal and denied entry to union officers who arrived to carry out their representation functions on behalf of their member in the factory." The fired worker had not been reinstated as of 31 December 2011. (However, he was reinstated on 5 June 2012.).	O	O	O	●

Source: Nexus Associates based on USTR Report and BWH Biannual Synthesis Reports

- USDOL and ILO need to coordinate efforts to build the capacity of trade unions. USDOL is planning to fund another organization under a separate project to help build the capacity of trade unions in Haiti.²⁵⁶ Consideration is being given to having this organization work with PICCs. Additional resources are clearly welcomed given the current state of the trade union movement in Haiti. Plans should be developed in concert with ILO, including ACTRAV, to enhance synergies and avoid potential duplication.

The PAC has not operated as intended and stakeholder relations are strained.

171. As noted above, the *Project Document* indicated that the HOPE Commission would serve as the PAC. The decision was subsequently taken by the head of the Commission to delegate responsibility for the PAC to a subcommittee. It was agreed that the PAC would be quarterly. The names of members of the PAC were submitted to BWH on 22 December 2009.²⁵⁷ In light of the earthquake the following month, the first PAC meeting was not held until March 2010 – 15 months after the start of the project and three months after the completion of the first round of assessments.

172. All told, there have been seven PAC meetings since the inception of the program. While BWH has pushed to have well-attended meetings on a quarterly basis, this has not happened due, in part, to political instability and a general lack of engagement. As shown in Table 28, meetings have not followed a set schedule and the length of time between meetings has increased since October 2010. Attendance of some members has been sporadic. In July 2010, a decision was made to expand the PAC to include one additional representative from each sector and in August 2011 it was agreed that the full HOPE Commission would assume the role of the PAC.

Table 28. PAC Meetings

#	Date	No. of Members Attending (a)	Elapsed Time from Previous Meetings
1	30 Mar 2010	3	
2	04 May 2010	3	1.2 months
3	21 Sep 2010	2	4.7 months
4	14 Oct 2010	3	0.8 months
5	21 Jan 2011	4	3.3 months
6	03 Aug 2011	8	6.5 months
7	09 Mar 2012	7	7.3 months

Notes: The number of members was increased from three to six in July 2010. The full HOPE Commission assumed responsibility for the PAC in August 2011.

173. Minutes of the meetings suggest that discussions have focused on provisions of the PAC MOU, the process of validating the CAT, the interpretation of the minimum wage law, and updates on the program. There has been little discussion of the implication of findings or potential strategies to address deficiencies and promote social dialogue. (According to Better Work, the PAC did not see this as their role until the new president of the HOPE Commission was appointed in November 2011.)²⁵⁸

174. The relationship between factory owners and BWH, particularly Haitian owners, is strained. While people express their appreciation for the assistance afforded by BWH, the SOTA incident caused significant friction. One prominent factory owner expressed his strong belief that the CTA is working closely with Batay Ouvriye to organize factory workers and disregarded evidence that showed workers were dismissed for valid reasons. In

²⁵⁶ Interview with A. Aslan, program manager, USDOL, 21 June 2012.

²⁵⁷ TPR #4

²⁵⁸ Better Work, Comments on Draft Report, 25 July 2012.

addition, the minimum wage issue remains a thorn in the side of owner/managers and is seen as a demonstration of BWH's bias. On the other hand, national trade unions view BWH more positively since BWH concluded that SOTA officials were wrongfully dismissed. However, the unions do not support the idea of establishing PICCs and want a seat at the table when decisions are made. In this regard, officials note that the HOPE Commission does not include representatives of trade unions that are active in the garment sector. Work on the labor code is viewed positively by all concerned, but stakeholders believe that much more needs to be done to strengthen the capacity of MAST.

Conclusions and Recommendations

Conclusions

Given difficult circumstances, Better Work Haiti has accomplished a good deal in the two years since the CTA came on board, but many "immediate objectives" are unlikely to be met by 31 December 2013.

175. While the project started in January 2009, the first six months were lost due to the delay in hiring a CTA. From the beginning, BWH has operated in a difficult environment, where effective social dialogue is challenging – government institutions are weak; national trade unions are undeveloped; and many employers have not been committed to constructive labor-management relations. Moreover, the ability of BWH to carry out activities has been disrupted on repeated occasions, including the earthquake (January 2010), cholera outbreak (October 2010), hurricane (November 2010), and political unrest following presidential elections (December 2010).

176. Against this setting, BWH has been able to establish an office, recruit and train staff, complete four rounds of assessments, provide advisory services to factories, and organize training events. The report prepared by BWH on the dismissal of SOTA officials in three garment factories led to their reinstatement and has set the stage for broader discussions on freedom of association in the garment sector. The investigation also called attention to provisions in the national labor law that are at odds with ratified ILO conventions. These provisions and others aspects of the labor code are currently being reviewed under a project headed by DIALOGUE.

177. Still, the project is a long way from accomplishing stated objectives. BWH elected to focus on core services, even though objectives as stated in the HOPE II legislation and *Project Document* are much broader. Efforts to build the capacity of MAST and ADIH were not initiated until two years into the project and initiatives to strengthen national trade unions have never gotten off the ground. While evidence suggests that the project has resulted in better compliance on certain dimensions among some factories, non-compliance on a broad range of issues is still rife. Engagements with MAST, ADIH and national trade unions have focused on defining needs: little has been done to implement recommendations and strengthen the capacity of these institutions.

The assessment process has been good, but needs to be strengthened. Insufficient attention has been paid to encouraging and helping companies address deficiencies.

