

III. Dominican Republic

1. Freedom of association, trade unions and labor relations

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948) and Convention No. 98 concerning the Right to Organize and Collective Bargaining (1949) are fundamental tools for guaranteeing full enjoyment of the rights to organize, to trade union membership, and to collective bargaining of workers and employers. To ensure their application, the States must adopt measures to harmonize their legal framework with these international instruments, and also provide the institutions responsible for promoting the effective enforcement of labor laws with the required human, material and financial resources.

The White Paper challenges and recommendations for the Dominican Republic refer to “increase efforts to establish a consensus in the Consultative Council for Labor to act on the issues of labor law raised in the ILO study⁹² in terms of the two-thirds vote requirement for federations to form a confederation and modification of the requirement than an absolute majority of workers must be established to compel collective bargaining.”⁹³ They also mention the need for the Consultative Council for Labor to present proposals for reform to address the “requirement that 40 per cent of the total workers must join a public sector association for it to be registered”, because, even though this requirement was reduced from 60% in 2003, “the ILO may consider the 40% number to be high”. The stipulation in Article 407 of the Labor Code that “a strike must be supported by 51% of membership of a trade union - not 51% of those voting” – has also been questioned by the ILO.

Over the period August–December 2010, no progress was recorded in the drafting of bills to reform the laws.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Promote tripartite activities to raise the awareness of the three sectors about the need to update the Labor Code, including the CEACR recommendations with regard to ILO Conventions 87 and 98 concerning freedom of association and collective bargaining.
- Request cooperation from international organizations, such as the ILO, to support the drafting of specific legislative proposals that can be submitted to the CCT.
- Enhance the technical training for CCT members on the Labor Code and international labor standards.

92. This refers to the ILO study entitled “Principios y derechos fundamentales en el trabajo: Un estudio on la legislación laboral. Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua,” 2003.

93. White Paper, p. 28.

94. Law 16-92, promulgated on May 29, 1992.

95. White Paper, p. 28. In addition to these aspects mentioned in the White Paper, in its 2006 Individual Observation concerning Convention 87, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) pointed out the need to adopt measures to modify legislation with regard to “the explicit exemption from the Labor Code (Principle III) and the Civil Service and Administrative Career Law of personnel from municipal and autonomous state entities (Article 2).” In this context, the Committee recalled that “all public administration employees should enjoy the right to form unions, regardless of whether they are employed in governmental administration at the central, regional or local levels or are employees of entities charged with providing important public services or work for firms of a commercial nature belonging to the State.”

Challenges and recommendations	Indicators	August - December 2010
I. Legislative proposals		
Challenge: - The Consultative Council for Labor has not thus far reached a consensus for action on the issues of labor law raised in the ILO study in terms of the two-thirds vote requirement for federations to form a confederation and modification to the requirement that an absolute majority of workers must be established to compel collective bargaining. - Progress on this issue was also delayed because of the change in government in 2004. Recommendations: - Increase efforts to establish a consensus in the Consultative Council for Labor to act on these proposals in 2005. Invite the ILO, in cooperation with Dominican employers and workers and with the support of the government, to present these concerns to the Council and other interested parties, and assist in the necessary development of a consensus to modify them in accordance with ILO principles.	Reforms to the requirements to form federations and for collective bargaining	
	I.1. Number and type of actions to achieve a consensus on the legislative reforms.	No actions were taken during this period to obtain consensus on the legislative reforms suggested in the White Paper relating to the requirement of two-thirds of the votes for federations to form a confederation and modification of the requirement of an absolute majority of workers in order to make collective bargaining obligatory.⁹⁶
	I.2. Existence of draft bills agreed upon and sent to the Legislative Assembly.	There are no draft bills relating to modification of the requirements for the establishment of confederations or the majority required for collective bargaining.
	I.3. Status of the draft bills in the legislative process (Commission reports, place on the agenda, position of the employer and worker sectors with regard to the draft bill).	
	I.4. Number and type of promotion and lobbying actions to seek approval for the new law.	
	I.5. Draft bill approved by the Legislative Assembly and published for execution.	
	I.6. Number and type of informative and training actions in relation to the newly approved law.	

96. See CEACR, Individual Observation concerning Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) Dominican Republic (ratification: 1956) Publication: 2009, where the Committee indicates the following in relation to the requirement that federations need the vote of two-thirds of their members in order to be able to form confederations (article 383 of the 1992 Labour Code): "the Committee notes the Government's indication in its report that tripartite discussions have been resumed in the Labour Advisory Council with a view to discussing relevant reforms of these provisions. The Committee expresses the firm hope that the tripartite discussions that have been initiated will produce tangible results in the near future and that they will lead to the amendment of the legislation to bring it into full conformity with the provisions of the Convention. The Committee requests the Government to provide information in its next report on any measure adopted to bring the legislation into full conformity with the Convention."

See CEACR: Individual Observation concerning the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) Dominican Republic (ratification: 1953) Publication: 2010, where, in relation to Article 4 of the Convention, "The Committee recalls that it has been commenting for many years on the fact that, 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 (sections 109 and 110 of the Labour Code). The Committee observes that the Government has not sent its observations in this respect and recalls that in its previous observation it noted that the Labour Advisory Committee had held a meeting with a view to establishing consensual proposals between the social partners and the Government for amending the legislation. The Committee recalls that in cases where the law provides that, in order to be recognized as a bargaining agent, a union has to obtain the support of 50 per cent of the members of a specific bargaining unit, problems may arise since a majority union which fails to secure this absolute majority is thus denied the possibility of bargaining. The Committee considers that under such a system, if no union covers more than 50 per cent of the workers, collective bargaining rights should be granted to all the unions in this unit, at least on behalf of their own members (see General Survey of 1994 on freedom of association and collective bargaining, paragraph 241). The Committee again requests the Government to take the necessary steps without delay to amend sections 109 and 110 of the Labour Code in order to bring them into conformity with the provisions requiring the promotion of collective bargaining."

Challenges and recommendations	Indicators	August - December 2010
2. Other labor law issues		
Challenge: - Some additional areas of law have raised questions with regard to compliance with ILO jurisprudence, including a requirement that 40 percent of the total workers must join a public sector association for it to be registered. This requirement was reduced from 60 percent by a decree in 2003. Still, the ILO may consider the 40 percent number to be high. - Under Article 407 of the labor code, a strike must be supported by 51 percent of the membership of the Union-not 51 percent of those voting. The ILO has questioned such a requirement. Recommendations: - Request the employer and worker Representatives on the Consultative Council for Labor to provide their opinions on these two matters, and present reform options to the Council for their consideration.	Reform of the law on the requirements for registering associations of public sector workers	
	1.7. Number and type of actions to achieve a consensus on the legislative reforms.	Over the verification period, there was no proposal to reform the requirement that 40% of all the workers have to be members of a public sector association in order to register it,⁹⁷ or with regard to amending article 407 of the Labor Code concerning the percentage of votes required to call a strike.
	1.8. Existence of legal proposals agreed upon and sent to the Legislative Assembly.	
	1.9. Status of the draft bills in the legislative process (Reports from commissions, place on the agenda, and position of the employer and worker sectors with regard to the draft bill).	
	1.10. Number and type of promotion and lobbying actions to seek approval for the new law.	
	1.11. Draft bills approved by the Legislative Assembly and published for execution.	
	1.12. Number and type of Informative and training actions with regard to the newly approved law.	

97. The Regulations concerning Labor Relations in the Public Administration, promulgated on July 21, 2009, established a provision similar to the one that existed in the previous regulations of March 31, 1994, amended on May 18, 2001

2. Labor Ministry

An essential function of the Labor Ministries is prevention, and monitoring compliance with labor laws. Under Convention No. 81 concerning Labor Inspection in Industry and Commerce (1947), these Ministries should have an system of inspection that is capable of securing “the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work”; consequently, they must be given the tools and the necessary legal, human, technical, financial and logistic resources to carry out their functions effectively. Furthermore, Labor Ministries should provide information and advice to employers and workers about the best way to comply with labor laws and to manage labor relations, as measures to prevent disputes.

The White Paper underscores the need to “institutionalize training systems for labor inspectors and to continue to expand the capacity of the regional offices”, to “provide the inspectorate offices with sufficient vehicles, information technology and adequate infrastructure to effectively expand their coverage nationwide”, and to “make permanent the targeted inspection and compliance initiative in the sugar sector launched in January 2005”. In the area of mediation and conciliation, the Government undertook to “provide additional personnel, improved training and adequate infrastructure needed to assure sufficient capacity and coverage in all areas of the country”, to “accelerate efforts to establish an alternative dispute resolution system” and to “train more employer and worker representatives in mediation skills”.⁹⁸ In this regard, the Dominican Republic concurs with the other countries which, at the regional level, undertook to increase resources in order to provide the Labor Ministries with trained personnel, infrastructure and equipment to enable them to perform their functions satisfactorily.⁹⁹

Over the period August–December 2010, 11 training workshops were held for inspectors (336 participants); they dealt with topics such as ILO Convention 170 concerning chemicals, negotiations in labor disputes, social security, dual training and the learning contract, child labor, freedom of association, and strategic communication.

At December 31, 2010, there were 203 posts of inspector, although 3 posts were vacant at that date. Of the inspectors, 40 were local labor representatives who also perform collective conciliation functions. The number of computers increased to 264 (65 new ones and 22 made obsolete over the period); the 10 vehicles remained unchanged.

In 2010, the number of inspections was almost the same as in 2009 (-0.6%); the percentage of violations recorded declined (from 3.2% in 2009 to 2.7% in 2010), and the number of workers covered by inspections increased significantly (by 26% in relation to 2009), which meant that 10% of the working population was covered (compared to 8.1% in 2009).

In the case of collective conciliations, there are still 3 officials in the central office and 40 local labor representatives. Only one official attended a training workshop during this period.

At the national level there are still 4 offices and 16 computers for collective conciliation.

Of the 62 cases of collective conciliation presented in 2010, 34% were settled. In 2009, 59 cases were handled with a 39% settlement rate.

98. The White Paper, p. 28.

99. Ibid. p. 64.

Four training activities on conciliation and mediation were held; they dealt with topics such as interest-based negotiation, trade unionism and collective bargaining, and conciliation. 135 representatives of the 3 sectors took part in the events.

The initial 2010 budget of the Labor Ministry subject to verification decreased by -6.5% in relation to 2009, but the executed budget grew by 3.9%. In real terms, the initial budget fell by 12%, while the executed budget was 2.2% less than the previous year. In 2010, the Ministry executed 98.7% of the modified budget (97.3% in 2009).

The initial budget for the application of labor laws increased by 1% in relation to 2009, but decreased by 7.3% in the executed budget. In real terms, the difference was -5% and -12.9% respectively,

The initial institutional budget subject to verification continues to lose weight in relation to the national budget; it was 0.11% in 2010, declining from 0.16% in 2006.

Implementation of the Pilot Plan on labor administration, started in 2010, continues in the municipality of Bávaro-Verón-Punta Cana. In this context, the social and employment diagnosis was updated, informative and coordination meetings were held with the sectors, and a local multi-sectoral monitoring committee was appointed.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Evaluate the impact of training on the Inspectorate's actions, and make a quantitative analysis of the results of inspection, as suggested in previous reports.
- Continue efforts to train labor inspectors, including keeping them updated on international labor standards.
- Examine the possibility of providing specialized training based on specific issues and productive sectors.
- Continue providing equipment and vehicles to all the local labor offices so as to facilitate the work of inspection throughout the country.
- Define technical guidelines for inspectors in order to identify and deal with cases of undeclared employment, including migrant labor, as well as a program for the Inspectorate's actions in this regard, in consultation with other pertinent authorities and agents of civil society.
- Establish mechanisms for sharing information on undeclared work with other public authorities.
- Schedule technical training for conciliators to update them on conciliation techniques and labor laws and standards.
- Evaluate the effectiveness of the conciliations carried out in relation to the disputes submitted.
- Implement the actions set out in the Labor Ministry's annual plan of operations, ensuring the availability of the resources required to execute them.
- Promote the necessary tripartite agreements to increase the budget dedicated to labor administration, by lobbying the budgetary authorities and the Congress of the Republic.
- Provide the Labor Ministry's regional offices with the necessary equipment and personnel.
- Evaluate the strategies of the Pilot Plan on labor administration in order to extend its results to other regions.

Challenges and recommendations	Indicators	August - December 2010																												
I. Inspectorate																														
Challenge: - Despite the reform and capacity building efforts of recent years, the labor ministry inspectors could still improve their operations with additional training, and there are some limitations on resources that still pose a challenge. Recommendations: - Institutionalize training systems for labor inspectors and continue to expand the capacity of the regional offices. - Provide the inspectorate offices sufficient vehicles, information technology, and adequate infrastructure to effectively expand their coverage nationwide. - Make permanent the targeted inspection and compliance initiative in the sugar sector launched in January 2005.	Human resources	- The number of labor inspectors varied in relation to 2009 and to the previous period (July 2010), decreasing by 3 officials, because 3 vacant posts are pending a competition to fill them. Of the 200 inspectors recorded at the end of 2010, 40 perform the function of Local Labor Representatives¹⁰⁰ and 160 are labor inspectors.¹⁰¹ - The Local Labor Representatives are delegated by the Labor Department to perform the work of collective conciliation when this is considered necessary. During this period, one more labor inspector was appointed as a head of a regional office (Santo Domingo). Number of officials dedicated to inspection work. Period 2005 – 2010.<table><tr><th>Inspection personnel</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Labor Inspectors who are heads of a Regional Office (Local Labor Representatives)</td><td>37</td><td>38</td><td>38</td><td>37</td><td>39*</td><td>40*</td></tr><tr><td>Labor inspectors</td><td>132</td><td>149</td><td>154</td><td>165</td><td>164</td><td>160</td></tr><tr><td>Total inspectors</td><td>169</td><td>187</td><td>192</td><td>202</td><td>203</td><td>200</td></tr></table> * Five of the Local Labor Representatives make inspections because there are no auxiliary inspectors. Source: Labor Ministry. Inspection Coordination Department. May 2011.	Inspection personnel	2005	2006	2007	2008	2009	2010	Labor Inspectors who are heads of a Regional Office (Local Labor Representatives)	37	38	38	37	39*	40*	Labor inspectors	132	149	154	165	164	160	Total inspectors	169	187	192	202	203	200
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2.1. Number of inspectors (indicate the number of inspectors who visit places of work exclusively, and number of inspectors carrying out conciliation and mediation, and the number of inspectors who perform other functions, such as notifying, advisory services, customer services.)	Over the verification period, 11 workshops were held to train Labor Ministry inspectors, with 336 participants (169 men, 167 women). The workshops covered topics such as: compliance with Convention 170 concerning chemicals, negotiation in labor disputes, social security, dual training and the learning contract, child labor, freedom of association, and strategic communications.¹⁰²																													
2.2. Number of training actions for inspectors (number of officials trained and, if available, results of the evaluation of the pertinent training event or activity).																														

