

# **DOMINICA 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Dominica is a multiparty, parliamentary democracy. In the 2009 elections Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) by a margin of 18 seats to three. Outside observers found the elections generally free and fair. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

The most serious human rights problem was domestic violence against women and children.

Other human rights problems included adverse conditions experienced by the indigenous Kalinago (Carib) population and laws that discriminate against lesbian, gay, bisexual, and transgender (LGBT) persons.

The government took steps to prosecute officials who committed abuses, and there were no known cases of impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings. There were no fatal shootings by police during the year. There were no pending cases of criminal prosecutions of police from previous years that involved unlawful deprivation of life.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports that government officials employed them.

## **Prison and Detention Center Conditions**

Prison and detention conditions generally met international standards.

Physical Conditions: The country's sole prison, Stockfarm Prison, had an authorized capacity of 300 inmates. As of August it held 251 inmates, including 60 detainees on remand from the court. The inmates included five women and five juveniles, who were separated from the adult male population. Inmates had access to potable water.

Administration: Prison recordkeeping was adequate. There was limited alternative sentencing for first-time offenders and juveniles, and authorities employed the measure in practice. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. There was no prison ombudsman to respond to complaints, but authorities permitted prisoners and detainees to submit complaints, and the government investigated complaints and monitored prison and detention center conditions.

Independent Monitoring: The government permitted visits by independent human rights observers, although no such visits were known to have occurred during the year.

Improvements: During the year, prison administration and a regional nongovernmental organization implemented a workforce development program for inmates at Stockfarm.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

### **Role of the Police and Security Apparatus**

The Ministry of National Security, Labor, and Immigration oversees the Commonwealth of Dominica Police Force, the country's only security force. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers. The Financial Intelligence Unit, some of whose members have arrest authority, reported to the Ministry of Legal Affairs.

Civilian authorities maintained control over the police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no known cases of impunity by security forces during the year.

### **Arrest Procedures and Treatment of Detainees**

Police apprehend persons openly with warrants issued by a judicial authority. The law requires that authorities inform persons of the reasons for their arrests within 24 hours after arrest and bring the detainee to court within 72 hours, and authorities generally honored this requirement. If authorities are unable to bring a detainee to court within the requisite period, the detainee may be released and rearrested at a later time. There is a functioning bail system. Criminal detainees had prompt access to counsel and family members.

Pretrial Detention: Lengthy detention before trial was a problem due to judicial staff shortages. On average, prisoners remained on remand status for six months and detainees accounted for approximately 24 percent of Stockfarm Prison's population. One detainee, Edward Green, was held on remand for four years until a jury found him guilty in July.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Inadequate prosecutorial and police staffing, limited resources for investigations, and a lack of magistrates, resulted in severe backlogs and other problems in the judicial system.

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. There are public trials by jury, and defendants have the right to be present, consult with an attorney in a timely manner, and confront or question witnesses. Criminal defendants are presumed innocent until proven guilty, have access to legal counsel, and enjoy the right to appeal. Juveniles and the indigent receive free legal counsel if they are unable to obtain their own counsel. Defendants and their attorneys have access to government-held evidence relevant to their cases.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

For civil matters there is an independent, impartial judiciary where one can bring lawsuits seeking damages for a human rights violation.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without judicial oversight. According to the International Telecommunication Union, the internet penetration rate was 55 percent at the end of 2012, the most recent data available.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and the law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The only internal restriction on movement applies to the Carib Reserve area. Since the land is collectively owned by the community and managed by the Carib Council, for a newcomer to live in the territory, the council must grant permission to use the land.

Although no known cases occurred, the government stated it was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

There were a sizable number of Haitians living in the country who applied for residency and citizenship, but not on the basis of refugee status.

#### **Protection of Refugees**

Access to Asylum: While the law provides for asylum or refugee status, the government did not grant any such status during the year. In addition, the government has not established a procedural system for either determining when to grant asylum or for providing protection to refugees in general.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In parliamentary elections held in December 2009, the ruling Dominica Labour Party won 18 seats in the House of Assembly, defeating the UWP, which won three seats. The Caribbean Community and the Organization of American States sent teams of election observers, who declared the election to be fair and transparent. After the election the opposition filed complaints of election irregularities in a number of cases, but the court rejected the claims except for one of ineligibility to hold office against two ministers over dual-nationality issues. After a full evidentiary trial, the court ruled against the opposition and determined the two ministers were eligible under the law.