178. The compliance assessment process is generally valid and reliable, but BWH continues to face challenges with respect to determining compliance with core labor standards, dealing with ambiguous national laws, and ensuring that assessments are conducted in a consistent manner. In this regard, it is troubling that the process is still evolving after four rounds and that BWH and USDOL reached different conclusions with respect to compliance on core labor standards in particular factories. Moreover, the continued debate about the interpretation of the minimum wage law has created a great deal of frustration.

179. Not enough time has been devoted to advisory services. This stems, in part, from the HOPE II legislation, which requires the publication of synthesis reports twice per year. However, it may also be due to poor scheduling and inefficient time use. Clear, realistic expectations are needed to help ensure accountability.
180. The Better Work model for advisory services is built around the establishment of PICCs. However, BWH has simply not had much success in establishing PICCs so far and the national trade unions continue to voice legitimate concerns about these committees given the current stage of organizing. Even if BWH elects to continue to establish PICCs on a pilot basis, it needs to develop an alternative model for working with the majority of factories that do not have PICCs.
181. Advisory services and training have focused on OSH with little attention devoted to helping companies address deficiencies with respect to core labor standards.
182. Finally, BWH has not yet figured out a way to bring buyers into the process in a systematic manner. Most companies that are sourcing garments from factories in Haiti are not involved in the program. Buyers can have leverage over suppliers, but only if they are well informed and committed to taking collective action in the event of non-compliance.

Institutional capacity building efforts have been insufficient: a new approach is needed.

183. In general, efforts to build the capacity of MAST, ADIH, and national trade unions have not been well designed or executed. The planned level of engagement is not commensurate with the level of need, and even those plans have not been fully implemented. Long-term sustainability requires fundamental changes in institutions in Haiti. Assistance needs to be in-depth, comprehensive, properly sequenced, and sustained.
184. The HOPE II Act and the *Project Document* assign responsibility for institutional capacity building to BWH as the entity in charge of the TAICNAR. However, it has neither the technical expertise nor resources to take this on. Moreover, charging BWH with the task of training unions on how to organize workers and negotiate collective bargain agreements may muddy the water, opening the door to accusations of bias by employers. To be successful, other ILO departments/programs need to be actively involved and held accountable for meeting stated objectives.

Efforts to engage with the HOPE Commission and national stakeholders need to be redoubled.

185. The awareness of the need for garment factories to comply with international labor standards has increased over the past six months in the aftermath of the release of the SOTA report and the intensive engagement of USDOL in the run up to the publication of the USTR report to Congress. However, some stakeholders still lack a solid understanding of these standards, particularly in areas where national laws are not aligned with ILO conventions, or are not yet committed to upholding them. The issue of freedom of association is likely to become more salient as SOTA and other unions seek to organize factories. A more concerted effort by national constituencies to promote constructive social dialogue is required. The HOPE Commission, as a tripartite consultation mechanism, has an important role to play in this regard.

Recommendations

9. **BWH should firm up the process of conducting compliance assessments.** Better Work should review the CAT to ensure that it measures what is intended and does so in an accurate, consistent, and transparent manner. Particular attention should be paid to core labor standards. Representatives of BWH and USDOL should meet to review the method used by each organization to determine non-compliance and agree to a common approach, including acceptable evidence and standards of proof. A

standard design for worker surveys should be adopted, including the questionnaire, sampling strategy, administration, and data analysis. BWH should explore the use of CAPI technology.

BWH should settle the issue of how to assess compliance with minimum wage provisions. To this end, it should carry out the promised study on production quotas as soon as possible. (It should also coordinate with DIALOGUE to ensure that minimum wage provisions are addressed in the labor code review.)

BWH should develop a process for obtaining data on grievances filed by workers with MAST, the office of the Labor Ombudsman, and national trade unions. (The development of procedures for filing grievances and requisite information systems should be supported by LAB/ADMIN and ACTRAV as part of capacity building efforts.)

While the legislative mandate has to be met, BWH, USDOL, and the HOPE Commission should consider whether two full assessments of each factory are required every six months in order to satisfy the requirement. Perhaps, one of the reports could focus solely on core labor standards. This may lessen the workload and allow more time to be spent on remediation efforts. (Note that progress reports prepared by BWH as an integral part of advisory services would still be made available to factories, buyers and other approved third-parties, potentially including USDOL.)

Finally, BWH should seek the HOPE Commission's endorsement of the compliance assessment process, including the CAT (guidance notes and data collection plan) and timing of the assessments.

10. **BWH should refine the *Biannual Synthesis Reports*.** Better Work should review the format and content of the reports. It should improve how results are presented, particularly in the section on individual factories. The reports should present the compliance status of each factory in each period, with a clear statement on the particular findings that triggered the determination of non-compliance and the specific steps that factories have taken to remediate identified deficiencies. Consideration should also be given to including more detailed information on individual questions, summarizing the number of companies that changed status from one period to the next to provide a picture of the extent of improvements. Finally, BWH should consider publishing the reports in Creole and providing hard copies of the reports to representatives of unions that are active in the sector.
11. **BWH should refine the model for advisory services.** More time should be devoted to advisory services. Much of the effort should remain focused on facilitating the remediation process; however, enterprise advisors should offer advice on how to address certain issues in areas where they have specific expertise. In this regard, all advice offered to factories should be summarized in memos to factory owner/managers and included in program files.