100. According to article 431 of the Labor Code of the Dominican Republic, Law 16-92, of May 29, 1992, "the functions of the local labor representatives are: (1) to monitor strict compliance with labor laws and regulations and employment contracts in their respective districts; (2) to execute the orders they receive from the Labor Department in their respective districts, as well as any action required by the laws and regulations; (3) to receive notice of total or partial suspension of employment contracts, to verify the alleged causes, and to advise the Labor Department of the result of the verification.

101. See article 434 of the Labor Code of the Dominican Republic.

102. (1) Two workshops on standardization of institutional criteria on the operationalization of compliance with the contents of ILO Convention 170 concerning Chemicals, Santo Domingo, September 1, 2010, 29 participants (9 men, 20 women) and September 3, 2010, 17 participants (10 men, 7 women); (2) workshop on interest-based negotiation in labor disputes, Santiago de los Caballeros, September 16 and 17, 2010, 6 participants (4 men, 2 women); (3) two workshops on social security, Boca Chica, Santo Domingo, October 15 and 16, 2010, 101 participants (49 men, 52 women), and Puerto Plata, 22 and 23 de October 2010, 49 participants (31 men, 18 women); (4) two workshops on the impact of dual training in the productive sectors and in the social education of young people in the Dominican Republic and the learning contract regulations, Santo Domingo, November 5, 2010, 48 participants (27 men, 21 women), and November 12, 2010, 29 participants (12 men, 17 women); (5) Regional workshop on child labor and its worst forms in banana production, Valverde, November 12, 2010, 6 participants, (6 men); (6) Workshop on the Freedom of Association Protocol, Santo Domingo, November 18, 2010, 22 participants (10 men, 12 women); (7) Regional seminar on strategic communications and focused inspections, Santo Domingo, November 23 to 26, 2010, 9 participants from Dominican Republic (2 men, 7 women); (8) Workshop on the importance of inspection in compliance with labor laws in sugar cane plantations worked by settlers (colonos) in Dominican Republic, Santo Domingo, December 16, 2010, 20 participants (9 men, 11 women).

Challenges and recommendations	Indicators	August - December 2010																																																																						
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2.3. Number and type of improvements in infrastructure, information technology, vehicles and training in case management, in the Central Office and for the local labor representatives (indicate the amount of the institutional budget for maintenance of these items).	Between August and December 2010 there was no record of the acquisition of new computer equipment or vehicles for the inspection service. As reported in the previous Verification Report, during the first half of 2010, the Inspectorate received 65 new computers, for a total of 264. New computer equipment and vehicles for labor inspection. Period 2005 - 2010. <table><tr><th>Inspection equipment</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>New computer equipment</td><td>21</td><td>6</td><td>42</td><td>17</td><td>95</td><td>65</td></tr><tr><td>Obsolete computer equipment</td><td>1</td><td>1</td><td>6</td><td>1</td><td>12</td><td>22</td></tr><tr><td>Total computer equipment*</td><td>81</td><td>86</td><td>122</td><td>138</td><td>221</td><td>264</td></tr><tr><td>New vehicles</td><td>0</td><td>2</td><td>2</td><td>3</td><td>0</td><td>0</td></tr><tr><td>Total vehicles</td><td>3</td><td>5</td><td>7</td><td>10</td><td>10</td><td>10</td></tr></table> * The total number of computers is calculated based on the total number for the previous year, plus the new ones acquired during the current year, less those rendered obsolete during the year. Source: Labor Ministry. Financial and Administrative Department (Fixed Assets Area). February 2011.		Inspection equipment	2005	2006	2007	2008	2009	2010	New computer equipment	21	6	42	17	95	65	Obsolete computer equipment	1	1	6	1	12	22	Total computer equipment*	81	86	122	138	221	264	New vehicles	0	2	2	3	0	0	Total vehicles	3	5	7	10	10	10																												
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2.4. Number of inspections (routine, due to a complaint, re-inspections) and number of cases sanctioned (disaggregate for the sugar sector). Include details of inspections by size of the companies inspected and the sector to which they belong.	During 2010, 86,253 inspection visits were made; of these, 75.9% corresponded to routine or preventive inspection visits. Although the number of visits was slightly lower than in 2009, the preventive visits increased in relation to the special or requested visits. The percentage of violations detected decreased slightly, from 2,814 violations recorded in 2009 to 2,350 in 2010. Number of labor inspections. Period January 2005 –December 2010. <table><tr><th>Inspections</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Regular (prevention)</td><td>26,693</td><td>36,655</td><td>58,473</td><td>59,503</td><td>62,891</td><td>65,482</td></tr><tr><td>Special (by request)</td><td>20,174</td><td>21,739</td><td>21,011</td><td>25,762</td><td>23,925</td><td>20,771</td></tr><tr><td>Total inspections**</td><td>46,867</td><td>58,394</td><td>79,484</td><td>85,265</td><td>86,816</td><td>86,253</td></tr><tr><td>Percentage of regular or preventive inspections</td><td>57.0%</td><td>62.8%</td><td>73.6%</td><td>69.8%</td><td>72.4%</td><td>75.9%</td></tr><tr><td>Labor violations recorded</td><td>1,446</td><td>1,492</td><td>2,090</td><td>2,016</td><td>2,814</td><td>2,350</td></tr><tr><td>Percentage of violations**</td><td>3.1%</td><td>2.6%</td><td>2.6%</td><td>2.4%</td><td>3.2%</td><td>2.7%</td></tr><tr><td>Men covered by the inspections</td><td>211,702</td><td>216,901</td><td>197,999</td><td>225,521</td><td>145,140</td><td>n.d.</td></tr><tr><td>Women covered by the inspections</td><td>147,193</td><td>140,514</td><td>127,800</td><td>149,048</td><td>150,799</td><td>n.d.</td></tr><tr><td>Total workers</td><td>358,895</td><td>357,415</td><td>325,799</td><td>374,569</td><td>295,939</td><td>373,708</td></tr></table> * Includes first time inspections and re-inspections or follow-up visits ** The percentage is calculated based on the number of violations recorded divided by the total number of visits, by 100 Source: Labor Ministry. Inspection Department. January 2011.		Inspections	2005	2006	2007	2008	2009	2010	Regular (prevention)	26,693	36,655	58,473	59,503	62,891	65,482	Special (by request)	20,174	21,739	21,011	25,762	23,925	20,771	Total inspections**	46,867	58,394	79,484	85,265	86,816	86,253	Percentage of regular or preventive inspections	57.0%	62.8%	73.6%	69.8%	72.4%	75.9%	Labor violations recorded	1,446	1,492	2,090	2,016	2,814	2,350	Percentage of violations**	3.1%	2.6%	2.6%	2.4%	3.2%	2.7%	Men covered by the inspections	211,702	216,901	197,999	225,521	145,140	n.d.	Women covered by the inspections	147,193	140,514	127,800	149,048	150,799	n.d.	Total workers	358,895	357,415	325,799	374,569	295,939	373,708
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		Over the period August–December 2010 no visits were made to the sugar mills, because it corresponded to the so-called “sugar crop dead season,” during which there are no activities susceptible to being inspected by the Labor Ministry.																												
	2.5. Ratio of inspectors / Working population.	The average number of members of the working population that each inspector covers has increased over the last 3 years; however, the ratio remains lower than the one recorded in 2005, when each inspector had to cover 19,386 people. In 2010, the ratio was 18,703 members of the working population to each inspector. Ratio or proportion of inspectors in relation to the working population. Period 2005 – December 2010 <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010**</th></tr><tr><td>Working population*</td><td>3,276,373</td><td>3,465,995</td><td>3,525,136</td><td>3,649,901</td><td>3,653,946</td><td>3,740,597</td></tr><tr><td>Number of inspectors</td><td>169</td><td>187</td><td>192</td><td>202</td><td>203</td><td>200</td></tr><tr><td>Ratio working population: inspectors</td><td>19,386</td><td>18,534</td><td>18,360</td><td>17,979</td><td>18,000</td><td>18,703</td></tr></table> Sources: *The 2005 data on the working population are from the National Statistics Office. Based on the Labor Market Survey made by Central Bank of the Dominican Republic; for 2006, from the Dominican Republic Central Bank: http://www.bancentral.gov.do/noticias/avisos/bc2007-07-23.pdf. Data to October 2006; for 2007, from the Dominican Republic Central Bank: http://www.bancentral.gov.do/noticias/avisos/bc2007-07-23.pdf. Data to April 2007; for 2008, from the Labor Ministry, based on the Labor Market Survey of the Dominican Republic Central Bank. April 2008, and for 2009, from the Labor Ministry based on the Labor Market Survey, April 2009, of the Dominican Republic Central Bank and for the total number of workers from companies, the source is the Labor Ministry, Report on Monthly Inspection Work, LLRs-2. January 2010. ** Planning and Statistics Department, Labor Ministry. May 2011.	Year	2005	2006	2007	2008	2009	2010**	Working population*	3,276,373	3,465,995	3,525,136	3,649,901	3,653,946	3,740,597	Number of inspectors	169	187	192	202	203	200	Ratio working population: inspectors	19,386	18,534	18,360	17,979	18,000	18,703
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	2.6. Percentage of working population covered by the inspections.	Percentage of the working population covered by inspections. Period 2005 – December 2010 <table><tr><th>Year</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010**</th></tr><tr><td>Working population</td><td>3,276,373</td><td>3,465,995*</td><td>3,525,136</td><td>3,649,901</td><td>3,653,946</td><td>3,740,597</td></tr><tr><td>Total number of workers in the companies inspected</td><td>358,895</td><td>357,415</td><td>325,799</td><td>374,569</td><td>295,939</td><td>373,708</td></tr><tr><td>% of population covered by inspections</td><td>11.0%</td><td>10.3%</td><td>9.2%</td><td>10.3%</td><td>8.1%</td><td>10.0%</td></tr></table> Sources: *The 2005 data on the working population are from the National Statistics Office. Based on the Labor Market Survey made by Central Bank of the Dominican Republic; for 2006, from the Dominican Republic Central Bank: http://www.bancentral.gov.do/noticias/avisos/bc2007-07-23.pdf. Data to October 2006; for 2007, from the Dominican Republic Central Bank: http://www.bancentral.gov.do/noticias/avisos/bc2007-07-23.pdf. Data to April 2007; for 2008, from the Labor Ministry, based on the Labor Market Survey of the Dominican Republic Central Bank. April 2008, and for 2009, from the Labor Ministry based on the Labor Market Survey, April 2009, of the Dominican Republic Central Bank and for the total number of workers from companies, the source is the Labor Ministry, Report on Monthly Inspection Work, LLRs-2. January 2010. ** Planning and Statistics Department, Labor Ministry. May 2011.	Year	2005	2006	2007	2008	2009	2010**	Working population	3,276,373	3,465,995*	3,525,136	3,649,901	3,653,946	3,740,597	Total number of workers in the companies inspected	358,895	357,415	325,799	374,569	295,939	373,708	% of population covered by inspections	11.0%	10.3%	9.2%	10.3%	8.1%	10.0%
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Challenges and recommendations	Indicators	August - December 2010																																		
2. Mediation and conciliation																																				
Challenge: • The Secretariat for Labor has some economic constraints on its ability to deliver high quality mediation and conciliation services throughout the country. Recommendations: • Provide additional personnel, improved training and adequate infrastructure needed to assure sufficient capacity and coverage in all areas of the country. • Accelerate efforts to establish an alternative dispute resolution system. • Train more employer and worker representatives in mediation skills	Human resources																																			
	2.7 Number of Labor Ministry conciliators.	• In the central office there are still 3 officials dedicated to collective conciliation, including the Director General of the Conciliation Department. In addition, with the assignment of a new local labor representative in Santo Domingo, there are now 40 local labor representatives who perform this function, in keeping with the labor legislation.																																		
	2.8. Number of training actions for conciliators (number of officials trained and, if available, the results of the evaluation of the pertinent training events or activities).	• Over the verification period, one official from the Conciliation Department took part in the workshop on administrative law offered by INAP, Santo Domingo, July 14 to 21, 2010.																																		
	Infrastructure and equipment																																			
	2.9. Number, type and budget of improvements in the level of infrastructure, information technology and training in conciliation case management in the regional offices and at the central office (indicate the amount of the institutional budget for the maintenance of these items).	• During this verification period, no investments were made in equipment or improvements to infrastructure for the Labor Ministry's conciliation functions. Computer equipment and conciliation/mediation offices. Period 2005 – 2010. <table><tr><th>Equipment and infrastructure for conciliation/mediation</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>New computer equipment</td><td>1</td><td>3</td><td>8</td><td>4</td><td>0</td><td>0</td></tr><tr><td>Total computer equipment</td><td>1</td><td>4</td><td>12</td><td>16</td><td>16</td><td>16</td></tr><tr><td>New offices for conciliation/mediation</td><td>0</td><td>0</td><td>3</td><td>0</td><td>0</td><td>0</td></tr><tr><td>Total offices</td><td>1</td><td>1</td><td>4</td><td>4</td><td>4</td><td>4</td></tr></table> Source: Ministry of Labor. January 2011.	Equipment and infrastructure for conciliation/mediation	2005	2006	2007	2008	2009	2010	New computer equipment	1	3	8	4	0	0	Total computer equipment	1	4	12	16	16	16	New offices for conciliation/mediation	0	0	3	0	0	0	Total offices	1	1	4	4	4
Equipment and infrastructure for conciliation/mediation	2005	2006	2007	2008	2009	2010																														
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Challenges and recommendations	Indicators	August - December 2010																																																	
	Conciliation coverage																																																		
	2.10. Number of cases handled and resolved by collective conciliation.	- Over the period August–December 2010, 28 cases of collective conciliation were dealt with; an agreement was reached in 16 cases, no agreement was reached in 4 cases, 8 cases are pending settlement, and none of the cases was rejected. With these cases, a total of 62 collective disputes were handled during 2010. - Starting in 2008, a decrease in the percentage of cases conciliated can be observed. For the current period, the percentage fell from 39.0% in 2009 to 33.9% in 2010. If the cases withdrawn are not considered, the percentage of cases settled increases to 44%. Number of cases of collective conciliation handled and settled. Period 2005 – December 2010. <table><tr><th>Type of cases</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Cases handled</td><td>24</td><td>36</td><td>54</td><td>33</td><td>59</td><td>62</td></tr><tr><td>Cases settled</td><td>15</td><td>25</td><td>43</td><td>21</td><td>23</td><td>21</td></tr><tr><td>Cases not settled</td><td>3</td><td>5</td><td>0</td><td>4</td><td>10</td><td>8</td></tr><tr><td>Cases pending</td><td>6</td><td>6</td><td>11</td><td>8</td><td>26</td><td>19</td></tr><tr><td>Cases withdrawn</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>14</td></tr><tr><td>Percentage of cases settled in relation to those handled</td><td>62.5%</td><td>69.4%</td><td>79.6%</td><td>63.6%</td><td>39.0%</td><td>33.9%</td></tr></table> Source: Communication from the Labor Ministry, Mediation and Arbitration Department, January 2011.	Type of cases	2005	2006	2007	2008	2009	2010	Cases handled	24	36	54	33	59	62	Cases settled	15	25	43	21	23	21	Cases not settled	3	5	0	4	10	8	Cases pending	6	6	11	8	26	19	Cases withdrawn	n.d.	n.d.	n.d.	n.d.	n.d.	14	Percentage of cases settled in relation to those handled	62.5%	69.4%	79.6%	63.6%	39.0%	33.9%
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	Promotion of conciliation and mediation services																																																		
	2.11. Number of training actions for employers and workers (number of persons trained and, if available, the results of the evaluation of the pertinent training events or activities).	- Over the period August–December 2010, 4 training activities on conciliation and mediation were organized for employers and workers: - Workshop on “Interest-based negotiation for labor disputes” offered to the three sectors (Trade union: CNUS, UNATRAZONAS, CNTD; Government, and Employer), Santiago de los Caballeros, September 16 and 17, 2010, 25 participants. - Workshop on “Trade unionism and collective bargaining” offered to the three sectors (Trade union: FUNTRAP, CASC, CNTD; Government, and Employer), in Puerto Plata, November 20, 2010, 46 participants (13 women and 33 men). - Workshop on conciliation, Bávaro, February 3, 2011, 32 participants (7 women and 25 men). - Workshop on job training and economic development, Bávaro, February 4, 2011, 32 participants (7 women and 25 men).																																																	
	2.12. Number and type of measures adopted by the Labor Ministry to establish a system of alternative individual dispute resolution.	No relevant information was recorded for this verification period.																																																	

