

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced or compulsory labor, including slavery, labor violations are part of civil law and are not criminally prosecuted. The government did not effectively enforce the law in all sectors of the economy, and penalties were not commensurate with those for analogous crimes, such as kidnapping. The Office of the Labor Ombudsperson did not report any instances of forced or compulsory labor within its area of jurisdiction.

While there were no reports of forced or compulsory labor in the formal sector, the practice of *restaveks* continued to be a concern (see section 6, Children, Child Abuse). The government reported the Brigade for the Protection of Minors, a unit within the national police, conducted 466 investigations in 2021 of crimes against children, but it did not disaggregate the data or specify how many of these investigations involved potential child-trafficking crimes.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, national or geographic origin, religion, opinion, or marital status. The constitution states women should occupy 30 percent of the positions in public-sector employment. The law does not define employment discrimination, although it sets out specific provisions with respect to the rights of women, such as provisions related to maternity leave. The ILO stated in 2021 that the general provisions of the country's labor code were not sufficient to address all the grounds of discrimination prohibited under the ILO core conventions the country has ratified.

The constitution prohibits discrimination based on disability, but the law does not

prescribe penalties for violations. Persons with disabilities faced discrimination in hiring and access to the workplace (see section 6, Persons with Disabilities). The law does not prohibit discrimination based on language, sexual orientation, gender identity, social status, or HIV-positive status. Women continued to face economic restrictions such as harassment in the workplace and lack of access to credit and other financial opportunities. Unions reported practitioners of the Vodou religion faced discrimination in employment.

The government did not effectively enforce the law, and penalties were not commensurate with penalties for laws related to civil rights, such as election interference. In the private sector, several industries, including public transportation and construction, which in the past had been male oriented, employed female workers at the same pay scale as men. Despite these improvements, gender discrimination remained a major concern. There was no governmental assessment or report on discrimination in the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage. Minimum wages are set by the government based on official macroeconomic indicators on at least an annual basis and generally remained above the national poverty line. Following several weeks of strikes and protests in January and February relating to demands for an increased minimum wage, the government issued a 37 percent wage increase. Following discussions between the Ministry of Social Affairs, the Office of the Labor Ombudsperson, and labor union leaders, the government announced in August a transportation and food stipend program worth 135 million gourdes (\$1.1 million) to support workers.

The “3×8” law organizes and regulates work during a 24-hour period divided into three eight-hour shifts. This law sets the standard workday at eight hours and the workweek at 48 hours for industrial, commercial, agricultural, and tourist establishments, and for public and private utilities. There was a lack of clarity, however, on overtime payments, rest days, and paid holidays, which were often the subject of friction between workers and employers. According to the chairman of a public-private labor oversight organization for the apparel sector, the 3×8 law applied only to certain enterprises, thereby limiting its implementation.

The BWH reported cases of employers making late payments for worker contributions to the country's social security administration (the Office of National Insurance) or when employers made erroneous or late payments to the Office of Insurance for Work Accidents, Sickness, and Maternity.

Occupational Safety and Health: The law establishes minimum occupational safety and health (OSH) regulations, including rules for onsite nurses at factories, medical services, and annual medical examinations. The law allows workers to notify the employer of any defect or situation that may endanger worker health or safety, and to call the Ministry of Social Affairs or police if the employer fails to correct the situation. Observers stated OSH standards needed reform, including new policies and programs to mitigate persistent and emerging OSH risks, reinforce health promotion at work, and develop compliance programs. Standards were not always enforced. In its 23rd *Biannual Synthesis Report*, which covered part of 2021, the BWH found that 96 percent of factories were noncompliant on emergency preparedness and on chemical and hazardous substance management.

Wage, Hour, and OSH Enforcement: The Ministry of Social Affairs was responsible for enforcing a range of labor-related regulations on wage and hour requirements, standard workweeks, premium pay for overtime, and OHS regulations, but it did not effectively enforce the law. Penalties were not commensurate with those for similar crimes, such as fraud. There were no prosecutions of individuals accused of violating the regulations for minimum wage, hours of work, or safety.

Labor inspectors lacked training and received little support from law enforcement authorities. Inspectors did not have the authority to make unannounced inspections or initiate sanctions. Despite operational difficulties due to the COVID-19 pandemic, the ministry was able to conduct inspections in the garment sector.

Informal Sector: According to World Bank's *Country Private Sector Diagnostic* report on Haiti, informal workers accounted for 87 percent of the labor force, with agriculture and urban informal sectors providing employment to 40 percent and 47 percent of the labor market, respectively. The government did not enforce the law in the informal sector.

In the absence of effective contract enforcement or state oversight (the government does not track any data on the informal economy, including its size), economic activities tended to remain within family and social networks. More women participated in the informal sector than men. Women were approximately 20 percent more likely than men to be unemployed and, if working, 6 percent more likely to participate in the informal sector.