While efforts to pilot PICCS in selected factories should continue, BWH should also develop a standard approach to working with factories that does not revolve around the establishment of PICCs. In all likelihood, BWH will finish this year with, at best, a handful of factories with PICCs. The process that EAs should follow in working with the remaining firms should be specified in written guidelines, including the frequency of visits and method of engagement. BWH and USDOL should work out roles and responsibilities for supporting remediation efforts in factories named in USTR reports.

Buyers should be actively involved in remediation efforts, specifying the actions that they will take to help resolve problems and repercussions of failure of factories to carry through on commitments. All buyers that source from the same factory should be involved in the process of defining improvement plans and monitoring performance. Consideration should be given to organizing separate meetings (in-person or teleconference) with buyers to review the results of the compliance assessment for the

particular factory and determine an appropriate course of action. Buyers should be asked to encourage remediation and actively support steps to address non-compliance. Consideration should also be given to publishing the names of buyers that continue to source garments from factories that are found to be non-compliant particularly with respect to core labor standards. In this regard, BWH should maintain a complete up-to-date list of all companies that are sourcing garments from factories in Haiti and consider obtaining blanket permission from factories to share detailed compliance assessment reports with all their buyers. (BWH should consider providing reports at no charge to buyers at least for the next year. The foregone revenue is not significant and may be more than offset by the benefit of greater compliance.)

Working in concert with BWG, IFC should play a more active role in supporting remediation efforts, particularly in companies in which it has made direct investments. In this regard, IFC has provided financing to CODEVI. As such, it should take a stronger stance on compliance issues, helping to ensure that the factory is fully compliant with all international labor standards and national labor laws. Any future investment in garment factories in Haiti should be conditional on such compliance.

12. **BWH should expand training programs for factory managers and workers.** BWH should develop a plan for rolling out training programs in Haiti over the next 12 month, including a detailed course schedule and marketing plan. In addition to OSH and life skills training, courses should include HR management (including dealing with sexual harassment), supervisory skills training, and industrial relations. BWH should complete work on the two comic books and distribute them to workers in all factories. Finally, BWH should work with USDOL to examine the potential to incorporate training on worker rights at the USAID-funded Haiti Apparel Center.
13. **BWH should review resource requirements and set clear service delivery goals.** BWH should conduct a systematic review of the assessment process to develop a better estimate of the level of effort and calendar time required to complete the process in order to identify potential efficiencies and improve scheduling. This information is also needed to determine the staff resources available for advisory services and training. Based on the results of the review, BWH should clarify expectations and hold staff accountable for meeting service delivery goals. In a related vein, BWG has a good understanding of the competencies required for an EA and has training programs to help ensure that EAs are competent. As suggested in the BWG evaluation, consideration should be given to developing a certification system.
14. **BWG should shift M&E toward a greater focus on compliance outcomes and the role of PICCs.** BWG has collected a great deal of factory-level data. These data should be used in M&E efforts to help determine the pattern of non-compliance in factories and the factors that influence changes in compliance status. In addition, good qualitative research on the role that EAs play in advisory services and the operations of the PICCs should be undertaken. With regard to the latter, research should address the process used to establish the PICC, the way in which the agenda is set, its role in developing an implementation plan, and the degree to which it contributes to improved management-labor relations. The research should also investigate the extent to which the PICC duplicates existing structures within factories, such as OSH committees, and potentially undermines the development and operations of trade unions.
15. **ILO should develop and implement a comprehensive plan to build the capacity of key institutions.** To be effective, a much more significant and sustained effort is required to build the capacity of MAST, Office of the Labor Ombudsperson, ADIH, and the national trade unions. As an institution, ILO needs to determine whether Haiti is a priority and merits greater attention. Building on activities of the past two years, DIALOGUE, ACTEMP, LAB/ADMIN, ACTRAV, NORMES and other relevant department/program

should formulate a multi-year plan for working in the country. In this regard, DIALOGUE is in the process of working with national stakeholders to develop a first draft of a revised labor code, but will need additional resources over a number of years to see the law through Parliaments and help develop appropriate regulations. Improving the functioning of MAST and setting up the Labor Ombudsman office entails significant work: LAB/ADMIN should consider placing ILO staff/consultants in MAST for an extended period of time. ACTRAV should work with ITUC and the AFL-CIO to help build the trade union movement. Funding for all of these initiatives will need to be secured from internal and external sources. These initiatives should be managed directly by the respective departments/programs and coordinated by the ILO representative in Haiti.

16. **The HOPE Commission should assume more responsibility for promoting constructive social dialogue and encouraging factories to comply with international labor standards and national labor laws.** As a tripartite consultative mechanism, the HOPE Commission has an important role to play. It should work with BWH to define steps needed to foster better communication among constituencies and address identified deficiencies in labor-management relations and working conditions in garment factories. It should be clear in public pronouncements and private conversations that all garment factories, whether located in Port-au-Prince, Ouanaminthe, or the new industrial park in Caracol, are expected to comply with international labor standards and national labor laws. The HOPE Commission should sponsor seminars on key issues in association with ILO. Finally, consideration should be given to appointing representatives of the trade unions that are active in the garment sector to the Commission and establishing a regular schedule of quarterly meetings.

