The Dominican Republic’s neighbour is Haiti, the poorest nation in the Americas. Haitians without identification documents or visas have crossed the border illegally in search of work for many decades. The presence of undocumented Haitian migrant workers has increased since 2010, due to Haiti’s devastating earthquake and recent political instability and civil unrest.

In 2014 the Dominican government launched a National Plan for the Regularization of Foreigners (PNRE) which resulted in around 250,000 migrants out of an estimated 500,000 being regularised. But many undocumented migrants continue to enter and stay, working in economic sectors with low salaries, unstable employment, and experiencing difficulties in accessing social security and pension schemes.

Undocumented Haitian migrant workers face multiple challenges, and regularisation is long and costly. A worker must first obtain a birth certificate and identity card, followed by a passport. Only then can the regularisation process begin. Even if successful, permits are only valid for one year, making the system unsuitable for the banana sector which experiences significant turnover - up to 40 percent on plantations, and up to 50 percent on SPOs - which means the whole regularisation process has to be repeated.

Although a significant percentage of migrant banana workers were regularised in 2015, many of them have since moved on to other sectors or returned to their home country, and for those remaining, migration cards issued during the PNRE expired in 2020. Of the 21,908 migrant workers regularised in 2015 in banana producing regions - 15,486 of whom actually worked in the banana sector - it is estimated that only 10,000 still remain.

**Fairtrade Banana Production Explained**

- Fairtrade certified bananas are grown by both small producer organizations (SPOs) and plantations.
- SPOs are made up of self-employed smallholders who do part of the work themselves but also hire workers on a regular basis.
- Plantations, officially known as Hired Labour Organizations (HLOs), are companies which hire employees and pay them a wage.
Fairtrade certified banana producers are caught in a difficult situation. Driven by poverty, lack of opportunity and poor access to basic services, many Dominicans have left banana growing areas and migrated to the cities or abroad - leading to an acute labour shortage. In the absence of Dominican or regularised migrants, producers are obliged to hire undocumented migrant workers in order to keep their operations running. The alternative - to simply stop using undocumented migrant labour - could force them out of business, potentially leaving thousands of jobless migrants to return to their country of origin or move to other sectors where they could be more vulnerable. On the other hand, because Fairtrade Standards require workers to be regularised and have access to specific rights and benefits, SPOs and HLOs risk losing their certification if they continue - and that would impact producers as well as the entire workforce.

**FAIRTRADE’S RESPONSE**

The migrant situation and its specific challenges in the Dominican Republic is by no means a problem confined to Fairtrade, nor even to the banana sector, and we can't fix it by ourselves. The solution requires collaboration between governments, international organizations, standard systems, employers, producers, trade unions and civil society, as well as support from traders and retailers.

Fairtrade is working with a number of partners (see box below) to devise a roadmap which will enable migrant workers in Fairtrade certified organizations to obtain legal status and access the same rights as enjoyed by their Dominican colleagues. To achieve this, a multi-stakeholder group of like-minded organizations will enter into dialogue with the Dominican and Haitian governments to find long-term sustainable solutions.

“The first time that we are working as a system of producers, workers and markets in a very transparent and responsible way to find a sustainable solution in the best interest of vulnerable populations, whilst also building in some flexibilities. The migrant situation in the Dominican Republic has been a complicated issue for more than a century, but there are opportunities for improvement. If we were to walk away, we would be acting against the spirit of our mission. The wellbeing and progress of farmers and workers are at the heart of our action and interventions, and we need this flexibility to achieve the best solution.”

- Marike de Peña, Chair of National Fairtrade Network, Dominican Republic

**ROADMAP**

The ultimate aim is for migrant workers employed by Fairtrade certified SPOs and HLOs in the Dominican Republic to obtain legal status and access to the same rights and employment conditions as national workers.

The roadmap was launched in April 2021 and we estimate it will take 18-24 months to complete, although advocacy work to improve and adapt existing migrant procedures to the specific challenges of Haitian workers could take longer. In the short to medium term, we aim to increase workers’ access to social and health services and to protect them against deportation. At the same time, we will work with the Dominican and Haitian authorities to raise awareness of the importance of migrant labour to the banana sector and to the economies of the two countries.

In the longer term, we want to see a more accessible legal framework which is suited to the reality of Haitian labour migration and which gives peace of mind to migrant workers. This will benefit not only the banana sector but other sectors which rely on migrant labour.
The main activities in 2021 include undertaking a survey; a study on the socio-economic relevance of migrant labour to the banana sector, the Dominican economy and Haitian remittances; workshops on labour rights, migrant regulations and access to social security; dialogue with Dominican authorities about a no-deportation agreement; and meetings with Haitian authorities to discuss weaknesses in documentation and other issues.

A full-time coordinator will be hired to oversee the roll-out of the roadmap. This includes a detailed monitoring plan with milestones for measuring progress at three, six and nine months, as well as in the longer term.

At the start of the project we will carry out an online mapping survey among a limited number of certified producer organizations, supplemented with field visits at scale to collect data. In addition, workshops will be organised for producers and workers to explain the roadmap and support its implementation.

As part of FLOCERT’s regular audits, producers will also be assessed on their progress towards securing access to services and - where applicable - compensation.

“The concern as Haitian migrants living in the Dominican Republic is the renewal of the documents we received through the regularisation plan. Now most of us have expired documents, which makes it difficult for us to move in the country and claim our rights, and we do not have enough resources to pay for the renewal, which has a very high cost. The main hope we have is that the Round Table on Migrant Workers and all Fairtrade allies manage to influence the costs of renewal, so that we can stay legally in the country. This is a very positive and important initiative for us and we hope that the objectives will be achieved.”

- Minel Bellamy, Banana worker and Chair of Fairtrade Worker Network in the Dominican Republic
WHO IS INVOLVED?

The road map is the result of collaboration between all those who support the interests of migrant workers in the Dominican Republic. At the beginning of 2019, the Latin American and Caribbean Network of Fair Trade Small Producers and Workers (CLAC) set up a Roundtable on Migrant Workers which includes representatives from:

- COORDOM (Dominican Republic Fairtrade network)
- ADOBANANO (Dominican Republic Banana Producers’ association)
- CASC, FEDELAC and SIUTRAPBAM (Central and Regional Trade Unions)
- MENAMIRD (National Working Group for Migration and Refugees in the Dominican Republic)
- CIAC (Center for Cultural Support and Research)

In addition, a committee will be set up to monitor and report on progress, with representatives from Banana Link, CIAC, Fairtrade International and CLAC.

STANDARDS AND ASSURANCE

The multiple challenges faced by undocumented migrant banana workers in the Dominican Republic have made it difficult for both SPOs and HLOs to comply fully with some labour related Fairtrade Standards. An essential part of the roadmap is further improving Fairtrade Standards using a human rights-based approach in the best interests of those most impacted. Fairtrade and FLOCERT are working on revised compliance criteria to ensure that SPOs and HLOs offer undocumented workers equal working conditions and access to social protection.

FLOCERT will check that employers, through their organizations, are keeping detailed records of all workers including migrants. These records will enable an accurate insight into workers’ realities, progress and access to services, rights and compensation. We are working to ensure these enhanced Standards can be audited both remotely (for example, during Covid lockdowns) or on site.

In addition, Fairtrade is committed to reviewing its Fresh Fruit Standard (in 2021), Hired Labour Standard (2022) and SPO Standard (2023), all of which will reflect the aims of the roadmap.