



SWEET AND SOUR

An investigation of conditions on tropical fruit farms in North-East Brazil

Embargoed until 00:01 10 October 2019

A government policy of periodically raising the minimum wage, proactive enforcement of that policy, and clear labour laws have raised incomes and reduced inequality between men and women workers in Brazil over the past 20 years. However, these gains are now at risk from recent labour reforms.

This briefing paper, part of Oxfam's campaign to end human suffering in food supply chains, looks at in-work poverty and labour rights abuses faced by seasonal workers in Brazil's tropical fruit sector, which supplies major international supermarket chains.

It argues for transparency from supermarkets about their fruit supply chains and for the Brazilian government to continue to raise minimum wages and strengthen labour protections in order to address poverty and reduce inequality.

The research presented in this paper identifies good practice in resolving and preventing labour rights abuses through collective bargaining agreements, which could be a model to improve wages and working conditions in supply chains globally.

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This paper was written by Peter Williams. Oxfam acknowledges the assistance of Gustavo Ferroni, Robin Willoughby, Helen Wishart, Rachel Wilshaw, Irene Guijt, Tim Gore, Georgi York, Rachel Colbourne, Ed Pomfret and Art Prapha in its production. It is part of a series of papers written to inform public debate on development and humanitarian policy issues.

For further information on the issues raised in this paper please email advocacy@oxfaminternational.org

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The information in this publication is correct at the time of going to press.

Published by Oxfam GB for Oxfam International under
ISBN 978-1-78748-488-7 in October 2019.

DOI: 10.21201/2019/4887

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Front cover photo: Hands showing fruit. Credit: Tatiana Cardeal/Oxfam

Back cover photo: Mango fruit plantation. Credit: Tatiana Cardeal/Oxfam

SUMMARY

Brazil has been getting it right on workers' rights in many ways. A policy of progressively increasing the national minimum wage, a clear and robust labour code, an effective system of inspections and penalties, and a thriving independent trade union movement have all combined to raise living standards and reduce gender inequality over the past 20 years.¹

However, these gains are now at risk. Recent political developments in the country have weakened workers' rights and undermined collective bargaining. In 2019, Brazil was rated for the first time as a high-risk country in the International Trade Union Confederation (ITUC) Global Rights Index – sliding from one of the world's best performers to one of the worst in just three years.²

As part of its campaign to end human suffering in food supply chains,³ Oxfam has investigated the labour conditions for workers in melon, grape and mango production in the North-East region of Brazil.

Brazil has found a niche exporting tropical fruits like mangos and papayas, and Mediterranean fruits like grapes, melons and watermelons when they are out of season in Europe and North America.⁴ In peak months such as September and October, half the mangos on supermarket shelves in the USA are likely to come from the country.⁵ Brazil also grows one in every four oranges consumed globally.⁶

Oxfam's research shows pockets of good practice on fruit plantations in the São Francisco valley of North-East Brazil, with fruit growers sitting down with unions to agree better working conditions and remove barriers to permanent employment facing women seasonal workers. These improvements in conditions show the potential for supermarkets and other food sector companies to improve their understanding of, and impact on, supply labour rights by engaging with trade unions and producer groups, as reflected in the recommendations of Oxfam's *Ripe for Change* report on improving workers' rights in food supply chains.⁷

At its best, Brazil's fruit sector has the makings of a more effective and sustainable approach to ethical trade than the prevalent 'top-down' model used by supermarkets and suppliers, which is based on social audits and enforcement of corrective actions. For example, supermarkets can work with trade unions on both due diligence and implementation, and support workers' access to trade union representation and collective bargaining through their policies and sourcing decisions.

Oxfam's investigation also shows areas of serious concern. One of the biggest is the widespread and systemic poverty among seasonal workers, particularly women, on sites with supply relationships with supermarkets in the USA and Europe.

The seasonal nature of their employment means these workers are unable to meet their families' basic needs and are kept in poverty. Women workers in precarious employment are less able to speak up for their rights than men, as they are often unable to access a union and can be excluded from collective bargaining agreements.⁸ Their caring responsibilities at home mean they cannot migrate for work. Some complained of harsh treatment and indignities at the hands of supervisors – such as being forced to wait for water or toilet breaks.

The interviews with workers and other stakeholders conducted for this report also uncovered farms with poor working conditions and inadequate protection against exposure to agro-chemicals; practices that are in breach of the codes that supermarkets have signed up to, including the Ethical Trading Initiative (ETI) Base Code in the UK,⁹ and the international labour and human rights law on which they are based.¹⁰ This shows that an approach to human rights risk management based on auditing and enforcement alone is neither sufficient to eradicate abuses, nor raise conditions above a bare legal minimum.

It cannot be right if having melons at Christmas in Europe and North America means perpetual poverty for the families of the women who harvest them, leaving them dependent on support from other family members or government welfare schemes. Nor can it be good for business or productivity if women are unable to access sanitation and men's health is at risk from pesticide exposure.



Maria, a fruit worker, sits near a mango tree. Photo: Tatiana Cardeal/Oxfam

If left unchecked, the recent changes to labour laws in Brazil could heighten risks in the supply chains of European and North American supermarkets sourcing fruit and other products from the country. The supermarkets have a moral imperative, and there is a business case, to add their voices to those of civil society groups calling for the Government of Brazil to respect and protect workers' rights.

Oxfam is calling for action in three areas to ensure that the gains in workers' rights in Brazil over the past 20 years are protected or enhanced, while at the same time eradicating violations of human rights and labour rights in food supply chains. Many of the problems in this report and the lessons derived from Brazil are equally applicable in other supply chains and other countries. As part of its campaign to end human suffering in food supply chains, Oxfam is calling for:

- **Improved transparency from supermarkets and suppliers in the sourcing of tropical fruit.** Supermarkets should publish the names and addresses of their suppliers, down to farm level (second tier), in Brazil and other countries. This will allow local civil society and trade union groups to flag any human, labour or women's rights concerns and act as the 'eyes and ears' on workers' rights as part of effective due diligence by supermarkets and suppliers.
- **Engagement with unions in monitoring, due diligence and implementation.** It has long been recognized that the top-down model in which food companies audit their suppliers and demand corrective actions has had only limited success in reducing labour abuses.^{11,12} Interviewees reported that despite audits and certification, labour rights violations seemingly persist on tropical fruit farms in North-East Brazil. Supermarkets and suppliers should work with Brazil's independent trade unions to understand and tackle the precarious employment and poverty among seasonal workers harvesting tropical fruits. Empowering workers and their employers to reach agreement about what is achievable locally – and ensuring women's voices are heard – is likely to have more sustainable outcomes in delivering decent working conditions and wages that exceed the legal minimum standards.
- **Better legal protections for workers.** After years of progressive policies that have improved workers' rights, the labour reforms of 2017 have served to weaken workers' rights and their protections against dismissal, resulting in an increase in informal and precarious employment. The Brazilian government should maintain the policy of progressively raising the real value of the minimum wage and review the impact of the 2017 labour reforms against their intended outcomes. Supermarkets can play a role in advocating better legal protections for workers and a minimum wage that meets basic family needs to the Government of Brazil and governments in other countries.

'The fruit leaves here all wrapped up and pretty [and goes] direct to the supermarket. But if they knew what the life of the farm-worker is like they would have a greater conscience.'

'If only they treated the workers as well as the fruit!'

A packhouse worker from a mango/grape plantation in Bahia

1 INTRODUCTION

Brazil is the third largest producer of fruit in the world. Much is grown for the domestic market, but large-scale production for export is increasing. Brazil is the world's top exporter of orange juice, growing 60% of the world's juice oranges.⁶ Brazil has also found a niche exporting tropical fruits like mangos and papayas, and Mediterranean fruits like grapes, melons and watermelons when they are out of season in Europe and North America.¹³ In peak months such as September and October, half the mangos on supermarket shelves in the USA are likely to come from the country.¹⁴

Large-scale fruit production has been made possible in the semi-arid soils of North-East Brazil through irrigation projects along the margins of the São Francisco river in the states of Pernambuco and Bahia, and by exploiting underground aquifers in the neighbouring states of Rio Grande do Norte and Ceará. Land previously seen as unproductive was rapidly acquired by large-scale farming companies with the resources needed to set up irrigation systems and meet the exacting quality specifications demanded by supermarkets. Smallholder farmers sold up or had their lands expropriated, adding to the unequal concentration of landholding in the region. The smallholders and their families became the workforce on the new plantations.

Pernambuco and Bahia produce 62% of Brazil's mangos, including most of its export crop, and 35% of its grapes. Ceará and Rio Grande do Norte produce 75% of the country's melons. For every 10 hectares of fruit plantation, around 25 people are employed (by comparison, soya cultivation generates one job per 10 hectares).¹⁵ In these four states, farms producing these three fruits (mangos, melons and grapes) employed 38,377 permanent workers in 2017,¹⁶ as well as tens of thousands of seasonal workers, who are contracted in their thousands at harvest and then dismissed when harvest comes to an end a few weeks or months later.¹⁷

Nevertheless, these fruit-growing regions of North-East Brazil continue to suffer from poverty and inequality. As part of its campaign to end human suffering in supermarket food supply chains, an investigation by Oxfam¹⁸ aims to understand the conditions for workers in the mango, grape and melon export sector – in which Brazil is a major player.

Oxfam's research has revealed structural issues that create vulnerabilities and drive poverty among the seasonal workers on whom growers depend at harvest time. At the end of the supply chain that brings fruit all year round to supermarkets in the USA and Europe are vulnerable women workers in temporary employment. The nature of their employment means they are unable to meet their families' basic needs, and must rely on support from other family members or government welfare programmes for survival. These women workers are the face of inequality in Brazil, and fruit production depends on them.

Oxfam's investigations also found poor conditions on fruit farms that have been heavily audited. The lack of active listening to the voices of vulnerable workers (such as the women who report having to queue for long periods of time for the toilet or water) and weaknesses inherent in the top-down auditing model mean that these issues go undetected and may be invisible to some supermarkets at the top of the supply chains.

The UN Guiding Principles on Business and Human Rights put a responsibility on companies to carry out due diligence in their global food supply chains and remediate and prevent recurrence of any human and labour rights abuses found. However, supermarkets do not publicly list the companies that supply their fruit. This lack of transparency denies workers access to remedy, and acts as a barrier to supermarkets finding out about any grievances of workers growing the fruit they sell.

