

*Emergent Solidarities: Labor Movement Responses to Migrant Workers  
in the Dominican Republic and Jordan*

Report to the Solidarity Center

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## Introduction

*The preferences of those who send and those who receive have shaped international migrations to a much greater extent than those who go...*

-Aristide Zolberg, *A Nation By Design*

In 2012 there were an estimated 215 million migrants, accounting for one out of every 33 persons or about 3.1% of the world's population.<sup>1</sup> In the global aggregate, this figure seems surprisingly small, but in practice the percentage of migrants varies dramatically between nations--75% of all international migrants are concentrated in 12% of the world's countries.<sup>2</sup> Women now constitute 49% of migrants worldwide and more than 50% in Asia, Europe, Latin America, North America and Oceania.<sup>3</sup> While individual and familial needs and ambitions certainly play an important role<sup>4</sup> migrants are frequently set in motion by larger institutional forces of states and markets in their home as well as host societies and the economic, political and social relations that have built up between nations over time. It is the dynamic interactions between individual and family characteristics and motivations, migration, employment and labor policies and practices of the state, and the employment practices of firms and industries that shape migrant workers' experiences in host countries.<sup>5</sup>

Globally, state regulation of the employment relationship has not kept pace with the fissuring of the employment relationship resulting in weakened labor standards enforcement, antiquated collective bargaining regimes and outdated union rules and structures. Migrants crossing borders in search of better economic opportunities are often able to utilize their social networks to gain employment<sup>6</sup> but they face the depravities of the labor market alone unless unions, worker associations, and other non-governmental organizations become involved.

Immigration has always posed difficult choices for unions that fight to defend the rights and labor market positions of workers who, globalization notwithstanding, still live and work in individual nation-states. Do they shun migrant workers who enter their industries or attempt to organize them? Historically, unions have vacillated between a logic of supporting restrictive policies intended to limit labor market access in order to preserve labor standards and wage levels for the existing native and naturalized workforce and a logic of championing more open policies in order to organize immigrant workers and preserve labor standards for all. Likewise they have vacillated between blocking migrants from becoming members of their unions and actively organizing them.<sup>7</sup>

The choices unions make about immigration policy and immigrant worker organizing are conditioned by their own institutional legacies, ideologies and leaderships and by their relationships to the state and to employers, but these choices are neither absolute nor permanent. National labor federations and unions often adopt policies that are a mixture of restrictive and expansive and they also shift back and forth across this continuum over time. As Hyman has argued: "Above all else, unions are *contested* organizations: within any union can be found conflicting views of its underlying purpose, its priority objectives, the appropriate forms of action, and the desirable patterns of internal relations."<sup>8</sup>

Based upon a comprehensive review of the literature as well as observations drawn from historical and contemporary US, UK, France, Jordan and Dominican Republic case studies of union engagement with migrant worker issues, this paper will explore four questions. First, what are the *main dynamics of labor migration* and what are the main issues faced by migrant workers? Second, what is the *process* by which a labor movement becomes engaged with their state's immigration policy regime and organizing immigrant workers? Third, what *types of activities* do unions undertake when they do become engaged? Fourth, what *factors account for a union federation or national union's willingness to organize migrant workers* both in terms of organizing and bringing them into membership as well as supporting more liberalized immigrant admissions or legalization policies? Also, because family and labor market roles in home and host societies are differentiated by gender, women's and men's experiences of migration are also divergent; we will consider the factors that contribute to a union or union federation embracing a specific focus on women workers. Throughout the paper will be woven a strand on *how the Solidarity Center has played a role* in shifting union thinking about migrant workers and in shaping and supporting union engagement and activities.

This report is part one of a two part project. Part one consisted mostly of desk research aimed at identifying challenges and looking into the details of known cases where unions had made significant change in their approach to migrant worker organizing. Part two will include field studies and provide analysis of strategies and results with suggestions for future action.

## **Part I. Why They Go and What They Find**

### *Dynamics of Labor Migration*

Although an in-depth exploration of the drivers of migration are beyond the scope of this paper and always specific to national and regional political and economic contexts, it is useful to briefly summarize the main forces driving demand for migrant labor. Demand for cheap labor stems from five fundamental challenges: structural inflation; social constraints on motivation; the duality of labor and capital; globalization and free trade; and the expansion of the service sector due to increased demand for paid household workers and other forms of personal service labor.<sup>9</sup>

Structural inflation is the idea that a combination of informal social expectations and formal institutional mechanisms<sup>10</sup> ensure that wages correspond to hierarchies of prestige and status that people have come to perceive and expect for themselves and others. Thus when employers seek to attract workers for low-wage jobs at the bottom of an occupational hierarchy, they cannot simply raise wages for those jobs because doing so would upset existing socially defined relationships between status and pay. If wages are increased at the bottom, employers will encounter strong pressure to raise wages at other levels of the job hierarchy.<sup>11</sup> Rather than raising wages employers hire low wage immigrant workers.

With regard to social constraints on motivation, social scientists have found that most people work not only to generate income but to accumulate social status. Difficult motivational problems arise at the bottom of the job hierarchy when there is no status to be maintained and opportunities for upward mobility are very limited. Piore and other labor economists argue that the problem is inescapable because the bottom can never be eliminated from the labor market.

As a consequence, employers need workers who view bottom level jobs simply as a means to an end of earning money and for whom employment is reduced solely to a matter of income with no implications for status or prestige. In contrast to native workers who have built up a set of expectations around work and wages, migrant workers, at least for a time, have not—or at least not in the host country. When the financial returns from labor migration are geometrically greater than what can be earned at home for comparable work, migrant workers derive their social status from the wages they are earning and the remittances they are able to send home rather than the characteristics of the jobs they are performing in the host country.

Demand for low skilled immigrant labor also stems from what economists refer to as the inherent duality of labor and capital.<sup>12</sup> Capital, including things like land, buildings, equipment and materials<sup>13</sup> is a fixed factor of production, regardless of fluctuations in demand, these costs must be covered. Labor, on the other hand, is a variable factor in the cost of production that can be laid off when demand falls or quickly hired when demand rises. Alternatively, to keep costs low, the workforce can be replaced or augmented by contract or temporary workers through more flexible employment relations—or by hiring migrant workers. Traditionally, high skilled workers have tended to be treated more like capital, because they are assumed to have more employment options and because firms have invested in their training,

The penetration of capitalist economic relations into non-capitalist or pre-capitalist societies usually beginning with agriculture displaces a significant proportion of the rural population who first migrate internally--moving to cities in search of employment.<sup>14</sup> When the supply of labor outstrips the supply of jobs, workers are prone to migration. Once begun, chain migration through social networks lowers the costs for later migrants.<sup>15</sup> Dynamics of relatively late developing countries like Jordan and the Dominican Republic that have become simultaneously immigrant-receiving as well as immigrant-sending nations complicate the picture. When the supply of skilled workers outstrips domestic demand for their services or when domestic firms cannot offer the same opportunities as those abroad, educated workers emigrate while at the same time unskilled foreign laborers immigrate to take up positions in service, construction, agriculture, domestic work and manufacturing in export processing zones. Shifting demographics and gender roles have fueled a huge demand for care work which is overwhelmingly fulfilled by female migrant workers.

Foreign investment impacts migration in several ways. The commercialization of agriculture disrupts traditional work structures and results in subsistence farmers becoming part of a supply of rural wage laborers who move in large numbers from the countryside to the cities; some find work there and others are recruited to work abroad. The growth of export oriented manufacturing also disrupts traditional societal and work structures, as young rural women, viewed as obedient and disciplined workers, are recruited from their villages to the Export Processing Zones (EPZs). Tending to hail from the poorest regions of the country, women who go to work in free trade zones already share a set of demographic, social and political vulnerabilities that are exacerbated by conditions in the factories, often impacting their physical and mental health.<sup>16</sup> Free trade agreements, because they involve the elimination of import tariffs for agricultural goods, are also disruptive for rural residents. Profits and wages are reduced due to increased competition with imported livestock and agricultural products.<sup>17</sup>

Sassen argues that export-led production that employs primarily women replaces more diversified forms of economic growth that are more oriented to the internal market and employ men in greater numbers. She also observes that once traditional economic opportunities in the rural areas are disrupted, it becomes almost impossible for workers to return there if they lose employment, also fueling migration.<sup>18</sup>

Over half of all migrants living in the developed world and over 45% living in the developing world are women. Female migrants in the global economy have been pushed and pulled by a variety of factors:<sup>19</sup>

- Rise of female-headed households and increased dependence upon women for income
- Lack of local employment that provides a living wage and pathway to upward mobility
- Growing poverty as a consequence of global trade policies and structural adjustment
- Women's desire for greater opportunity and economic independence
- Growing reliance on paid household workers in destination countries to supply middle class and professional families with subsistence and childcare services not provided by the state
- Official migration policies of origin country governments
- The targeting of women by labor recruiters in destination countries

The gendered division of labor is a worldwide phenomenon: women are both caretakers and wage earners wherever they live. Despite their entry into paid work, “reproductive” or “care” work, including housework, cooking, cleaning and child-rearing still fall disproportionately on women—even though they have less time to devote to it. For middle class women, this results in greater reliance on paid household help. For migrant women, it often means carrying out those tasks in the homes of others as well as their own and, because domestic work and other forms of service so often fall outside the bounds of labor and employment law, being sorted into the more precarious forms of employment working for subcontractors, temporary agencies, as independent contractors or in the informal sector.<sup>20</sup>

#### *A Brief Overview of Issues Faced by Labor Migrants*

“Temporariness is the formal characteristic that all contemporary labor migration systems share...” Soysal reminds us. “The normative model of migration developed within this framework is essentially an ‘exclusionary’ one’...In contrast to the ‘inclusionary’ model of the nineteenth century immigrations, which depicts a system that favors the penetration and integration of new migrants, the ‘exclusionary’ model sanctions cohesive cultural and population boundaries. As reflected in official statements and ideologies, guest workers are not expected to partake in the national culture or polity...”<sup>21</sup>

Well before they take up their places in the low wage sectors of host countries, from the moment they make the decision to work abroad, migrant workers are vulnerable to exploitation. Labor brokers profit through charging fees for facilitating visa acquisition and job placement, immigrant admissions policies privilege family connections or special skills, and employers maximize profits by minimizing wages and health and safety standards. Although those who migrate outside of legal channels are especially vulnerable due to the danger of border-crossing

and the ongoing threat of deportation, a visa from the destination country is no guarantee of protection: guest worker programs are notorious for exploitative practices<sup>22</sup> and many countries either structurally or functionally exclude migrant workers from labor and employment protections.

At the recruitment stage, in regions where social networks alone are not sufficient to facilitate international movement, profit-seeking labor intermediaries or labor brokers now play a central role in the transnational movement of workers in many parts of the world, matching workers with employers, arranging visas, transportation and sometimes basic orientation and training. Employment agencies work through agents, freelancers or independent subagents who recruit workers from rural areas and increasingly from cities, often charging them exorbitant fees (despite the fact that the agency often also pays a fee to the agent, and the employer in the destination country pays a fee to the agency) thus many workers begin their transnational employment odysseys already in substantial debt.<sup>23</sup>

Labor migrants must either rely on the state to place them or on commercial intermediaries who charge fees either to the employer or the worker or sometimes both. Destination states that are “reluctant to organize migration or to involve governmental institutions in the recruitment and placement of foreign workers have--if only indirectly--encouraged commercial recruitment”.<sup>24</sup> Even when the UK, Ireland, the Netherlands, Austria, Germany and Sweden have prohibited agencies from charging any fees to workers, these bans have been quite difficult to enforce.<sup>25</sup> Other countries do not outright prohibit charging fees to workers but have established certain fee limits and regulatory bodies to oversee agency activities and sanction violators.<sup>26</sup> Beyond the fee issues, agencies are notorious for falsifying documents and contracts.

Beyond the debt, while often required by law to provide an orientation in “life skills” for living in the host country along with basic language skills, there is little oversight to ensure this is being done at all, let alone done well. Workers in transit can end up being housed in agency holding or training centers while their documentation is being processed and charged for the cost of housing, food and medical care for extended periods. Some Asian migrant workers reported that their debt bondage began in these places. Additionally migrant women have been subject to sexual harassment and assault.<sup>27</sup> Workers generally do not receive information from the agencies about their rights in the host country, how to protect themselves from abusive employers or resources to go to for help if they find themselves in need.<sup>28</sup> They are frequently overcharged for transportation costs and transported under dangerous conditions.

Upon arrival in destination countries, migrant workers often find that employers pay less than the wages advertised (or withhold them altogether), and subject workers to forced overtime and substandard living and working conditions sometimes including illegal confinement and confiscation of documents, physical, psychological and sexual abuse and in the most extreme cases—human trafficking. For guest workers, who are often actively recruited but expected not to stay or to bring their families, visas are usually tied to specific employers so that they cannot leave an exploitative situation without becoming undocumented and subject to deportation<sup>29</sup> and fear that engaging in concerted action will get them fired. Adding to their vulnerability is the fact that guest workers are dependent upon their employers for housing, food and transportation. Others who lack the legal authorization to work often toil under exploitative situations because

they do not feel they have the labor market power to negotiate better conditions. Although industrial action is not at all unheard of, it is most often episodic and not linked to an institutionalized labor movement that might provide protection, support and the possibility of ongoing representation and participants are often subject to punishment, firing and deportation. In addition, migrant workers are concentrated in sectors such as export manufacturing, domestic and agricultural work that are often de jure or de facto exempt from labor and employment laws and difficult to monitor for violations even when there are statutes in place.

Given the extreme conditions experienced by so many migrant laborers and the asymmetry of power they possess as individuals in comparison to their employers, the need for collective representation should be obvious. When they are so often dismissed as temporary sojourners and spatially isolated, the opportunities for migrant workers to organize for better work are greatly enhanced when they partner with unions. We now turn to an exploration of the stages of engagement by which a union or union federation begins to take up migrant worker issues and the types of activities unions undertake when they do become engaged.

## **Part II. Stages of Engagement: Moving from Reaction to Relationship to Program**

Unions often begin their engagement with migrant worker organizing *reactively*. In many cases unions were aware of migrant workers and some of their issues but were not in direct relationship with them. It often took some sort of “*focusing event*”<sup>30</sup>: a relationship began with the union coming to the aid of an individual or group of workers who had been mistreated, were facing deportation, had been involved in some kind of industrial accident or were engaging in a strike action. At these moments, the membrane separating unions and migrant workers is pierced and they begin to interact. In some cases, migrant workers were being employed on a union jobsite or in a unionized or previously unionized sector, in other situations they were in a more isolated setting like a factory at an export processing zone or a rural plantation. If migrant workers were receiving support, it was coming from some other organization.<sup>31</sup>

Engagement usually begins as *a series of “one-off” encounters and expands to a more prolonged relationship*: a union leader is approached to help a group of workers, provides support during a crisis, shows up at a picket line, speaks at a rally, signs an appeal and then begins to share the union’s resources such as providing a meeting space, donating food, dispatching a union attorney, tapping union allies to help out as well, leveraging union power resources like access to elected officials, on the migrant workers’ behalf. This can go on for a long period before the union as an institution explicitly takes a decision to organize migrant workers or to become involved in policy campaigns.

The process operates initially through an *individual rather than institutional* relationship: in a time of crisis a pastor or an NGO person reaches out to a union leader they know, or an individual union leader or staff person reaches out to a migrant worker or organization they know and these “bridge-builders” begin to work together. In some cases, something in a union leader’s own experience (a dark-skinned Dominican being mistaken for a Haitian by migration authorities, an Irish-American raised on stories of his own family’s migration history, a Jordanian having become a citizen after being displaced from Palestine) has made them

empathize with migrant workers and something in a migrant worker's background made them interested in collaborating with a union.

In the initial stages, on the union side the work often remains confined to a few individuals rather than a project of the central institution. It is seldom formalized right away and takes a long while for the activities of a few at the margins of the organization to migrate to the center of the union. In truth, in the early stages neither side quite knows what to do with the other: the migrant worker or workers are embroiled in a particular struggle and appreciative of the support but not usually thinking about long-term strategy, likewise the support from the union is improvisational. Additionally, there are often a variety of institutional challenges-- inhospitable labor laws, prohibitions on organizing migrant workers, concerns about immigration status as well as structural puzzles concerning union models for subcontracted, guest or informal sector workers. In almost all cases where unions begin organizing the migrant workforce it is not because the roadmap to permanent organization is crystal clear—rather they decide to take a leap of faith and do it despite the lack of clarity, in Myles Horton and Paolo Freire's memorable phrase, “to make the road by walking.”<sup>32</sup>

It is in the process of engagement that episodic support has the possibility of evolving into a longer-term program and the union begins to create pathways to organization and affiliation. For this to happen, unions usually need to work through some of their ambivalence about the role of migrant workers in the labor market and begin to develop a different conceptual framework. While altruism is an important catalyst for a union to engage initially, achieving a deeper level of sustained engagement and being able to “sell” the change throughout the membership often requires being able to connect the work to *institutional self-interest*. Unions commit themselves to organizing immigrant workers partially based on their values and partially out of a realization that, in a period of declining union density in the private sector, they are a promising source of new recruits. Unions also come to the realization that they cannot organize or re-organize their sectors unless they organize immigrant workers. Finally there is a rejection of the long-held notion that the best way to protect the sector for unions is to keep immigrant workers out. *Interest in organizing is what often drives support for policy and administrative changes:* For example in the US and the UK, as some unions became more involved in efforts to organize immigrant workers they as well as their Federations (AFL-CIO, TUC) became more actively engaged on the policy front in support of legalization efforts. There is also often interest in strengthening labor standards enforcement to ensure that employment and exploitation of vulnerable migrant workers is not used to drive down wages.

### **Part III. A Catalogue of Varieties of Union Support for Migrant Workers**

Fundamentally, unions engage in two arenas to impact workers lives: the economic, through labor market action and collective bargaining and the political through elections, public policy and administrative action. How they move in these arenas, as Streeck and Hassel remind us varies enormously between countries: “The relative importance of their economic and political activities differs between countries and world regions, as well as historically, and between types of unions. So do the way and the extent to which union action in the two arenas is coordinated.”<sup>33</sup>



Engaging with migrant worker issues almost always involves a combination of *research and publicity*—shining a spotlight on exploitative practices in different sectors and making government, workers and the general public aware of them; *education*—working with migrant workers to critically analyze their experiences and learn their rights as a prelude to taking action; *policy intervention*--developing specific proposals to improve migrant workers' rights; and *organizing*--supporting workers who take action on their own behalves. Policy is complex because it touches upon several different areas including immigration, employment, social welfare and trade. Organizing is also complex because it involves asserting rights and exercising them often without the legal entitlement to do so.<sup>34</sup>

Labor support for migrant workers takes a variety of forms. Given the challenges of labor and employment laws that exclude migrants and precarious workers, industry structures that do not synch with union structures and immigration laws that are often out of synch with global migration flows, support for migrant workers requires painting with a much broader palette than focusing solely on collective bargaining agreements.

Below is a description of strategies with some specific examples that national union federations and national unions in the Solidarity Center network are engaging in:

### **Rights Education**

Migrant workers often arrive in destination countries without information about employment and labor laws or how to access help if they need it. Some unions are establishing programs to educate migrant workers about their rights prior to departure. In Mexico, the Solidarity Center and Centro de los Derechos del Migrante (CDM) have set up a program for pre-departure education and FLOC, the Farm Labor Organizing Committee in the US has established its own recruitment and orientation program in Mexico for H2A guest workers. Other unions are working to help develop educational programs and materials to support migrant workers in targeted sectors. In the Dominican Republic and Haiti, the *Confederacion Nacional de Unidad Sindical* (CNUS), the leading national labor federation and the Solidarity Center have produced and distributed comic books, posters and leaflets on the rights of migrant workers written in Spanish and Haitian Creole. Similar "Know Your Rights" brochures for garment workers in Jordan were developed by the Solidarity Center and the General Trade Union of Workers in Textile, Garment and Clothing Industries for the Textile Industry (GTUWTGCI, hereafter GTU) in English, Arabic, Bengali, Sinhala and Chinese.

### **Research**

By virtue of language, the jobs they do, the sectors in which they are concentrated, limited governmental capacity and sometimes migration status itself, often times the working conditions and abuses to which migrant workers are subjected go unreported. When unions work with experts to conduct research reports that document the working conditions migrant workers are facing they are able to use the data developed to enhance their legitimacy, to publicize problems and to develop a program to address them. For example, in Jordan Solidarity Center released *Justice for All: The Struggle for Worker Rights in Jordan*, a report on the status of worker rights in Jordan based on the core ILO worker rights standards, which included the difficulties faced by

migrant workers. In the Dominican Republic, FENTICOMMC, the Dominican Federation of Construction, Wood and Affiliated Workers, trained Creole and Spanish speaking worker advocates to conduct a needs assessment survey of Haitian migrant workers in construction about their experiences on the job including wages, working conditions and access to healthcare. In the United States, the AFL-CIO, National Immigration Law Center (NILC) and American Rights At Work released “Iced Out” a report documenting examples of where immigration enforcement had a chilling effect on labor organizing.

### **Training and Popular Education**

Unions are conducting training of trainers on organizing, communication and rights and responsibilities of shop stewards with a special focus on participatory and creative teaching methods appropriate for multi-lingual and multi-cultural settings. The approach utilizes popular education theory and practice, which grounds worker action in consciousness raising that works to make the link between their personal experiences and larger economic and political forces.<sup>35</sup> In the Dominican Republic Solidarity Center used an innovative training curriculum to help strengthen the domestic worker organization *Asociacion de Trabajadoras del Hogar* as well as an organization of Dominican and Haitian market vendors.

### **Organizing**

Despite many obstacles and contrary to the stereotype of passivity, migrant workers do engage in collective action. Very often however, workers are up against powerful interests and employers are able to repress their efforts. Having access to experienced leaders and organizational resources to draw upon can help. When unions work with migrants to establish and strengthen worker organizations they can become seedbeds for leadership development and collective action. Many unions in developing countries are themselves under-resourced and do not have the money to hire staff to organize migrant workers.

The Solidarity Center has provided the funds as well as training support so that unions are able to hire staff including organizers from the constituency base to form migrant worker organizing committees and organize garment, construction and domestic workers as well as market vendors. In Jordan for example, Solidarity Center worked with the GTU on the recruitment and employment of 7 full-time foreign language speaking organizers and translators and the establishment of offices in the Qualified Industrial Zones (QIZ) which resulted in the recruitment of over 6,000 South and Southeast Asian garment workers into the union and the negotiation of collective bargaining agreements with 24 of 91 factories in one QIZ. The Solidarity Center also worked with Thai Center for Labor Rights, the HRDF and other partners to support the mobilization and organization of Thai and Burmese workers together so that Burmese workers (banned by law from forming their own unions) might begin to join Thai unions as well as to form unregistered unions or associations made up of Burmese migrant workers.

### **Advocacy**

Unions are advocating with elected officials and government agencies to expand the labor and employment rights of migrant workers and to regularize their migration status. They are also helping workers to pursue legal cases.

In the Dominican Republic, CEDAIL<sup>36</sup>, the legal services NGO, won a landmark unpaid wages case for 500 undocumented migrant sugar cane workers (despite Dominican law making it difficult for undocumented migrant workers to bring cases because they are considered to be in a permanent state of transit). Also in the DR, the CNUS Labor Anti-Trafficking Network comprised of union organizers and activists from the 5 economic sectors where most trafficking and abuse of migrant workers goes on (EPZs, sugarcane, rural/informal sector, hospitality and construction) is conducting education and awareness campaigns for union and community organizations and identifying human trafficking cases.

The Solidarity Center supported the opening a legal clinic in Mae Sot, an industrial town on the Thai-Burma border with a very high concentration of factories in which migrants work in production of goods for local consumption and export.<sup>37</sup> The clinic worked with HRDF to identify potential precedent-setting cases.

The Solidarity Center also supported its union partners to advocate to the Jordanian Ministry of Labor to fund the opening of offices of the GTU in the Qualified Industrial Zones (QIZ's) and to expand the capacity of its labor inspectorate to focus on sweatshop conditions in the QIZ's. It also persuaded the Ministry of Labor to agree to:

- Integrate occupational health and safety with labor inspection
- Train inspectors on labor issues including human trafficking and forced labor
- Send labor inspectors to participate in a 2-week training course at the ILO on discrimination
- Investigate regulation of employment agencies

## **Policy Change**

Labor unions have become directly engaged in advocating to the government to alter existing labor, employment and migration laws. In Jordan, the General Federation of Jordanian Trade Unions worked to get the Jordanian Parliament to vote to include domestic workers and agricultural workers under Jordanian Labor Law, adopt a comprehensive trafficking law, increase the minimum wage and allow migrant workers to become members of Jordanian unions. In the Dominican Republic, the labor federation CNUS has played a leading role in a policy process with unions, faith groups, other civil society and business organizations to develop a set of migration policy proposals that seek to provide legal status to Haitian workers and their descendants. In the UK, following the tragic drowning deaths of twenty-one Chinese workers who were part of an exploitative cockle-picking gang (the gangmaster was found criminally negligent, convicted on twenty-one counts of manslaughter, and sentenced to fourteen years in prison), the TUC advocated passage of the Gangmasters Licensing Act, which created a licensing authority and inspectorate for labor subcontractors in agriculture, forestry, horticulture, and food processing. The law states that workers are entitled to safe working conditions and fair treatment; stipulates that they receive the national minimum wage; and requires that they be

given a written contract, decent housing, and safe transportation. Operating without a license or violating these rules can lead to a ten-year prison term.<sup>38</sup>

## **Representation**

Labor unions have offered their help to striking migrant workers who have resorted to direct action to better their situations, going to the factories or fields, helping them to put forward a set of demands and mediating between them and their employers. Jordanian organizers have built the capacity of the GTU to offer mediation support to migrant workers who take collective action and offered support to striking workers in the QIZ's to negotiate resolution of strikes and redress of worker grievances including:

- A halt in the employer's deduction of wages for food and lodging
- Ending physical abuse of workers by their supervisors
- Back-payment of overtime hours
- Reduction in daily work hours
- Issuance of work and residency permits
- Enabling migrant worker activists who led strikes to return to their countries of origin without payment of penalties

The GTU worked with brands to improve worker rights standards including the freedom of association and also established a strong capacity for grievance handling, resolving thousands of individual and collective grievances including the return of confiscated passports, addressing dismissals, arbitrary deductions and physical abuse.

## **Building bridges between unionized workforces and migrant workers**

Unions and union members often feel threatened by migrant workers. While many national union leaders have concluded that supporting migrant workers and organizing together is the most sensible response to globalization and lean production, they know that they need to convince their members. In the US, EU, Latin America, the Middle East and South Africa, unions and federations are developing training materials and presenting workshops and plenaries about migrant worker rights. They are also building alliances with migrant worker organizations.

In a formal resolution passed by the AFL-CIO Executive Council in 2006, the federation explicitly recognized the role of immigrant worker centers: "Many of these centers are important to the immigrant community and play an essential role in helping immigrant workers understand and enforce their workplace rights. In doing so, they also play a critical role for all workers — immigrant and US-born alike —by fighting unscrupulous employers who try to use the immigrant workforce to lower wage and other benefit standards that protect the entire workforce."<sup>39</sup> Regarding joint policy work, the Federation committed to working with the National Day Laborer Organizing Network (NDLON) to defeat anti-day laborer center bills in congress and to support immigration reforms that include legalization and a pathway to citizenship. A short time later, the AFL-CIO announced a similar partnership with Interfaith

Worker Justice and its network of 18 interfaith worker centers and ENLACE a network of worker centers and unions organizing low wage workers in the United States and Mexico. In May 2011, the AFL-CIO announced similar partnership agreements with the National Domestic Workers Alliance and the National Guest Workers' Alliance.

In the DR, CNUS has made migrant worker rights a major focus of its work. Between 2007 and the present, CNUS has developed a groundbreaking multi-pronged strategy to organize workers in the informal sector—many of whom are migrants. Strikingly, rather than blaming Haitian migrant workers for the labor force travails of Dominicans,<sup>40</sup> CNUS is championing their rights. CNUS has dramatically raised the profile of migrant worker issues within the labor movement and has joined forces with NGO's to push the government on migration policy. It has also benefitted from embracing migrant worker issues: the focus on migrant workers and the informal economy has given the labor federation new vibrancy and relevance.

In Jordan, Solidarity Center and the GTU worked to raise awareness of Jordanian trade union leaders on the plight of migrant workers in the garment and textile factories of the QIZ's. Together they encouraged the Jordanian labor movement to include migrant workers, while also acknowledging the serious problems of unemployment and poverty among Jordanian nationals. They ultimately succeeded in getting the General Federation of Jordanian Trade Unions for the first time to take a position on migrant workers rights under Jordanian labor law.

### **Global Alliance-Building, Bi-National networks and Leveraging the Support of Global Institutions**

The AFL-CIO and the National Textile Association in the US filed a complaint under the US-Jordan Free Trade Agreement, calling upon the US Trade Representative to invoke consultations under the FTA to address Jordan's violations of the agreement's labor rights provisions.

Solidarity Center and its union partners worked to direct the Jordanian government and buyers toward the ILO Better Work Program, which aims to achieve just conditions and sustainability for the apparel industry

Some unions have been working to establish cross-border networks for the purpose of teaching workers their rights and connecting them to unions before they migrate, defending migrant workers rights and helping them to organize.

The Farm Labor Organizing Committee (FLOC) program organizes guest workers coming from Mexico. It opened an office in Monterrey near the US Embassy where workers go for visas, visits workers in their home communities prior to migration to explain their rights and give them copies of the union contract. They also visit workers upon their return to Mexico to identify violations to the collective bargaining agreement.

### **Spotlighting the “feminization of migration”, defending the rights of women workers, supporting organizing**

As the number of female labor migrants has increased dramatically, some unions and union federations are recognizing the gender dynamics of labor markets and occupations and focusing greater attention on improving conditions in sectors with large numbers of migrant women workers. They are also increasingly coming to include informal economy workers and the self-employed, many of whom are women, as core constituents of the labor movement. Some have taken a lead role in supporting domestic workers; the adoption by the ILO of Convention 189 in June of 2011, which recognized domestic workers' right to organize, was a watershed moment.

In the Dominican Republic, as in most countries, unions were not involved in organizing domestic workers or in providing support to domestic worker associations, until domestic worker organizing became a core component of CNUS's work in 2007 when the Solidarity Center leadership strongly promoted it. In 2009, the *Asociacion de Trabajadoras del Hogar* (ATH) a national domestic worker association established in 1981 formally affiliated with CNUS. ATH credits its growth in recent years to the financial support of Solidarity Center for stipended organizers. With financial, organizational and political support from Solidarity Center and CNUS, strong domestic worker associations have been built up in Santo Domingo and outlying suburbs, and large-scale campaigns have been waged to publicize domestic workers rights and ensure that employers pay the legally-mandated Christmas bonus.<sup>41</sup>

From a description of the *process* through which unions become engaged with migrant worker issues as well as a review of the *variety* of activities in which they are engaged, we now move to an inquiry about the *factors* that contribute to more positive union responses to migrant workers.

#### **Part IV. What factors contribute to a national union or national union federation's willingness to include migrant workers?**

A limited pool of scholarly research exists which grapples with the question of what makes unions shift from an exclusionary stance to a more inclusive approach to migrant workers. Beyond the individual factors, most of the authors are in agreement that while it is necessary to isolate the individual variables that contribute to a union's stance toward migrant workers in order to gain an analytical understanding of each one, it is crucial to bear in mind that it is the interrelationship between them that shapes a union's disposition.<sup>42</sup> Moreover, it is the interrelationship between *external* variables such as shifting labor and product market dynamics and state structures and *internal* variables like union history, ideology, leadership and global links that shape a union's response to migrant workers over time.

In terms of the process of change, the status quo equilibrium of a union's stance toward migrant workers is altered over time largely through gradual changes in a union's environment. The process can accelerate however when dramatic focusing events such as natural disasters, wars, invasions, violent attacks or, more specific to migrant workers, when workplace accidents occur or cases of human trafficking or indentured servitude are uncovered.

