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OVERCOMING CHALLENGES

OXFAM BRASIL: RECOMMENDATIONS FOR SOCIAL DIALOGUE AND NATIONWIDE PACTS ON DECENT WORK IN BRAZIL'S AGRICULTURE

Brazilian agriculture faces huge challenges regarding working conditions and wages. What are the barriers to overcoming this situation and what are its causes? Social dialogue initiatives have been created over the years, but they did not achieve the desired success. This document assesses the scenario in rural Brazil and the main initiatives created in recent decades. Furthermore, based on lessons learned from Oxfam Brasil's work, it proposes elements to be incorporated into future social agreements and pacts to promote decent rural work.

OXFAM Brasil

1. INTRODUCTION

Oxfam Brasil addresses working conditions in rural areas in several ways. Our work includes, for example, supporting the strengthening of unions of rural workers (rural hired workers or rural farm workers), encouraging collective bargaining processes, and promoting investigations and reporting of suspected cases of forced labour. We seek to increase the federal government's budget for inspection and control of working conditions through advocacy in Congress. Together with federal and state governments, we discuss public policies aimed at these workers such as actions to reduce informality, off-season assistance policies, pensions, and unemployment insurance.

We work in Brazil and other countries, putting pressure on companies that, through their supply chains, potentially benefit from poor working conditions in rural areas. We discuss business practices on human rights due diligence and supplier vetting, existing standards, norms and certifications – such as Rainforest Alliance, Bonsucro and Fair Trade – and supplier audit procedures. We seek to establish more rules and regulations for international trade and corporate responsibility for human rights – both voluntary and mandatory ones.

Our work focuses on strengthening collective bargaining and how due diligence and public policies would contribute to that. To improve collective negotiations in rural areas, we must start by acknowledging the huge power imbalance between employers and wage workers, which a society committed to reducing inequalities[1] must rebalance. Rural workers' unions must be empowered.

Oxfam Brasil's work as a whole incorporates an anti-racist and gender justice approach. We believe in joint action and work in partnership and alliance with a series of other organizations that advocate rural workers' rights, such as: the National Confederation of Rural hired workers (CONTAR), the Federation of Wage Workers of Rio Grande do Norte, the Union of Rural hired workers of Juazeiro da Bahia, the Coordination of Rural Employees of Minas Gerais State (ADERE), NGO Repórter Brasil, and the Land Pastoral Commission Northeast II.

In addition to recognizing that rural workers are the most vulnerable actors in agriculture, Oxfam Brasil also works with agribusinesses, companies with agricultural supply chains (especially food and beverage companies, supermarkets and traders), and business initiatives, in order to improve corporate policies and practices to promote respect for human rights.

This document is based on the experience accumulated in our work over the years. It outlines challenges and opportunities to advance the decent work agenda in agriculture.

2 BACKGROUND

Brazil's formation is closely linked to agriculture and farm work. In colonial times, the core economic activities included production of sugar cane, coffee, cattle and cotton, and the main form of production was based on enslaved people's labour. All along colony, empire and republic, Brazil has always had agriculture as one of its main economic sectors and, even with the end of slavery, rural workers' status remained one of the lowest in the country.

The history of Brazil has a direct influence on the current status of rural workers. When analysing the situation of inequalities in our country, we should reflect on how they were created and how they are reproduced. The historical legacy of slavery and racism still pervades social relations in rural areas, with emphasis on those between employers and rural workers.

"The feasibility of systemic reproduction of racist practices lies in the political, economic and legal organization of society. In real life, racism is expressed as political, economic and legal inequality. (...) racism, as a historical and political process, creates the social conditions for racialized groups to be systematically discriminated against – either directly or indirectly" (ALMEIDA, 2019, pp. 33-34).

IN BRAZIL:

46.1% of the working black population is informally employed

Black men earn 59.8% and black women earn 61.6% less than non-blacks

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69.6% of rural workers are black

58.3% of rural workers are informally employed

Sources: Dieese and Contar based on PNADC.

Rural workers were left behind as Brazil modernized. When the Consolidation of Labour Laws (CLT) was published in 1943, it did not include them. Their rights came little by little, as a result of their constant individual and organized struggle. Some provisions were included in the 1946 Constitution, then in the 1963 Rural Worker's Statute, the 1971 Rural Worker Assistance Programme, and also the 1973 Rural Labour Law and the 1975 Rural Employer's Law. However, it was only with the 1988 Constitution that rural workers were fully equated with urban workers – one century after the abolition of slavery.[2]

Therefore, it is no coincidence that these workers face systemic poverty, high social vulnerability, and serious human rights violations. Today, the majority of rural hired workers are black (69.6%)[3] and the average informality rate is 58.3%;[4] wages are very low and rarely above the national minimum wage;[5] many are temporary (seasonal harvesters); and they are the group of workers most often rescued from forced labour (around 90%).[6]

Added to these issues is the gradual 'disappearance' of women as rural hired workers in Brazil – today, they are only 12.1% on average.[7] Note that this figure varies greatly according to crop – the presence of women tends to increase in grapes, mangoes, coffee and others. Women's absence is due to factors such as their allocation in subordinate farm roles with shorter contracts and lower pay, lack of decent toilet facilities and safety conditions, exploitative piecemeal pay that leads employers to seek more men than women, and the non-recognition of the status of women who work in employee's accommodation and housing.