Nevertheless, companies sourcing fruit from North-East Brazil will need to improve the transparency of their sourcing, engage in due diligence to ensure that the rights of workers in their supply chains are respected, and support legal protections for Brazilian fruit workers. The UN Guiding Principles on Business and Human Rights are clear that businesses can be seen as 'complicit' if they contribute to, or are seen to contribute to, adverse human rights impacts caused by other parties – where, for example, they are seen to benefit from such abuse.¹⁹

The global tropical fruit supply chain in Brazil has by no means the worst record on workers' rights and conditions within Brazil. It is seemingly free from the extreme abuses, including child labour and modern forms of slavery, which occur in coffee farms, cattle ranching and other agriculture sectors in Brazil.²⁰ Conditions in Brazil also compare favourably with many other fruit-exporting countries such as Peru, where civil society groups have expressed serious concerns over the weakening of environmental and social standards in the country.²¹

Reflecting this, the researchers discovered elements of good practice. Poverty and income inequality had been falling in Brazil as the government has progressively and purposively raised the minimum wage (although progress has stalled in recent years).²² Robust, well-enforced labour laws and a vibrant trade union movement mean that workers are better protected in Brazil than in many major horticulture export countries.

On fruit farms in the São Francisco valley, which spans the states of Pernambuco and Bahia, unions and employers have agreed a sector-wide collective agreement. This covers issues ranging from the provision of weather shelters, eating facilities, toilets and drinking water to transport and accommodation. It details first aid and health and safety measures, alongside strong provisions for pregnant women, nursing mothers and crèches. Protections for seasonal workers have improved, through minimum and maximum contract periods for short-term (seasonal) contracts, giving them equal rights to permanent workers after five months. Collective bargaining, coupled with the longer season for grapes, have improved conditions for temporary and permanent workers alike.

'We only get enough money for food. Even so we have to buy things on credit at the end of the month to avoid going hungry.'

A packhouse worker from a mango/grape plantation in Bahia

However, these gains are now at risk. Recent administrations have sought to make Brazil more competitive in the global market by weakening workers' rights and protections, for example making it less expensive for employers to fire workers,²³ and promoting flexible employment inter alia to stimulate the economy. This has led to increased informal and precarious employment.

The failure of the top-down auditing model in preventing the poor conditions found on some farms and addressing the systemic vulnerability of women seasonal workers, shows that a step change is needed in implementation by supermarkets.

This report investigates the conditions faced by workers in the supply chains of tropical fruit production in Brazil. The next section (Section 2) examines the background to economic inequality and labour rights in Brazil. Section 3 looks at the lives of farm workers in the tropical fruit sector in North-East Brazil, through case studies that illustrate the human cost of a failure to respect or protect labour rights. Section 4 draws conclusions and makes recommendations for companies and the Brazilian government to address the issues revealed by Oxfam's research.



Fruit company workers on a mango plantation. Photo: Tatiana Cardeal/Oxfam

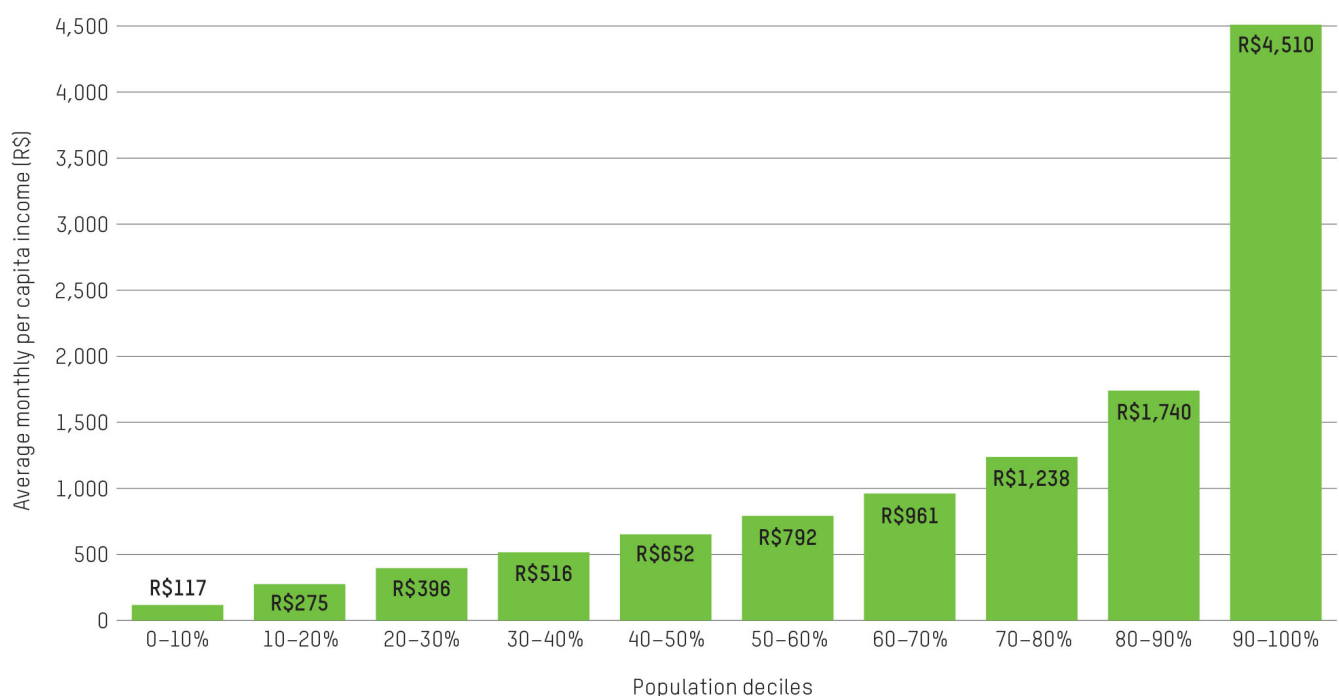
2 ECONOMIC INEQUALITY AND WORKERS' RIGHTS IN BRAZIL

Substantial inequalities in Brazil across income, gender, race and region

Brazil is the world's 10th most unequal country, in a ranking of 140 countries.²⁴ More than 16 million people (8% of its 209.3 million population) live below the poverty line. The richest 1% own 48% of Brazil's wealth, while the poorest 50% own just 3% of its wealth.²⁵

There is a similar huge divide in incomes between rich and poor families. Figure 1 shows average per capita monthly income in Brazil (2016 data).

Figure 1: Average per capita incomes in Brazil (per decile), 2016



Source: R. Gorges. (2017). *Inequalities in Brazil: The distance that unites us*. Oxfam Brasil.
Retrieved from <https://www.oxfam.org/en/research/distance-unites-us-overview-brazilian-inequalities>

The poorest 10% of households survive a whole month on just R\$117 (equivalent to \$31)²⁶ apiece. The incomes of the top 10% are almost 40 times higher, at R\$4,510 (\$1,194) per capita per month. Within this group are the very rich, whose average per capita monthly income is around

R\$190,000 (\$50,300). To plot the income of the very rich to scale on the graph above would have needed a sheet of paper over three metres tall.

While income inequality in Brazil is less severe than it was 20 years ago, there is also substantial inequality of income based on gender and race, and across different regions.²⁵ In 2015, women were taking home on average 62% of male wages. The average income of a person who is black was roughly half (57%) that of the income of a person who was white.²⁷

These inequalities are also evident in access to basic services such as healthcare, education, and water and sanitation, and are further manifested in large disparities in life expectancy. For example, in the middle class Pinheiros district of São Paulo, life expectancy is 79 years, while in the poor district of Cidade Tiradentes it is just 54 years.²⁵

How minimum wage was used to reduce poverty and inequality

Over the past two decades, workers in Brazil have seen marked falls in wage inequality under the governments of President Luiz Inácio (Lula) da Silva (2003–2011) and President Dilma Rousseff (2011–2016). This is principally the result of systematic increases in the real value of the minimum wage in conjunction with effective enforcement of labour laws and strong trade unions.

Systematic increases in the real value of the minimum wage

Brazilian rural workers, at least those in formal employment, usually earn the minimum wage, or close to it. Indeed, many incomes across Brazil are very close to the minimum wage. The level at which the minimum wage is set in Brazil (as in many other countries) is therefore key.²⁸

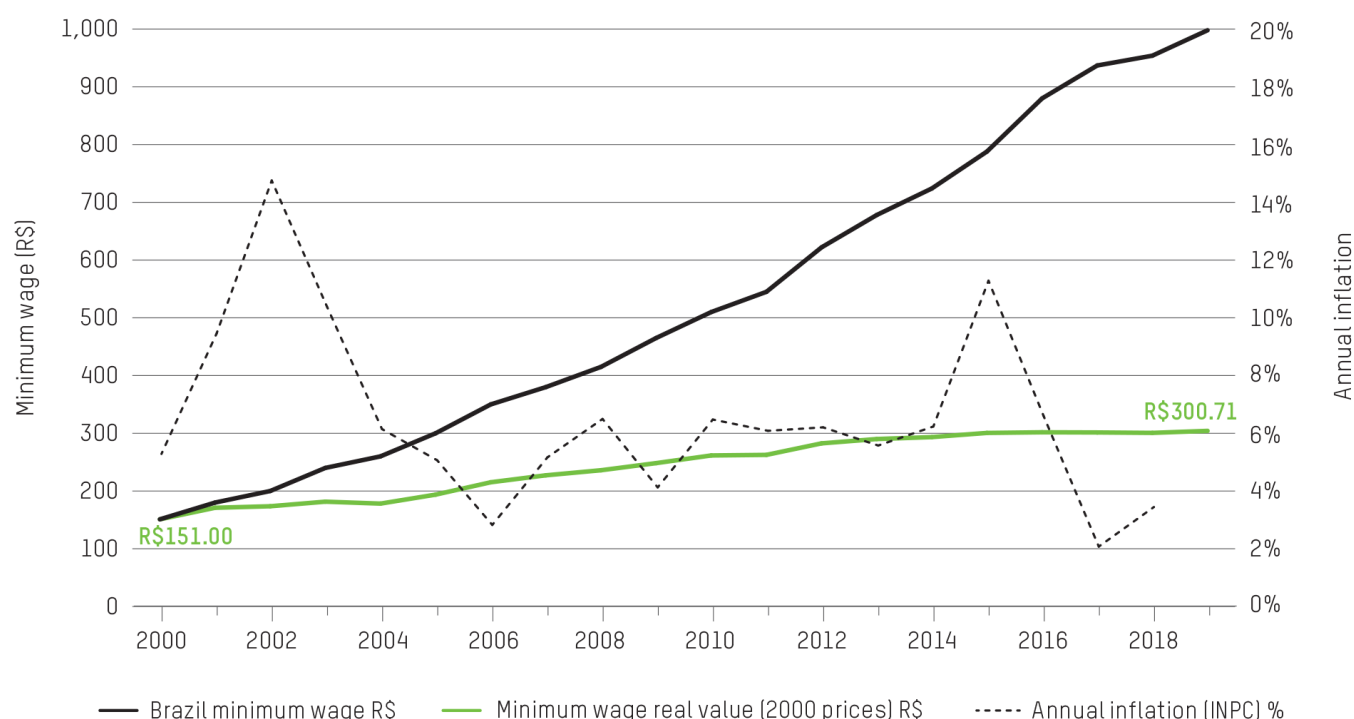
While still well below what could be considered a living wage,²⁹ the national minimum wage in Brazil has been progressively increased by successive governments since the 1990s (see Figure 2). Since 2008, it has been set under a formula that considers both inflation and growth in gross domestic product (GDP).³⁰ This saw the minimum wage rise from R\$151 (\$40.3) in 2000 to R\$998 (\$267)³¹ in 2019. More importantly, the real value of the minimum wage has risen, doubling from R\$151 (\$40.3) to the equivalent of R\$301 (\$80.5)³², over this period.