##### *Changes in the structure of employment and globalization*

Despite national differences, unions all over the world are confronted with a similar set of challenges including the internationalization of financial and product markets and changing

structures of employment including the flexibilization of labor. Although the actual impact of globalization on national economies is sometimes overstated,<sup>43</sup> over the past generation, most countries have undergone a *fragmentation* of employment relations through strategies of subcontracting, third party management, franchising, temping and independent contracting in major sectors including manufacturing, construction, retail, hospitality, food services and healthcare.<sup>44</sup> These strategies have resulted in a more attenuated relationship between employees and firms and they have made effective industrial organization much harder to achieve. Labor costs<sup>45</sup> and legal liabilities<sup>46</sup> are shifted from large employers and on to smaller firms or labor brokers and temporary employment agencies. Often the employer of record is further down on the “industrial food chain” where profit margins are tighter and pressure to lower costs is very strong. There is also of course a growing divide between the formal economy, which is shrinking, and the informal economy, which many experts find has been growing and in which many migrant workers are found.<sup>47</sup>

While subcontracting arrangements are well-known in sectors like the garment industry, where workers are often hired by small contractors who assemble and sew clothing for manufacturers and retailers, similar arrangements have been cropping up across the economy. As Weil describes it in the US context: “From the post World War II period through the 1980s, the critical employment relationship was between large businesses and workers in major sectors of the economy. Increasingly, however the employment relationship has shifted away from those large employers who continue to play critical roles in shaping competition in the market—and towards a complex network of smaller employers. These lower level employers typically operate in more competitive markets than those of the firms that shifted employment to them.”<sup>48</sup> These dynamics that had long characterized what economists refer to as the *secondary* labor market—occupations in sub-sectors of many industries that provide insecure jobs, poor benefits and conditions of work—and where migrants were often employed—have now migrated *decisively* into the *primary* labor market occupations that provide secure jobs, good benefits and working conditions. Thus, it is no longer only low wage and immigrant workers who are experiencing these conditions, now they affect growing numbers of the native and naturalized workforce, including unionized workers. This fundamental shift in labor market structure is prompting unions to reconsider how they operate in the growing secondary labor markets as the global workforce becomes increasingly precarious.

In the US, UK and French cases, changes in the structure of employment led to union insecurity, which mostly led to an exclusionary orientation toward immigrant workers. However even in the face of growing insecurity, in recent years there has been a shift away from adopting exclusionary positions in the national union federations of the US, UK and France and instead emphasizing the importance of organizing the immigrant workforce, enforcing labor standards in low wage, immigrant heavy sectors and adopting immigration laws that make their status less insecure, all of which would make them less able to be used to undercut native positions in the labor market.

Employers in developing countries, faced with the intensification of product market competition due to globalization, adopt strategies that allow them to compete by cutting their labor costs. They turn to internal migrants displaced by changes in the rural political economy as well as to migrant workers. Migrant workers, as discussed above, have less power in the labor market and

have often been prevented from joining unions—in some cases by law. Unions that believe they can maintain their privileged positions more easily by excluding migrant workers may look favorably upon these laws—but this has also been changing.

In the case studies of Jordan and the Dominican Republic that follow this introduction, there is also evidence that some national union federations and individual national unions are coming to the conclusion, as many of their US and European counterparts have, that the best way to protect their labor market position is not to exclude but to organize migrants workers.<sup>49</sup> When private sector unionization rates are at their historically lowest points in many parts of the world, the justification that unions must oppose migration in order to defend their labor standards becomes more difficult to assert.

### *Dynamics of State Capacity and State/Labor Union Relationships*

The labor movement's positive or negative relationship to the state and its sense of the state's capacity to protect it has a significant impact on its electoral and policy actions. In the case of the United States, Fine and Tichenor argue that it was the comparatively strong *pro-union disposition of the state* during the 1930's and 1940's that strongly influenced labor's policy stance in favor of abolishing the restrictive national quota acts and that this position had staying power even during the federal government's most anti-union period under Ronald Reagan.<sup>50</sup> In the UK however Fine and Tichenor find it was the *anti-union disposition of the state* during the 1980's under Margaret Thatcher which devastated British unions by its end effectively cutting them in half and continuing into the 1990's under the "New Labor" platform of the Labor Party which worked to reduce the influence of unions on the party and whose embrace of neoliberalism further weakened unions.<sup>51</sup> The deteriorating relationship with the state was marked by the collapse of traditional bargaining institutions and the loss of influence under conservative and labor governments combined with radical labor market changes that led the TUC to embrace a solidaristic position in favor of defending the interests of foreign workers in their negotiations with employers in 1981, supporting the free movement of labor across the European Union in 1990 and in 1996 to reject employer sanctions. In France, according to Haus and Watts, it was not the labor movement's assessment of the state's *overall disposition toward unions* that was decisive but rather the movement's assessment of the *state's ability to control immigration flows*. Thus in all three accounts while state capacity is decisive, we see that it is not decisive in the same way.<sup>52</sup>

There are three institutional features of state industrial relations and employment regimes that that are generally understood to insulate workers from market forces and bolster union membership: state support, centralized collective bargaining and union management of public unemployment insurance.<sup>53</sup> Decentralization of neo-corporatist and industry-level collective bargaining makes workers more vulnerable to market forces. Just as Turner has argued (in his comparative study of trade union involvement in economic restructuring in Europe) that institutions, in this case the rules and structures of industrial relations, condition the impact of intensified economic competition<sup>54</sup>, institutional rules and structures also strongly influence how unions in different countries view and respond to migration.



Late developers enter a world market that is already industrialized and highly competitive; business must rely on significant help from the state not only in terms of capital accumulation and trade protection but also for protecting property rights and guaranteeing order. These needs have implications for democracy because they lead business elites to become cautious about challenging the state and wary of mass-based politics and mobilizations that could impede their privileged position within an orderly industrialization process.<sup>55</sup> Organized labor faces a parallel set of labor market challenges that predisposes it to adopt a similar stance toward the state. As Bellin describes it:

“Late development typically spells structural weakness for labor because it is accompanied by industrialization in the context of global capital mobility which universalizes the reserve army of labor and undermines the bargaining power of workers...Late timing also means importation of industrial technology that tends to be capital intensive rather than labor intensive and this exacerbates the problem of labor surplus and weakens labor’s market position...Such weakness encourages labor to look to the state for political remedies, fostering union dependence and nurturing diffidence about contestatory politics”.<sup>56</sup>

Historically, some late developing countries, similar to coordinated market economies (CME’s)<sup>57</sup> in Western Europe, have adopted *corporatist strategies of interest representation: in which the state provides unions with a formal role and financial support*. Latin American and West European models of corporatism are quite different, however with the former comprised of open economies and a strong role for institutions of civil society like the peak associations of labor unions and business working in concert with the state while the latter was comprised of closed economies and greater state control over labor unions.<sup>58</sup> In the case of late developers, labor’s role sometimes far exceeds what its own market power would likely deliver for itself, which brings the unions into the system but limits their willingness to challenge the regime. Additionally, given the labor surplus scenario, a large informal sector<sup>59</sup> and widespread poverty are likely to exist; those workers who are employed in the formal sector and organized into unions are in an “aristocratic position” vis a vis the rest of the workforce. Unions have had reason to want to hold on to these privileges, which may have made them reluctant to challenge the state in general.

There are some features of corporatism in developing nations that bestow tremendous advantages upon official unions including requirements for compulsory membership, monopoly of representation, official recognition and provision of state subsidy—the problematic features are those that mandate state control.<sup>60</sup> In other words, while corporatism certainly has strong inducements for unions during periods when the economy is strong and the party in power favors union positions, state control during periods of austerity or deregulation when union interests are not in synch, can lead them to challenge the state.

In the Middle East, Asia and Latin America there are certainly examples of unions chafing under the restrictions the state imposes in terms of the rules regarding eligibility for membership, union organization, recognition and industrial action—and in this context restrictions regarding membership for migrants can also be viewed by them as a problem of the state over-reaching. Thus how corporatist dynamics play out with regard to union positions toward migrant workers

and migration policies is connected to larger struggles. Given the global trend toward fragmentation of employment relations, weakening of labor standards, and decline of union density, even unions under historically corporatist arrangements are concluding that they can no longer rely on the state to protect their interests. As unions become more oriented toward organizing there is the possibility that they will see the need to make common cause with the migrant workers in their labor markets.

### *Changing Racial and Ethnic Attitudes Toward Immigrants*

Shifting racial and ethnic attitudes toward migrants have had a major influence on labor movements' policy stances, with each movement starting out with xenophobic views but becoming more tolerant over time. While the TUC professed sympathy with the colonial exploitation of workers from the New Commonwealth countries (who, as Pakistanis, Indians and West Indians were all people of color), it professed concern about these workers' failure to integrate and did not campaign against racially biased national immigration policies in 1968 and 1971 which made it harder for non-white citizens of the New Commonwealth countries to emigrate. During the 1960's and 70's NCW workers joined unions in large numbers and waged major battles for civil rights including equal treatment inside the labor movement so that by the 1980's, as the TUC adopted more aggressive anti-racist positions and pushed its affiliates to drop discriminatory policies, it came to oppose restrictive immigration measures as well. This stance was further reinforced with the onset of European integration as the TUC came to view open labor migration as inevitable. As a result, the TUC opposed employer sanctions legislation and called for its affiliates to adopt aggressive organizing strategies.

In France, where post-war migration flows were dominated first by Spain and Portugal and from the 1960's on by North Africans (from former French colonies) and sub-Saharan Africans, racial bias was always intermingled with concerns about labor market saturation as well as the migrants' capacity to integrate, and it was a significant contributing factor both with regard to restrictionist government immigration policies as well as restrictive policy positions adopted by the CGT. During the 1970's, 1980's and 1990's however, while the CGT still episodically supported restrictions on labor migration during difficult economic times, it also came to reject xenophobic positions and to express stronger and stronger support for immigrant workers and regularization of the undocumented. The emergence of the National Front during the 2000's, also pushed labor more and more into taking a pro-immigrant stance.

In the United States after the merger between the American Federation of Labor and the Congress of Industrial Organizations in 1955, the AFL-CIO championed the abolition of racist national origins quotas and the *bracero* program and strongly supported the civil rights movement's policy agenda. However, what these positions meant for immigrant workers was rather complicated. Although it came to be used as a tool for employers to keep immigrant workers from organizing, the AFL-CIO's strong embrace of employer sanctions during the 1970's and 1980's as a means for dealing with the growing undocumented worker problem was not racist or anti-Mexican. In fact, support for an aggressive enforcement regime and for employer sanctions was viewed as a means of ensuring that low wage foreign-born and African-American workers would be able to find work, form unions and be compensated fairly for their labor. With the emergence of a sophisticated union-busting industry that utilized employer

sanctions to strategically rid companies of pro-union workers<sup>61</sup> and make organizing the growing numbers of Latino workers extremely difficult, as well as the passage of NAFTA, labor changed its position to one of support for legalization and abolition of employer sanctions.

In the Dominican Republic, race has been an enduring dividing line between the DR and Haiti. The racist and xenophobic aspects of anti-Haitianism are believed to be at least partially the result of twentieth century Dominican politics, in particular the Trujillo dictatorship from 1930-1961.<sup>62</sup> After a government-ordered massacre of Haitians in 1937, the Trujillo administration pursued a policy called the “Dominicanization of the Frontier” which focused on reducing the number of Haitians in the country. This initiative was part of a larger racist ideology of the dictatorship which took aim at Haitian migration and Haitian culture within the DR. In a nutshell, Trujillo and Joaquin Balaguer promoted the narrative that “the Dominican people are a white Hispanic nation whose population is weakened by a mixture with the blood of non-white races. The nation is challenged by an ‘imperialist’ Haiti that is of African origin. Settlement of Haitians in the country degenerates the moral and spiritual strength of Dominicans...With Haitians also come poverty, ignorance and contagious diseases.”<sup>63</sup> Policies were passed to prevent Haitians from entering the country except during the sugar harvest, place names were changed from Creole to Spanish and the practice of voodoo was outlawed and punished by imprisonment and deportation. The regime made efforts to attract white immigrants from Europe. Today, although there are several accounts of peaceful co-existence and cooperation between poor, black and mixed race Dominicans living alongside poor, black Haitians,<sup>64</sup> many factions within the Dominican government continue to uphold anti-Haitianist views and to deny Dominicans’ own African heritage.

Beginning in 2007, there has been a tectonic shift in the Dominican labor movement. CNUS has amassed tremendous knowledge about migrant worker conditions, created worker rights trainings, supported vibrant informal sector organizing projects and mounted effective public campaigns to remind employers of their obligations to these workers. It had also dramatically shifted its position on the role and necessity of migrant workers in the economy, becoming the only labor confederation with a migrant worker department, a key source of expertise on human trafficking and an important national player on migration policy.<sup>65</sup> Its affiliate, FENTICOMMC, had conducted a first of its kind study in the DR on the role of Haitian migrant workers in the construction industry,<sup>66</sup> carried out by teams of Dominicans and Haitians and with Solidarity Center’s financial support had hired two organizers. CNUS has become quite involved in the national policy debate, most recently in 2012 launching a campaign for ratification of ILO Conventions 97 and 143 on migrant workers<sup>67</sup> as well as helping to bring together civil society organizations and employers to develop a consensus document on managing migration.

### *Inherited Traditions*

Union strategies are strongly conditioned by *union identity*, which Hyman defines as “inherited traditions that shape current choices, which in normal circumstances in turn reinforce and confirm identities.”<sup>68</sup> For purposes of this paper, our bucket of inherited traditions includes: union history, model, ideology and leadership experience.

In the US, industrial unionism was, for the CIO both an ideology and a model, and it conditioned the organization's outlook on immigrant workers and immigration policy. The establishment of the CIO was motivated by the desire of key national unions to organize the largely unskilled immigrant workforces of the new mass production industries and those unions' impatience with the AFL's craft-union approach. The CIO provided a vehicle for organization and security to the millions of immigrants from southern and eastern Europe who had arrived prior to the first World War and to the black migrants from the South who came north after the flow of migration abated as part of the Great Migration.<sup>69</sup> These workers occupied the bottom ranks of mass production labor in the unorganized industries, while AFL trade unions largely were composed of older Germans, Danes, Scots and the English. It is perhaps not surprising then, that the CIO from the start looked more favorably than the AFL on immigration. The New Deal period and its aftermath saw the CIO and its allies break with the AFL by first embracing refugee relief and then rejecting national origins quotas. By the time of the AFL-CIO merger in 1955, the gradual reorientation of organized labor toward solidaristic and expansionist views of European immigration and the need to dismantle restrictive quotas was complete.<sup>70</sup>

As Walter Reuther of the United Auto Workers and CIO explained to Congress in 1955, "many thousands of members of CIO unions themselves immigrated to this country, including Philip Murray, the late President of the CIO."<sup>71</sup> Because of its rich ethnic tradition, he observed, the CIO was offended by the preferential treatment of northern and western European immigrants and the idea that an "ideal racial composition can be frozen."<sup>72</sup> Although the AFL had traditionally taken a more restrictionist stance, especially on the necessity of quotas, even before the merger with the CIO, during the early 1950s, state-level Federations of Labor in Massachusetts, Minnesota, and other Northern challenged the AFL's position on immigration policy. The ascendancy of George Meany who favored both the AFL-CIO merger and liberal immigration reform, to the presidency of the AFL in these years, was also significant. No sooner had Meany assumed the helm of the newly-merged labor organization in 1955 than he promptly purged the AFL's director of legislative affairs, a long-time defender of immigration restriction.<sup>73</sup>

In Jordan, the anomaly of GTU's interest in organizing migrant workers when most other unions were not engaged is partially explained by the union's origins during a period of vibrant industrial unionism in Jordan in the late 1940's and 1950's. The organization's founders were Palestinian refugees who worked under sweatshop conditions and struggled with the regime to recognize their union. Fathallah Omrani led the union during the golden era of independent and activist trade unionism in Jordan and somewhat unusually continued to lead it after the crackdown in the 1970's. Thus, he and his union date back to before the state reorganized the labor movement to bring it much more closely under its control.

### *Global Links*

In recent years, decisions on the part of union federations and individual unions to create programs focusing on migrant workers have been catalyzed and supported through contact with ILO programs, Global Union Federations (GUF's), and the Solidarity Center. Supra-national labor organizations play a central role in exposing unions to broader practices beyond their borders. They are able to play a legitimizing role because as labor insiders, they know how to

make the case for organizing migrant workers within the paradigm of labor organizations. They also embrace a universalizing framework that places migrant worker issues in a labor rights and better work for all contexts. Since its formation in 1997, the Solidarity Center has had a program supporting labor movement work with migrant workers. Solidarity Center has sponsored research, developed trainings, and worked with its union partners on the ground in individual countries to incorporate migrant workers into their organizations, provide support to free trade zone and domestic workers, many of whom are migrants, build anti-trafficking networks, bring cases under free trade agreements and engage in advancing immigration policy reforms.

In Jordan, GTUWTGI's close relationship to the Solidarity Center was critical to its more inclusive vision of the union and most importantly, its capacity to build an organizing program with resources. Likewise, its connection to the International Textile, Garment and Leather Workers Federation (ITGLWF) brought the union leadership into a network of unions and exposed them to a broad variety of union structures and strategies beyond the limits imposed by the Jordanian state and reinforced an understanding of the dynamic of global competition in garment and textile production. The organization's connection to the ILO's panoply of programs and exposure to ILO conventions gave it a clear sense of what trade union rights should look like.

Since 2007 in the Dominican Republic, Solidarity Center in concert with CNUS and national union partners has prioritized migrant and informal sector worker organizing. Solidarity Center has pioneered innovative participatory research projects to better understand the conditions of migrant workers and provided training and ongoing financial support for organizing migrant construction and domestic workers and market vendors. Solidarity Center has also provided opportunities for migrant worker leaders and organizers to travel outside of their home countries in order to participate in international gatherings and meet others engaged in similar enterprises. FENTICOMMC, the national construction union that is affiliated to CNUS, has also been strongly encouraged by its GUF, the Building and Wood Workers International (BWI) to address migrant worker issues. CNUS has also become centrally involved in drafting a far-reaching policy document on Dominican migration policy in an effort to provoke a shift toward more inclusive policies that would finally provide legal status to Haitian-Dominicans and to Haitian migrant workers.<sup>74</sup>

## **Conclusion**

With the rise of economic liberalization, privatization and deregulation and the decline of centralized collective bargaining regimes, labor finds itself in a weaker position across the globe. In this period of crisis, unions are being driven to redefine their interests and broaden their agendas and their alliances. This is the context within which the movement's relationship to migrant workers is evolving.

The relationship between immigration and labor movements is less straightforward both historically and cross-nationally than many observers assume. Organized labor's restrictive and solidaristic responses to new immigration not only capture an enduring dilemma for labor

leaders, but their ultimate choices also offer fresh insights about the character of both labor movements and immigration politics and policy in distinct contexts.

**Labor Solidarity with Migrant Workers under Conditions of Late Economic Development,  
Late Democratization and a Divided Labor Movement:  
A Case Study of Solidarity Center’s Work in the Dominican Republic 2007-2013**

The Solidarity Center in the Dominican Republic: Catalyzing a Sea-Change on Migrant Rights in the Dominican Labor Movement

Unlike other Latin American nations such as Mexico and Argentina where labor was a central pillar in a corporatist political arrangement, the Dominican Republic (DR)’s political development has been one of authoritarianism and labor exclusion.<sup>75</sup> The labor movement has always been weak in the DR. Unions have never represented more than 8-15% of the workforce<sup>76</sup> in more recent years due to a labor code that makes organizing, collective bargaining and building a unified movement extremely difficult.<sup>77</sup>

Without a strong base or significant political power, labor has struggled to drive forward an agenda for equitable economic growth and decent work. The consequences of the lack of a powerful labor movement for the labor force have been stark. By 2010, 47.9% or close to half of the country’s workforce belonged to the informal economy and 43% of the population lived in poverty. There is also an enormous gender gap in labor force participation rates: out of a total urban labor force participation rate of 49.5%, 63.8% were men and 36.3% were women.<sup>78</sup> As difficult as conditions are in the DR, they are incomparably better than the situation immediately next door, in Haiti.

Between 1991 and 2001, the economy of the DR had an annual growth rate of 6.3% while Haiti’s was 0.0%.<sup>79</sup> The gross national income of the DR today is four times that of Haiti. Likewise, infant mortality and child malnutrition are twice as prevalent in Haiti as in the DR.

Haitians migrated in large numbers to the DR during the 1990’s and 2000’s, in flight from political instability, severe economic hardship, and repeated natural disasters, including Hurricane Floyd in 2008<sup>80</sup> and the devastating earthquake of 2010.<sup>81</sup> At present, estimates are that between one to two million Haitian migrants and Dominicans of Haitian descent are living in the Dominican Republic, the majority of which are without documentation, due to the country’s restrictive migration and naturalization systems. Despite the DR’s dependence upon Haitian labor, labor migration from Haiti to the DR has not been normalized. “Haitianization” is the term used by some in the DR to describe the negative impact of poor Haitians on their country, a term long evoked particularly during difficult economic times.

The Dominican labor movement had not been a part of the migrant rights movement historically and yet, beginning in 2007, with the encouragement and support of the Solidarity Center, the *Confederacion Nacional de Unidad Sindical* (CNUS) one of the major labor federations in the DR began to make migrant worker rights a major focus of its work. CNUS’s work also moved beyond the “formal versus informal” sectoral divide which has bedeviled labor unions around the world. Prior to this time, Solidarity Center had not made *informal* workers an explicit focus of the program. Between 2007 and the present, Solidarity Center has worked with CNUS to develop a groundbreaking multi-pronged strategy to organize workers in the informal

economy—many of whom are migrants. Strikingly, rather than blaming Haitian migrant workers for the labor force travails of Dominicans,<sup>82</sup> CNUS is championing their rights.

This chapter explores how CNUS's shift in position on migrant workers came about, discusses what has been done around migrant worker rights, tries to identify the reasons CNUS and their affiliated unions have so strongly embraced a migrant worker and informal economy organizing and rights agenda and discusses the strategic implications for the organization of the decision to do so.

Research methods include: primary source materials from the Solidarity Center including internal memos and reports, historical documents, foundation and NGO research reports, scholarly articles, press statements, and interviews with key stakeholders.

### Colonization to the Rise of Trujillo: the Roots of *Dominicanization* and Labor Weakness

A long history of struggle has marked the island of Hispaniola from its earliest colonial history, beginning with the first colonization of the island by Columbus in 1492 and the subsequent establishment of a second colony by the French, Saint-Dominique in the 1600s.

In 1804, the first successful mass slave revolt in world history resulted in the establishment of the first independent and explicitly black republic of Haiti while the Spanish held on to Santo Domingo. Slavery was abolished on the Spanish side of the island by force, with land promised to the mulatto population.<sup>83</sup> The Haitian government helped Santo Domingo gain its independence from Spain, only to establish its own colonial rule from 1822-1844. Subsequent armed conflicts between the Dominicans and the Haitians, the former struggling for independence from the latter, contributed to an enduring belief on the part of the Dominicans in Hispanic nationalism and a powerful current of “anti-Haitianism and pro-Hispanism” gained force.<sup>84</sup>

As demand for sugar skyrocketed in the Caribbean in the late 1800's, the need arose for manual labor at the new sugar cane plantations. Invoking a corollary to the Monroe Doctrine, Theodore Roosevelt placed the DR in receivership in 1904<sup>85</sup>, followed by the U.S. occupation of the DR from 1916 to 1924 and of Haiti from 1915 to 1934. Thus began the long and complicated political and economic relationship between the U.S. and both island nations.<sup>86</sup>

During the American occupation, the Dominican sugar industry dramatically expanded. It was during this period that assumptions about a national division of labor with racial overtones emerged. Increasing numbers of Haitian laborers migrated to work in the Dominican *bateys* (cane cutter communities on sugar estates), first illegally and, after 1919 as part of a contract labor program administered by the U.S. government. Meanwhile, finding the manual labor demeaning, most Dominicans refused to cut cane and limited their role in the sugar industry to skilled labor and managerial positions.<sup>87</sup>

The 1924 departure of the U.S. was followed by the rise of Rafael Trujillo. By 1930 he began what some have referred to as possibly the most absolute one-man dictatorship in Latin American history<sup>88</sup> under the protection of the U.S., for thirty-one years.<sup>89</sup> A legacy of



*Trujillismo* was racism and xenophobia toward the Haitians and the cultivation of a deeply race-conscious society in the Dominican Republic.

In 1937, as part of a campaign to reduce the number of Haitians in the country, the government launched a campaign for “Dominicanization of the frontier.” Thousands of Haitians primarily in the provinces along the border were murdered when the army was ordered to kill all who could not produce proof of Dominican status, although the order for the massacre explicitly excluded Haitian cane workers on the sugar estates. Legislation was passed limiting the employment of foreign nationals to 20% and barring the entry of Haitians except for the sugar harvests. Trujillo relied upon the racist formulations of Joaquin Balaguer, (who would go on to serve seven terms as president):

“The Dominican people are a white Hispanic nation whose population is weakened by a mixture with the blood of non-white races. The nation is challenged by an ‘imperialist’ Haiti that is of African origin. Settlement of Haitians in the country degenerates the moral and spiritual strength of Dominicans...”<sup>90</sup>

During the 1930s and 1940s as Trujillo consolidated military and political power,<sup>91</sup> his regime acquired most of the sugar mills previously owned by the U.S. and other foreign powers. Establishment of state monopolies over all major enterprises in the country enriched the Trujillo family and their associates. His regime was marked by tight corporatist control of labor, an absence of working class mobilization,<sup>92</sup> strict control over unions by the government and no collective bargaining. During Trujillo’s *entire* thirty-one year period in office, only one major strike occurred, in 1946 over higher wages for sugar cane workers.

In 1961, Trujillo was assassinated by members of his own inner circle, and civil society organizations including political parties, business associations, professional associations and unions began to emerge.

### A Labor Market Shaped in Multiple Ways by Migration

The DR has been profoundly shaped by the large-scale emigration of the native population and the immigration of the Haitian population. Prior to the 1960’s, emigration from the DR was negligible but increased dramatically between 1966 and 1986 as mainly urban, middle class Dominicans opted to leave for the U.S.. Dominicans first began leaving the country in significant numbers after the fall of the thirty-one year Trujillo dictatorship and the political instability that followed in its wake as various interests competed for control of the state.<sup>93</sup> Fearing another Cuba in the Caribbean, the U.S. again occupied the DR in 1965, and after withdrawal, took steps to liberalize admissions policies to the U.S.. The opening up of admissions functioned as a safety valve that diminished oppositional political mobilization while at the same time improving bilateral relations.<sup>94</sup> The total number of migrants from the DR to the U.S. rose from a total of 4,500 between 1955 and 1959 to 58,000 between 1965 and 1969.<sup>95</sup>

Immigration was also partially the result of a rural exodus to the cities following U.S. investment in Dominican agriculture and the implementation of export manufacturing. Between 1965 and

1984, the rural population of the country declined from 65% to 45% of the population.<sup>96</sup> As the urban economy grew, education improved quite substantially, and a middle class emerged whose material appetites and aspirations for social mobility could not be met.

As Grasmuck and Pessar describe it: “Much of the middle class growth occurred in low-paid occupations. Moreover, the unemployment rates of the relatively educated indicate that the relatively large growth of occupations associated with advanced education did not suffice to meet the demand for such employment.”<sup>97</sup> Survey research revealed that Dominican migrants were most likely to be from urban areas, have higher literacy levels, relatively more skill and were most likely to be migrating in pursuit of higher income levels than because of unemployment.<sup>98</sup> By 1980, 237,358 Dominican migrants had entered the U.S. as permanent residents<sup>99</sup> and the DR ranked third, behind only Laos and Jamaica, in per capita legal immigration to the U.S..<sup>100</sup> Additionally, between 1969-1980, over 100,000 Dominicans a year entered the U.S. on temporary visitor visas.<sup>101</sup> By 2010, an estimated 440,000 Dominicans had permanent residence in the US, and another 53,870 Dominicans were in the application process.<sup>102</sup> In 2000, there were also an estimated 91,000 undocumented Dominicans in the US.<sup>103</sup>

If political instability, growing ties between the U.S. and the DR and the unmet aspirations of the middle class were important stimuli to out-migration for Dominicans, political instability, poverty, lack of jobs, and natural disasters were the push factors that caused Haitians to look to their closest neighbor for an exit option.<sup>104</sup> At the root of Haiti’s long-term economic difficulties was a crippling debt to France at the time of independence along with the failures of the country’s system of subsistence agriculture. Post-independence, Haiti’s land reform system divided large sugar estates into small farms to distribute among the recently freed slave population. Due to a property inheritance system that provided for all children to inherit land, small farms over the generations were subdivided even more. The rural population grew, farm size shrank and the lack of technological and capital improvement led to erosion and deforestation. In comparable moments of rural agricultural reorganization or crisis, rural populations have moved into cities to take up work but in Haiti, the urban areas had not yet developed industrial and service economies sufficient to provide employment.<sup>105</sup> This is still true, today 75% of the population still resides in the rural areas of the country.

Haiti’s almost complete political isolation at the time of independence cut the country off from participation in broader economic alliances, and even the lengthy U.S. occupation in the 1920’s and 1930’s did little for the country economically. Finally, the international sanctions and denial of aid between 1991 and 1994 and again between 2000 and 2003 also effected Haiti’s economic development and increased poverty. The under-development of the Haitian state led to weak financial institutions and infrastructure, poorly administered international aid, and low levels of education. According to the World Bank, 78% of the Haitian population lives in poverty. Unemployment is estimated at 70% and many of those employed still live in poverty. These are all factors that contributed to Haitian migration to the Dominican Republic, but just as ties to the U.S. are an essential element of the *Dominican* migration story, ties to the DR are an essential element of the *Haitian* migration story.

Haitians have been actively recruited to work in the DR for close to a century; much of that time as *braceros* who crossed the border each year to work as cane cutters and then returned to Haiti. From 1952 until 1986, the Dominican and Haitian governments operated an extremely exploitative temporary worker program under a bilateral agreement to import Haitian laborers for the sugar companies. Due to international pressure, there were some gradual improvements in the terms of the agreement intended to improve the living and working conditions for the *braceros* but conditions remained very bad and there was ample evidence of bonded labor and slavery like working conditions. As Wooding and Moseley-Williams recount: “The cane cutters were de facto prisoners...If they left the plantation, for example to find a better job in another *ingenio* (sugar plantation) where pay and conditions were better, they could be arrested and returned to their workplace. They had no status in the wider DR...”<sup>106</sup> After the fall of the Duvalier regime in 1986, contracting of laborers continued, but not through the Haitian state. *Ingenios* made arrangements with recruitment agents in Haiti who were connected to the military. These agents “acquired” the laborers, took them over the border and handed them over to Dominican intermediaries who bussed them to the *ingenios*.

Exploitative models of employment were not confined to sugar. Employers in the construction sector adopted many of the same practices, including paying workers with *vales* or coupons to use at company controlled stores, and more recently withholding or delaying payment and then offering workers loans at exorbitant rates, creating a cycle of indebtedness of Haitian workers. In 2009, the continuing abuse of Haitian migrant workers landed the DR on the U.S. Department of State’s Tier 2 Watch List in its annual Trafficking in Persons report, according to Solidarity Center for “its continual inability to enforce anti-trafficking legislation and failure to provide sufficient legal and social services to victims.”<sup>107</sup> The State Department also noted the DR’s “failure to show evidence of increasing efforts to identify and care for Haitian trafficking victims; increase prevention and demand-reduction efforts, and increase anti-trafficking training for government and judicial officials.”<sup>108</sup> However, in 2012, the DR was removed from the Tier 2 Watch List and became a regular Tier 2, which the State Department defines as “countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards.”<sup>109</sup>

Historically, after the harvest was over, the *braceros* were returned to Haiti. But over time, not all workers went back. Some Haitians were kept on by the sugar companies to be permanent workers in charge of year round tasks. Also over time, companies decided it was useful to hire some experienced cane cutters as a stable permanent workforce to complement the *braceros* they employed. These workers and their families settled in the *bateyes* which grew into larger communities. With the decline of the sugar industry, in the late 1980’s and early 1990’s, some unemployed workers on the *bateyes* began to migrate elsewhere in search of work. Some found other agricultural employment while others went to work in the construction, tourism, service and export processing industries and in the informal economy in cities. Now, their descendants hold jobs similar to poor and lower middle class Dominicans. In addition to construction, domestic work, market vending, export processing and tourism, they also work as mechanics and artisans. They are assimilated into Dominican society, with one rather large exception—they often lack documentation.