Transforming rural workers' working conditions and income is part of the struggle against structural racism in Brazil. As the current Minister of Human Rights and Citizenship wrote,

that change will demand "deep changes in social, political and economic relations" (ALMEIDA, 2019).[8] National pacts on decent rural work can be a step in that direction.

2.1 THREE-PARTY DIALOGUE IN AGRICULTURE

Over the last few decades, some social dialogue initiatives have been proposed in Brazil and led to the establishment of pacts and agreements in agriculture. The main example was the National Commitment to Improve Working Conditions in Sugarcane. It was a major mobilization effort proposed by the President's Office for a three-party social dialogue process that resulted in a voluntary compliance agreement for businesses in the sector. The agreement was based, among others, on acknowledging the history of poor working conditions, including the large number of cases of forced labour, and on internationalization and business opportunities in the biofuels agenda, with 'markets' that are more demanding in terms of social and human rights. The idea was to create a soft law[9] mechanism. In 2008, a dialogue table was established by the office of the Chief of Staff of the President which, through a series of meetings, led to the commitment signed in June 2009.

Some of the points of the National Commitment that are worth highlighting include provision of free transportation (clause 2, item V-a); union access to farms, even if conditional on prior accreditation of union representatives (clause 2, item VII-b); collective bargaining and agreements (clause 2, item VII-a); and a pledge to hire workers directly, without subcontracting, since outsourcing core activities was still illegal at the time (clause 2, item I-a). As a lesson from that process, it is worth considering that 15 years ago, it was already clear that workers' isolation within farms as well as informality and outsourcing are high-risk factors in rural labour in addition to being gateways to forced labour.

In 2011 and 2012, attempts were made to implement new auditing measures and a 'seal,' that is, a certification. A certification is a market mechanism that signals something to consumers and investors about the way a product was made. Oxfam has a long experience with certifications and how these sometimes-important instruments are pervaded by contradictions and do not necessarily guarantee results. The best certifications are not without problems, and they require a highly complex management and an independent structure to have legitimacy in the eyes of business clients and final consumers. The public sector should not have adopted this type of mechanism since it has other measures – more efficient than 'seals' – to create measures that encourage and discourage rural employers. As a soft law tool, the commitment also came up short by not integrating other references in the area, some of which Brazil was already part of, such as the Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development (OECD) or other similar mechanisms created by the government, for example, the so-called 'dirty list.'[10] Furthermore, it did not have a structured complaint mechanism to hold participants accountable.

Other criticisms were voiced at the time. An early one was about rural employers' resistance to providing free meals for workers as part of the Commitment.[11] The Pastoral Land Commission stated that some provisions referred to legal obligations rather than best practices that would go beyond the minimum required by law, and that the creation of the Commitment focused mainly on meeting businesses' needs to access markets in the global North without actually changing their practices.[12] Finally, an important criticism was that the Commitment allowed participation of processing plants and business groups that were on the black list of slave labour. Some of the plants that joined it, or their controlling groups, were even repeat offenders whose violations included cases of child labour and indigenous labour in degrading conditions.[13] The fact that such companies joined the Commitment without any additional obligation or specific control raised concerns about greenwashing[14]

and how the very initiative encouraged by the government did not dialogue with other soft law mechanisms used by the government itself – in this case the dirty list.

In 2023, two other initiatives were promoted in agricultural sectors where workers had been rescued from forced labour – coffee in Minas Gerais and grapes and wine in Rio Grande do Sul's Serra region.

In May, a Protocol of Intent established the Pact for the Adoption of Good Labour Practices in Winemaking in Rio Grande do Sul.[15] It came in response to the rescue from forced labour of workers who had also been subjected to torture. The Pact would be aimed to promote decent work, and one of its core points was to discourage outsourcing in core activities. It also created a labour law self-assessment tool for employers, but with no involvement of other parties such as unions. Its scope is more restricted than that of the National Sugarcane Commitment and left out important provisions such as union access to farms.