Challenges and recommendations	Indicators	August - December 2010
3. Regional recommendations		
• Increase resources for key functions, including inspectorates, and mediation and conciliation services. • Improve training of compliance personnel. • Improve infrastructure, information technology and case management capacity. • Reorganize operations of labor ministries to effectively focus on key priorities. • Enhance or establish where necessary offices focused on women's workplace issues and child labor • Enhance or establish offices where necessary of special advocates for worker rights who can further assist workers and employers on effective compliance with labor laws. • Institutionalize improved enforcement procedures and initiatives focused on high priority concerns such as the dismissal of workers for legitimate trade union activities and gender discrimination, including any illegal pregnancy testing.	Core budget of the Labor Ministry	
	2.13. Amount of the Labor Ministry's annual budget.	• A change was made in the structure of the Labor Ministry budget for 2010 to adjust it to the new programs, sub-programs and projects that emerged from the institutional strategic planning. The programs are as follows (the newest name is used, although changes have been made over time): 1. Central activities (01) 2. Central projects 02) 3. Promotion of employment (11) (previous called Promotion of employment and counseling) 4. Regulation of labor relations (12) 5. Administration of special contributions (98) 6. Administration of assets, liabilities and transfers (99) • The last two programs (administration of special contributions and administration of assets, liabilities and transfers) are omitted from the Verification Reports, because they represent programs of transfers to institutions, programs or projects that do not correspond to labor functions that are relevant for the report. • However, a thorough analysis of the SET budget reveals that within the programs "Central projects" and "Promotion of employment and counseling" there are some sub-programs and projects that should be included, because they are similar in nature to the initiatives included in budget lines 98 and 99, which are essentially transfers. Prior to 2009, the sub-programs and projects excluded for the effects of verification were as follows: 1. Central projects: (a) Labor training, and (b) Labor training and streamlining. 2. Promotion of employment and counseling (previously 'National Employment Service'): (a) Children's Shelters; (b) Labor markets and social transfers; (c) Youth labor integration/youth development program, and (d) Specialized vocational training. 3. The project "Construction of the Santo Domingo school/workshop" • In the case of the 2010 budget, the following subprograms and projects of Program 11 Promotion of Employment have been excluded so that the data can be compared to previous years: (a) 004-Specialized job training (b) 005-Labor markets and social transfers (c) 006-Youth development program (d) 007-National vocational training for the unemployed population (e) 008-Training youth aged 18 to 25 years for their first job (f) Training people with disabilities to incorporate the labor market, Provinces of Santo Domingo, Santiago, Puerto Plata, National Dept., La Romana and Azua (g) 0010-Establishment of school/workshops to provide specialized training for the unemployed in the provinces of: Monte Plata, Jimaní, Elías Piña, Dajabon, SJM, Boharuco and Pedernales (h) 0011-Adult training for labor reincorporation in the province of Santo Domingo and in the National District (i) 0012-Capacity building for local agents in the management of consensual national employment policies. • The following table shows the items included for the effects of the verification of the White Paper recommendations, and also those excluded:

Challenges and recommendations	Indicators	August - December 2010					
		Initial Labor Ministry budget, by program (in thousands of Dominican pesos). Period 2005-2010.					
		2005	2006	2007	2008	2009	2010
	Labor Ministry budget	665,641	1,327,331	810,106	1,448,333	1,433,858	1,484,267
	Programs included for verification						
	Central activities	107,195	204,790	213,242	248,953	230,377	219,806
	Senior management/admin, & coordination	48,598	47,792	44,829	39,358	48,607	45,394
	Technical and financial services	50,904	140,637	150,719	209,595	181,769	173,449
	Labor conciliation and policies	0	0	0	0	0	413
	Strategic Plan, development & technology	7,693	16,362	17,694	0	0	550
	02 Central projects	0	20,000	35,956	26,729	26,729	4,850
	Renovation building	0	20,000	26,729	26,729	26,729	0
	Support for modernization	0	0	9,227	0	0	0
	Construction Infrastructure RLT and OTE	0	0	0	0	0	3,800
	Construction Documentation Center	0	0	0	0	0	1,050
	11 Promotion of employment*	6,423	11,451	18,560	23,984	18,499	21,291
	Management and coordination**	6,423	11,451	18,560	19,948	9,361	6,271
	Analysis and formulation of employment policies	0	0	0	2,783	1,902	1,330
	Job promotion, guidance and location	0	0	0	1,253	7,237	6,520
	Implementation National Employment Plan	0	0	0	0	0	2,500
	Monitoring Discrim, HIV/AIDS N/S/SW/NW	0	0	0	0	0	1,370
	Monitoring Discrim, HIV/AIDS Agriculture	0	0	0	0	0	1,286
	Development ISO 9001	0	0	0	0	0	2,014
	Regulation of labor relations	85,442	138,633	121,590	143,307	159,390	160,926
	Management and coordination****	24,745	42,450	35,234	26,884	26,963	31,728
	Health and safety	4,244	25,821	15,027	0	0	0
	Inspection systems	52,606	59,718	63,361	0	0	0
	Verification of working conditions	0	0	0	102,022	109,603	122,948
	Regulation of minimum wage regimes	1,439	2,341	2,593	1,740	1,690	2,087
	Mediation in labor disputes	0	0	0	0	0	250
	Develop. proposal administrative conciliation	0	0	0	0	0	1,210
	Elimination of child labor	2,408	8,303	5,374	12,661	21,134	2,703
	Total for the verification process	199,061	374,874	389,348	442,973	434,994	406,873
	Programs not included for verification:						
	Program labor training and upgrading	181,558	100,567	32,890	0	0	0
	Construction Sto Domingo school-workshop	6,528	0	0	0	0	0
	Specialized vocational training	0	0	0	12,391	16,830	11,634
	Youth job integration program***	3,000	3,000	3,356	0	103,093	163,148
	Proj. Construct. Sto Domingo school-workshop	0	0	18,271	0	0	0
	Project: Children's shelters	0	50,000	28,000	0	0	0
	Project: labor markets and social transfers	0	0	0	211,568	42,429,	40,284
	Training: Business Initiatives/Unemployed	0	0	0	0	0	3,035
	Training: Youth: Mi Primer Empleo	0	0	0	0	0	1,320
Training: people with disabilities	0	0	0	0	0	1,804	
Installation school/workshops	0	0	0	0	0	2,510	
Vocational training for adults	0	0	0	0	0	1,100	
Capital dev, Management employment policies	0	0	0	0	0	5,600	
Administration special contributions	14,494	2,703	30,802	31,042	85,306	92,318	
Admin. assets, liabilities and transfers	261,000	796,187	307,439	750,360	751,206	754,639	
Total excluded from verification process	466,580	952,457	420,758	1,005,360	998,864	1,077,394	
* Previously 'National Employment Service' and 'Promotion of employment and counseling'. **Previously 'Employment Directorate General'. *** Previously 'youth development'. ****Previously 'Labor Directorate General'. Source: Prepared by the authors, based on data from the Government Accounting Department (DIGECOG) of the Ministry of Finance, from the Integrated Financial Management System.							

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Challenges and recommendations	Indicators	August - December 2010																																																																																						
		Annual Labor Ministry budget subject to verification and rate of growth. Period 2005 – 2010.																																																																																						
		<table><tr><th colspan="4">Initial budget</th><th colspan="3">Actual budget</th><th colspan="3">Actual expenditure</th></tr><tr><th rowspan="2">Year</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th></tr><tr><th>actual</th><th>real*</th><th>actual</th><th>real*</th><th>actual</th><th>real*</th></tr><tr><td>2005</td><td>199,060,685</td><td>-</td><td>-</td><td>198,635,506</td><td>-</td><td>-</td><td>194,440,717</td><td>-</td><td>-</td></tr><tr><td>2006</td><td>374,874,031</td><td>88.3</td><td>75.1</td><td>289,243,130</td><td>45.6</td><td>35.4</td><td>270,489,801</td><td>39.1</td><td>29.3</td></tr><tr><td>2007</td><td>389,347,703</td><td>3.9</td><td>-2.2</td><td>387,484,239</td><td>34.0</td><td>26.2</td><td>378,172,530</td><td>39.8</td><td>31.7</td></tr><tr><td>2008</td><td>442,972,974</td><td>13.8</td><td>2.8</td><td>401,132,299</td><td>3.5</td><td>-6.4</td><td>401,129,432</td><td>6.1</td><td>-4.1</td></tr><tr><td>2009</td><td>434,994,346</td><td>-1.8</td><td>-3.2</td><td>418,521,027</td><td>4.3</td><td>2.9</td><td>407,039,684</td><td>1.5</td><td>0.0</td></tr><tr><td>2010</td><td>406,873,030</td><td>-6.5</td><td>-12.0</td><td>428,699,622</td><td>2.4</td><td>-3.7</td><td>423,071,464</td><td>3.9</td><td>-2.2</td></tr></table>	Initial budget				Actual budget			Actual expenditure			Year	Dominican pesos	% annual increase		Dominican pesos	% annual increase		Dominican pesos	% annual increase		actual	real*	actual	real*	actual	real*	2005	199,060,685	-	-	198,635,506	-	-	194,440,717	-	-	2006	374,874,031	88.3	75.1	289,243,130	45.6	35.4	270,489,801	39.1	29.3	2007	389,347,703	3.9	-2.2	387,484,239	34.0	26.2	378,172,530	39.8	31.7	2008	442,972,974	13.8	2.8	401,132,299	3.5	-6.4	401,129,432	6.1	-4.1	2009	434,994,346	-1.8	-3.2	418,521,027	4.3	2.9	407,039,684	1.5	0.0	2010	406,873,030	-6.5	-12.0	428,699,622	2.4	-3.7	423,071,464	3.9	-2.2
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* To calculate this increase, the inflation measured by the Consumer Price Index is subtracted (base January 1999), using the average annual rate each year. Source: Prepared by the authors, based on information provided by the Government Accounting Directorate General (DIGECOG) of the Ministry of Finance, from the Integrated Financial Management System. May 2011.																																																																																								
Percentage of execution of the Labor Ministry budget subject to verification. Period 2005 - 2010.																																																																																								
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Source: Prepared by the authors, based on information provided by the Government Accounting Directorate General (DIGECOG) of the Ministry of Finance, from the Integrated Financial Management System. January 2011.																																																																																								
2.14. Percentage of the annual institutional budget dedicated to enforcement of labor laws.	Budget for the enforcement of labor laws and rate of growth. Period 2005 – 2010.																																																																																							
	<table><tr><th colspan="4">Initial budget</th><th colspan="3">Actual budget</th><th colspan="3">Actual expenditure</th></tr><tr><th rowspan="2">Year</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th><th rowspan="2">Dominican pesos</th><th colspan="2">% annual increase</th></tr><tr><th>actual</th><th>real*</th><th>actual</th><th>real*</th><th>actual</th><th>real*</th></tr><tr><td>2005</td><td>85,442,456</td><td>-</td><td>-</td><td>81,207,859</td><td>-</td><td>-</td><td>80,932,335</td><td>-</td><td>-</td></tr><tr><td>2006</td><td>138,632,695</td><td>62.3</td><td>50.8</td><td>115,118,090</td><td>41.8</td><td>31.8</td><td>109,004,885</td><td>34.7</td><td>25.2</td></tr><tr><td>2007</td><td>121,589,620</td><td>-12.3</td><td>-17.4</td><td>121,436,604</td><td>5.5</td><td>-0.6</td><td>120,831,742</td><td>10.8</td><td>4.4</td></tr><tr><td>2008</td><td>143,307,246</td><td>17.9</td><td>6.5</td><td>138,604,658</td><td>14.1</td><td>3.2</td><td>138,604,228</td><td>14.7</td><td>3.7</td></tr><tr><td>2009</td><td>159,390,203</td><td>11.2</td><td>9.6</td><td>168,726,199</td><td>21.7</td><td>20.0</td><td>168,503,616</td><td>21.6</td><td>19.8</td></tr><tr><td>2010</td><td>160,926,185</td><td>1.0</td><td>-5.0</td><td>157,452,678</td><td>-6.7</td><td>-12.2</td><td>156,130,078</td><td>-7.3</td><td>-12.9</td></tr></table>	Initial budget				Actual budget			Actual expenditure			Year	Dominican pesos	% annual increase		Dominican pesos	% annual increase		Dominican pesos	% annual increase		actual	real*	actual	real*	actual	real*	2005	85,442,456	-	-	81,207,859	-	-	80,932,335	-	-	2006	138,632,695	62.3	50.8	115,118,090	41.8	31.8	109,004,885	34.7	25.2	2007	121,589,620	-12.3	-17.4	121,436,604	5.5	-0.6	120,831,742	10.8	4.4	2008	143,307,246	17.9	6.5	138,604,658	14.1	3.2	138,604,228	14.7	3.7	2009	159,390,203	11.2	9.6	168,726,199	21.7	20.0	168,503,616	21.6	19.8	2010	160,926,185	1.0	-5.0	157,452,678	-6.7	-12.2	156,130,078	-7.3	-12.9	
Initial budget				Actual budget			Actual expenditure																																																																																	
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	* To calculate this increase, the inflation measured by the Consumer Price Index is subtracted (base January 1999), using the average annual rate each year. Source: Prepared by the authors, based on information provided by the Government Accounting Directorate General (DIGECOG) of the Ministry of Finance, from the Integrated Financial Management System. January 2011.																																																																																							