Appendix A. List of Interviews

Name	Title	Organization / Company
Washington, Susan	Assistant to the President	AFL-CIO
Apaid, Clifford	Owner	AGA Corporation
Saint-Cyr, Philippe	Executive Director (also member of HOPE Commission)	American Chamber of Commerce
Avril, Gregor	Executive Director	Association des Industries d'Haiti
Powell, Norma	President	Association des Industries d'Haiti
Fanfan, Evel	President	AUMOHD
Etienne, Yannick		Batay Ouvriye
Saint-Cyr, Figmote		CATH
Auguste, Archelus		CFOH
Eneroi, Jules		CFOH
Michelet, Francois		CNOHA
Moise, James		CNOHA
Saint-Eloi, Dominique		CNOHA
Chery, Paul Loulou	Secretary General	Confederation del Travailleurs Haitiens (CTH)
Kang, Sarah	Manager	DKDR Haiti, SA
Lemke, Jr., Wilhelm		Enmarcolda S.A.
Escobar Armando	Caribbean Contractor Manager	Gildan Activewear
Delatour, Lionel	Consultant	HOPE Commission
Mathurin, Jean Paleme	President (former)	HOPE Commission
Muller-Poitevien, Henri-Claude	President	HOPE Commission
Sassine, Georges Barau	Executive Director	HOPE Commission
Cruciani, Antonio	National Coordinator - Haiti	ILO
Biondi, Anna	Deputy Director	ILO, ACTRAV
Boyle, Conor	Team Leader, Training and Knowledge Management	ILO, Better Work Global
Cork, Dan	Programme Officer	ILO, Better Work Global
Dumas, Laetitia	Team Leader, Programming	ILO, Better Work Global
Luinstra, Amy	Team Leader, Global Tools	ILO, Better Work Global
Maaskola, Minna	Training Officer	ILO, Better Work Global
Schmidiger, Deborah	Programme Officer	ILO, Better Work Global
Berthold, Rolf	Enterprise Advisor	ILO, Better Work Haiti
Decoste, Louis-Edher	Enterprise Advisor	ILO, Better Work Haiti
Lavallee, Richard	Chief Technical Advisor	ILO, Better Work Haiti
Laventure, Patrice	Enterprise Advisor	ILO, Better Work Haiti
Thomas, Marie-Lyne	Enterprise Advisor	ILO, Better Work Haiti
Thybulle, Lysa	Enterprise Advisor	ILO, Better Work Haiti
Vargha, Corinne	Senior Labor Relations and Labor Law Specialist	ILO, DIALOGUE
Daza, Jose Luis	Senior Advisor	ILO, LAB/ADMIN
Caron, Tania	Specialist	ILO, NORMES
Curtis, Karen	Deputy Director	ILO, NORMES

van Daele, Elvira	Program Manager, Business Edge	International Finance Corporation
Tate, Alison		International Trade Union Confederation
Fechlin, Julia		Island Apparel
Park, Augusto	Vice President	MGA, SA
Desir, Sanite	Advisor	Ministry of Commerce and Industry
Decembre, Ronald		Ministry of Social Affairs and Labor
Saint-Cyr, Leon Ronsard	Director General (former), currently Minister	Ministry of Social Affairs and Labor
Joseph, Louis-Pierre	Director General (former)	Ministry of Social Affairs and Labor
D'sa, Mark	Senior Advisor	Office of the Haiti Special Coordinator
Baker II, Charles Henri	Manager	One World Apparel S.A.
Tak, Hyung Gu	Finance and Administration	Pacific Sports
Ose, Pierre	Coordinator – Haiti	Solidarity Center – AFL-CIO
Aslan, Ana	International Relations Officer	U.S. Department of Labor
Stern, Lili	International Relations Officer	U.S. Department of Labor
Treadwell, Justine	Economic Officer	U.S. Embassy – Haiti
Dilone, Manuel	Regional QA/Social Compliance Director	Willbes Haitian, SA
Guerrero, Manuel	Social Compliance Manager	Willbes Haitian, SA
Yang, H.C.	General Manager	Willbes Haitian, SA

Appendix B. Better Work Country Programs

Country Program	Program Start (a)	CTA Start	Assessments Launched	First Synthesis Report
Better Factories Cambodia	Jan 2001	Jan 2001	Jun 2001	Nov 2001
Better Work Jordan	Feb 2008	May 2008	Mar 2009	May 2010
Better Work Haiti	Jan 2009	Jun 2009	Oct 2009	Jul 2010
Better Work Vietnam	Jun 2009	Jun 2009	Dec 2009	Aug 2010
Better Work Lesotho	Sep 2009	May 2010	Dec 2010	-
Better Work Indonesia	May 2010	Feb 2011	Jun 2011 (b)	-
Better Work Nicaragua	Sep 2010	Feb 2011	Jun 2011	-

Notes: Notes: (a) While the exception of Vietnam, this is defined as the date specified in the initial funding agreement. In the case of Vietnam, while the initial funding agreement specified a start date of March 2009, ILO and IFC subsequently agreed that the start date would be June 2009. (b) 10 factories were assessed on a pilot basis between March and May 2010 as part of the process of finalizing the CAT and training EAs.

