

Worker Interview Guide Focused on Recruitment and Hiring



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Introduction

This tool is one of 17 tools comprising the Socially Sustainable Sourcing Toolkit (S3T), which was developed as part of Verité’s Cooperation on Fair, Free, Equitable Employment (COFFEE) Project through generous funding from the US Department of Labor’s Bureau of International Labor Affairs (USDOL-ILAB). The S3T was developed in alignment with USDOL’s *Comply Chain* model, with at least one tool created for each of the eight steps of *Comply Chain* (see graphic below). Many of the tools are derived from tools created for the *Responsible Sourcing Tool*, developed by Verité with funding from the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (J/TIP). The tools can be used *à la carte*, but it is important that companies have systems and tools in place for each step of *Comply Chain*.

STEPS OF COMPLY CHAIN AND CORRESPONDING TOOLS



U.S. Department of Labor Comply Chain Model

S3T Socially Sustainable Sourcing Toolkit

- STEP 1. Engage Stakeholders and Partners**
Guidance on Stakeholder Engagement
- STEP 2. Assess Risk and Impacts**
Risk Evaluation for Action in the Coffee Trade (RE-ACT) Dashboard
Root Cause Analysis of Labor Violations in the Coffee Sector
Self-Assessment Questionnaire for Coffee Traders
Self-Assessment Questionnaire for Coffee Producers
Self-Assessment Questionnaire for Labor Brokers
Guidance on Screening and Selection of Labor Brokers
- STEP 3. Develop a Code of Conduct**
Sample Code of Conduct Provisions
Sample Social Responsibility Agreements
Primer on Recruitment-Related Risks in the Latin American Coffee Sector
- STEP 4. Communicate & Train Across Supply Chain**
Guidance on Communicating Objectives and Standards Across the Supply Chain
- STEP 5. Monitor Compliance**
Guidelines on Monitoring of Coffee Farms
Guidance on Monitoring of Labor Brokers
Worker Interview Guide Focused on Recruitment and Hiring
- STEP 6. Remediate Violations**
Management Systems Framework for Preventing and Remediating Labor Risks
- STEP 7. Independent Review**
Framework for Independent Verification of Ethical Sourcing
- STEP 8. Report on Performance**
Guide on Public Reporting for Private Sector Stakeholders

Introduction to the Tool

This tool seeks to provide guidance on interviewing coffee sector workers about their recruitment-related experiences. Proactively interviewing workers on a regular basis can help coffee farms to prevent and address labor risks related to recruitment and hiring.

Guidance on Worker Interviews

It is extremely important to interview workers about their recruitment experiences because in many cases they are the only people – other than labor brokers themselves – who have knowledge about recruitment and hiring practices. However, it is also important to take into account that farmworkers employed in the coffee sector are vulnerable to reprisals and may therefore be hesitant to openly share their experiences. When planning worker interviews, companies need to recognize that migrants are a particularly vulnerable class of workers. Because of this vulnerability, migrant workers may understandably be reluctant to talk openly about how they were recruited or their current situation.

In order to increase the likelihood of gaining the trust of farmworkers, companies should consider using independent, specially trained local language interviewers and conduct interviews away from the work site and/or in an area where management does not have a way to monitor who workers are meeting with and what they discuss. It is important that interviewers be trained on recruitment and labor issues and interacting with vulnerable populations.

This document should be read as a guide rather than a rigid script. It should be used to help to structure natural conversations with workers after trust and rapport are built. Additionally, the following considerations should be taken for all worker interviews to promote informed consent and protection from reprisals:

1. Inform workers of the purpose of the interview, including how the information they provide will be used.
2. Explain to workers that it is entirely at their discretion to participate and that they can withdraw their consent to participate freely at any time.
3. Assure the workers that any information they provide will be kept confidential and that they will be not suffer any retaliation for participating in the interview.
4. Also assure workers that they will be paid in full for interviews conducted during working hours.
5. Explain to workers that the interview is not necessarily a means to resolve all individual grievances (although “zero-tolerance” issues such as harassment or trafficking should always be immediately addressed) or to improve general workplace conditions. The grievance process should be used for that purpose.

6. Conduct interviews in a place with adequate privacy from labor brokers or the crew supervisors, who may serve as an informal labor recruiter for members of a crew on coffee farms.
7. At the close of the interview, provide workers with contact information should they suffer any form of reprisal.

