



THE IMPORTANCE OF FARM WORKERS' UNIONS IN THE PREVENTION OF MODERN FORMS OF SLAVERY IN AGRICULTURE

Submission to the UN Special Rapporteur on contemporary forms of slavery for the report of the SR on slavery to the 79th session of the General Assembly

São Paulo, Brazil.
31st of March, 2024.

Gustavo Ferroni
Rural Justice and Development lead | [Oxfam Brasil](#)
gustavo.ferroni@oxfam.org.br

Introduction

One of the key components in achieving the sustainable development goals is fostering the collective organization of workers, especially those in high risk for human rights violations. Slavery is not driven by poverty, but rather by inequality, which leads to certain groups being marginalized. Workers' rights violations derive from contexts of social vulnerability combined with private sector players that prey on people that must sell their work force to survive without having any leverage. The more workers are alone and less organized, the more vulnerable they are of being subject to the worst forms of rights violations, including slavery.

The contributions submitted in this document reflect the learnings from Oxfam Brasil's work supporting rural unions (farm worker unions) in different areas of Brazil and in different crops, like coffee, cocoa, sugar cane, rice, grapes, melons, mangos among others. Although our recommendations can be applied to other sectors and contexts, they arise from the Brazilian context where agricultural production is dominated by large farms that are connected to global value chains.

Prevention of contemporary forms of slavery should be understood as multidimensional challenge. It involves social and economic issues that demand public policies, private sector action and the organization of workers. Action in one front will not be sustainable unless there is action in the other fronts.

Contemporary forms of slavery should be understood as the foremost condition in spectrum of workers' rights violations; before slavery is characterized, other violations will have taken place. Slavery does not happen in isolation, as it's connected to other labor issues that start with the most common forms of precarious working conditions: informality, poverty wages, lack of PPEs and union busting and anti-freedom of association activities.

Unions can be a catalyst for all the dimensions of prevention, either through their direct action or through their advocacy and representation of worker interests. The lack of power and political clout is amongst the elements of Amartya Sen's multidimensional poverty and is a key aspect of workers social vulnerability to contemporary slavery.

OXFAM BRASIL

AV PEDROSO DE MORAIS, 272 – 8º ANDAR – PINHEIROS
SÃO PAULO - CEP 05432-040
TEL. 11 3811 0400 – E-MAIL: CONTATO@OXFAM.ORG.BR
www.oxfam.org.br



Unions should be at the center of all processes regarding the prevention of contemporary slavery. From the design of public policies, private sector schemes relating to workers who are in vulnerability, to monitoring and inspection processes, or receiving claims and making complaints.

Since the late 70s, with the advent of neoliberalism, we have witnessed a process of dismantling labor protections and undermining the role of unions, together with the advancement of nontransparent global supply chains that foster impunity. Draconian protections to investors and multinational companies have been put in place through trade agreements (investor-state dispute settlement) while the protection of workers hasn't received the same attention.

In parallel, we have witnessed the creation of voluntary initiatives from the private sector, like certifications, that have failed to address contemporary slavery and have, in its governance, in its management and in its operation consistently excluded workers' organizations and labor unions.

These processes have added new added new abuses on top of old injustices.

Below are key learnings from Oxfam Brasil on the role of labor unions preventing contemporary slavery:

Employer accountability and the role of unions

Local unions, especially rural worker unions, are better placed to scrutinize farms and employers than any other value chain actor. Auditors, consultants, buyers and even public inspection services are not able to be as present and on a timely manner like local unions can. When local rural unions are strengthened and have proper conditions to work (talking to workers, entering farms and workplaces etc) it is seldom the case that a working condition issue will get to the point of configuring slavery.

Illegal deductions on pay, debt servitude, retention of documents and employers forbidding workers from leaving are much harder to occur if unions have access to workers and have the condition to operate with independence. When designing policies and measures to prevent contemporary slavery, a central role for local unions in making employers accountable should always be considered.

Isolation at the workplace

Workers that live in the workplace, like farms (which are often secluded), are at higher risk of being subjected to slavery. Workers living on farms lack telephone, internet and means to go to near towns or villages. They often depend on employers for everything, even having to buy food from the employer. This situation creates the perfect environment for contemporary slavery. Labor unions should be given free access to workers living on farms (or other workplaces) and should make regular, unannounced, visits. This should be predicted in laws and regulations, should be included in collective bargaining agreements and should be part of companies' sourcing policies as a requirement for their suppliers. Today we are witnessing to opposite trend: farms are increasingly gated and fenced, have armed security and cameras, and do not allow outside visitors. Private auditors only come announced and where unions are allowed to enter, they usually have to get previous authorization within 24 to 48 hours.

OXFAM BRASIL

AV PEDROSO DE MORAIS, 272 – 8º ANDAR – PINHEIROS
SÃO PAULO - CEP 05432-040
TEL. 11 3811 0400 – E-MAIL: CONTATO@OXFAM.ORG.BR
www.oxfam.org.br



Collective bargaining:

Where collective bargaining takes place regularly, the situation of workers tends to be much better. The lack of regular, annual, collective bargaining increases significantly the risk for slavery. Collective bargaining agreements can cover a range of issues beyond pay, which can address the drivers of slavery. Policies proposed by public and private sector should promote collective bargaining and, where possible and legal, make it mandatory for employers to open yearly negotiations. Additionally, labor unions and employers need to add to their bargaining agenda clauses related to slavery prevention. Companies, certifications and audit systems should include in their provisions mandatory yearly collective bargaining, they might not be able to make reaching an agreement mandatory, but the opening of negotiations every year (regardless of if an agreement is reached) should be made into a mandatory requirement.