During this same period, the government also took proactive measures to enforce the minimum wage, resourcing and professionalizing the Labour Inspectorate.³³

In the context of economic growth, this combination of progressive increases in the minimum wage, proactive enforcement and a vibrant civil society has reduced household income inequality in Brazil, with the strongest impacts being among lower paid households, whose labour income is linked to the minimum wage. A recent study found that the steady rise of the minimum wage led to a reduction of wage

disparities between men and women, rich and poor regions, and highly skilled and less-skilled workers.³⁴

Figure 2: National minimum wage, Brazil 2000–2019



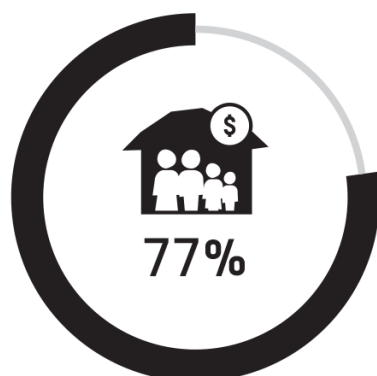
Source: Inflation data from Brazilian Institute of Geography & Statistics (*Instituto Brasileiro de Geografia e Estatística, IBGE*).³⁵ Minimum wage from <https://www.portalbrasil.net/salariominimo.htm>³⁶

Gender inequality, while still significant, has been reducing as more women are employed in formal sector jobs.³³ One study showed that in 1995, women in Brazil received on average 78% of men's wages, while in 2011, this figure was 83%.¹

Nevertheless, Brazil still has some way to go in closing the gap between the minimum wage and a living wage.³⁷ Governments in Vietnam, Ecuador, Morocco and Peru have set relatively higher minimum wages (defined as exceeding 50% of monthly GDP per capita). By comparison, the minimum wage in Brazil in 2018 was R\$954 (\$252), just 34% of the monthly GDP per capita (\$743)³⁸. As explained in Oxfam's *Ripe for Change* report,⁷ higher minimum wages help to narrow the living wage gap for workers in food supply chains.

Figure 3: Higher minimum wages help to narrow the living wage gap for workers in food supply chains

Average wage as % of living wage



HIGHER MINIMUM WAGE

Prawn (Vietnam), bananas (Ecuador), tomatoes (Morocco), avocados (Peru)



LOWER MINIMUM WAGE

Green beans (Kenya), canned tuna (Thailand), tea (India), grapes (South Africa)

Source: R. Willoughby and T. Gore. (2018). *Ripe for Change: Ending human suffering in supermarket supply chains*. Nairobi: Oxfam International.

Effective enforcement of labour laws

Labour law is stronger in Brazil than in many countries. All legal provisions are laid out in a single document, the Consolidation of Labour Laws (*Consolidação das Leis do Trabalho*) (also known as CLT), which is updated as laws are amended. The CLT is very explicit, with clear penalties for infractions. On the minimum wage, for example, it stipulates fines for employers in addition to compensation for affected workers. It is monitored and enforced by inspectors from the Ministry of Labour (*Delegacia Regional do Trabalho*).

As a result, workers, with the support of their unions, are largely able to seek redress – for example, back pay – through the state system. As an indication of just how effectively the CLT is enforced, Brazilian employers (in the formal sector at least) go to great lengths to demonstrate their compliance with the law, to avoid the risk of legal action.³⁹

Strong trade unions

The rights of workers (and employers) to freedom of association and collective bargaining are enshrined in Brazil's Constitution. The law only allows a single union within any given sector and locality, but systems for registering unions and resolving inter-union disputes are functional. Unions have also benefited from an obligatory mechanism for payroll collection of membership fees and an annual 'union tax' (*imposto sindical*) equivalent to one day's pay per year. Unions have had a dynamic and democratic history and a strong role in Brazilian society, especially since the days of military rule (1964–1985), which they helped bring to an end.⁴⁰



Fruit company workers on a mango plantation. Photo: Tatiana Cardeal/Oxfam

Workers' rights and labour gains now at risk

Many of the gains in workers' rights are being put at risk by controversial labour reforms introduced in 2017. Brought in by President Temer's administration as a response to the economic shocks and contraction of the economy during 2015–2016, the reforms have weakened workers' rights. For example, clauses prohibiting zero-hours contracts and labour-only sub-contracting were repealed, and many farm workers have seen their wages cut by a change in the law under which they were paid for time spent travelling to work, which in Brazil can be considerable.⁴¹ Seasonal and other workers who have been employed for less than a year are also no longer eligible for unemployment benefit or redundancy payments.

Myriad small changes in the CLT have weakened job security and the ability of trade unions to intervene when workers are dismissed. Union finances have also been hit by the abolition of automatic payroll collection of union membership fees. This has already started to affect workers' ability to negotiate over working conditions.⁴²

Announcing the labour reforms, President Temer promised they would generate economic growth and increase formal employment.⁴³ The result, however, has been an increase in informal and precarious employment. In the first year after the reforms, 600,000 workers entered the informal employment market – almost twice the number of formal

jobs created over that period (372,000). Of the latter, 19,000 (5%) were part-time, and 36,000 (10%) were newly legalized 'intermittent' (zero-hours) contracts.⁴² Overall, a number of indicators point to an increase in poverty between 2016 and 2017.⁴⁴

Further major changes made by President Bolsonaro, the successful candidate in a highly polarized 2018 election, who took over from President Temer in January 2019, have aggravated the situation – notably the dissolution of the Ministry of Labour, whose functions are to be parcelled out among the Ministry of Economy, Ministry of Justice and others.⁴⁵

As recently as 2016, Brazil was ranked in the second-best category (higher than the UK, for example) in the ITUC Global Rights Index. This category is for countries where rights – although under repeated attacks by governments and/or companies – are largely observed. However, by 2019, Brazil was downgraded to category five – reserved for countries where workers have limited access to their rights and are exposed to autocratic regimes and unfair labour practices due to 'regressive laws, violent repression of strikes and protests, and threats and intimidation of union leaders'.²

Box 1: Agro-chemicals and pesticides in Brazil

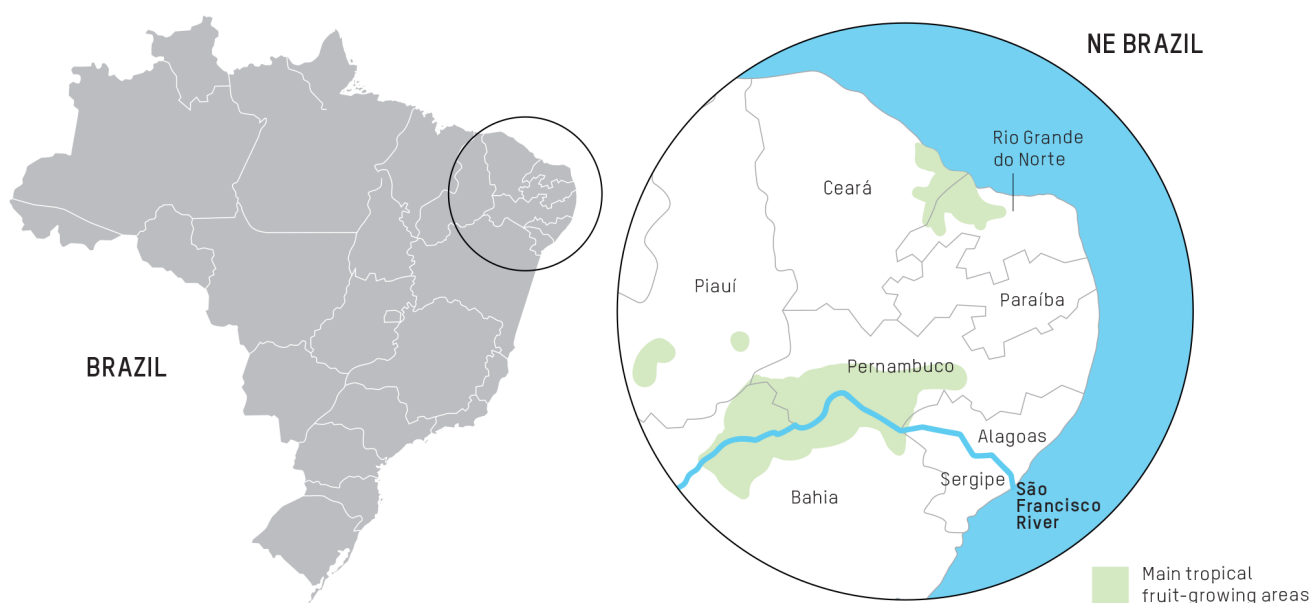
Brazil is the largest purchaser of pesticides in the world. There has been a significant spike in the approval of pesticides that are hazardous to the environment and/or the health of workers applying them since 2016, under the governments of Presidents Temer and Bolsonaro, both of whom are close to Brazil's powerful agribusiness lobby. Over 1,200 pesticides and weed killers were approved in the last three years, including 193 containing chemicals banned in the EU. Of the 169 products approved since President Bolsonaro took office, one in four contain substances not approved in Europe and 14% contain chemicals explicitly prohibited in the EU. Almost half of these products contain active ingredients that are featured on Pesticide Action Network's list of highly hazardous pesticides, indicating they pose a risk to human health or the environment.⁴⁶

3 THE LIVES OF WORKERS ON TROPICAL FRUIT FARMS IN NORTH-EAST BRAZIL

Inequality in the tropical fruit-growing municipalities of Brazil

The regions and municipalities where irrigated tropical fruit production takes place represent the very face of inequality in Brazil.