The 2010 Dominican Constitution requires that citizenship be extended to all those born on Dominican soil (*jus soli* citizenship), except for the children of diplomats or those “in transit” through the country.<sup>110</sup> The state has used the “in transit” clause as justification to issue a different color birth registration form to children born to undocumented immigrants, especially Haitians. This “pink slip” supposedly enables the parent to visit their consulate in order to obtain a birth certificate from their country of origin. However in practice, this is quite complicated and impossible beyond the age of two years, leaving many parents unable to attain birth certificates for their children, either in Haiti or in the DR. Without birth certificates, these children are unable to prove their place of birth, nationality or even who their legal parents are.<sup>111</sup> As a result, they are unable to acquire Dominican identification documents called *cedulas*, which are required for attending school, voting in elections, opening a bank account, cashing a check, signing a contract or participating in the country’s social security system which was introduced in 2004. Haitians often have no birth certificates and the DR has also been spotty in issuing birth certificates in general, with the social security administration estimating in 2012 that more than 20% of the country’s population is without birth certificates.<sup>112</sup>

Also in 2004, the “in transit” exception was codified into law as the General Law on Migration 285-04 (GL:16-92). According to the law, only those children of individuals deemed to be residents born on Dominican soil are entitled to Dominican citizenship. Lacking birth certificates or *cedulas*, Haitian immigrants are unable to establish their right to be in the DR legally. Children born in the DR to parents who cannot prove they are legal residents of the DR are denied birth certificates as well as access to secondary education. In 2005, the Dominican Secretary of Labor announced a plan to comply with 285-04 by “*dehaitianizing*” the country. Mass expulsions followed, along with a rise in anti-Haitian violence. According to Kosinski, “Regardless of the fact that many of these individuals, their parents and grandparents have lived in the country for decades, this exception is being used extensively to deny documents to Dominican-born Haitians.”<sup>113</sup> They are rendered stateless and subject to deportation.<sup>114</sup> The Dominican government has also tried to denationalize the children of Dominicans of Haitian descent who do possess birth certificates or *cedulas* by arguing that their parents received these documents under the ill-defined moniker of “irregular circumstances”.

A further step toward the implementation of GL: 285-04 was taken in 2011 when the Dominican government defined the *Reglamento* (Rules of Procedure) 631-11 which set forth the rules for acquisition of new temporary worker visas. The Migration Directorate has provided a window of opportunity for employers to regularize the immigration status of their workers, before they would be held legally liable for having undocumented workers in their employ. Essentially, the *Reglamento* establishes a traditional guestworker program. Employers must apply for visas on behalf of their workers and take responsibility for transporting them from Haiti to the DR upon entry and from the DR back to Haiti upon exit.

While employers in some sectors such as agro-fishery have taken steps to regularize their workers’ status, others have criticized the *Reglamento* as impracticable due to complex requirements, high costs and the difficulty of bringing workers into compliance.<sup>115</sup> Employers in construction for example argue that the norm in their sector is much more informal—workers are not contracted collectively but individually. They come to work for employers on an ad-hoc

basis and move between employers individually. Most construction workers, according to Allison Petrozziello, Associate Researcher with the Observatory of Caribbean Migrants, who has observed the industry closely in several regions of the country, would have some difficulty proving residency in the DR because they do not possess written contracts, and are constantly moving between employers as well as back and forth between Haiti and the DR. An analysis by researchers at the Ministry of Labor also faults the law for being somewhat anachronistic, arguing that it “appears to be designed...to order and regulate a type of labor relationship that is no longer the main trend in immigration...braceros hired collectively generally by sugar cane companies or large agricultural plantations...”<sup>116</sup>

### The Dominican Labor Movement Post-Dictatorship

The exodus of Trujillo was followed by the rise and fall of a number of regimes that professed to be pro-labor. In reality, however, none of the Dominican governments, authoritarian or democratic, pursued a strategy of working class incorporation through redistributive policies or corporatist structures of participation.

Largely through the support of peasants and workers, Juan Bosch’s Dominican Revolutionary Party (PRD) took power in 1962, spurring a sharp increase in labor organizing. Sadly however, the long-term fragmentation of the labor movement into separate federations and unions, split along political and ideological lines, also dates from this period. When a civilian junta overthrew Bosch in 1963, two major labor organizations, FOUPSA-DESITRADO and Christian Democratic Federation condemned the new regime, while CONATRAL strongly supported it.

By 1965, after failed attempts to establish a democratic government left the DR deeply polarized, the country found itself on the brink of civil war, prompting another U.S. occupation. U.S.-sponsored elections resulted in the rise of Joaquin Balaguer, a close associate of Trujillo who presided over a clamp-down on union activity through such tactics as the incarceration or replacement of labor leaders, the formation of rival unions, and the 1969 Austerity Law, which greatly curtailed collective bargaining. While the DR’s economy enjoyed a time of rapid economic expansion fueled by the rise of sugar prices and record growth in the manufacturing sector, the new labor code encouraged fragmentation and exacerbated union weakness.

Despite a period of liberalization after the fall of Balaguer in 1978, unions enjoyed only a limited resurgence, finding themselves repeatedly weakened by fragmentation and political repression. With the old labor code still in place, the labor movement remained largely disorganized and excluded from the policy process.

A formative moment for several CNUS labor leaders who went on to champion the rights of migrant workers came with the highly disputed elections of 1990, when the Dominican Revolutionary Party (PRD) nominated Jose Francisco Peña Gomez, a Dominican politician who had been mayor of Santo Domingo, was the son of Haitian immigrants and a democratic socialist, as its candidate for the presidency against the incumbent Balaguer and Juan Bosch.<sup>117</sup> Despite a divided opposition and allegations of voter fraud, Peña Gomez won 23% of the vote and served as an important mentor for a generation of young activists.<sup>118</sup>

Unlike the cases of advanced industrial states in Europe, where industrialization was positively correlated with working class political incorporation and the establishment of a welfare state, or in other Latin American states which began their industrialization processes earlier and integrated portions of the working class, the DR's industrialization proceeded under authoritarian regimes with the exclusion of the working class from economic or political benefits.<sup>119</sup>

### Export Oriented Economic Development and the Consequences for Labor

While in the early period of PRD political control, wages were raised, price controls were imposed and new public sector jobs were created, by 1980 the administration's policy had radically shifted in the direction of structural adjustment and export manufacturing. When a new president, Jorge Blanco was elected in 1982 on a social democratic platform, there was an expectation that he would implement redistributive policies, instead his administration promoted austerity measures to reduce the fiscal deficit, began negotiations with the International Monetary Fund (IMF), agreed to enactment of a sales tax, reduction or elimination of public subsidies, reduction in the money supply, the free floating of the Dominican peso and trade liberalization. The Dominican government shifted from a dependence upon sugar exports to the U.S., which were drastically cut back in the early 80's, to a dependence upon export manufacturing for the U.S. market. In fact, it became the largest garment manufacturer in the Caribbean Basin.

The Caribbean Basin Initiative (CBI) which eliminated tariffs for most products exported to the U.S.,<sup>120</sup> went into effect in 1984. Export manufacturing is notoriously competitive and countries compete on the basis of wages. The export-manufacturing boom in the DR was a result of currency devaluations required by structural adjustment programs that lowered the cost of labor to \$1.33 an hour in 1984 and then to .56 cents an hour by 1990. Due to increases in the cost of living brought on by a high rate of inflation, between 1984 and 1990, the real hourly minimum wage in the DR actually declined by 62.3%.<sup>121</sup> In the DR as in many countries, labor laws in the free trade zones (FTZ's) were suspended, firms (with the tacit support of the state) applied an informal ban on labor organizing and workers who engaged in union activity were fired and subject to a blacklist. Under these conditions, the FTZ's that had initially been established in 1969 grew to 22 by 1991 and to 40 by 1997.<sup>122</sup> Producing largely for the U.S. market, the DR became the top garment manufacturer in the Caribbean Basin. Employment in export manufacturing went from 20,000 in 1980 to 182,000 by 1997. By the end of the decade the DR had become the fourth largest FTZ economy in the world in terms of employment and the largest in the world in terms of employment relative to population. FTZ share of total manufacturing employment in the DR grew from 23% in 1981 to 56% in 1989<sup>123</sup> and accounted for 80% of the country's export revenues by the year 2000.<sup>124</sup>

Export processing had significant consequences for women and, to some extent for traditional gender roles. Most of the labor force in the FTZ's originally was female and the embrace of export manufacturing led to the decline of import substitution manufacturing where men predominated. There is some evidence to suggest that some of the female FTZ workers were former domestic workers who made the switch because, although they were paid less, the work was less demeaning and the hours more standardized.<sup>125</sup> Women gained greater economic autonomy and to some extent, the myth of the male breadwinner was put to rest. One scholar

who has studied Dominican low income families closely has argued that many households never had a traditional nuclear family composition with a male breadwinner and had been centered not on marriage but on “relationships between a mother, her children and her female kin.”<sup>126</sup> In general however, Safa found that structural adjustment policies in the DR resulted in an increasing need for women to work due to cuts in government programs coupled with inflation, declines in real wages, and the number of eligible men who were able to support a family, due to the decline of import substitution manufacturing employment.<sup>127</sup>

In 1984, with the PRD’s rejection of social democratic politics and shunning of labor as a governing partner, new actors who had never been incorporated into the labor movement took to the streets. The poor engaged in food riots and general strikes in response to austerity measures; the number of protests doubled-increasing from 103 in 1984 to 293 in 1986.<sup>128</sup> In 1986, Balaguer re-took the presidency and after an initial foray into state-led economic development, shifted back to reduction in public spending, renegotiation of the debt and liberalization of the exchange rate.

When the Caribbean Basin Initiative went into effect in 1984, participating governments were required to determine a beneficiary country’s eligibility based on criteria that included “whether...such country has taken or is taking steps to afford to workers in that country...internationally recognized worker rights” and this gave U.S. unions and NGO’s a strategic, if constrained, opportunity.<sup>129</sup> With export manufacturing such a central component of DR industrialization strategy, and with the country’s share of that market being shaped by U.S. trade preferences, the U.S. possessed some leverage.<sup>130</sup>

The Trujillo-era labor code was modified in 1992. But the provisions regarding the right to organize, strike, and bargain collectively remained in place and they were quite restrictive.

- To form a public employee association, public sector unions had to have a minimum membership of 40% of the employees in the institution. The ILO Committee of Experts has deemed this requirement too high and requested it be amended many times over the years.<sup>131</sup>
- A minimum of twenty workers is required to establish a trade union and there is no exclusivity of representation so that multiple unions can represent workers in the same shop.
- In order to engage in collective bargaining, a trade union must represent an absolute majority of the workers in an enterprise or the workers in a branch of activity. The ILO Committee of Experts has also been commenting on this for many years and although the government responded in 2007 that it intended to “establish consensual proposals between the social partners and the Government for amending the legislation” there has been no substantive progress on amending the law.<sup>132</sup>
- A majority of 51% of workers must vote in the enterprise in order to call for a strike regardless of whether they are trade union members and the strike vote must be preceded by an attempt to resolve the conflict through mediation.
- Trade unions have the right to form federations at the municipal, provincial, regional or national levels but to form a confederation they must have a two-thirds vote of their members. The ILO Committee of Experts has also said that this requirement contravenes

ILO conventions because it makes the establishment of higher level labor organizations subject to the fulfillment of excessive conditions and has requested that the government of the DR rescind the requirement so that federations are free to establish their own rules.<sup>133</sup>

The code also dictated the terms under which unions could form federations, rather than leaving them free to establish their own rules.

Some scholars have argued that the most far-reaching and enduring accomplishment catalyzed by U.S. pressure in the early 90's were improvements Dominican officials made to the nation's labor enforcement regime. The *Secretaria de Estado de Trabajo* (SET) now simply referred to as the Ministry of Labor (MOL) increased not only the number of inspectors but also their quality by rejecting a patronage-based system of employment in favor of one that stressed professionalization and training. According to Schrank, the main proponent of this point of view:

“By the year 2000...more than half of the 203 inspectors found in the Labor Ministry's 36 regional offices had graduated from law school; more than a third had passed a competitive examination; more than three-quarters had been incorporated into the civil service and their salaries had been multiplied by a factor of 3.5....In 2007...the Labor Ministry would earn the highest score in the country on an index of meritocracy established by Dominican political scientists and applied to a sample of comparable public agencies.”

The changes to the labor standards enforcement regime, if they were to take hold more deeply within the bureaucracy and lead to a greater number of inspections, could have an impact on migrant workers, who are employed in sectors likely to have high rates of labor standards violations. This is because, although their status to live and work in the DR remains in limbo, the labor rights of Haitian workers are guaranteed under the *Codigo de Trabajo* 16-92 (Dominican Labor Code) which upholds the principle of “territoriality” meaning that “all who perform paid work within the boundaries of national territory are protected and bound by the rights and obligations therein, regardless of their nationality.”<sup>134</sup> Representatives of the Ministry of Labor (MOL) have directly told researchers that the agency is guided by the principle of territoriality with regard to undocumented workers: “The fact that the worker does not have documents does not mean that he does not have rights. Any foreigner can go to court or visit any State institution to place a complaint and we will give them the same treatment as any citizen, because that is what is stipulated in the law.”<sup>135</sup> In March of 2012, the MOL created a Labor Migration Unit purportedly to guarantee migrant workers labor rights through legal assistance through consultations and judicial assistance.<sup>136</sup>

These optimistic readings however, must be qualified by recent observations of those on the ground who have studied sectors in which labor law violations are common. One researcher who interviewed several MoL officials and investigators for a recent study came away with a very mixed impression. While she felt that there was “good will at the top” of the MoL at the national level and that it was working with the ILO on some good initiatives, such as incorporating migration-specific concerns into worksite inspection checklists, she did not find the same



willingness at the provincial level. Her educated impression from informants was that it was not clear how often investigators actually go into the field, and that in cases when they do, it is overwhelmingly in response to a complaint. She received reports of a lot of corruption within the labor inspectorate and generally found that many labor inspectors tended to align themselves more with employers. Moreover, when queried about what they were doing to address issues facing migrant workers in particular, labor inspectors said that they were focused on making sure that companies were not violating the “80/20” rule which requires that employers ensure that 80% of their workforce is Dominican.<sup>137</sup> Given that the disproportionate ratio of migrant workers to Dominicans in certain sectors is common knowledge, to suggest general compliance with the 80/20 rule struck her as particularly unbelievable. Furthermore, enforcement of the 80/20 rule has nothing to do with defending the labor rights of migrant workers and in fact can be used selectively by employers to fire workers who organize.

### Contemporary Dominican Labor Policy

In 1989, America’s Watch filed a GSP petition asking the U.S. Trade Representative to investigate alleged abuse and mistreatment of cane cutters and FTZ workers. The AFL-CIO was also threatening to take action on behalf of workers in the FTZ’s. With export manufacturing such a central component of Dominican industrialization strategy, and with its share of that market being shaped by U.S. trade preferences, the U.S. possessed enormous leverage. During this period, the U.S.-based International Ladies Garment Workers Union (ILGWU) worked with a Dominican garment union to organize in the FTZ’s; they developed a strategy that combined intensive local worker organizing with a larger campaign targeting a major apparel brand including an appeal to the U.S. Trade Representative to insist that the DR reform its laws and protect the rights of unionists.<sup>138</sup> Balaguer responded to the pressure by appointing a committee of prominent labor lawyers to draft a new labor code. The 1991 draft was passed in 1992 after the U.S. once again threatened action and it was revised again in 1997. The labor code, which is largely the same today, covered terms and conditions of employment including enforcement of wage and hour law, termination and dismissal, collective bargaining and the right to strike and will be described in more detail below.

While the DR has ratified all eight of the ILO’s fundamental conventions and the ILO considers the DR constitution and labor laws to be largely in conformity with the fundamental ILO obligations, both the ILO and the International Trade Union Confederation (ITUC) have found that prohibition of anti-union discrimination is not adequately enforced and many workers are fired on the grounds of being union members.<sup>139</sup> The ILO has consistently argued that elements of the labor code have dramatically impeded the formation of unions in practice.

After passage of the 1992 labor code, the newly formed National Federation of Free Trade Zone Workers (FENATRAZONAS) an affiliate of the National Confederation of Dominican Workers (CNTD) which was the AFL-CIO’s partner in the DR, organized nearly one hundred unions and the Dominican Ministry of Labor brought sanctions against a number of firms for violations (although they were later withdrawn). In 1995, 114 unions were registered in the FTZ’s but two years later only seven had signed collective bargaining agreements (CBA’s).<sup>140</sup> In 2001, there were only three functioning CBA’s in the FTZ’s. In 2003, according to the CAFTA Labor Rights Report, there were a total of 186 trade unions registered in the FTZ’s.

By 1995, according to Schrank, the DR was host to almost three hundred apparel manufacturers, employed over one hundred thousand workers and was the U.S. market's fifth largest source of apparel by value.<sup>141</sup> While the problematic labor code coupled with widespread intimidation of workers made the establishment of effective unions difficult in the FTZ's, voluntary codes of conduct and unilateral declarations of ethical principles proliferated. The International Confederation of Free Trade Unions (ICFTU) (the predecessor to the ITUC) however, raised doubts about the presence of private regulatory actors in the DR and the utility of voluntary corporate codes and principles: "In only a few cases have workers in plants covered by such statements even know the code exists or that it affords them any rights."<sup>142</sup>

The expansion of the export manufacturing sector took place on the heels of a downturn in export agriculture. A dramatic decline in the sugar industry took place in the late 1980's as a consequence of falling prices, the reduction of the DR's sugar import quota from the U.S. and problematic practices of the state sugar agency itself. Between the 1970's and 1991, production decreased from one million to 340,000 tons and never recovered.<sup>143</sup> Unemployed Haitian workers in the bateyes began a search for employment which they found in agriculture (rice, coffee, poultry, cocoa and tobacco) as well as construction and the urban informal economy.<sup>144</sup> With the rise of foreign exchange earnings from remittances sent by Dominican immigrants, the growth of tourism and the growth of the garment sector in the FTZ's, the national employment situation improved.

In 1991, NGO's testified in the U.S. congress on conditions of forced labor in the sugar industry. Pressure was brought to bear on the Dominican government to improve the working conditions of Haitian braceros working in the bateyes amidst allegations of forced labor, child labor, restriction of movement and denial of the right to organize.<sup>145</sup> Rather than focusing on improving labor conditions, the Balaguer regime enacted a decree that ordered the expulsion of undocumented Haitian migrants under 16 or over 60. A wave of deportations ensued, estimated at around 35,000 people. The 1991 coup against Haitian president Jean Bertrand Aristide however, touched off a renewed wave of migration.

Garment manufacturing was a very significant portion of the export market in the FTZ's in the DR, until the mid-2000's when garment factories across the Caribbean began shutting down as their owners shifted production to cheaper countries in Asia. The biggest contributor to the decline of the garment industry in the DR was the expiration of the Multi-Fiber Agreement (MFA), a quota system put in place in the 70's by the U.S. to manage international trade in textiles.<sup>146</sup> With the expiration of the MFA in 2005, Caribbean and Latin American countries were forced to compete directly against China.

The U.S. signed the DR-Central America Free Trade Agreement (DR-CAFTA) in 2004 and it went into effect in the DR in 2007<sup>147</sup> but it did not stanch the decline of the garment sector. Neither was it a step forward in terms of workers' rights. On the surface, the fact that it actually included labor provisions was considered to be a positive step but the substance of the provisions proved to be what one author characterized as a "poison pill".<sup>148</sup> DR-CAFTA only required countries to enforce their existing domestic labor laws and did not require compliance with internationally recognized labor norms. As Hogan concludes "Because DR-CAFTA ignores the

fact that substance and enforcement of domestic labor laws in Central America often violate international labor standards, the agreement does not sufficiently guarantee protection of workers' rights."<sup>149</sup>

The garment industry's decline exacerbated the difficult labor market conditions workers in the DR were already facing. With an unemployment rate of 16% and triple that for women, the loss of garment represented a huge hit for formal sector employment, particularly for women. The informal economy continued to expand and the recession weakened traditionally robust sectors including construction. This was the context in which the Solidarity Center began to persuade its partners in the DR to take a new tack that focused on migrant workers, many in the informal economy.

From FTZ's to Informal Economy Migrant Worker Advocacy and Organizing: the Solidarity Center Program 2007-2012

*"The labor code of the DR recognizes that all workers have equal rights as do the conventions of the ILO. These things passed before our eyes in the past and we didn't see them...there has been a renovation in something that we had but hadn't understood before. Now we say to the employers it doesn't matter if you have migrant workers, you can't just say you are going to deport them, you have to comply with their rights."*

-Eulogia "Gina" Familia

*The Turn to the Informal Economy and Migrant Workers*

Within the ILO where tripartism is the guiding principle, the informal economy, where workers have no clear employer and are in some sense self-employed, was controversial because it did not fit within the organization's mandate or its traditional understanding of the employment relationship.<sup>150</sup> By and large, labor unions and labor federations also have not traditionally made organizing informal workers a priority, often viewing their sectors as too chaotic to sustain organization and their workforces too weak and fragmented to organize. Organizing informal economy workers is further complicated by their frequent lack of coverage by labor and employment laws. Additionally, unions have sometimes viewed informal workers in the same sector as a threat to the formal economy where their members are employed. Similar discussions took place within the Solidarity Center, with some disagreement over the advisability of informal economy work and the extent to which it fit within the organization's core mission. The Solidarity Center, however, decided that tackling the informal economy was an essential component of a worker rights agenda, of particular importance for women. Therefore, the Solidarity Center set about looking for pilot projects and innovative ideas to explore in key countries Solidarity Center's earliest informal economy work, launched in 2006 and 2007, focused on street vendor organizing in Venezuela; informal miners, street and market vendors in the Democratic Republic of Congo; and domestic workers in Kenya. Another project launched by the Solidarity Center in Indonesia during the same period worked with a union that was organizing taxi workers and parking lot attendants.

In 2006, the AFL-CIO signed a historic partnership agreement with the National Day Labor Organizing Network (NDLON) a network of day laborer organizing groups across the U.S.. In a

formal resolution passed by the AFL–CIO Executive Council, the federation explicitly recognized the role of worker centers: “Many of these centers are important to the immigrant community and play an essential role in helping immigrant workers understand and enforce their workplace rights. In doing so, they also play a critical role for all workers — immigrant and U.S.-born alike — by fighting unscrupulous employers who try to use the immigrant workforce to lower wage and other benefit standards that protect the entire workforce”.<sup>151</sup> The Federation committed to working with NDLON to defeat anti-day laborer center bills in congress and to support immigration reforms that include legalization and a pathway to citizenship. Also, the AFL–CIO president was authorized to issue Certificates of Affiliation to worker centers interested in joining state federations and central labor councils (CLCs).

During the same period, two other developments elevated the importance of informal economy work globally. One involved the strong advocacy role taken up by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF), the global union federation (GUF) of food workers, to get the ILO to adopt Convention 189 on decent work for domestic workers. The GUF’s embrace of domestic worker organizing further legitimated the notion that unions and union federations had a role to play in organizing and advocating on behalf of informal economy workers. On a parallel track and beginning in the early 2000s as well, Solidarity Center also made an important strategic breakthrough on the migrant worker organizing front when they began drawing a connection between human trafficking and migrant worker exploitation.<sup>152</sup>

Congressional passage of the Trafficking Victim Protection Act in the U.S. and the protocol on trafficking passed as part of the international crime convention at the United Nations, turned world attention to trafficking issues. As Solidarity Center’s point person on migration described it “We realized that the heightened attention to human trafficking presented an opportunity for us to get attention to migrant workers in general. If we could get people to see trafficking as a severe form of exploitation of migrant workers, we felt that we could then get them to pay attention to other issues of exploitation.”<sup>153</sup> Solidarity Center forged a conceptual connection between labor trafficking and migrant worker rights in general and persuaded the U.S. State Department to fund the organization’s informal economy work in Indonesia and the Dominican Republic under its Office to Monitor and Combat Trafficking in Persons (G/TIP)<sup>154</sup> program. The argument Solidarity Center put forward was that given their vulnerability to human trafficking, it was especially important for migrant workers to have linkages to workplace institutions that could provide protection.

Taking note of the dominance of the informal economy, the fact that the Dominican unions had so few members and the labor code governing unionization and collective bargaining was so limiting, the Solidarity Center thought that labor’s exclusive focus on the formal economy was a tactical mistake and embarked with CNUS upon an experimental program focused on informal workers. Migrant workers, due to language differences, immigration status and low skill levels are disproportionately represented in the informal economy, thus when CNUS targeted it, their issues leapt to the forefront.

Adapting for the Latin American context curriculum that had been initially developed by Solidarity Center in Indonesia, the Center held one of its first workshops on labor trafficking for

labor leaders in the DR. The Solidarity Center leadership in the DR perceived that the key obstacle that had to be overcome was generalized hostility to Haitian migrant workers. Recognizing the parallels to where the U.S. labor movement had been only a few years earlier in terms of leadership attitudes toward Mexican and other immigrant workers, Solidarity Center brought in Ana Avendano, the main architect behind the Federation's embrace of the worker center movement as well as the formulation of its new approach to immigration policy. In her presentation and follow-up conversations with CNUS and its affiliates, Avendano set forth the argument for why migrant worker issues were labor issues. CNUS's migration work began through this anti-trafficking work.

There is no law in the DR that explicitly prohibits the unionization of foreign workers (documented or undocumented) but the Ministry of Labor, by administrative order, requires workers to show national identification in order to join a union and labor law requires that workers demonstrate that they have a minimum of 20 workers to form a union and 50% plus one in order to be able to engage in collective bargaining.<sup>155</sup> Workers without identification papers cannot show unions or government officials documents they do not have. Despite this, CNUS and its member unions moved forward.

Within a few short years, CNUS had amassed tremendous knowledge about migrant worker conditions, created worker rights trainings, supported vibrant informal economy organizing projects and mounted effective public campaigns to remind employers of their obligations to these workers. It had also dramatically shifted its position on the role and necessity of migrant workers in the economy, becoming the only labor confederation with a migrant worker department, a key source of expertise on human trafficking and an important national player on migration policy.<sup>156</sup> Its affiliate, the National Federation of Workers in Construction, Wood and Construction Materials (FENTICOMMC), had conducted a first of its kind study in the DR on the role of Haitian migrant workers in the construction industry,<sup>157</sup> carried out by teams of Dominicans and Haitians and with Solidarity Center's support, was employing two organizers. Solidarity Center and CNUS also began working with domestic workers, helping to transform the *Asociacion de Trajadoras del Hogar (ATH)*, from a small grassroots domestic worker organization into a thriving and effective force for change<sup>158</sup> also with support for organizers. Solidarity Center and CNUS also helped a nascent market vendor organizing effort to grow and establish a presence.<sup>159</sup>

### *Experiments in Informal Economy Organizing in the DR*

In 2007, the seed to focus on informal economy and migrant worker issues had already been planted, however, Cathy Feingold, the Country Program Director, brought considerable expertise on conceptualizing and organizing informal economy workers upon her arrival in the DR. Under the leadership of Feingold, the Solidarity Center recognized an informal economy to be organized rather than a small formal sector to be protected.

The Solidarity Center observed a major disjuncture: while the informal economy had become ubiquitous, the organization "was still trying to build the formal labor movement and relate to formal unions, who didn't have any members."<sup>160</sup> The Solidarity Center reached the conclusion that in order to fulfill its mandate to build worker power, rather than ignoring the informal

economy, the informal economy needed to be placed firmly in the center of the organization's work. The Solidarity Center partnered early on with an organization in Santiago, the *Federacion Union de Trabajadores, Juntas de Vecinos, Organizaciones Populares y Comercio Informal y Afines* (FUTJOPOCIF) which was engaged in informal economy work through popular education approaches in the DR.

The Solidarity Center's organizing template was loosely based upon the model Solidarity Center and the ILGWU had developed working for many years in the export processing zones.<sup>161</sup> Anecdotally, the Center found that a number of the women working in the informal economy had previously worked in garment factories in the free trade zones until the industry began to contract. Solidarity Center and its union partner FEDOTRAZONAS had invested a great deal in its free trade zone work; it only made sense to follow the workers it had trained and organized into the informal economy rather than losing touch with them.

Although the Solidarity Center continued its program in the remaining free trade zone factories, the work was frustrating and Feingold felt the informal work with non-footloose industries might hold out more promise. Garment work, from her perspective was difficult because factories were constantly closing up in search of cheaper production arrangements. Solidarity Center and CNUS affiliate FEDOTRAZONAS would invest a huge effort in organizing a shop only to turn around a little while later and discover that the plant was closing.<sup>162</sup> Rather than the constant fighting with companies who would go to great lengths to remain union free, in part by forming rival unions and in part by threatening to close down, domestic workers were able to come together and take action—employers could not “move” production to another location. The day-to-day focus of the work was also different—it was about bringing the women together to foment change from the bottom-up whereas the garment work entailed a lot of top-down corporate campaigning. Additionally, beyond publicity campaigns to encourage employers of domestic workers to treat them better, victories could come through political action, promoting legislation and adoption of ILO conventions.

#### *Building Capacity to Engage Migrant Issues at CNUS and Member Federations*

Given the chronic issue of fragmentation of the labor movement in the DR, Solidarity Center invested a great deal of effort in promoting the unification of the five main labor confederations. To Solidarity Center, despite the fact that two confederations ultimately pulled out, CNUS, as the coming together of three of those federations, still represented a major step forward on this front. Believing that it was important to choose one major labor confederation to work with and build its capacity. Feingold forged a strong working partnership with Eulogia (Gina) Familia, a leader of one of the three confederations that had come together to form CNUS.

Familia had been working in the labor movement since 1984 and had risen to the presidency of the CUT, a public sector labor federation that was critical to the formation of CNUS. Familia was an unusual figure in the Dominican labor movement. She was one of the few women as well as dark-skinned leaders of a labor federation in the DR. Believing so strongly in the importance of the unification of the labor movement, she had ceded power to others so that the merger of federations to form CNUS could take place.<sup>163</sup> She was a politician—the only elected labor leader in parliament—who had run on a platform that included working women's issues and

a leftist who had been concerned about workers in Haiti for many years. Unlike most labor leaders who had not been involved in migration issues and had not spoken out about the plight of Haitians in the DR, she had a history of working with them. As a young woman in the early 1980's, Familia had worked with Haitian sugarcane workers to ensure they received their proper wages as well as to build opposition to the Duvalier dictatorship in Haiti.<sup>164</sup> She had personally experienced discrimination—being asked for her papers when traveling abroad. Familia was also one of the labor leaders who had worked closely with Francisco Pena Gomez. Finally, she had also taken on the culture of corruption within her party and Dominican politics more broadly, ultimately choosing to leave parliament due to being asked to take actions she was not comfortable taking. Familia became the director of CNUS' migrant worker department.

The Solidarity Center worked with Familia to strengthen the nascent CNUS Anti-Trafficking Network that had been launched prior to Feingold's arrival in the DR. The network was comprised of organizers and second-tier labor leaders from unions in the five sectors they considered to be most vulnerable to exploitation of migrants: sugar, construction, free trade zones, hotels and tourism and agriculture and hired her to run it.<sup>165</sup> A few years later, they added domestic workers and street vendors. By placing migrant workers experiences in a trafficking framework, CNUS was able to begin to reframe Haitian workers in the eyes of Dominican labor leaders and members, as well as in the eyes of Dominican and U.S. policymakers.

A few years after Solidarity Center began working with CNUS, in 2009 the confederation made an official organizational decision to “open the doors” to the informal economy. Within the confederation, this step to include workers who were excluded from a formal labor contract was viewed as the next logical step in a process intended to strengthen workers' ability to respond to neoliberalism<sup>166</sup>. Also that year, the Department of Gender Equity Policy at CNUS decided to focus on organizing women in the informal economy, which led to a close partnership with the Association of Domestic Workers, ATH, a twenty year old organization that had initially been funded by the Ford Foundation but had largely fallen apart after its funding ended. ATH was already allied with CNUS but had very limited resources to engage in organizing, which will be described in more detail below in the section on sectoral strategies. CNUS itself, with the support of the Solidarity Center, has built its internal capacity to engage on migrant worker issues. It has a network of migrants with whom it works closely and a legal department that provides assistance to migrant workers.

At the federation level, in addition to CNUS, FENTICOMMC as well as the hotel and sugarcane federations have all formed Haitian Commissions and other Haitian worker networks within their structures.

### *Building Expertise on Human Trafficking and Focusing on labor rights*

With the financial base of the G/TIP grant and another from a private foundation called Humanity United, the Solidarity Center, through Familia's leadership, worked to develop CNUS's expertise and capacity on human trafficking issues. In the first few years, the organization created workshops to train domestic and agricultural workers to recognize the warning signs of trafficking and to document trafficking cases. It also developed educational

materials in Spanish and Creole, created a bilingual legal manual on providing assistance to trafficking victims and provided training to labor lawyers and union representatives.

Through its surveys of construction, domestic and agricultural workers, Solidarity Center and CNUS spoke with 844 migrant workers and identified 314 cases of suspected trafficking, involuntary servitude or forced labor and became respected authorities on anti-trafficking efforts. It also developed teams of trained worker activists to learn methods to reach Haitian workers and train their peers on identifying trafficking victims. These teams were dispatched to border towns where newly arrived Haitian immigrants were often clustered.<sup>167</sup>

The Network helped to develop the expertise of its participants who became involved in identifying cases of human trafficking and in testing the capacity of various agencies within the Dominican government to hold traffickers and abusive employers responsible for their violations. It also established a network of labor lawyers to represent migrant workers in labor courts and before the Labor Ministry in cases when employers refuse to pay them and had regular communication with the U.S. Embassy including the anti-trafficking personnel there, which it believed helped to ratchet up pressure on the Dominican authorities.<sup>168</sup> As Familia built the network, she also reached out to the other labor confederations to participate.