Formalization

Contemporary slavery doesn't happen isolated of other issues and worker's state of vulnerability regarding their employers start with informality. Formal working arrangements, with contracts and proper documentation are a protection of workers, especially those who fall into false promises of employment and pay (like migrants and seasonal workers). Many private sector players profess "zero tolerance to modern slavery", but in fact, these players (companies, certifications, multistakeholder initiatives) should profess "zero tolerance for informality". In order to end informality, labor unions should be given a central role; with employers having to share worker documentation with the respective union and with labor unions being required to be present when workers are laid off and their severance is calculated.

Women in contemporary slavery

In a context of cash crops and big plantations in Brazil, women are disappearing as workers. This will change from the type of crop or country or region. Women in farms are present in smaller numbers and are often made invisible. Women face significant more risks of other violations, including gender-based violence, associated to modern slavery. In the farm context, often men are seen as field workers and women are seen "only" as wives and partners. Even when inspection or police rescue workers from contemporary slavery, the women present are not seen as workers. Their work on big farms cleaning, washing workers clothes, making food and taking care of children (often not their own) are seen "as care work natural to women". But in fact, they should be a part of the service provided by employer. These women are also being enslaved together with their husbands, even if they are not working on the fields. Unions should seek to support and represent those women and should be giving the legal mandate and technical and financial support to do so.

Seasonal workers

In the rural context, seasonal workers are amongst the most vulnerable. They often migrate to find work or need to go every year to ask the same employer for work, in both cases they are subject to a significant power asymmetry. Labor unions and worker organizations should always represent seasonal workers and should receive support to do so. Where possible, legislation

OXFAM BRASIL

AV PEDROSO DE MORAIS, 272 – 8º ANDAR – PINHEIROS
SÃO PAULO - CEP 05432-040
TEL. 11 3811 0400 – E-MAIL: CONTATO@OXFAM.ORG.BR
www.oxfam.org.br



should make it mandatory for labor unions to represent seasonal workers regardless of if they are associated or not.

Migrant workers and intermediaries

The hiring of workers through intermediaries should not be only a business-to-business relationship (between the contractor who provides workers and the producer). Given the special nature of outsourced hired labor and the significant increased risk it brings to contemporary slavery, labor unions should be made a third party in that relationship. Every contract and a list of every worker should be provided to local labor unions. This should be made into public policies provisions, private sector sourcing requirements and be a part of collective bargaining agreement.

Human rights due diligence

With the advancement of human rights due diligence (HRDD) as a voluntary practice by private sector and the advancement of new mandatory regulation and legislation (mHRDD), the role of labor unions informing due diligence on contemporary slavery related issues should be reinforced. Even with the UN Guiding Principles on Business and Human Rights specifically mentioning the “meaningful consultation with potentially affected groups and other relevant stakeholders”, what we have seen is that labor unions are ignored. Provisions should be included in mHRDD and in voluntary HRDD to make sure that local labor unions and workers organizations are always consulted when assessing the risk of contemporary slavery and when establishing preventive measures.

Private audits, certifications and MSIs

These initiatives are not a substitute for HRDD with meaningful consultation and engagement with local labor unions. They often fail to involve labor unions in the establishment of standards, and they don't consult unions during audit procedures. Additionally, in Brazil, forced labor cases have been found in farms that are certified. In order for certifications and audit systems to make a better contribution to the prevention of contemporary slavery, they should incorporate the requirement of audits to consult with local labor unions and should give support, including financial, for labor unions to participate in the design or revision of standards.

Grievance mechanisms

The isolation of workers, the lack of trustworthy means to seek redress are obstacles for complaints regarding contemporary slavery to reach authorities or soft law mechanisms. Employers' own mechanisms are not a substitute to workers' organizations and unions and will never have the same legitimacy. When designing public or private mechanisms, consideration should be given to have labor unions play a role of collecting complaints and formalizing them. Individually, workers are very vulnerable, but through their collective organization they become protected when making complaints.

Supply chain transparency and supplier disclosure.

Opaque supply chains are a key obstacle to accountability in cases of contemporary slavery. As companies disclose more and more their suppliers, especial attention needs be given so that

OXFAM BRASIL

AV PEDROSO DE MORAIS, 272 – 8º ANDAR – PINHEIROS
SÃO PAULO - CEP 05432-040
TEL. 11 3811 0400 – E-MAIL: CONTATO@OXFAM.ORG.BR
www.oxfam.org.br



information reaches local labor unions. Often companies disclose suppliers only at their headquarters website and in English, and no efforts are made to disseminate that information.

Final considerations

The best scenario to prevent violations is when collective bargaining and labor unions are strengthened, when public authorities are present and when private sector is diligent via its certifications and audits. When these come together, and they all reinforce the role of labor unions the risk is minimal.

Contemporary slavery is both a human rights and a development issue. It is not marginal to our economic system; it is connected to largest brands and companies and, through them, to our day-to-day life. As long it is acceptable that some workers have less conditions of others, violations will occur. It is impossible to separate contemporary slavery from racisms and other forms of discrimination. The de-humanization of workers is a legacy of slavery and colonialism that lives through the current international division of labor where workers in Southern countries are valued less.

OXFAM BRASIL

AV PEDROSO DE MORAIS, 272 – 8º ANDAR – PINHEIROS
SÃO PAULO - CEP 05432-040
TEL. 11 3811 0400 – E-MAIL: CONTATO@OXFAM.ORG.BR
www.oxfam.org.br