In June, a commitment was proposed for coffee farming.[16] Coffee is one of the top sectors in number of forced labour cases, with many workers rescued in recent years.[17] According to the Ministry of Labour and Employment, their goal would be to disseminate sustainable practices with a focus on formalizing employment relations and guaranteeing decent work.[18] In 2024, at the opening of the coffee harvest season, the 'Pact for Good Labour Practices and Decent Work in Coffee Production' was relaunched, mobilizing other ministries and social actors.[19]

The Pact included interesting points, such as encouraging non-outsourcing of core activities and the fact that it did not create a certification or 'seal.' One of its core elements is the fact that it facilitates the permanence of seasonal workers in the federal welfare programme Bolsa Família, for those who meet the criteria (family income up to half a minimum wage per capita), or the re-inclusion in the programme, after harvest season, of workers who had their benefits suspended. Facilitating access to government benefits appears to be positive for these workers, but is this a significant measure for improving working conditions in coffee?

The Coffee Pact seems to focus on an issue that is different from that of the National Sugarcane Commitment. This time the driver of the problems would be the assumption of Bolsa Família as an obstacle to formalizing workers' contracts. However, this assumption does not appear to be true.

Firstly, we must consider that formalizing the employment relationship is the exclusive – legal – responsibility of employers, as that is not optional for workers. It is argued that workers would not like to be formal employees, and that would cause the problem. According to our experience, workers' complaints against formalization, when they occur, only happen when employment relations are insecure and wages are very low, and social security and labour law deductions can threaten workers' own food security. Farm workers who are not rural workers, such as agricultural technicians, engineers and others, do not face the same issue as their wages are significantly higher.

The idea that welfare benefits – especially the Bolsa Família programme – would have encouraged people not to look for jobs has been refuted by independent studies[20] and has recently been addressed by the government, which changed the permanence rule.[21] Furthermore, the assumption that Bolsa Família is the main obstacle to formalizing rural employees' labour status does not hold water, considering that its absolute numbers have remained virtually stable since the creation of the programme.

THE BOLSA FAMÍLIA WELFARE PROGRAMME WAS CREATED IN OCTOBER 2003. SINCE THEN, FORMAL RURAL EMPLOYMENT HAS EVOLVED AS FOLLOWS:		
Year	**RURAL HIRED WORKERS WITH FORMAL CONTRACTS**	**TOTAL RURAL HIRED WORKERS**
2004	1,567,000	About 5 million
2013	1,647,000	About 4 million
2023	1,500,000	About 3.8 million

Source: Based on data from DIEESE, the National Confederation of Rural hired workers and IBGE[22]

One of the major problems behind this assumption is the subversion of supply and demand principles in the rural labour market. If workers are hard to attract, market logic would say that rural employers should offer better wages and working conditions. Instead, a narrative is put forward according to which receiving welfare benefits from the government is what hampers formalization. Then, policies are created to 'solve' a non-existent problem, while wages and working conditions remain the same. **According to Oxfam Brasil's experience, the main obstacle to formalizing rural employment relations is employers' behaviour and low wages**.

Several studies have been conducted on what the minimum wage – or living wage – should be for rural workers. In partnership with Oxfam Brasil, DIEESE studied the gap between formal wages and a living wage for work in fruit growing in Brazil's Northeast region[23] and coffee in Minas Gerais state,[24] and the results showed a 44%-50% gap. The Global Living Wage Coalition, which includes the main socio-environmental certifications used in rural areas such as Rainforest Alliance, Fair Trade and Bonsucro, conducted studies to find the coffee wage gap in different areas of Minas Gerais and in Espírito Santo states, and its findings are similar to those of DIEESE and Oxfam Brasil.[25]

Another relevant issue behind the narrative that Bolsa Família would encourage people not to look for work or not to seek formal employment is the stigmatization of the programme's beneficiaries, a phenomenon already studied in which they are "morally judged"[26] by various segments of society. Such stigmatization would also be based on racism and classism. Among the beneficiaries, 69.7% are black[27] and 100% are poor, with 72.4% living in extreme poverty, 20.5% in poverty, and 7.1% on low income.[28] Historically, the enslaved black population was considered "disorganized" and "lazy."[29] The eugenicist discourse present in Brazil both before and after abolition[30] stated that the African and black population, who did most of the work in Brazil for centuries, would not be "capable" of being free workers. The black population and miscegenation were seen as the "problem" that prevented the country's progress,[31] at the same time that barriers were established to that population's access to the job market, laws were created or maintained to criminalize unemployment – the republican Constitution of 1890 kept the crime of vagrancy that was already in place during the Empire. These elements are still present in the biased discourses against Bolsa

Família and its beneficiaries, and are also reflected in the paternalism and prejudice with which rural workers are treated.

