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WORKERS' RIGHTS IN SUPERMARKET SUPPLY CHAINS



NEW EVIDENCE ON THE
NEED FOR ACTION

BRIEFING NOTE



OXFAM

This Oxfam briefing note presents compelling new evidence that our food supply chains are rife with violations of human, labour and women's rights.

The paper summarizes new research commissioned by Oxfam, which shows the depth and scale of human suffering in food production in India and Brazil among workers linked to international supermarket supply chains.

The briefing note identifies company laggards on workers' rights, makes clear that progress is possible and where it is being made, and puts forward a framework for action with important steps for supermarkets to take to end human suffering in their supply chains.

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

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Cover: A fruit worker under a mango tree. Photo: Tatiana Cardeal/Oxfam

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SUMMARY

Our food supply chains are in crisis. Around the world, Oxfam has found them to be rife with violations of human, labour and women's rights.¹ Forced labour and hidden suffering are unwanted ingredients in products ranging from tea and cocoa to fruit and vegetables, meat and seafood. In-work poverty in these supply chains is the norm, not the exception, and gender discrimination is woven into their fabric.

Newly commissioned research for Oxfam on Assam tea and Brazilian fruit, both of which are linked to the supply chains of several international supermarket chains, shows the human cost of hidden exploitation.

Research on Assam tea shows the depth and scale of human suffering in this remote region of North-East India. Interviews with 510 workers on 50 tea estates linked to domestic and international supermarket chains reveals that workers are being systematically denied their rights to decent working and living conditions.

The Oxfam-commissioned research shows that half of the workers interviewed in Assam receive government 'below poverty line' ration cards because they cannot live on their wages, a third experienced recurrent debt, and some reported remaining on the same (extremely low) pay grade for between 15–20 years. The research shows that women can undertake up to 13 hours of physical labour per day after just six hours' rest.

Most workers do not have access to safe drinking water, meaning that diseases such as cholera and typhoid appear to be common on Assam tea estates.

At the root of this crisis is an inherent inequality of power, meaning that supermarkets and large tea brands can exert an ever-greater squeeze on the estates that supply them with private label and branded Assam tea.

Oxfam-commissioned research estimates that in the Indian domestic market, supermarkets and tea brands receive 58% of the end consumer price for black processed tea from Assam, with just 7% estimated to accrue to workers on tea estates.²

In export markets, the imbalance is starker still: the research shows that supermarkets and tea brands collectively retain between 67% to 94% of the final consumer price for Assam tea in the markets analysed in our research (Germany, the Netherlands, the UK and the USA). In contrast, just 1% to 4% accrues to labour costs for workers in tea estates in Assam.

This means that for a 100g pack of black Assam tea bags sold to consumers in these countries, the equivalent of just \$0.04 (€0.03) accrues to workers in Assam. In contrast, supermarkets and tea brands may retain up to \$4.65 (€4.19) per 100g in markets such as the USA. Despite this significant difference, the research shows that the gap between current wages for tea workers in Assam and a living wage could be closed. While workers currently receive the equivalent of \$0.04 (€0.03) per 100g pack - they would need the equivalent of only \$0.10 (€0.09) to enable living wages to be paid.³

Further, new research undertaken in Brazil for Oxfam provides a picture of the vulnerability of seasonal workers found in the tropical fruit supply chains of international supermarkets. In Oxfam's investigation of labour conditions for workers in melon, grape and mango production in Brazil – the third largest fruit producer in the world – seasonal farm workers reported harsh treatment, poverty and dangerous exposure to pesticides on farms.

* * *

**IN-WORK POVERTY
IN THESE SUPPLY
CHAINS IS THE NORM,
NOT THE EXCEPTION,
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Together with the body of evidence Oxfam published in 2018 in its global report *Ripe for Change: Ending human suffering in supermarket supply chains*⁴ and a suite of new reports by other organizations, Oxfam's up-to-date findings in India and Brazil establish a clear justification for calling on supermarkets to take urgent steps to improve wages and working conditions for women and men in their supply chains.

Some progress is underway to support these aims. Two Dutch supermarkets, Albert Heijn (a subsidiary of Ahold Delhaize) and Jumbo, made commitments on human rights, which Oxfam judged to be meaningful and which we welcomed publicly in 2019. Our revised Supermarkets Scorecard shows that Tesco, Sainsbury's and Morrisons demonstrate the strongest performance on workers' rights. Four companies (Jumbo, ALDI South, Tesco and Morrisons) increased their score on workers' rights by 15% or more in the year, showing that with corporate will, improvement is possible.

However, the performance of half of the companies in Oxfam's scorecard remains woeful. ALDI North (0), Edeka (0), Whole Foods (4), Kroger (4), Lidl (6), Albertsons (8) and Rewe (8) all have workers' rights scores that are less than 10% against Oxfam's benchmarks of good practice, while others such as PLUS have failed to improve over the course of the year.