Following the elections, two of the three opposition members boycotted parliament to pressure the government to call new elections. In 2010, as a result of the boycott, the government declared the two seats vacant and called by-elections in those two constituencies, both won again by the opposition. Since February 2012, the UWP has participated fully in Parliament.

Participation of Women and Minorities: Voters elected two women to the House of Assembly, and these women held two cabinet positions: the minister for social services, community development, and gender affairs; and the minister for culture, youth, and sports. Additionally, the appointed speaker of the House of Assembly was a woman, and the ruling DLP appointed one woman to serve in the 10-person appointed Senate.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were, however, isolated allegations publicly reported by members of the political opposition and related groups of corruption in the government.

Corruption: Opposition leaders alleged that the public support program, funds for which are allocated within the prime minister's office, served as a vote-buying strategy. In contrast, the government described the program as a means of providing timely financial assistance to citizens, irrespective of political affiliation. Expenditures were concentrated in the areas of health and education. In its 2009 report, the audits office suggested monitoring and evaluation be instituted for funds

allocated to housing and small business development. Since the time of that report, exclusive grantmaking responsibility for both areas has been reassigned to the relevant ministries.

The police force and customs service have internal watchdog offices. The independent Director of Public Prosecutions (DPP) is responsible for prosecuting major crimes, including corruption offenses, and routinely files charges of theft, false accounting, fraud, theft by deception, and related offenses. The DPP, however, lacked adequate manpower and resources for complicated money laundering and public corruption cases. These offices did not collaborate with any civil society groups. In reports on the implementation of integrity legislation, Integrity in Public Office Commission officials emphasized the need for organizational restructuring and the selection of members without strong political associations.

In 2012 the commission rejected two parts of a three-part public complaint brought against the prime minister for abusing his office. The commission began an inquiry into the third charge, that the prime minister used his influence to secure concessions for a business concern of which he was part owner. In 2012, however, the prime minister's personal attorney publicly accused individual commission members of political bias and reserved the prime minister's right to change the composition of the committee, and the commission decided to postpone hearing testimony in this inquiry. During the year the prime minister's personal attorney obtained a the High Court injunction preventing the commission from continuing its inquiry, pending the High Court's review of the matter.

Whistleblower Protection: No law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: The Integrity in Public Office Act, monitored by the Integrity in Public Office Commission, requires government officials and their immediate family members to account annually for their income, assets, and any gifts they have received. Thus, the Commission is the chief government agency responsible for identifying and combating government corruption.

No referral by the Commission to the DPP involving an official living beyond his or her means has ever been made public. The Commission has never shared financial disclosures of officials with the DPP; instead, it generally reports on late submissions and inappropriately filled out forms. In 2012, citing the difficulties

involved in prosecuting cases when it lacks the underlying files, the DPP decided to cease pursuing technical violations of the Integrity in Public Office Act. This included the 16 officials who were reported to the DPP in 2011 and 15 who were reported in 2012.

Public Access to Information: The law does not provide for public access to government information, and the government did not provide routine access in practice. The government maintained a web page and a government information service, where it posted information such as directories of officials and a summary of laws and press releases. The government budget and an audit of that budget were both publicly available on the website.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic human rights and advocacy organizations operated without government restrictions. Several of these groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW), and a women's and children's self-help organization, operated freely and without government interference.

Government Human Rights Bodies: According to the constitution, a parliamentary commissioner has responsibility for investigating complaints against the government. This position, however, was never filled and remained vacant as of September.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, and the government generally enforced it.

#### **Women**

Rape and Domestic Violence: The law criminalizes rape but not spousal rape. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence was five to seven years, except in the case of murder. Police generally were not reluctant to arrest or prosecute offenders; whenever possible, female police officers handled rape cases. The Bureau of Gender Affairs and a civil society organization, the DNCW, assisted

victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action.

Sexual violence and domestic violence cases were common, and the government recognized it as a problem. In the first six months of the year, authorities received reports of nine rapes (compared with 21 in all of 2012), 22 indecent assaults (52 in all of 2012), 32 cases of unlawful sexual intercourse (54 in all of 2012), and 27 cases of grievous bodily harm (67 in all of 2012). No information was available regarding prosecutions or convictions. The government held workshops and also participated in public awareness and outreach programs. Survivors of sexual and domestic violence were sometimes reluctant to speak out due to fear of retribution, stigma, or further violence, which suggested that the problem may have been significantly underreported. Although no specific laws criminalize spousal abuse, spouses were able to bring charges against their partners for battery. Strong emotional ties to abusers and a lack of financial independence often made survivors reluctant to press domestic violence charges.