2.2 Other initiatives for decent work in agriculture

In addition to these social dialogue efforts proposed by the government, many private and civil society initiatives focused on this topic, such as round tables, pacts and the very agricultural socio-environmental certifications (e.g. Rainforest Alliance, Fair Trade, Bonsucro). It is worth highlighting the National Pact for the Eradication of Slave Labour, currently coordinated by InPacto and which is already in its 19th year.[32]

Many of the initiatives created within the private sector and civil society are multi-stakeholder in nature. This format can make positive contributions, but workers' participation must not be diluted among several actors; rather, it must always be central. Furthermore, in a society as unequal as Brazil's, material and technical conditions must be created for workers to participate equally with employers and other economically privileged actors. Furthermore, some crops and regions have a significant presence of workers from indigenous, quilombola and other traditional peoples and communities. In these cases, the participation of organizations representing these peoples and groups must be guaranteed.

National Conferences were one of the highly successful models for social dialogue in our country. On a different scale, they could be considered in agriculture. The conference model provided high legitimacy and broad participation, which reflected on its recommendations.

For most soft law initiatives to improve working conditions in agriculture, there are positive examples and success stories, but almost all of them also include cases in which members were caught using forced labour and other issues. This model is facing exhaustion, and there is a trend, especially in Europe, to create legislation and regulation on businesses' responsibility to respect human rights, including in their supply chains (due diligence).

The best scenarios found in Brazilian agriculture include places combining the following factors: certification; buyers that are close and active in scrutiny; transparent supply chains; strong and active unions; regular collective bargaining with robust collective agreements. Some studies found that combining strong and active unions with certifications[33] plus strong scrutiny of buyers is a powerful tool to improve working conditions.

Finally, the enormous contribution of the Division for the Eradication of Slave Labour (DETRAE) and the Special Mobile Inspection Group (GEFM) must be acknowledged. Both are linked to the Labour Inspection Department of the Ministry of Labour and Employment. Stronger labour inspection improves conditions for social dialogue in agriculture.

As former UN High Commissioner for Human Rights Michelle Bachelet said, the UN Guiding Principles on Business and Human Rights call for a smart mix of measures, "which can clearly include relevant and meaningful legal developments at the international, regional and national levels."[34] In other words, overcoming rights violations in the context of business activities depends on a multifaceted approach rather than a single solution.

Furthermore, we need to break away from the usual practices, which have shown their limitations, and incorporate the learning of the last 20 years to put forward an innovative model that seeks to provide concrete solutions to the challenges in rural Brasil. We should not keep doing the same thing over and over and expect different results.

3 CHALLENGES

Poor working conditions and low wages in agriculture are a problem faced by many countries. The International Labour Organization (ILO), in its policy guidelines for the promotion of decent work in the agri-food sector,[35] states that "agri-food workers are often inadequately covered by labour and social security legislation due to the nature of their work, or because in rural areas, where most agri-food activities take place and where there are limited conditions for development and productivity, with a lack of infrastructure, sustainable investment and presence of the State, and where high levels of informality are present, law enforcement, labour inspection and compliance are often lacking or ineffective." Poor working conditions and low wages in agriculture in the global South are a direct legacy of the colonial system, which is maintained today by unfair international division of labour and racism.

However, unlike many countries, Brazil is fully capable of overcoming poor working conditions in rural areas and promoting decent work. Despite the country's position in the international division of labour, agriculture is one of its strongest economic sectors and creates a lot of wealth. Consequently, it contributes the most to extreme inequality in the country as it concentrates income and wealth. Overcoming low wages and poor working conditions in rural Brazil will be instrumental in overcoming inequalities.

Al a global level, Oxfam found three factors that contribute to low wages and poor working conditions at upstream operations in global supply chains:[36]

1- **Unfair share of value in the chain:** In general, the links in the upstream parts of supply chains receive the smallest share of the value created. This impacts especially medium and small producers, but it affects workers even more, including rural ones.
2- **Absence of collective bargaining:** A major barrier to higher wages is the absence of collective bargaining. Trade unions are a vital countervailing force to capital that helps ensure prosperity is shared. In Brazil's agribusiness, the power asymmetry between employers and workers is very high, and even with collective bargaining, working conditions usually improve while wages remain low.
3- **Inadequate minimum wage:** Admittedly, the minimum wage is far from covering the cost of living for the poorest families in the country. Unfortunately, it does not guarantee a decent life. However, for the poorest workers such as rural ones, increasing the minimum wage is one of the main drivers of higher income. Some states have established their own minimum wages for rural employees – a positive experience that has caused wages to rise in collective bargaining.

Unfortunately, forced labour is not an isolated condition that is alien to the reality of rural Brasil. It is not a separate form of abuse that only occurs in some situations. Forced labour is part of the rural reality. It is just the most extreme expression of the insecure status of overexploited rural workers. Before a situation of abuse is configured as forced labour, a series of other violations will have occurred.

