



March 3, 2021

Matthew Fraterman  
Office of Child Labor, Forced Labor, and Human Trafficking (OCFT)  
Department of Labor International Labor Affairs Bureau

Dear Mr. Fraterman:

Thank you for the opportunity to submit comments and recommendations regarding the Department of Labor's bi-annual List of Goods Produced by Child Labor or Forced Labor. The list represents a trusted authority on which products from around the world are tainted by forced and/or child labor, and guides a wide range of actors toward more prevention and remediation efforts in global supply chains. Few reports have as much significance in the world of labor rights and while ATEST fully supports DOL's mandate in developing the list, we offer the following comments and suggestions for improvement in order to enhance DOL's efforts.

1. Institute a regular formal process for dialogue with relevant stakeholders including civil society (e.g. similar to advisory committees that help inform Customs and Border Protection (CBP) on enforcement of the Tariff Act) to share and gather information about corporate supply chains that could impact decision making on listing or de-listing certain goods.
2. Before de-listing, more information should be provided in reports about the nature of government AND private sector changes that have been made, and how these have been implemented and expanded to be applicable systematically throughout a sector/country. Reports should also explain how information received is verified and make clear how changes will be sustained in a permanent transformative way.
3. Increase transparency around ILAB's evidentiary standards for listing or de-listing a good. Publicize an accessible explanation of research and analysis procedures and schedules, criteria for initiating inquiries, and rules for making final determinations.
4. Ensure that any interagency processes formalize procedures for sharing information with relevant government agencies including CBP, U.S. Department of State, and the U.S. Trade Representative. This would help to ensure for example that eligibility criteria for U.S. trade preference programs, such as the Generalized System of Preferences (GSP), are based on the most current information from ILAB.
5. Before de-listing a good, require producers to demonstrate concrete evidence of the existence of due diligence measures to prevent and protect against forced labor and concrete evidence of decent wages/working conditions, and remedy of prior forced



labor conditions (e.g., repayment of recruitment fees, living wages, changes to quota systems requiring excessive overtime, etc.).

6. Before de-listing a good, require producers in that sector to disclose suppliers throughout their supply chains.
7. Formalize processes for coordinating with the U.S. Trade Representative to ensure relevant trade data is accessible to ILAB and can be used to trace inputs. Ensure that DOL's List of Goods Produced by Child Labor or Forced Labor corresponds with specific product codes under the U.S. Harmonized Tariff Schedule, to improve specificity, analysis, and interagency consultation.
8. Include more guidance in ILAB reporting on how the ILO's forced labor indicators are used to evaluate the presence of forced labor conditions, and promote the use of indicators among companies and other stakeholders as a way to increase and improve interventions to address vulnerability to forced labor.  
([https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648619.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf))
9. Increase and provide critical funding for primary research and surveys on the existence of forced labor and child labor in selected goods and industries.
10. Explore and integrate new methods (including use of trade data) for establishing and verifying supply chain linkages and evaluating input origins.  
([https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_733916.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_733916.pdf) )

ATEST looks forward to engaging further with DOL on these important efforts - please let us know if you have any questions.

Sincerely,

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