The Solidarity Center and Familia decided early on that they did not have the capacity to take on individual immigration cases but would refer these cases to other NGO's that were focusing on migrant rights. As the work progressed, CNUS and Centro Bono, a key Jesuit NGO that works with migrants, formed a reciprocal relationship where labor lawyers train the migrant rights community in labor law to help them address migrant related labor cases and migrant rights lawyers work with labor lawyers to better understand the migrant rights regime.

### *Research and Education*

In 2007, free trade zone activists from FEDOTRAZONAS, participated in one of Solidarity Center's anti-trafficking workshops and set up networks in their local communities. A few months later, local activists in Villa Altigracia identified a case of twenty young Dominican women being trafficked by illegal labor contractors to Turkey. The case provided a major opportunity for CNUS to publicize the issue of trafficking and to secure meetings with the Dominican Ministry of Foreign Relations. The work CNUS and FEDOTRAZONAS were able to do through the case helped to hone a strategic approach of linking the defense of labor rights and the defense of decent work in the country to migrant worker rights and to define the trafficking in persons as an extreme case of labor exploitation.<sup>169</sup>

To learn the various issues migrant workers were facing and the unique dynamics of each sector, the Solidarity Center and CNUS came up with the idea to develop a survey and recruit Haitian and Dominican workers to administer it together in Spanish and Creole. The logic of creating mixed teams was that Haitian migrant workers would be more likely to discuss their situation with another Haitian, in addition, the presence of a Dominican could help in case the authorities came and finally because it would sensitize the Dominicans to the plight of the Haitian workers. As the survey work unfolded, Familia felt the teamwork approach led to a moving process of integration, overcoming entrenched issues of xenophobia.<sup>170</sup> The first survey project was



undertaken in partnership with FENTICOMMC and will be discussed in greater detail next in the section on sectoral strategies.

Based upon what they learned about the situation of migrant workers, CNUS and the anti-trafficking network created workshops, organized forums and designed posters and brochures in Spanish and Creole about migrant workers' rights in particular sectors. It worked closely with NGO's including a theater group that acted out situations of illegal trafficking and migrant worker responses. Early on the organization also began creating presentations for Dominican workers on issues like the dynamics of labor competition so that they would begin to hold employers, rather than Haitian workers, responsible.

### *Organizing in Three Sectors*

#### Construction

Agriculture and construction are the two most important labor sectors for Haitian men in the DR. In recent years, Haitian agricultural workers have shifted in large numbers to construction work. Studies have found that Dominican construction contractors prefer Haitian workers because their labor is cheaper and they are more flexible about the work they are willing to carry out.<sup>171</sup> While some on construction sites are hired directly by the company, the majority of Haitian workers work as day laborers for subcontractors. Generally speaking, the company hires the *maestros* or foremen and *ajusteros* or subcontractors, who are usually Dominicans or Haitians who have legal documents and are paid by the job or the product. The *maestros* and *ajusteros* then hire their own laborers who are usually Haitians and paid a daily rate.<sup>172</sup> A 2012 study conducted by the U.S. DOL through the Bureau of International Labor Affairs (ILAB) found that while most of the skilled construction work is carried out by Dominicans and the unskilled work by Haitians, Haitian construction workers are becoming more skilled and graduating to more specialized occupations including finishing, carpentry, rebar installation, ceramics and plastering.<sup>173</sup>

The Solidarity Center had a series of conversations with the leader of one of CNUS's largest affiliates, FENTICOMMC (The National Federation of Workers in Construction, Wood and Construction Materials), about the struggle to defend the unionized construction sector from increasing informalization and the role of Haitian workers in the industry. In FENTICOMMC's president, Pedro Julio Alcantara<sup>174</sup>, the Solidarity Center found a highly unusual Dominican labor leader who was willing to commit his union to organizing migrant workers. Pedro Julio Alcantara had been a construction worker for forty-five years, beginning at the age of 14 and active in unions for almost all of that period. Although he has served as president of FENTICOMMC since 1996, it is not a paid position and he still works "in the tools". Alcantara is a leftist who was extremely skeptical of Solidarity Center because of the DR's historical relationship with the U.S. but became convinced to do so over time by the organization's vision of organizing in the informal economy. He could see the growing informalization of the construction sector and the growing presence of migrant workers and understood that something had to be done. His motivation was both organizational self-interest and personal. Like Familia, Alcantara had also been a protégé of Francisco Gomez Peña—the first Dominican of Haitian descent to become prominent in politics.

Alcantara also had personal experience of discrimination, having been mistaken for a Haitian laborer on a construction site, rounded up and put in jail until the police realized their mistake. He was also a member of the leadership group for Latin America and the Caribbean in his Global Union Federation, the Building and Woodworkers International (BWI), which had raised his consciousness about the impact of globalization. “The labor movement had come to understand that capital is mobile but we recognize that workers are not and that we all have to work together, Dominicans and Haitians.”<sup>175</sup> BWI had experimented with creating a workers passport and although it did not get off the ground, the discussions had deepened the GUF’s commitment to including migrant workers. Alcantara was concerned about the treatment of migrant workers and he felt strongly that they needed a union in order to be able to improve their situation, but he also knew that many union members blamed Haitian workers for eroding conditions in the sector. “At first there were union members who did not see it in their interest to represent Haitian workers but they started to analyze the situation,” said Alcantara. “They realized employers were using migrant workers to lower native workers’ salaries, skimp on workplace safety, and avoid having to pay social security or double salary at Christmas time.”<sup>176</sup> The Solidarity Center and Alcantara pulled together some workshops with FENTICOMMC’s members to explore their feelings about the migrant workforce. “They were exactly like the U.S. labor movement twenty years ago,” Feingold observed. Union members said things like: “they are taking our jobs” and “they are willing to work for nothing and to do it without safety apparatus” but Feingold pushed back. “What do you think people say about Dominicans in the U.S.?” she asked and then replied to her own question “That you are taking our jobs!” One thing that became clear was how little union members knew about the Haitian workers in the industry and how important getting to know them would be to moving the union forward.

Solidarity Center and FENTICOMMC recruited a team of Dominican and Haitian<sup>177</sup> construction workers to design and then conduct a survey of Haitian immigrant workers in the construction industry in the five zones within the Eastern region of the country where tourism was centered.<sup>178</sup> By using a participatory research methodology in which workers were interviewed by those who spoke the same language and worked in similar conditions, FENTICOMMC hoped to be able to gain the trust of those workers they were interviewing, raise the consciousness of union members about the problems immigrant workers were facing, and to build the internal capacity of the union to conduct research. In July of 2008, teams of workers interviewed 498 Haitian migrant workers.<sup>179</sup>

Through the surveys, FENTICOMMC and Solidarity Center were able to amass a great deal of information about the terms and conditions of employment for Haitian workers as well as their living conditions. Eighty-two percent of workers surveyed stated that they had to pay bribes to the authorities in order to enter the country.<sup>180</sup> Although Haitian workers in construction were working 8.8 hours a day, they were not being compensated for overtime and wages were too low to meet basic needs and leave enough left over to always be able to send money back home to their families. Additionally, employers often paid workers late and frequently did so in “tickets” that served as money in their workplaces. They were often required to patronize high priced company controlled shops where they would wrack up debt. When workers refused to use the shops, they were threatened with dismissal. After accidents, employers did not provide Haitian workers with health care or workers compensation. Although undocumented workers are ineligible for government health care and pension programs, 68% of workers were having money

deducted from their paychecks by employers anyway, and did not receive documentation from them showing that they had paid in to the Dominican government programs for health care, workers' compensation or pensions. The assumption was that employers knew the workers were ineligible and were keeping the money. Workers lacked written contracts and feared they would be dismissed if they complained about working conditions or pay.

It was also clear there was a division of labor in terms of Haitians occupying the bottom level positions and being assigned the most difficult physical labor on the jobsite.<sup>181</sup> Also employers were relying on the general foremen of the jobs, often FENTICOMMC members, to turn a blind eye to the treatment of the Haitian workers.

After completion of the survey, FENTICOMMC's president credited Solidarity Center with "helping them to understand the demand for migrant workers and the massive incorporation of Haitian laborers into the sector" and to "understand their needs better."<sup>182</sup> The report was released in Creole as well as Spanish and Alcantara, Feingold, and Familia also traveled together to Haiti to launch the finding of the report in Creole and to begin to build relations between the Dominican and Haitian labor movements. As Feingold recalls, Alcantara was shocked when he saw conditions in Haiti. The press conference helped reconnect labor leaders from both countries and was the first time a report by workers in Creole was launched in Haiti with Dominican leaders.

The organization interpreted the finding that the vast majority of Haitian workers expressed strong interest in becoming members of a union but that only 20% had had any contact with FENTICOMMC, as a challenge. Despite the rule that migrant workers are not able to become union members if they do not have documentation, FENTICOMMC resolved to organize them, with financial support from the Solidarity Center going to pay organizers. The organizers, who have been on staff for the past four years, visit construction sites, recruit workers to join the union and help bring anyone interested in technical training to the union's training institute. "Before," says Alcantara "the leadership members of the board would do organizing on their own time on a voluntary basis and it was really difficult for them to do this because a lot of times they had to miss out on work." FENTICOMMC says that it welcomes Haitian workers to the institute. Additionally, the organizers sometimes go with labor inspectors from the MoL to visit project sites.<sup>183</sup> "We cannot give workers who do not have papers formal membership," said Alcantara. "But we do recognize that they must be protected, we have committees of undocumented workers, which is more a measure of solidarity than any formal mechanism." The organizers do sign up migrant workers, recently reporting to Solidarity Center that out of 56 workers affiliated by FENTICOMMC in the month of October, 2012, 26 had been migrant workers.<sup>184</sup> The union also provides legal support to migrant workers around labor violations but the new migration law has made it difficult for them to apply for status because most employers in construction are unwilling to go through the process. For this reason, FENTICOMMC is active in the migration policy debate, working with CNUS to advocate for all workers, regardless of their migratory status to have opportunities to do technical training, and access to social security, decent work and adequate protections against workplace accidents.

In addition to paying the organizers, Solidarity Center has provided other kinds of support to FENTICOMMC including the organization of seminars around the country regarding the labor

code, safety and health and union federation, support for negotiations with employers to pay into the retirement fund for construction workers and financial support for union conferences. Alcantara says that he has seen a difference in the attitudes of his members toward Haitian migrant workers; they no longer complain about sharing space and resources with Haitian co-workers and agree that it is just as important for Haitian workers to acquire technical skills as it is for Dominicans.

### Domestic Work

Along with their work in the construction sector, the Solidarity Center and CNUS (through Familia) also became increasingly involved with domestic worker organizing. Feingold recalled her shock upon arrival in the DR at seeing the conditions of domestic workers: “It was out of an era I didn’t know still existed... starched uniforms and women carrying lunches...”<sup>185</sup> Studies of Dominican domestic workers in Santo Domingo in the 1980’s found that they had overwhelmingly come from outside of the City, primarily from the countryside as part of the massive rural to urban migration that was catalyzed by dramatic changes in the organization of the agricultural sector. As Duarte describes it, women’s participation in the labor force evolved in stages. First they left the family farm to become temporary agricultural labor, then after the political unrest of 1965, they migrated to the U.S. to work, many as factory workers and then, between 1970-1980, women migrated to the cities within the DR for work in the export manufacturing industry and in domestic service.<sup>186</sup> Duarte found that, due to the household division of labor in the rural areas in which men were the ones performing the agricultural work, women were able to emigrate more easily both because they had been less involved in the strictly agricultural tasks on the family farm and because the option of domestic service presented them with “more immediate possibilities of incorporating themselves into wage work in the city.”<sup>187</sup>

Haitian women in domestic work exemplify the trend toward the “feminization of migration” — which indicates that not only have women been migrating in greater numbers than in the past, they are now doing so autonomously as economic providers.<sup>188</sup> In 2004, a survey on Haitian immigrants in the DR conducted by the IOM and FLACSO found that 16% of female Haitian migrant workers were employed in domestic work, however it is difficult to estimate what percentage of the sector as a whole is made up of Haitian migrant workers. Most come without legal authorization although they do have Haitian birth certificates or passports and most say they have not been domestic workers in Haiti because the status of domestic workers there is extremely low.<sup>189</sup> Nevertheless, Wooding and Sangro found in their research on that part of the reason why Haitian domestic workers in the DR can be exploited so terribly is because they come from an even more exploitative system in Haiti where it is even more difficult for them to assert their rights, if they even had a concept of having rights at all.<sup>190</sup> It is a microcosm of the larger reality that things in general are so much worse in Haiti. In addition, many come without knowing their rights.

In 2009, Familia became acquainted with Victoria Garcia, the leader of a twenty-five year old domestic worker organization in Santo Domingo, *Asociacion de Trajadoras del Hogar* (ATH), that had accomplished important reforms during the 1980’s and brought her into Solidarity Center’s orbit. ATH was founded in 1989 after the DR had been condemned by the ILO for slave-like practices with regard to the treatment of Haitian workers. The organization

urged the ILO to look into the situation of domestic workers as well. Under the Trujillo labor code at that time, domestic workers had only one half-day per week free, which began at 2 pm on Sunday afternoons. As a result of their participation in public hearings at the congress and their grassroots organizing efforts, the Dominican government included domestic workers in the 1992 labor code stipulating that they get thirty-six hours of rest rather than the half day as well as fourteen paid days off and inclusion in the Christmas bonus system. Later, modifications to the Labor Code were introduced as the 1999 Law on Domestic Workers (no. 103-99) stipulating that they be guaranteed fourteen paid days off, inclusion in the Christmas bonus system and permission to attend school and medical appointments.

During this period, the ATH had no relationship to the labor movement. As Victoria Garcia recalled: “They practically had their back turned to us. They didn’t consider us an important group. We had cordial relations but there was no commitment on their part.”<sup>191</sup> By Garcia’s account, the organization continued to organize and recruit members, coordinating Sunday get-togethers in the parks around Santo Domingo, carrying out literacy courses and organizing cultural events. But other knowledgeable observers felt that ATH was much less active and much less visible for most of the 1990’s and 2000’s. When CNUS and the Solidarity Center began working with ATH, it began to organize on a much larger scale. Bridget Wooding, perhaps the most highly respected researcher on migrant and domestic workers in the DR, credits Solidarity Center with strengthening ATH. In an initial study on Haitian women in remunerated domestic work in the DR during 2007 and 2008, Wooding found it impossible to track down ATH “because at that point, they were so weak...yet at the time Solidarity Center came on the scene, suddenly ATH emerged from the woodwork and ATH also began to encourage Haitian women into their ranks...”<sup>192</sup>

With financial and technical support from the Solidarity Center and CNUS, ATH began actively organizing again, going to bus stops, fliering and offering women hot chocolate as they waited to go to work and establishing small organizational nuclei in a number of communities. Hundreds of domestic workers packed into meetings around Santo Domingo and in other regions as well. Solidarity Center also made sure that ATH was able to survey its members and send representatives to the negotiations on the Decent Work for Domestic Workers Convention (C. 189) at the ILO. The leader they sent to Geneva to testify, Maria, had been a domestic worker since she was 12 years old. Maria is the perfect representative of the compound problem of the “informal economy and migrant worker” in the DR. Despite having lived in the country since she was 12 and her three children having been born in the DR, they struggled to be able to attend high school and are not allowed to go to university because they do not have documents. One daughter missed four years before finishing high school, another one had a birth certificate but with the passage of the new immigration policy toward the children of Haitians in 2004, the state refused to recognize the birth certificate it had already given them.<sup>193</sup> These kinds of policies make it likely that future generations will face similar difficulties of being relegated to informal sector work.

Maria described how important her experience with ATH has been: “Women who worked in housework were practically invisible...so it caught my attention that yes we could struggle for something that we wanted because we are people like any other employee, we are workers...I began to participate in some workshops learning and gaining new knowledge and for me it went

really well because when I first started I didn't even know how to write my name and now I can read and write and participate in some workshops..."<sup>194</sup> Maria helped ATH and Solidarity Center conduct the domestic worker surveys and even she was surprised by the level of abuse that was identified including women who were regularly physically abused and verbally harassed by their bosses, who were working for practically nothing and were not allowed to leave the homes in which they worked for a month. Maria had never traveled beyond Haiti and the Dominican Republic; she considered it an honor to go to Geneva and represent ATH.

Another Haitian domestic worker, Tamara Normil, became one of ATH's paid organizers. She works as a domestic worker during the week and then spends her weekends working for ATH because that is when domestic workers are usually at home. Normil has a goal of recruiting ten women a month and by December 2012 had recruited over a thousand women in her region to join ATH, about half of them Haitian. She finds that ATH's partnership with Solidarity Center has helped with her recruitment: "When I ask them to sign up they ask for a phone number to call if they have a problem but I have an advantage to say I have a lawyer who can help them if they need help and that I can send them to the Solidarity Center." Normil was afraid of public speaking until Solidarity Center sent her to a workshop and now she says she has no fear: "I will talk to anybody. If you had seen me before I would not have spoken to you because I would have felt ashamed."<sup>195</sup>

As they had done with FENTICOMMC, Solidarity Center helped to organize a participatory survey of domestic workers in the DR which it published in 2010. Also by 2010 Solidarity Center was also funding organizers to help build the leadership and membership of ATH. As Victoria Garcia recounted "The Center gave us financial support and we began to grow."<sup>196</sup> With Solidarity Center's support, ATH mounted two campaigns. The first was a national education drive intended to assert that domestic workers were in fact workers, in synch with the global push to get the ILO to adopt Convention 189. The campaign was intended to educate domestic workers and their employers on domestic worker rights and to encourage women to identify themselves as workers.<sup>197</sup> Fliers and posters were printed up in Spanish and Creole entitled "I Am a Domestic Worker and I Have Rights" listing the specific rights domestic workers have. The fact that the fliers were in Creole was extremely unusual. Within a single weekend according to Garcia, membership in ATH grew by 150 members. Along with the outreach campaign, ATH partnered with several NGO's who provided legal support, helped to elaborate on the bill to include domestic workers in the DR labor code and provided cooking courses for professional advancement.<sup>198</sup> ATH succeeded in winning the support of the MoL and the Ministry of Women for Convention 189 and worked with these ministries to present the convention to the nation after it was adopted at the ILO. On July 25, 2012 a resolution to ratify the convention was passed by the Dominican senate but is not yet law because it has not passed the House of Deputies. "If it doesn't pass," says Elena Garcia, "we will take to the streets again." Solidarity Center also worked with the regional network of domestic workers, *CONLACTRAHO* to organize an exchange between the Dominican and Mexican domestic worker organizations. From Solidarity Center's perspective, the exchange helped build regional connections more broadly and also was key to showing ATH the importance of organizational self-sufficiency, which was much stronger in Mexico than in the DR.

Following on the “I Am a Worker” campaign which had the goal of having domestic workers assert their status as workers, Solidarity Center and CNUS worked with ATH to mount a campaign in which domestic workers would assert their employment rights to their employers. Labor law requires that workers be paid a Christmas bonus or “thirteenth month bonus” of one month’s salary but domestic workers were seldom being paid it by their employers and many were not comfortable asking for it. According to Elena Garcia, Victoria’s daughter and a strong leader in the ATH, “The campaign was aimed at both the domestic worker, so she knows she has a right to the bonus and the employer, so that they know they must comply with the law.”<sup>199</sup> The organizations printed up fliers and posters in Spanish and Creole picturing a domestic worker standing beside a Christmas tree with the caption: “*En Navidad, todo es limpio y brillante en tu casa. Pagaste a la trabajadora domestica su Regalia? Ponte a tono con sus derechos, Pagale la regalia!*” (On Christmas, everything is clean and shiny in your house. Have you paid your domestic worker her bonus? Get in tune with her rights and pay her the bonus!) Even though many working class families had domestic workers, ATH members made the decision to begin with the classes they knew had the funds to pay the bonus. They posted the fliers in middle and upper middle class communities across the country and got their message out through the national press. Solidarity Center found that organizing in this way, independent of political parties and without any promise of reward was extremely uncommon in the party-dominated patronage culture of the DR, Solidarity Center staff often felt compelled to begin meetings with domestic workers by joking about it in order to defuse the tension and to communicate that no financial help would be forthcoming.

From ATH’s perspective, their greatest achievements in the past few years have been the growth of the organization, in January of 2013 it had 3,564 members, and the success of the campaign for the Christmas bonus. The organization is now campaigning for the DR to adopt Convention 189 because it provides a minimum floor for equality for domestic workers in the DR as well as inclusion in the social security system. ATH has been campaigning for inclusion in the social security system since 1991 and in 2010 finally received support from the president of the social security council that it would develop systems for integrating domestic workers into the social security system. Domestic workers do not have an official payroll from which social security can be deducted but ATH and its allies are pushing for mechanisms for domestic workers, their employers and the state to be able to pay in to the system. More than any specific issue Maria says that the biggest achievement is that they are no longer invisible. “Through the medium of our being organized, we can speak and be heard...before I had a lot of friends who felt ashamed to say they were domestic workers, but not anymore. Now we feel proud because we know that we have an institution that struggles with us and helps us to know that we are also human beings and we are also important.”<sup>200</sup>

Victoria and Elena Garcia also credit Solidarity Center for transforming ATH’s relationship to the labor movement. She and others in ATH believe that the labor movement in the DR became more involved in domestic worker issues when Convention 189 became a serious possibility because this “signaled to the labor movement that it was a labor issue.”<sup>201</sup> After twenty-three years of CONLACTRAHO, the Latin American and Caribbean organization of household workers and others knocking at the door of the ILO, the international body started recognizing domestic workers as workers. ATH saw the need to get closer to the labor movement in part because they wanted to have a voice within the ILO as it began considering the new convention

regarding domestic workers, Convention 189, a draft of which was circulating around the world at that time.<sup>202</sup> By 2010, ATH was officially a domestic worker federation affiliated to CNUS.<sup>203</sup> ATH participates fully in CNUS and says that its leaders are extremely supportive of ATH. As Maria put it: “CNUS is a part of us. We always say we are also affiliated to CNUS.”<sup>204</sup> They have been actively involved in Convention 189 deliberations and have adopted ATH’s leaders as their own. On May Day, 2012, when unions present a list of people who should be recognized with a pension because of their contributions to the labor movement, CNUS placed Victoria Garcia’s name on the list and she was approved to receive a pension from the state.

## Market Vendors

There are an estimated 300,000 market vendors across the Dominican Republic. They are not covered by the labor code and have no access to pensions. Vendors are often required to pay a fee to the municipality in exchange for their stands or stalls but seldom receive services in exchange for the fees they pay. Vendors often struggle to access potable water, bathrooms and electricity. It is often difficult for vendors to band together both because local vendor associations are frequently controlled by municipalities rather than the vendors themselves, and also due to the fact that vendors sometimes tend to be extremely independent and suspicious of organization.<sup>205</sup>

Pablo de Los Santos had been the leader of the *Asociacion de Vendedores Boulevard Francisco Rosario Sanchez* (Francisco Rosario Sanchez Boulevard Vendor Association) a grassroots organization that was attempting to organize market vendors for five or six years prior to meeting Gina Familia in 2008. The Association thereafter began working with CNUS and the Solidarity Center, which began providing a modest stipend as well as a support for transportation and a phone card.<sup>206</sup> The organization had grown to 540 members by the end of 2012 and included not just the market stall vendors but also business people from nearby corner stores who Santos says see that their interests are intertwined with those of the vendors. The Asociacion’s board of directors does not make decisions on behalf of its members, but instead convenes direct assemblies of all of its affiliated members to make decisions.

To become a member, vendors must provide their stall number, name, address and personal information and are then issued a membership card. Membership in the Asociacion is valuable for a number of reasons including the fact that it gives a vendor standing in the eyes of the national police. When vendors began carrying knives to protect themselves from being robbed of the cash they were carrying each day to open their stalls, the national police began frisking and arresting some of them until the organization negotiated with the police to accept the membership cards as proof that they were legitimate vendors carrying weapons for the purpose of self defense. The Asociacion is also engaged in trying to establish a formal relationship with the state for the purposes of purchasing the staples vendors sell directly from the state at a set price rather than from intermediaries who tend to mark up prices.

Through Solidarity Center, de Los Santos has received trainings and passed them on to the broader leadership of the organization and has learned to develop campaigns to improve conditions for the vendors as well as to negotiate with the municipality to keep market fees affordable for the vendors. With the support he receives from Solidarity Center for



transportation and phone calls, de Los Santos has been able to travel to other markets and involve their leaders in Solidarity Center activities. The vendors come to Solidarity Center for training and then go home and replicate them for their own associations. While the vendors are considered to be part of the informal economy, de los Santos insists that they are actually quite formal because they have fixed spaces and pay taxes. De Los Santos believes that local governments have an interest in market vendors remaining informal and do not want them to organize themselves. “If we are informal,” says de Los Santos, “we cannot claim our rights. It is like being undocumented. A person must formalize themselves in order to claim their rights.”<sup>207</sup>

After participating in a workshop at the Solidarity Center on human trafficking, de Los Santos began including migrant vendors in his organization and encouraging the other associations with whom he works to do the same. Migrant vendors are often abused by police and municipal employees who seize their merchandise and sometimes their equipment after claiming that they have violated specific regulations. De Los Santos has helped migrant vendors access legal support through Solidarity Center and recover their property and has also tried to work through the tensions that exist between Dominican and migrant vendors to get them to support each other. “We are all migrants,” he says. “I come from the countryside and when I came to Santo Domingo, they called me a campesino...I understand that people move in search of opportunities.”<sup>208</sup>

De Los Santos recruited Rafael Samedi, a member of the Asociacion de Vendedores Boulevard Francisco Rosario Sanchez, a migrant vendor from Haiti who came to the DR in 2002. Samedi works with Solidarity Center and de Los Santos to replicate the trainings he receives for Haitian market vendors. He has found the Haitian vendors to be very receptive to organizing as long as he gives them several days’ notice so that they can plan for the time away from selling. The people who participate in the workshops tell others to go out and publicize them so that each time they do a workshop, more and more people show up. Haitian street vendors are highly susceptible to police abuse especially when they are going to the central market to buy their merchandise and they often put up with abuse and problems so they are easily able to see the value of forming an association to protect themselves and claim their rights.<sup>209</sup>

In the past, there had been a lot of name calling and migrant workers were sometimes considered bad people by the Dominican street vendors. Sometimes, Samedi says, when a Haitian vendor is doing especially well, when the stall is hot and they are selling a lot, the Dominican vendors get jealous and form a conspiracy and try to take the stall. “It is quite aggressive,” he says. “They threaten them and start surrounding the stall when the person arrives in the morning they will hire local thugs to say you can’t sell here and intimidate them...The person may lose their merchandise and be forced out.”<sup>210</sup> Haitian vendors feel less capable of defending themselves because if they go to the public prosecutor they sometimes struggle to express themselves in Spanish and feel they are not taken seriously. Most importantly, their lack of documentation makes them feel constantly vulnerable to deportation and if they do get picked up, they lose all of their merchandise and money at the same time. De los Santos works hard to get Dominican and Haitian vendors to see their commonalities. “We are all human beings. When Dominicans leave their country and go abroad I say would you like to be treated the same way as Haitians are treated by Dominicans here? Migrants come here looking for better living conditions...the same reasons Dominicans go to Spain and the United States.”<sup>211</sup> De Los Santos also argues that

Dominican vendors and Haitian vendors ultimately have the same interests and that it is a matter of strength in numbers: if there are thirty market vendors and twelve are Haitian it doesn't make sense to exclude them from the market vendors association. "I tell them all you are very good at adding and subtracting so what happens if 30% of the people who have common needs and interests are not in our organization?"<sup>212</sup>

De Los Santos and Samedi work to organize market vendor associations and to get them to affiliate with CNUS. They feel the help they have received through CNUS is extremely valuable including the ability of the national president of CNUS to step in and broker a meeting with the mayor of Santo Domingo to get his commitment on some of the improvements they were trying to make. This was important leverage that they were able to access through CNUS. During this period, working with another market vendor association in the North (FUTJOPOCIF), Solidarity Center organized the first training with both Haitian and Dominican labor leaders to develop materials for the informal economy in both languages and countries. Solidarity Center invited Pat Horn from StreetNet (a former organizer with COSATU in South Africa) to come to the DR and lend her expertise to the training. This workshop was an important watershed in terms of developing Solidarity Center's capacity to train on informal economy issues. They also used it to pilot WIEGO training materials. As a result of meeting at the training, FUTJOPOCIF affiliated to StreetNet.

### *Taking Up Immigration Policy*

CNUS' work around human trafficking that began in 2007, at the impetus of the Solidarity Center, was essential to galvanizing the organization to deepen its understanding and engagement with migration policy more broadly. In addition, Gina Familia believes that beginning from the premise that the DR is a country that receives as well as sends migrants has made a difference in terms of how unions perceive the issue. Until a few years ago, according to Familia "It wasn't a strange thing to hear a unionist speak out in the media that a Haitian was taking employment from Dominicans, but it has been a little while now where they don't do it and understand that it is the employers who look for vulnerable people that they can pay less." While there will undoubtedly still be unionists who say that migrants are the problem, Familia says, this is no longer a position of the labor movement.<sup>213</sup> Additionally, while it used to be commonplace for unions to assume that undocumented migrant workers had no rights, there is a growing understanding that they do have rights that can be protected. "Because the labor code of the DR recognizes that all workers have equal rights, now we say to employers 'it doesn't matter if you have a migrant worker, you can't just say you are going to deport them. You have to comply with their rights.'"<sup>214</sup>

Another turning point came as CNUS participated in International Workers Day in May of 2010. For the first time, Haitian and Dominican workers marched together bearing placards that called for defending the rights of domestic workers and ratification of Convention 189.<sup>215</sup>

Through Gina Familia's leadership and the support of Solidarity Center, CNUS has become quite involved in the national policy debate, most recently in 2012 launching a campaign for ratification of ILO Conventions 97 and 143 on migrant workers<sup>216</sup> as well as helping to bring together civil society organizations to develop a consensus document on managing migration.

The organization's position has been evolving over time, and like national federations and unions in the U.S. and Europe, it has had to straddle concern for the rights and conditions of migrant workers on the one hand with concern for the preservation of decent jobs for Dominican workers.<sup>217</sup> Between early 2010 and the present, one can detect shifts in the way the organization describes migrant workers and the role they play in the Dominican economy. In a February, 2010 newspaper article, for example the CNUS president Rafael Abreu is quoted stating his concern that the post-earthquake influx of Haitians into the DR is displacing Dominican workers.<sup>218</sup> But just six months later, in September of 2010, Abreu is quoted saying that workplaces occupied by Haitians have been abandoned by the Dominicans.<sup>219</sup>

In a February 2011 communique to the government and employers, CNUS and its member unions articulated a more detailed policy position.<sup>220</sup> It began by recognizing that the earthquake had resulted in a major humanitarian crisis and a massive exodus from Haiti to the DR but while acknowledging that the Dominican government had a right to repatriate Haitian nationals lacking the authorization to remain in the DR, it had to be done with respect for their labor and human rights. The statement went on to insist that the larger issue of migration policy needed be addressed proactively and comprehensively, not just when a crisis presented itself and called for several steps to be taken by government authorities along those lines including:

- cracking down on corrupt border officials and those who engage in human trafficking
- going after exploitative employers who, to keep production costs low, employ undocumented migrant workers under poor conditions

CNUS and its member organizations also asserted that they “don’t agree with the words of employers that Dominicans don’t want to work in the same areas that Haitians do...” If this were true, they argued, why would Dominicans have migrated to Puerto Rico to engage in many of the same jobs that Haitians do in the DR including picking coffee and cocoa, construction work and housework. The reason, they suggest, is simple: they leave these sectors because they are so badly paid and poorly protected in the DR.

Gina Familia credits the anti-trafficking work as well as the conceptual placement of migrant rights within a framework of labor rights, key lessons learned through contact with Solidarity Center and the AFL-CIO, with paving the way to a deeper commitment to migrant workers on the part of CNUS and its key member unions.<sup>221</sup> Looking back on what has transpired since she and the Solidarity Center began their work, Familia said “In 2007, it was impossible for me to imagine that Haitian workers would go out and demand that their rights be respected...and even more impossible for me to imagine that Dominican workers would support them when they did.”<sup>222</sup>

What factors account for CNUS's shift to organizing informal economy and migrant workers?

