

Statement of Michael Posner
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Introduction

Chairmen Sherman and Carnahan, Ranking Members Royce and Rohrabacher, and distinguished members of the Subcommittees, on behalf of the Department of State and Secretary Clinton, I would like to thank you for calling this hearing on this important topic.

This hearing is timely. Tomorrow, Secretary Clinton releases the Department's *Annual Country Reports on Human Rights Practices*, which detail the human rights situation in 194 countries. A key section in every country report is a thorough review of worker rights. The Human Rights Report is among the most comprehensive report on worker rights published in the world today.

Though progress has been made in a few countries, such as labor reforms in Kenya and Jordan, in many parts of the world, abuses and tremendous challenges for workers striving to have their rights in the workplace respected continue. In Uzbekistan, for example, authorities continue to compel children and adults to harvest cotton for export. In countries like Iran, Cuba, and China, labor activists continue to risk being fired, blacklisted, and imprisoned, and in other countries, including Colombia and Guatemala, they have been targeted for violence. Throughout the world, dangerous working conditions remain all too common, such as a fire in an apparel factory last month in Bangladesh that claimed the lives of 26 workers, mostly women.

The global economic downturn has thrown millions out of work, destroyed the savings of countless others, and forced millions more to migrate in search of jobs to meet their most basic needs. In this environment, workers are increasingly vulnerable to exploitation in sweatshops and are being forced into low-paying jobs in the informal sector, where national governments are often unable or unwilling to extend basic workplace protections.

The weight of the global downturn has fallen most heavily on the world's most vulnerable workers. These include migrant workers, often excluded from basic

protections and lacking access to judicial remedies. In Malaysia, for example, it is legal to withhold a worker's passport, placing workers in a situation of heightened vulnerability. This practice is prevalent in Gulf countries as well, even if illegal. Women workers, who comprise the majority of victims of forced labor and abuse in sweatshops, have also been disproportionately affected by the downturn. Domestic workers are particularly vulnerable. And although we have seen some progress on child labor issues in recent years in countries such as Brazil, exploitative child labor continues to darken the future of tens of millions of children throughout the world.

These issues are important for this Administration because when worker rights are not respected human dignity is threatened. Worker rights are set forth in the conventions of the International Labor Organization, the Universal Declaration on Human Rights, and other United Nations instruments, and respect for these rights is included in many of our trade and trade preference agreements. But we must continue to fight for workers rights not only because of our international obligations, but also because many products made under exploitative conditions are found in the global supply chains of goods we purchase and use daily.

Labor rights are vital to the promotion of democratic ideals and social harmony. Independent labor organizations are, at their best, incubators of democratic practices at the grassroots level. The financial independence, cross-regional and multi-ethnic representation, broad agendas, and internal democratic procedures make worker organizations valuable partners in many countries in which DRL works. Where worker organizations are ineffective, corrupt, or co-opted, in places like Egypt, Vietnam, and Bangladesh, workers often must take to the streets or carry out wildcat strikes to make their voices heard.

Labor Diplomacy

The State Department has worked for decades to strengthen respect for worker rights, to promote the creation of decent work opportunities, and to support independent labor organizations. One of DRL's principal responsibilities is the promotion of worker rights. Among the ways we seek to advance labor rights is by talking directly and frankly with other governments. We are raising labor rights as part of our human rights and broader bilateral dialogues with Vietnam, China, Brazil, and Uzbekistan, among others.

DRL also coordinates the activities of the Department's Labor Officers, who have promoted labor rights since the 1940s in numerous U.S. missions abroad. These officers inform the work of DRL and numerous other offices in the State Department, the Department of Labor, USTR and elsewhere in our government. They also play a vital role in supporting millions of dollars in technical assistance funded by DOL, report on and investigate human rights, exploitative child labor, forced labor, and human trafficking, and spearhead efforts to implement the labor provisions of U.S. trade legislation. In recent years, our Labor Officer in Guatemala showed tremendous courage in researching and reporting on violence against labor leaders, the Labor Officer in Islamabad was instrumental in advocating for the release of more than 150 bonded laborers, and the

Officer in Doha was described as the “USG beacon of hope for foreign laborers” facing deportation, unfair contracts, grievous physical abuses and deplorable conditions.

We currently have 40 labor-designated positions overseas in the Foreign Service. Where formal labor positions are not present in our embassies, labor diplomacy work is carried out by other officers in Political or Economic sections. We provide additional guidance to these officers and try to ensure that labor issues are given proper weight among competing priorities.

We are currently in the process of ensuring that the distribution and responsibilities of labor-designated positions throughout the world match the Administration’s priorities. We are also working with the Foreign Service Institute to provide enhanced training and guidance to our Labor Officers. We have increased the training options available to officers over the past year, and we are working with the Labor Department to once again offer regional labor tradecraft training in the field to a wide range of labor reporting officers. I am happy to be here today with my counterpart from the Labor Department, which has been such a strong ally in this work – work I know also enjoys the strong support of Secretary Solis.