Debt bondage, degrading working conditions, restriction of freedom and violence are part of the same spectrum as, for example, informality, illegal deductions from wages, and lack of adequate toilet facilities and personal protective equipment. These are all expressions of the same problem, and they only vary in the intensity and severity of the violations.

Forced labour cannot be overcome without overcoming its 'gateways' such as informality, absence of collective bargaining, worker isolation, low wages, poverty, and inequality.

SPECTRUM OF WORKING CONDITIONS AND WAGES			
			
ILLEGAL LEVEL **CAUSES DAMAGE**	**LOW LEVEL** **WORK THAT KEEPS PEOPLE IN POVERTY**	**MEDIUM LEVEL** **LIVING WITH SOME DIGNITY**	**HIGH LEVEL** **DECENT LIFE**
FORCED LABOUR; DENYING WORKERS THEIR RIGHTS; DENYING FREEDOM; DEHUMANIZATION; VIOLENCE; CRIME	IT BARELY PROVIDES FOR SUBSISTENCE; IRREGULAR BUT NOT CRIMINAL CONDITIONS; LACK OF SECURITY; NO ORGANIZATION; EXPLOITATIVE RELATIONS	FORMAL CONTRACTS; WAGES COMPLY WITH THE MINIMUM WAGE; WORKING CONDITIONS COMPLY WITH THE LAW; THERE IS SOME WORKER PARTICIPATION	FORMAL CONTRACTS, DECENT WAGES, ROBUST COLLECTIVE BARGAINING, GOOD WORKING CONDITIONS THAT GO BEYOND THE MINIMUM REQUIRED

Source: Based on Oxfam Issue Briefing, Steps Towards a Living Wage in Global Supply Chains[37]

Therefore, any proposal for social dialogue and pact in agriculture must seek a systemic approach to rural problems and incorporate the dimension of supply chain responsibility, not being restricted to the employer-worker relations.

In Brazil, the discussion about companies' responsibility for human rights, including responsibility for supply chains, is taking shape as two main proposals – Bill 572 of 2022, which creates a framework for human rights and businesses,[38] and a National Human Rights and Business Policy.[39] Bill 572/22 proposes a systemic approach that includes due diligence, but it also puts forward an entire system to support those affected by business activities. In 2023, the Federal Government also created an Interministerial Working Group in charge of creating a National Human Rights and Business Policy.

The context and nature of the problems faced in rural labour are well known. Over the years, many studies, investigations, violation reports, projects and programmes, both public and private, sought to change that situation. The most relevant and significant factors are already known. Therefore, we list some of the challenges that must be considered:

Collective bargaining

Where collective bargaining occurs on a regular basis, workers' situation tends to improve. The lack of consistent and annual bargaining significantly increases the risk of forced labour. Collective agreements can cover a range of issues that go beyond wages, with potential to address many of the causes of the problem. Unfortunately, the 2017 labour law reform weakened unions and collective bargaining.[40] In this scenario, policies proposed by the public and private sectors must promote it and, whenever possible, make it mandatory, that is, a requirement for participating in programmes and initiatives. At least, employers

must be required to open annual negotiations. Furthermore, labour unions and employers' associations must include clauses related to prevention of forced labour in their essential agendas. Businesses, certifications and audit systems must add mandatory annual collective bargaining to their clauses. It may not be possible to establish mandatory agreements, but opening annual negotiations must be mandatory.

Informality

The first and perhaps most common violation of rural workers' rights is informality. It is widespread and occurs both at large agribusinesses with many employees and at small ones. It affects both permanent and temporary workers, but it tends to increase during harvest season. Among informal rural workers, 74% are black.[41] Informality is the gateway to a series of other violations. Informal workers, in addition to having less security and resources to fight for their rights, are left unassisted in terms of access to social security. Our research did not find any case of workers with regular working papers being rescued from forced labour. Unfortunately, buyer companies and certifications consider informality as a minor offense.

Isolation

One of the major problems that exacerbates violations of rural labour rights is workers' isolation. Rural employees often live at the workplace, which subjects them to employers' full, 24/7 control over several months. These workers usually do not have access to telephones, internet connections or the means for traveling to nearby cities, and they tend to depend on their employers for everything, even for buying food. This scenario creates the perfect environment for forced labour. Today's farms are increasingly closed and fenced up, with armed security guards and often cameras, and they do not allow outside visitors. Private auditors, in general, only visit when announced and, where unions are allowed to enter, they normally have to get permission 24-48 hours in advance. Breaking this isolation is essential to reduce the risk of forced labour and promote decent work. Unions must have free access to workers on farms, and public health and social assistance services must circulate regularly in these spaces. Employers can no longer be seen in a paternalistic way, as those who provide and control everything in employees' lives. Such paternalism is one of the factors that keep rural workers in a subordinate and vulnerable status.

