

Administration of Joseph R. Biden, Jr., 2023

Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally

November 16, 2023

Memorandum for the Heads of Executive Departments and Agencies

Subject: Advancing Worker Empowerment, Rights, and High Labor Standards Globally

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance United States policy and our Nation's approach to protecting and promoting worker rights at home and around the world, it is hereby ordered as follows:

Section 1. Policy. Worker empowerment is essential to the advancement of sustainable economic growth, inclusive international development, human rights, democratic resilience, fair competition, and growing a strong middle class in the United States and abroad. Labor rights are also key to our national and economic security and to an effective foreign policy. Accordingly, my Administration is committed to ensuring high labor standards, bringing workers' voices to the decision-making table, and enforcing rules against unfair labor practices, including forced labor and denial of the right to organize. These efforts will contribute to our aim of bolstering a fair and open international economic system that allows our companies to remain competitive and also protects our working families. Through the Task Force on Worker Organizing and Empowerment established by Executive Order 14025 of April 26, 2021 (Worker Organizing and Empowerment), and other initiatives, my Administration has taken significant measures to restore American workers' voices and power in the workplace, including within executive departments and agencies (agencies). To fully realize the objectives of advancing worker empowerment, rights, and high labor standards, the United States must extend its efforts globally.

It is the policy of my Administration to pursue a whole-of-government approach to advancing worker empowerment and organizing, workers' rights, and labor standards globally. My Administration will undertake an ambitious and comprehensive Federal Government policy on global labor rights and standards, elevating the United States' global leadership on labor rights and standards.

Sec. 2. Approach. In support of workers and our national security interests, my Administration will consider actions to integrate and elevate workers' rights and the promotion of high labor standards in our foreign, international development, trade, climate, and global economic policy priorities. When taking actions under section 3 of this memorandum, agencies shall, as appropriate and consistent with applicable law, consider ways to:

- (a) promote Government-wide coherence on the policies set forth in section 1 of this memorandum;
- (b) draw from expertise across the executive branch to implement actions consistent with the policy set forth in section 1 of this memorandum;
- (c) build internal capacity within the executive branch, respond quickly to emerging challenges, highlight innovations and evidence-based best practices for furthering worker rights and empowerment, and actively monitor and evaluate the Federal Government's progress in implementing this memorandum;
- (d) promote inclusive labor markets and the rights of all workers, including temporary workers, gig and platform workers, workers in non-standard forms of employment, and workers

in the informal economy that is unregulated by governments and leaves workers outside of the coverage of labor law and social policies;

(e) strengthen the rights of migrant workers and promote the fair recruitment of workers seeking employment-based visas overseas;

(f) account for the particular needs of women; persons with disabilities; lesbian, gay, bisexual, transgender, queer, and intersex individuals; other members of underserved communities, as that term is defined in Executive Order 14091 of February 16, 2023 (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government); and other persons who are historically underrepresented or vulnerable to labor abuses; and

(g) engage external stakeholders, including workers, labor organizations, trade unions, and other civil society groups, as well as employers and government officials, to guide the effective implementation of this memorandum.

Sec. 3. Execution. The policy set forth in section 1 of this memorandum shall be implemented through the following actions, consistent with agency missions and applicable law:

(a) Agencies engaged abroad, as that term is defined in section 4(b) of this memorandum, shall engage with governments, workers, labor organizations and trade unions, civil society, and the private sector, at home and abroad and as appropriate, to protect and promote respect for internationally recognized labor rights, including the prevention of forced labor, child labor, and related abuses. Specifically, and as appropriate:

(i) Agencies engaged abroad shall conduct regular and robust engagement on labor issues, worker empowerment, and worker rights with labor stakeholders at home and abroad prior to, during, and after pursuing high-level missions and negotiations abroad. Such engagement shall include meetings with democratically elected trade union leaders, workers, defenders of labor rights, and other labor advocates as a part of high-level engagements and consultative processes.

(ii) Agencies engaged abroad shall use a variety of diplomatic channels, including at high levels, to elevate key labor issues; advance internationally recognized labor rights; prevent labor abuses; strategically address challenges to the exercise of labor rights, including efforts to impede union registration, abuse migrant workers, close space for labor defenders, derogate labor laws, or restrict fundamental freedoms of association, peaceful assembly, and expression; and raise cases of concern in support of meaningful remediation of labor violations.