### **Institutional Change, Organizational Learning and Leadership Experience:**

Major changes took place in the labor movements in both the U.S. and the DR that contributed to an opening to the informal economy and migrant workers. When John Sweeney was elected president of the AFL-CIO in 1995, he was coming from the SEIU, a union with a long tradition

of organizing, and there was a strong expectation that the international work of the AFL-CIO would be engaged in organizing. Additionally, the SEIU was one of the first national unions to formally take a position against US intervention in Central America. The change of leadership at the AFL-CIO set in motion a chain of changes including a reorientation of its international work as well as its immigration policy stance. The Sweeney administration overhauled the Federation's approach to international work placing a high priority on connecting it to the organizing work of its affiliates and recruiting and placing staffers in key roles who had experience outside of the labor bureaucracy in NGO's, women's rights and Central America solidarity work. It also worked with key unions like the Hotel Employees and Restaurant Employees (HERE) to reject employer sanctions and develop a more progressive policy agenda on immigration reform issues. Additionally, as mentioned above, the Federation forged new partnerships with the emergent worker center movement. The institutional reorientation of the AFL-CIO, shift in staff and alliance building all contributed to a new openness to migrant and informal economy workers at Solidarity Center. Just as central to these developments was that labor leaders in the DR had been engaging in strenuous efforts to unite and revitalize their movement. In a country in which the labor movement has historically been quite fragmented, CNUS represented an important attempt at unification. Some of the most important unions and union federations in the country came together to form a single institution. Part of the *auto-reforma* (self reform) movement throughout the Americas, the unions that formed CNUS were united in the conviction that union internal practices, including lack of unity and coordination between them, were contributing to labor's decline. Some of the key leaders who emerged in this process were also among the most open to expanding the ranks of their organizations to include migrant and informal economy workers.

Organizational leadership always plays a central role in shaping strategy and outcomes and in the case of Solidarity Center and CNUS opening up to the informal economy, it was terribly important. Ganz argues that there is an essential relationship between leaders' backgrounds and the likelihood they will develop effective strategy.<sup>223</sup> He posits that innovative or creative thinking derives from three sources: *salient knowledge*: strong familiarity with the domain in which a leader is working; *heuristic processes*: the ability to use one's salient knowledge to imagine many possible interpretations and pathways and respond creatively to changing circumstances and finally, *motivation*, which he argues is instrumental to creative output because of the focus it leads actors to bring to their work.<sup>224</sup> The leaders of CNUS, Solidarity Center and FENTICOMMC all had important experiences that shaped the way they viewed the labor movement in the DR as well as the potential role of migrant and informal economy workers.

### **Availability and Strategic Use of Resources:**

Social movement scholars have long argued that one of the most important contributing factors to a movement's success is its ability to access external resources (money, skills, relationships, time) and financial resources, in particular.<sup>225</sup> Solidarity Center was able to bring financial resources to CNUS and use it to pay for Gina Familia's position there as well as for the organizations that were willing to engage in organizing informal economy and migrant workers. Solidarity Center provided support for two paid organizers at FENTICOMMC, two at ATH and stipends for part-time organizers at the market vendors association. In an environment like the DR in which union resources are scarce, it is doubtful that vision and strategy alone would have

been enough for the organizations to have embraced more of an aggressive organizing approach in general and also to have taken on informal economy and migrant worker issues if funding for staff had not been available. In the individual union and organizational cases (not including CNUS), Solidarity Center's support is what enabled them to have any paid organizers at all. Having full-time staff engaged in the work led to a deeper and ongoing level of engagement which has resulted in strong buy-in to migrant worker and informal economy issues on the part of the participating unions.

### **Global Links:**

In terms of export manufacturing, it would be difficult to understate the importance of global connections to the pressure that has been brought to bear on global brands contracting with factories in the free trade zones for improved conditions. Solidarity Center and FEDOTRAZONAS have worked closely with the ILGWU, Workers Rights Consortium, U.S. Students Against Sweatshops, the National Labor Committee and others to call attention to exploitative conditions. CNUS's close relationship with the Solidarity Center was instrumental to its more inclusive vision and as stated above, to its capacity to build program around it. In addition to the Solidarity Center, CNUS participates in the Trade Union Confederation of the Americas (*TUCA*) which has been an important forum for discussion of the need for trade union self reform including the unification of the labor movement, development of alliances and prioritization of precarious workers in outsourced, subcontracted or temporary arrangements in formal as well as informal enterprises.<sup>226</sup>

For both FENTICOMMC and ATH, relationships to global organizations have also been critical. ATH was growing and taking action in the DR just at the moment when a global domestic workers movement was emergent, bringing new focus and excitement to the issue and, in the struggle to have the ILO adopt Convention 189 on domestic workers, linking them to a larger fight. Alcantara of FENTICOMMC credits the union's relationship to its global union federation, the BWI, for raising the union's consciousness around the connection between neoliberalism, migration and the growth of the informal economy.

### **Focusing Event:**

Political scientists define a focusing event as a sudden and dramatic occurrence, like a natural disaster or some other kind of external shock to the status quo.<sup>227</sup> The earthquake that happened in January of 2010 had a catalytic effect on some quarters of Dominican society and certainly on the Dominican labor movement. Wooding described it as a kind of "tectonic shift in terms of solidarity at all levels..."<sup>228</sup> The nascent solidarity that had been building toward Haitian workers and toward Haiti in general was transformed into action as CNUS and member organizations rushed to respond. Unions raised money, contributed goods, helped Haitian workers desperate to contact relatives and traveled to Haiti in brigades to provide direct support. Familia noted a dramatic shift: "Haitians began to see us in a different manner because although the DR had discriminated a lot against Haiti and there had been tragedies the Haitians also had prejudices towards us. They began to see us differently and treat us differently and beginning then relationships have improved and gotten a lot less tense." On the other hand, Familia acknowledged that the earthquake also touched off a wave of migration to the DR although much of it was temporary.

## Conclusion

Close observers of the Dominican social justice scene point to the impact that Solidarity Center has had on the labor and immigrant rights movements in the years since the Solidarity Center first began their work there in partnership with Gina Familia and CNUS. The multi-faceted work that has gone on in the DR is testimony to the importance of leadership who can see the proverbial forest through the trees. Solidarity Center in the DR has charted a strategic path, and has succeeded in getting important sectors of the Dominican labor movement to engage in organizing migrant and informal economy workers and taking on the migration policy issues. Central to the success thus far has been a focus on bringing informal and formal sector workers and organizations together, combined with an emphasis on getting Dominican and Haitian workers to engage with each other.

Two issues emerged in the course of researching this paper that are important to explore, the first has to do with organizing and sustainability and the second with the nature of the organizing itself.

On the first question, although there is more openness to organizing migrants and informal economy workers, in the DR as in so many other parts of the world, the route to building powerful and sustainable labor organizations is not yet clear. As of January 1, 2013, Solidarity Center no longer has the funds available to support the ATH or market vendor organizers. The groups were aware of this, yet all of the organizations interviewed for this paper: ATH, the market vendors and FENTICOMMC while speaking of the importance of recruiting new members, said that they were continuing to charge only nominal, largely symbolic dues to their members and even these claims of some dues requirement were not entirely credible. The Solidarity Center did think about the dues and sustainability questions during Feingold's time in the DR and it did take some steps toward pushing the domestic workers at least to support their own organizations. On an exchange trip to Mexico she noticed that the Mexican domestic workers paid for their own bus fare and food while the Dominicans had a system that, in Feingold's words was "if you don't pay me, I don't come to your workshop." From then on, Feingold says that she insisted that the women pay their own bus fare. In part it was a way of weeding out the people who were mostly interested in a meal from those who were really interested in organizing.<sup>229</sup> Geoff Herzog, the current Solidarity Center director, is also quite concerned about the issue of dues but given that all of the organizations are largely representing workers in the informal economy, it is not clear how to collect them. FENTICOMMC does collect dues from its formal sector members.

While it is clear that new models and new regulations will be necessary for organizing in the informal economy to really take off, it would seem that achieving any of these models or regulations will require strong organizations. The Solidarity Center funding helped to jump-start the organizations into organizing but it does not seem that the organizers have taken advantage of the period during which they have had funding to develop a longer-term strategy for financial sustainability.

Would the organizations have been better off without outside funding? Without it would they have been forced to develop internal mechanisms of funding or would they simply have failed to move forward at all? When Solidarity Center provides funding for organizers in the future, would it be politically feasible to require organizations in return for receiving the funds to put membership dues systems in place that charge enough money to sustain the organizers? What do we know of self-sustaining organizing models in the informal economy? Given the incredible success of SEWA in India it is simply no longer credible to proceed as though we have no guideposts in the quest for sustainability. On the other hand, what is the culpability of U.S. aid organizations for not providing longer-term funding for initiatives like the ones described in this paper which are so essential to building a democratic civil society? The current Solidarity Center CPD feels strongly that just at the end of the G-TIP funding the labor movement was doing work around trafficking that it could never have done in the past due to “more awareness in the labor movement, repeated contacts with the vulnerable community and that community knowing that they could trust Solidarity Center and labor organizations regarding what they are confronting.” The partnerships Solidarity Center has built with the market vendors are a case in point. In the winter of 2012, when migration authorities showed up and were checking papers, many Haitians abandoned their merchandise. Three Dominican vendors acted to protect the migrant vendors and recovered their things while Pablo de Los Santos got them released from migration authorities.

These questions are quite similar to those that have often come up regarding U.S. worker centers, which are largely dependent upon foundation funding and in most cases collect only nominal dues. As research for this paper was concluding, FEDOTRAZONAS began working with a nascent international network to organize the supply chain of a major international brand. Young organizers formerly connected to United Students Against Sweatshops (USAS) are taking up positions in a few key countries, including the DR and asking their friends back home to provide monthly sustainer funding for FEDOTRAZONAS organizers. Perhaps episodic funding of organizers for periods long enough to make organizing breakthroughs is all we can hope for at the moment but it does seem perilous and raises the question not only about sustainability but also worker engagement.

Another set of tensions was nested throughout the research for this paper concerning the approach that the union organizers were taking to organizing migrant workers and whether questions of labor rights can really be taken up separately from immigration status for Haitians. Every day in the DR, undocumented Haitian migrants and Dominican-Haitians are blocked from sending their children to school, accessing healthcare and other basic services because of their status. As workers, they are unable to participate in the social security system or to form or join unions. Fearing they would be overwhelmed by the legal issues and taking on individual cases, the Solidarity Center made a decision that it would leave immigration cases to Centro Bono, Solidarity Center would focus on the organizing and CNUS would address the migration issues through trying to move forward on migration policy. But are the issues really separable for Haitian workers? The question came up in another form when tensions emerged between FENTICOMMC and the Association of Haitian Construction Workers (ATHIC), an organization that has existed informally since 1990 and received formal registration as an association with the state in 2008 with the objectives of organizing, recruiting and defending the rights of Haitian construction workers.<sup>230</sup>

The general approach taken by all the organizations, including FENTICOMMC is to focus on labor issues in the informal economy. They reach out to Haitian migrant workers as part of their day-to-day organizing portfolios and as they encounter them on jobsites. The organizers say that when they encounter Haitian workers, they welcome them into the union, inviting them to workshops on labor rights and providing access to their training center. It is quite difficult for the Haitian workers to join FENTICOMMC however, given that most do not have work permits or any identification documents so that employers cannot register them in the social security system and formal membership in any union (FENTICOMMC or one Haitians would create for themselves) requires workers to have documentation. Given these barriers, what does it mean practically to say that “our doors are open” or that “the union is organizing Haitian workers despite their status” or that “we treat them and consider them to be members even though legally speaking they are not” and toward what end does it make sense to be organizing? What is the significance of the fact that it has been labor’s focus on informality that has led it to migration issues--does this pathway to the issue of migration lead to a different focus or feeling than work that is focused on migration directly? It is important to ask the question of whether the existing union model serves undocumented Haitian workers or whether there might be some other approach that works better. In the same vein, do Haitian workers, because their problems are so particular, need separate organizations and discrete campaigns? Would they be better off channeling a larger share of their efforts directly into organizing for regularization of their status?

ATHIC strongly disagrees that the best approach is to include Haitians in the activities and technical trainings and “know your rights” workshops that FENTICOMMC is carrying out because they say that Haitians have very specific problems that have overwhelmingly to do with their irregular migration status. They say that they feel that their union brothers and sisters do not get it—their issues are not about learning how to take proper measurements or the in’s and out’s of Dominican labor law—the underlying issue is documentation. To regularize one’s status under the new migration law requires the employer to help; Haitian workers are called “day laborers” but they are often on crews and work with a *maestro* for years at a time. ATHIC says that their top priority is to help Haitian workers devise strategies individually and collectively to get their employers to file for regularization of their status. ATHIC sees this as a labor issue as much as it is an immigration issue and they feel their needs are not being addressed by FENTICOMMC’s approach.

In response to written questions about the role of unions regarding the situation of Haitian construction workers, ATHIC responded that construction unions have many projects but not for Haitian workers. They said that they felt that FENTICOMMC was saying they were doing things for migrant workers that they were not doing and that not a single Haitian worker is enrolled in FENTICOMMC’s training center. These responses are no doubt harsh, and FENTICOMMC is certain to dispute their claims, but the real question is whether there is something to be done that might bring them together. ATHIC is resentful because its leaders feel that other organizations are receiving funding for working on Haitian worker issues but are not serving their needs. FENTICOMMC says that it has a lawyer and that it does take on status cases but that with the new migration law it can take one or two years for a single worker to get his papers in order or to find an employer willing to go through the process on his behalf.



Obviously this is a difficult case to untangle: ATHIC's office is located within a competing union confederation, the CNTD, and it is possible that inter-union rivalry is playing a part. Nevertheless, the strategic questions this case raises are important to consider. Is the fact that ATH is not a union and is organizing informal economy domestic workers the reason why there seemed to be less tension in that case? Certainly, Herzog and Familia agree that the fundamental issue is to get everybody papers.

Finally on the policy front, CNUS has some hope that the recently elected leadership of the country, with whom the federation enjoys a strong relationship, will take steps forward on the regularization of the Haitian-Dominicans. Other observers were much less optimistic, saying that the regularization issue is still a third rail in Dominican politics. There were more than a few echoes of the U.S. policy debate about legalization in the discussion of migration policy in the DR. For example some asked: given the dire conditions that still exist in Haiti post earthquake, won't regularization lead to more migration? Regularization in the DR will no doubt be hard fought, but at least now the migrant rights movement in the DR has important segments of a historically weak but increasingly dynamic labor movement in its corner.

## **Labor Solidarity with Migrant Workers under Conditions of Monarchical Rule, Late Development and Profound Geopolitical Pressure: A Case Study of Solidarity Center's Work in Jordan**

### Introduction: the Beginnings of Solidarity Center's Program

In Jordan at present, out of a population of approximately 6.1 million, there are 322,000 registered migrant workers, and an estimated 150,000-300,000 additional migrant workers working without the proper work authorization<sup>231</sup> most of whom are believed to be Egyptian, due to the porous border at the port of Aqaba and their ability to enter the country as tourists, without visas.<sup>232</sup> The Solidarity Center began working in Jordan in 1994 when an AFL-CIO affiliate UNITE, the US national union of garment and textile workers, forged a relationship with the garment union in Jordan, the General Trade Union of Workers in Textile, Garment and Clothing Industries for the Textile Industry (GTUWTGCI hereafter referred to as GTU) to address issues related to working conditions in the Qualified Industrial Zones (QIZ's) where production for regional factories had evolved into production for major international labels. The establishment of free trade zones is a predictable consequence of late development. When late developers approach the world market, they find it controlled by earlier developers and are almost always compelled by this dynamic to engage in export-oriented strategies of economic growth with low barriers to entry like garment.

This case study will explore the ways in which the garment and textile union has acted to organize and integrate migrant guest workers. Research methods include: primary source materials from the Solidarity Center including internal memos and reports, historical documents, foundation and NGO research reports, scholarly articles, press statements, and limited primary interviews.

The GTU, one of the 17 officially approved unions in Jordan, was founded in 1954 by Jordanian garment workers organizing to improve conditions in the industry. The Solidarity Center describes it as historically "one of the most independent and active unions in Jordan, willing to fight for workers at the workplace and lobby the government for reforms that will protect union rights, and...not intimidated by employers, government agencies or others."<sup>233</sup>

The Solidarity Center supported UNITE as it built relationships with the GTU leadership, running programs on health and safety and bringing national union staff from UNITE together with the Jordanian leaders. The Solidarity Center's point person in Jordan was a long-time union organizer who worked with the GTU to create a vision and strategy for organizing migrant workers in the QIZ's. While there were some foreign workers in the sector, at that time the vast majority of the workforce was Jordanian, from working class and rural backgrounds, but by 2003 migrant workers were starting to become a much larger presence.<sup>234</sup>

Migrant guest workers in the QIZ's were in a situation of extreme isolation and their mobility was limited by the fact that their visas restricted their movement between employers. They were working under very harsh conditions which included being forced to work long hours and multiple consecutive shifts, verbal and physical abuse, harassment and intimidation by supervisors and managers, insufficient breaks, no sick days, denial of days off, non-payment of

overtime wages, cramped living conditions, poor food quality, confiscation of their passports and the threat of nonpayment of their travel tickets by employers.

The Solidarity Center opened an office in Amman in 2003 and began working closely with the GTU to implement programs for migrant workers in the QIZ's. While migrant workers were supposed to be covered by many of the same labor laws as Jordanian nationals, it was clear that the Ministry of Labor was not enforcing them in the QIZ's.

With the strong support of the Solidarity Center, GTU embarked upon organizing and representing migrant workers in the QIZ's at a time when they were officially banned from becoming members of unions and none of the other 17 official unions were taking an interest in organizing them. Between 2004-2009, when the Solidarity Center was able to gain more resources for Middle East work, it ratcheted up its activities with the GTU in the QIZ's. By this time, the majority of the workforce was composed of migrant workers from Pakistan, Sri Lanka, India, Indonesia, and the Philippines and it was clear that they were the ones facing the worst abuses including wage theft and human trafficking.<sup>235</sup> Over those six years, despite an official government prohibition on migrant workers being in unions, and high turnover in the QIZ's, the GTU worked diligently to address the problems of migrant workers and to expand migrant worker rights.

This case poses a puzzle: how were the Solidarity Center and GTU able to make gains in an authoritarian state that placed significant limits on collective action, zealously promoted its export processing zones as instrumental to the nation's forward progress *and* had a formal ban on migrant worker organizing? The case also presents an opportunity to explore the key variables that contribute to a national union embracing migrant worker organizing.

### Short Political History

The political development of the Jordanian labor movement is best understood in the context of the political development of the Jordanian state and its role in the region, from the conclusion of the First World War to the present day—a story of authoritarian rule and continuing regional turmoil due to Middle East geopolitics.

After the defeat of the Ottoman Empire, which had closely controlled much of the territory of present day Jordan from 1867 to World War I, the British took over the administration of the lands east and west of the Jordan River under the British mandate of Palestine. In 1921 the lands were subdivided by the European colonial powers and the eastern portion, Transjordan, was established as a monarchy with Abdullah, the son of a Hashemite leader who had backed the Allied forces installed as emir.<sup>236</sup> Britain continued to exercise significant influence on Transjordan until 1946 when it was granted independence and Abdullah changed his title to king. The Jordanian state organizes political institutions and voting to ensure “East Bankers” play the dominant role in politics.

The Hashemite Kingdom of Jordan is rated “not free” on the 2012 Freedom House index of political rights and civil liberties<sup>237</sup> Jordan has a constitution, a prime minister and a parliament, but does not choose its head of state, and the monarch, whose legitimacy is based on a claim of

descendance from the prophet Mohammed, controls a large formal political structure, access to political offices and public sector employment.<sup>238</sup> Nevertheless, Jordan has undergone a partial “managed” or “controlled” liberalization over the past thirty years. While the state determines the electoral rules of the game<sup>239</sup> and decides which parties may participate in formal politics, there are elections and opposition parties are seated in parliament, but as Lust-Okar describes it “Once candidates are elected, incumbents (monarchs) can choose to allow parliament to operate or to close the legislature. Nothing is guaranteed. Incumbent elites (monarchs) have allowed opponents to join the political game, but they can also revoke the privilege.”<sup>240</sup> Jordanian monarchs have in fact regularly revoked the privilege—shutting down parliament on many occasions.

Jordan’s status as a “late developer” also reinforces the tendency away from liberal democracy. Late developers enter a world market that is already industrialized and highly competitive; business must rely for significant help from the state not only in terms of capital accumulation and trade protection but also for protecting property rights and guaranteeing order. These needs have implications for democracy because they lead business elites to become cautious about challenging the state and wary of mass-based politics and mobilizations that could impede their privileged position within an orderly industrialization process.<sup>241</sup> Organized labor faces a parallel set of labor market challenges that predisposes it to adopt a similar stance toward the state. As Bellin describes it:

“Late development typically spells structural weakness for labor because it is accompanied by industrialization in the context of global capital mobility which universalizes the reserve army of labor and undermines the bargaining power of workers...Late timing also means importation of industrial technology that tends to be capital intensive rather than labor intensive and this exacerbates the problem of labor surplus and weakens labor’s market position...Such weakness encourages labor to look to the state for political remedies, fostering union dependence and nurturing diffidence about contestatory politics”.<sup>242</sup>

Some late developers, including Jordan, have adopted a corporatist strategy: the state provides unions with a formal role and financial support far exceeding what their own market power would likely deliver for themselves, which brings the unions into the system but limits their willingness to challenge the regime. In Jordan’s case, the labor movement was destroyed and then “reinvented” in a dependent role after King Hussein, in a move to crack down on the Palestinian independence movement, crushed civil society in the 1970’s and 1980’s. Additionally, given the low labor force participation rate—only 40% of the population over 15 years of age is economically active—one of the lowest employment-to-population ratios in the world--those workers who *are* employed in the formal sector and organized into unions are in a privileged position vis a vis the rest of the workforce. Unions and their members have reason to want to hold on to these privileges, which may make them reluctant to challenge the state. On the other hand, unrest is a likely consequence of the low labor force participation rate, particularly among young people (over 70% of the population is under 30). It is in this ambiguous context that the role of unions in Jordan and Solidarity Center’s work with the textile workers union must be understood.

Over the years, some unions have organized workers and pressured employers to bargain with them, engaged in industrial action and sometimes have spoken out for broader reforms but their limited rights and dependence upon the state for financial support has limited their impact. Segments of the labor movement have played a role in the periodic expansions and contractions of democratic rights as well as in the larger political struggles of the region including the long-running Palestinian conflict. Also, over the past few years, unauthorized strikes by unofficial unions have become increasingly common.<sup>243</sup>

The right to work, along with paid annual leave, a weekly day of rest, protection in case of job termination and the right to free speech, expression, assembly and to establish a union within the limits of the law were all enshrined in the 1952 Constitution<sup>244</sup> but these rights have been modified and contradicted by more recent laws and were not extended to migrant workers. The Political Parties Law requires parties and other associations to obtain government licensing and the Penal Code allows a sentence of hard labor for anyone engaged in any individual or collective action with intent to change the economic or social nature of the state or basic conditions of society.

Finally, Jordan cannot be understood without acknowledging how deeply affected it has been by the politics of the region. Bordered by Israel and Egypt to its west, Syria to its north, and Iraq and Saudi Arabia to its east, Jordan has been buffeted by repeated rounds of the Israeli-Egypt and Israeli-Palestinian, US-Iraq, Lebanese and Syrian conflicts. In 1948, those fighting for a Jewish state won the war with Arab forces and established the state of Israel, sending close to three fourths of a million Palestinians into exile, half a million of whom settled on the land west of the Jordan River known as the West Bank, which was officially annexed by Jordan in 1950, lost to Israel in the Six Day War of 1967 but remained administratively and legally tied to Jordan until 1988. In 1994 Jordan signed a peace treaty with Israel, becoming only the second Middle Eastern country to do so. As part of its strategy to shore up the monarchy against the backdrop of regional conflict, Jordan has been tightly allied with the US, UK, Israel and Saudi Arabia.

It is in this highly contradictory civic and political space and highly charged geopolitical space that unions in Jordan have operated.

### The Jordanian Labor Movement

In its early years, the Jordanian labor movement grew rapidly despite resistance from the state. Labor was an activist force led by leftist Palestinians with long experience with unions in historic Palestine prior to their expulsion and displacement during the 1948 war that established the state of Israel<sup>245</sup> and unions were vehicles for political as well as economic action. This activism, combined with the temporary merger of Trans-Jordan and the West Bank in 1950 created the conditions for promulgation of a 1952 constitution that greatly expanded individual freedoms, and the right to form political and professional associations and the 1953 Labor Trade Unions Law that expanded upon the right to organize by authorizing groups of seven workers or more, of the same institution or profession, to form a trade union and to strike.

Actively engaged in bread and butter struggles as well as broader legislative and political efforts, unions grew rapidly during the 1950's. They were active in calling for the termination of the

British influence in Jordan and in promoting a nationalist and leftist political agenda, supporting protests against the suspension by the regime of the coalition government in 1957. That crisis ended with the imposition of martial law, suspension of parliament, dissolution of political parties, and persecution and arrest of opposition leftist and nationalist leaders and activists and presidents of many professional and labor organizations. Many labor leaders fled the country and union membership decreased dramatically. The labor movement rebounded in the 1960's; in 1961 the first Labor Law was issued, the number of unions once again began to grow and the movement expanded collective bargaining agreements.

The next crisis came in the aftermath of the 1967 war with Israel when Palestinian resistance factions increasingly used the country as a base to oppose the occupation and launch attacks on Israel. Trade unions also became involved in supporting the Palestinian resistance. The conflict between the Jordanians and the Palestinian political movement came to head in 1970 with Black September when King Hussein's forces killed tens of thousands of Palestinians and expelled the Palestine Liberation Organization from Jordan. Confrontations between Jordanian authorities and some of the Palestinian factions as well as within some of these factions wreaked havoc on the labor movement. In the bloody aftermath of Black September, the regime implemented a total reorganization of the labor federation, abolishing existing trade unions, merging others, interfering in union elections and governance and imposing a limitation on the total number of unions allowed by law—these measures decimated the political opposition within unions. The character of most unions and the federation shifted after that, from oppositional and confrontational (and political) to cooperative and cautious (and narrow), with most leaders carefully protecting their own positions through limiting the activities of their organizations. Fewer workers looked to unions as agents of change.

The country witnessed a slight and temporary political opening after 1989, in the wake of the Cold War ending and the adoption of IMF austerity measures, holding municipal and national parliamentary elections, setting aside seats for women and allowing critics to express dissension with domestic policies but it also swung back to repression, suspending parliament and imposing additional restrictions of freedom of assembly and the press. Additionally, the regime has squelched opposition to anything it deems related to foreign policy or national security, which in practice has included export driven economic policy.

Even during the liberalization period in the 1990's, the rules governing the labor movement did not substantially change. Nevertheless, the divisions between factions of the movement were healed; labor opposition leaders who had fled to Damascus twenty years earlier returned to Jordan and retook the leadership of the General Federation of Jordanian Trade Unions (GFJTU). This reconciliation led to Jordanian labor's return to participation in the broader Arab labor movement through the International Confederation of the Arab Trade Unions (ICATU). Various divisions among more activist, leftist factions led to a weakening of opposition to the statist and bureaucratic tendencies of the Federation leadership which has often been viewed by the larger political opposition to the regime as an appendage of the government.

The Jordanian state now mandates a single trade union system limited since 1976 to seventeen unions in specific sectors and one national labor federation. All unions must belong to the GFJTU, which is a semi-governmental institution that secures funds through member dues as

well as via subsidies from the Ministry of Finance and from the Social Security Corporation. Federation leaders are closely monitored by the government, which also oversees their election to office. The GFJTU, working with the Labor Ministry plays a strong role in determining member union's internal operating procedures and has sought to impose one unified constitution on all 17 unions.<sup>246</sup> Additionally, some of the unions are also funded by the state which imposes an additional layer of dependency. The Jordanian labor code also requires a minimum of 50 employees in order to establish a union, which is much higher than the 20 employees deemed an acceptable minimum by the ILO.<sup>247</sup> Union membership is voluntary outside of the taxi industry but for some other workers, membership in professional associations is often compulsory.

While in their political and advocacy functions these associations carry on activities similar to trade unions, they face political barriers to engaging in collective bargaining. For example, public employees are banned from joining any of the 17 unions of the GFJTU. The regime has considered altering the compulsory membership requirement, not in furtherance of democratic choice but rather to weaken the associations, which have played an activist role in challenging the government's political decisions.<sup>248</sup>

Although the Jordanian constitution guarantees the right to free speech and assembly, laws passed in the 2000's placed significant limitations aimed at crippling the efforts of civil society organizations critical of the regime. The Public Assemblies Law passed in 2001 and renewed in 2004 banned organizations from holding rallies or public meetings without prior written consent of the government. Despite the Law's impact on unions and associations, during the mid-2000's there were national unions that engaged in work-related protests including the General Union for Workers in Food Industries, electricity workers, garment and textile workers, and the bank workers' union.

The Political Parties Law requires political parties and other associations to obtain government licenses and other laws impose sentences of up to two years in prison for being a member of an illegal association and up to six months for distributing leaflets. Professional associations are only allowed to engage in work on "professional issues". The regime has used these laws to punish associations and labor unions for their political activism and the existence of these laws has had a chilling effect on workers' willingness to join unions<sup>249</sup> because they think the regime will see them as anti-state and take away their jobs and put them in jail.

The right to strike is also limited in Jordan: workers are expected to get the permission of the government before they can take action. The Labor Code requires unions to give 14 days' notice to employers and 28 days in the case of public services. The Ministry of Labor can fine individual workers for engaging in illegal strikes and it can dissolve unions that call for strikes without permission. Some work stoppages go on anyway, and the laws are inconsistently enforced: unions seldom seek advance approval for them, anti-strike rulings in the courts are not prevalent and the police do not attack or arrest strikers.<sup>250</sup> On the other hand, employers can and do retaliate against strikers and the government does not protect them.

It was in the context of all of this complicated history and contradictory regulation that free trade came to Jordan and the Solidarity Center attempted to support independent trade unionism and migrant worker rights.

## A Labor Market Shaped in Multiple Ways by Migration

As one of the small, non-oil rich, resource-poor Arab nations, Jordan's economy has always been more dependent upon foreign aid and on the economic programs dictated by donor institutions. In 1989 Jordan defaulted on its foreign debt and was compelled to embark upon a set of the International Monetary Fund's recommended reform measures that included shrinking the government sector, privatization and private sector-led export-oriented growth and development. During the 1990's living standards dropped in part as a consequence of the IMF's structural adjustment program, which required a reduction in subsidies of basic goods and privatization of public enterprises. By decade's end, a third of Jordanians were living below the poverty line and the unofficial but widely accepted unemployment rate was 27%. As of 2003, external debt accounted for 84% of the gross domestic product.

Jordan has been profoundly shaped by migration to, from and across its borders. In turn, migration has been driven by three factors: the geopolitics of the Middle East which has resulted in massive in-migration, the under-development of the Jordanian economy which has resulted in massive out-migration and neoliberal economic strategies which have entailed both in-migration and out-migration. In 1990, international migrant workers were 35.2% of the population and by 2010 that percentage had increased to 45.9%, one of the highest in the world.<sup>251</sup> At the same time, more than 600,000 Jordanian workers, most in high skill jobs, are now working abroad—fully half of the size of the total labor force at home.<sup>252</sup>

Jordan has the highest ratio of refugees to indigenous population of any nation in the world; estimates are that half of its population is of Palestinian origin.<sup>253</sup> The first massive influx of Palestinian refugees followed the founding of the state of Israel in 1948 so that by 1952 the population had grown from 400,000 to 1.3 million. The population expanded to 1.7 million by 1961 and then again after the 1967 war when close to 300,000 refugees from the West Bank and Gaza settled in the East Bank.<sup>254</sup> Jordan was the only country in the Middle East that granted the Palestinians citizenship although it did not offer it to the Palestinians from the Gaza Strip who came to Jordan as a result of the 1967 war.

Massive labor out-migration has resulted from a mismatch between the educational levels and social aspirations of the workforce, particularly younger workers, and the jobs that have been created. Rather than high value-added jobs with good wages, job creation has been predominantly in low-status, low-skill jobs. During the mid-1970's, due to the regional demand for skilled labor that followed the dramatic oil price increases of 1973-1974, Jordan became the major labor exporter in the region. In fact, by the early 1980's an estimated 40% of the domestic labor force, both skilled and unskilled, was working abroad in the Arab oil countries, primarily Saudi Arabia and Kuwait.<sup>255</sup> Jordanians and Palestinians from Jordan work in every sector of the economy of the Gulf including teaching, engineering, healthcare, marketing, and services. Between 1974 and 1991 Jordan was the fourth most dependent country on migrant remittances in the world.