Wages

Low wages are the main problem in rural work. As long as wages are not higher, rights will continue to be violated. People who work and live in poverty are vulnerable, and defending their rights becomes a risk not only to their safety, but to their own food security. Rural wages are always very close to the legal minimum wage (in the case of formal workers), and the work is full-time and highly exhausting, even when it complies with legislation. Among informal rural hired workers, 87.4% have per capita household incomes of up to half the minimum wage, which means that a significant number live in poverty or extreme poverty.[42] Paying rural workers decent wages – as a fair share of the value created by the richest sector of Brazil's economy and protecting these workers against poverty and hunger – is essential for decent work.

Irregular deductions and document withholding

These are two common and interconnected violations. They arise from the informal status and isolation of workers on farms. These problems rarely occur when local rural unions are strengthened and have adequate conditions to operate. Homologating contract termination at unions is perhaps the most powerful tool to prevent such violations, as it guarantees third-party scrutiny when the employment relationship is closed.

Seasonal workers

In the rural context, seasonal harvesters are among the most vulnerable workers. They tend to migrate to find jobs or have to ask the same employer for work from every year. This situation increases the power asymmetry in favour of employers. These workers need special attention, especially migrants. Employers must inform unions who these workers are and their places of origin. Unions in the municipalities where the work takes place must communicate with unions in workers' hometowns. The Federal Government and states must create assistance policies for these workers in the off-season.

Outsourcing and intermediaries

As ILO's global report on the state of modern slavery recognizes,[43] "abusive and fraudulent practices during the recruitment" process are a major risk factor; and the UN Global Compact lists "labour providers" as a specific risk to the agriculture sector.[44] In Brazil, the actions of so-called 'cats' (intermediaries in hiring the workforce) have always been a problem. After outsourcing core activities became legal, the risks were exacerbated in the field. Workers are deceived with false promises about employment, and recruitment leads to illegal deductions. There are many reports of employers deducting money from salaries and/or paying wages directly to 'cats,' which shows the close relationship between these actors and employers.

Women rural workers

Women are a minority among rural hired workers – around 12%[45] – but they are 48% of the rural population as a whole. What would explain such disproportion between women in society as a whole and female rural employees? On the one hand, the machismo present in the rural labour market has eliminated these job opportunities for women; on the other hand, men concentrated better paid farm jobs such as tractor operators, chemical product applicators, and others.[46] Furthermore, women tend to get jobs whose contracts are shorter during harvest season.[47] It is worth considering that women's labour at farms is often made invisible. They are seen as worker's 'wives' and their contributions to food, cleaning and other day-to-day farm tasks – essential activities that should be professionalized – are not paid or recognized, to the point that in some cases where workers were rescued from forced labour and their wives were with them at the farms, women were not recognized as rescued workers.[48] There is also a chronic problem of lack of infrastructure to guarantee good working conditions. This ranges from toilets and accommodation, which can expose women to embarrassment and even sexual violence, to lack of conditions and structure that consider menstruation, breastfeeding and other situations.

Infrastructure and working conditions

The lack of adequate work infrastructure and equipment is one of the main problems in rural areas. Unfortunately, rural employers, even large ones with major economic means, often do not invest properly. Degrading working conditions, which deny workers' very human status, are among the most common markers of forced labour. This situation arises from racism and prejudice against rural workers, who have been equated with animals and non-human production factors since slavery. There is a lack of professionalization of the rural work environment on the part of employers, who have not modernized labour relations. There are no logical reasons for not overcoming this challenge in Brazil. The main workers in the country's strongest economic sector cannot be systematically denied toilets, eating places, accommodation, water, and protective equipment in decent conditions.

Supply chain opacity

Unfortunately, worker's rights violations and abuse are systemic problems in agriculture rather than exceptions. One of the factors that contributes to preventing change and helps to create an environment of impunity, providing competitive advantages for employers who

violate rights, is the lack of transparency and traceability of supply chains down to farm level. Producers are hidden by links in the supply chain where product origin loses traceability. Many large food & beverage and supermarket companies have already started to disclose their suppliers down to farm level. Furthermore, some initiatives such as the Round Table for Sustainable Palm Oil (RSPO) disclose suppliers down to farm level and with a high standard of detail (latitude, longitude, name, full address, etc.). These examples show that it is possible to break the opacity of supply chains and create a transparent environment that does not protect rural employers who violate rights.