Figure 4: Tropical fruit-growing regions of North-East Brazil



Source: Oxfam

The municipality of Baraúna, in the state of Rio Grande do Norte (see Figure 4) is home to two major fruit-exporting companies: CTM Agrícola and WG Produção e Distribuição de Frutas SA, and several others. The human development indicators for the municipality (HDI_m), based on life expectancy, education and income, were 'low' (0.574). In 2010 (the last year for which figures are available), average per capita income stood at R\$264 (\$150)⁴⁷ per month, and 28% of the population were in poverty and 12% in extreme poverty,^{48,49} suggesting that much of the value generated from exporting the fruits is not retained in the municipality.

The expansion of irrigated fruit-growing in the neighbouring municipality of Jandaíra saw GDP per capita soar from R\$3,400 in 2003 to R\$8,700

in 2010. Even so, 42% of the population was below the poverty line, and 23% below the extreme poverty line in 2010.

There are also questions regarding environmental sustainability. Irrigated fruit production in Rio Grande do Norte and Ceará depends on the use of underground rain-fed aquifers, pumped up by deep tube wells. Intensive use of water for commercial irrigated agriculture has caused the water table to fall even when rainfall is close to the average, and more so during periods of drought. This had a major impact on smallholder farmers, whose wells ran dry.⁵⁰

The São Francisco river, which runs 2,800km from Minas Gerais in central Brazil to Pernambuco in the North-East and provides hydroelectric power and drinking water to communities along its length, also suffers from over-extraction and deforestation in catchment areas. Attempts are now being made in both Rio Grande do Norte and Ceará⁵¹ and along the São Francisco valley⁵² to manage water resources more sustainably.

A tale of two regions

Between November 2018 and July 2019, a team of investigative journalists and Oxfam staff in conjunction with farm-worker unions carried out research into working conditions in tropical fruit production in North-East Brazil. The team undertook 58 in-depth qualitative interviews with key informants, including trade union leaders with good visibility and experience of working conditions across the sector, and workers from 14 fruit-producing companies in 10 municipalities in two key fruit-growing clusters: one within the states of Rio Grande do Norte and Ceará; the other along the São Francisco valley in Pernambuco and Bahia states.¹⁸

The research revealed that wages in the sector are low, set at or slightly above the minimum wage, which at the time was R\$954 per month²⁶ (equivalent to \$253).²⁶ This is 60% of one credible benchmark for the living wage, calculated for the rural coffee-growing region of South-East Brazil at R\$1,596 (\$423) per month.⁵³ Permanent and seasonal workers' wages are similar, and women earn less than men on average, by a factor ranging from 5% (mango sector, Bahia) to 15% (melon sector, Rio Grande do Norte). Skilled work like tractor driving is paid slightly better (R\$1,077), but still nowhere near what a family needs to meet its basic needs, estimated by the Global Living Wage Coalition as R\$2,483 for a family of two adults and two children.⁵⁴ The Inter-Union Department of Statistics and Socio-Economic Studies (DIEESE), estimates the average household in Brazil would need to earn R\$3,960 per month (November 2018) to meet its basic needs (a figure that does not account for the number of wage-earners in the household).⁵⁵ While neither benchmark was set for the context of North-East Brazil, it seems clear that by either measure, even permanent workers struggle to meet their basic family needs.

Women workers on temporary contracts struggle to meet their families' basic needs

On fruit farms across the sector, but most acutely on farms in Rio Grande do Norte and Ceará, seasonal workers face an even greater struggle to meet their families' basic needs because they are on short-term contracts and have limited opportunities for work between harvests. Seasonal workers may earn the minimum wage but are typically employed for just three to six months a year. A seasonal worker employed for six months, with no other source of income, received (in 2017) an average monthly income of R\$590 (\$156), which is not much above the poverty line for Brazil (\$5.50 per day or R\$406 per month), and that is for a worker without dependents. Workers on short-term contracts also have fewer rights, and the temporary nature of their employment creates vulnerability and drives income insecurity and poverty. Many of the women workers we met were only able to survive with the support of their parents and families, and through using government welfare schemes.

Seasonal workers are poorly protected in international labour law and the company codes based on them. The International Labour Organization (ILO) Convention 184 on **Safety and Health in Agriculture** states that 'temporary and seasonal workers should receive the same safety and health protection as permanent workers', but that is all. The temporary workers on whom the fruit and horticulture sectors depend for harvest, many of whom are women, are among the most vulnerable workers in global food supply chains. Their precarious employment drives the in-work poverty documented by our research (which occurs when a working household's total net income is insufficient to meet their needs).⁵⁶



Carlos, a former sprayer and tractor driver, has been living with itching, exposed wounds, marks all over his body and dry skin after working with fertilizers in vineyards. Photo: Petrolina Rural Workers' Union.

In-work poverty of seasonal workers is a systemic and widespread problem in the Brazilian tropical fruit sector and many other agricultural sectors worldwide, but is not identified as a breach in supplier audits because seasonal workers are poorly protected in international labour law.

Recognition of the vulnerability of seasonal workers is growing. The ETI is road-testing guidance to help supermarkets and food companies implement the ETI Base Code with vulnerable women, migrant and seasonal workers in the Italian tomato and horticulture sector, and elsewhere.

The poor handling of and inadequate protection against exposure to pesticides and agro-chemicals described to us are in breach of **ETI Base Code 3** which requires that '*Working conditions are safe and hygienic*' and similar clauses in the codes of non-ETI member supermarkets, and the ILO **Safety and Health in Agriculture Convention (C184) 2001**.⁵⁷ They are also in breach of Global-GAP, a voluntary code with detailed requirements on the handling and control of risks from agro-chemicals, and other good agricultural practices,⁵⁸ which most supermarkets require their suppliers to meet.

The challenges faced by seasonal workers fall more heavily on women, whose caring responsibilities, looking after children and elderly relatives, preclude them from seeking work outside the area. Our interviews found that some female employees reported experiencing harassment and controlling behaviour by supervisors, which serves to create a compliant and uncomplaining workforce in many companies, a poor substitute for proper human resources management.

Box 2: Gender and the vulnerability of seasonal fruit workers in Brazil

The tropical fruit sector employs a lot of temporary or 'seasonal' workers at harvest time. Workers are taken on in their thousands, only to be dismissed after a period of weeks or months as demand for their labour falls. It is not easy to distinguish between seasonal workers and those dismissed or leaving for other causes, but precarious employment is the norm during harvest. This is reflected in the high annual labour turnover across the three fruit sectors (grapes and mangoes in Pernambuco and Bahia, melons in Ceará and Rio Grande do Norte). The combined workforce across these three sectors was 38,377 at the end of 2017, but a greater number, 39,005 workers in all, had been taken on – whether as seasonal or permanent workers – and had been dismissed during the course of the year.⁵⁹

Roughly one third of the workforce are women, ranging from 14% in melons (RGN/CE) and 29% in mangoes (PE/BA), to 49% in grapes (PE/BA). In every crop women workers were 10-15% more likely to be employed short-term; while women totalled 33% of the workforce (all three sectors), 39% of women workers had been in post for less than six months.⁵⁹

The seasonality of the demand for labour and the shortage of alternative employment (outside harvest time) in the rural fruit-farming areas, add to the vulnerability of seasonal workers. Male harvest workers can migrate in low season in search of work, an option often not available to women workers because of their family and caring responsibilities. Their precarious employment makes women workers less willing to speak out against the indignities and harsh treatment meted out by supervisors as a means of control in the worst workplaces.

Oxfam's Supermarkets Scorecard⁶⁰ asks companies to take action to improve the position of women in their food supply chains by: identifying value chains with a high proportion of women, seeking to understand the 'root causes' of negative impacts experienced by them, recognizing (and disclosing) the specific challenges that disproportionately impact women in agricultural supply chains, setting time-bound targets for improving the position of women across its highest risk food supply chains, and reporting against these.

Seasonal workers are poorly protected under ILO conventions. Unless supermarkets address the specific (and gendered) root causes, women seasonal workers and their families will continue to suffer in-work poverty,⁵⁶ and will not enjoy other elements of decent work.⁶¹ In Brazil, supermarkets should support collective bargaining processes that address issues that are important to women workers, and Oxfam research shows that this is a potential model for addressing such issues.

To understand what life is like for seasonal workers, and how their work affects their ability to lead a decent life, we present case studies of some of the farm workers who participated in the interviews. They represent the hidden faces of the tropical fruit export sector in North-East Brazil.

Some of the names have been changed, and names of some farms have been omitted, at the request of the workers interviewed, to protect their livelihoods.

Eridenes

Company: Undisclosed, Mossoró (Rio Grande do Norte)

Fruit: Melon

Eridenes, aged 40, has worked in agriculture since she was 16. She is employed at harvest as a seasonal worker (*safrista*) for a fruit company and packs melons for export markets in Europe, North America and beyond.

Eridenes only has work for seven months a year, earning R\$970 (\$257) per month during employment, slightly more than the legal minimum (R\$954, equivalent to \$253 per month at the time of research). When the harvest is over, she is dismissed, often to be recruited again at the start of the next harvest. The rest of the year she is unemployed. However, she and all other seasonal workers have no guarantee that they will be taken on the following year.

A single mother, Eridenes and her teenage daughter, Érika, depend on her parents to get her through the five months that she is out of work.

Eridenes runs a little stall selling drinks and snacks on the street on days she is not working for the fruit company. It brings in a bit of money, but between harvests no one in her neighbourhood has work and trade dries up.

Eridenes has no complaints about her employer, which is one of the better companies in Rio Grande do Norte. At 40 years of age, 24 of which she has spent in export agriculture, she thinks she will carry on like this until she retires. 'If I get enough to eat, that's enough for me. In today's world people cannot have a dream.'

The plight of Eridenes is shared by millions of seasonal workers around the world. Companies depend on them to pick fruit at harvest time, but as soon as the harvest is over, the workers are laid off. Jobs, which are plentiful at harvest time, then dry up. Eridenes' earnings over the year are not sufficient to meet her family's needs. Without help from her parents, she and her daughter would go hungry.

Yet in this situation, no laws have been broken. Workers like Eridenes are essential to the global melon value chain yet live in a permanent state of poverty.