The DNCW organized emergency temporary shelters in private homes to preserve the privacy of the victims, but the location of shelters was hard to keep secret. The law allows abused persons to appear before a magistrate without an attorney and request a protective order. Although the country lacks a family court, magistrates may order the alleged perpetrator to be removed from the home to allow the victims, usually women and children, to remain in the home while the matter is investigated. Inadequate police resources made enforcement of these restraining orders difficult. The Bureau of Gender Affairs continued to provide occasional training to police officers in dealing with domestic abuse cases.

The Bureau of Gender Affairs reported that both male and female survivors sought assistance in dealing with domestic violence. Despite the range of programs offered, there were insufficient support systems to address the problem effectively. In addition to counseling services offered by the DNCW and the bureau, there was a legal aid clinic, and the government's legal department offered assistance as well.

The DNCW provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. Funding constraints limited stays at the shelter to several days at a time; however, if needed, additional housing was provided in private homes for up to three weeks. The Catholic Church continued to be active in educating the public about domestic violence.

Sexual Harassment: The law does not prohibit sexual harassment, and it continued to be a serious and persistent problem.

Reproductive Rights: Women were free to choose the number, spacing, and timing of their children. While statistics on maternal mortality were not available, in 2011 the World Health Organization reported that skilled health personnel attended 100 percent of births. Access to contraception and treatment for sexually transmitted diseases were widely available.

Discrimination: Women enjoy the same legal rights as men, but property ownership continued to be deeded to heads of households, who were usually male. The inheritance law provides that intestate succession leaves the surviving spouse with only a life estate. In recent years, however, the title registration act was amended to accommodate transfer of property between spouses, which boosted married women's property ownership. Women in unrecognized common law partnerships frequently suffered reduced standards of living after such relationships ended. The law establishes pay rates for civil service jobs without regard to gender. Although there were some women in managerial or high-level positions, women still faced discrimination in employment opportunities.

The Bureau of Gender Affairs is charged with promoting and ensuring the legal rights of women. The Bureau provides lobbying, research, support, counseling, training, and education services. The Bureau worked with the DNCW and other organizations to help the government, nongovernmental organizations, and police sectors coordinate work on women's issues, particularly in data collection and information sharing.

## **Children**

Birth Registration: Citizenship is derived by birth to a Dominican parent. Birth certificates were provided to the parents on a timely basis.

Child Abuse: Child abuse continued to be a pervasive problem. The law protects children against assault, mistreatment, neglect, harmful circumstances, domestic violence, and abandonment by parent or guardian. The Welfare Department of the Ministry of Social Services, Community Development, and Gender Affairs handled 98 cases of child abuse through July, compared with 117 cases through September of 2012. The government operated two shelters for abused children, "Chances" and "Operation Youth Quake." The former facility supported youth under age 18 and nursing mothers while the latter housed only youth. The Welfare

Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. That department reported all severe cases of abuse to the police. Lack of staff and resources continued to hamper enforcement of children's rights laws.

Forced and Early Marriage: The legal minimum age for marriage is 18 for both men and women, but 16 with parental consent. Underage marriage was rare, and the government kept no statistics on it.

Sexual Exploitation of Children: The age of consent for sexual relations is 16. The law prohibits commercial sexual exploitation of children for purposes of prostitution, and related activity could be prosecuted under laws against prostitution or trafficking. The law protects all persons from unlawful sexual connection, rape, procurement for prostitution, and incest and also prohibits sexual intercourse with a child by any adult who employs, controls, or pays wages to the child. Additionally, the country has a series of local and national public policies preventing the commercial exploitation of children. No specific law deals with child pornography.

The maximum sentence for sexual intercourse with a person under 14 years old is 25 years in prison. When victims are between 14 and 16 years old, the maximum sentence is reduced to 14 years. Maximum prison terms for incest are longer: 25 years if committed by an adult with a person under 14 years of age, and 10 years when victims are older than 14. Prosecutions were often thwarted by out of court settlements for money, which the government stated it wanted to criminalize through amendments to the law.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at [www.travel.state.gov/abduction/country/country\\_3781.html](http://www.travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

There was no organized Jewish community, and there were no reports of discrimination or any anti-Semitic acts.