Domestic labor shortages were offset in part in the late 1970's and early 80's by a government decision to allow for a large inflow of foreign workers, primarily from Egypt so that by 1984,



25% of the domestic labor force was made up of foreigners.<sup>256</sup> During the 1990's however, many of the Jordanian citizens working abroad in Iraq and the Gulf were "re-patriated". The great majority were middle and upper middle class Palestinians (both residents and citizens of Jordan) who were forced to leave the Gulf as a consequence of Yasser Arafat being perceived to have been a supporter of Saddam Hussein's invasion of Kuwait.

In the wake of the Gulf crisis of 1990-1991, Jordan took in close to a million people who were uprooted from Iraq, Kuwait and other countries in the region. While most of the migrant workers returned to their countries of origin within weeks of their arrival in Jordan, about 300,000 Jordanians (most of whom were of Palestinian origin) were also among the involuntary returnees and they had to be reintegrated, or in many cases, integrated for the first time, into Jordanian economy and society.<sup>257</sup> In-migration continued in the 1990's when an estimated one million Iraqis sought refuge either temporarily or permanently in Jordan and more emigrated between 2003, 2004 and 2005 as a result of the conflict. Unlike what was done for the Palestinians, Iraqis, many of them middle class and well educated, have not been granted asylum, offered citizenship or issued work permits for the most part, and the relatively few who have, have struggled to find positions commensurate with their qualifications. Many Iraqis are exploited by their employers or forced to work in the informal economy for much lower wages than other migrant workers.<sup>258</sup> Jordan has opened certain sectors to low wage unskilled migrant workers but since 1996 it has sought to protect specific occupations such as doctors, engineers and office workers for Jordanian nationals.<sup>259</sup> More recently, the government has continued to restrict the employment of migrant workers by imposing quotas on certain professions. It has also been trying to encourage more Jordanians to work in the QIZ's, and to understand their reluctance to do so. Only about 8,000 Jordanians work in the QIZ's out of a total workforce of approximately 36,000. Efforts have been made to increase the number of Jordanian workers in the garment sector by subsidizing factories that only employ Jordanians but employers still struggled to recruit Jordanian workers.

Jordan's labor market continues to the present day to struggle with low wage levels including low minimum wages, high unemployment (about 12-14% but much higher for younger workers) and very weak economic participation (about 39.4% of Jordanian citizens overall and only 14.7% of women), a large and expanding informal economy (estimated at between 20-35% of GDP) and a mismatch between educational institutions and labor market needs.<sup>260</sup> The rates of economic participation of women are much lower than men overall but particularly in the private sector where women are subject to prejudicial treatment and labor standards violations, paid less and offered fewer opportunities for training and promotion in small and medium size firms. Additionally, there is concern that because firms have sole responsibility for bearing the cost of maternity leave they are reluctant to hire women. The minimum wage has been raised twice in the past few years (2009 and 2011) but does not apply to domestic workers, garment workers, cooks, gardeners or non-Jordanians.<sup>261</sup>

While hundreds of thousands of educated Jordanians since the mid-90's have continued to emigrate in search of skilled work, foreign laborers principally from Egypt and Asia (primarily Indonesia, Sri Lanka and the Philippines) have continued to come, filling low skilled, low paid positions in service, construction, agriculture, domestic work and export processing zones (QIZs).<sup>262</sup> An estimated 90% of these workers are illiterate and earning between 100-199 JD.

Between 2005-2009, migrant workers filled 63% of the jobs that were created and accounted for almost half of all private sector employment, while 180,284 Jordanians, over 13%, were unemployed in 2009.<sup>263</sup>

In 2011, the Jordanian government announced a national employment strategy focused on boosting labor market participation rates particularly among women and young people, reducing unemployment and creating more opportunities for decent work. The government's plan sets objectives to replace migrant workers with local labor, within 1-3 years in the service and construction sector and within 3-9 years in mining, the industrial and agricultural sectors. Interest was rekindled in trying to increase the numbers of Jordanians working in the QIZ's.<sup>264</sup>

### Labor and Employment Issues in the QIZ's

About 70% of Jordanian exports enter the US through the QIZ program because these products are able to enter the country entirely free of duty. Textile and garment products including clothing and luggage make up 99% of all QIZ products to the US. As a result of these programs, Jordan's exports to the US rose from 5 million to \$1.3 billion between the early 90's and 2007.<sup>265</sup>

About 30,000 migrant laborers work in the 13 Qualified Industrial Zones (QIZ's) that were created in Jordan under a 1996 US Congressional authorization. The QIZ's have had persistent labor rights violations. The problems begin even before workers arrive in the country. Recruitment is mandated to be carried out through registered employment agencies in Jordan who are paid by the employers. However, the reality is that unregistered "sub-agents" in the sending countries often play a major role in identifying and feeding workers into the Jordanian registered recruitment agencies. For the period February 2011-December 2011, Better Work Jordan (BWJ), found that workers in an estimated 40% of garment factories in the country indicated that their debt to recruitment agents or sub-agents in their home countries adversely affected their freedom to leave their jobs.<sup>266</sup> In exchange for matching them to agencies and arranging for 3-year renewable contracts, the sub-agencies collect illegal fees from the workers.<sup>267</sup> These fees have ranged from \$300 to \$1000 in Sri Lanka and as much as \$2500 in Bangladesh.<sup>268</sup> As a consequence, migrant workers begin their employment already in substantial debt.

Upon arrival in Jordan, employers often change the terms and conditions of employment specified in the initial contract including wages, hours, and the provision and cost of food and healthcare. Workers are required to sign new contracts, often in a language they do not understand. In their groundbreaking 2006 report, the National Labor Committee documented many examples of these practices. In one case, female Bangladeshi migrant workers at Hi Tech Textiles were charged between \$885-\$1,770 (US) by a Bangladeshi contractor for a 3 year contract to work in Jordan which they were told covered the cost of airfare. Although they were also told that they would be paid \$120 a month for a regular 48 hour workweek, that overtime would be paid according to Jordanian law and that they would have one day off per week as well as government holidays and vacations, upon arrival, the terms and conditions of work were radically different. Workers were forced to labor 15 ½ to 16 ½ hours a day, seven days per week and were not paid the local minimum wage or overtime. The factory manager also insisted that

the contractor in Bangladesh had not paid the women's airfare so that it was being deducted from their salaries.<sup>269</sup> Workers have told the GTU organizers that they are fearful that if they complain, there will be reprisals "in case their parents or friends want to come through the same agency."<sup>270</sup>

All migrant workers are required to have valid work and residency permits that must be renewed annually. The work visa permits them to work only for the factory that hires them and does not allow for mobility between employers. In addition to renewing their permits and paying their wages, migrant workers depend on their employers for food, housing and their return airline tickets, which are granted only upon completion of their work permits. If workers leave an abusive employment situation or employers close down, they are stranded without work permits, become undocumented and lack the means to return home. They can sometimes get help from their embassies but officials have been known to turn a blind eye to abuse and to advise their nationals not to make trouble. Until the labor law was changed in 2010, migrant workers were also legally excluded from the right to organize, join a union or collectively bargain. Many workers, fearing the loss of their jobs and residency status, steer clear of unions but those who have organized have sometimes suffered arrest and deportation. For all of these reasons, unscrupulous employers in the QIZ's often prefer to hire migrant workers.

The service sector has also been characterized by sub-standard wages and exploitative working conditions. In addition to the QIZ's, there are an estimated 70,000 female migrant workers from Sri Lanka, the Philippines and Indonesia working as domestic workers in Jordan.<sup>271</sup> Reports by the US State Department, the ILO, the Solidarity Center, and Human Rights Watch over the past decade have all spotlighted rampant abuses including beatings, rape, long work hours, denial of days off, being kept in a condition of virtual imprisonment and not being paid for their labor. In some cases, when their two year contracts were up and they were unable to pay the fees owed to the Jordanian government they had been held in custody until they did so.<sup>272</sup>

There have been important advances in terms of domestic workers' *formal* labor rights. In 2003, the Ministry of Labor (MoL) began to take more responsibility for oversight of recruitment and employment of migrant domestic workers and Jordan became the first Arab country to use a Unified Standard Contract for domestic workers. MOL promulgated guidelines that required local recruiting agencies to apply for a license and also provide a bank guarantee of about \$70,000, which the ministry can use to settle employment disputes.<sup>273</sup> In 2008, domestic workers began to be included under Jordanian labor law and in 2009, labor regulations specific to domestic work were issued, including a maximum of 10 hours of work a day, a minimum of eight hours of continuous rest a day along with a weekly day of rest and regular salary payments.<sup>274</sup> Additionally, Sri Lanka, Indonesia, and the Philippines had signed memoranda of agreement regarding the recruitment and treatment of their migrant domestic workers. However, according to a 2011 Human Rights Watch/Tamkeen Center for Legal Aid Study, these laws and agreements are not being enforced effectively.<sup>275</sup> The study, based on interviews conducted in 2009 and 2010, found that employers and recruitment agents were frequently beating domestic workers, locking them inside the house, forcing them to work 16-20 hours a day, seven days a week and denying them food and healthcare. Recruitment agencies in countries of origin and in Jordan did not provide workers with copies of their original contracts and there was almost

universal confiscation of passports upon arrival. Conditions were so dire that by 2010, all three countries had formally suspended their MOU's with Jordan.<sup>276</sup>

### Foreign Policy Objectives trump Labor Rights in Free Trade

The free trade program in the Middle East was first initiated during the 1993 Oslo peace process with the goal of promoting peace between Israel and its Arab neighbors through economic cooperation.<sup>277</sup> Jordan was rewarded with a free trade agreement for signing a peace agreement with Israel in 1994. The QIZ's were established in 1996 under a US Congressional authorization that entitled goods jointly produced by Israel and either Jordan or Egypt to enter the US duty-free. The QIZ program was followed by the U.S. Jordan Free Trade Agreement (Jordan FTA) in 2000.<sup>278</sup>

The Jordan FTA was a landmark bilateral pact because it was the first US trade agreement that integrated enforceable workers' rights provisions into the actual text explicitly recognizing that "it is inappropriate to encourage trade by relaxing domestic labor laws."<sup>279</sup> and making labor and environmental provisions subject to the same consultation and dispute resolution process as the commercial provisions of the agreement. The labor section required both countries to effectively enforce their respective labor laws and to comply with internationally recognized labor standards including the right of association, the right to organize and bargain collectively and a prohibition on the use of any form of forced or compulsory labor.<sup>280</sup>

Experts generally considered the Jordan FTA to have the most rigorous labor provisions of any trade agreement, including both national and international standards among its obligations and binding both parties to enforce their own existing national laws on labor rights covered in the agreement. These obligations were subject to dispute settlement and disciplines including a training program for workplace inspectors, a monetary fine and possible withdrawal of trade benefits under the agreement.<sup>281</sup> However, the labor provisions proved to be a toothless tiger. In an exchange of letters in July of 2001, both the US and Jordanian governments made it clear that they did not plan to enforce the agreement according to its original design and did not intend to utilize the formal dispute settlement procedures.<sup>282</sup>

There are thirteen QIZ's in Jordan, four "public" and nine "private". The distinction between the two is that while all of them are sites for private companies, public zones are government-operated and have Ministry of Labor offices and state police on-site. Most companies are now owned by Indian, Pakistani and Sri Lankan companies and there are also a few Chinese and Israeli firms as well. Although also initially envisioned as a tool for tackling low labor market participation on the part of Jordanians, about 80% of jobs in the QIZ's ended up being filled by migrant workers primarily from Bangladesh, India and Sri Lanka. Observers find that Jordanians are reluctant to work in the QIZ's because of low wages, difficult working conditions, perceptions of low social status and travel distance.<sup>283</sup>

### Working on Multiple Fronts to Improve Conditions in the QIZ's

From 2003 to 2009, the Solidarity Center and GTU became strategic partners in developing a groundbreaking program to organize migrant workers (despite the ban on doing so), draw

attention to the widespread abuses in the QIZ's, pressure the Ministry of Labor to ratchet up enforcement in some of the largest QIZ's and spotlight the need to amend the law banning migrant workers from union membership. They carried out this program despite having to work within the constraints of a highly restrictive regime and focusing their efforts in free trade zones, which enjoy a richly deserved worldwide reputation for high security, secrecy and repression. The two organizations were able to take advantage of Jordan's extreme sensitivity to bad publicity in the US and Western media and use their institutional standing—GTU as an official union chartered by the regime—and the Solidarity Center as the representative of the US labor movement—to gain access, spotlight abusive practices and provide some protection to workers organizing for improvements. While the regime continued to pursue its export-oriented economic development strategies and the prohibition on migrant worker organizing was still in effect, the Ministry of Labor did not intervene to stop the Solidarity Center and GTU when it was organizing migrant workers and never actively implemented the ban on migrant workers joining unions.

In the first few years the Solidarity Center worked with the union to develop a strategy for outreach to workers in Irbid and Al-Dulayl, a relatively new and growing QIZ. The Solidarity Center also supported publication of the union's newsletter and operation of its website and organized a series of union education workshops intended to activate existing members and identify new recruits. As part of these workshops the GTU was able to get the Ministry of Labor inspectors to present on health and safety issues to the garment workers in Al Dulayl and link the need for improvements to the need for union representation. The Solidarity Center also worked with the GTU to conduct research on three garment worksites where 3,000 Jordanian and non-Jordanian workers were employed. For the next two years, the Solidarity Center worked with GTU as it conducted outreach and organizing efforts to these workers.

In December of 2005, the Solidarity Center published *Justice for All: the Struggle for Workers Rights in Jordan* based upon research conducted in 2004 that looked at problematic labor practices across the Hashemite Kingdom, detailing women's experiences of discrimination in the workplace, problems with child labor and forced labor, discrimination on the basis of national origin and also elaborated on the situation of migrant workers in the QIZ's. *Justice for All* placed all of these abuses in the context of problematic laws. The 1996 Labor Code placed many restrictions on the right to strike, excluded civil servants, domestic workers, gardeners, cooks and agricultural workers from its protections and did not shield unions from acts of interference by employers and government officials or protect striking workers from employer retaliation. The Labor Code and union by-laws also limited union membership to citizens resulting in the exclusion of the hundreds of thousands of migrant workers from the right to representation, collective bargaining and participation in strikes.<sup>284</sup> The 2001 Public Assemblies Law limited workers' rights to freedom of association and collective bargaining. The report called upon the Jordanian labor movement to commit itself to addressing the problems of QIZ workers through policy as well as aggressive organizing.

2006 marked a turning point in the campaign to take on exploitative working conditions in the QIZ's. In the first few months of the year the Solidarity Center helped GTU to establish a union office in Dulayl and the two organizations intensified their work, training organizers and developing strategic campaigns to organize Jordanian and migrant workers in Dulayl as well as

other QIZ's. The organizations reached out to clothing brands to discuss the brands' efforts to promote compliance with the corporate codes of conduct.

In May of 2006, after a year of site visits and research the National Labor Committee (NLC) released a shocking expose of the abusive working conditions prevalent in many of the factories in Jordan QIZ's. The report detailed appalling working conditions prevailing for migrant guest workers sewing for major national brands including L.L. Bean, Target, Sears, Mossimo, Wal-Mart, K-Mart, J.C. Penney, Gloria Vanderbilt, Victoria's Secret, Faded Glory, Bill Blass and Liz Claiborne. In case after case the NLC documented workers' stories of abuse including being:

- Held as indentured servants--stripped of their passports upon arrival
- Forced to work mandatory shifts of 16-20 hours per day and sometimes as long as 24-72 hours
- Slapped, beaten, sexually abused, raped and tortured
- Not paid at all for months at a time or severely underpaid
- Crowded into tiny rooms with limited access to water and showers and forced to use filthy bathrooms
- Underfed
- Deported after trying to organize

NLC highlighted the fact that all of this was taking place under a free trade arrangement that allowed Jordanian goods duty free access to the U.S. market. The organization called for an immediate freeze on entry of new guest workers to Jordan until the QIZ's were brought into full compliance with Jordanian labor and employment laws and internationally recognized worker rights standards and for an immediate ban on the forcible deportation of guest workers. It also called for a portion of workers' back wages to be repaid and for the establishment of an independent human and workers' rights office to be set up in Jordan to audit and report on efforts to bring factories into compliance with the law.

On September 21<sup>st</sup>, 2006 the AFL-CIO and the National Textile Association filed a request to invoke consultations under the US-Jordan FTA to address Jordan's violations of the agreement's labor rights provisions. The request cited numerous problems with Jordan's Labor Code and related laws including: government control of union representation by industry, excessive government supervision of trade unions, restrictions on the right to strike, denying union membership by occupation and restricting union membership to Jordanian Nationals. The request also argued that Jordan had failed to effectively enforce its own labor laws and then detailed the desperate situation of migrant workers in the QIZ's and in domestic work who were being denied access to the judicial system and living in fear of deportation. The AFL-CIO and the NTA requested that the US Government invoke the Agreement's dispute resolution procedures and that Jordan take specific steps to demonstrate compliance with its obligations under the agreement including: reform of labor law consistent with ILO conventions, recommendations and any other technical advice, effective enforcement of labor laws including an overhaul of the labor inspection system undertaken in consultation with unions and workers and third party monitoring of labor rights in the QIZ's.<sup>285</sup>

Less than a month later, the AFL-CIO received a response from the U.S. Trade Representative agreeing with the charges made, accepting the merits of the case and charging the Joint Committee established by the FTA with addressing the issues raised through a newly established Working Group on Labor Affairs.<sup>286</sup> Little came of it. The administration, as it had indicated it would do in 2001, decided not to go into a formal dispute and settlement process and there was no requirement that the US do so in the structure of the agreement.<sup>287</sup> As has often been the case historically, it would seem that labor rights took a back seat to the use of the FTA as a tool for furthering US foreign policy objectives. On the other hand, the response of the US was not monolithic. While the US Trade Representative was less aggressive, other government agencies, with some urging by disgruntled members of congress, did take some action.

Along with the AFL-CIO, members of congress, who had supported the Jordan FTA as an employment booster for Jordanians, were also frustrated when they heard that the vast majority of the workforce in the QIZ's was migrant guest workers. Ultimately the US Trade Representative, State Department and the Department of Labor did meet with the Jordanians and urge some action to alleviate the most egregious forms of abuse of migrant workers. The regime agreed to involve the ILO in the training of labor inspectors with a particular emphasis on human trafficking and withholding of passports and the Minister of Commerce made a public statement that it would not enforce the law that migrant workers could not join labor unions. Later that year the ILO launched its Better Work program in Jordan, which does not involve a loss of quota for countries found to have significant labor problems. Some felt that having the ILO bring in Better Work gave the US Trade Representative and the Department of State the ability to "outsource the problem" while still being able to tell congressional critics that they were working with an international program intended to help the Jordanians work to raise labor standards in the QIZ's. However, Better Work has an explicit commitment to strengthening union capacity and, as will be described below, has played an important role in supporting organizing in the QIZ's.

Despite the underwhelming response to the National Labor Committee report, the Solidarity Center's report, and the FTA complaint, the Solidarity Center and the GTU felt that the bad publicity had given the GTU the political space to actively organize migrant workers in the QIZ's despite its illegality under Jordanian labor law.<sup>288</sup> Additionally, the Ministry of Labor, recognizing that migrant workers, who were not allowed to pay dues to unions, needed some type of voice, supported changing the labor law to allow for migrant worker organizing (although the Jordanian Parliament rejected the proposal in 2008) and agreed to fund the offices of the GTU in the QIZ's. Some at the Solidarity Center felt that despite the regime's protectiveness of its free trade zones, the GTU presence in the zone was actually appreciated by the Ministry of Labor because the union was helping to resolve other issues in the zones and to bring order and structure to labor relations.

### Proceeding As If Migrant Workers Had the Right to Organize: Unionizing and Representing Migrant Workers Despite the Ban

Migrant workers in the QIZ's were incredibly isolated prior to the National Labor Committee's expose, the Solidarity Center's report and the AFL-CIO filing of its complaint under the FTA. The next stage of the work of going into the QIZ's in partnership with the GTU continued to shed light on the exploitation and repression that is often part and parcel of export-oriented production in free trade zones.

Improving the situation of migrant workers almost always involves a combination of policy intervention—complex because it touches upon several different areas of policy including immigration, employment, social welfare and trade—and organizing and supporting workers who take action on their own behalves, which is also complex because it involves asserting rights and exercising them often without legal entitlement to do so.<sup>289</sup> In the next three years, the Solidarity Center and GTU moved ahead on many fronts at once to address migrant workers' issues in the QIZ's, first by establishing union presence and membership.

## **Organizing**



From 2007-2009 the Solidarity Center and GTU went about the work of bringing a union into the QIZ's, organizing the Jordanian workers but also addressing the language and cultural barriers that interfered with organizing the migrant workforce. The Solidarity Center and the union recruited and hired seven full-time organizers fluent in the languages of QIZ migrant workers including Arabic, Urdu, Hindi, Chinese, and Sinhala. Although GTU was committed to doing the work, it had very limited resources. While for a time it received a limited amount of state funding, the union has not since 2009 and has relied on membership dues. The Solidarity Center made the decision to fund the organizers because, although the GTU had come to the decision that it wanted to have dedicated organizers in the zones, it did not have the income to do so. The Solidarity Center's justification for the subsidy was that just as US unions require full-time organizers in order to carry out the work, unions in developing countries need them as well. Additionally, the Solidarity Center concluded that direct funding of organizers was necessary because given the structural impediments to organizing, it would be extremely difficult to "get enough people to pay enough dues to pay enough salaries"<sup>290</sup> in the short term while the union was building its organizing capacity. Organizational self-sufficiency in their view was a very high bar in countries with low union density and restrictive labor laws.

Through a combination of workers' rights education, organizing trainings and intervention during moments of crisis in specific factories, the GTU recruited over 6,000 migrant garment workers into the union and negotiated collective bargaining agreements with 24 of 91 factories in the industrial zones, expanding into the three major zones where the bulk of the garment factories were located including Al Dhulayl, Al-Hassan and Sahab.

In addition to recruitment, the organization also worked with GTU to try to create a union presence in the individual factories by establishing trade union committees, developing secondary leaders and introducing the idea of democratically elected committees through holding shop floor elections in the factories. Interestingly, although migrant workers are barred from holding union office, they were not barred from serving on factory level workers committees. However, collective bargaining at the enterprise level with individual companies had limited impact and high turnover in the zones, along with an overall lack of union workplace structures made institutionalizing a union presence difficult. Additionally, due to the formal prohibition on migrant worker union membership however, the GTU seldom collected union dues.

The Solidarity Center also tried to work with GTU to develop its capacity to engage in a more strategic organizing approach that included more of an effort to go beyond "hot shop" organizing to proactively select companies for targeted organizing campaigns as well as integrating grievance handling with building union committees at specific factories. The organizers also worked to develop the capacity to offer mediation support to migrant workers who took collective action. In 2008 alone, workers in the QIZ's organized 49 strikes involving almost 13,000 workers with work stoppages that lasted between a single day and 28. With the union's help, workers learned to choose representatives to speak for them in negotiations with employers, and to draft collective agreements on behalf of the workers' committees.

Striking workers were able to win specific demands for a halt to employer's deductions of wages for food and lodging, ending physical abuse by supervisors, back payment of overtime hours,

reduction in daily work hours, issuance and work and residency permits and enabling migrant worker strike leaders to return to their countries of origin without payment of penalties.

### **Representing Migrant Workers in the QIZ's**

With offices right in the QIZ's, the GTU organizers became for some factories the first responders in a crisis, making themselves available around the clock to migrant workers. They received individuals and groups of workers at the union office, visited them in their dormitories and met them in cafes, listening to their stories, carefully recording the details of their cases and then determining actions to take. They established a strong capacity for grievance handling, resolving thousands of individual and collective grievances including ensuring that passports were returned to their bearers and workers received benefits due from the Social Security fund, that they received reimbursement for airline tickets, addressing dismissals, non-payment of wages and overtime benefits, reducing unfair reprimands, repaying arbitrary deductions owed to workers for housing and food and pushing for disciplinary procedures against managers and employers engaged in physical abuse of workers. In 2007, the organizers helped resolve 2,968 individual cases. In 2008, the organizers enabled the union to resolve 1,776 individual cases and 69 collective cases with a total of 4,603 beneficiaries.<sup>291</sup>

Some of the cases were resolved directly by the organizers in consultation with employers; others required getting the director of the union office in the QIZ involved. Resolution of cases built workers' confidence in unions as vehicles for change. Often, when a single worker was helped by the union then others who saw this would come forward asking for help as well. Documentation of all of the cases also gave the Solidarity Center, the International Trade Union Confederation (ITUC), the ILO and other international organizations a way to provide concrete stories about what was happening to migrant workers in the zones.

### **Leadership Development and Education**

The Solidarity Center worked with GTU to develop programs that would build union capacity and create opportunities to meet diverse workforces, including training of organizers to deliver impromptu "Know Your Rights" sessions to workers in the zones. The GTU also produced small booklets in Arabic, English, Hindi, Sinhala, Chinese and Urdu that described workers' fundamental rights in Jordan and distributed thousands of them to migrant workers in the QIZs. They also conducted training of trainers' courses on advanced teaching methods, organizing, communication and rights and responsibilities of shop stewards for worker committees from QIZ factories that included workers from Jordan, India, Bangladesh, Nepal, Pakistan and Sri Lanka. The programs were based on popular education pedagogy that emphasized participatory and creative exercises appropriate for multilingual and multicultural settings. In addition, the Solidarity Center worked to link the leadership of the GTU to the wider network of garment unions through participation in the International Textile, Garment and Leather Workers Federation (ITGLWF) the global union federation that brings together 217 affiliated organizations in 110 countries including Jordan.

### **Improved Administrative Capacity at the Ministry of Labor**

In addition to documenting and publicizing abusive conditions and getting the Ministry of Labor to fund the union's offices in the zones, the Solidarity Center and GTU worked with the US government and the ILO to support the Ministry of Labor to expand the capacity of its labor inspectorate and to focus on sweatshop conditions in the QIZ's. The Ministry agreed to reform its labor inspection process including:

- Empowering the head of the labor inspectorate to implement an aggressive program
- Recruiting and hiring 70 new labor inspectors
- Integrating occupational health and safety with labor inspection
- Offering longer and higher quality training to inspectors on labor issues including human trafficking and forced labor
- Sending labor inspectors to participate in a two-week training course at the ILO on discrimination
- Looking at regulation of employment agencies

### **Policy Advocacy**

The Solidarity Center and GTU worked with the US government and the ILO to catalyze the GFTJU along with the Ministry of Labor and major employer organizations to agree to expedite consideration of amendments to labor law resulting in the Jordanian Parliament voting to include domestic workers and agricultural workers under Jordanian Labor Law for the first time and also adopting a comprehensive human trafficking law.

The Jordanian government agreed to include migrant workers under the minimum wage provisions and twice increased the minimum wage after the NLC, the Solidarity Center and GTU publicized their financial struggles. However the garment industry was a different matter. After the first increase was announced, QIZ employers said that if the higher minimum wage were to be implemented, it would shut down the sector because brands would leave. The MoL agreed to allow GTU and employers to negotiate a separate deal for the apparel sector which ultimately extended the higher minimum wage to Jordanian workers in the QIZ's but excluded migrant workers. MoL authorized employers to include the cost of food and lodging when calculating the total compensation of migrant workers, a practice that is consistent with ILO conventions.<sup>292</sup> Minimum wage for migrant workers is 110 Jordanian Dinar per month, approximately \$155.20 in US dollars.

### **Working with Buyers**

In the aftermath of the National Labor Committee report, Jones Apparel pushed for international monitors of their subcontractors and insisted that each factory have a health and safety committee and conduct internal safety audits. Also in cooperation with a major buyer, the Solidarity Center and GTU helped to establish trade union committees in four plants in the Dulayl QIZ and to hold direct elections for factory union leaders at the High Tech Company in which over sixteen hundred Indian, Bangladeshi, Sri Lankan Jordanian, Nepali and Pakistani workers participated. The elected committee members focus on bringing forward the issues raised by workers from their countries of origin.

## **Defending women workers, spotlighting gender dynamics of labor markets and occupations and focusing on improving conditions in heavily female industries**

GTU and the Solidarity Center braided a gender analysis into all of the work they carried out. They were very explicit in their reports, public statements and advocacy about how migrant women were being recruited for specific jobs as garment workers in the QIZ's and domestic workers outside of the QIZ's, and were systematically mistreated by employers and physically abused and sexually harassed by supervisors.

### **Building Bridges Between Unionized Workforces and Migrant Workers**

The Solidarity Center and GTU focused on raising the awareness of other Jordanian trade union leaders of the plight of migrant workers in the garment and textile factories through taking trade union members on trips to the QIZ's so that they could witness firsthand the conditions under which workers were living and hear their stories about treatment by factory supervisors. Through these efforts, the Solidarity Center and GTU succeeded in getting the General Federation of Jordanian Trade Unions to take a position for the first time on migrant workers' rights under Jordanian labor law. In doing so, the organizations understood the importance of validating the leaders' concerns about unemployment and poverty among Jordanian nationals.

In their work in the QIZ's, the Solidarity Center and the union adopted a comprehensive strategy of helping to address workers' individual complaints and trying to improve working conditions more generally through advocating for improved inspections by the Ministry of Labor, trying to change labor laws that excluded migrant workers from membership, supporting striking workers, engaging in collective bargaining where possible and promoting dialogue with employers and buyers to resolve disputes at the factory level.<sup>293</sup>

#### What factors account for GTU's willingness to organize migrant workers?

##### **Inherited Traditions: History and Leadership Experience**

The anomaly of GTU's interest in organizing migrant workers when most other unions were not engaged is partially explained by the union's origins during a period of vibrant industrial unionism in Jordan in the late 1940's and 1950's. The organization's founders were Palestinian refugees who worked under sweatshop conditions and struggled with the regime to recognize their union. Some of its leaders led the union during the golden era of independent and activist trade unionism in Jordan and somewhat unusually continued to be active after the crackdown in the 1970's.

The union found a way to organize without challenging the regime directly and took a similar approach in its work in the QIZ's. The union's work was marked by judiciously mediating factory disputes, proposing reasonable wage increases and medical benefits and where possible, sitting down with employers and negotiating collective bargaining agreements. It focused on developing relationships with the factory owners in the zones, rather than trying to go above them to the brands (although the union also reached out to a couple of brands over the years). After trying to go into more hostile worksites and being barred from entry, the union looked for

employers it could work with including those few who were concerned about employing Jordanians in their factories. The Solidarity Center also worked with the GTU to encourage them to build a union infrastructure inside the QIZ's. Rather than the more traditional top down leadership approach, the Solidarity Center encouraged GTU to work toward having elected union representatives inside each factory to monitor agreements and handle grievances in a more democratic fashion.

As for why the union was supportive of migrant workers, ideologically its leadership was internationalist and viewed migrant workers as part of the global working class, pragmatically—they were also 80% of the workforce.<sup>294</sup>

### Global Links

GTU's close relationship to the Solidarity Center was critical to its more inclusive vision of the union and most importantly, its capacity to build an organizing program with resources. Likewise, its connection to the ITGLWF brought the union leadership into a network of unions and exposed them to a broad variety of union structures and strategies beyond the limits imposed by the Jordanian state and reinforced an understanding of the dynamic of global competition in garment and textile production. The organization's connection to the ILO's panoply of programs and exposure to ILO conventions gave it a clear sense of what trade union rights should look like.

### Union Structure

While the more skilled and specialized aspects of garment production work might lend themselves to a craft union approach, garment assembly and finishing in free trade zones generally takes place in industrial factory settings and most unions that engage in organizing contract sewing workforces, including the GTU are oriented toward an industrial union approach. Generally speaking, a craft approach yields more of an exclusionary strategy in which skilled workers build power by carefully guarding entry into the trade and signing exclusive contracts with union employers. An industrial approach yields more of an inclusionary strategy in which workers do not control entry into the trade and build power through organizing all workers to act collectively.

### Union Density

Many high density unions because of their level of institutionalization, have pursued a strategy of protecting their existing workforce and some have become complacent about organizing new workers as they entered the sector. Unions with lower density have more of an incentive to organize. Garment production in general is chaotic and diffuse. In Jordan production was taking place both in the QIZ's, where it was exclusively for export, as well as outside of the QIZ's for a more domestic and regional market, and GTU felt the need to organize shops and recruit members. With migrant workers making up 80-90% of the QIZ workforce, organizing garment workers necessitated organizing migrant workers.

### Links Between NGO's and Unions and a Focusing Event

Over the past several decades, a vibrant global sector of NGO's devoted to workers' rights has emerged. These organizations often play a crucial role in documenting and publicizing the exploitative working conditions embedded within certain segments of the global supply chain. The National Labor Committee's report documenting the abuses that were taking place in Jordan's QIZ's was the focusing event that attracted significant attention to the problem and catalyzed action. That report, along with Solidarity Center's "Justice for All" report, were instrumental to the AFL-CIO's invocation of consultations under the US-Jordan FTA.