Appendix C. Logframe for USDOL-Funded Project

Immediate Objectives	Outputs	Activities
1. To increase compliance with national labour law and with international labour standards in the Haitian apparel sector.	1.1: The compliance of national labour law with international labour standards is assessed.	1.1.1 An analysis of the labour law conducted with the support of an ILO technical expert.
		1.1.2 Organize a workshop with representatives from government, employers, and workers organizations to review and validate the conclusions.
		1.1.3 Produce a guide to review the labour law (Added -- WP Rev. April 2011)
	1.2: Diagnostic and training tools to assist employers in complying with national labour law and core ILS adapted and tested Reworded – Training, tools and resources to support remediation are available – WP Rev. – April 2011)	1.2.1 Adapt the Better Work Enterprise Assessment Tool to the Haitian context.
		1.2.2 Adapt the Better Work Modular Training components to the Haitian context.
		1.2.3 Train EAs on assessment, advisory and training services (Added -- WP Rev. April 2011)
		1.2.4 Develop Quality Management Strategy for BWH assessments and advisory (Added -- WP Rev. April 2011)
		1.2.5 STAR is operational (Added -- WP Rev. April 2011)
		1.2.6 Communications strategy is available (Added -- WP Rev. April 2011)
		1.2.7 Develop and implement a comprehensive impact assessment scheme with Tufts University (Added -- WP Rev. April 2011)
		1.2.8 Implement training in factories (Added -- WP Rev. April 2011)
	1.3: Better Work Assessment and training tools applied in garment sector. REWORDED – Regular Better Work assessment, advisory and training services provided – WP Rev. April 2011)	1.3.1 Conduct a comprehensive baseline of compliance needs in all exporting garment factories based on the model developed by the Better Work Program.
		1.3.1 Conduct compliance assessments (Added - Work Plan Rev. October 2010)
		1.3.2 Pilot test conducted in 6 factories of the Better Work Program modules to assist employers in improving compliance with labour law and core ILS.
		1.3.2 Advisory services and training (Added - Work Plan Rev. October 2010)
		1.3.3 Conduct regular compliance assessments and issue detailed assessment reports, improvement plans and progress reports (Added -- WP Rev. April 2011)
		1.3.4 Produce bi-annual public reports (Added -- WP Rev. April 2011)
2: To increase the Ministry of Social Affairs and Labour's ability to conduct labour inspections and conflict resolution. 2. To strengthen the institutional capacity of the Ministry of Labour and Social Affairs (Reworded WP Rev. April 2011)	2.1: An implementation plan is available and endorsed by the Ministry of Social Affairs and Labour in order to improve labour administration policies and procedures, particularly in the areas of labour inspection and conflict resolution.	2.1.1 Conduct a labour administration audit including an assessment of current mechanisms for labour inspection, and dispute resolution.
		2.1.2 Based on the findings and recommendations of the audit develop an implementation plan to improve policies and procedures.
	2.1: A strategy to improve labour administration policies and procedures, particularly in the areas of labour inspection and conflict resolution, is endorsed (Reworded – WP Rev. April 2011)	2.1.3 Organize workshops with technical staff from the Ministry of Social Affairs and Labour to assess, validate, and disseminate audit findings and recommendations.
	2.2: The capacities of the Ministry of Social Affairs and Labour, particularly in the areas of labour inspection and conflict resolution, have been strengthened.	2.2.1 Conduct needs assessment of the Ministry of Social Affairs and Labour.
		2.2.2 Support the labour inspectors of the Ministry of Social Affairs and Labour to more effectively carry out their duties.
		2.2.3 Support the development of information access and management among the

	(Reworded – WP Rev. April 2011)	Ministry of Social Affairs and Labour.
3: Workers' and employers' organizations are able to engage in effective social dialogue 3. Capacity of tripartite constituents to engage in effective social dialogue is enhanced	3.1: An education campaign targeting both employers and workers in factories on the role and responsibilities of trade unions and workplace cooperation is implemented.	3.1.1 Design and validate an education campaign.
		3.1.2 Implement the campaign in all targeted apparel factories.
	3.2: Capacity building program for workers' organizations implemented.	3.2.1 Conduct needs assessment of the main trade union federations (CSH, CTH, MOISE)
		3.2.2. Train representatives of the trade union movement on social dialogue, labour law and the ILO Declaration on Fundamental Principles and Rights at Work.
		3.2.3 Train representatives of the trade union movement on organising and negotiation skills. (Merged with 3.2.2 – WP Rev. April 2011)
		3.2.4 Support the development of information access and management among the main trade union federations (CSH, CTH, MOISE). (Renumbered 3.2.3 – WP Rev. April 2011)
		3.2.5 Implement an information campaign on labour law and the roles of the unions targeted towards formal sector workers. The campaign would include the production and dissemination of promotional materials and radio spots over a three-month period. APPEARS TO HAVE BEEN DROPPED – NO MENTION AT ALL IN WP Rev. April 2011)
		3.2.4 Support the establishment of PICC at the factory level (Added – WP Rev. April 2011)
	3.3: Capacity building program for the national employers' organization (ADIH) implemented.	3.3.1 Train leaders of employers' organizations on social dialogue, labour law and the ILO Declaration on Fundamental Principles and Rights at Work.
		3.3.2 Document and disseminate best practices of social dialogue at enterprise level in Haiti.
4: To develop a full Better Work Haiti programme and its operational requirements. 4. Development of a second phase of BWH programme (Reworded – WP Rev. April 2011)	4.1: To increase social partners understanding of the HOPE II legislation	4.1.1 Organise an information workshop for trade union representatives and employers on the HOPE II legislation and its relevance to Haiti
	4.2: To develop a project document and implementation plan for Better Work Haiti.	4.2.1 Conduct a participatory design process to develop the project document
	4.2 To develop a project document and implementation plan for BWH 2010-2013	4.2.2 Conduct a validation workshop with the constituents to ensure their support and endorsement
	(Reworded – WP Rev. April 2010)	Develop operational guidelines for the Ombudsman office that are supported by the tripartite constituents

Source: Nexus Associates based on Project Document, Contract Amendments, and Work Plans

