

116TH CONGRESS
1ST SESSION

H. R. 3807

To require that any trade agreement eligible for expedited consideration by Congress include enforceable labor standards and protections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2019

Ms. KAPTUR (for herself, Ms. SCHAKOWSKY, Ms. MCCOLLUM, Ms. JACKSON LEE, Mr. RASKIN, Mr. TONKO, Mr. RYAN, Ms. PINGREE, Ms. LEE of California, Mr. LYNCH, Mr. SHERMAN, Mr. GRIJALVA, Ms. NORTON, Ms. TLAIB, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To require that any trade agreement eligible for expedited consideration by Congress include enforceable labor standards and protections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Independent Labor
5 Secretariat for Fair Trade Deals Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that, with respect to the
3 labor-related provisions of all trade agreements, all parties
4 to such agreements—

5 (1) are obliged to ensure all workers in their
6 territory, regardless of the workers' citizenship, im-
7 migration status or national origin, the rights and
8 freedoms guaranteed in the eight core Conventions
9 of the International Labor Organization, including
10 the right to strike, as part of the right to freedom
11 of association;

12 (2) are obliged to ensure acceptable conditions
13 of work that cover all workers in their territory, re-
14 gardless of the workers' citizenship, immigration sta-
15 tus or national origin;

16 (3) should agree that all workers have the right
17 to receive wages sufficient for them to afford, in the
18 region of the signatory country where the worker re-
19 sides, a decent standard of living for the worker and
20 family;

21 (4) should agree the work of all workers in the
22 economy shall be deemed trade-related and therefore
23 subject to the obligations of this chapter to earn fair
24 wages;

25 (5) should agree not to reduce labor standards,
26 provide formal or informal exceptions to any em-

1 ployer, or fail to enforce such standards as to any
2 obligation covered by the agreement;

3 (6) should agree that a threat, act of intimidat-
4 tion, or an act of violence against any worker exer-
5 cising, or attempting to exercise, any of the rights
6 and freedoms protected by the agreement should be
7 considered a violation of the underlying right or
8 freedom;

9 (7) should agree that the failure to investigate
10 any such threat, act of intimidation, or act of vio-
11 lence, or failure to prosecute identified perpetrators
12 of any such threat or act, should be considered a
13 failure to enforce the underlying right or freedom
14 and therefore a violation of the agreement;

15 (8) are obliged to ensure that all trade in goods
16 made, in whole or in part, by forced labor or the
17 worst forms of child labor is banned outright and
18 that no party procures goods made with forced labor
19 or the worst forms of child labor;

20 (9) are obliged to ensure that all persons have
21 appropriate and timely access to tribunals for the
22 enforcement of the party's own labor laws, without
23 undue delay;

24 (10) are obliged to ensure that domestic laws
25 and regulations provide for adequate and timely ac-

1 cess to labor inspectors from government bodies and
2 unions to seek timely inspections to follow up on al-
3 leged violations of the agreement;

4 (11) are obliged to ensure that no person wish-
5 ing to be protected by this section is excluded from
6 such protections by virtue of being classified as a
7 temporary worker, fixed-contract worker, subcon-
8 tracted worker, independent contractor, or the like;

9 (12) are obliged to ensure that domestic laws
10 guard against employer-dominated unions or unions
11 controlled by political parties, ensuring that unions
12 are responsible to their members and that unions
13 provide members with timely access to union bylaws
14 and collective bargaining agreements; and

15 (13) are obliged to ensure that workers are en-
16 titled to all rights and benefits of their primary work
17 location regardless of their citizenship, immigration
18 status, or national origin, and that adequate effort
19 are made to ensure that workers are provided with
20 access to information in their primary language and
21 in printed format, if requested.