The following is a list of potential questions that could be asked during workplace assessments. Interviewers should select those questions most appropriate for the situation being evaluated.

Recruitment and Hiring

There are many stages in the recruitment and hiring process for farmworkers employed in the Brazilian coffee sector, and there may be many labor recruiters involved along the way. There are many different types of labor brokers, from formal subcontracting agencies, to crew leaders, to labor recruiters and their local sub-agents. These labor brokers sometimes simply recruit workers, and in other cases transport them to their employers and/or are responsible for the supervision and payment of workers. There are a number of terms that are used to refer to labor brokers in Brazil. The term *“empreiteiros”* generally refers to labor contractors. The term *turmeiros* is used to describe crew leaders who are involved in the recruitment of workers. The term *gatos* (literally “cats”) is a derogatory term for brokers or middlemen who are perceived to engage in deceptive or exploitative practices.

It is important to discuss the recruitment and hiring process with workers in order to better understand the process, actors, and circumstances involved in placing them on farms. Facing pressure to keep prices low, farms of all sizes may rely on labor recruiters to recruit seasonal workers. Labor recruiters organize and recruit workers and deliver them to farms to complete harvests. Recruiters may collect recruitment fees and/or make deductions from the workers’ pay. Informal labor brokers are common in the Brazilian coffee sector. All interviewers should be aware of local terms used for labor recruiters.

The following are some of the issues an interviewer should discuss with all workers:

- Where and how were you recruited for your current job?
- What is the name of each labor broker involved in your recruitment and hiring?
- At the time of recruitment, were you given information about the following in a language you understood at the time?:
 - the job location
 - the name of your employer
 - the sector in which you would be working
 - the tasks that you would be carrying out
 - the contract duration
 - hours of work
 - rate of pay

- working conditions
- living conditions
- Was this information accurate?
- Upon arrival in the destination country, did you receive orientation on following?:
 - regular wages and hours
 - benefits and deductions
 - overtime hours and rates
 - vacations, sick and personal leave
 - health and safety policies
 - discipline and termination
 - harassment and abuse
 - grievance procedures

Recruitment Fees and Expenses

While interviewing workers about their recruitment-related experiences, it is essential to obtain a thorough picture of all expenses incurred by workers in obtaining their jobs, as well as the manner in which workers finance these fees. The questions below will help you determine the full array of fees and expenses that workers may have incurred in obtaining their job abroad, and the terms of any financing arrangements into which the worker may have entered. While migrant workers are at increased risk of paying illegal recruitment fees or expenses, any worker engaged by a recruiter may have encountered fees in the hiring process.

ILO DEFINITION OF RECRUITMENT FEES AND RELATED COSTS

Definition:

Recruitment fees or related costs refer to any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection.

See more: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/--migrant/documents/publication/wcms_536755.pdf

Recruitment fees include:	Related Costs
a. payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment; b. payments made in the case of recruitment of workers with a view to employing them to perform work for a	i. Medical costs: payments for medical examinations, tests or vaccinations; ii. Insurance costs: costs to insure the lives, health and safety of workers, including enrollment in migrant welfare funds;

<p>third party; c. payments made in the case of direct recruitment by the employer; or d. payments required to recover recruitment fees from workers.</p>	<p>iii. Costs for skills and qualification tests: costs to verify workers’ language proficiency and level of skills and qualifications, as well as for location-specific credentialing, certification or licensing; iv. Costs for training and orientation: expenses for required trainings, including on-site job orientation and pre-departure or post-arrival orientation of newly recruited workers; v. Equipment costs: costs for tools, uniforms, safety gear, and other equipment needed to perform assigned work safely and effectively; vi. Travel and lodging costs: expenses incurred for travel, lodging and subsistence within or across national borders in the recruitment process, including for training, interviews, consular appointments, relocation, and return or repatriation; vii. Administrative costs: application and service fees that are required for the sole purpose of fulfilling the recruitment process. These could include fees for representation and services aimed at preparing, obtaining or legalizing workers’ employment contracts, identity documents, passports, visas, background checks, security and exit clearances, banking services, and work and residence permits.</p>
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Important: Enumeration of related costs in this definition is generalized and not exhaustive. Other related costs required as a condition of recruitment could also be prohibited.