'I just manage as well as I can. At times there is no money. We never go hungry, because my mother does not let me down... when I am unemployed it is her who provides breakfast and lunch.'

Eridenes, a temporary harvest worker on a melon farm

Laura

Company: Finoagro, Ipanguaçu (Rio Grande do Norte)

Fruit: Mango

Laura, 36, worked at the Finoagro farm in Ipanguaçu, which grows mangos for many supermarkets in Europe and the USA. Laura was employed on a 45-day fixed-term contract, tasked with selecting mangos and cleaning. She reported that she was one of the first to be dismissed as production started to fall, and told researchers that she was laid off after only four weeks.

Laura explained that her brief experience of employment was marked by pressures, worries and humiliations meted out to her and other women workers, who are treated harshly, with supervisors at times showing disdain. Laura and other workers at the farm told researchers that the most frequent complaint was the lack of freedom to take toilet breaks or go for a drink of water (they must first get authorization from a supervisor to do either).

'You have to wait your turn to go to the bathroom. There are a lot of women and they are only allowed to go one at a time. Sometimes you already want to go when you ask.'

She reports that this rigid policy of control creates embarrassment and a work relationship based on tension and fear. Women drink water and go to the bathroom as little as they can, so as not to appear unwilling to work in the eyes of the supervisors. As a result, several women had developed urinary infections.

It was also hard being parted from her baby daughter. Shortly after she started at Finoagro, Laura's husband got a job in Rio de Janeiro, 2,400km from Ipanguaçu. He sends back enough to pay for food and the electricity bills. Working on the afternoon shift, Laura started work at 4pm and worked through to 1am, leaving her baby with her mother-in-law. It was 2am before she could breastfeed her baby, before falling asleep. It was especially difficult when the child was ill.

'One Saturday, the girl had a burning fever, and when I had reached my target I said to the supervisor "my child is ill and has a fever, can I go now?" But he said no because I had not completed my hours.'

Laura would not work in fruit production if she had a choice. 'I put up with it because I was unemployed and we needed (the money).' Now unemployed again, and with her husband's job coming to an end, she needs to find another job as soon as possible. There is no work for her husband in Ipanguaçu, so he is always away. Laura ends up spending much of the year alone with her three children. 'I am the man *and* the woman of the house', she says.

Laura fears that early next year they will all be out of work. The family is registered on the government *Bolsa Família* social protection programme, but the income is not enough to support everyone in the household.

Women workers like Laura on short-term contracts are doubly vulnerable. Their seemingly precarious employment makes them unwilling to speak out about indignities served out by supervisors as a form of control. Those who complain may be the first to be laid off and may not be rehired the following year. Women workers and mothers such as Laura are more vulnerable; male workers can leave the area to seek better-paid work, as they are not held responsible for caring and household work, which is largely deemed the women's responsibility. Being unable to leave the line for toilet and water breaks amounts to harsh treatment under certification standards and company codes, such as ETI Base Code 9, which states that '*No harsh or inhumane treatment is allowed*'.

Lucas and Pedro

Company: Caliman, Jandaíra (Rio Grande do Norte)

Fruit: Papayas, guavas and bananas

While other farms run by Caliman Agricola are known for offering good conditions, employees at the Caliman farm in Jandaíra described poor conditions and ineffective measures to protect workers from agro-chemicals.

Lucas works at the farm run by Caliman in Jandaíra spraying agro-chemicals (or 'poison', as the workers call it) and earns R\$1.077 (equivalent to \$285) per month. Pedro also works at the farm, and earns the minimum wage of R\$954 (\$253) per month. The bananas and guavas they produce are taken weekly to the Santa Luzia farm, where they are sold and exported.

Lucas reported that working conditions at the Jandaíra farm are poor in many ways, including the handling and prevention of health risks from agro-chemicals. Every day, workers have to put diesel in the tractor with a bucket and a hose, using their mouths to siphon the diesel. There are two tractors, but neither has a protective cabin – unlike those at Caliman's Santa Luzia farm and neighbouring farms. Protective cabins are mandatory according to the course Lucas took, run by the company itself.

The workers receive an extra R\$80 a month to apply agro-chemicals, which they call the 'spraying bonus'. According to them, Caliman claims that the sprays are not hazardous. However, the experiences recounted by workers contradict this. Some reported having had to leave the farm or change jobs as a result of exposure to agro-chemicals.

The workers we interviewed reported that protective equipment – overalls, gloves, boots, goggles and mask – do not prevent the spray from reaching workers' faces and arms, and that their personal clothes get soaked during application, because the overalls are not waterproof. They also reported that if the wind is blowing in the wrong direction, the pesticide spray is blown in their faces because the goggles are not sealed.

They tell us there is no proper place for the workers doing the spraying to wash or change before eating or going home. There are hoses but little else. Their uniforms are rinsed overnight, but they return home wearing clothes contaminated with chemicals.

Workers bring water from home to drink during their working day. The company provides a 100-litre drinking water tank once a month. It is stored among containers of agro-chemicals and diesel. With 12 employees, the water only lasts a few days. Workers told us they have complained many times, but the company has always found excuses and not taken action to improve conditions.

'I went and asked the company if they could at least provide drinking water. They refused, saying they had no way to bring it to the farm. They would not budge. They said there wasn't much work around here and we would suffer if we walked out.'

Lucas, a worker at the Caliman farm in Jandaíra (Rio Grande do Norte)



A fruit company employee uses a tractor to spray fruit. Photo: Tatiana Cardeal/Oxfam

Carlos

Company: Undisclosed (Pernambuco)

Fruit: Table grapes

Carlos has worked on fruit farms since 2001. He has been employed for different tasks and now works with ferti-irrigation, a technique that mixes fertilizers with water for irrigation, which is dripped onto grape vines from an elevated hose. He operates the system and has to deal with the agro-chemicals. He has serious skin problems and claims they come from working with the agro-chemicals used in ferti-irrigation. He took sick leave, but when he returned to work his skin condition came back in a couple of days.

The health director of the Petrolina Rural Workers' Union, Daniel, believes the ferti-irrigation scheme causes many workers to develop allergies and serious skin diseases. According to Daniel, it is hard to undisputedly prove the relationship between the skin problems and the substances used. The unions in Petrolina are therefore pushing for research about the potential health hazards of ferti-irrigation on grape farms.

Even relatively safe pesticides, and other agro-chemicals such as hormones used to extend the growing season, must be used with appropriate control measures to prevent exposure and health risks.

Workers and their union safety representatives should also be given adequate information about the substances they are using, potential health risks, and necessary control measures. Ferti-irrigation of grape vines is potentially hazardous because workers can be contaminated from the elevated hoses, and in preparation of solutions.

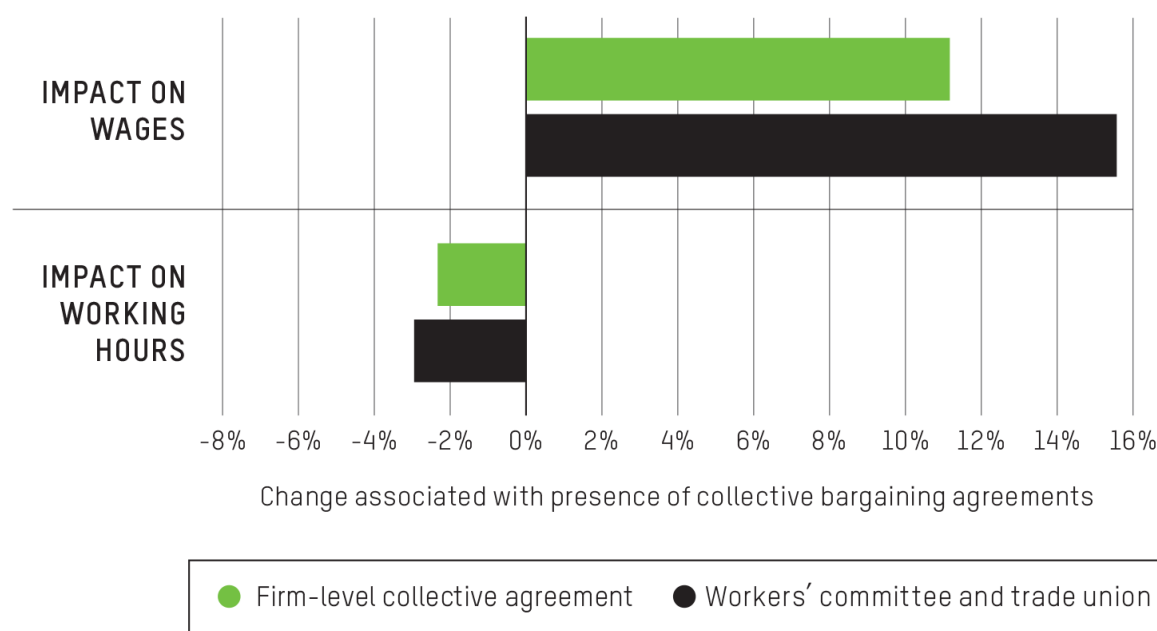
A collective bargaining agreement paves the way for decent work

While Oxfam's research shows the challenges faced by seasonal workers, our investigation also highlights examples of good practice that can underpin decent work for women and men working on fruit plantations in North-East Brazil.

Plantation companies and trade unions have sector-wide collective bargaining agreements (CBAs) in the São Francisco valley, Rio Grande do Norte and Ceará. In the São Francisco valley, which spans Pernambuco and Bahia, somewhat better wages and conditions have been agreed under a wide-ranging sector-wide CBA between unions and employers. The most recent CBA, which came into force in January 2019, sets the basic wages for agricultural workers in the sector at R\$ 1,041 (equivalent to US\$278³¹), which is a modest but significant 4.3% higher than the minimum wage, which in the same month rose to R\$998³⁶ (US\$267).³¹

This gives credence to the findings of previous Oxfam research⁷, that effective trade unions and strong institutions of collective bargaining have the potential to boost wages and reduce working hours for workers in global supply chains.

Figure 5: Strong trade unions and CBAs boost wages and reduce working hours for workers in global supply chains



Source: R. Willoughby and T. Gore. (2018). Ripe for Change: Ending human suffering in supermarket supply chains. Nairobi: Oxfam International.

Workers and their trade union representatives also told us that many issues documented in Rio Grande do Norte were not problematic in the São Francisco valley, which suggests that the CBA contains effective policies and good practices, notably in areas which are important to women workers. Under the São Francisco valley agreement, temporary workers have the right to a permanent contract if they are employed for five months within a given year, encouraging their employment on a permanent basis. Women are active and well-represented within the São Francisco valley unions, which have negotiated provisions around crèches, time off for breastfeeding, augmented rights for re-employment after maternity leave, and leave for hospital and medical appointments – for workers and any dependent children.