### Closing of the Solidarity Center Jordan office, Establishment of Better Work Jordan

That the Solidarity Center and GTU were able to move forward on so many different fronts is testimony to the importance of having a deep understanding of the complexity of context combined with a strong strategic capacity for action. Understanding the controlled nature of the regime, the Solidarity Center and GTU recognized that it was possible to take advantage of the union's official status to organize in the QIZ's but they also understood that it was critically important that the approach to organizing be pragmatic and focused on bread and butter issues—as opposed to a more sweeping attack on export oriented development. But the Solidarity Center felt that strategy without capacity would not have been enough. The Solidarity Center's perspective was that GTU would not be able to engage in this work without providing financial support that enabled the hiring as well as the training of foreign language speaking organizers. Nevertheless, progress was limited.

Looking back on their work in the QIZ's, the Solidarity Center leaders concluded that despite some important individual successes, it had not yet been possible to organize migrant workers at significant scale to participate in an ongoing fashion, for several reasons. First and foremost, at this point and until the law was changed in 2010, migrant workers were not allowed to belong to unions so their membership was always informal—no dues were deducted to support the work of the union. In the absence of a robust union presence in the zones, workers often turned to wildcat strikes to resolve their problems. Second, there was very high turnover in the QIZ's with workers staying two years or less, which made the construction of an enduring leadership core in the shops very challenging. Third, it had proven difficult to establish union structures at the factory level, instead workers were going to the GTU office to file grievances which meant that the staff organizers spent much of their time addressing the grievances of individual workers. Fourth, collective bargaining agreements between the GTU and employers had limited impact in part due to the absence of a sector-wide agreement as well as effective arbitration mechanism under the labor law.<sup>295</sup> Moreover, there was not a culture and understanding on the part of employers of what collective bargaining really involved.<sup>296</sup> Above and beyond the particularities of working in the QIZ's, the power of the authoritarian state to produce a dependent, quiescent labor movement had severely limited what the Solidarity Center and GTU could accomplish.<sup>297</sup>

In late 2009, grant funding for the Solidarity Center's Iraq programs ran out, necessitating a reshuffling of resources in the Middle East, and leading to the decision to close the Jordan office. At that point, while GTU was still the only union actively engaging with migrant workers, the work was still in the early stages. Phasing out the subsidies for organizers came as a surprise to the union, which had counted on the financial support to be ongoing and had not developed an

internal funding stream to support the work. While Jordanian garment exports were on an upward trajectory, the union's capacity to organize in the QIZ's sustained a significant blow.

During the Solidarity Center's final year or so in the country, Better Work Jordan (BWJ), part of a larger ILO project, was established as a tripartite effort (government, employers and unions) with a mandate to contribute to the growth and sustainability of the export garment industry by promoting socially responsible production, enhanced economic performance and compliance with Jordanian labor law and core international labor standards. Phil Fishman and Daniel Cork, both staffers formerly associated with the AFL-CIO, the Solidarity Center or its predecessor organizations and possessing significant experience in the Middle East became Better Work staffers. Fishman became the country director in Jordan, while Cork became the global technical specialist for industrial relations. Early on BWJ conducted an assessment of 24 factories employing more than half of the total QIZ workforce, finding widespread non-payment or delayed payment of wages and under-payment for overtime as well as a high incidence of debt bondage due to worker indebtedness to labor recruiters.<sup>298</sup> QIZ employers balked about the charges of debt bondage in particular, arguing that it was unfair to hold them responsible for the behavior of labor recruiters in origin countries but BWJ held firm, arguing that the garment sector in Jordan would be held responsible in the eyes of the international community. As a result, some factories did take action. Some decided not to recruit Indians because they did not feel they could have adequate control over the recruitment process. A quasi-governmental agency was established in Bangladesh and only those recruitment agents who are registered with it are now authorized to come to Jordan.<sup>299</sup> In one unusual case, members of the labor inspectorate actually accompanied the firm to oversee the recruitment process. BWJ began convening what became quarterly meetings with the Ministry of Labor's (MoL) Inspection Directorate and developed a close collaboration with MoL's labor inspectors. Jordanian garment exports increased by 33.4% in 2010, the highest percentage increase in four years.<sup>300</sup>

BWJ's initiatives with the labor inspectorate took place amidst heightened labor unrest in the QIZ's including a three-week work stoppage in May of 2011 with workers demanding wage increases and the elimination of monthly deductions for food and accommodations, which was not directly organized by the GTU. Although most of the largest factories were already in the program, participation in BWJ was made compulsory for all garment factories and their subcontractors exporting to the US and Israel as of 2010 and took effect in July of 2011. Given that union participation was a core component of the Better Work model, it would seem that the stars were aligned for GTU to become a major force in the QIZ's, but there was concern about the cutting off of subsidies for organizers, given that GTU was still dependent upon them to support the organizing.

Part of BWJ's mandate is to support union capacity building and the staff there believed it was critical to try to identify continued financial support for the GTU organizers. Fishman persuaded the USAID mission locally to provide funding, which was channeled through the global union federation, the ITGLWF to continue the subsidy. As a result, all of the GTU's organizers were able to stay on. Beyond the day-to-day "reactive" organizing and grievance handling, the GTU's main proactive goal was to work toward the right to engage in sector-wide collective bargaining and to establish a sector-wide collective bargaining agreement.<sup>301</sup>

In 2010, the Jordanian parliament approved a measure that gave migrant workers the right to join unions which opened up the possibility that GTU could recruit them to become formal members. BWJ, as part of its capacity-building program for the labor movement in the garment sector sponsored the ITGLWF to provide workshops on collective bargaining for the GTU but progress was limited. As BWJ was implementing its program, a new labor movement began to emerge outside of the strictures of the state.

In 2012 there were over 900 labor actions in Jordan (as compared with approximately 140 in 2010, which was itself a significant increase over previous years). According to Fida Adely, of the Georgetown University, the scope and breadth of labor action has been unprecedented with teachers, bank tellers, imams, phosphate and potassium workers, university employees, journalists, taxi drivers, nurses and doctors at state-run hospitals all taking part.<sup>302</sup> The highest number of protests was organized by service sector workers, followed by transportation and education workers. Close to 60% of the protests took place in the more high status and secure public sector where Jordanian citizens are concentrated.

Strikingly, the Phenix Center's Jordan Watch concluded that 82% of the 2012 protests were organized by labor and union groups who were not associated with the seventeen officially recognized trade unions and the General Federation.<sup>303</sup> Although close observers say that most were not what could be characterized as mass-based organizations, there were a few that were, particularly the newly emergent teachers' association with an estimated membership of 140,000.<sup>304</sup> Protest leaders said that after years of attempting to bring reform from within (most recently in 2012 when trade union activists from outside the official trade unions tried to pressure the leadership of the General Federation to reform<sup>305</sup>) they had given up on working through the established trade unions and had shifted to a strategy of creating new unions and then fighting to win official recognition of them. Since 2011, at least nine new independent unions and a new general federation of independent unions have been formed although their lack of legal status prevents them from collecting membership dues or establishing bank accounts.

In 2012, BWJ asked the Solidarity Center to provide its expertise to assist the GTU in designing a sectoral collective bargaining agreement (CBA) in the QIZ's that would go beyond the basics of what is covered under the labor law. A Solidarity Center veteran labor educator, with years of experience in the region and a long-standing relationship with Jordanian union including the GTU, begun working with Omrani as well as a cadre of union staff and migrant QIZ leaders to develop a draft of a collective bargaining agreement (CBA) and a strategy for getting some employers to sit down across the table.<sup>306</sup> The proposed draft of the CBA specifies that there will be one unified contract for all workers that they will receive in their own language. The CBA explicitly bans recruitment, committing employers to ensure that no worker is charged any fees arising from their employment.<sup>307</sup> Most importantly in terms of organizational self-sufficiency and member voice, the CBA will include automatic dues deduction by the companies that could yield funds sufficient for the union to cover the financial cost of staff and offices in the QIZ's.<sup>308</sup> BWJ is also working with the union to create a model and begin to instill a culture of continuous organizing that can be carried out under conditions of extremely high turnover, which seem unlikely to change.<sup>309</sup>



In addition to the policy change allowing migrant workers to become union members, BWJ's work has led to substantial improvements in the QIZ's in terms of occupational safety and health in the dormitories and factories as well as with regard to timely payment of wages. There are also more factory-level worker committees than ever before.<sup>310</sup> Additionally, in early 2013 agreement was reached between the Jordanian and US governments to expedite BWJ coverage of all apparel factories, and to further strengthen labor rights provisions under the Free Trade Agreement. The agreement calls for the inclusion of monitoring and compliance regarding nonrenewal of contracts in retaliation for union activity or collective action in BWJ's assessment protocols and to ensure that unions in practice really do have access to migrant workers in the QIZ's. The Jordanian government agreed to issue directives regarding the investigation of patterns of discrimination against workers involved in trade union or associational activity as well as the illegality of sexual harassment, sexual abuse and gender discrimination in the workplace.<sup>311</sup>

### A New Chapter?

In 2012, the Arab spring erupted across the region.

Political scientist Eva Bellin has argued that the robust power of the state's coercive apparatus<sup>312</sup> to suppress democratic reform initiatives is the single most important factor that accounts for the staying power of Middle East and North African authoritarianism.<sup>313</sup> Under these conditions, one could argue that it would require nothing less than a great social movement to break through this kind of control.

The Arab Spring and the continuing activism has had a dramatic impact on state/society relations across the region but the balance of power in most regimes, including Jordan, has yet to be permanently altered. The size of the protests and their contagion across the Middle East were unprecedented but whether these diverse coalitions are able to win real democratic change remains an open question.

Jordan was not an epicenter of the Arab uprisings, but protests began early, at around the same time as the protests in Tunisia and posited many of the same demands as the Tunisians and the Egyptians: an end to privatization of state resources, the resignation of the Prime Minister and his cabinet and broader political reform including restriction of the king's power and establishment of a constitutional monarchy. Close observers argue that the most dramatic change has been the uptick in labor protests.<sup>314</sup> New unions have emerged and are struggling to establish themselves outside of the existing Jordanian labor federation structure, often over the opposition of the existing unions. Whether the existing federation and unions will also transform is still an open question.

The independent unions have so far been focused on establishing their right to organize, and have yet to take an active step to include non-Jordanian members. It does seem clear that the Solidarity Center and Better Work Jordan have helped to improve the conditions of migrant workers and widen the possibilities for democratic action in Jordan. For ten years, the Solidarity Center built a program that brought about some union attention to migrant workers and laid the groundwork for important changes in state policy towards them. In the absence of a larger social

movement in Jordan, GTU accommodated to the reality of state power but figured out strategies for addressing the severe labor problems in the QIZ's. Given the political constraints, the Solidarity Center and GTU's approach was a pragmatic one<sup>315</sup>. Now that it would appear that a new labor movement that may push for more sweeping changes might be in the offing, GTU could be the beneficiary of a state looking to accommodate societal demands while continuing to pursue export-oriented growth and of course, continuing to rule.

Movements are instrumental to democratic openings because they are mass demonstrations of discontent and power but they often have their greatest impact through strengthening the influence of established organizations and institutions working toward improvements. GTU is one such organization that seems well positioned to take advantage of regime liberalization to organize. This is why the sectoral CBA and automatic dues deduction are so important. The union's continuing dependence upon external funding, first from the Solidarity Center and then from the ITGLWF (with USAID funds) for staff is unpredictable and unsustainable in the long run and something else important is at stake as well. As a general principle, unions maintain their independence from the state in part because, through membership dues, they have independent sources of funding; financial reliance on members also creates a shared sense of ownership and the basis for democratic accountability. Now that migrant workers are allowed to become dues-paying union members, and with the possibility of a sectoral CBA, it will be interesting to see whether the GTU is capable of recruiting workers in large numbers, building real union structures in the zones and becoming more financially self-sufficient.

Beyond membership is the question of migrant worker leadership. With migrant workers barred by law from holding formal leadership in the GTU, the question is whether pressure can be brought to bear on the government to change the law. Failing that, there must be a way for GTU to establish or coopt some leadership structures at the factory level in which migrant workers are permitted to form and lead their own separate organizations.<sup>316</sup> One strategy for including migrant worker leaders in the GTU that has been suggested is that they could serve on the officially sanctioned factory-level workers committees and these committees, which currently have no formal recognition within the national union could be amalgamated into a QIZ-wide body that would be convened annually by the GTU.<sup>317</sup> While when first established, the vast majority of worker committees were appointed by management later on the Solidarity Center and then primarily BWJ trained workers to carry out elections. BWJ now estimates that half of its participating factories have workers committees and 90% of them are elected.<sup>318</sup>

While years of talk about the importance of establishing a sectoral CBA in the QIZ's have not borne fruit, the question is whether now it might. But there are enduring tensions at the core of BWJ and GTU's efforts to win improvements: BWJ's stated mission is to develop a model for the apparel sector that is stable and long-term, contributes more to the Jordanian economy and society *and* provides decent work opportunities for an increasing number of *Jordanian* workers. While free trade agreements offer privileged access to the US market, nations are always in competition with one another and they know that the internal logic of export-oriented manufacturing entails keeping wages low and recruiting docile workers with low social status in order to attract and retain companies. This model has implications for who is willing to do the work and is a key reason why the workforce composition is so lopsided in favor of migrant workers. Achieving decent work and higher levels of Jordanian employment while preserving

competitiveness will be difficult unless firms in the QIZ are able to move to higher value-added production or to fundamentally alter the paradigm of export manufacturing itself.

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<sup>1</sup>There are also roughly 20 to 30 million unauthorized migrants worldwide, comprising around 10 to 15 per cent of the world's immigrant stock, see: "Towards a Fair Deal for Migrant Workers in the Global Economy," International Labour, Organization, 2005, [http://www.ilo.org/global/Themes/Labour\\_migration/lang--en/docName--KD00096/index.htm](http://www.ilo.org/global/Themes/Labour_migration/lang--en/docName--KD00096/index.htm).

<sup>2</sup> "Trends in Total Migrant Stock: The 2003 Revision," *United Nations' Department of Economic and Social Affairs Population Division*, 2003.

<sup>3</sup>Ibid.

<sup>4</sup> Alejandro Portes and Ruben G. Rumbaut, *Immigrant America, A Portrait*, Berkeley, Los Angeles, and London: University of California Press, 2006; Douglas S. Massey, "Why Does Immigration Occur? A Theoretical Synthesis," in *The Handbook of International Migration: The American Experience*, ed. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999); Michael Piore, *Birds of Passage: Migrant Labor and Industrial Societies*, Cambridge, UK: Cambridge University Press, 1979.

<sup>5</sup> Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America*, Boston: Harvard University Press, 2008; Immanuel Wallerstein, *The Modern World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*, Berkeley and Los Angeles: University of California Press, 2011; Immanuel Wallerstein, *The Modern World System II: Mercantilism and the Consolidation of the European World-Economy, 1600-1750*, Berkeley and Los Angeles: University of California Press, 2011; Saskia Sassen, *Guests and Aliens*, New York: The New Press, 1999; Pierrette Hondagneu-Sotelo, *Gendered Transitions: The Mexican Experience of Immigration*, Berkeley and Los Angeles: University of California Press, 1994; Sherri Grasmuck and Patricia R. Pessar, *Between Two Islands: Dominican International Migration*, Berkeley and Los Angeles: University of California Press, 1991; Massey, "Why Does Immigration Occur?"; Jennifer Gordon, *Suburban Sweatshops: The Fight for Immigrant Rights*, Boston: Harvard University Press, 2005.

<sup>6</sup> Douglas S. Massey, Luin Goldring, and Jorge Durand, "Continuities in Transnational Migration: An Analysis of Nineteen Mexican Communities," *The American Journal of Sociology* 99 (1994); Alejandro Portes, "Social Networks: The Microstructure of Migration," ed. Alejandro Portes and Ruben G. Rumbaut, *Immigrant America, A Portrait* (Berkeley, Los Angeles, and London: University of California Press, 2006); Roger Waldinger, *Still the Promised City?: African Americans and New Immigrants in Post-Industrial New York*, Boston: President and Fellows of Harvard College, 1996.

<sup>7</sup> Rinus Pennix and Judith Roosblad, *Trade Unions, Immigration and Immigrants, 1960-1993. A Comparative Study of the Actions of Trade Unions in Seven West European Countries*, New York: Berghahn, 2000; A.T. Lane, *Solidarity or Survival?: American Labor and European Immigrants, 1830-1924*, New York: Greenwood Press, 1987; Leah Haus, *Unions, Immigration and Internationalization: New Challenges and Changing Coalitions in the United States and France*, New York: Palgrave Macmillan 2002; Julie Watts, *Immigration Policy and the Challenge of Globalization: Unions and Employers in Unlikely Alliance*, New York: Cornell University Press, 2002, 44; Janice Fine and Daniel J. Tichenor, "A Movement Wrestling: American Labor's Enduring Struggle with Immigration 1866-2007," *Studies in American Political Development* 23 (2009); Janice Fine and Daniel J. Tichenor, "An Enduring Dilemma: Immigration and Organized Labor in Western Europe and the United States," in *The Oxford Handbook of Politics and International Migration*, ed. Marc R. Rosenblum and Daniel J. Tichenor (New York: Oxford University Press, 2012); Janice Fine and Daniel J. Tichenor, "Solidarities and Restrictions: Labor and Immigration Policy in the United States," *The Forum* 10 (2012); Janice Fine and Jane Holgate, "The Countermovement Needs a Movement (and a Counter Strategy)," in *Mobilizing Against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism*, ed. Lee Adler, Maite Tapia, and Lowell Turner (Ithaca: Cornell University Press, forthcoming).

<sup>8</sup> Richard Hyman, "Trade Union Research and Cross-National Comparison," *European Journal of Industrial Relations* 7 (2011), 211.

<sup>9</sup> Piore, *Birds of Passage*; Massey, "Why Does Immigration Occur?"; Waldinger, *Still the Promised City?*; Saskia Sassen-Koob, "Chapter 3: America's Immigration Problem," in *Globalization and its Discontents: Essays on the New Mobility of People and Money*, ed. Saskia Sassen-Koob (New York: New York Press, 1998); Pierrette Hondagneu-Sotelo, *Domestica: Immigrant Workers Cleaning and Caring in the Shadows Affluence*, Berkeley, Los Angeles, and London: University of California Press, 2001; J.C. Nash and M.P. Fernandez-Kelley, *Women, Men, and the International Division of Labor*, New York: SUNY Press, 1983.

<sup>10</sup> Such as union contracts, firm job classifications and civil service rules.

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<sup>11</sup> Piore, *Birds of Passage*; Massey, “Why Does Immigration Occur?”.

<sup>12</sup> Massey, “Why Does Immigration Occur?”.

<sup>13</sup> Non-labor costs including: equipment, raw materials, financing, and land.

<sup>14</sup> Wallerstein, *The Modern World System I*; Wallerstein, *The Modern World System II*; Sassen, “Chapter Three,” *Globalization and its Discontents*.

<sup>15</sup> Massey, “Why Does Immigration Occur?”.

<sup>16</sup> Ana S.Q. Liberato and Dana Fennell, “Gender and Well-Being in the Dominican Republic: The Impact of Free Trade Zone Employment and Female Headship,” *World Development* 35:3(2007): 396.

<sup>17</sup> Mateusz Filipinski, J. Edward Taylor, and Siwa Msangi, “Effects of Free Trade on Women and Immigrants: CAFTA and the Rural Dominican Republic,” *World Development* 39:10 (2011).

<sup>18</sup> Sassen, “Chapter Six: Notes on the Incorporation of Women into Wage Labor Through Immigration and Offshore Production,” *Globalization and its Discontents*.

<sup>19</sup> “Worker Rights and Migrant Workers,” in *Justice for All: A Guide to Worker Rights in the Global Economy*, ed. Fay Lyle and Michael Slackman (Washington, DC: The American Center for International Labor Solidarity/AFL-CIO, 2008), 83.

<sup>20</sup> Heidi Tinsman, “The Indispensable Services of Sisters: Considering Domestic Service in the United States and Latin American Studies,” *Journal of Women’s History* 4:1 (1992); Nash and Fernandez-Kelley, *Women, Men, and the International Division of Labor*; Hondagneu-Sotelo, *Gendered Transitions*; Grace Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy*, Cambridge: Southend Press, 2000; Michael Jones-Correa, “Different Paths: Gender, Immigration, and Political Participation,” *International Migration Review* 32:2 (1998); Patricia R. Pessar, “The Role of Gender, Households, and Social Networks in the Migration Process: A Review and Appraisal,” in *The Handbook of International Migration: The American Experience*, ed. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999).

<sup>21</sup> Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago: University of Chicago Press, 1994, 20.

<sup>22</sup> “Close to Slavery: Guestworker Programs in the United States,” a report by the Southern Poverty Law Center, <http://www.splcenter.org/pdf/static/SPLCguestworker.pdf>; David Bacon, “Be Our Guests,” *The Nation Magazine*, September 27, 2004; Charles Kernaghan, “U.S.- Jordan Free Trade Agreement Descends Into Human Trafficking & Involuntary Servitude: Tens of Thousands of Guest Workers Held in Involuntary Servitude,” *National Labor Committee*, 2006, [http://www.globallabourrights.org/admin/documents/files/Jordan\\_Report\\_05\\_03.pdf](http://www.globallabourrights.org/admin/documents/files/Jordan_Report_05_03.pdf); Soysal, *Limits of Citizenship*.

<sup>23</sup> Manolo I. Abella, “Role of Recruiters in Labor Migration,” in *International Migration: Prospects and Policies in a Global Market*, ed. Douglas S. Massey and J. Edward Taylor (New York: Oxford University Press, 2004), 202; Bacon, “Be Our Guests”; R. Mansell Prothero, “Labor Recruiting Organizations in the Developing World: Introduction,” *International Migration Review* 24:2 (Special Issue: Labor Recruiting Organizations in the Developing World, 1990); Abul Kalam Azad, “The Costs and Financing of Individual Contract Migration: A Case Study of Bangladesh,” *Asian Regional Programme on International Labor Migration, International Labor Organization, Bangkok*, Working Paper, 1989; Lyle and Slackman, *Justice for All*.

<sup>24</sup> Abella, “Role of Recruiters in Labor Migration,” 202.

<sup>25</sup> In trying to understand why bans on charging fees to workers are difficult to enforce, Abella finds that when unemployment is high and jobs are scarce, employers are less willing to pay recruiters than they are during times of labor shortage whereas workers are willing to pay high fees to intermediaries to help them find work, see: Abella, “Role of Recruiters in Labor Migration,” 202. Prothero argues that the issue is informality: because contacts between the employers, labor recruiters and prospective employees are so often informal, often involving several intermediaries, there is a lot of scope for eluding official regulations, see: Prothero, “Labor Recruiting Organizations in the Developing World: Introduction”.

<sup>26</sup> Abella finds that job seekers in general prefer the private intermediaries because public employment offices are often less effective in identifying foreign jobs than private firms. Abella, “Role of Recruiters in Labor Migration,” 202-203.

<sup>27</sup> Lyle and Slackman, *Justice for All*, 96.

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<sup>28</sup>Ibid, 95.

<sup>29</sup>Doris Meisner, "U.S. Temporary Worker Programs: Lessons Learned," *Migration Policy Institute*, last updated March 1, 2004, <http://www.migrationinformation.org/Feature/display.cfm?ID=205>; Bacon, "Be Our Guests"; Soysal, *Limits of Citizenship*.

<sup>30</sup> Kingdon and others defined a focusing event as a sudden and dramatic occurrence, such as a natural disaster or some other kind of external shock to the status quo, see: J.W. Kingdon, *Agendas, Alternatives, and Public Policies*, 2nd ed., New York NY: HarperCollins, 1995.

<sup>31</sup> Such as church or mosque, community center, service organization, ethnic association or a human rights group/NGO.

<sup>32</sup> Paolo Freire and Myles Horton, *We Make the Road by Walking: Conversations on Education and Social Change*, ed. Brenda Bell, John Gaventa, and John Peters (Philadelphia: Temple University Press, 1990).

<sup>33</sup> Wolfgang Streeck and Anke Hassel, "Trade Unions as Political Actors," in *International Handbook of Trade Unions*, ed. John T. Addison and Claus Schnabel (Northampton, MA and Cheltenham, UK: Edward Elgar Publishing, 2003).

<sup>34</sup> Jennifer Gordon, "Transnational Labor Citizenship," *Southern California Law Review* 80 (2007); Janice Fine, *Worker Centres: Organizing on the Edge of the Dream*, Ithaca: Cornell University Press, 2005; Fine and Tichenor, "A Movement Wrestling"; Jennifer Jihye Chun, *Organizing at the Margins: The Symbolic Politics of Labor in the United States and Korea*, New York: Cornell University Press, 2006; Lee Adler, Maite Tapia, and Lowell Turner, ed., *Mobilizing Against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism* (Ithaca: Cornell University Press, forthcoming).

<sup>35</sup> For a nice discussion of popular education, see: Nik Theodore, "Generative Work: Popular Education and Day Labor Organizing in the U.S." (report for the National Day Labor Organizing Network and Leadership for a Changing World, June 2010).

<sup>36</sup> Centro Dominicano de Asesoría y Servicios Legales is affiliated with the Episcopal church and provides legal services to marginalized and legally disadvantaged populations.

<sup>37</sup> The clinic also provides a safe space for workers to meet and discuss their treatment and conducts training programs.

<sup>38</sup> Bernard Ryan, "The Evolving Legal Regime on Unauthorized Work by Migrants in Britain" *Comparative Labor Law and Policy Journal*, Volume 27, 2005-2006, 53-57, Dan Rees "New Measures to Tackle Exploitation in the UK Agricultural Industry" 218-222 in *Merchants of Labor*, Christiane Kuptsch, ed., *International Institute for Labour Studies*, Geneva, International Labor Office, Geneva, 2006.

<sup>39</sup> (AFL-CIO, 2006)

<sup>40</sup> A rather predictable position given both the long-term hostility that has existed in the DR towards Haiti as well as the recent recession and influx of Haitians after the 2010 earthquake

<sup>41</sup> Interview with David Feingold, 2012, conducted by the author; Interview with Victoria Gareia, 2012, conducted by the author.

<sup>42</sup> On this general point, see: Hyman, "Trade Union Research and Cross-National Comparison," 209.

<sup>43</sup> Paul Hirst, Grahame Thompson, and Simon Bromley, *Globalization in Question*, 3<sup>rd</sup> ed., Cambridge: Polity Press, 2009.

<sup>44</sup> Annette Bernhardt, et al., "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities," technical report for the Employment Law Project, New York: Russell Sage Foundation, 2009; Françoise Carré, et al., ed., *Nonstandard Work: the Nature and Challenges of Changing Employment Relations* (Champaign, IL: Industrial Relations Research Association, 2000); David Weil, "Improving Workplace Conditions Through Strategic Enforcement," report to the Wage and Hour Division of the Department of Labor, Washington, DC, 2010; David Weil, "Enforcing Labour Standards in Fissured Workplaces: The US Experience," *Economic and Labour Relations Review* 22:2 (2011); Noah Zatz, "Working Beyond the Reach or Grasp of Employment Law," in *The Gloves-Off Economy: Workplace Standards at the Bottom of America's Labor Market*, ed. Annette Bernhardt, et al. (Champaign, IL: Labor and Employment Relations Association, 2008).

<sup>45</sup> Such as unemployment insurance, workers compensation, payroll taxes.

<sup>46</sup> Such as workplace injuries or hiring of undocumented migrants.

<sup>47</sup> Alejandro Portes and Saskia Sassen-Koob, "Making it Underground: Comparative Material on the Informal Sector in Western Market Economies," *American Journal of Sociology* 93:1 (1987); Robert Neuwirth, *Stealth of Nations: The Global Rise of the*

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*Informal Economy*, New York: Random House, Inc, 2011; “Statistical Update on Employment in the Informal Sector,” *ILO Department of Statistics*, 2012, [http://laborsta.ilo.org/applv8/data/INFORMAL\\_ECONOMY/2012-06-Statistical%20update%20-%20v2.pdf](http://laborsta.ilo.org/applv8/data/INFORMAL_ECONOMY/2012-06-Statistical%20update%20-%20v2.pdf).

<sup>48</sup> Weil, “Improving Workplace Conditions Through Strategic Enforcement,” 20.

<sup>49</sup> In Jordan, the federation changed its position and the garment workers union and in the Dominican Republic, CNUS and Fenticomm.

<sup>50</sup> Fine and Tichenor, “An Enduring Dilemma”.

<sup>51</sup> Ibid.

<sup>52</sup> Haus, *Unions, Immigration and Internationalization*; Watts *Immigration Policy and the Challenge of Globalization*.

<sup>53</sup> Bruce Western, *Between Class and Market: Postwar Unionization in the Capitalist Democracies*, Princeton, NJ: Princeton University Press, 1997.

<sup>54</sup> Lowell Turner, *Democracy at Work*, Ithaca: Cornell University Press, 1991.

<sup>55</sup> As Bellin puts it: “In late developing states where the authoritarian state is often seen to be serving the interests of private capital, why embrace democracy?” See: Eva Bellin, “Contingent Democrats: Industrialists, Labor, and Democratization in Late-Developing Countries,” *World Politics* 52:2 (2000): 182.

<sup>56</sup> Idid, 183-4.

<sup>57</sup> Hall and Soskice distinguish between liberal market economies (LMEs) economies in which firms coordinate their activities with other actors primarily via hierarchies and competitive market arrangements rather than through the state and Coordinated market economies (CMEs) in which firms depend more on non-market relationships and coordinate their activities with other actors more centrally via their relationship with the state, see: Peter A. Hall and David Soskice, ed., *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (New York: Oxford University Press, 2001).

<sup>58</sup> M. Victoria Murillo and Andrew Schrank, “Labor Unions in the Policymaking Process in Latin America” .

<sup>59</sup> Portes and Sassen-Koob, “Making it Underground”.

<sup>60</sup> Ruth Berins Collier and David Collier, “Inducements versus Constraints: Disaggregating ‘Corporatism’,” *American Political Science Review* 73:4 (1979): 969.

<sup>61</sup> Muzzafar Chisti, “Employer Sanctions Against Immigrant Workers,” *Working USA* 3:6 (2000); Michael J. Wishnie, “Prohibiting the Employment of Unauthorized Immigrants: The Experiment Fails,” *The University of Chicago Legal Forum*, 2007; Bacon, “Be Our Guests”.

<sup>62</sup> Bridget Wooding and Richard Moseley-Williams, *Needed But Unwanted: Haitian Immigrants and their Descendants in the Dominican Republic*, London: Catholic Institute for International Relations, 2004, 19.

<sup>63</sup> Ibid, 21.

<sup>64</sup> Franc Baez, *Vecinos y extraños: migrantes y relaciones inter-étnicas en un barrio popular*, 2001, Gerald F. Murray, *Sources of Conflict along and across the Haitian – Dominican border*, report to the Pan American Development Foundation, 2010.

<sup>65</sup> Interview with Bridget Wooding, January 8, 2013, conducted by Janice Fine, 4.

<sup>66</sup> “In Search of Decent Work: Labor Experiences of Immigrant Workers in Construction in the Dominican Republic” Solidarity Center and CNUS, 2009.

<sup>67</sup> “Dominican Republic: Unions support Haitian migrant workers” ILO News, September 3, 2012, ACTRAV INFO.

<sup>68</sup> Richard Hyman, 1994 and 2001 as quoted in Carola M. Frege and John Kelly, “Union Revitalization Strategies in Comparative Perspective,” *European Journal of Industrial Relations* 9:7 (2003): 12.

<sup>69</sup> In fact, by the end of the Second World War, half a million Black workers had joined CIO unions.

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<sup>70</sup> This account of gradual transformation in labor's response to immigration, in contrast to Briggs' conception of an abrupt "historic turnaround" in 2001, is resonant with Kathleen Thelen's work (2004) on modes of gradual institutional change, as well as the mechanisms of incremental change in Streeck and Thelen (2005); see: Vernon M. Briggs, *Immigration and American Unionism*, New York: Cornell University Press, 2001; Kathleen Thelen, *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*, Cambridge: Cambridge University Press, 2004; Wolfgang Streeck and Kathleen Thelen, *Beyond Continuity: Institutional Change in Advanced Political Economies*, Oxford: Oxford University Press, 2005.

<sup>71</sup> Walter Reuther, CIO representative, statement before the Senate Judiciary Subcommittee on Immigration and Naturalization, November 21, 1955, Papers of the AFL, AFL-CIO Legislative Dept, Box 27, Folder 16.