The Obama Administration’s work to promote labor diplomacy will be aided greatly by the appointment of a Special Representative for International Labor Affairs, which we expect to take place shortly. This individual will take the lead for the Department in promoting strong labor diplomacy and ensuring a high-level focus on labor rights and employment issues. This position, which was last filled between 1999 and 2002 by Deputy Under Secretary Polaski, will also serve to strengthen the traditional ties of my bureau to labor stakeholders, including the global labor movement, as key contributors and partners in labor diplomacy.

Technical Assistance

Targeted technical assistance is an integral part of our labor diplomacy efforts. DRL’s labor-related technical assistance programs began in the late 1990s under the Partnership to Eliminate Sweatshops program, and today they comprise a growing share of DRL programming under its Human Rights and Democracy Fund. DRL currently administers over \$26 million in labor-related programs, which focus on building the capacity of worker organizations, extending effective legal representation, improving multi-stakeholder engagement on worker rights, and protecting vulnerable workers in the informal sector.

DRL seeks to be nimble and to adjust to emerging concerns raised in our human rights reporting and embassy engagement. Current programs are working to address violations in the shrimp processing sector of Bangladesh, strengthen worker organizations in the border region of Pakistan, provide support to migrant workers in China, build the capacity of independent labor organizations in Egypt and Indonesia, and assist former child soldiers in Burundi, Chad, and Sri Lanka.

We also seek to take advantage of synergies with policy initiatives to maximize the impact of our limited funding. In recent years, the trade agenda has created opportunities as well as obligations for engaging on labor rights, and many of our programs are being carried out in countries where trade agreements and trade preference programs are important considerations, such as the CAFTA-DR countries, Bahrain, Jordan, Colombia, Vietnam, and Bangladesh.

DRL programs are improving the lives of workers throughout the world and are helping to advance U.S. policies on a range of sensitive labor issues. In Honduras, a DRL-administered program provided key assistance to an apparel union – helping bring about a landmark collective bargaining agreement as part of an overall agreement to open a new factory and provide employment opportunities to over 1,200 workers. In Bangladesh, a similar project worked within the export processing zones to facilitate democratic elections for worker associations in nearly 80 percent of the factories. In Colombia, a DRL program is helping to strengthen tripartite institutions and improve social dialogue in this conflict-ridden society.

DRL programs have also helped to improve respect for worker rights through innovative supply-chain interventions and support for the development of best practices. Projects we have sponsored have helped to build and strengthen leading multi-stakeholder labor rights organizations and to improve labor monitoring efforts in Central America, China, and elsewhere.

Partnerships and Broad Engagement

DRL programs have helped the bureau to enlist a broad range of partners in our efforts to promote worker rights. These are complex problems, and we need to involve every committed voice in understanding and resolving them. As we work to strengthen our collaboration with worker organizations and NGOs, we are also seeking to develop new areas of collaboration with companies committed to improving working conditions. Tomorrow, we are co-sponsoring an event at the State Department with representatives of 40 to 50 leading companies to develop concrete initiatives to improve working conditions in global supply chains. In countries like China and Vietnam, weak civil societies and a lack of independent labor movements make company engagement a particularly promising path for improvement.

We are also broadening our engagement to increase our work in the multilateral arena to advance worker rights, in coordination with the Labor Department and other agencies. At the ILO, for example, we will push for strong action against the worst abusers of worker rights and contribute to the development of a convention on decent work for domestic workers. We will explore possible areas of cooperation with the European Union and other partners, especially in promoting corporate social responsibility and respect for human rights throughout global supply chains. We are also beginning a process to review the U.S. implementation of the OECD Guidelines on Multinational Enterprises with the Department's Bureau of Economic, Energy, and Business Affairs (EEB) and the Labor Department to make the process more robust and inclusive. We

support the efforts of UN Special Representative on Human Rights and Transnational Corporations John Ruggie as he emphasizes the responsibility of corporations to respect human rights.

Conclusion:

In her December 14 speech on human rights at Georgetown University, Secretary Clinton remarked:

Human rights, democracy, and development are not three separate goals with three separate agendas: that view doesn't reflect the reality we face. To make a real and long-term difference in people's lives we have to tackle all three simultaneously with a commitment that is smart, strategic, determined, and long-term.

As we pursue our global labor agenda, it is clear that the promotion of economic development, decent work opportunities, support for democratic worker organizations, and respect for labor rights are mutually reinforcing. The global recession has brought these connections more clearly into focus, as worker rights have come under attack in weakening job markets. As we move forward, we need to recognize that greater respect for worker rights is an essential component of just and sustainable development.