### **Trafficking in Persons**

There were no confirmed reports that persons were trafficked to, from, or within the country during the year.

### **Persons with Disabilities**

Although the government has ratified the UN Convention on the Rights of Persons with Disabilities, it has not enacted provisions of the convention nor does the law specifically prohibit discrimination against persons with disabilities. There is no legal requirement mandating access to buildings for such persons. Although disabled persons share the right to vote, in practice polling stations were often inaccessible. There is no state agency specifically responsible for protecting the rights of persons with disabilities or an official number of persons with disabilities who were unemployed. Civil society stated that unemployment numbers were very high, in part, because employers refused to hire persons with disabilities.

The government funded two special schools for children with intellectual or mental disabilities. The school for hearing-impaired children closed during the year after 25 years of operation. According to both civil society and government sources, the closure occurred because preventive work in public health had reduced the population of students with hearing impairment. Both children with physical disabilities and those with hearing and vision impairments were integrated into mainstream schools. While one public school also had a program for autistic children, the education of children with disabilities remained a serious problem, as many of the children resided in rural areas and lacked transportation to the schools.

### **Indigenous People**

There was a Kalinago, or Carib, population estimated at 3,000 persons, most of whom lived in the 3,782-acre Carib Territory, an area not clearly delineated by law. They actively participated in decision-making affecting themselves, their land, and their resources. Their rights are protected both in law and in practice.

There is a Ministry of Carib Affairs headed by a Kalinago. There were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children. This included Isulukati Special Needs School, which provided specialized curricula for students with intellectual or mental disabilities in the Carib Territory. Various government support programs were in place for Kalinago students in the areas of school feeding, transport, and transition into higher education.

The Ministry of Education also covered tuition for Kalinago students at the Dominica State College and awarded scholarships to Kalinago students for study throughout the Caribbean. In addition, Kalinago were eligible for scholarship funds provided by the Barbados government for indigenous students attending the University of the West Indies. Despite the presence of locally operated schools, the Carib language has almost completely disappeared, and students elsewhere in the country were not taught about pre-Columbian history or the role played by Caribs in shaping the country's society.

The Carib Act states that any child of a Kalinago is also Kalinago. Non-Kalinagos may become Kalinagos if they are invited to live in the Carib Territory and do so continuously for 12 years.

Every five years Kalinagos over the age of 18 who reside in the territory may vote for the chief and six members of the council of advisors. They also are eligible to vote in national elections. In national elections, persons registered in the district but resident outside, either in another part of the country or internationally, were still allowed to vote in the Carib Territory.

The Kalinago people continued to suffer from low levels of unofficial and societal discrimination. Kalinago women in particular suffered from these types of discrimination. Unemployment in the territory was higher than in the rest of the country, and Kalinago mean income was below the national mean. Kalinagos' economic rights were not effectively protected. According to a 2008-09 study by the Caribbean Development Bank, 49.8 percent of the Kalinago population lived below the poverty line; more than 20 percentage points higher than the countrywide average. While markedly high, the 2009 poverty rates for the Kalinago were much lower than those reported in 2003, which were approximately 70 percent.

There were few jobs available in the territory because of the decline of the agricultural sector and the inability to obtain bank financing due to the lack of collateral in terms of privately owned land. Since 2009, the government has implemented an East Caribbean Dollar (EC) \$8.6 million (\$3.2 million) project to build roads, develop a Kalinago cultural education facility, and increase civil society capacity in the Carib Territory. Many Kalinagos who moved to the capital city of Roseau did not report any significant discrimination. The vast majority of Kalinagos have intermarried, and it was not always easy to identify someone as Kalinago.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity for both sexes is illegal under indecency statutes. The law also prohibits anal intercourse between male partners. The government reported both statutes were rarely enforced. Indecency statutes carry a maximum penalty of five years in prison, and consensual same-sex sexual conduct between adult men carries a maximum penalty of 10 years, but the law was rarely enforced. No laws prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. There were no legal impediments to organizations for LGBT persons, and a few groups operated in the country and were able to speak openly and publicly about their issues.

No violence against LGBT persons was officially reported during the year but anecdotal evidence suggested that societal discrimination against persons due to their real or perceived sexual orientation or gender identity was common in the socially conservative society. Furthermore, civil society organizations reported that LGBT victims of violence or harassment avoided notifying police of abuse because of social stigma. There were very few openly gay men or lesbians.