Appendix D. Logframe for HRSDC-Funded Project

Outcomes	Outputs	Activity
1. Submit a draft revision of the labor code to the Haitian Government and Parliament	1.1 An Issue Paper presenting a critical review of the labor code is finalized by an ILO expert.	1.1. Preparatory mission by the ILO in order to finalize the activities chronogram and to validate the modalities for project implementation. 1.2. Identify and recruit an ILO expert. 1.3. First mission of the ILO expert and drafting of an Issue Paper that presents a critical review of the current labour code by the ILO expert. 1.4. Presentation by the ILO expert and discussion of the report with the social partners. 1.5. Three different working groups (government, employers, workers) prepare their respective proposals of reform. The group work will be facilitated by external facilitators. 1.6 Tripartite meeting in order to discuss the different proposals in the presence of the ILO expert. 1.7. Preparation of the first draft labor code by the ILO expert. 1.8. Tripartite meeting to discuss the first draft labor code with the ILO expert.
	1.2 Position papers are submitted by the social partners	
	1.3 Establishment of a tripartite consultation mechanism and drafting of a first draft labor code	
2 A group of officials of the Ministry of Social Affairs and Labor and representatives from employers and worker organizations have acquired the necessary skills to revise legal texts in a clear and precise manner	2.1 The officials of the MAS/T and employers and worker organizations have acquired the necessary skills and tools to revise legal texts in a clear and concise manner	2.1. Officials from MAS/T, employer and worker representatives participate in a training course on participative labor reform organized by ILO's International Training Centre in Turin.
3. Improved Management and Coordination of the Labor Administration	3.1 Efficient internal and interdepartmental administration and information sharing system in place	3.1. Technical assistance provided by ILO-LAB/ADMIN in order to implement action plan and if necessary adapt the implementation of the priority actions. 3.2. Regular review of the implementation of the action plan.
	3.2 Better functioning of the labor administration at headquarter and in the field units	
4. Training and Retraining of Staff	4.1 Officials are familiar with the content of national poverty reduction and employment policies and are able to grasp their implications on the exercise of their duties	4.1. Training on the role of Labor Administration in reducing poverty (PRSP, MDGs and rights-based approach). 4.2.Training on the role of the labor administration in the informal economy. 4.3. Training for officials responsible for public communication.
	4.2 Training of new staff	
5. Modernize the Labor Inspectors Training and introduce New Tools and New Working Methods	5.1 Development of a training policy for Labor Inspection	5.1. Analyze inspection training needs. 5.2.Develop and apply a methodology guide for labor inspections. 5.3. Train the inspector trainers on the methodology guide.
	5.2 Develop training curricula for Labor Inspectors and Administrators	
	5.3 Training of inspection trainers	
	5.4 Training of inspectors by inspector trainers	

Appendix E. List of Assessed Factories

Factory	Majority Ownership	Date Registered	1 st	2 nd	3rd	4th	Status
Aplus Garments SA	Haitian	2009	(b)				Closed in July 2010.
Astro Embroidery & Screen Printing	Korean	25 Oct 10		(76)			Not in operation, no plan to reopen
CODEVI	Dominican	24 Sep 09	(3,924)	(5,232)	(4,390)	(4,555)	
DKDR Haiti SA	Korean	09 Oct 09	(841)	(1,147)	(1,538)	(1,535)	
Fairway Apparel SA	Taiwanese	22 Oct 10		(507)	(511)	(488)	
Fox River Caribe, Inc.	American	29 Sep 09	(47)	(42)	(36)	(41)	
Galaxy Industrial SA (a)	Korean	27 Aug 10		(420)			Not in operation, no plan to reopen
Genesis SA	Haitian	28 Oct 09	(b)	(1,316)	(1,316)	(833)	
Global Manufacturers & Contractors	Haitian	19 Sep 10		(2,519)	(2,280)	(2,030)	
Horizon Manufacturing SA	American	25 Aug 10		(450)	(371)	(328)	
Interamerican Knits	Haitian	09 Sep 10		(609)	(509)		Merged with Interwovens in early 2012 (Jan-Feb).
Interamerican Tailor	Haitian	28 Oct 09	(952)	(918)			Merged with One World Apparel in the summer 2011
Interamerican Wovens SA	Haitian	28 Oct 09	(571)	(860)	(860)		Merged with Interamerican Knits in early 2012 (Jan-Feb).
Island Apparel	American	09 Sep 09	(1219)	(1,340)	(1,632)	(1,518)	
Johan Company	Haitian	23 Sep 09	(210)	(217)	(217)	(260)	
Lucotex Manufacturing Co.	Haitian	19 Oct 10		(50)	(47)	(59)	
Magic Sewing Mfg. SA	Haitian	01 Oct 09	(302)	(322)	(322)	(293)	
Modas Gloria Apparel	Korean	08 Oct 09	(700)	(920)	(920)	(763)	
Multiwear SA	Haitian	05 Oct 09	(1,817)	(1,846)	(1,966)	(1,689)	
One World Apparel	Haitian	27 Oct 09	(745)	(780)	(1,640)	(1,573)	Merged with Interamerican Tailor in summer 2011
Pacific Sports Haiti	Korean	11 Nov 09	(1,219)	(993)	(1,070)	(1,359)	
Palm Apparel	Haitian	17 Nov 09	(1,716)	(547)	(1,019)	(1,547)	(c)
Premium Apparel SA	Haitian	28 Oct 09	(1,236)	(1,252)	(1,163)	(1,112)	
Quick Response Manufacturing	American	2009	(b)				Closed in Jan 2010 and re-opened under Horizon in Aug 2010
Sew Rite Manufacturing	Haitian	19 Oct 10		(48)	(58)		Closed
Sewing International SA	Haitian	25 Sep 09	(1,709)	(1,977)	(1,856)	(1,677)	
Team Manufacturing	Haitian	2009	(b)				Closed Dec 2009
Textrade	Haitian	2009	(b)				Closed May 2010
Willbes Haitian (a)	Korean	2009	(2,504)				Multiple factories; assessed separately in subsequent rounds
Willbes Haitian I SA	Korean	27 Aug 10		(542)			Not in operation, no plan to reopen
Willbes Haitian II SA	Korean	27 Aug 10		(578)	(391)	(524)	
Willbes Haitian III SA	Korean	27 Aug 10		(574)	(408)	(592)	
Willbes Haitian V SA / Azteca	Korean	27 Aug 10		(562)			Not in operation, no plan to reopen
Total Assessed			21/16	28	23	20	