There are still very high levels of worker turnover in the grape and mango sectors in Pernambuco and Bahia, where in 2017 28% of the workforce were employed for under six months, a figure which compares favourably with the Rio Grande do Norte/Ceará melon sector, where 45% of the workforce at the end of 2017 had been with their employer for less than six months.⁵⁹ Finding a solution to the vulnerability of temporary women harvest workers is a challenge in many countries. Workers and their employers in the São Francisco valley have come to an agreement which, by tackling barriers to women's permanent employment, goes a long way towards addressing this challenge.

The São Francisco valley CBA also contains comprehensive provisions on the safe use of agro-chemicals, including the provision of protective equipment and showers, and other safety measures, as well as access to toilets and drinking water. Gangmasters and fictitious apprenticeships are prohibited. Clauses allowing shop stewards (*delegados sindicais*) two days per month to carry out union duties mean that unions are also more active in monitoring compliance.

Unions complain that many producers in the region are not fulfilling all these conditions. Nevertheless, the São Francisco valley offers many examples of good practice in employment in horticulture, and a more sustainable model for implementing ethical trade and labour rights than the conventional model of audit and enforcement – which has proven ineffective in dealing with many challenges in the supply chain.

Collective bargaining, coupled with the longer season for grapes, have improved conditions for temporary and permanent workers alike. While conditions are not perfect, the better practices evident in the São Francisco valley represent a model for promoting decent work and putting into practice the ILO's Decent Work agenda⁶¹ in an agricultural setting.

Box 3: The supermarket connection

As explained in Oxfam's *Ripe for Change* report, supermarkets play a critical role in enabling or undermining the conditions for decent work for the women and men that produce our food. Through their purchasing practices, contractual terms and relationships with suppliers, they can depress prices and heighten risks for workers in their supply chains.

Tropical fruit from Brazil, such as mango, papaya, melons and grapes, is commonly found on the shelves of supermarkets across the world – either sourced directly from farms in the country, or through third-party suppliers. The vulnerability of seasonal workers is prevalent in this sector and therefore any company with sound human rights due diligence should be aware of the potential sourcing risks.

Brazil exported 234,000 tonnes of melons, 180,000 tonnes of mangos and 55,000 tonnes of fresh grapes in 2017, mostly destined for the USA and European markets. In peak months such as September and October, half the mangos on supermarket shelves in the USA are likely to come from the country.⁶²

Despite this, supermarkets fail to publish where they source their fruit in sufficient detail, or add such information to the labelling of produce. As such, it is difficult to trace fruit from a specific farm to the shelf of a supermarket. This seeming lack of transparency means that consumers, shareholders or civil society groups are unable to hold supermarkets to account for how they source their products – or where they source them from.

As illustrated in this paper, interviews undertaken by Oxfam researchers shows evidence of wages that are below a living wage, and short-term and precarious employment of seasonal workers. These issues are widespread, structural and prevalent, and are likely to be found at the majority of farms in the sector, and therefore in the supply chains of multiple supermarket chains in Europe, North America and beyond.

Despite limited visibility and the difficulty tracing supply chains, we have evidence of supply relationships between major international supermarket chains and companies linked to the farms that Oxfam researchers visited for their interviews.

Two Brazilian suppliers have been named in case studies above, which potentially illustrate shortfalls in current practice:⁶³

- Caliman Agricola, where despite good practice in many areas, workers at one site recounted poor health and safety practices, resulting in exposure to agro-chemicals, and the non-provision of drinking water for workers.
- Finoagro,⁶⁴ where some women workers reported harsh treatment and indignities at the hands of supervisors – such as being forced to wait for water or toilet breaks. Female workers also reported a work relationship based on tension and fear.

In response to Oxfam's request for information, the following supermarkets based in Germany, the Netherlands, the UK and the USA confirmed, or have not denied, sourcing from one or both companies:⁶⁵

- Edeka
- Kroger

- Lidl
- Morrisons
- Plus
- Sainsbury's
- Sam's Club
- Tesco
- Walmart
- Whole Foods

Conditions like those described in the case studies above were also found at other fruit farms in Brazil (which we have not named to protect the confidentiality of interviewees).

The large number of supermarkets sourcing from Brazilian tropical fruit suppliers illustrates the systemic nature of the problems described in this report, alongside the need for a collective response from supermarkets and suppliers to address human rights risks in their supply chains.

Oxfam welcomes the fact that some companies were willing to confirm their sourcing relationships in response to Oxfam's request. Supply chain transparency is an important driver of corporate accountability and efforts to improve working conditions in global supply chains. We would encourage these companies to go further and publish their global supply lists.

4 CONCLUSION AND RECOMMENDATIONS

The Brazilian tropical fruit sector needs large numbers of workers at harvest. Seasonal workers, many of whom are women, have fewer employment rights than permanent workers and are more vulnerable. Many are unable to earn a sufficient income to meet their family's basic needs. Some, like the women workers whose stories are told here, face harsh treatment and protection from workplace hazards for men and women workers alike falls short.

In line with Oxfam's recommendations to improve workers' rights in supply chains, supermarkets should do much more to improve transparency and strengthen their supply chain monitoring. They should:

- Adopt a human rights due diligence approach. Oxfam is calling on supermarkets not to rely on compliance audits but to embrace a different approach that puts human rights at its centre, to help identify the key problems in high-risk food supply chains and formulate a robust strategy to address them;
- Prevent human rights abuses in supply chains by identifying the adverse impacts of their businesses on the workers and farmers who produce the food they sell. Inform and engage with workers, trade unions and suppliers in finding sustainable solutions to these; and
- Increase their positive social impact by using their economic and political power to support decent work for all people involved in their supply chains.

Oxfam's investigation shows that collective bargaining can be effective in improving working conditions. Trade unions and suppliers in the São Francisco valley have found workable solutions which meet the needs of women and men workers – going beyond the minimum required by law in many cases – and reduce the vulnerability of seasonal workers. It highlights the positive impacts of working with trade unions and suppliers to improve labour conditions. It also points out the importance of robust and well enforced national labour laws, and the risk that changes in legislation could reverse gains in workers' rights.

While most supermarkets, and most farms in the tropical fruit sector in North-East Brazil, are seeking to avoid abuses, the inability of the sector to prevent the violations we found highlights the need for structural change in Brazil and across other global supply chains in the following three key areas.

Improving transparency of sourcing

Local trade unions can be the eyes and ears of supermarkets in European and North American markets, alerting them when things go wrong. But the lack of transparency in global food supply chains means

that when abuses of human rights or workers' rights take place, they do not know who they could contact to make a complaint.

Companies have a responsibility under the UN Guiding Principles for Business and Human Rights to provide a confidential complaints mechanism so that workers who are victims of labour rights abuses can seek resolution and remedy. The current lack of transparency in fruit and other food supply chains is a barrier to speedy intervention and effective resolution, and workers' access to remedy.

Supermarkets must do more to inform consumers, civil society and investors about where and how the goods they sell are produced. Publishing a list of suppliers down to farm level could be transformative for women and men working in food supply chains, allowing better identification of any problems faced and supporting remedy.

There is also inadequate accountability for potential health risks workers face from exposure to agro-chemicals used in fruit production. Workers and their unions need full disclosure of the chemicals used on farms so that they can ensure that the correct control measures are being used to prevent risks to health.

Engaging with trade unions on due diligence and implementation

Supermarkets have responsibilities, under the UN Guiding Principles on Business and Human Rights, to carry out due diligence in their global food supply chains. They should pay special attention to the different risks that women and men face in the workplace, and to addressing gender issues and women's human rights in situations where women are disproportionately affected – such as seasonal workers in the tropical fruit sector in North-East Brazil.

Supermarkets and food companies sourcing from Brazil should engage with the country's independent trade unions to get a better picture of working conditions so that they can understand and tackle issues, including precarious employment and poverty of seasonal workers. Rural unions in the region, which are rarely involved or consulted in audits at present, have expressed interest in being more involved and better informed on audits and certification processes.

Oxfam's investigation has shown that local trade unions can help in finding solutions, even to seemingly intractable issues like the vulnerability of seasonal workers on short-term contracts. As illustrated in this study, proactive efforts should be sought to remove the barriers that women face in accessing CBAs and trade union organizations. This could lead to a more sustainable approach to ethical trade.

The top-down model in which food companies audit their suppliers and demand corrective actions has reduced labour abuses to some extent,¹¹ but as the research in Brazil shows, it has not eliminated such abuses altogether. Empowering workers and their employers to reach agreements about what is achievable in the local context is likely to have

more sustainable outcomes in delivering decent working conditions and wages that exceed the legal minimum.

Leading supermarkets, such as the UK supermarket Tesco, are taking an increasingly proactive role in ensuring that workers' rights to freedom of association and collective bargaining are upheld. Supermarkets need to make good the commitments they have made to respect trade union rights in their supply chains⁶⁶ by ensuring that progressive employers that engage in meaningful collective bargaining – like the fruit-growers in the São Francisco valley – are rewarded for providing better working conditions and respecting the rights of the women and men who work for them, through long-term commercial relationships.

Suppliers with better conditions may not be the cheapest in some circumstances; therefore, supermarkets and importers need to integrate ethics into their trading strategy if they are to prevent standards being undermined by decisions made by their buyers seeking to meet commercial targets.

Maintaining legal protections for Brazilian workers

Brazil has had a strong record on labour rights. Zero-hours contracts, sub-contract labour and under-payment of the minimum wage are still rare. Informal and precarious employment, which remain stubbornly high in many other countries, had been falling in Brazil.⁶⁷ The government's strategy of progressively increasing the minimum wage has improved the living standards of millions of Brazilian workers – around half of the country's population – whose earnings are pegged to the minimum wage. It has also helped to reduce wage inequality between women and men, and between black workers and white workers.

However, the labour reforms of 2017 have already weakened workers' rights and protections against dismissal, resulting in an increase in informal and precarious employment. It is clearly in Brazil's national and long-term interest to ensure full legal protections and to uphold the policy of progressively raising the minimum wage.