### **Other Societal Violence or Discrimination**

Although no statistics were available, anecdotal evidence suggested that societal discrimination against persons with HIV/AIDS occurred. The government, Caribbean HIV & AIDS Alliance, and the Dominica Planned Parenthood Association continued programs designed to discourage discrimination against HIV/AIDS-infected persons and those living with them.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including statutes and regulations, provides for the right of workers to form and join independent unions, provides for the right to strike, and protects the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination by providing that employers must reinstate workers who file a complaint of illegal dismissal, which can cover being fired for engaging in union activities or other grounds of wrongful dismissal. These rights apply to all workers, including those in domestic service, agriculture, and foreign workers.

Restrictions on worker rights include the fact that emergency, port, electricity, telecommunications, and prison services, as well as the banana, coconut, and citrus fruit cultivation industries, were deemed “essential,” which deterred workers in these sectors from going on strike. Nonetheless, in practice essential workers conducted strikes and did not suffer reprisals. The procedure for essential workers to strike is cumbersome, involving appropriate notice and submitting the grievance to the labor commissioner for possible mediation. During the past five years, approximately 60 percent of such actions were resolved through mediation by the Office of the Labor Commissioner, with the rest referred to the Industrial Relations Tribunal for binding arbitration.

The government generally enforced laws governing worker rights effectively; penalties and remedies were effective. Workers exercised the legal right to organize and choose their representatives. The informal sector was significant, although statistics were unavailable. Most agricultural work was performed on small family-owned farms, and such workers were not unionized.

Workers exercised the right to collective bargaining, particularly in the nonagricultural sectors of the economy, including in government service. Government mediation and arbitration were also available free of charge; few disputes escalated to industrial action. A company, a union representative or an individual can request mediation by the Ministry of National Security, Immigration and Labor. In most cases the ministry was able to resolve the matter. Employers generally reinstated employees who filed a complaint of illegal dismissal or paid compensation when ordered by the ministry.

Unions and worker organizations were independent of the government and political parties but must be registered with the ministry.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, and the government generally enforced the law effectively; however, there were unconfirmed reports of Chinese construction workers having their passports taken by their Chinese sponsors until money owed for bringing them to the country had been repaid. Government representatives responded that they had received no formal complaints of this and that when Chinese citizens needed to show their passports (e.g., after a traffic accident), they always had them.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law allows children to start working at age 12 in family-run businesses and farms, as long as the work does not involve selling alcohol. At age 14 the law allows children to work in apprenticeships and regular jobs that do not involve hazardous work. During the school year, the Education Act prohibits employing any child under age 16. The law does not set out a list of hazardous work, but the Ministry of National Security, Immigration and Labor reported that in practice jobs such as mining and seafaring were considered hazardous. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The government effectively enforced these standards, and no abuses were reported. The law provides for sentences up to 20 years. Although resources were insufficient to engage in inspections on a comprehensive basis, the laws and penalties were generally adequate to remove children from illegal child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage law establishes no universal minimum wage but rather varies base wages depending on the category of workers, with the lowest minimum wage set at EC \$4.00 (\$1.48) per hour and the highest minimum wage at EC\$5.50 (\$2.04) per hour. A 2009 study by the Dominica Central Statistical Office, the most recent data available, estimated the poverty income level at EC\$6,230 (\$2,307) annually, and found that 29 percent of the population lived below this threshold. Enforcement is the responsibility of the labor commissioner within the Ministry of National Security, Labor, and Immigration. Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully. The labor commissioner has not authorized subminimum wages for the last few years.

The standard legal workweek is 40 hours, worked in five or six days. The law provides overtime pay of time and a half for work above the standard workweek, and the employee must give prior agreement for overtime work. Work on holidays is paid double, and the law stipulates paid holidays.

The government effectively enforced all labor standards, including in the informal sector, and in which workers were not commonly unionized.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conducted health and safety surveys. Six inspectors from the Department of Labor in the Ministry of National Security, Immigration, and Labor, as well as safety officers in the Fire Department, conducted inspections that prescribe specific compliance measures, impose fines, and can result in prosecution of offenders. They covered all labor rights, and the Ministry of Health had 17 inspectors who also inspected labor violations. Fines for noncompliance with the Occupational Health and Safety Act were up to EC\$10,000 (\$3,704). Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and the authorities effectively enforced this right in practice. There were no workplace fatalities through October.