(a) Willbes Haitian was initially registered as one factory, but in 2010 registered each plant (separate legal entities) as five separate factories – Willbes Haitian I, Willbes Haitian II, Willbes Haitian III, Willbes Haitian V/Azteca and Galaxy Industrial (b) assessed, but results not reported in Biannual Report either because the factory closed or relocated in the interim. (c) According to BWH, the volatility in the number of workers was due to “workers being transferred from Palm Apparel to SISA (the sister factory) In the aftermath of the earthquake, and once the construction of new buildings was completed the workers came back to Palm. “

Appendix F. Factory Training

Training Course	Factory	Year	Date	Hours	Participant Total	Women	Men
Business Edge							
Communicate Effectively	Multiple	2010	11-12 Nov.		25		
Become Effective Managers	Multiple	2011	4 Feb.		13		
HR Management	Multiple	2011	25-26 May, 21-22 Jun, 5-6 and 9 Jul	37	20		
Life Skills							
Workplace Communication							
Workplace Communication 1	Codevi	2012	22 et 23 Mai	10 h	68	31	37
Workplace Communication 2	Codevi	2012	22 et 23 Mai	10 h	68	31	37
Workplace Communication 1	Island App.	2011	18 Oct.	1 h	32	10	22
Workplace Communication 2	Island App.	2012	13 et 14 Mars	5 h	63	27	36
Workplace Communication 2	MGA	2012	17 April	2 h	40	17	23
Workplace Communication1	MGA	2012	17 April	2 h	40	17	23
Workplace Communication 1	Multiwear	2011	21 Oct.	1 h	20	15	5
Workplace Communication 1	Pacific Sports	2011	19 Oct.	1 h	25	15	10
Workplace Communication 1	Pacific Sports	2011	23 Nov.	4 h	30	26	4
Workplace Communication 2	Pacific Sports	2011	24 Nov.	4 h	39	31	8
Workplace Communication 2	Pacific Sports	2012	20 et 21 Mars	2 h	43	26	17
Workplace Communication1	Pacific Sports	2012	20 et 21 Mars	4 h	43	26	17
Workplace Communication 1	Premium Apparel	2012	09 Mai	2 h	14	1	13
Workplace Communication 2	Premium Apparel	2012	09 Mai	2 h	14	1	13
Workplace Communication 2	SISA	2012	27 Mars	1 h	20	10	10
Workplace Communication1	SISA	2012	27 Mars	1 h	20	10	10
Workplace Communication 1	SOTA	2012	10 Mai	2 h	1	0	1
Workplace Communication 2	SOTA	2012	10 Mai	2 h	1	0	1
Financial Literacy							
Financial Literacy 1-3	Codevi	2011	16 Nov.	3 h	18		
Financial Literacy 1-3	Fox River	2011	20-21 Oct.	3 h	27	18	9
Financial Literacy 1-3 (a)	Pacific Sports	2011	10 Nov.	4 h	39	31	8
HIV/AIDS							
HIV & AIDS	Fox River	2011	21 Oc.	1 h	28	19	9
HIV & AIDS	MGA	2011	20 Oct	1 h	21	16	5
HIV & AIDS	Pacific Sports	2011	25 Nov	4 h	32	28	4
Maternity Protection							
Maternity Protection	Island App.	2011	18 Oct.	2 h	53	53	0
Maternity Protection	Pacific Sports	2011	19 Oct.	1 h	24	24	0
OSH Awareness							
OSH awareness	Codevi	2011	11 Oct.	2 h	59		
OSH awareness	Codevi	2011	15 Nov.	2 h	53		
OSH awareness	Pacific Sports	2011	22 Nov.	1 h	19	16	3
Other OSH Awareness							
OSH awareness	Codevi	2011	14-16 Jun				
OSH awareness	Fox River	2010	07 Oct.				

