

Slave Labour vs. Decent Work: Two Case Studies in Brazil

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Results of Slave Labour Inspections, 1995 - 2008

Operations	784
Sites Inspected	2,184
Citations for Violations	23,070
Compensation	R\$47million
Workers Registered (through 1 st half 2008)	28,411
Workers 'Liberated'	32,783

Change in Legal Definition of Slave Labour

Slave labour legally constituted by:

- Surveillance, debt bondage, restricted movement, seizure of documents
- Exhaustive work day or degrading conditions

Slave Labour Conditions in Sugar Cane Sector



- Intensive workdays
- Piece rates for cutters
- Health & Safety
 - Work Site
 - Housing Site
- Debt bondage

Slave Labour Cases in Sugar Cane

23 Inspections from Jan 05 - Aug 08

Potential Violations Related to:

Recruitment, Hiring & Pay	72
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Housing Conditions	97
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Daily Transport	9
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Conditions at Work Site	79
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Restrictions on Freedoms of Sugar Cane Workers

Restrictions may be more or less visible

- Non-payment, illegal deductions, recruiters who also work as foremen, arrange housing, etc.
- But isolation / living on site
- Also issues around piece rate system

Garment Workshops



- Small scale workshops in residential buildings; also serve as living spaces
- Subcontractors: usually only do sewing
- Now often run by Latin American immigrants (or by Brazilians, Koreans)

Wages in Garment Workshops

- Piece-rate
- Housing and food provided (1/3 system)
- Acceptable: equivalent of monthly minimum wage
 - *but may be lower at first job*

Working Hours in Garment Workshops

- Workers 'want' to work long hours
- Usually 5½ days per week
- Participants described work days from 12 to 18 hours long
- 'from Monday to Monday ... from 6am until 4am, 2am ... (Sunday) we only worked until 6.' (*Gabriel*)

Health and Safety Problems

- Illumination, ergonomics, building structure, hygiene in kitchen and bathrooms, quality and sufficiency of meals, repetitive work and long hours (from interviews); problems with eyes, kidneys and backs (Buechler 2004); skin problems, dengue, and delay of pre-natal treatment. (São Paulo City Council 2005, p. 32)
- Ventilation → Tuberculosis
- Health and safety issues affect children

Explicit Restrictions on Freedom

- *Gabriel*: closed doors; not allowed to go or even look outside; told story of police killing an immigrant; retention of documents; 20-hour days; one-year obligation; debt bondage – working off money 'owed' and piece-rate lowered while 'learning.'
 - Locked doors: *Danilo, Teófila, Isabela, (Elias)*
 - Document retention and debt: *Javier, Petrona*
 - Deportation threats and rules against going out: *Teófila, Petrona*
- Delayed payments: *Adalberto, Isabela, Teófila*
- **VARIETY**: workshops w/o these practices

Other Limitations on 'Freedoms'

- Loyalty to employers:
 - Shared immigrant identity
 - Networks and reputations
- Housing combined with work space
- Long hours
- Immigration status; lack of integration
- Aspirations to open workshops

Efforts to Combat Slave Labour: Increasing Focus on Sugar Cane Sector

- Gameleira case in 2005: 1,000+ workers 'liberated.'
 - Manual cane cutting labour-intensive
- Explicit targeting of sector since then
 - 2007: 2,947 (of 5,999) workers 'liberated'
 - 2008: 2,553 (of 5,016)

Improved Conditions for Sugar Cane Workers

- **Implementation of change in legal definition:** in presence of degrading conditions, the burden of proof regarding restrictions on freedoms has been lowered (not eliminated)
- *'I went in 2001. There were no set hours ... a lot of people were dying ... then a lot of people began to die, so the Labour Ministry came in ... and now, no ... things got much better for us.'*
(Rodrigo)

Exclusion of Immigrant Garment Workers

- Police still enforce immigration law when accompanying inspections
- Agreements with contractors; immigrant garment workers do not receive back wage
- Some prosecutions under 'slave labour' law, but cases not counted in 'slave labour' statistics
- Policy changes and proposals

Conclusion

- Re-defining slave labour in opposition to decent work has enabled efforts to improve conditions for sugar cane workers.
- The same is not true for immigrant garment workers in spite of similar issues faced by them.
- Expansion of efforts to combat 'slave labour' must prioritize a shift in ideas about whose rights society is responsible for.

Thank you!!!

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