The interviewer should be sure that the following issues are covered:

- Have you ever received an advance on your wages or a loan from the employer or labor recruiter?
 - If yes, how much?

- What were the terms of this loan, including the interest rate and financing period?
- Have the terms of the loan ever been changed without your consent?
- Were you required to pay it back or work a certain amount of time if you took an advance or loan?
- Did you pay a service, placement, or recruitment fee?
 - Who did you pay the fee to?
 - What did the fees and expenses cover?
 - How much was each fee or expense?
 - How much did you pay for travel costs (airfare or another mode of travel)?
 - Will return travel be paid by the employer or by you?
- Did the labor recruiter provide you with a written itemized breakdown of the fees and expenses paid?
- Did you have to pay any fees, expenses, or deposits up-front and/or are these deducted from your pay?
- Did you have to borrow any money to pay for recruitment fees and expenses?
 - If yes, how much was borrowed?
 - From whom did the money come?
 - Is there an associated interest rate and, if yes, how much is it?
 - How do you repay the loan?
 - What is the repayment schedule?
- Have you been repaid for any fees or expenses you paid to the recruiter or others to get your job?
 - If yes, who reimbursed you and when did that happen?

RED FLAGS:

- Advances, bonds, or deposits are acting to bind workers to their jobs in any way.
- Recruitment fees or expenses have been charged to workers. Best practice is that workers should not be charged any recruitment fees or expenses related to their recruitment.
- Recruitment fees or expenses paid by workers are acting to bind workers to their jobs in any way.
- Interest rates on any loans or advances taken to pay fees are acting to bind workers to their jobs. Vulnerability is particularly high when debt is owed to the employer or labor recruiter.
- Workers report paying fees but cannot provide details on the amounts or who the fees were paid to.
- Workers report paying fees but cannot provide any written accounting (in the case of informal recruiters, this may be a handwritten receipt, etc.).

Contracts

Formal and signed contracts of employment between the worker and employer or labor recruiter are legally binding agreements and necessary to provide employment protection to workers. They are a cornerstone to monitoring social compliance and essential to clarifying the employment relationship and its terms and conditions. When assessing the recruitment and hiring of workers, companies must examine copies of these contracts to determine wage levels and other entitlements under the contract; it is also necessary to understand how and when the contract was signed, and under what conditions.

Farmworkers employed in the Brazilian coffee sector may have different types of contractual agreements depending on many factors, such as whether they are waged workers, tenant or share crop farmers, smallholder contract farmers, or day laborers. While the content and form of contractual agreements may differ regarding the specific nature of the terms, companies should ensure the following topics are considered when conducting worker interviews: type of contractual agreement (employment contract, tenancy contract, contract with a labor broker, etc.), length of contract, nature of work, hours of work, wages, rates, mode of payment, frequency of payment, personal protective equipment (PPE) provided, transportation (if applicable), and employer or labor broker provision of food and/or housing (if applicable).

It is important to note that in the Brazilian coffee sector, when workers are provided with contracts, it is often only male heads of household who are given contracts, even when their wives and children assist them in their production. It is essential that all people working on a farm be provided with a written contract. It is also essential that workers be provided with a contract in a language that they can understand, and in the case of illiterate workers, that the terms of their contract are accurately explained to them in a language that they are fluent in.

Consider discussing these issues with workers as an important part of your worker interview process:

- Did you sign an employment contract for the job?
 - If yes, with whom was the contract signed (the farm, the labor recruiter, or another labor broker)?
 - Do you fully understand the terms and conditions of the contract?
 - In what language is the contract written and do you understand that language?
 - Were the terms of the employment contract explained to you in a language that you are fluent in?
 - When and where was the contract signed (e.g., prior to departure or upon arrival at the worksite)?
 - Were you given a copy of the contract to review prior to signing?
 - Once signed, were you given a copy of the signed contract?
 - Did you have to sign two sets of employment contracts with different terms?

- Was your original contract amended in any way following signature?
- Did you have a verbal contract?
- Are the details contained in your written or verbal contract consistent with the details that were provided at the time of recruitment?
 - If not, what was changed?
- Are the actual terms and conditions on the job consistent with those that are described in the employment contract?
- Were you pressured or threatened in any way into accepting the job or any of the terms included in the employment contract?
- Does the contract clearly describe the process for early contract termination, including the minimum notice period and any financial penalties involved?