RECOMMENDATIONS

For supermarkets

- Improve transparency by publishing annually lists of suppliers down to farm level, per fruit, with farm name and location/address;⁶⁸
- Publish a gender policy that includes prevention of gender discrimination in hiring, training and promotion; commit to safety for workers from sexual harassment; and recognize women's greater unpaid care role;
- Engage directly with local trade unions in monitoring, due diligence and the implementation of labour and human rights, providing information and capacity building on certification standards and grievance mechanisms. When carrying out due diligence, extra steps should be taken to engage with women workers and activities should guarantee the participation of women and take into account different challenges and barriers for women and men in accessing grievance mechanisms and trade union representation;
- Study and apply learning around successful strategies for achieving gender equity and promoting women's employment and empowerment in agriculture: addressing the acute challenge of poverty and vulnerability of women seasonal workers; increasing access for women workers to training and promotion; and building women's capacity to be involved in decision making within representative structures, trade unions and collective bargaining;
- Actively promote respect for workers' rights to freedom of association and collective bargaining in their supply chains and in general. Make the presence of collective bargaining arrangements at a supplier a key factor in sourcing decisions;
- Publicly advocate for maintaining labour protections, and the policy of raising the real value of the minimum wage towards the living wage in Brazil (as in other countries);
- Undertake a Human Rights Due Diligence exercise across all food supply chains and conduct three independent Human Rights Impact Assessment studies focusing on high-risk food products;
- Support independent academic studies about the health hazards of agro-chemicals, including the use of ferti-irrigation in grapes, considering specifically the impacts on women.

For suppliers

- Engage with trade unions in constructive negotiations over pay and conditions, and on monitoring how these are put into practice;
- Discuss with trade unions potential solutions to diminish the vulnerability of seasonal workers, with a particular focus on women;
- Learn from the São Francisco valley and apply good practice from the CBAs around seasonal workers' access to permanent employment;
- Disclose the list of agro-chemicals used per fruit annually;

- Support independent academic studies about the health hazards of agro-chemicals, including the use of ferti-irrigation in grape production.⁶⁹ 'These studies should specifically consider the impacts and health hazards for women.

For the Brazilian government

- Uphold and implement the policy of progressively raising the real value of the minimum wage;
- Review the impact of the CLT reforms against their intended outcomes and reverse reforms that undermine workers' rights;
- Ratify ILO Convention 87 on Freedom of Association and Protection of the Right to Organize;
- Restore the labour ministry and reinforce labour inspections in rural areas;
- Pause and review recent approvals of agro-chemicals for use in Brazil to ensure adequate protections against risks to workers' health and to the environment.



Grape plantation in the São Francisco valley, Brazil. Photo: Tatiana Cardeal/Oxfam

NOTES

- 1 M.C. Cacciamali et al. (2015). *Wage Inequality in Brazil and India: A quantitative comparative analysis*. Institute of Human Development. Retrieved from <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/55284/IDL-55284.pdf>
- 2 International Trade Union Confederation (ITUC). (2019). *Global Rights Index*. Retrieved 1 July from <https://www.ituc-csi.org/ituc-global-rights-index-2019>
- 3 The campaign is called Behind the Barcodes in some markets and Behind the Price in others. See <https://www.behindthebarcodes.org/en/>
- 4 Supermarkets source tropical and other fruit from a range of countries in an ever-changing annual cycle. The timing and yields of harvest are affected by weather and other factors, and as a consequence prices and volumes sourced from Brazil and other countries change substantially from one year to another, which complicates quantifying the amounts. See, for example, D. Rettke. (2019). *Brazil Mangoes to Ship Early This Year*. Retrieved 22 August 2019, from <https://www.freshplaza.com/article/9134956/brazilian-mangoes-to-ship-early-this-year/>. For example, 7% of mangos imported to the USA each year (average for 2016–2018) are from Brazil, rising to 48% during September and October. See National Mango Board. (2019). *Three-Year Trends of US Mango Imports by Country & Month, 2016 – 2018*. Retrieved 22 August 2019, from https://www.mango.org/wp-content/uploads/2019/03/3_Year_Trend_16_18_Eng.pdf. Brazil has a similar niche in melons and grapes, including during the Christmas season.
- 5 National Mango Board. (2019). *Three-Year Trends of US Mango Imports by Country & Month, 2016 – 2018*.
- 6 The Inter-Union Department of Statistics and Socio-Economic Studies (DIEESE). (Forthcoming). *Produção de laranja no Brasil e no mundo*.
- 7 R. Willoughby and T. Gore. (2018). *Ripe for Change: Ending human suffering in supermarket supply chains*. Oxfam International. Retrieved from https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-ripe-for-change-supermarket-supply-chains-210618-en.pdf
- 8 See, for example, Oxfam. (2004). *Trading Away Our Rights: Women working in global supply chains*. Oxfam. Retrieved from <https://policy-practice.oxfam.org.uk/publications/trading-away-our-rights-women-working-in-global-supply-chains-112405>
- 9 The Ethical Trading Initiative (ETI) is a leading alliance of companies trade unions and NGOs that promotes respect for workers' rights around the globe. Companies that join ETI must adopt the ETI Base Code in full. The ETI Base Code is derived from the standards of the International Labour Organization (ILO) and is an internationally recognized code of labour practice.
- 10 Note that internationally recognized human and labour rights are underpinned by the ILO Declaration on Fundamental Principles and Rights at Work (1998), which is universal in its scope, and a series of international declarations and treaties that form international customary law. These include the UN Declaration of Human Rights (1948); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003).
- 11 S. Barrientos and S. Smith. (2006). Report on the ETI Impact Assessment 2006. *The ETI Code of Labour Practice: Do workers really benefit?* Institute of Development Studies, University of Sussex. Retrieved from https://www.ids.ac.uk/files/ETI_impact_1_main_get.pdf
- 12 G. LeBaron and J. Lister. (2016). *SPERI Global Political Economy Brief No. 1: Ethical audits and the supply chains of global corporations*. Sheffield University Political Economy Research Institute. Retrieved 11 June 2019, from <http://speri.dept.shef.ac.uk/wp-content/uploads/2018/11/Global-Brief-1-Ethical-Audits-and-the-Supply-Chains-of-Global-Corporations.pdf>
- 13 See note 3.
- 14 National Mango Board. (2019). *Three-Year Trends of US Mango Imports by Country & Month, 2016 – 2018*.
- 15 DIEESE. (Forthcoming). *A produção de frutas no Brasil – produtos selecionados*, p.6.
- 16 DIEESE. (Forthcoming). *A produção de frutas no Brasil – produtos selecionados*. The numbers in formal employment in each sector as of 31 December 2017 are shown in the tables on pp.55, 67 and 79.
- 17 Ministry of Economy (*Relação Anual de Informações Sociais*, RAIS). Calculation by Peter Williams based on data from DIEESE on behalf of Oxfam Brasil. Numbers are based on the number of active employment contracts as of 31 December 2019 and the number of inactive contracts (i.e. workers who had been dismissed) throughout the year of 2017 in the melon, mango and grape

sectors of the respective states. Note that due to the informal and transient nature of employment, precise employment numbers for seasonal workers are difficult to calculate.

- 18 The study was based on interviews with 58 workers and key informants in November 2018 and July 2019. Workers were from 14 fruit companies, and key informants included trade union leaders with good visibility and experience of working conditions across the sector. Interviews were conducted in 10 municipalities across North-East Brazil where the export fruit sector is concentrated – Baraúna, Mossoró, Apodi, Ipangaçu, Macau, Jandaíra and Natal (Rio Grande do Norte state), Limoeira do Norte (Ceará), Petrolina (Pernambuco) and Juazeiro (Bahia). Oxfam also commissioned research into supply chain linkages from Profundo (<https://www.profundo.nl>), a research and advice organization based in the Netherlands. Further desk-based research was carried out by Oxfam staff in Brazil and the author.
- 19 United Nations. (2011). *Guiding Principles on Business and Human Rights: Implementing the United Nations "protect, respect and remedy" framework*. Retrieved 11 June 2019, from https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf
- 20 Christian Initiative Romero. (2018). *Squeezed – Behind the scenes of the juice industry*. Retrieved from <https://reporterbrasil.org.br/wp-content/uploads/2018/12/squeezed-behind-the-scenes-of-the-juice-industry-.pdf>
- 21 EU. (2017). *Complaint Against the Peruvian Government for Failing to Fulfil its Labour and Environmental Commitments Under the Trade Agreement Between Peru and the European Union*. Retrieved 2 June 2019, from <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=12295>
- 22 Progress in reducing inequality has ground to a halt since 2016, see R. Georges. (2018). *País estagnado. Un Retrato Das Desigualdades Brasileiras 2018*. Oxfam Brasil. Retrieved 13 September 2019, <https://oxfam.org.br/um-retrato-das-desigualdades-brasileiras/a-distancia-que-nos-une/>
- 23 M. Ayres. (2019). Brazil's Bolsonaro Says Government May Cut Worker Protections to Boost Job Creation. Reuters. Retrieved 16 September 2019, from <https://www.reuters.com/article/us-brazil-politics/brazils-bolsonaro-says-government-may-cut-worker-protections-to-boost-job-creation-idUSKCN1UG0PW>
- 24 UNDP (2017) *Relatório de Desenvolvimento Humano 2016*. (Human Development Report 2016) Cited in R. Georges. (2017). *Inequalities in Brazil: The divide that unites us*. Oxfam Brasil. Retrieved from <https://www.oxfam.org/en/research/distance-unites-us-overview-brazilian-inequalities>
- 25 R. Georges. (2017). *Inequalities in Brazil: The distance that unites us*. Oxfam Brasil. Retrieved from <https://www.oxfam.org/en/research/distance-unites-us-overview-brazilian-inequalities>
- 26 The exchange rate used here and throughout the paper (except where indicated otherwise) is the average for December 2018, \$1 = R\$ 3.7774. Retrieved 11 June 2019, from <https://www.exchangerates.org.uk>
- 27 The terms 'black' and 'white', as used in the cited paper and here, are widely used in Brazil to indicate ethnic origin, including by members of the black (Afro-Brazilian) population and movement.
- 28 Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística*, IBGE). (2018). *Divulgação dos dados da PNAD Contínua anual 2017*. Retrieved 2 August 2019, from https://biblioteca.ibge.gov.br/visualizacao/livros/liv101559_informativo.pdf
- 29 The Global Living Wage Coalition defines a living wage as 'the remuneration received for a standard workweek by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transportation, clothing, and other essential needs including provision for unexpected events'. See <https://www.globallivingwage.org/about/what-is-a-living-wage>
- 30 ILO. *Setting and Adjusting Minimum Wage Levels, Brazil*. Retrieved 5 June 2019, from https://www.ilo.org/global/topics/wages/minimum-wages/setting-adjusting/WCMS_463095/lang-en/index.htm
- 31 Average exchange rate for January 2019 of US\$1 = R\$ 3.7402 retrieved 2 October 2019 from <https://www.exchange-rates.org/history/BRL/USD/G/M> (accessed 2.10.19)
- 32 Using a year 2000 baseline.
- 33 M.C. Cacciamali et al. (2015). *Minimum Wage Policy in Brazil and India and its Impact on Labour Market Inequality*. Institute of Human Development and the Brazilian Center for Analysis and Planning (CEBRAP), p.24. Retrieved from <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/55285/IDL-55285.pdf>
- 34 Ibid, p.33.