OSH awareness	IT	2010	07 Oct.				
OSH awareness	IW	2010	07 Oct.				
OSH awareness	Palm Apparel	2010	07 Oct.				
OSH Training							
OSH Training IDB	Multiple factories	2012	15 et 16 Mai	14 h	97	41	56
OSH Training	Codevi	2012	24 Mai	5 h 30	23	8	15
OSH Training	Fox River	2012	18 April	4 h	8	3	5
OSH Training	Indigo Mountain	2012	11 April	2 h	6	2	4
OSH Training	Willbes 2 & 3	2012	2 et 3 Mai	3 h	36	19	17
OSH Training (Suivi)	IW	2010	16 Nov.				
OSH Training (Suivi)	Premium	2010	16 Nov.				
OSH Risk Self-Assessment							
OSH Risk Self-Assessment	Codevi	2011	12 Oct.	2 h	11		
OSH Risk Self-Assessment	Codevi	2011	13 Oct.	2 h	7		
OSH Risk Self-Assessment	DKDR	2010	15 Sept.				
OSH Risk Self-Assessment	Horizon	2010	13 Sept.				
OSH Risk Self-Assessment	Island Apparel	2010	14 Sept.				
OSH Risk Self-Assessment	Lucotex	2011	24 Mai				
OSH Risk Self-Assessment	Magic Sewing	2010	16 Sept.				
OSH Risk Self-Assessment	MGA	2010	14 Sept.				
OSH Risk Self-Assessment	Multiwear	2010	17 Sept.				
OSH Risk Self-Assessment	One World Apparel	2010	15 Sept.				
OSH Risk Self-Assessment	Pacific Sport	2010	13 Sept.				
OSH Risk Self-Assessment	Premium Apparel	2010	17 Sept.				
OSH Risk Self-Assessment	SISA	2010	16 Sept.				
OSH Risk Self-Assessment	Willbes III	2011	23 Mai				
OSH Risk Self-Assessment	NA	2010	9 Sept.		26		
Int'l Day for Safety and Health at Work							
Int'l Day for Safety and Health at Work	Multiple	2012	28 April	5 h	217	137	80
Int'l Day for Safety and Health at Work	Multiple	2011	30 April	1 h	206		

Source: Better Work

Appendix G. M&E Matrix for BWH

#	Activity	Output / Outcome	Reporting period		Reporting period		Reporting period	
			Jan-Jun 2009	Jul-Dec 2009	Jan-Jun 2010	Jul-Dec 2010	Jan-Jun 2011	Jul-Dec 2011
1	Factory Registration	How many new factories were registered in the reporting period?	N/A	4	0	9	0	0
6	Factory Registration	How many factories unenrolled from the programme?	0	0	3	1	0	0
2	Factory Registration	How many total factories are registered to date?	12	21	21	29	24	23
3	Factory Registration	What is the total number of workers in the registered factories?	12,787	22,598	22,598	27,264	27,000	24,298
7	Compliance Assessments	How many compliance assessment reports were completed in the reporting period?	N/A	21	21	15	19	23
8	Compliance Assessments	What is the average number of days between an assessment visit and the factory's receipt of the final report in the reporting period?	N/A	N/A	N/A	32	20	20
9	Compliance Assessments	What is the average number of reports completed by each Enterprise Advisor in the reporting period?	N/A	10.5	N/A	4	5	7.5
13	Compliance Assessments	What percent of factories developed Improvement Action Plans?	N/A	N/A	100%	93%	96%	100%
18	Advisory Services	How many factories are receiving advisory services?	N/A	N/A	19	15	24	23
19	Advisory Services	How many advisory visits have been completed this reporting period?	N/A	N/A	30	47	53	37
20	Advisory Services	What percent of consultative committees met at least monthly?	N/A	N/A	N/A	N/A	0%	0%
21	Advisory Services	What percentage of established PICCs is meeting the target of at least 50% women participants?	N/A	N/A	N/A	N/A	0%	0%
22	Advisory Services	What percent of factories have developed Improvement Plans?	N/A	N/A	65%	93%	96%	100%
23	Advisory Services	What percent of factories implemented recommended changes?	N/A	N/A	65%	93%	96%	91%
24	Training Services	How many new trainers were trained to deliver Better Work training courses in the reporting period?	N/A	N/A	N/A	0	0	5
25	Training Services	Of the trainers trained, how many were women?	N/A	N/A	N/A	0	0	3
26	Training Services	How many factories participated in Better Work training courses in the reporting period?	N/A	N/A	N/A	18	23	6
27	Training Services	How many total participants participated in Better Work Training in the reporting period?	N/A	N/A	N/A	51	253	792
28	Training Services	What percentage of training participants were women?	N/A	N/A	N/A	19%	42%	69%
29	Training Services	What percent of factories enrolled in any Better Work training within 12 months of their first enterprise assessment?	N/A	N/A	N/A	81%	92%	N/A
30	Stakeholder Engagement	How many PAC meetings were there in the reporting period?	N/A	0	0	1	1	1
31	Stakeholder Engagement	How many buyer organizations were represented at the most recent buyer's forum?	4	5	8	7	6	6
32	Stakeholder Engagement	How many total buyers have subscribed for any factory reports in the reporting period?	N/A	N/A	1	4	2	5
33	Stakeholder Engagement	How many total factory subscriptions were purchased in the reporting period?	N/A	N/A	2	6	6	6
35	Stakeholder Engagement	What percent of international buyers registered with Better Work are not duplicating Better Work assessments?	N/A	N/A	N/A	N/A	0%	N/A
36	Financial Viability	What is the total programme revenue received in the reporting period?	N/A	N/A	N/A	\$4000	\$3,750	\$4,700
37	Financial Viability	What is the percentage of cost recovery?	N/A	N/A	N/A	0.001	0	0.002
38	Financial Viability	What percent of the annual budget has been committed?	N/A	63%	22%	88%	58%	73%
39	Financial Viability	What percent of the annual budget has been spent?	N/A	43%	32%	51%	26%	71%
40	Financial Viability	What is the per worker cost of the programme?	N/A	\$48	\$8.87	\$25	\$15.73	\$40.64

Notes: Financial figures are expressed in US\$.

Source: Better Work