False solutions and audits

Numerous initiatives that seek to promote decent work in rural areas end up focusing their efforts on business management tools and intermediate processes, instead of political commitments and results. Initiatives often end up creating indicators, reports, assessment tools, etc. Unfortunately, these processes are rarely independently verified. When there is an audit, they are rarely unannounced and do not usually occur during harvest season, and sampling is very restricted. The proposed solutions must come from a political commitment with legitimacy to mobilize social actors and management tools must be very careful to avoid so-called greenwashing.

Invisibility of rural hired workers

Unfortunately, workers employed on farms are often invisible when discussing Brazil's agriculture. Government policies for agriculture rarely consider workers' issues. Studies and plans for rural Brazil usually address business agriculture and family farming but ignore wage earners. Reforms and changes to benefits and social security do not usually consider the peculiar conditions of vulnerability that affect those workers, such as the very high incidence of informality, poverty, forced labour and isolation as well as the seasonal nature of harvest work. These conditions place those workers at a disadvantage when negotiating their labour, and restrict access to benefits and rights, including unemployment insurance and pensions.

4 RECOMMENDATIONS

The following recommendations are based on Oxfam Brasil's experience with rural hired workers employed in different regions of Brazil and are aligned with international references such as the ILO Policy Guidelines for the Promotion of Decent Work in the Agri-Food Sector.[49]

Any initiative that seeks to promote decent work in agriculture should take a broad approach that considers the role of the several supply chain actors and provides recommendations on due diligence.

Social dialogue processes that aim at social pacts will have more legitimacy and therefore a greater chance of success if they are more participatory. Brazil has a relevant tradition of social participation in public policymaking, including distinct experiences. The process of national conferences is an important case of national consensus built from the ground up and should serve as an example for social dialogue in agriculture.

Regardless of the model adopted for dialogue and participation, care must always be taken with the large asymmetry of conditions between rural employers – agribusinesses – and rural hired workers. The dialogue process should recognize that asymmetry and guarantee conditions to create equitable participation. In addition to worker and employer representatives, involving other actors in the dialogue may be interesting, but the political weight of worker representation should not be diluted in the decision-making process.

The decent work agenda in agriculture does not just concern the Ministry of Labour and Employment, and social dialogue initiatives must recognize that. They must seek the involvement of other government segments and create policy recommendations based on a systemic view.

Finally, special care must be taken to avoid greenwashing while creating incentives for those who participate, disincentives for those who choose to stay out, and punishments for those who join but do not comply with what was agreed.

These are our recommendations for points to be included in pacts:

On Rural Employers' Business Policies and Practices

- Allow rural wage worker unions access to farms without prior announcement. Unions must be able to talk to workers without the presence of employers, visit work facilities, accommodation and eating places, and have spaces to hold meetings and assemblies, and post notices.
- Provide internet, telephone and other means of communication at workers' accommodation facilities, free to use, in order to break their isolation at farms.
- Ensure daily means of transportation so that workers can leave the farms and travel to the nearest city or public transport stop.
- Commit to carrying out regular collective bargaining and make every effort to always establish Collective Labour Conventions or Agreements (respectively, CCT and ACT, or bargaining between labour unions and employees' associations for CCTs and between companies and labour unions for ACTs).
- Establish agreements with local workers' unions, preferably through collective agreements or conventions, so that layoffs are homologated at unions. This mitigates the risk of illegal and irregular discounts and deductions.

- Establish, preferably through collective agreements or conventions, minimum quotas for hiring female rural workers in general, and for specific roles such as tractor operators.
- Establish 6-month maternity leave as a policy.
- Agree, preferably through collective agreements or conventions, with the establishment of union delegates on farms in proportion to the number of workers in each location.
- Adhere to the UN Women's Empowerment Principles and regularly publish their progress.
- Publish a corporate policy on human rights responsibility in agricultural supply chains, based on the corporate policy model for responsible agricultural supply chains proposed by the OECD-FAO (UN Food and Agriculture Organization) Guidance for responsible agricultural supply chains.[50]

On business policies and practices of companies with agricultural supply chains

- Publish a corporate policy on human rights responsibility in agricultural supply chains based on the corporate policy model proposed by the OECD-FAO Guidance for responsible agricultural supply chains.[51]
- Disclose suppliers down to farm level. The disclosure must be updated regularly and include farms' names, CNPJ, states, municipalities and addresses, latitude and longitude.[52]
- Include, as part of due diligence, consultation with rural workers unions, the Labour Prosecution Service of the respective regions where supply comes from, the respective labour inspection departments, and civil society organizations that are recognized for addressing decent work, especially those that take part in State Commissions for the Eradication of Forced Labour (COETRAES),[53] the National Commission for the Eradication of Forced Labour (CONATRAE)[54] and/or have partnerships with the Ipê System.[55]
- Require that suppliers' suppliers allow rural labour unions to have free access to workers who live on farms (or other workplaces) by paying regular, unannounced visits.
- Require that suppliers' suppliers established collective conventions or agreements with rural labour unions.
- Require that suppliers' collective bargaining includes requirements of their supply policies on the rights of rural workers.
- Disclose reporting channels and policies regarding human rights and responsible supply to rural unions.
- Establish living wage provisions in corporate policies for rural supply chains.
- Carry out unannounced audits of rural suppliers during harvest season, including consultation with local rural unions.

