LETTER OF ARRANGEMENT

BETWEEN

THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR OF THE UNITED STATES OF AMERICA

AND

THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF GUATEMALA

CONCERNING WAGE AND HOUR LAWS AND REGULATIONS APPLICABLE TO GUATEMALAN WORKERS IN THE UNITED STATES

The Wage and Hour Division (WHD) 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 and employers in the United States as to their respective workplace rights and responsibilities, to provide them with information about WHD resources to strengthen implementation of the laws enforced by the agency;

CONSIDERING the importance of promoting a better understanding of wage and hour laws and regulations by Guatemalan workers in the United States through outreach, education, training, and replication of best practices, and to help address wage and hour issues impacting Guatemalan workers in the United States; 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, DC on June 16th, 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 concerning workplace issues affecting Guatemalan workers in the United States, to the extent funds are available:

1. Joint development, translation, and dissemination of informational materials, utilizing print and electronic media, addressing workplace laws and regulations affecting Guatemalan workers in the United States.

2. Distribution and publicity by WHD and the Guatemalan Embassy and Consulates in the United States of Spanish language brochures (where applicable), pamphlets and other informational materials to Guatemalan workers regarding applicable labor protections in the United States, both prior to and after their arrival in the United States.

3. Joint strategic expansion of collaborative partnerships, to other areas in the United States, with each initiative tailored to the special characteristics of the target communities.

4. Development with the Guatemalan Embassy and Consulates in the United States of other appropriate models for collaboration for implementation in regions in the United States where there are Guatemalan worker populations.

5. Outreach by the Guatemalan Embassy and Consulates in the United States to entities such as faith and community-based organizations that routinely interface with Guatemalan workers to:

a. facilitate meetings with Guatemalan workers to provide information about worker protections in the United States and where to seek assistance; and

b. promote the distribution of materials providing information about worker protections in the United States and where to seek assistance.

6. Outreach by the Guatemalan Embassy and Consulates in the United States to Hispanic or Guatemalan employers and Hispanic or Guatemalan business associations to facilitate training by the WHD on applicable wage and hour laws.

7. Outreach by the Guatemalan Embassy and Consulates in the United States to Spanish-speaking national media outlets and local community media to facilitate public service programs to provide information about worker protection laws in the United States.

8. Assistance by the Guatemalan Embassy and Consulates in locating Guatemalan workers following their return to Guatemala to:

a. provide information about a Guatemalan worker's current address to facilitate the payment of back wages; and

b. provide information for developing an enforcement action against an employer of Guatemalan workers in the United States.

SECTION 3
Process of Consultation

The Participants intend to collaborate through joint efforts at the national level between the WHD and the Guatemalan Embassy in Washington, D.C. and at the regional level between the WHD 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, in English and Spanish, on the sixteenth day of June, two thousand eleven.

FOR THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR OF THE UNITED STATES OF AMERICA:

Nancy J. Leppink
Acting Administrator

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