LETTER OF ARRANGEMENT
BETWEEN
THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
OF THE
DEPARTMENT OF LABOR OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF GUATEMALA

CONCERNING WORKPLACE SAFETY AND HEALTH PROTECTIONS APPLICABLE TO GUATEMALAN WORKERS IN THE UNITED STATES

The Occupational Safety and Health Administration (OSHA) of the Department of Labor of the United States of America, and the Ministry of Foreign Affairs of the Republic of Guatemala, through its Embassy and Consulates in the United States, hereinafter "the Participants";

CONSIDERING their commitment to protect the well-being of Guatemalan workers in the United States;

CONSIDERING their desire to establish programs of cooperation to educate and inform Guatemalan workers in the United States as to their workplace rights and responsibilities, to encourage them to exercise their rights under occupational safety and health laws, and to educate them about the proper channels to do so;

CONSIDERING the importance of promoting and encouraging training programs for Guatemalan workers to continue to reduce injuries and illnesses in the workplace; and

CONSIDERING the intention of the Participants, through the U.S.-Guatemala Joint Declaration between the Department of Labor of the United States of America and the Ministry of Foreign Affairs of the Republic of Guatemala, signed at Washington, D.C., on June 16, 2011 to work together to inform Guatemalan workers in the United States about their labor rights,

Intend to collaborate as follows:

SECTION 1
Objective

To promote the workplace rights and well-being of Guatemalan workers in the United States through joint efforts between the Participants and with other relevant governmental agencies and private organizations in the United States, as appropriate and as mutually consented to by the Participants.

SECTION 2
Areas of Collaboration

In furtherance of this objective, the Participants intend to pursue the following initiatives to the extent funds are available:

1. Develop a joint pilot program to enable the Guatemalan Embassies and Consulates to file OSHA complaints on behalf of workers.

2. Improve awareness of Guatemalan workers of workplace laws and regulations, including efforts to:

   a. heighten awareness of availability of information regarding workplace inspection findings, corrective actions ordered, fines, and other enforcement and compliance efforts;

   b. develop, translate, and disseminate informational materials, utilizing print and electronic media, addressing occupational safety and health concerns of Guatemalan workers in the United States, including:

   - Public Service Announcements to publicize occupational safety and health issues and who to contact for help in the United States;
   - videos and posters to illustrate worker safety and health hazards to reach populations that may not be literate in Spanish; and
   - video to help workers understand how to file an OSHA complaint;

c. distribute and publicize the availability (where applicable) of Spanish language brochures, pamphlets, and other informational materials for Guatemalan workers regarding their occupational safety and health rights in the workplace;

d. publicize the OSHA toll-free telephone number and resources available on OSHA's Web site including the OSHA en Español Web page that provides information in Spanish about worker rights and responsibilities related to workplace safety and health; and

e. develop a process for Guatemalan Embassy and Consulate officials to share feedback with OSHA regarding concerns received from Guatemalan workers employed in the United States.

3. Jointly develop, promote and conduct training programs, including:

a. development and implementation of joint training programs in the United States targeting industry sectors and workplaces with a high concentration of Guatemalan workers, in an effort to help workers understand and protect themselves from common workplace safety and health hazards;

b. formation of a bilateral working group of OSHA representatives to include National, Regional and State officials, as appropriate, and Consulate representatives to develop and conduct cross-cultural training sessions. The training would aim to help increase awareness of OSHA's Federal and State inspectors, compliance assistance specialists, consultants and trainers to the cultural sensitivities of Guatemalan workers and to enhance the ability of OSHA's staff to conduct inspections, consultative visits, and education and outreach efforts in workplaces with a high concentration of Guatemalan workers;

c. development of a Construction Hazard Awareness Training Program to introduce

Guatemalan workers employed in the United States to their occupational safety and health rights and responsibilities and to common hazards and controls on construction worksites; and

d. heighten awareness of OSHA's Federal and State field staffs' compliance assistance efforts, the OSHA Training Institute's Education Centers, Susan B. Harwood Grants, State Plans, and State Consultation programs.

SECTION 3
Process of Consultation

The Participants intend to collaborate through joint efforts at the national level between OSHA and the Guatemalan Embassy in Washington, D.C. and at the regional level between OSHA regional and area offices and the Guatemalan Consulates. The Participants intend to identify points of contact for formal communication at the national and regional levels, which would be responsible for developing joint efforts within the areas of cooperation as may be decided. Representatives of the Participants intend to meet on a periodic basis to assure that these functions are carried out. The Participants have exchanged lists of national and regional representatives, who would serve as contact points to support these efforts.

SECTION 4
Expenses and Costs

Each Participant intends to finance its participation in any areas of cooperation undertaken pursuant to this Letter of Arrangement and subject to the availability of funds in each Participant's respective budget.

SECTION 5

Final Provisions

This Arrangement becomes operative on the date of signing and is intended to cease after a period of three years. It may be modified by written consent of the Participants. This Arrangement may be continued by written consent of the Participants. Either Participant should endeavor to provide three months written notification of its intent to discontinue this Arrangement to the other Participant.

Signed at Washington, D.C., in duplicate, one original in English and the other original in Spanish, on the sixteenth day of June two thousand eleven.

FOR THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR OF THE UNITED STATES OF AMERICA:

David Michaels, PhD, MPH
Assistant Secretary

FOR THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF GUATEMALA:

Francisco Villagrán De León
Ambassador of the Republic of Guatemala to the United States of America