On policies and practices for associations, initiatives and certifications

- Adopt a zero-tolerance policy towards informality.
- Include the 'dirty list' in the scope of the initiative.
- Support rural unions technically and financially so that they can participate in initiatives and certifications, especially while developing and reviewing norms and standards.
- Disclose member farms or certified companies on the website, with full addresses. Disclose the full addresses of all farms in the case of group certifications.

- Actively publicize reporting channels for rural workers unions and other organizations that address decent work in agriculture.
- Periodically carry out significant consultation with rural unions. The consultation must necessarily involve unions and federations in areas where there are certified rural producers or members of the initiatives.
- Adopt unannounced audits during harvest season, with a significant sample.
- Require member producers to guarantee rural workers' unions' access to farms.
- Require that member producers establish collective conventions or agreements with rural workers unions.

On public policies

- Propose social dialogue processes that consider the power imbalance between employers and workers. Such processes must consider the participation of other actors without diluting the role of workers' organizations, but giving special attention to those that advocate the rights of rural workers, rural women's organizations and indigenous and quilombola organizations when the crop in question involves such workers.
- Establish agreements with unions of rural hired workers and farm workers, to provide the necessary conditions for their participation in social dialogue processes, especially for local organizations.
- Propose the creation of a national floor of at least 2 minimum wages for rural hired workers/farm workers.
- Include specific lines of credit in the Federal Government's Safra (Harvest) Plan for construction and improvement of infrastructure related to working conditions such as accommodation, toilets, eating facilities, and transportation. These credit lines should be based on Regulation Standard 31 (NR31) and encourage best practices.
- Consider the inclusion of the union system for rural hired workers and farm workers, including confederations, federations, regional unions and municipal unions, as part of the public policy system for rural areas, taking advantage of its capillary nature and thus strengthening the role of unions in their communities.
- Strengthen the work of Labour Inspectors and increase the number of inspections.
- Create credit and tax relief incentives for producers who offer working conditions and wages above the minimum legally required.
- Create an income transfer programme to support harvest workers in the off-season, following positive examples from the state programmes Chapéu de Palha (PE) and Mão Amiga (SE).
- Propose the revision of Law 13134 of 2015 to loosen the rules for access to unemployment insurance for seasonal rural hired workers/farm workers, considering that given the nature of harvest seasons, many do not obtain contracts long enough to access the benefit in the current criteria.
- Propose the revision of Law 11718 of 2008 in order to restore Social Security special status to rural hired workers. Today, given the temporary nature of rural work during harvest seasons and high informality in agriculture, it is virtually impossible for rural hired workers and farm workers to retire based on their time of contribution.
- Propose a review of the Workers' Food Program (PAT) to make it easier for rural employers to join it, considering that many, if not the most of them, are individuals and register in the National Register of Construction Works and the Register of Individual Economic Activities (CNO/CAEPF), regardless of the size of their properties.
- Propose the revision of Law 7998 of 1990 so that rural hired workers have access to the government's allowance considering that most of today's rural employers are

individuals and therefore do not contribute to PIS/PASEP, but that most rural workers, if not all, receive wages within the income range covered by the allowance.

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NOTES

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[3] CONTAR and DIEESE. O mercado de trabalho assalariado rural brasileiro. July 2022.
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[5] Ibid.
[6] Data from the Information and Statistics Panel of Brazil's Labor Inspection Service – Radar SIT. The total number of workers rescued is 63,516, while the number of rural workers rescued is 57,041. Available at: https://sit.trabalho.gov.br/radar/. Accessed 21 May 2024.
[7] CONTAR and DIEESE. O mercado de trabalho assalariado rural brasileiro. July 2022.
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[51] Idem.
[52] This disclosure standard is based on the practice of the Roundtable on Sustainable Palm OIL (RSPO) members.
[53] According to the Federal Government: "The State Commissions for the Eradication of Slave Labor are group-based structures whose function is to monitor, coordinate and promote public policies for the eradication of forced labour at state level. Their members include representatives of the State Government, the Judiciary and civil society." Source: https://www.gov.br/mdh/pt-br/navegue-por-temas/combate-ao-trabalho-escravo/comissoes-estaduais-para-a-erradicacao-do-trabalho-escravo. Accessed 1 July 2024.
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