(iii) Agencies engaged abroad shall develop contingency plans for strikes and employer actions against workers that may affect the conduct of official Federal Government business abroad, consistent with this memorandum.

(iv) Agencies engaged abroad shall consider actions to promote, including within the private sector, high labor standards; high-road investment that leads to well-paying, safe, healthy, decent jobs with respect for labor rights; and innovative joint worker-management labor compliance initiatives that advance robust monitoring of and compliance with labor rights both domestically and abroad. Agencies engaged abroad shall also invite labor experts and external labor stakeholders to events and conferences related to international trade, commerce, climate and energy, and financing when possible.

(v) The Secretary of State shall direct Chiefs of Mission, with guidance from the Special Representative for International Labor Affairs and input from the Secretary of

Labor, to directly engage in labor diplomacy, enhance programming and public diplomacy on workers and internationally recognized labor rights, and integrate labor rights promotion and decent work outcomes into country strategy development. The Secretary of State shall instruct Chiefs of Mission to encourage foreign companies and investors to uphold high labor standards in their economic and commercial engagement so that their investment leads to well-paying, safe, healthy, decent jobs with respect for labor rights, consistent with United States domestic policy to create quality jobs. The Administrator of the United States Agency for International Development (USAID) shall direct USAID Missions to assess their programming for ways to strengthen and advance internationally recognized labor rights, prevent labor abuses, and integrate labor rights promotion and decent work across development assistance and country strategy development.

(vi) The Secretary of Energy, in coordination with the Secretary of Labor, the Administrator of USAID, and the heads of other relevant agencies, shall elevate the role of workers and unions in just energy transition initiatives; emphasize the importance of social dialogue and engagement with workers, employers, and governments in developing industrial and energy policy; and work with partners to make sure labor organizations, trade unions, and worker advocates meaningfully participate in energy investment and transition planning.

(b) To combat repression and targeting of labor leaders and worker advocates, agencies engaged abroad shall, as appropriate, publicly express concern for the risks faced by these individuals, highlight cases of labor rights defenders on the front lines and under threat, and support their protection. Wherever possible, agencies engaged abroad should seek opportunities to coordinate similar actions and messaging with like-minded partners. In addition:

(i) Agencies engaged abroad shall consider appropriate responses to international anti-worker and anti-union harassment from government, private, and extralegal actors, including the use of spurious lawsuits; and violence, including deploying the full range of diplomatic and assistance tools and, as appropriate, financial sanctions, trade penalties, visa restrictions, and other actions, consistent with agency missions.

(ii) Agencies engaged abroad shall, as appropriate, use their participation in international economic, human rights, security, and related fora and negotiations to advance proposals that address violence and threats of violence against workers and worker organizations, including proposals that address threats, intimidation, blacklisting, gender-based violence, and discrimination against labor union leaders and members.

(iii) The Secretary of State, in consultation with the heads of relevant agencies, shall explore enhanced protection mechanisms for labor rights defenders and frontline organizations at risk.

(c) To ensure a whole-of-government approach to the policies set forth in section 1 of this memorandum, agencies engaged abroad shall increase their capacity to understand, report, and engage on critical labor issues around the world, and shall enhance high-level staffing on labor issues. Agencies engaged abroad shall enhance interagency coordination on labor-related development and technical assistance, including through the following actions, as appropriate:

(i) The Secretary of Labor, in consultation with relevant agencies, shall assist with training of Federal employees on promoting internationally recognized labor rights; strengthening democratic labor movements; and preventing forced labor, child labor, and related abuses.

(ii) The Secretary of Commerce shall coordinate labor rights training for foreign commercial service officers with the Secretary of State and the Secretary of Labor.

(iii) The Secretary of State shall prioritize increasing job opportunities for individuals with expertise in labor issues and increasing training and awareness of worker rights and labor issues at all levels within the Department of State, including through the Special Representative for International Labor Affairs.

(iv) The Administrator of USAID shall seek to expand labor technical knowledge among USAID staff, including in USAID Missions, and shall consider ways to develop and implement appropriate labor safeguards and accountability mechanisms related to USAID foreign assistance programming.

(v) The Secretary of Energy and other relevant agencies shall coordinate on a whole-of-government approach to the global transition to clean energy that, as appropriate, involves worker and labor union participation in energy policy and planning discussions.

