

**SUPPORTING STATEMENT FOR
United States-Mexico-Canada (USMCA) Web-Based Hotline for Labor Issues**

OMB CONTROL NO. 1255-0NEW

This ICR seeks to establish a new information collection system for the Department of Labor as required by Section 717 of the United States-Mexico-Canada Implementation Act.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On January 29, 2020, the President signed H.R. 5430—United States-Mexico-Canada Agreement (USMCA) Implementation Act. Section 711 of the Act prescribes the establishment of an Interagency Labor Committee for Monitoring and Enforcement (ILC) and Section 717 charges the ILC with establishing a “web-based hotline” monitored by the Department of Labor (DOL).¹ DOL is required by the USMCA Implementation Act to establish and monitor a web-based hotline as an information collection system. This USMCA web-based hotline serves as an electronic portal to collect and receive confidential information regarding labor issues among USMCA countries directly from interested parties, including Mexican workers.

This information collection is designed to collect confidential information regarding labor issues in an anonymous, efficient, and timely manner. These collections will allow for actionable and confidential communications between DOL and its stakeholders. The collected data will allow DOL to monitor and enforce the labor obligations of the parties to the USMCA. The collected data will also allow DOL to identify cases of labor violations where remediation or enforcement action is needed to ensure labor rights are respected in the countries party to the USMCA.

These voluntary questionnaires will gather information from DOL stakeholders and interested parties in USMCA countries on labor issues such as:

- freedom of association
- collective bargaining
- forced labor
- child labor
- discrimination in employment
- acceptable conditions of work with respect to minimum wages
- hours of work
- occupational safety and health
- other labor rights violations

¹ <https://www.congress.gov/bill/116th-congress/house-bill/5430/text>

Depending on the contents of the information submitted through the USMCA web-based hotline, staff will follow up with respondents on a case-by-case basis with additional questions, as appropriate.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information collections will be designed to support DOL's core mission of serving its most important stakeholder, namely each and every interested American citizen. The information collections will also be designed to support DOL in receiving and monitoring confidential information regarding labor obligations in USMCA countries as required by the USMCA Implementation Act. The information collections will allow DOL to:

- monitor the implementation and maintenance of the labor obligations;
- monitor the implementation and maintenance of Mexico's labor reform; and
- request enforcement actions with respect to a USMCA country that is not in compliance with such labor obligations.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

Innovative information technologies will be implemented wherever possible to assist respondents in the submission of confidential information. This USMCA all web-based hotline will act as an electronic portal to collect and receive confidential information regarding labor issues among USMCA countries directly from interested parties, including Mexican workers. Submission through the USMCA web-based hotline is fully voluntary and dependent upon the user submitting information.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

The USMCA web-based hotline is a new information collection system and there are no readily available systems that collect similar information.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection impacts individuals, not small businesses or entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Information collected will be used in a variety of ways, including fulfilling obligations as set forth by Section 717 of the USMCA Implementation Act.

DOL anticipates individual respondents will provide information according to their needs with no recurring reporting requirement. Thus, these information collections cannot be conducted less frequently while providing the same support of DOL's obligations.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection will be conducted in a manner consistent with 5 CFR 1320.5.²

² <https://ecfr.federalregister.gov/current/title-5/chapter-III/subchapter-B/part-1320/section-1320.5>

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with OIRA regulations³, DOL published a 60-day Federal Register notice (FRN) on 9/21/2020 (85 FR 59330), soliciting comments from the public and interested parties regarding the implementation of OMB Control No. 1255-0NEW. DOL received zero comments in response to that FRN.

No specific consultations were conducted outside the Department of Labor with representatives of the public.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

DOL will not provide any payment of gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Any individuals and organizations contacted by DOL will be assured of the confidentiality of their replies under Freedom of Information Act⁴, Privacy Act of 1974⁵, and OMB Circular No. A-130⁶.

³ 5 CFR 1320.8(d)

⁴ 42 USC 1306, 20 CFR Parts 401 and 422

⁵ 5 USC 552a

⁶ [OMB Circular A-130](#)

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

DOL will not collect sensitive data under OMB Control No. 1255-0NEW.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.⁷**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

The annual time burden requested (573 hours) is based on the number of collections the DOL expects to conduct over the requested period for this clearance.

The DOL bases the following burden estimates on the Departmental experience with the program during the previous clearance period. Based on available data, DOL estimates an average response burden of about 15 minutes per response (0.2395 hours). To ensure an appropriate level of responses and hours are available for collections approved under this package; DOL estimates 2,392 responses/year and 573 hours total burden hours.

Estimated Annualized Respondent Cost and Hour Burden

No. of Respondents	No. of	Total Responses	Average Burden	Total Burden	Hourly Wage Rate ⁸	Monetized Value of
--------------------	--------	-----------------	----------------	--------------	-------------------------------	--------------------

⁷ Indicate the retention period for any recordkeeping requirements that pertain to the ICR.

	Responses per Respondent		(Hours)	(Hours)		Respondent Time
2,300	1.04	2,392	0.2395	573	\$18.58	10,683.50

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3)**

⁸ Respondents under this ICR will come from a variety of backgrounds from currently unemployed individuals to highly paid professionals and managerial staff to business owners in all three countries party to the USMCA. DOL utilizes the average hourly earnings of all employees on private payrolls for 2020 (<https://www.bls.gov/charts/employment-situation/employment-and-average-hourly-earnings-by-industry-bubble.htm>). The hourly wage as computed by the Bureau of Labor Statistics of \$29.81. The hourly wage in Canada as computed by Statistics Canada is CAD \$29.69 or \$23.13 (<https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=1410032002&pickMembers%5B0%5D=3.4&cubeTimeFrame.startMonth=12&cubeTimeFrame.startYear=2020&referencePeriods=20201201%2C20201201>). The hourly wage in Mexico as computed by INEGI is USD \$2.8 (<https://www.inegi.org.mx/app/tabulados/default.html?nc=538>). As a respondent may be located in any of the three countries, an average of the three average wages was used for the hourly wage rate.

for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no start-up or annual operation and maintenance costs incurred by respondents.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

Development, 340 hours, 1 support staff: \$76,000
Testing, 136 hours, 1 support staff: \$24,000
Total: \$100,000

15. Explain the reasons for any program changes or adjustments.

The USMCA web-based hotline is a new information collection.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

DOL will disseminate the results obtained from this information collection to key policy and management officials, DOL employees, and members of the ILC, if applicable. Raw data will be kept confidential to the maximum extent possible under United States law.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

DOL seeks approval not to display the expiration date for OMB approval of the information collection. The collections conducted under this clearance are continuous. As a result, assigning an expiration date may confuse users and mislead them into believing that only information up until the expiration date is relevant, which could result in submissions that are deficient or incomplete.

18. Explain each exception to the certification statement.

DOL is not requesting an exception to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.