1 **SEC. 3. NEGOTIATING OBJECTIVES RELATING TO THE EN-**
2 **FORCEMENT OF LABOR-RELATED TRADE**
3 **AGREEMENT PROVISIONS.**

4 Section 102(b)(10) of the Bipartisan Congressional
5 Trade Priorities and Accountability Act of 2015 (19
6 U.S.C. 4201(b)(10)) is amended—

7 (1) by striking subparagraphs (H) and (I); and

8 (2) by adding at the end the following:

9 “(H) to establish a Labor Secretariat, led
10 and staffed by experienced and qualified experts
11 in labor rights, labor standards, labor econom-
12 ics, or human rights, to—

13 “(i) address transnational issues relat-
14 ing to labor;

15 “(ii) monitor and enforce labor-related
16 trade agreement provisions; and

17 “(iii) provide research relating to the
18 effects of the trade agreement on jobs and
19 communities in the countries covered by
20 the agreement;

21 “(I) to empower the staff of the Secre-
22 tariat, with respect to the countries covered by
23 the agreement, to—

24 “(i) visit and monitor workplaces;

1 “(ii) interview workers without em-
2 ployer or government monitoring or inter-
3 ference;

4 “(iii) recommend changes to work-
5 place conditions to comply with labor-re-
6 lated provisions of the agreement as a re-
7 sult of information obtained through such
8 visits, monitoring, and interviews; and

9 “(iv) observe and assist the officials of
10 relevant agencies or departments of the
11 governments of any such countries in im-
12 plementing and enforcing the labor-related
13 provisions of the agreement;

14 “(J) to provide that the Secretariat shall
15 have the authority to originate and pursue dis-
16 pute settlements under the enforcement proce-
17 dures of the agreement when it determines that
18 meaningful progress toward the implementation
19 of the recommendations of the Secretariat has
20 ceased or that a signatory to the agreement is
21 persistently out of compliance with one or more
22 of the labor-related provisions of the agreement;

23 “(K) to require arbitrators presiding over
24 a dispute brought by the Secretariat pursuant
25 to such authority to—

1 “(i) have expertise in international
2 labor rights and standards or international
3 human rights protections;

4 “(ii) base their decisions on guidance
5 from the ILO, including in the form of
6 conventions, reports, or recommendations;
7 and

8 “(iii) ensure that such arbitrators
9 may seek technical assistance or expert re-
10 ports from the ILO for the settlement of
11 such dispute, including by extending the
12 duration of the panel for purposes of ob-
13 taining such assistance;

14 “(L) to ensure that such arbitrators have
15 the power to impose sanctions on specific work-
16 places, employers, industries, or sectors, as well
17 as on signatory parties as a whole, in the form
18 of suspension of benefits under the agreement,
19 in order to enforce the decisions and ensure
20 that the labor-related provisions of the agree-
21 ment are fully implemented and enforced;

22 “(M) to provide that no signatory to the
23 trade agreement may have veto power over the
24 activity of the Secretariat or may control, pre-
25 vent, or delay Secretariat activities;

1 “(N) to provide a robust enforcement sys-
2 tem, that may also include access to the domes-
3 tic judicial system of a signatory to the agree-
4 ment, to compel action from the Secretariat on
5 behalf of interested parties, including workers,
6 unions, or employers, if the Secretariat has not
7 timely met its obligations under the agreement
8 or if a party declines to suspend benefits as di-
9 rected by the arbitrators;

10 “(O) to establish a Wages and Standards
11 Working Group—

12 “(i) to study, review and consider the
13 impact of the trade agreement on wages,
14 benefits, labor rights, working conditions,
15 inequality, disparities and the creation of
16 stable, secure, family-wage order to create
17 a cycle of continuous improvement in the
18 implementation of the agreement; and

19 “(ii) to monitor and evaluate the work
20 of the Secretariat;

21 “(P) to establish an Expert Wages
22 Panel—

23 “(i) to provide advice to the signato-
24 ries of the agreement relating to changes
25 to national wage laws and rates in order to

1 improve standards of living in the trade
2 agreement region; and

3 “(ii) to advise the Secretariat with re-
4 spect to allegations that goods or services
5 traded pursuant to the agreement have
6 failed to meet the commitments made in
7 such agreement relating to labor protec-
8 tions;

9 “(Q) to ensure that migrant workers, re-
10 gardless of immigration status, who are subject
11 to the jurisdiction of any signatory to the agree-
12 ment are afforded the same rights and remedies
13 available to citizens or nationals of such sig-
14 natories under the agreement; and

15 “(R) to establish transnational standards
16 of employment relations among signatories to
17 the agreement that provide for the establish-
18 ment of transnational unions and collective
19 agreements with common employers and other
20 transnational requirements to ensure that work-
21 ers for supranational employers have the capac-
22 ity to engage in supranational bargaining.”.

○