Challenges and recommendations	Indicators	August - December 2010																					
	2.15. Percentage of SET budget in relation to the national budget.	• In 2010, a decrease can be seen in the Labor Ministry's budget in relation to the national budget; it fell from representing 0.13% in 2009 to 0.11% in 2010. Percentage of budget subject to verification in relation to the National Budget. Period 2005 – 2010. <table><tr><th></th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Initial in relation to initial</td><td>0.10</td><td>0.16</td><td>0.15</td><td>0.15</td><td>0.13</td><td>0.11</td></tr><tr><td>Executed in relation to executed</td><td>0.10</td><td>0.12</td><td>0.14</td><td>0.11</td><td>0.13</td><td>0.12</td></tr></table> Source: Prepared by the authors, based on information provided by the Government Accounting Directorate General (DIGECOG) of the Ministry of Finance, from the Integrated Financial Management System. January 2011.		2005	2006	2007	2008	2009	2010	Initial in relation to initial	0.10	0.16	0.15	0.15	0.13	0.11	Executed in relation to executed	0.10	0.12	0.14	0.11	0.13	0.12
		2005	2006	2007	2008	2009	2010																
	Initial in relation to initial	0.10	0.16	0.15	0.15	0.13	0.11																
	Executed in relation to executed	0.10	0.12	0.14	0.11	0.13	0.12																
Law enforcement procedures																							
	2.16. Number and type of actions for improving procedures for labor law enforcement, Include:	• The Pilot Project on labor administration in the municipality of Bávaro-Verón-Punta Cana, which began in February 2010 with the purpose of improving the labor administration model at the local level, continues. Over the verification period, the following activities were implemented: - The data from the assessment of the social and employment situation in the municipality was updated. - Various information and coordination meetings were held with the hotel, trade union, education and health care sectors, as well as with the municipal government. - The Pilot Project Monitoring Committee was appointed during a workshop held on October 6, 2010, with the participation of 24 representatives of different sectors (7 women and 17 men). - The Committee was sworn-in on October 29, 2010, with the participation of the Minister of Labor, the Municipal Labor Union, the Director of Tourism of the zone, 30 officials from the Labor Ministry, and the President of the Bávaro Hotel Association, among others. The committee members represent the Labor Ministry, the employer and the trade union sectors, INFOTEP, the Mayor's office, local churches and civil society. • Strategic planning workshop for the Labor Ministry's annual plan of operations, October 28 and 29, 2010, 38 participants (16 women and 22 men).																					
	- Existence and approval of laws and regulations designed to improve the application of labor laws. - Design of policies, plans, procedures and protocols. - Dissemination of policies, plans, procedures and protocols using manuals or training.																						

3. Labor courts

To ensure an effective administration of labor justice for workers, the States should guarantee promptness in the proceedings, facilitate access to information and to the courts, provide legal assistance to the parties that require this, and ensure the aptness of the officials responsible for delivering justice. In this regard, the Judicial Branch should promote measures, in coordination with the other Branches of the State, to ensure that it has specialized labor courts throughout national territory; to offer a permanent training program on international conventions and current domestic legislation for judges and other labor justice administrators, and to develop an efficient management model that includes systems that provide appropriate and timely information for decision-making.

The White Paper mentions the need to “*establish an on-going training program in national labor law and the jurisprudence of international labor standards for labor ministry officials, labor judges and other persons involved in the administration of labor justice*”.¹⁰³ In addition, all the Governments undertook to increase resources destined to provide the Labor Courts with the trained personnel, infrastructure and equipment to enable them to fulfill their functions satisfactorily.¹⁰⁴

Over the period August–December 2010, the National School of the Judicature organized a workshop on international labor law attended by 6 judges and one lawyer.

The initial 2010 budget allocated to the courts with jurisdiction in labor matters equaled that of the previous year (RD\$176.9 million). Similarly, the number of courts with jurisdiction in labor matters has not changed in relation to previous years, and remains at 57 courts throughout the country.

In 2010, the number of judges assigned to courts specialized in labor matters increased by 3 more judges, rising from 62 in 2009 to 65. Of these officials, 29 belong to the courts of first instance and 36 to the courts of appeal. The support staff in the labor courts continues to grow, increasing from 237 in 2009 to 240 in 2010.

The complaints filed in first instance decreased from 17,543 in 2009 to 17,329 in 2010 (1.2% less). Those filed in second instance increased from 3,959 in 2009 to 4,709 in 2010 (18.9% more).

In 2010, the difference between the number of new cases and the number of cases with a final judgment was 4,701, giving an accumulated total of 36,114 over the period 2005-2010.

Regarding conciliation, 12,758 new cases were filed in the courts with single jurisdiction in 2010 (81 cases more than the previous year). In 91.6% of the cases no agreement was reached, a similar percentage to that of 2009. In the courts with combined jurisdiction, there were 1,063 new cases in 2010, and no agreement was reached in 85.1% of them.

¹⁰³. The White Paper p. 29.

¹⁰⁴. Ibid. p. 64.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Define the technical profile for the representatives (vocales) of the trade union and business sectors, with the participation of both sectors, in order to prepare an appropriate training program for the exercise of their functions.
- Make a needs assessment of training for agents of labor justice and prepare a program based on this assessment that includes basic and continuing training. The program should include the vocales of the workers and employers.
- Support the real participation of the said representatives in conciliations by providing the necessary administrative, technical and financial support.
- Evaluate (the Judiciary) the quality of judgments, especially in light of international labor standards.
- Establish cooperation agreements with academic establishments in order to provide further training on labor issues for agents of justice.
- Lobby as necessary in order to obtain additional resources that permit the increased specialization of labor courts.
- Improve the statistical systems so that they make a constructive contribution to the Judiciary's decision-making.
- Make every effort at the institutional level to expedite judicial proceedings and to reduce the existing case backlog, actively incorporating the workers' and employers' representatives.
- Establish dynamic and permanent coordination, using the most practical mechanisms, between the Labor Ministry, the labor courts, and the Labor Ministry's Legal Assistance Department.

Challenges and recommendations	Indicators	August - December 2010
I. Training		
Challenge: - Additional training is needed on labor law for those directly involved in the administration of labor justice. Recommendations: - Establish an on-going training program in national labor law and the jurisprudence of international labor standards for labor ministry officials, labor judges, and others involved in the administration of labor justice.	Capacity building for labor justice administrators	
	3.1. Existence of a permanent training program for labor justice administrators that includes: - Existence of a permanent system for monitoring and assessing training needs (indicate the results of monitoring and assessment activities). - Number and type of the respective information and training workshops, forums and activities each year. - Number of judicial officials taking part in the training events. - Number of academic establishments participating in training initiatives for administrators of labor justice.	- At present there is no permanent training program for labor justice administrators. - During the verification period, the National School of the Judicature organized a workshop on international labor law, with the support of USAID, in which 6 labor judges and one labor lawyer participated. Santo Domingo, November 4 and 5, 2010.
	3.2. Number of academic establishments participating in training initiatives for administrators of labor justice.	At present, other than the National School of the Judicature, no academic establishments are participating in training initiatives for labor justice administrators.
2. Regional recommendations		
- Make further investments in labor courts, judges and other personnel and equipment. - Enhance operation of the labor courts. - Establish comprehensive labor standards training initiative for judges, prosecutors, government officials, and others involved in labor law administration.	Institutional budget	
	3.3. Amount of annual operating budget of the labor courts.	For 2010, the initial annual budget of the courts with jurisdiction in labor matters was the same as for 2009.

Challenges and recommendations	Indicators	August - December 2010																																																																					
• Involve appropriate academic organizations in establishing a network of labor law training centers in each country. • Establish a regional labor law center to integrate best practices and assist in the harmonization of training capacity and other practices in the labor law administration area. • Establish additional alternative dispute resolution centers in countries that do not have one, and assure that the resources and training are available to make them successful.		Initial annual budget of the courts with jurisdiction in labor matters. Period 2006 – 2010 <table><tr><th>Type of court</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Civil and labor tribunals</td><td>3,149,000</td><td>3,958,000</td><td>4,070,000</td><td>4,073,000</td><td>4,073,000</td></tr><tr><td>Civil and labor courts of first instance</td><td>11,319,000</td><td>9,269,000</td><td>10,351,000</td><td>10,360,000</td><td>10,360,000</td></tr><tr><td>Labor tribunals</td><td>34,437,000</td><td>33,785,000</td><td>33,913,000</td><td>33,943,000</td><td>33,943,000</td></tr><tr><td>Labor courts</td><td>103,311,000</td><td>93,501,000</td><td>110,218,000</td><td>110,317,000</td><td>110,317,000</td></tr><tr><td>Magistrates courts</td><td>14,119,000</td><td>13,852,000</td><td>13,904,000</td><td>13,917,000</td><td>13,917,000</td></tr><tr><td>Court of appeal, combined competence</td><td>1,291,000</td><td>1,079,000</td><td>1,272,000</td><td>1,273,000</td><td>1,273,000</td></tr><tr><td>Court of first instance, combined competence</td><td>3,013,000</td><td>2,956,000</td><td>2,967,000</td><td>2,970,000</td><td>2,970,000</td></tr><tr><td>Total</td><td>170,639,000</td><td>158,400,000</td><td>176,695,000</td><td>176,853,000</td><td>176,853,000</td></tr></table> Source: Budget Preparation Division. May 2011.	Type of court	2006	2007	2008	2009	2010	Civil and labor tribunals	3,149,000	3,958,000	4,070,000	4,073,000	4,073,000	Civil and labor courts of first instance	11,319,000	9,269,000	10,351,000	10,360,000	10,360,000	Labor tribunals	34,437,000	33,785,000	33,913,000	33,943,000	33,943,000	Labor courts	103,311,000	93,501,000	110,218,000	110,317,000	110,317,000	Magistrates courts	14,119,000	13,852,000	13,904,000	13,917,000	13,917,000	Court of appeal, combined competence	1,291,000	1,079,000	1,272,000	1,273,000	1,273,000	Court of first instance, combined competence	3,013,000	2,956,000	2,967,000	2,970,000	2,970,000	Total	170,639,000	158,400,000	176,695,000	176,853,000	176,853,000															
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	Total	170,639,000	158,400,000	176,695,000	176,853,000	176,853,000																																																																	
Expansion of labor court coverage																																																																							
3.4. Number of judges dedicated to hearing labor cases.	• The number of courts with jurisdiction in labor matters has remained unchanged since 2006. Number of courts with jurisdiction in labor matters, by type of court and competence Period 2005 – 2010 <table><tr><th>Court and competence</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Total</td><td>56</td><td>57</td><td>57</td><td>57</td><td>57</td><td>57</td></tr><tr><td>First instance</td><td>44</td><td>45</td><td>45</td><td>45</td><td>45</td><td>45</td></tr><tr><td> Courts with single competence</td><td>23</td><td>23</td><td>23</td><td>23</td><td>23</td><td>23</td></tr><tr><td> Courts with combined competence</td><td>21</td><td>22</td><td>22</td><td>22</td><td>22</td><td>22</td></tr><tr><td>Second instance</td><td>12</td><td>12</td><td>12</td><td>12</td><td>12</td><td>12</td></tr><tr><td> Courts of appeal with single competence</td><td>6</td><td>7</td><td>7</td><td>7</td><td>7</td><td>7</td></tr><tr><td> Courts of appeal with combined competence</td><td>6</td><td>5</td><td>5</td><td>5</td><td>5</td><td>5</td></tr><tr><td>Cassation*</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr><tr><td> Third Chamber</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td><td>1</td></tr></table> * Cassation exists for labor matters, but the information is not yet available. Source: Prepared by the authors based on information provided by the Judicial Statistics Division. May 2011.	Court and competence	2005	2006	2007	2008	2009	2010	Total	56	57	57	57	57	57	First instance	44	45	45	45	45	45	Courts with single competence	23	23	23	23	23	23	Courts with combined competence	21	22	22	22	22	22	Second instance	12	12	12	12	12	12	Courts of appeal with single competence	6	7	7	7	7	7	Courts of appeal with combined competence	6	5	5	5	5	5	Cassation*	1	1	1	1	1	1	Third Chamber	1	1	1	1	1	1
Court and competence	2005	2006	2007	2008	2009	2010																																																																	
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Courts with single competence	23	23	23	23	23	23																																																																	
Courts with combined competence	21	22	22	22	22	22																																																																	
Second instance	12	12	12	12	12	12																																																																	
Courts of appeal with single competence	6	7	7	7	7	7																																																																	
Courts of appeal with combined competence	6	5	5	5	5	5																																																																	
Cassation*	1	1	1	1	1	1																																																																	
Third Chamber	1	1	1	1	1	1																																																																	