<sup>72</sup> Ibid.

<sup>73</sup> Interview with Andrew Biemiller, May 22, 1979, conducted by Alice M. Hoffman, 1980, George Meany Center for Labor Studies Oral History Project, AFL-CIO Merger (Collection 15), Box 1, Folder 4, Meany Memorial Archives.

<sup>74</sup> "Compromiso Social Y Politico Por Un Nuevo Modelo De Gestion De Las Migraciones En Republica Dominicana," confidential draft in possession of author; Interview with Gina Familia, 2012, conducted by the author.

<sup>75</sup> Rosario Espinal, "Labor, Politics and Industrialization in the Dominican Republic," working paper #96, July 1987, 3.

<sup>76</sup> Rosario Espinal, "Between Authoritarian and Crisis-Prone Democracy: the Dominican Republic after Trujillo," in *Society and Politics in the Caribbean*, ed. Colin Clarke (London: Macmillan, 1991), 145-165.

<sup>77</sup> "Annual Survey of Violations of Trade Union Rights: Dominican Republic-2012," *ITUC*, last modified 2012, <http://survey.ituc-csi.org/Dominican-Republic.html?lang=en>.

<sup>78</sup> Ibid, 25.

<sup>79</sup> Bridget Wooding and Richard Moseley-Williams, *Needed but Unwanted; Haitian Immigrants and Their Descendants in the Dominican Republic* (London: Catholic Institute for International Relations, 2004), 26.

<sup>80</sup> Haiti lies in the middle of a hurricane belt and has been hit repeatedly by natural disasters including flooding, hurricanes, tropical storms, droughts and earthquakes.

<sup>81</sup> Estimates of the influx of undocumented Haitians after the earthquake vary from 130,000 to 200,000. Petrozziello, p. 70.

<sup>82</sup> A rather predictable position given both the long-term hostility that has existed in the DR towards Haiti as well as the recent recession and influx of Haitians after the 2010 earthquake

<sup>83</sup> Wooding and Richard Moseley-Williams.

<sup>84</sup> Ibid, 18.

<sup>85</sup> The Monroe Doctrine of 1823 asserted that Europeans would not increase their influence or recolonize any area of the Western Hemisphere. In the early 1900s Roosevelt became concerned that a crisis between Venezuela and its creditors could lead to invasion by European powers. The Roosevelt Corollary of December 1904 stated that the U.S. would intervene as a last resort to ensure that other nations in the Western Hemisphere fulfilled their obligations to international creditors, and did not invite "foreign aggression to the detriment of the entire body of American nations." Roosevelt declared that the U.S. might "exercise international police power in 'flagrant cases of such wrongdoing or impotence.'" Over the long term the corollary had little to do with relations between the Western Hemisphere and Europe, but served rather as justification for U.S. intervention in Cuba, Nicaragua, Haiti, and the Dominican Republic.

<sup>86</sup> Saskia Sassen-Koob, ed., *Globalization and its Discontents* (New York: New York Press, 1998), 39-40.

<sup>87</sup> Some poor Dominicans—from rural areas and darker-skinned, did cut cane but they were outnumbered by the Haitians by the 1970's; see: James Ferguson, "Migration in the Caribbean: Haiti, the Dominican Republic and Beyond," report for the Minority Rights Group International, 2003, 10.

<sup>88</sup> Howard J. Wiarda, "The Development of the Labor Movement in the Dominican Republic" *Journal of Interamerican Economic Affairs*, Vol. 20, 1966. p. 43.

<sup>89</sup> James D. Fearon and David D. Laitin, "Ethnicity, Insurgency, and Civil War," *American Political Science Review* 97:1 (2003): 11.

<sup>90</sup> Ibid, 21.

<sup>91</sup> Espinal, "Labor, Politics and Industrialization".

<sup>92</sup> Wiarda 45

<sup>93</sup> p. 224.

<sup>94</sup> Sherri Grasmuck and Patricia R. Pessar, *Between Two Islands: Dominican International Migration*, Berkeley and Los Angeles: University of California Press, 1991, p. 33.

<sup>95</sup> Ibid

<sup>96</sup> Levitt, p 43.

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- Grasmuck and Pessar, p. 49.  
Bray, p. 221.  
y, p. 219.  
19-26.  
Bray, p. 219.
- <sup>102</sup> OBMICA annual report on migration to the DR.
- <sup>103</sup> UN-INSTRAW y PNUD, 2010.
- <sup>104</sup> Haitians also migrated in large numbers to the U.S. but not until the early 1970's, also in Sassen's view as a consequence of the adoption of an export-processing strategy of economic growth in which the U.S. was the main partner. Sassen, p. 39.
- <sup>105</sup> Needed But Unwanted, chapter two.
- <sup>106</sup> Needed But Unwanted, p. 39.
- <sup>107</sup> Solidarity Center internal document "The Promotion of Migrant Workers Rights in the Dominican Republic" p. 2
- <sup>108</sup> Ibid
- <sup>109</sup> Trafficking in Persons Report, 2012, Office to Monitor and combat Trafficking in Persons, US Department of State, <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>
- <sup>110</sup> Stacie Kosinski, "State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic," *Boston College International and Comparative Law Review* 32:2 (2009).
- <sup>111</sup> Allison Petrozziello comments to author.
- <sup>112</sup> As reported by Geoff Hertzog, Solidarity Center country director based on information provided to him verbally by Bienvenido Cuevas, head of the Planning and Development Department of the Direccion de Informacion y Defensa de los Afiliados a la Seguridad Social.
- <sup>113</sup> Ibid, 390.
- <sup>114</sup> The Dominican Supreme Court upheld the constitutionality of the law, ruling that Haitian workers were to be considered "in transit" and that their offspring were therefore not entitled to citizenship; see: Ibid, 383 and 390.
- <sup>115</sup> Petrozziello, "Haitian Construction Workers," 15.
- <sup>116</sup> Ibid.
- <sup>117</sup> Rosario Espinal, "The 1990 Elections in the Dominican Republic" *Electoral Studies* (1991), 10:2, 139-144.
- <sup>118</sup> Ibid, p. 143.
- <sup>119</sup> Op cit 44.Ibid.
- <sup>120</sup> Steve Charnovitz, "Caribbean Basin Initiative: setting labor standards," *Monthly Labor Review* 107 (1984): 54.
- <sup>121</sup> Helen I. Safa, "Free Markets and the Marriage Market: Structural Adjustment, Gender Relations, and Working Conditions Among Dominican Women Workers," *Environment and Planning* 31:2 (1999): 292.
- <sup>122</sup> Raphael Kaplinsky, "Export Processing Zones in the Dominican Republic: Transforming Manufactures into Commodities," *World Development* 21:11 (1993): 1856; Safa, "Free Markets and the Marriage Market," 295.
- <sup>123</sup> Kaplinsky, 1856.
- <sup>124</sup> M. Victoria Murillo and Andrew Schrank, "With a Little Help from my Friends: Partisan Politics, Transnational Alliances, and Labor Rights in Latin America," *Comparative Political Studies* 38:8 (2005): 991.
- <sup>125</sup> CNUS 2009, Gender Equity Policy Statement.
- <sup>126</sup> Safa, "Questioning Globalization," 13.
- <sup>127</sup> Ibid, 14.
- <sup>128</sup> Rosario Espinal, "Economic Restructuring, Social Protest, and Democratization in the Dominican Republic," *Latin American Perspectives* 22:3 (1995): 71.
- <sup>129</sup> Marianne Hogan, "DR-CAFTA Prescribes a Poison Pill: Remediating the Inadequacies of Dominican Republic-Central American Free Trade Agreement Labor Provisions," *Suffolk University Law Review* 511 (2006): 522.
- <sup>130</sup> Gay W. Seidman, *Beyond the Boycott: Labor Rights, Human Rights, and Transnational Activism*, New York: Russell Sage Foundation, 2007, 117.
- <sup>131</sup> "Labour Overview Latin America and the Caribbean, Committee of Experts Report, Freedom of Association and Protection of the Right to Organise in the Dominican Republic," a report by the ILO, 2011, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_174843.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174843.pdf).
- <sup>132</sup> Ibid.
- <sup>133</sup> Ibid.
- <sup>134</sup> Allison J. Petrozziello, "Haitian Construction Workers in the Dominican Republic: An Exploratory Study on Indicators of Forced Labor" report prepared by the Observatorio Migrantes del Caribe (OBMICA) for ICF International, Santo Domingo, Dominican Republic, September 2012, 15.
- <sup>135</sup> As quoted in Petrozziello, "Haitian Construction Workers," 16-17.
- <sup>136</sup> Ibid, 17.



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- <sup>137</sup> This rule is enshrined in Article 135 of the Labor Code.
- <sup>138</sup> Seidman, 117.
- <sup>139</sup> “Annual Survey of Violations of Trade Union Rights: Dominican Republic-2012”.
- <sup>140</sup> Despite the dismal proportion of unions to CBA’s, FENATRAZONAS was the only union to have achieved a CBA in a free trade zone; see: Safa, “Free Markets and the Marriage Market,” 296.
- <sup>141</sup> Andrew Schrank, “Professionalization and Probity in a Patrimonial State: Labor Inspectors in the Dominican Republic,” *Latin American Politics and Society* 51:2 (2009): 94.
- <sup>142</sup> “Internationally-Recognised Core Labour Standards in the Dominican Republic” Report for the WTO General Council Review of Trade Policies of the Dominican Republic (Geneva, 7 and 9 October 2002) p. 3.
- <sup>143</sup> Wooding and Moseley-Williams, 42.
- <sup>144</sup> *Ibid*, 44.
- <sup>145</sup> See for example: Michelle E. Gorden, “Haitian Forced Labor in the Dominican Republic,” *Comparative Labor Law and Policy Journal* 206 (1994).
- <sup>146</sup> J. Bair and M. Werner, “After Sweatshops? Apparel Politics in the Circum-Caribbean” *NACLA Report on the Americas*, July-August, 2009, pp 6-10.
- <sup>147</sup> The agreement created free trade zones with reduced taxes and other financial incentives for foreign investors in six countries.
- <sup>148</sup> Hogan, “DR-CAFTA Prescribes a Poison Pill,” 528
- <sup>149</sup> *Ibid*
- <sup>150</sup> Interview with John A. Hosinski, February 15, 2013, p. 1.
- <sup>151</sup> AFL-CIO Executive Council Resolution, 2006.
- <sup>152</sup> Lisa McGowan, now head of the Women’s Division at Solidarity Center is credited for being the key thinker within the organization who forged the conceptual framework.
- <sup>153</sup> Interview with Neha Misra, February 15, 2013.
- <sup>154</sup> The U.S. Dept. of State’s Office to Monitor and Combat Trafficking in Persons used the acronym “G/TIP”, until 2011, when it was changed to “J/TIP” due to a reorganization at the State Dept.
- <sup>155</sup> “In Search of Decent Work” p. 16.
- <sup>156</sup> Interview with Bridget Wooding, January 8, 2013, conducted by Janice Fine, 4.
- <sup>157</sup> “In Search of Decent Work: Labor Experiences of Immigrant Workers in Construction in the Dominican Republic” Solidarity Center and CNUS, 2009.
- <sup>158</sup> *Ibid*
- <sup>159</sup> Interview with Pablo de Los Santos, December 18, 2012, conducted by Janice Fine, 3.
- <sup>160</sup> Interview with Cathy Feingold, December 6, 2012, conducted by Janice Fine.
- <sup>161</sup> ILGWU organizer Jeff Hermanson’s work developing an organizing model in the free trade zones was cited as a model both by Feingold in the DR and Bader-Blau in Jordan.
- <sup>162</sup> Interview with Feingold, 19.
- <sup>163</sup> Feingold interview, pp. 1-2.
- <sup>164</sup> Interview with Eulogia Familia, January 9, 2013, conducted by Janice Fine, 1.
- <sup>165</sup> The CNUS-affiliated unions involved were: UNATRAHOREST, the National Union of Workers in Hotels, Bars and Restaurants, FEDOTRAZONAS, the Dominican Federation of Free Trade Zone Workers, CCD, the Dominican Peasant Confederation, FUTRAZUCAR, the Federation of Sugar Workers, and FENTICOMMCC, the National Federation of Building...**(put in their full name here)**
- <sup>166</sup> Statement by Eulogia Familia in “Solidarity Center: Promoting Worker Rights Worldwide,” 2011 annual report.
- <sup>167</sup> These two paragraphs are drawn from Solidarity Center 2007-2008, 2009-2010 and 2011-2012 S-SGTIP Reports on Combating Trafficking into and from the Dominican Republic.
- <sup>168</sup> “The Promotion of Migrant Workers Rights in the Dominican Republic,” internal document prepared by the Solidarity Center, 7.
- <sup>169</sup> *Ibid*.
- <sup>170</sup> Interview with Eulogia Familia, November 29, 2012, conducted by Janice Fine, 2.
- <sup>171</sup> Petrozziello, pp. 1-2.
- <sup>172</sup> Petrozziello, p. 38.
- <sup>173</sup> *Ibid*, p. 39
- <sup>174</sup> Initially Alcantara was reluctant to work Feingold because he was distrustful of the AFL-CIO, due to its past conduct in Latin America. But he eventually came around. In his words: “Cathy explained that what they wanted to do was not intervene in internal politics but rather to collaborate...” Pedro Julio Alcantara interview, December 13, 2012
- <sup>175</sup> Alcantara, p. 14.
- <sup>176</sup> Alcantara, p. 7.

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- <sup>177</sup> The Haitian team included those born to Haitian parents in the DR, Haitian immigrants who had lived in the DR for many years and recent Haitian immigrants. "In Search of Decent Work: Labor Experiences of immigrant workers in construction in the Dominican Republic" Solidarity Center/FENTICOMMCC study, 2008.
- <sup>178</sup> Boca Chica, Juan Dolio, San Pedro de Macoris and La Romana.
- <sup>179</sup> the sample included some with Dominican documents, some without Dominican documents but with Haitian documents, some immigrant temporary workers lacking Dominican documents and some Haitian-Dominicans who were born in the DR of Haitian parents but often still did not have Dominican documents.
- <sup>180</sup> "In Search of Decent Work" p. 2.
- <sup>181</sup> "In Search of Decent Work" p. 8.
- <sup>182</sup> Alcantara interview, p. 5.
- <sup>183</sup> Ibid, p. 11.
- <sup>184</sup> Geoff Herzog interview, November 29, 2012
- <sup>185</sup> Feingold interview, p. 6.
- <sup>186</sup> Isis Duarte, "Household Workers in the Dominican Republic: A Question for the Feminist Movement" in *Muchachas No More: Household Workers in Latin America and the Caribbean*, Elsa M. Chaney and Mary Garcia Castro, eds, Temple University Press, 1989, pp 202-203.
- <sup>187</sup> Duarte, p. 203.
- <sup>188</sup> Bridget Wooding and Alicia Sangro "Una Cuestion de Entendimiento: La Presencia de las Mujeres Migrantes Haitianas en el Servicio Domestico en la Republica Dominicana" p. 9.
- <sup>189</sup> Ibid, p. 21.
- <sup>190</sup> Briget Wooding interview, , 1/8/13, p. 7.
- <sup>191</sup> Victoria Gareia interview, 1/4/2013.
- <sup>192</sup> Wooding interview, p. 4.
- <sup>193</sup> Interview with Maria Jean Louis, 12/17/2012, p. 7.
- <sup>194</sup> Interview with Maria Jean Louis, 12/17/2012, p. 3.
- <sup>195</sup> Interview with Tamara Normil, 12/17/2012, p. 9.
- <sup>196</sup> Ibid, p. 7.
- <sup>197</sup> Feingold interview, p. 10.
- <sup>198</sup> Ibid, p. 10.
- <sup>199</sup> Elena Gareia interview, p. 14.
- <sup>200</sup> Interview with Maria Jean Louis, pp. 6-7.
- <sup>201</sup> Elena Gareia interview, p. 16.
- <sup>202</sup> Ibid, p. 5.
- <sup>203</sup> The organization also participates in the Coordinadora Intersindical de Mujeres Trabajadoras (CIMTRA) which brings together the women from all three labor confederations.
- <sup>204</sup> Maria Jean Louis interview, p. 8.
- <sup>205</sup> Pablo de los Santos interview, 12/18/12 p. 3.
- <sup>206</sup> Since beginning his organizing work with the Solidarity Center, de Los Santos' business has gone under because he was not able to give it the constant attention these types of small businesses require.
- <sup>207</sup> De Los Santos interview, p. 6.
- <sup>208</sup> De Los Santos interview, p. 13.
- <sup>209</sup> There are many Haitian women selling in the markets who Samedi believes are especially smart: "They arrive today and by tomorrow they are already working. The neediest are often the smartest because they have no other choice...that is the impulse that drives them to get out there and sell."Samedi, 12/18/12, p. 3.
- <sup>210</sup> Samedi, pp 5-6.
- <sup>211</sup> De Los Santos, p. 14.
- <sup>212</sup> De Los Santos, p. 15.
- <sup>213</sup> Familia first interview, p. 5.
- <sup>214</sup> Familia second interview, p. 18.
- <sup>215</sup> Ibid, p. 6.
- <sup>216</sup> "Dominican Republic: Unions support Haitian migrant workers" ILO News, September 3, 2012, ACTRAV INFO.
- <sup>217</sup> See Fine, Janice and Daniel J. Tichenor. "An Enduring Dilemma: Immigration and Organized Labor in Western Europe and the United States." In *The Oxford Handbook of Politics and International Migration*. Edited by Marc R. Rosenblum and Daniel J. Tichenor (New York: Oxford University Press, 2012).
- <sup>218</sup> Aleida Plasencia, "CNUS fears that Haitian workers displace local workers..." *Hoy*, February 1, 2010.
- <sup>219</sup> El Siglo 21, "CNUS Calls for Better Deal for Haitian Workers in Dominican Republic" September 16, 2010.
- <sup>220</sup> "CNUS Comunicado a Las: Autoridades Gubernamentales Dominicanas, a Los: Empleadores/as, a la: opinion publica nacional y internacional" *Hoy*, Sabado 12 de Febrero, 2011.

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- <sup>221</sup> Familia November 29<sup>th</sup> interview, 3.
- <sup>222</sup> Interview with Gina Familia, January 9, 2013, 12.
- <sup>223</sup> Marshall Ganz, "Resources and Resourcefulness: Strategic Capacity in the Unionization of California Agriculture, 1959-1966" *American Journal of Sociology*, Vol. 105, No. 4 (January 2000) p. 1015.
- <sup>224</sup> *Ibid*, p. 1010-1017.
- <sup>225</sup> See John D. McCarthy and Mayer N. Zald, *The Enduring Vitality of the Resource Mobilization Theory of Social Movements* in Jonathan H. Turner (ed.), *Handbook of Sociological Theory*, 2001, p.533-65
- <sup>226</sup> See Resolution 3, Trade Union Organizing and Self-Reform, Second TUCA Congress, April 2012, accessed from the CSA website, 1/28/2013.
- <sup>227</sup> See J.W. Kingdon, *Agendas, Alternatives and Public Policies*, 2<sup>nd</sup> edition, New York, NY: Harper Collins, 1995.
- <sup>228</sup> Wooding interview, p. 10.
- <sup>229</sup> Feingold interview, p. 20.
- <sup>230</sup> ATHIC Responses to author's written questions, January 31, 2013.
- <sup>231</sup> Jordan 2012; "Challenges Facing the Jordanian Labor Market," *Jordanian Labor Watch Report Series* (2011), paper prepared by Phenix Center for Economics and Informatics Studies, Amman-Jordan; "Annual Survey of Violations of Trade Union Rights 2012," *ITUC* last modified 2012, <http://survey.ituc-csi.org/Jordan.html#tabs-2>.
- <sup>232</sup> Cork and Radford, "Best Practices".
- <sup>233</sup> Dan Cork and Erin Radford, "Best Practices on Migrant Worker Programs in Jordan," a report for the Solidarity Center, February 2009, 35.
- <sup>234</sup> Bader-Blau 2012.
- <sup>235</sup> Cork and Radford, "Best Practices"; Bader-Blau.
- <sup>236</sup> Philip Robins, *A History of Jordan*, Cambridge, UK: Cambridge University Press, 2004; Noha El-Mikawy and Marsha Pripstein Posusney, "Labor Representation in the Age of Globalization: Trends and Issues in Non-Oil Based Arab Economies," paper presented to the Third Mediterranean Development Forum, Cairo, Egypt, March 5-8, 2000.
- <sup>237</sup> Freedom House is a non-profit organization that monitors political and civil liberties around the world. For more information, see: "Freedom in the World 2012: The Arab Uprisings and their Global Repercussions, Selected Data from the Freedom House's Annual Survey of Political Rights and Civil Liberties," *Freedom House*, [http://www.freedomhouse.org/sites/default/files/FIW%202012%20Booklet\\_0.pdf](http://www.freedomhouse.org/sites/default/files/FIW%202012%20Booklet_0.pdf), is a comparative assessment of global political rights and civil liberties in 195 countries that has been published annually since 1972 and uses three designations: "free", "partly free" and "not free".
- <sup>238</sup> Eva Bellin, "The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective," *Comparative Politics* 36:2 (2004); Ellen Lust-Okar, "Missing the Third Wave: Islam, Institutions and Democracy in the Middle East," *Studies in Comparative International Development* 46:2 (2011).
- <sup>239</sup> Jordan had a system of proportional representation in which voters cast multiple votes in multi-seat districts but the king decreed a one person one vote system in 1993, to weaken the opposition, out of concern for the chances of ratification of the peace treaty with Israel and disappointment with the strong showing of Islamist candidates, Ellen Lust-Okar, "Divided They Rule: The Management and Manipulation of Political Opposition," *Comparative Politics* 36:2 (1998).
- <sup>240</sup> Ellen Lust-Okar and Amaney Ahmad Jamal, "Rulers and Rules: Reassessing the Influence of Regime Type on Electoral Law Formation," *Comparative Political Studies* 35:3 (2002): 343.
- <sup>241</sup> As Bellin puts it: "In late developing states where the authoritarian state is often seen to be serving the interests of private capital, why embrace democracy?" See: Eva Bellin, "Contingent Democrats: Industrialists, Labor, and Democratization in Late-Developing Countries," *World Politics* 52:2 (2000): 182.
- <sup>242</sup> *Ibid*.
- <sup>243</sup> "Labor Protests in 2011" analytical report for the Jordan Labor Watch in 2012.
- <sup>244</sup> Hania al-Hourani, "The Jordanian Labour Movement," *Friedrich Ebert Stiftung, Digitale Bibliothek*, 2001, <http://library.fes.de/fulltext/iez/01144.htm>.

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<sup>245</sup> Ibid.

<sup>246</sup> Fay Lyle, Shawna Bader, and John Seidman, ed., *Justice for All: The Struggle for Worker Rights in Jordan* (Washington, DC: The American Center for International Labor Solidarity/AFL-CIO, 2005).

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid, 18.

<sup>250</sup> Ibid, 19.

<sup>251</sup> “International Migration and Development,” *United Nations Population Division*, 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/452/13/PDF/N1245213.pdf?OpenElement>.

<sup>252</sup> International Labour Organization, Regional Office for the Arab States, Decent Work Country Programme (2012-2015), March 2012, p. 4.

<sup>253</sup> Geraldine Chatelard, “Jordan: A Refugee Haven—Country Profile,” *Migration Information Source*, last modified August 2010, <http://www.migrationinformation.org/Profiles/display.cfm?ID=794>.

<sup>254</sup> Mousa Samha, “The Impact of Migration on the Population Changes in Jordan,” paper written at the Center for Demographic Studies, Duke University, and presented at a conference sponsored by the Southwest Asian and North African Program at the State University of New York in Binghamton, April, 1987, 216-8.

<sup>255</sup> Ian J. Seccombe, “Immigrant Workers in an Emigrant Economy: An Examination of Replacement Migration in the Middle East,” *International Migration* 24:2 (1986).

<sup>256</sup> Samha, “The Impact of Migration,” 220.

<sup>257</sup> Nicholas Van Hear, “The Impact of the Involuntary Mass ‘Return’ to Jordan in the Wake of the Gulf Crisis,” *International Migration Review* 29:2 (1993).

<sup>258</sup> “2012 UNHCR Country Operations Profile- 2012,” working paper by the UNHCR, 2012.

<sup>259</sup> “Jordanian Labour Code, Law No. 8 of 1996,” *ILO*, last modified 2 March, 1996, <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45676/65048/E96JOR01.htm>.

<sup>260</sup> “Challenges Facing the Jordanian Labor Market”

<sup>261</sup> Issued under Article 52 of the Labour Law 8/1996, *Official Gazette*, December 31, 2011, Issue no. 5134.

<sup>262</sup> Fay Lyle and Michael Slackman, ed., *Justice for All: A Guide to Worker Rights in the Global Economy* (Washington, DC: The American Center for International Labor Solidarity/AFL-CIO, 2008).

<sup>263</sup> Op cit 20, p. 5

<sup>264</sup> Better Work Jordan, first newsletter

<sup>265</sup> Jordan Times, 29 June, 2008.

<sup>266</sup> “Better Work Jordan: Garment Industry 3<sup>rd</sup> Compliance Synthesis Report”, Reporting Period February 2011-December 2011, based upon 27 factory assessments, pp. 15-16.

<sup>267</sup> DRL 2007 Report

<sup>268</sup> Confederacion Sindical Internacional, (CSI) “Migrant Workers in the Middle East” *Union View* #07, December 2007, 7.

<sup>269</sup> “U.S. Jordan Free Trade Agreement Descends into Human Trafficking and Involuntary Servitude,” National Labor Committee, May 2006, 50-1.

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<sup>270</sup> Op cit 7.

<sup>271</sup> “Domestic Plight: How Jordanian Law, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers,” Human Rights Watch and Tamkeen Center for Legal Aid and Human Rights, 2011.

<sup>272</sup> Lyle, Bader, and Siedman, *Justice for All*, 35.

<sup>273</sup> As a result of international pressure, the MoL in cooperation with UNIFEM introduced a new standard work contract with greater protections for domestic workers hired during or after 2003 (Manseau, 44-47). The contract specifies the wages to be paid and guarantees non-citizen domestic workers the right to meals, life insurance, medical care, rest days and repatriation upon expiration of the contract as well as that the parties will comport themselves in compliance with Jordanian laws and International Conventions ratified by Jordan. (“Special Working Contract for Non-Jordanian Domestic Workers” Jordanian Ministry of Labor) Workers are required to receive copies of the contract in both Arabic and English. The contract still requires employees to gain the permission of their employers to leave the residence. Fundamentally, the UNIFEM initiative relies on state actors: the state bureaucracy to monitor the issuance of contracts, the judicial authority to resolve disputes in an equitable and fair manner and the police to enforce judicial decisions. State reliance is complicated in the context of a non-democratic country like Jordan, as Manseau argues “While the bureaucratic process of issuance of work permits will generally proceed in a smooth manner, many Arab states may not be trusted to be non-discriminatory in enforcement” (Manseau, 45). See: Gwenann S. Manseau, “Contractual Solutions for Migrant Labourers: The Case of Domestic Workers in the Middle East,” *Human Rights Law Commentary* 3 (2007): 25-47. [http://www.nottingham.ac.uk/shared/shared\\_hrlcpub/HRLC\\_Commentary\\_2006/manseau.pdf](http://www.nottingham.ac.uk/shared/shared_hrlcpub/HRLC_Commentary_2006/manseau.pdf).

<sup>274</sup> On the other hand, it is still legal in Jordan for employers to restrict domestic workers’ movements and hold on to their passports.

<sup>275</sup> Human Rights Watch and Tamkeen Center for Legal Aid and Human Rights, “Domestic Plight” : How Jordanian Law, Officials, Employers, and Recruiters Fail Abused Migrant Domestic Workers, 2011.

<sup>276</sup> Ibid, 22.

<sup>277</sup> The administration was banking on the hope that US-initiated free trade and assistance to the private sector would foster political decentralization and stimulate economic development (Middle East Research and Information Project)

<sup>278</sup> In April of 2000 Jordan also became a member of the World Trade Organization.

<sup>279</sup> US-Jordan Free Trade Agreement Preamble and Article 6

<sup>280</sup> Lyle, Bader, and Seidman, *Justice for All*, 46-9.

<sup>281</sup> Sandra Polaski, “Protecting Labor Rights Through Trade Agreements: An Analytical Guide,” *Journal of International Law and Policy* (2003): 18-9.

<sup>282</sup> Exchange of letters between Jordanian Ambassador Marwan Muasher and US Trade Representative Robert B. Zoellick, July 23, 2001.

<sup>283</sup> Cork and Radford, “Best Practices”.

<sup>284</sup> Lyle, Bader, and Seidman, *Justice for All*, 14-27.

<sup>285</sup> Request by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and the National Textile Association (NTA) to the United States to Invoke Consultations Under the United States-Jordan Free Trade Agreement to Address Jordan’s Violations of the Agreement’s Labor Rights Provisions, September 21, 2006

<sup>286</sup> Letter from USTR to John Sweeney, October 18, 2006.

<sup>287</sup> Bader-Blau 2012.

<sup>288</sup> Cork and Radford, “Best Practices”.

<sup>289</sup> Jennifer Gordon, *Suburban Sweatshops: The Fight for Immigrant Rights*, Boston: Harvard University Press, 2005; Janice Fine, *Worker Centers: Organizing Communities at the Edge of the Dream*, New York: Cornell University Press ILR Imprint, 2006; Janice Fine and Daniel J. Tichenor, “A Movement Wrestling: American Labor’s Enduring Struggle with Immigration

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1866-2007,” *Studies in American Political Development* 23 (2009): 218-248; Jennifer Jihye Chun, *Organizing at the Margins: The Symbolic Politics of Labor in the United States and Korea*, New York: Cornell University Press, 2006; Lee Adler, Maite Tapia, and Lowell Turner, ed., *Mobilizing Against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism* (Ithaca: Cornell University Press, forthcoming).

<sup>290</sup> Bader-Blau 2012.

<sup>291</sup> Cork and Radford, “Best Practices”.

<sup>292</sup> Interview with Phil Fishman interview, p. 11.

<sup>293</sup> Ibid.

<sup>294</sup> Bader-Blau 2012, Phil Fishman, February 18, 2013.

<sup>295</sup> Laurie Clements interview, February 14, 2013.

<sup>296</sup> Cork and Radford, “Best Practices”.

<sup>297</sup> Bader-Blau, 2002

<sup>298</sup> Garment Industry First Compliance Synthesis Report, May 2010, *Better Work Jordan*. <http://betterwork.org/jordan/?p=111>

<sup>299</sup> Fishman interview, p. 18.

<sup>300</sup> First Newsletter, *Better Work Jordan*, January, February and March, 2011.

<sup>301</sup> Daniel Cork interview, February 11, 2013.

<sup>302</sup> Ibid.

<sup>303</sup> “Challenges Facing the Jordanian Labor Market”.

<sup>304</sup> Fishman interview, p. 12.

<sup>305</sup> “Freedom of Association in Jordan: The new trade unions, controversy of legitimacy,” *Jordan Labor Watch*. May 2012.

<sup>306</sup> Laurie Clements interview, February 14, 2013.

<sup>307</sup> Fishman interview, p. 18.

<sup>308</sup> Fishman, p. 7.

<sup>309</sup> Ibid, p. 7.

<sup>310</sup> Cork interview, p. 8.

<sup>311</sup> The Hashemite Kingdom of Jordan, Ministry of Labour, “Implementation Plan Related to Working and Living Conditions of Workers Between the Hashemite Kingdom of Jordan and the United States of America” January 2013.

<sup>312</sup> Bellin draws upon Skocpol, whose seminal work on states and revolutions tried to understand why successful revolutions were so rare. Skocpol argued that the answer lay in the strength of the state and in particular in the state’s capacity to maintain a monopoly on the means of coercion. In turn, Bellin argues that the robustness of the coercive apparatus depends upon financial strength, maintenance of international support networks, patrimonialism in which staffing decisions are ruled by cronyism and discipline is maintained through the exploitation of rivalries between different ethnic and sectarian groups and the degree to which the regime faces a high level of popular mobilization; see: Bellin, “The Robustness of Authoritarianism in the Middle East.”

<sup>313</sup> Ibid.

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<sup>314</sup> Adely, “The Emergence of a New Labor Movement in Jordan”.

<sup>315</sup> But this did not mean that it did not seize upon opportunities to push further. When the National Labor Committee took a different approach of documenting and publicizing worker abuses in the QIZ’s, Solidarity Center and the AFL-CIO publicized the findings of the report and took advantage of them to try to bring more pressure to bear.

<sup>316</sup> Fishman interview, p. 13.

<sup>317</sup> Fishman interview, p. 14.

<sup>318</sup> Ibid

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