- 35 The real value of the minimum wage was adjusted to year 2000 prices for intervening inflation to year n through the formula:

$$1 \div [(1 + \text{inflation}_{\text{year 2000}}) \times (1 + \text{inflation}_{\text{year 2001}}) \times \dots (1 + \text{inflation}_{\text{year } n-1})]$$

Inflation measured by the National Index of Consumer Prices (*Índice Nacional de Preços ao Consumidor*, INPC) was retrieved 28 May 2019, from <https://www.ibge.gov.br/estatisticas/economicas/precos-e-custos/9258-indice-nacional-de-precos-ao-consumidor.html?=&t=series-historicas>

- 36 Minimum wage data retrieved 28 May 2019, from <https://www.portalbrasil.net/salariominimo.htm>

- 37 The ratio between a country's minimum wage and the monthly GDP per capita is an indicator used in Oxfam's Commitment to Reducing Inequality Index. See M. Lawson and M. Martin. (2017). *The Commitment to Reducing Inequality Index: A new global ranking of governments based on what they are doing to tackle the gap between rich and poor*. Oxfam and Development Finance International. Retrieved from <https://policy-practice.oxfam.org.uk/publications/the-commitment-to-reducing-inequality-index-2018-a-global-ranking-of-government-620553>. Cited in R. Willoughby and T. Gore. (2018). *Ripe for Change: Ending human suffering in supermarket supply chains*. Nairobi: Oxfam International. Retrieved from https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-ripe-for-change-supermarket-supply-chains-210618-en.pdf

- 38 See <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>. Retrieved 12 September 2019.

- 39 For example, some interviewees suggested that fruit companies may require women workers who left the company to take a pregnancy test, in order to avoid subsequent false malicious claims for wrongful dismissal of pregnant workers (a practice used by some unscrupulous employers to avoid payment of maternity benefits).

- 40 In many countries, NGOs play an important role in labour rights. Brazil's healthy trade union movement, and the fact that most unions – like the Rural Workers' Union of Petrolina – are active on gender, means that labour issues are addressed in the main by unions and NGOs such as DIEESE, which have organic links with unions.

- 41 D. Penha. (2018, 8 June). *Reforma trabalhista reduz em até 30% salário de trabalhadores rurais*. *Reporter Brasil*. Retrieved 10 June 2019, from <https://reporterbrasil.org.br/2018/06/reforma-trabalhista-reduz-em-ate-30-salario-de-trabalhadores-rurais/>

- 42 D. Penha. (2018, 12 November). *Em um ano, reforma trabalhista aumenta informalidade e enfraquece sindicatos*. Retrieved 10 June 2019, from <https://reporterbrasil.org.br/2018/11/em-um-ano-reforma-trabalhista-aumenta-informalidade-enfraquece-sindicatos/>

- 43 Globo. (2017, 11 November). *Reforma trabalhista: Temer diz que nova lei amplia horizontes*. Retrieved 14 June 2019, from <https://g1.globo.com/politica/noticia/reforma-trabalhista-temer-afirma-que-nova-lei-amplia-horizontes-para-quem-procura-emprego.ghtml>

- 44 M. Barroso. (2018). *Síntese de Indicadores Sociais: indicadores apontam aumento da pobreza entre 2016 e 2017*. Instituto Brasileiro de Geografia e Estatística (IBGE). Retrieved 29 July 2019 from <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/23298-sintese-de-indicadores-sociais-indicadores-apontam-aumento-da-pobreza-entre-2016-e-2017>

- 45 BBC News. (2019, 22 May). *O que é a MP 870 e por que ela virou um cabo de guerra entre governo e Congresso*. Retrieved 1 July 2019, from <https://www.bbc.com/portuguese/brasil-48367849>

- 46 Greenpeace. (2019, 12 June). *Brazil's Pesticide Approvals Soar as Jair Bolsonaro Moves to Weaken Rules*. Retrieved 28 June 2019, from <https://unearthed.greenpeace.org/2019/06/12/jair-bolsonaro-brazil-pesticides/>

- 47 Converted at R\$1 = \$0.568367 (August 2010 average). Retrieved 22 August 2019, from <https://www.x-rates.com/average/?from=BRL&to=USD&amount=1&year=2010>

- 48 UN Development Programme Institute for Applied Economic Research. (2013). *Atlas of Human Development in Brazil*. Retrieved 22 August 2019, from <http://atlasbrasil.org.br/2013/en/>

- 49 The poverty line (August 2010) was defined as a per capita income equal to or below R\$140 per month, and extreme poverty was defined as an income equal to or below R\$70 per month. UN Development Programme Institute for Applied Economic Research. (2013). *Atlas of Human Development in Brazil*.

- 50 The water situation did eventually improve, partly as a result of a water resource management campaign and also what was described as an exceptional rainfall event. See S. Foster and H. Garduño. (2005). *Brazil: Promoting Management of an Inter-state Aquifer under Development for Irrigated Agriculture – the Case of the Chapada do Apodi*. Washington DC: The World Bank, Groundwater Management Advisory Team (GW-MATE). Retrieved 14 August 2019, from http://siteresources.worldbank.org/EXTWAT/Resources/4602122_1210186345144/GWMATE_English_CP_16.pdf

- 51 National Pact for Water Management Consolidation Program (*Programa de Consolidação do*

Pacto Nacional pela Gestão das Águas). (Updated 2019). *A gestão de recursos hídricos no Rio Grande do Norte*. Retrieved 31 July 2019, from <http://progestao.ana.gov.br/portal/progestao/panorama-dos-estados/rn>

- 52 Organization of American States. (n.d.). *Integrated Water Resources Management of the São Francisco River Basin and its Coastal Zone*. Retrieved 14 August 2019, from https://www.oas.org/dsd/WaterResources/projects/SaoFrancisco_NEW_eng.asp
- 53 Global Living Wage Coalition. (2019). *Update: Living Wage Report for Southern and South Western Minas Gerais Region, Rural Brazil – Coffee Growing Industry*. Retrieved 16 June 2019, from <https://www.globallivingwage.org/wp-content/uploads/2018/04/Brazil-Update-Report-2018-Final.pdf>
- 54 Global Living Wage Coalition. (Updated 2016). *Living Wage for Minas Gerais South/Southwestern Region, Brazil. Rural Brazil*. Retrieved 29 July 2019, from <https://www.globallivingwage.org/living-wage-benchmarks/rural-brazil/>. Corrected for inflation.
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- 56 R. Hick and A. Lanau. (2017). *In-Work Poverty in The UK: Problem, policy analysis and platform for action*. Cardiff University. Retrieved 16 September 2019, from <https://www.nuffieldfoundation.org/sites/default/files/files/Hick%20and%20Lanau%20-%20In-Work%20Poverty%20in%20the%20UK.pdf>
- 57 The ILO Safety & Health in Agriculture Convention (C184) 2001 has been ratified by only 17 countries, and Brazil (along with other major agricultural export countries) is not among them. Retrieved 27 July 2019, from https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C184
- 58 See https://www.globalgap.org/uk_en/. Retrieved 24 July 2019.
- 59 Publicly available data does not differentiate between workers employed on short-term contracts during harvest and workers leaving for other reasons. The analysis in this report is based on Brazilian government data, summarized in the table below.

Fruit	Employed (as of 31 December 2017)	Permanent workers (6+ months in post at 31 December 2017)	Temporary/ newly recruited workers (up to 6 months in post)	Dismissed during 2017	Annual worker turnover	% of permanent workers (6+ months in post) at 31 December 2017
Mango (PE/BA)	8,938	6,421	2,517	10,524	118%	72%
Grapes (PE/BA)	18,924	13,620	5,304	19,127	101%	72%
Melon (CE/RGN)	10,515	5,834	4,681	9,354	102%	56%
	38,377	25,875	12,502	39,005	102%	67%

Source: Ministry of Economy (RAIS) data, cited in DIEESE. (Forthcoming). *A produção de frutas no Brasil*. Calculation by Peter Williams. Numbers based on the number of active employment contracts on 31 December 2019 and the number of inactive contracts (i.e. workers who had been dismissed) throughout the year of 2017.

- 60 For Oxfam's Supermarkets Scorecard, see <https://indepth.oxfam.org.uk/behind-the-price/scorecard/>
- 61 Decent work is a concept developed by the ILO. Decent work sums up the aspirations of people in their working lives. It involves: opportunities for work that is productive and delivers a fair income; security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organize and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men. See ILO. Decent Work. Retrieved 29 July 2019, from <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>
- 62 National Mango Board. (2019). *Three-Year Trends of US Mango Imports by Country & Month, 2016 – 2018*.
- 63 Caliman Agrícola and Finoagro were given the opportunity to respond to the information in this report but had not responded to Oxfam at the time of publication.
- 64 Finoagro also trades as Finobrasa.
- 65 Note that Oxfam's campaign assesses the policies and practices of the largest and fastest growing supermarkets in Germany, Italy, the Netherlands, Thailand, the UK and the USA. Supermarkets in Italy and Thailand were omitted for this research exercise. In August 2019, Oxfam approached the 16 companies in the scope of Oxfam's campaign to confirm whether they

source from the two suppliers named in our research and provide the opportunity to comment on our research findings.

- 66 Respecting workers' rights to Freedom of Association and Collective Bargaining is a fundamental human right, and is a membership obligation of all ETI member companies. Most non-ETI supermarket codes of conduct contain similar commitments.
- 67 E. Stewart et al. (2018). *Informal is the New Normal. Improving the lives of workers at risk of being left behind*. London: Overseas Development Institute. Retrieved 14 August 2019, from <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11993.pdf>
- 68 A similar level of detail is required under the Roundtable on Sustainable Palm Oil. See <https://rspo.org/>
- 69 The CBA for the São Francisco valley workers and employers recognizes the need to conduct more research into the hazards of ferti-irrigation, but it is not clear on how and when this would be carried out.



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