(d) To maintain and improve strong international labor standards through cooperation with allies and like-minded partners, both bilaterally and within multilateral organizations, the heads of relevant agencies shall take the following steps:

(i) Agencies engaged abroad, as appropriate and consistent with agency missions, shall work within multilateral organizations, including the International Labour Organization (ILO) and other United Nations (UN) agencies, the Organization for Economic Cooperation and Development, the G7, the G20, and regional bodies, to elevate specific labor issues and advance worker empowerment and organizing, workers' rights, and labor standards globally. In carrying out this action, agencies engaged abroad should coordinate these multilateral engagements with other agencies engaged abroad and should develop joint or complementary approaches to addressing labor abuses, including forced labor, child labor, anticompetitive labor practices—such as wage fixing or other labor market collusion—employment discrimination, unsafe working conditions, and other violations of internationally recognized labor rights.

(ii) The Secretary of State shall update guidance for instructing United States delegations to advance worker empowerment and organizing, workers' rights, and labor standards, consistent with this memorandum.

(iii) The Secretary of State, the Secretary of Labor, the Administrator of USAID, and the heads of other relevant agencies shall seek additional resources for the Presidential Initiative for Democratic Renewal's Multilateral Partnership for Organizing, Worker Empowerment, and Rights, and shall actively recruit additional partners for this initiative.

(iv) The Secretary of the Treasury, in coordination with the Secretary of State, the Secretary of Labor, and the heads of other relevant agencies, shall encourage the multilateral development banks (MDBs) to better address labor issues in MDB projects and country strategies. The Secretary of the Treasury, in coordination with the Secretary of State, the Secretary of Labor, and the heads of other relevant agencies, shall encourage MDBs to improve labor standards as part of MDB safeguard policy reviews.

(v) The Secretary of the Treasury, in coordination with the Secretary of State and the Secretary of Labor, shall consult with unions, workers' organizations, and civil society organizations to inform the development of Federal Government recommendations on

labor performance standards in preparation for the International Finance Corporation's Sustainability Framework review.

(vi) The Secretary of the Treasury, in coordination with the Secretary of State, the Secretary of Labor, and the heads of other relevant agencies, shall advocate for strong implementation of labor safeguards requirements in MDB financing, with a focus on freedom of association and collective bargaining, occupational health and safety, combating forced labor and child labor, and supply chains.

(vii) The Secretary of Energy, in coordination with the Secretary of Labor and the heads of other relevant agencies, shall promote workers' role in a just transition to clean energy in bilateral and multilateral engagements, including with the ILO, the International Renewable Energy Agency, the International Energy Agency, other UN agencies, the Net Zero World Initiative, and the Clean Energy Ministerial.

(viii) The Administrator of USAID shall work with counterpart development agencies abroad to reinforce the importance of decent work and labor rights in sustainable development, and shall collaborate on accelerating action for the creation of jobs and social protection for a just transition to clean energy.

(e) To protect the rights of workers at home and abroad, the heads of agencies engaged abroad shall, as appropriate, advance a trade policy that contributes to inclusive economic growth at every level of the supply chain. As described in subsections (e)(i) through (ix) of this section, the heads of relevant agencies shall expand ongoing efforts to promote initiatives that advance labor rights protections with partners, allies, and stakeholders, including pursuant to a trade, economic, or preference program, or other economic framework between our partners:

(i) The United States Trade Representative, in consultation with the heads of other relevant agencies, shall explore opportunities to maximize use of existing authorities to promote internationally recognized labor rights and to pursue effective and meaningful remediation of labor rights violations or to address gaps in labor rights protections. The Secretary of Labor, the United States Trade Representative, and the heads of other relevant agencies shall work to develop new tools and strategies to address such gaps and shall work with allies and partners to take similar actions.

(ii) The Secretary of Homeland Security and the United States Trade Representative, in consultation with the Secretary of Labor and the heads of other relevant agencies, shall continue to prioritize, build upon, and increase initiatives to improve labor-related compliance with United States trade laws, including those related to preference programs and general enforcement, United States customs laws, and trade agreements or the labor provisions of other economic frameworks or agreements in which the United States participates.

(iii) The heads of agencies engaged abroad shall, as appropriate, exchange with allies and partners recommendations for best practices to enhance protection of internationally recognized labor rights and the elimination of anticompetitive labor market practices, such as wage fixing or other anticompetitive agreements that suppress wages.