Challenges and recommendations	Indicators	August - December 2010																																																															
		Number of judges with full-time positions in the courts with single competence in labor matters, by type of court. Period 2005 – 2010 <table><tr><th>Type of court</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Total</td><td>57</td><td>62</td><td>62</td><td>62</td><td>62</td><td>65</td></tr><tr><td>First instance: Courts</td><td>26</td><td>26</td><td>26</td><td>26</td><td>26</td><td>29</td></tr><tr><td>Second instance: Courts of Appeal</td><td>31</td><td>36</td><td>36</td><td>36</td><td>36</td><td>36</td></tr></table> Source: Judicial Statistics Division of the Supreme Court of Justice. May 2011. Support staff with full-time positions in courts with single competence in labor matters, by type of court. Period 2005 – 2010. <table><tr><th>Type of court</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Total</td><td>212</td><td>215</td><td>231</td><td>235</td><td>237</td><td>240</td></tr><tr><td>First instance: Courts</td><td>150</td><td>143</td><td>155</td><td>160</td><td>160</td><td>163</td></tr><tr><td>Second instance: Courts of Appeal</td><td>62</td><td>72</td><td>76</td><td>75</td><td>77</td><td>77</td></tr></table> Source: Human Resources Directorate. May 2011.	Type of court	2005	2006	2007	2008	2009	2010	Total	57	62	62	62	62	65	First instance: Courts	26	26	26	26	26	29	Second instance: Courts of Appeal	31	36	36	36	36	36	Type of court	2005	2006	2007	2008	2009	2010	Total	212	215	231	235	237	240	First instance: Courts	150	143	155	160	160	163	Second instance: Courts of Appeal	62	72	76	75	77	77							
Type of court	2005	2006	2007	2008	2009	2010																																																											
Total	57	62	62	62	62	65																																																											
First instance: Courts	26	26	26	26	26	29																																																											
Second instance: Courts of Appeal	31	36	36	36	36	36																																																											
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Total	212	215	231	235	237	240																																																											
First instance: Courts	150	143	155	160	160	163																																																											
Second instance: Courts of Appeal	62	72	76	75	77	77																																																											
	3.5. Number of case files being processed and executed in the different courts.	New labor cases, by type of court and jurisdiction Period 2005-2010. <table><tr><th>Type of court and jurisdiction</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>First instance</td><td>14,005</td><td>15,669</td><td>16,959</td><td>17,185</td><td>17,543</td><td>17,329</td></tr><tr><td>Courts with single jurisdiction</td><td>12,853</td><td>14,271</td><td>15,465</td><td>15,829</td><td>16,094</td><td>15,383</td></tr><tr><td>Courts with combined jurisdiction</td><td>1,152</td><td>1,398</td><td>1,494</td><td>1,356</td><td>1,449</td><td>1,946</td></tr><tr><td>Second instance</td><td>3,741</td><td>2,888</td><td>3,219</td><td>4,022</td><td>3,959</td><td>4,709</td></tr><tr><td>Courts of appeal with single jurisdiction</td><td>3,352</td><td>2,259</td><td>2,322</td><td>2,922</td><td>2,946</td><td>3,730</td></tr><tr><td>Courts of appeal with combined jurisdiction</td><td>389</td><td>629</td><td>897</td><td>1,100</td><td>1,013</td><td>979</td></tr><tr><td>Cassation*</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>588</td></tr><tr><td>Third Chamber</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>n.d.</td><td>588</td></tr></table> * The data corresponds to the period January–September 2010. Source: Prepared by the authors based on information provided by the Judicial Statistics Division, Supreme Court of Justice. May 2011.	Type of court and jurisdiction	2005	2006	2007	2008	2009	2010	First instance	14,005	15,669	16,959	17,185	17,543	17,329	Courts with single jurisdiction	12,853	14,271	15,465	15,829	16,094	15,383	Courts with combined jurisdiction	1,152	1,398	1,494	1,356	1,449	1,946	Second instance	3,741	2,888	3,219	4,022	3,959	4,709	Courts of appeal with single jurisdiction	3,352	2,259	2,322	2,922	2,946	3,730	Courts of appeal with combined jurisdiction	389	629	897	1,100	1,013	979	Cassation*	n.d.	n.d.	n.d.	n.d.	n.d.	588	Third Chamber	n.d.	n.d.	n.d.	n.d.	n.d.	588
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Courts of appeal with single jurisdiction	3,352	2,259	2,322	2,922	2,946	3,730																																																											
Courts of appeal with combined jurisdiction	389	629	897	1,100	1,013	979																																																											
Cassation*	n.d.	n.d.	n.d.	n.d.	n.d.	588																																																											
Third Chamber	n.d.	n.d.	n.d.	n.d.	n.d.	588																																																											

Challenges and recommendations	Indicators	August - December 2010																																
		New cases and cases with a final ruling in labor matters in courts of first instance, and the difference. Period 2005 – 2010 <table><tr><th>Year</th><th>New cases</th><th>Cases with final rulings</th><th>Difference</th></tr><tr><td>2005</td><td>14,005</td><td>8,255</td><td>5,750</td></tr><tr><td>2006</td><td>15,669</td><td>8,832</td><td>6,837</td></tr><tr><td>2007</td><td>16,959</td><td>10,329</td><td>6,630</td></tr><tr><td>2008</td><td>17,185</td><td>11,710</td><td>5,475</td></tr><tr><td>2009</td><td>17,543</td><td>10,820</td><td>6,723</td></tr><tr><td>2010</td><td>17,329</td><td>12,628</td><td>4,701</td></tr><tr><td>Total</td><td>98,688</td><td>62,574</td><td>36,114</td></tr></table> Source: Prepared by the authors based on information provided by the Judicial Statistics Division. May 2011.	Year	New cases	Cases with final rulings	Difference	2005	14,005	8,255	5,750	2006	15,669	8,832	6,837	2007	16,959	10,329	6,630	2008	17,185	11,710	5,475	2009	17,543	10,820	6,723	2010	17,329	12,628	4,701	Total	98,688	62,574	36,114
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	3.6. Percentage of labor cases resolved (rate of decision).¹⁰⁵ Include the pending rate,¹⁰⁶ the back-log rate¹⁰⁷ and the average duration in months of the proceedings, by each type of court.	• Since decision, pending and backlog rates are calculated based on the total number of active case files or the workload (new cases during the year and cases from previous years that are pending a decision), it is not possible to calculate them because, although the forms used to collect information from the courts include the variable of active cases, the Statistics Division does not monitor this information. • The Statistics Division does not have permanent data that would allow the duration of cases decided with a judgment on merits to be calculated; hence, it is not possible to assess the status and evolution of the backlog of labor cases in the country. Nevertheless, in 2010, the Judiciary prepared a study on the duration of labor cases decided in first instance in the National District, based on a sample of 723 cases decided between October 2009 and March 2010. According to the results of the study, 31% of the cases were decided in less than 90 days (3 months); 45% took from 91 to 180 days (3 to 6 months); 17% were decided in 181 to 270 days (6 to 9 months); 5% were decided in 271 to 360 days (9 to 12 months); and 2% took more than a year to obtain a ruling.¹⁰⁸																																

105. Calculated as follows: Decision Rate = Total case files concluded during the period / Total workload of the period X 100. This indicates the proportion between pending and concluded case files.

106. Pending Rate: indicates the percentage of cases that are awaiting processing and those that have been initiated but have not yet been concluded.

107. Case Backlog Rate: determines the existing degree of case backlog in the courts. If the backlog rate is greater than 1, there is a backlog; if it is 1 there is no backlog. If the backlog is 2.2, this indicates that the court must process 2.2 times as many cases as it has been deciding in order to eliminate the delay.

108. The Judiciary. Technical Directorate General, Planning and Project Directorate, Judicial Statistics Division. September 2010.

Challenges and recommendations	Indicators	August - December 2010																																																																																																																																						
	3.7. Number of cases handled and resolved by conciliation in court.	Conciliation hearings in courts of first instance with jurisdiction in labor matters, by result. Period 2005 – 2010. <table><tr><th rowspan="2">Year</th><th colspan="5">Courts with single jurisdiction</th></tr><tr><th>Total</th><th>Without agreement</th><th>%</th><th>With agreement</th><th>%</th></tr><tr><td>2005</td><td>10,415</td><td>8,778</td><td>84.3</td><td>1,637</td><td>15.7</td></tr><tr><td>2006</td><td>10,713</td><td>9,245</td><td>86.3</td><td>1,468</td><td>13.7</td></tr><tr><td>2007</td><td>13,282</td><td>11,543</td><td>86.9</td><td>1,739</td><td>13.1</td></tr><tr><td>2008</td><td>12,456</td><td>11,206</td><td>90.0</td><td>1,250</td><td>10.0</td></tr><tr><td>2009</td><td>12,677</td><td>11,565</td><td>91.2</td><td>1,112</td><td>8.8</td></tr><tr><td>2010</td><td>13,821</td><td>12,628</td><td>91.4</td><td>1,193</td><td>8.6</td></tr></table> Source: Prepared by the authors based on information provided by the Judicial Statistics Division. March 2011. Results of conciliation hearings, by type of court of first instance with jurisdiction in labor matters. Period 2005 – 2010 <table><tr><th rowspan="2">Year</th><th colspan="5">Courts with single jurisdiction</th><th colspan="5">Courts with combined jurisdiction</th></tr><tr><th>Total</th><th>Without agreement</th><th>%</th><th>With agreement</th><th>%</th><th>Total</th><th>Without agreement</th><th>%</th><th>With agreement</th><th>%</th></tr><tr><td>2005</td><td>9,608</td><td>8,166</td><td>85.0</td><td>1,442</td><td>15.0</td><td>807</td><td>612</td><td>75.8</td><td>195</td><td>24.2</td></tr><tr><td>2006</td><td>9,720</td><td>8,468</td><td>87.1</td><td>1,252</td><td>12.9</td><td>993</td><td>777</td><td>78.2</td><td>216</td><td>21.8</td></tr><tr><td>2007</td><td>11,768</td><td>10,321</td><td>87.7</td><td>1,447</td><td>12.3</td><td>1,514</td><td>1,222</td><td>80.7</td><td>292</td><td>19.3</td></tr><tr><td>2008</td><td>11,293</td><td>10,312</td><td>91.3</td><td>981</td><td>8.7</td><td>1,163</td><td>894</td><td>76.9</td><td>269</td><td>23.1</td></tr><tr><td>2009</td><td>11,671</td><td>10,730</td><td>91.9</td><td>941</td><td>8.1</td><td>1,006</td><td>835</td><td>83.0</td><td>171</td><td>17.0</td></tr><tr><td>2010</td><td>12,758</td><td>11,681</td><td>91.6</td><td>1,077</td><td>8.4</td><td>1,063</td><td>947</td><td>89.1</td><td>116</td><td>14.9</td></tr></table> Source: Prepared by the authors based on information provided by the Judicial Statistics Division. March 2011.	Year	Courts with single jurisdiction					Total	Without agreement	%	With agreement	%	2005	10,415	8,778	84.3	1,637	15.7	2006	10,713	9,245	86.3	1,468	13.7	2007	13,282	11,543	86.9	1,739	13.1	2008	12,456	11,206	90.0	1,250	10.0	2009	12,677	11,565	91.2	1,112	8.8	2010	13,821	12,628	91.4	1,193	8.6	Year	Courts with single jurisdiction					Courts with combined jurisdiction					Total	Without agreement	%	With agreement	%	Total	Without agreement	%	With agreement	%	2005	9,608	8,166	85.0	1,442	15.0	807	612	75.8	195	24.2	2006	9,720	8,468	87.1	1,252	12.9	993	777	78.2	216	21.8	2007	11,768	10,321	87.7	1,447	12.3	1,514	1,222	80.7	292	19.3	2008	11,293	10,312	91.3	981	8.7	1,163	894	76.9	269	23.1	2009	11,671	10,730	91.9	941	8.1	1,006	835	83.0	171	17.0	2010	12,758	11,681	91.6	1,077	8.4	1,063	947	89.1	116	14.9
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4. Gender and discrimination

The right of women and other discriminated groups, such as indigenous peoples, ethnic minorities and people living with HIV/AIDS, to receive equal treatment, free from discrimination based on sex, ethnic origin, religion, political opinions, age, or any other reason that is irrelevant to their job performance is embodied in numerous instruments of international law, such as ILO Convention No. 100 concerning Equal Remuneration (1951); ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (1958); the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and the Convention for the Elimination of all Forms of Discrimination against Women (United Nations General Assembly, Resolution 34/180, 18 December 1979). On ratifying the said instruments, the States are bound to formulate and implement national policies that promote equal opportunities and the elimination of discrimination in the workplace.