RED FLAGS:

- Workers do not have written contracts.
- Contracts are not in a language the workers understand.
- Contracts were signed after work was already undertaken.
- There are differences between contracts provided by workers and employers.
- Workers report that terms of employment are not consistent with their contracts.
- Workers report signing blank contracts or contract substitution.
- Contracts do not contain all detail required by law and company policy.
- Terms of contract violate farm policies or Brazilian law.

Document Retention

Confiscating, destroying, withholding, or otherwise denying access to personal documents can be a form of coercion that prevents workers from leaving farms on which they are employed. When labor brokers take away workers’ personal identity documents (i.e. carteiras de trabalho, passports, residency or work permits, etc.) or even ATM cards this not only limits workers’ freedom of movement and personal freedom, but it effectively binds them to that employer or labor recruiter, restricting their ability to terminate employment or leave the job without the threat of losing this valuable property. In many cases, it also means that workers are not able to take up a new job, access social benefits to which they may be entitled, and are vulnerable to deportation or detention by immigration authorities. The carteira de trabalho is an extremely important, irreplaceable document, as they contain invaluable documentation on workers’ past jobs, which is needed to get new jobs and collect social security benefits. It is also important to note that while Brazilian law requires that employers register the labor relation on the first day of work, they must return the carteira within a maximum of 5 working days.ⁱ It therefore is essential that the company address the following issues in interviews with migrant workers:

- Did you turn over any original copies of your government-issued identification documents (i.e. carteiras de trabalho, passports, residency or work permits, etc.) or ATM cards or bank documents to a labor broker?
 - If yes, what document did you turn it over?
 - Did you request them to hold your document or were you required to turn it over?
 - What was the reason?
 - How long was it retained for?
 - Were you able to gain access to it at any time?
 - What is the procedure for getting your documents back?
- If your document was retained, did this prevent you from moving around or freely traveling off of the farm?
- Do you have free access to a locked, secure storage space for your personal documents and valuables?
 - Where is your locked storage located (accommodation, work location, both)?

RED FLAGS:

- Workers do not have any access to personal documents.
- Workers report that their freedom of movement has been limited by inability to access documents.
- Workers report that their ability to access legal recourse or benefits has been limited by their inability to access their documents.
- Workers report lack of locked secure storage for personal belongings.

Freedom of Movement

Labor brokers may place restrictions on workers’ freedom of movement, both on coffee farms or in worker housing. Restrictions can be built into workplace or housing policies, or they may result from the security environment; worker’s migration status; cultural norms or considerations; active threats, intimidation, and harassment by a labor recruiter, crew leader, or security guard; and deceptive or hidden forms of coercion such as document confiscation, which is addressed above.

Most forms of restrictions on freedom of movement are wholly unreasonable and highly abusive. To make sense of this complex issue, here are some of the topics that can be included in interviews with workers concerning their freedom of movement and personal freedom:

- Are there any restrictions on your freedom of movement in the workplace during working hours?
 - If yes, what are these restrictions?
- Do security personnel ever restrict your freedom of movement in the workplace for reasons other than workplace security?

- Are you ever restricted from or monitored when using the bathroom facilities?
- Are you free to get drinking water whenever you wish?
- Are you free to perform religious practices without restriction?
- Are you free to leave the workplace immediately after your shift?
- Are you able to get permission to leave the employer during work hours under reasonable circumstances?
- What is the procedure for requesting permission to leave the workplace (e.g., do you need a labor broker signature or a gate pass)?
- If you live in housing operated by the employer or labor recruiter, are you required to live there as a condition of recruitment or continued employment?
- Are you free to leave the worker housing and reside elsewhere?
- Are you free to come and go as you please during non-working hours?
 - If not, what are the restrictions on freedom of movement?
- Does the worker housing have a curfew?
- Are there any housing rules and regulations that you believe unreasonably restrict your personal freedom?

