



October 16, 2009

The Honorable Hilda Solis
Secretary of Labor
U.S. Department of Labor
Washington, D.C.

Dear Secretary Solis,

I have the honor to forward to you a letter from Dr. Gazi Shbaikat, Jordan's Minister of Labor.

Please accept the assurances of my highest consideration.

A handwritten signature in purple ink, appearing to be 'Zeid Ra'ad Zeid Al Hussein'.

Zeid Ra'ad Zeid Al Hussein
Ambassador



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The Honorable H. L. Solis,
Secretary of Labor
Department of Labor,
200 Constitution Ave., NW
Washington, DC 20210
United States of America

Amman, October 5, 2009

Dear Secretary Solis,

Allow me, first of all, to express the appreciation of the Government of Jordan for our long-standing and fruitful cooperative relationship with the Government of the United States of America. In particular, the Ministry of Labour benefited greatly from this cooperation and it has helped us improve working conditions and combat trafficking over the past years.

However, on behalf of the Government of Jordan, I have to convey to you our disappointment that the Department of Labor's List of Goods Produced by Child Labor or Forced Labor includes Jordan's garment sector as producing goods with forced labour. Not only do we believe that the listing is inaccurate, we also believe that it is not in line with the criteria stated in the report.

Following the May 2006 NLC report, Jordan has been completely transparent with regard to the worker rights problems that existed in the garment sector, including the occurrence of forced labour, essentially in the form of the withholding of migrant worker passports. However, we believe that Jordan's response to these problems since speaks for itself in terms of scope, sustainability and effectiveness. Some examples:

- In 2006 the Ministry of Labour established a hot line where guest workers can file complaints in their native languages.
- Between July 2006 and February 2008, the Ministry of Labour closed 9 garment factories for repeated worker rights' violations, but it has not had to close a factory since.
- A 2008 Labour Code amendment introduced a specific prohibition of forced labour.



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- Between mid 2008 and the beginning of 2009 the Ministry of Labour recruited a total of 64 new inspectors
- To improve management systems in garment factories in Jordan the Government invited the ILO to establish a Better Work Jordan project, based on the model pioneered in Cambodia. The project started in July 2008 and is co-financed by the Government of Jordan and USAID.

The sources provided in the report to justify including Jordan's garment sector in the list clearly indicates that ILAB based its decision mostly on NLC allegations, both directly and indirectly through reports by others based on NLC reports. Almost all of these reports are from 2006 and 2007, and there appear to be sources used that document the enforcement actions and improvements made in Jordan in the last more than two years. The NLC itself has publicly noted marked improvements in working conditions, referring specifically to possible indicators of forced labour. For instance, already in September 2006 the NLC noted on its web site that:

“According to workers on the ground, the majority of Jordan's garment factories – perhaps as high as 80 percent – have shown substantial improvements. Conditions in these factories are far better now than they were in May of 2006.”

The NLC also highlighted progress in a public meeting in November 2008, almost a year ago, by noting that since the May 2006 report:

“... [C]ircumstances for migrant workers have improved tremendously: generally speaking, workers now have passports, there are few incidents of sexual harassment, wages are paid correctly, and the Jordanian Ministry of Labor is closely monitoring the situation”.
(Business for Social Responsibility Conference 2008, Migrant Workers in Your Supply Chain: Risks and Opportunities, Breakout Session Summary)

We have always made sure the U. S. Government was kept abreast of our efforts to ensure forced labour and other worker rights violations are eradicated from the garment sector. The U.S. Embassy in Amman, as indeed the International Labour Affairs Bureau itself, has been kept fully informed on these initiatives. In February 2008 my predecessor visited the U.S. to present a comprehensive report on our



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efforts.¹ We therefore believe that our efforts were not adequately taken into account as you determined your listing. Indeed, we think the inclusion of Jordan in this list is contrary to the methodology that your own report states was used by your agency given that the ILAB report specifically states that:

“For all goods found to have a significant incidence of child labor or forced labor, ILAB then considered evidence of government, industry, or third party initiatives to combat these problems. If the evidence demonstrated that the initiative had significantly reduced if not eliminated the incidence of child labor or forced labor from the production of the good, the good was not included on the List.”

That this methodology was not applied is clear from the 2009 Human Rights Report of the Bureau of Democracy, Human Rights and Labor of the U.S. Department of State, which for 2008 notes that:

“During the year allegations of forced labor decreased substantially due to more rigorous MOL inspections.”

There is simply no doubt our efforts have significantly reduced if not eliminated incidences of forced labour in the garment sector.

My Government fears that Jordan’s listing will hurt the garment industry at a time where it is already suffering from the impact of the global economic slow down, and this damage to the industry also has a negative impact on an area of positive cooperation with Israel. However, we are committed to the eradication of forced labour and all other worker rights violations because we believe it is the right thing to do. We will therefore continue our efforts, though we believe that the listing sends a message to the Government of Jordan, and indeed other Governments that are making genuine efforts to eradicate forced labour, that such efforts may go unrecognized by the U.S. Government. We had hoped that transparency, as we have chosen, rather than denial and non-cooperation, would be considered the wiser approach and supported.

¹ Labour Administration and Compliance in Jordan: A Multi-Stakeholder Collaboration,
www.jordanembassy.org/new/LabourAdministrationandComplianceinJordanFinalLT.pdf



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In light of the above facts and related considerations, we encourage you to remove Jordan from the list and, in the spirit of our partnership, support Jordan's efforts to improve labour administration and compliance in Jordan.

Yours sincerely,

Dr. Gazi Shbaikat,


Minister of Labour

- Cc:
- The Honorable H. Rodham Clinton, Secretary of the Department of State
 - The Honorable T. Geithner, Secretary of the Department of the Treasury
 - The Honorable G. Locke, Secretary of the Department of Commerce
 - The Honorable Ambassador R. Kirk, U.S. Trade Representative
 - The Honorable L. Summers, Director, National Economic Council
 - General J. Jones, National Security Adviser