The White Paper identified the need to “*establish a national information campaign, directed by the Secretariat for Labor on the importance of protecting women’s rights in the workplace, especially with regard to pregnancy testing which violates the law*”. It also indicates the need to develop, in coordination with the Secretariat of State for Women, “*a national campaign against gender discrimination and, working with the social partners, target the campaign to gender-related workplace issues to better protect the rights of women*”.¹⁰⁹ Also, at the regional level, the establishment of a regional center for employment equality offering training, and educational and informative material designed to support efforts to eliminate discrimination in the workplace should be underscored.¹¹⁰

Over the period August–December 2010, the Labor Ministry, through the Gender Department, organized 8 training and awareness-raising workshops on women’s labor rights, non-discrimination and ILO Convention No. 156. For its part, the Ministry for Women’s Affairs organized 3 activities on equal opportunities: dissemination of a report on paid domestic work in Dominican Republic; validation of a study on sexual harassment, and dissemination of a project to promote good gender equity practices in the private sector.

In 2010, the Labor Ministry’s initial budget dedicated to education and awareness-raising activities on labor rights was RD\$1,000,000, a reduction of 74% in relation to 2009.

During 2010, 121 requests to dismiss pregnant or nursing women were received from employers. More than 50% of these requests were rejected or declared inadmissible.

In addition, no measures were recorded concerning pregnancy testing in the context of the employment relationship, and there is not data on the number of complaints in this regard.

109. The White paper, p. 29.

110. Ibid. p. 65.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Strengthen the Labor Ministry's Tripartite Committee on Equal Opportunities so that it can play a leading role in this area, taking measures to obtain increased human, financial and technical resources, and providing input and proposals for legal reforms for discussion by the CCT.
- Examine the legal and financial viability of the suggestions made in the study on paid domestic work, drafting the corresponding legislative proposals when appropriate.
- Continue and increase training, dissemination and awareness-raising activities on the issues of gender, non-discrimination and equal opportunities. These activities could be implemented with workers' and employers' organizations and with specific groups, in coordination with public and private institutions.
- Evaluate the results of the implementation of the Strategic Gender Plan.
- Establish a protocol for the Labor Inspectorate to monitor compliance with the laws on the prohibition of gender-based discrimination (pregnancy tests, sexual and work-related harassment in the workplace).
- Examine the existence of pregnancy testing as a requirement for employment in order to design, if appropriate, awareness-raising and information campaigns to prevent this type of discrimination, as indicated in previous Verification Reports.
- Prepare studies on equal opportunities for men and women in the different branches of employment.
- Improve the existing statistical data on discrimination in employment.
- Monitor and disseminate the existing regional agreements and declarations on the issues of gender and non-discrimination, as suggested in previous reports.
- Examine the possibility of incorporating the gender perspective into labor laws, in keeping with the concepts and principles of decent work, as indicated in the previous Verification Reports.

Challenges and recommendations	Indicators	August - December 2010
I. Women and migrant workers		
Challenge: • Efforts have been made to protect women's workplace rights. However, limitations on resources and trained personnel to deal with such issues continue to pose challenges. Recommendations: • Establish a national information campaign directed by the Secretariat for Labor on the importance of protecting women's rights in the workplace, especially with regard to pregnancy testing which violates the law. • In coordination with the Secretary of State for Women develop a national campaign against gender discrimination and working with the social partners target the campaign to gender-related workplace issues to better protect the rights of women.	Pregnancy testing	
	4.1. Number and type of awareness-raising activities on the use of pregnancy tests when hiring or dismissing workers (include the disaggregated number of workers, employers and inspectors participating in the activities and, if available, the results of the participants' evaluation of the pertinent training events or activities).	• No actions were recorded during this verification period specifically related to the issue of pregnancy tests for hiring or dismissing workers.¹¹¹

111. See CEACR: Individual observation concerning discrimination (employment and occupation) Convention, 1958 (no. 111), Dominican Republic, 2011. Discrimination based on sex. "The committee urges the government to ensure that the existing anti-discrimination legislation is effectively applied, and in this context to take proactive measures, in collaboration with employers' and workers' organizations, to prevent and investigate both sexual harassment, and the requirement of pregnancy testing as a condition for obtaining or maintaining employment. the committee also asks the government to take the necessary measures to reinforce the sanctions for sexual harassment and mandatory pregnancy testing as well as the dispute resolution machinery related to discrimination in employment and occupation, to ensure that it is effective and accessible in practice to all workers, including those in export processing zones. The committee also asks the government to provide information on the following:

- (i) the status of the adoption of the proposed amendments to the Labour Code regarding sexual harassment and pregnancy testing;
- (ii) measures taken to support and protect victims of sexual harassment and pregnancy testing, including facilitating access to complaints procedures;
- (iii) awareness raising regarding discrimination, including sexual harassment and pregnancy testing, and building the capacity of labour inspectors, relevant government authorities, and the judiciary to detect and address violations in this regard;
- (iv) any specific measures taken to improve the detection of sexual harassment and pregnancy testing in export processing zones; and
- (v) any cases of sexual harassment or pregnancy testing reported to or detected by the labour inspectorate and any relevant administrative or judicial decisions, including the remedies provided and the sanctions imposed."

See CEACR: Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), Dominican Republic, 2011. Articles 1 and 2 of the Convention. Equal remuneration for work of equal value. "The Committee therefore urges the Government to take the necessary measures to ensure that the amendment of section 194 fully reflects the principle of the Convention and is adopted by the National Congress in the very near future, and to provide a copy once it has been adopted. The Committee also requests the Government to provide fuller information on wage inequalities in the public sector and on the measures taken to bring section 3(4) of Act No. 41-08, the wording of which is identical to that of section 194 of the Labour Code, into full conformity with the Convention."

Challenges and recommendations	Indicators	August - December 2010								
	Campaign against gender discrimination									
	4.2. Number and type of public education and awareness-raising actions on labor rights (include number of persons participating in the actions organized by the public institutions, the trade unions and the employer organizations and, if available, the results of the participants' evaluation of the pertinent training events or activities).	The Gender Department of the Labor Ministry organized 8 training and awareness-raising workshops on women's labor rights: • Workshop on awareness-raising and equal opportunities, rights and obligations of workers, Azua, September 11, 2010, 58 participants. • Workshop on awareness-raising and equal opportunities, for the Dominican Professional Association of Bio-analysts (CODOBIO), Santo Domingo, September 30, 2010, 9 participants. • Workshop on awareness-raising and equal opportunities, rights and obligations of workers, for the General Services Division of the Labor Ministry, Santo Domingo, October 14, 2010, 60 participants. • Workshop on awareness-raising and equal opportunities, rights and obligations of workers, for different Labor Ministry departments, Santo Domingo, October 26, 2010, 41 participants. • Tripartite consultation workshop to discuss Convention 156, Santo Domingo, November 24, 2010, 30 participants. • Workshop on non-discrimination and equal opportunities and treatment, Santo Domingo, December 1, 2010, 30 participants. • Workshop on awareness-raising and equal opportunities, for the Dominican Professional Association of Bio-analysts (CODOBIO), Santo Domingo, December 8, 2010, 13 participants. • Workshop on awareness-raising and equal opportunities, rights and obligations of workers, for the Employment General Directorate, Santo Domingo, December 14, 2010. In addition, the following activities were organized by the Ministry for Women's Affairs: • Distribution of the report on "Paid domestic work in Dominican Republic: the socio-cultural and legal institutionalization of inequality," prepared with the support of UNIFEM, AGEM, AECID and COMMCA/SICA. • Validation of a study on psychological and sexual harassment in employment, sponsored by FNUAP. • Circulation of the project for the promotion of good gender equity practices in the private sector, executed by the Ministry for Women's Affairs, in coordination with COPARDOM, sponsored by IDB and the World Bank.								
	4.3. Amount of the budget dedicated to education and awareness-raising actions on labor rights.	• For, 2010, the Labor Ministry budgeted RD\$1,000,000 for gender education and awareness-raising activities, a decrease of 74% in relation to 2009, but 68% more than in 2008. Initial budget for education and awareness-raising activities on labor rights. Period 2008 – 2010. <table><tr><th>Year</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Amount in RD\$</td><td>594,149</td><td>3,807,360</td><td>1,000,000</td></tr></table> Source: Ministry of Labor. April 2011.	Year	2008	2009	2010	Amount in RD\$	594,149	3,807,360	1,000,000
Year	2008	2009	2010							
Amount in RD\$	594,149	3,807,360	1,000,000							

Challenges and recommendations	Indicators	August - December 2010																												
	4.4. Number of cases detected, reported and sanctioned for job discrimination towards women.	• The Ministry has no data on the number of cases detected, reported and sanctioned specifically for job discrimination towards women. The nearest statistics to this issue refer to requests from employers for authorization to dismiss workers who are pregnant or nursing: • In 2010, of the 121 requests for dismissal submitted by employers, over 50% were rejected or declared inadmissible by the Labor Ministry. Maternity Protection – dismissals of women who are pregnant or nursing. Period 2005 – 2010. <table><tr><th>Cases</th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th></tr><tr><td>Received</td><td>91</td><td>47</td><td>121</td><td>133</td><td>128</td><td>121</td></tr><tr><td>Rejected</td><td>44</td><td>25</td><td>55</td><td>76</td><td>35</td><td>55</td></tr><tr><td>Declared inadmissible*</td><td>7</td><td>2</td><td>12</td><td>28</td><td>21</td><td>12</td></tr></table> * Refers to cases where the dismissal request is contrary to the established legal criteria. Source: Labor Ministry Statistics Department. Labor Statistics Bulletins. Dismissals of pregnant women (RLT-5). 2005, 2006, 2007, 2008, 2009. Monitoring and Evaluation Division, Planning and Development Directorate, Labor Ministry. April 2011.	Cases	2005	2006	2007	2008	2009	2010	Received	91	47	121	133	128	121	Rejected	44	25	55	76	35	55	Declared inadmissible*	7	2	12	28	21	12
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Declared inadmissible*	7	2	12	28	21	12																								

2. Regional recommendations

- Establish a regional center for employment equality that would provide training, educational materials, a clearinghouse on best practices and other information, and support other programs focused on the elimination of employment discrimination concerns. - Undertake targeted training and enforcement support initiatives for the ministries of labor on effective compliance strategies for violations that might involve pregnancy testing or the exploitation of migrant or indigenous workers.	Regional center for employment equality	
	4.5. Number and type of actions for establishing the regional center, including: - Number of coordination activities for the design, establishment and operation of the Regional Center. - Existences of a sustainable conceptual, operational and financial proposal for the Center for Employment Equality. - Regional Center for Employment Equality in operation. - Existence of agreements among the countries (informal or formal).	No relevant actions were recorded during this verification period.

5. Worst forms of child labor

ILO Convention No. 182 on the Worst Forms of Child Labor (1999) establishes that the States are obliged to adopt immediate and effective measures to prohibit and eliminate the worst forms of child labor, which include: (a) slavery or similar practices, such as the sale and trafficking of children, forced labor and forced recruitment for use in armed conflict; (b) use of children and adolescents for commercial sexual activities; (c) their use in illicit activities, such as the production and trafficking of drugs, and (d) work, which by its nature or by the circumstances in which it is carried out is likely to harm the health, safety or morals of children. Upon ratification of this convention, as well as of ILO Convention No. 138 concerning the Minimum Age for Work (1973) and other instruments for the protection of children and adolescents, Governments undertake to implement policies to promote the rights of the child, such as the right to education, health and protection from mistreatment.

The White Paper expressed the concern that *“additional personnel [should be assigned] to the Secretariat for Labor to implement its responsibilities”* in this area, *“including designing and implementing the national strategies and technical assistance programs”*. It also mentions the need to *“undertake a needs assessment and allocate additional resources to effectively implement the IPEC Time Bound Program”*.¹¹² At the regional level, a commitment was made to establish a child-labor-free zone consistent with ILO Convention 182 on the Worst Forms of Child Labor by the end of the decade.¹¹³

Over the period August–December 2010, it was planned to incorporate the UTI into the organigram of the Labor Ministry as a department in 2011. Of the 11 officials who work in this unit, 6 are included in the administrative career regime.

Implementation continues of the plans relating to child labor and its worst forms (the 2006-2016 National Strategic Plan for the Elimination of the Worst Forms of Child Labor; the 2001-2012 National Action Plan to combat Commercial Sexual Exploitation and Abuse; the 2008 Plan to combat People Trafficking and the Unlawful Smuggling of Migrants, and the guidelines for the 2007-2012 Policy for the Integral Protection of Street Children). None of these plans has been evaluated to date.

The issue of child labor was included in the draft bill for the 2010-2030 National Development Strategy; the Road Map to make Dominican Republic a country free of child labor was promoted, and more than 10 government institutions have undertaken activities to prevent and eliminate child labor and its worst forms.

The Labor Ministry published the *“Collection of good practices II for the prevention and elimination of the worst forms of child labor in Dominican Republic,”* and the first report on the level of compliance with the rights of the child was published, prepared by the Observatory on Compliance with the Rights of the Child.

The National Steering Committee (NSC) reached agreements on the inclusion of indicators on child labor in the National Development Strategy, and publication of the results of the 2009 National Survey on Child labor, among other matters.

112. The White Paper, p. 29. Time Bound Program (TBP) is understood to mean a series of coordinated policies and programs to prevent and eliminate the worst forms of child labor in a country within a certain period. The characteristic of this type of program, which is promoted by ILO/IPEC, is that it “belongs to the country.” This means that it is the country itself that initiates it and carries it out with technical assistance from ILO/IPEC and financial aid from the international community. The approximate duration of a TBP is from four to eight years, based on the availability of resources, the extent of the worst forms of child labor identified, the level of local expertise, and other circumstances inherent in the program in a particular country.