RED FLAGS:

- Workers do not know where the farm is located.
- Workers report that they lack a means of transport or the resources to leave the farm and return to their communities of origin.
- Workers report that their freedom of movement is restricted by their employer.
- Workers report that guards prevent them from leaving the farm without permission.
- Workers report constant surveillance by employer or supervisor.
- Workers report intentional attempts by employer or supervisor to contribute to an environment of isolation.
- Workers report threats or consequences for leaving the farm without permission or before they have worked for the duration of their contract.
- Workers report that employer or supervisor-imposed limitations on their freedom of movement have negative consequences on other areas of their lives (e.g., ability to see their family, pursue religious activities, socialize, organize freely, access health-care, etc.).

Freedom to Terminate Employment

Once they have begun work, the ability of workers to terminate their employment at any time with reasonable notice and without penalty is central to ensuring that they work in a free employment relationship. In speaking with migrants, companies may wish to probe this issue and seek to identify whether any limitations exist that prevent

workers from terminating their contracts before they are finished. Questions they may ask include:

- Are you required to work a certain period of time (i.e. 90 days or until the end of the harvest before you can leave the farm?)
- Are you and other workers free to resign from your position without penalty prior to the end of your contract?
 - If not, why not?
- Are you free to remove yourself from working situations that pose an imminent threat to your safety and/or health?
 - If not, why not?
- What is the required notice period and process for terminating a contract early?
- Do you know what would happen if there is an emergency back home and you couldn't give the required notice?

RED FLAGS:

- Workers report excessive restrictions on their ability to terminate their employment prior to finishing their contract.
- Workers do not feel able to remove themselves from dangerous conditions without facing reprisals.
- Workers do not feel free or able to leave their employer.
- Workers would suffer financial or other types of penalties for terminating their employment early.

Wages and Deductions

In many cases, labor brokers are responsible for paying coffee harvesters.ⁱⁱ This causes a lack of transparency in the payment of wages. Even if farm owners pay labor brokers over the minimum wage for each worker, there is generally a lack of systems in place to ensure that brokers are passing these wages onto workers in practice.

Wage payment systems can vary in the coffee sector and are often tied to production. Coffee harvesters are generally paid by the piece, most often according to the amount of coffee harvested. Risks for child labor can occur when children accompany their families, especially when workers are compensated based on total amount harvested. The use of quotas or piece-rate systems can encourage significant overtime or can incentivize the use of child labor.

The ultimate goal is that employers have a transparent system that documents the amount of work a worker performs: the wage system, how many hours worked or quota units completed, what overtime wages are applicable, and how much money workers received after deductions at the end of the pay period. Workers should be able to receive some sort of pay slip, even if handwritten, that both the worker and the employer can confirm is accurate.

To address this complexity and establish a clear picture of wage conditions, companies may wish to consider discussing the following with workers:

- Are you paid by a labor broker?
- How is your payment calculated (e.g., hourly, daily, piece rate, by task, percentage of harvest, etc.)?
- Are you paid at least the minimum wage?
 - If you are paid a piece rate or by task, are you guaranteed to earn the minimum wage independent of production?
- Do you have to meet any production quotas?
 - If so, are there reductions in earnings or financial penalties for failing to meet quotas?
- How are you paid in (i.e. cash, check, direct deposit, and/or company store voucher)?
- If children or family members work with you, do they receive their own wages or piece-rate wages for their individual work?
- Do you receive your pay on time?
- Have wage payments, or any portion of wages, ever been withheld?
 - If yes, what were the circumstances of this?
- Do you receive a pay slip or wage statement on payday?
 - If yes, is this pay slip in a language you understand?
 - Does it clearly indicate wage calculations and any deductions that are made from your salary?
- Are any deductions made from your wages?
 - If yes, how much is deducted and what for (e.g., meals, transportation, lodging, utilities, uniform, tools, other)?
 - Were you made aware of these deductions when you signed your contract, and did you approve of them?
- Do you ever receive wages in the form of non-cash or “in-kind” payments?
 - If yes, what types of in-kind payments (i.e. food, supplies, housing, etc.)?
 - What percentage of the wage has been paid in this way?
- Do you participate in a savings program sponsored by the labor broker?
 - If yes, is this program voluntary?
 - Where are your savings kept?
 - When do you get your savings back?
 - Have you had any difficulties in accessing your savings or getting them back?

