



BATAY

OUVRIYE

September 5, 2005

Ms. Betty M. LAMOREAU
Division of Purchases
9 State House Station
Burton M. Cross Building, 4th Floor
111 Sewall Street

Dear Ms. Lamoreau:

My name is Yannick ETIENNE, member of Batay Ouvriye, an organization fighting for workers rights and better working conditions in Haiti. I just find out about your intention to implementing the state of Maine purchasing code. I congratulate you for your good intention. I support the general premise of the law because it can help to improve working conditions in supplier factories like the ones we have in Haiti. If factory owners and their contractors have to abide by such law, it will give workers organizations or unions organizing in the factories some leverage to deal with them, particularly the ones resisting any changes in the interest of the workers.

Although, I have one issue that I would like to put before you for consideration. I am worry about the idea in the proposed rules that requires workers rights advocates, unions or organizations from countries which are repressive or undemocratic practices to inform the state of Maine about the working conditions in supplier factories. It's making it very difficult particularly for workers who are risking their lives to fight for better working conditions in those factories. Why does the law require to certify under oath that a company is violating workers rights before an investigation? To me it's not important who put the allegations of questionable working conditions in a particular place before you. What is imperative is after hearing or receiving the allegations, the State of Maine must inquire further to get the facts from persons of opposing interests in order to start an

investigation. And for accuracy and fairness, this type of investigation should be done by independent human rights organization with expertise in monitoring and knowledge of workers right issues. If after that, the issues are not resolved by the questionable supplier or contractor, certifying under oath may be considered as an option to put pressure on the supplier companies.

By doing as you proposed in the rules, it will handicap the procedures at its origin. Concerned people should come forward to denounce the working conditions at a particular place. The burden of proof should be on the supplier company to prove that is not true but not on the persons fighting to get things right in a difficult situation asking for help. The clause requiring persons or organizations to certify under oath about the violations existing in a particular supplier work of place is putting some restrictions on the victims democratic freedom of expression while letting the accused sitting cozy at its chair. Therefore, I would suggest that you reconsider this aspect in the rules that you are putting in place to support workers rights. It's not just a bureaucratic procedure, it's people lives that are at stake.

Thanking you for letting me expressing my opinions about the rules that will enable us to fight for better working conditions and punish the violators and their accomplices.

Sincerely yours,

Yannick ETIENNE
Solidarity International Commission