113. Ibid., p. 65.

Several Local Steering Committees (LSCs) took measures to coordinate with representatives of the trade union sector, local and provincial organizations, and the Labor Ministry, and took part in a regional meeting, in order to raise awareness about and socialize the experiences of those working in this area.

The executed budget of the Labor Ministry dedicated to child labor amounted to RD\$2,678,118 in 2010; however, it cannot be compared to previous years, owing to changes in the budget structure.

In addition, between September and November 2010, 393 specific inspection visits were made in this area; the Labor Ministry reported 2 cases of minors withdrawn from child labor and its worst forms (3 in total in 2010) and various organizations offered 7 training and monitoring workshops on the problem of child labor and its worst forms.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Monitor and evaluate the existing plans on child labor.
- Examine, together with the social sectors, the employment policy measures, conditioned transfers, basic education, and vocational training that help prevent child labor, in keeping with international labor standards and the principles of decent work.
- Implement a broader awareness-raising campaign addressed to the general population, and organize and strengthen the campaigns on the need to create decent work.
- Program special campaigns to disseminate good practice in this area, based on the “Collection of good practices II for the prevention and elimination of the worst forms of child labor in Dominican Republic,” published in 2010.
- Continue providing technical and financial support to the LSCs and promoting inter-institutional coordination to encourage the implementation of the social and educational measures that contribute to the elimination of the worst forms of child labor.
- Take the measures and lobby to obtain an increase in the budget for the prevention of child labor and its worst forms.
- Coordinate and lead (the Labor Ministry) the efforts of the public institutions and the social sectors in the actions designed to prevent and eliminate child labor and its worst forms.
- Program inspections in order to detect the use of child labor, based on reliable statistics.
- Monitor the situation of minors withdrawn from child labor and its worst forms.
- Develop a system for monitoring cases of adolescents performing domestic work and the punishment of crimes of commercial sexual exploitation involving minors (as suggested in the previous report).

Challenges and recommendations	Indicators	August - December 2010
I. Additional resources		
Challenge: - Given the commitment by the government of the Dominican Republic to address the problems of child labor in the country, and the development of a comprehensive national infrastructure, involving existing and newly created institutions working on all dimensions of the child labor issue, the Secretariat for Labor needs additional resources to fully implement its responsibilities in this area. Recommendations: - Allocate additional personnel to the Secretariat for Labor to implement its responsibilities on child labor, including designing and implementing the national strategies and technical assistance programs. - Undertake a needs assessment and allocate additional resources to effectively implement the IPEC Time-Bound Program.	National Strategic Plan for the Elimination of the Worst Forms of Child labor	
	5.1. Existence and status of implementation of the National Plan (date formulated, percentage of financing, percentage of compliance with the goals, principal results, existence of periodic evaluations). 5.2. Existence and operation of inter-institutional committees on child labor and its worst forms (include the level of tripartite participation in the meetings, the number and type of agreements reached, the level of compliance with the agreements established).	- The National Strategic Plan for the Elimination of the Worst Forms of Child Labor (PEN 2006-2016) coordinated by the Labor Ministry continues in force, and has not been evaluated yet. The National Steering Committee to combat Child Labor (NSC) and the different agencies working in this area establish their lines of action within the framework of this plan. - Similarly, the National Action Plan to combat Commercial Sexual Exploitation and Abuse, formulated in 2002 for a 10-year period (which has not been evaluated), and the Plan to combat People Trafficking and the Unlawful Smuggling of Migrants started in 2008, coordinated by the Foreign Affairs Ministry, also continue in force. - Between August and December 2010, the National Steering Committee (NSC) met five times,¹¹⁴ and reached agreement on: (a) inclusion of child labor indicators in the 2010-2030 National Development Strategy for the Dominican Republic; (b) incorporation into the NSC of the Dominican Federation of Town Councils (FEDOMA); (c) coordination of the efforts of the NSC, the trade union sector and the town councils to prevent and deal with child labor; and (d) publication of the results of the survey on child labor included in a special module of the 2009 National Household Survey. - For its part, the NSC Executive Committee met once,¹¹⁵ to coordinate matters relating to the committees of the Road Map to make Dominican Republic a country free of child labor.¹¹⁶

114. The NSC meetings were as follows: August 8, 2010 (with the Ministry of Economy. Purpose: design of the proposal for the inclusion of child labor indicators in the 2010-2030 National Development Strategy. Results: the proposal was analyzed and the necessary adjustments were made); September 2, 2010 (Purpose: to present the proposal for child labor indicators to the Planning and Development Directorate of the Dominican Republic, so that it could be included in the 2010-2030 National Development Strategy); September 30, 2010 (Purpose: to validate the actions taken by the committees to operationalize the Road Map to make the Dominican Republic a country free of child labor); November 23, 2010 (with the trade union sector and the Dominican Federation of Town Councils (FEDOMA). Purpose: to coordinate joint actions between the NSC and the trade union sector's program for the elimination of child labor. Decisions: to incorporate FEDOMA into the NSC; to coordinate actions with the "child friendly" municipalities; to promote future meetings to coordinate efforts with those municipalities, the trade union sector and the NSC); and November 25, 2010 (Purpose: to hold the workshop to validate the data obtained from the child labor module in the 2009 National Household Survey. Decisions: Publication of the results of the survey).

115. The NSC Executive Committee met on September 9, 2010.

116. The Road Map is a public policy that integrates into a single effort the initiatives of public and private entities to prevent and eliminate child labor and its worst forms, as well as to protect adolescent workers. The Road Map re-prioritizes the national actions to achieve the goals established in the Hemispheric Agenda for Decent Work, and its strategic framework includes 6 elements: poverty reduction, education, health care, legal and institutional framework, awareness-raising and social mobilization, and generation of knowledge and monitoring, with their respective objectives, results, indicators and goals, and fundamental strategies to achieve them.

Challenges and recommendations	Indicators	August - December 2010
	5.3. Number of State institutions that have incorporated actions for the prevention and elimination of child labor into their annual plans of operation.	The Local Steering Committees (LSCs) undertook the following actions over the period August–December 2010: • The San Pedro de Macorís LSC met with representatives of the Inter-Trade Union Committee for the elimination of child labor (September 7, 2010) to discuss the following issues: education to combat poverty, educational policies and child labor, and health policies and child labor, all within the framework of the National Development Strategy and the Road Map. • The Labor Ministry's Child Labor Unit (UTI) met local and provincial representatives in order to get to know their opinions, and the constraints and obstacles to the work of the LSCs. During the meeting, it was agreed to subdivide the LSCs into 8 geographical zones¹¹⁷ to facilitate coordination and monitoring by the Labor Ministry, and also to organize regional meetings to begin the process of preparing local agendas of work (September 10, 2010). • The Provincial Committee to Combat Child Labor of the Province of East Santo Domingo was created (October 26, 2010). Its Executive Committee met on November 26 to start drawing up the local agenda of work. • The Labor Ministry met with representatives of the LSCs of the provinces of Montecristi, Valverde, Santiago Rodríguez, Dajabón and Elías Piña, which are involved in banana-production activities. During the meeting, a proposal was made to certify the banana sector free of child labor (November 12, 2010). • Similarly, the LSCs of the southern zone (provinces of Barahona, Bahoruco, Azua, Peravia and Juan Sánchez Ramírez) held a regional meeting in order to socialize and raise awareness about the experiences and opinions of agents involved in child labor issues (December 12, 2010). • Under the Road Map to make Dominican Republic a country free of child labor, more than 10 government institutions have undertaken to implement actions to prevent and eliminate child labor (the Social Affairs Committee of the Presidency of the Republic, CONANI, the Labor Ministry, the National School of the Public Prosecution Service, the National School of the Judicature, the Ministry for Youth, the Ministry for Women's Affairs, the Ministry of Education, the First Lady's Office, the Office of the Attorney General of the Republic, the National Statistics Office and the Supreme Court of Justice).

117. The LSCs are distributed in the following geographical zones: (1) Santo Domingo West, (2) Santo Domingo East, (3) Santo Domingo North, (4) Santo Domingo Central, (5) North Region, (6) South Region, (7) West Region, and (8) East Region.

Challenges and recommendations	Indicators	August - December 2010																												
	5.4. Amount of the Labor Ministry's institutional budget allocated to the issue of child labor.	Labor Ministry budget allocated to the issue of child labor. Period 2005 – 2010. <table><tr><th></th><th>2005</th><th>2006</th><th>2007</th><th>2008</th><th>2009</th><th>2010*</th></tr><tr><td>Initial</td><td>2,407,984</td><td>8,303,017</td><td>5,374,334</td><td>12,661,465</td><td>21,133,870</td><td>2,703,035</td></tr><tr><td>Actual</td><td>2,380,177</td><td>3,508,468</td><td>12,661,465</td><td>19,535,429</td><td>21,623,220</td><td>2,701,118</td></tr><tr><td>Executed</td><td>2,377,471</td><td>3,002,707</td><td>12,104,894</td><td>19,535,429</td><td>21,620,529</td><td>2,678,118</td></tr></table> * Planning and Statistics Department of the Labor Ministry. April 2011. Source: Prepared by the authors based on information provided by the Governmental Accounting Directorate General (DIGECOG) of the Secretariat of State for Finance, based on the Integrated Financial Management System. February 2010.		2005	2006	2007	2008	2009	2010*	Initial	2,407,984	8,303,017	5,374,334	12,661,465	21,133,870	2,703,035	Actual	2,380,177	3,508,468	12,661,465	19,535,429	21,623,220	2,701,118	Executed	2,377,471	3,002,707	12,104,894	19,535,429	21,620,529	2,678,118
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5.5. Existence of an assessment of Labor Ministry needs in order to fulfill its role in relation to child labor and degree of implementation of the measures indicated in the assessment.	• To follow up on the recommendations arising from the assessment of what was needed to reinforce the UTI (which comprises 11 people in Santo Domingo and 2 people in Santiago), the 2011 Annual Plan of Operations, planned to incorporate the Unit into the organizational chart of the Labor Ministry as a department, as well as training members of the UTI in different areas, such as: project formulation, administration, monitoring and evaluation; the drafting of technical and administrative reports; dispute management and negotiation; effective communication; leadership and communication, and teamwork techniques. • In addition, 2 UTI officials were incorporated into the administrative career, which means that 6 of those who work in the Unit are covered by this regime.																													
5.6. Number of underage persons withdrawn from child labor and its worst forms by actions under existing national plans.	• During the verification period, the Labor Ministry reported 2 cases of minors withdrawn from child labor and its worst forms; they were detected in the provinces of La Vega (Municipality of Jarabacoa) and Santiago Rodríguez, employed in urban activities. • Also, as a measure to detect and prevent child labor, 393 inspection visits were made in the province of La Vega and 267 visits in the province of Santiago Rodríguez from September to November 2010.																													
5.7. Number of persons sanctioned for employing boys, girls and adolescents in child labor and in its worst forms (include the cases registered by the Labor Ministry and the criminal cases registered by the Public Prosecutor's Office).	• There were no reports of cases sanctioned for employing boys, girls and adolescents in child labor and its worst forms during this verification period.																													

Challenges and recommendations	Indicators	August - December 2010																																																																																																																																																					
	5.8. Percentage of the population under the age of 18 with access to the educational system, by age bracket and sex.	Enrolment rate for the population aged 5 to 17 years, by sex and age. Period 2007 – 2010. <table><tr><th rowspan="2">Age (years)</th><th colspan="3">2007 – 2008</th><th colspan="3">2008 – 2009</th><th colspan="3">2009 – 2010</th></tr><tr><th>Boys</th><th>Girls</th><th>Total %</th><th>Boys</th><th>Girls</th><th>Total %</th><th>Boys</th><th>Girls</th><th>Total %</th></tr><tr><td>5</td><td>77</td><td>79</td><td>78</td><td>82</td><td>75</td><td>78</td><td>75.3</td><td>75.4</td><td>75.4</td></tr><tr><td>6</td><td>87</td><td>87</td><td>87</td><td>94</td><td>87</td><td>90</td><td>84.7</td><td>81.6</td><td>83.1</td></tr><tr><td>7</td><td>100</td><td>102</td><td>101</td><td>105</td><td>97</td><td>101</td><td>92.3</td><td>87.2</td><td>89.8</td></tr><tr><td>8</td><td>94</td><td>96</td><td>95</td><td>117</td><td>106</td><td>112</td><td>95.3</td><td>90.1</td><td>92.7</td></tr><tr><td>9</td><td>94</td><td>95</td><td>95</td><td>112</td><td>103</td><td>107</td><td>100</td><td>96.4</td><td>99.8</td></tr><tr><td>10</td><td>92</td><td>94</td><td>93</td><td>109</td><td>100</td><td>105</td><td>98.6</td><td>93.1</td><td>95.9</td></tr><tr><td>11</td><td>93</td><td>96</td><td>94</td><td>103</td><td>97</td><td>100</td><td>96.6</td><td>91.7</td><td>94.2</td></tr><tr><td>12</td><td>97</td><td>101</td><td>99</td><td>99</td><td>96</td><td>97</td><td>93.2</td><td>90.3</td><td>91.7</td></tr><tr><td>13</td><td>94</td><td>97</td><td>96</td><td>98</td><td>97</td><td>98</td><td>89.3</td><td>87.8</td><td>88.6</td></tr><tr><td>14</td><td>89</td><td>92</td><td>91</td><td>90</td><td>91</td><td>91</td><td>76.8</td><td>78.6</td><td>77.7</td></tr><tr><td>15</td><td>88</td><td>92</td><td>90</td><td>86</td><td>89</td><td>88</td><td>79.5</td><td>80.6</td><td>80.0</td></tr><tr><td>16</td><td>76</td><td>80</td><td>78</td><td>82</td><td>86</td><td>84</td><td>72.0</td><td>75.0</td><td>73.5</td></tr><tr><td>17</td><td>68</td><td>71</td><td>70</td><td>69</td><td>71</td><td>70</td><td>61.7</td><td>64.9</td><td>63.3</td></tr></table> Source: Ministry of Education, Statistics Department, January 2010.	Age (years)	2007 – 2008			2008 – 2009			2009 – 2010			Boys	Girls	Total %	Boys	Girls	Total %	Boys	Girls	Total %	5	77	79	78	82	75	78	75.3	75.4	75.4	6	87	87	87	94	87	90	84.7	81.6	83.1	7	100	102	101	105	97	101	92.3	87.2	89.8	8	94	96	95	117	106	112	95.3	90.1	92.7	9	94	95	95	112	103	107	100	96.4	99.8	10	92	94	93	109	100	105	98.6	93.1	95.9	11	93	96	94	103	97	100	96.6	91.7	94.2	12	97	101	99	99	96	97	93.2	90.3	91.7	13	94	97	96	98	97	98	89.3	87.8	88.6	14	89	92	91	90	91	91	76.8	78.6	77.7	15	88	92	90	86	89	88	79.5	80.6	80.0	16	76	80	78	82	86	84	72.0	75.0	73.5	17	68	71	70	69	71	70	61.7	64.9	63.3
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2. Regional recommendations

- Establish a Child Labor Free Zone consistent with the ILO Convention 182, by the end of the decade. - Develop viable timelines, needs assessments and allocation of resources to accomplish the objective.	Child-labor-free zone at the national and regional level	
	5.9. Number and type of national actions (include the actions related to the Declaration and Commitment to Action for the Elimination of the Worst Forms of Child Labor of the Dominican Republic,	- During the second half of 2010, the Labor Ministry, with the support of ILO/IPEC, was able to complete the 2010-2012 program for the Road Map to make Dominican Republic a country free of child labor,¹¹⁸ and it was presented to the Palace of Government on November 29, 2010. - The issue of child labor was included in the bill on the 2010-2030 National Development Strategy, which involved the establishment of goals and indicators for this area. - The document was completed that analyzes the results of the child labor survey included as a special module of the 2009 National Household Survey, and it is being edited for publication in 2011.