RED FLAGS:

- Workers feel that the wage or pay system in practice was not adequately explained to them prior to beginning work.
- Workers do not receive payslips.
- Payslips are not in a language workers understand.
- Pay slips are inaccurate or do not contain adequate detail of how wages or earnings are calculated.
- Workers do not feel they have adequate visibility into earnings calculations (i.e. workers paid on a piece-rate basis are excluded from the process of weighing/measuring/grading their coffee).
- Workers do not understand how their earnings and/or deductions are calculated.
- Workers are charged financial penalties for failing to meet production quotas.
- Workers are not able to earn the minimum wage under piece-rate systems unless they work overtime and/or involve family or child labor.
- Workers are not paid on time.
- Workers (or their families) are provided with cash advances and in-kind supplies, the value of which is deducted from their pay at high interest.
- Workers are paid in vouchers for company-owned stores instead of in cash.
- Worker earnings or payslips do not correspond to records provided by the employer.

Working Hours and Forced Overtime

Long working hours are relatively common in the Brazilian coffee sector, and there is an increased risk of working hour violations amongst workers employed by labor brokers. The limited timeframe of harvest seasons may result in pressure to increase productions. However, workers should never be forced to work overtime (over 8 hours per day) or be required to work in excess of 10 hours a day. Workers should be paid overtime premiums for all overtime and work outside of regular hours, including workers who are paid piece rates.

Addressing these issues should be central to all worker interviews:

- What is your average workday?
- Do you have to work overtime (over 8 hours per day)?
 - If yes, how often?
- Do you need to work in excess of 8 hours per day to earn the minimum wage?
- Do you need to work in excess of 8 hours per day to meet production quotas?

- Are you ever forced by your labor broker to work overtime?
- Are you given advance notice by the employer or labor recruiter when overtime is required?
- Are you free to refuse overtime without threat or fear of punishment?
 - What happens if you refuse to work overtime?
- Are you allowed to take meal breaks and rest breaks?
- Do you receive at least one 24-hour period of consecutive rest each week?
- How do you record your hours worked?
- Do you experience fatigue that prevents you from doing your job safely?
- Are you compensated for the time it takes you to commute or be transported to your work site?

RED FLAGS:

- Work hours exceed legal or company limits, whichever is stricter.
- Workers have to work in excess of legal limits to earn the minimum wage or to meet production quotas.
- Labor broker records of work hours are inconsistent with hours reported by workers.
- Workers are unable to meet quotas without regularly working overtime.
- Workers are unable to earn minimum wage under piece-rate schemes without working overtime.
- Workers report that they are forced to work overtime and/or are penalized for failing to work overtime.
- Workers report or show symptoms of fatigue (e.g., exhaustion, unable to communicate clearly, increased frustration, inability to focus on tasks, cutting corners to finish more quickly, taking unusual risks, slow response times, not noticing impending physical risks, making unusual mistakes on routine tasks).

Discipline

Disciplinary measures and, in particular, the penalty of dismissal or denunciation to authorities can be abused to threaten, take advantage of, and apply pressure on workers. While some measures may be justified in reacting to misconduct, disciplinary measure should not result in compulsory labor or an obligation to work. The interviewer should discuss disciplinary measures and determine that they are fair, objective, transparent, and communicated to workers in language they understand. Here are some of the issues auditors may wish to discuss:

- What steps do labor brokers take to discipline a worker?
- What types of misconduct carry the penalty of dismissal?

- Is there a clear process that includes investigation before workers are terminated?
- Have you ever been disciplined at work?
 - If not, do you know of others that have?
- Do disciplinary measures ever involve forced or compulsory work as punishment for a workplace infraction?
- Have you even been given a fine or wage deduction as a disciplinary measure?
 - If yes, could you describe the circumstances?
- Do deductions for tardiness or time missed ever exceed the wage equivalent of the time missed?
- Do you know if workers are ever forced to sign a letter of resignation?

RED FLAGS:

- Workers report financial penalties as punishment.
- Workers report difficult, degrading, or compulsory work as punishment.

Harassment and Abuse

Harassment, abuse, and threats or use of violence can take many forms in the workplace or in employer- or labor recruiter-operated residences. They can be perpetrated by a labor broker or crew leader, as well as by a supervisor, manager, security guard, or even a fellow worker at almost any stage of the employment relationship, including during the recruitment and hiring phase. The aim may be to frighten workers or pressure them into accepting certain terms and conditions of employment or living conditions; or it may be to force them to work overtime or perform hazardous or life-threatening tasks.