(iv) The Secretary of State, the Secretary of the Treasury, the Attorney General, the Secretary of Labor, the Secretary of Homeland Security, and the United States Trade Representative, in consultation with the heads of other relevant agencies, shall consider developing a comprehensive effort to eradicate forced labor from global business operations and supply chains through increased collaboration with critical stakeholders

including workers, industry, non-governmental organizations, and like-minded international partners.

(v) The Secretary of State, the Secretary of the Treasury, the Attorney General, the Secretary of Labor, the Secretary of Energy, the Secretary of Homeland Security, and the United States Trade Representative, in consultation with the heads of other relevant agencies, shall identify innovative approaches to promote adherence to internationally recognized labor rights throughout the supply chain, including efforts that support worker-led monitoring of labor rights compliance.

(vi) The Secretary of State and the Secretary of the Treasury shall, as appropriate, consider efforts to use available authorities, including authorities to combat serious human rights abuses and actions undermining democracy, as applicable, to address violations of internationally recognized worker rights, such as forced labor, child labor, and related abuses in global supply chains. These Secretaries shall consider, as appropriate, whether to exchange information with allies and partners to facilitate similar actions.

(vii) The Secretary of Homeland Security shall utilize available customs authorities, as applicable, to address forced labor and related abuses in global supply chains. The Secretary of Homeland Security, in coordination with the Forced Labor Enforcement Task Force (FLETF) established pursuant to section 741 of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116–113, codified at 19 U.S.C. 4681), shall consider whether to exchange information with allies and partners to facilitate similar actions, as appropriate and consistent with legal authority.

(viii) Consistent with the Uyghur Forced Labor Prevention Act (Public Law 117–78) (UFLPA), FLETF shall update the strategy for supporting the enforcement of section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), to prevent the importation into the United States of goods mined, produced, or manufactured wholly or in part with forced labor in the Xinjiang Uyghur Autonomous Region.

(ix) The FLETF and its member and observer agencies shall continue efforts to develop, manage, and review recommendations for additions to the UFLPA Entity List and shall consider requests for removals and technical corrections, as appropriate. The Secretary of Homeland Security, as Chair of FLETF, shall work with the heads of all FLETF member and observer agencies to assess resource requirements to further support robust UFLPA implementation.

(f) As appropriate, agencies' activities to implement this memorandum should be carried out through or in coordination with FLETF; the Interagency Task Force to Monitor and Combat Trafficking established pursuant to section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103); the Interagency Working Group on Maritime Security and IUU (Illegal, Unreported, or Unregulated) Fishing established pursuant to section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031); the Trade Policy Committee established pursuant to section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872); the President's Committee on the International Labor Organization established by Executive Order 12216 of June 18, 1980 (President's Committee on the International Labor Organization); and the Task Force on Worker Organizing and Empowerment established by Executive Order 14025 of April 26, 2021 (Worker Organizing and Empowerment).

(g) The Assistant to the President for National Security Affairs (APNSA), in coordination with the heads of relevant agencies, shall convene a semi-annual meeting to review and monitor progress on the actions set forth in this memorandum based on implementation plans to be

submitted by heads of relevant agencies to the APNSA, at times to be determined by the APNSA, and shall identify additional opportunities to advance internationally recognized labor rights and high labor standards around the world.

Sec. 4. Definitions. For purposes of this memorandum:

(a) The term "agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than one considered to be an independent regulatory agency, as defined in 44 U.S.C. 3502(5). "Agency" also means any component of the Executive Office of the President.

(b) The term "agencies engaged abroad" means the Department of State, the Department of the Treasury, the Department of Defense, the Department of Justice, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Energy, the Department of Homeland Security, the International Development Finance Corporation, the Office of the United States Trade Representative, and USAID.

(c) The term "internationally recognized labor rights" means those internationally recognized labor principles incorporated into United States trade agreements, including freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor, a prohibition on the worst forms of child labor, and other labor protections for children and minors; the elimination of discrimination with respect to employment and occupation; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.

JOSEPH R. BIDEN JR.

NOTE: An original was not available for verification of the content of this memorandum.

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Subjects: Attorney General; China, human rights issues; Civil and human rights, U.S. promotion efforts; Forced and child labor, efforts to combat; Human trafficking, efforts to combat; International Development, U.S. Agency for; Labor movement and organized labor; Secretary of Commerce; Secretary of Energy; Secretary of Homeland Security; Secretary of Labor; Secretary of State; Secretary of the Treasury; U.S. Special Representative for International Labor Affairs; U.S. Trade Representative; Worker protections and labor standards.

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