¹¹⁸ Over the period August–December 2010, several meetings were held to analyze and plan the Road Map at both the national (August 12, September 28, September 30 and October 13) and the local levels (Barahona, November 5; Puerto Plata, November 12, and Valverde, November 17).

Challenges and recommendations	Indicators	August - December 2010
	the local networks and SINAMOTI) and the regional actions designed to establish a child-labor-free zone by the end of the decade.	• The first report on the Level of Compliance with the Rights of the Child, prepared by the Observatory on Compliance with the Rights of the Child, was presented (September 29, 2010). This initiative was coordinated by the Universidad Católica and sponsored by UNICEF. • A workshop was held on enhancing the World Bank's value chain by strengthening inclusive markets, September 9, 2010. • The Labor Ministry published the "Collection of Good Practices II for the Prevention and Elimination of the Worst Forms of Child labor in Dominican Republic." • The National NGO Muchachos and Muchachas con Don Bosco held a 2010-2015 strategic planning workshop with an approach based on the rights of the child, September 28 to 30, 2010 (30 participants). • Five training workshops were held on the use of the monitoring system of indicators on the commercial sexual exploitation of children, Santo Domingo (August 25 to 27, 2010); Santiago (September 8, 2010); San Francisco de Macorís (September 10, 2010, and September 15, 2010); and Barahona (September 15, 2010). • Also, at the regional level, the Government of Dominican Republic took part in the workshop "Elaboration of public policies for the prevention and elimination of child labor, and its incorporation into sectoral policies: action strategies," held in Lima, Peru, from October 5 to 7, 2010. The Dominican delegation comprised officials from ONANI and the Solidarity Program.

6. Promotion of a culture of compliance

Compliance with labor rights calls for a population that is informed, educated, aware and trained about these rights and obligations and their implementation in daily life. It is also necessary to develop society's awareness so that it demands compliance with those rights and monitors their effective implementation in both the formal and the informal sector. All social sectors must participate in order to achieve this culture of compliance, including: public institutions, the media, trade unions, employer organizations, non-governmental organizations (NGOs) and other social actors. Moreover, this culture is only possible if there is a solid base of social dialogue; it is therefore vital to strengthen the labor tripartite consultative councils.

The White Paper mentions the need to “*establish additional training initiatives for labor rights, including joint workshops with employer and worker representatives in coordination with the ILO and academic institutions*”.¹¹⁹ At the regional level, it refers to the need to strengthen labor tripartite councils and make a more effective use of their contributions.¹²⁰

Over the period August–December 2010, various activities were organized to disseminate and provide training on labor rights with the participation of around 1,300 representatives of the government, employer and worker sectors. They included 5 workshops, a meeting, and 2 training modules offered by the Labor Ministry; 11 activities organized by the trade union sector (workshops, conferences, forums), as well as a march and a television program, and 3 actions by the employer sector (congress, workshop and web site).

The CCT did not meet over the period August to December 2010; however, during 2010, it held one plenary meeting and its committees met 4 times.

To make progress in implementing the White Paper recommendations, the country should take the following suggestions into account:

- Continue dissemination and awareness-raising activities on labor rights, following an evaluation of the existing level of knowledge, providing technical support to the employer and worker sectors, and make an effort to increase the corresponding resources.
- Program a communication strategy on labor rights for Labor Ministry officials.
- Disseminate and promote compliance with labor rights in the media and by incorporating the issue into the curricula of educational establishments.
- Update the Labor Ministry's web site to improve the services of information and attention to the public.
- Consolidate the CCT and increase its actions as a mechanism for tripartite dialogue and coordination. Provide it with a formal agenda of work so that it can tackle all the issues that fall within its competence.
- Train CCT members.
- Provide the CCT with the technical support it requires for the execution of its functions.

119. The White Paper, p.29.

120. Ibid., p. 65.

Challenges and recommendations	Indicators	August - December 2010
I. Education on fundamental rights		
Challenge: • There is still a need to increase the understanding of the law and practice with regard to the fundamental labor rights, especially trade union rights. Recommendations: • Establish additional training initiatives for labor rights, including joint workshops with employer and worker representatives in coordination with the ILO and academic institutions.	Dissemination of labor rights 6.1. Number and type of public education and social awareness-raising actions on labor rights (include the number of participants in the activities organized by public institutions, trade unions and employer organizations and, if available, the results of the evaluation of the pertinent training events or activities).	Over the verification period various activities were organized to disseminate and provide training on labor rights, with the participation of around 1,300 representatives of the government, employer and worker sectors. Details of these actions are as follows: • Actions of the Labor Ministry actions: - Four workshops on the promotion of fundamental labor rights in the media, in Santo Domingo (September 9 and 10, 2010, 88 participants: 30 women and 58 men); Villa Altagracia (October 13, 2010, 27 participants: 10 women and 17 men); North Region, specifically Santiago and Puerto Plata (October 21 and 22, 2010, 104 participants: 31 women and 73 men). - Meeting on employment liability, social security and public policies: opportunities for a national dialogue, organized by the Labor Ministry and the National Social Security Council, October 20, 2010. - Workshop to provide the most recent information on legal issues, "Peña Jurídica", Santo Domingo (November 26, 2010, 40 participants: 20 women and 20 men). - Preparation of two modules on labor law, one of them is the Participant's Manual and the other the Teacher's Manual; they have been designed as teaching material for INFOTEP students on the issue of labor rights included in their study curriculum. • Trade union sector actions: - Workshop to prepare the trade union sector's plan to publicize labor rights, with the participation of 35 trade union leaders from CASC, CNUS and CNTD (September 8, 2010, with the support of the ILO/Verification Project). Subsequently, a workshop was held on strengthening fundamental rights in the Unitary Work Plan of the Trade Union Confederations of the Dominican Republic, which resulted in the incorporation of this plan to publicize labor rights into the General Strategic Plan of the Trade Union Confederations (November 19 and 20, 2010, 45 participants). - Three conferences on human rights addressed to trade union organizations members of CASC, in San Francisco (August 22, 75 participants); Puerto Plata (October 10, 60 participants), and Santo Domingo (October 31, 65 participants). - Forum "In search of decent work," which presented the results of a survey on the job situation of migrant workers employed in domestic service and in agriculture. The event was organized by CNUS and held on September 16, with the participation of 72 representatives of different organizations. - Conference of the Trade Union Confederation of the Americas (TUCA) on "Decent work in a green world," organized by CASC in Santo Domingo. 750 people from different sectors took part in the event (October 13, 2010). - Regional workshop on employment conditions in the nursing sector within the framework of the ILO conventions. The event was organized by the National Nurses Labor Union (SINATRAE-CNUS) (November 26, 2010, 42 participants from several Latin American countries). - Workshop on non-discrimination and equal opportunities and treatment, with the participation of 36 trade union leaders. The event was organized by the trade union confederations CASC, CNUS and CNTD, with the support of the ILO/Verification Project (December 1, 2010).

Challenges and recommendations	Indicators	August - December 2010																																																																																																		
		- Workshop on social security for 40 representatives of the different trade union confederations (Santo Domingo, December 12, 2010). - Official presentation of a document on decent work for workers in the informal sector to the National Social Security Council (CNSS) by the confederations, CASC-CNUS-CNTD, requesting that this sector be incorporated into social security benefits (October 7, 2010). - Implementation of the campaign on decent work for domestic workers, which promotes recognizing labor rights to domestic workers and their affiliation in social security. The campaign, implemented by CNUS, the Domestic Workers Association (ATH) and the Cibao Women's Association, included the distribution of informative material within public institutions and in strategic places (October 2010). - March to the National Congress to request ratification of ILO Convention 156 concerning Workers with Family Responsibilities, Convention 183 concerning Maternity Protection, and Convention 102 concerning Social Security (Minimum Standards), organized by the Inter-Trade Union Workers Commission (CIMTRA), November 25, 2010. - Dissemination of labor rights by means of the CNTD radio and television program "Panorama Actual," which deals with different issues concerning the employment sector. • Employer sector actions: - VIII COPARDOM Congress on Occupational Risk Management. October 2010. - Participation of 3 representatives of COPARDOM in the workshop on enhancing the ability of employer organizations to develop and present development projects and programs. Costa Rica. November 2011. - Collaboration in the design and programming of the web site: Empresas Latinas, with the ILO's support.																																																																																																		
	6.2. Amount of the budget allocated to education and awareness-raising actions on labor rights.	Budget approved for education and awareness-raising actions on labor rights, by program and activity.* Period 2005 – June 2010. <table><tr><th>Program/activities</th><th>2005</th><th>2006</th><th>2007</th><th>2008**</th><th>2009**</th><th>2010***</th></tr><tr><td>Total</td><td>750,373</td><td>15,597,512</td><td>5,708,788</td><td>3,112,042</td><td>7,908,788</td><td>3,559,070</td></tr><tr><td colspan="7">Program 01 central activities</td></tr><tr><td>0001 senior administration</td><td>609,881</td><td>2,483,147</td><td>0</td><td>0</td><td>0</td><td>450,000</td></tr><tr><td>0002 administrative and financial services</td><td>140,492</td><td>6,524,994</td><td>2,652,914</td><td>0</td><td>0</td><td>1,809,070</td></tr><tr><td>0002 technical/financial services</td><td>0</td><td>0</td><td>0</td><td>3,112,042</td><td>7,908,788</td><td></td></tr><tr><td>0003 human resources</td><td>0</td><td>511,946</td><td>511,946</td><td>0</td><td>0</td><td></td></tr><tr><td>0004 sectoral programming directorate</td><td>0</td><td>300,000</td><td>300,000</td><td>0</td><td>0</td><td>100,000</td></tr><tr><td colspan="7">Program 12 regulation of labor relations</td></tr><tr><td>0001 Labor Directorate General</td><td>0</td><td>3,514,800</td><td>1,784,800</td><td>0</td><td>0</td><td>1,000,000</td></tr><tr><td>0002 Health and Safety Directorate General</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td></td></tr><tr><td>0003 inspection system coordination</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td></td></tr><tr><td>0004 National Wages Committee</td><td>0</td><td>894,553</td><td>459,128</td><td>0</td><td>0</td><td></td></tr><tr><td>0005 elimination child labor</td><td>0</td><td>1,368,072</td><td>0</td><td>0</td><td>0</td><td>200,000</td></tr></table> * Budget classification: purpose 2, account 3, sub-account 1 and 2 = publicity and propaganda, printing and binding. ** In 2008, the budget program structure was changed; the name of activity 002, Program 01, changed from administrative and financial services to technical and financial services. *** Data to June 30, 2010. Source: Integrated System of Financial Management (SIGEF). January 2011.	Program/activities	2005	2006	2007	2008**	2009**	2010***	Total	750,373	15,597,512	5,708,788	3,112,042	7,908,788	3,559,070	Program 01 central activities							0001 senior administration	609,881	2,483,147	0	0	0	450,000	0002 administrative and financial services	140,492	6,524,994	2,652,914	0	0	1,809,070	0002 technical/financial services	0	0	0	3,112,042	7,908,788		0003 human resources	0	511,946	511,946	0	0		0004 sectoral programming directorate	0	300,000	300,000	0	0	100,000	Program 12 regulation of labor relations							0001 Labor Directorate General	0	3,514,800	1,784,800	0	0	1,000,000	0002 Health and Safety Directorate General	0	0	0	0	0		0003 inspection system coordination	0	0	0	0	0		0004 National Wages Committee	0	894,553	459,128	0	0		0005 elimination child labor	0	1,368,072	0	0	0	200,000
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Challenges and recommendations	Indicators	August - December 2010
2. Regional Recommendations		
• Implement comprehensive training on labor rights for workers and employers. • Strengthen tripartite labor councils and make more effective use of their input.	Functioning of the Consultative Labor Council (CCT)	
	6.3. Number of ordinary and extraordinary meetings held by the CCT (include the level of tripartite participation in the meetings, the number and type of agreements reached by CCT, the level of compliance with the agreements) and the number of training and awareness-raising events held by CCT on compliance with labor standards ((include the level of tripartite participation and, if available, the results of the participants' evaluation of the pertinent event or training program).	• The CCT did not meet between August and December 2010.