Women workers in the coffee sector are particularly vulnerable to gender-based violence and sexual harassment in the field, where they may be relatively isolated should they need help. In some contexts, workplaces reproduce social hierarchies and notions of male domination, resulting in “the exertion of power through sexual language” becoming a tool that male supervisors use to control female workers.ⁱⁱⁱ

Whatever the case, there should be a strong policy in place to prevent such behavior, and workers are a key potential source of information when determining labor broker compliance with that policy. Interviewers should consider discussing the following:

- Have you ever been subjected to or witnessed verbal harassment or abuse by labor brokers?
 - If so, please what happened and when and did it happen (or is it still ongoing?)
 - Who was involved?
 - Was it resolved, and if so, how it was resolved?
- Have you ever been subjected to or witnessed physical abuse by labor brokers?

- If so, please what happened and when and did it happen (or is it still ongoing?)
- Who was involved?
- Was it resolved, and if so, how it was resolved?
- Have you ever been subjected to sexual harassment or abuse by labor brokers?
 - Is it still ongoing?
 - Who was involved?
 - Was it resolved, and if so, how it was resolved?
- Are you aware of employer policies and procedures for dealing with harassment and abuse complaints (e.g., reporting, investigation, follow-up, and sanctions)?

RED FLAGS:

- Workers report any actual or threatened verbal, sexual, or physical abuse, or harassment, of themselves or others. Any instance of abuse should be treated as a zero-tolerance issue.

Living Conditions

In some cases, farmworkers are provided with housing and/or food by their labor brokers or crew leaders, who sometimes make excessive deductions from workers' wages for these services. Labor broker-provided food and housing is in many cases sub-standard, and workers generally have no other options available if they wish to continue working on the farms. This also creates multiple levels of dependency on their employers, an indicator of labor trafficking. The following questions can be asked to assess risk:

- Does your labor broker or crew leader provide you with housing/sleeping quarters?
 - If so, are you charged for your housing?
 - How much?
- Does your worker housing have the following:
 - Sufficient space?
 - Sufficient privacy?
 - Adequate safety?
 - A place to store your valuables?
 - A kitchen?
 - A bathroom?
 - Showers?
 - Electricity?
 - Clean drinking water?
- Describe where you sleep.
 - Are you able to get good rest?
 - If not, why not?
- Are you charged for utilities (electricity, water, gas, etc.)?

- If so, how much?
- Are you charged for transportation to the worksite?
 - If so, how much?
- Are you ever exposed to pesticide applications in your housing?
- Are there food preparation and dining facilities?
 - Describe where you prepare food and eat.
- Does your labor broker or crew leader provide you with food?
 - If so, are you charged for the food, and how much?
 - Are you provided with adequate food?
 - Is the food of adequate quality?
- Do you believe the conditions of your housing or food have caused any injuries or illnesses?
- Did you understand what your living conditions would be like before you accepted this job?
- What would happen if you complained about living conditions?

RED FLAGS:

- Workers report excessive charges for food or housing.
- Workers report unsanitary or dangerous conditions or feeling unsafe in their housing.
- Workers report that their housing lacks basic services (a kitchen, bathroom, running water, drinking water, electricity, etc.).
- Workers cannot get enough rest to safely perform their jobs due to poor sleeping conditions.
- Workers report that they are provided with inadequate food and/or low quality, unhealthy, or unsanitary food.
- Workers are suffering illness or injury due to poor housing conditions or unsanitary food preparation.
- Workers cannot effectively lodge complaints about living conditions.

ⁱ Governo da República Federativa do Brasil. “Consolidação das Leis do Trabalho”. Decreto-Lei 5,452. Arts. 168. May 1, 1943.

ⁱⁱ Novaes, Roberta Brandão. “Forasteiros: trajetórias, experiências de trabalho e práticas de deslocamento dos trabalhadores do café no Alto Paranaíba. 2009. <https://tede.ufrrj.br/jspui/bitstream/tede/662/1/2009%20-%20Roberta%20Brandao%20Novaes.pdf>

ⁱⁱⁱ Zaglul, Layla. “Navigating unsafe workplaces in Costa Rica’s banana industry.” openDemocracy.net. November 15, 2017. <https://www.opendemocracy.net/beyondslavery/layla-zaglul/navigating-unsafe-workplaces-in-costa-rica-s-banana-industry>