Mango plantation. Photo: Tatania Cardeal/Oxfam

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OXFAM'S UP-TO-DATE FINDINGS IN INDIA AND BRAZIL ESTABLISH A CLEAR JUSTIFICATION FOR CALLING ON SUPERMARKETS TO TAKE URGENT STEPS TO IMPROVE WAGES AND WORKING CONDITIONS FOR WOMEN AND MEN IN THEIR SUPPLY CHAINS.

* * *



The problem of discrimination against women in supermarket supply chains remains the most neglected issue, with 10 of the 16 companies scoring zero for proactive steps to ensure fair and equal treatment for women.

Supermarkets are facing increasing pressure to change. Government policy changes in the UK, the USA and Australia have strengthened regulation to tackle modern slavery, while 2019 also saw European Union rules banning unfair trading practices (UTPs) by supermarkets and large buyers. There is growing momentum in Europe and beyond for companies to be held legally accountable if they fail to take measures to prevent and mitigate human rights violations along their supply chains.

Consumers and companies investing in supermarkets are demanding that they do more to acknowledge human rights concerns in their supply chains – and act on them. Recent surveys in the USA, the UK, France, the Netherlands and Italy highlight the increased expectations of more than two-thirds of consumers that supermarkets have a handle on these issues so that they can shop without guilt. A new letter in support of Oxfam’s campaign from investors with approximately \$3.1 trillion of assets under management (AUM) calls on supermarkets to improve transparency and management of human rights risks.

Given these developments, companies will only face growing pressure to demonstrate how they are addressing workers’ rights issues. To help them, Oxfam has released a framework with clear and actionable recommendations for supermarkets on workers’ rights.

FIGURE 1. SUPERMARKET ACTION TO IMPROVE WORKERS’ RIGHTS IN FOOD SUPPLY CHAINS



RECENT SURVEYS IN THE USA, THE UK, FRANCE, THE NETHERLANDS AND ITALY HIGHLIGHT THE INCREASED EXPECTATIONS OF MORE THAN TWO-THIRDS OF CONSUMERS THAT SUPERMARKETS HAVE A HANDLE ON THESE ISSUES SO THAT THEY CAN SHOP WITHOUT GUILT.

Oxfam is calling on supermarkets to do three things to improve workers’ rights: adopt a human rights due diligence approach, prevent human rights harms in supply chains and achieve positive social impact. Achieving these will require corporate commitment, ‘knowing and showing’ the risks for workers’ rights, acting in their company’s own supply chains, and acting beyond their own supply chains.

1. INTRODUCTION

Our food supply chains are in crisis. Around the world, Oxfam has found them to be rife with violations of human, labour and women's rights. Forced labour and hidden suffering are unwanted ingredients in products ranging from tea and cocoa to fruit and vegetables, meat and seafood. In-work poverty in these supply chains is the norm, not the exception, and gender discrimination is woven into their fabric.

In the last 12 months alone, reports have exposed human rights abuses in 11 different countries producing fish and seafood, including in the UK and Ireland.⁵ A trafficking gang has been jailed in Birmingham for enslaving workers who, among other jobs, harvested spring onions for UK supermarkets.⁶ In Indian tea industries, a study found that 'Employers profit from forced labour by using it to reduce the cost of business'.⁷ Moroccan strawberry pickers in Spain have gone public about gender-based violence.⁸ Migrant workers have been found living and working in appalling conditions in Italy, picking tomatoes and other produce, which the mafia reportedly find more lucrative than drugs.⁹ And farmworkers have died in hot California fields, unable to reach drinking water.¹⁰

These cases, based on investigations by a range of organizations from universities to labour rights organizations, reinforce the body of evidence Oxfam published in 2018 in our report *Ripe for Change: Ending human suffering in supermarket supply chains*.¹¹ Together, they show that, without a shadow of a doubt, the exploitation of workers in the food industry is not confined to a few problematic products or a few troublesome locations: it is systemic in our food system.

To address this problem and tackle a widening inequality in the global food system, Oxfam is calling on governments to check abuses of power and legislate to protect human, labour and women's rights. We are also calling on supermarkets – who have a powerful influence on the ability of food suppliers to ensure respect for these rights and provide decent work – to address human suffering in their supply chains.

In this briefing note, Oxfam presents further evidence of systemic violation of workers' rights and daily indignities for women and men. Our new case studies on Assam tea and Brazilian fruit, which are both linked to the supply chains of several international supermarkets, show the human cost of hidden exploitation, while explaining what it would take to ensure workers' rights are reliably respected and protected in their given context.

This report presents new evidence of the need for action, outlines what has changed since Oxfam launched its campaign to end human suffering in food supply chains in 2018, and where further action is required. In this report:

- **Section 2** outlines new evidence of human suffering from new Oxfam-commissioned research in India and Brazil;
- **Section 3** makes clear which companies are lagging behind on ensuring respect for workers' rights and the issues that are the most neglected;
- **Section 4** highlights progress by companies and governments over the past 12 months;
- **Section 5** illustrates that consumers and investors want improved ethics and honesty from companies and;
- **Section 6** sets out a clear agenda for action for supermarkets to improve workers' rights in food supply chains.

* * *

WE ARE CALLING ON SUPERMARKETS – WHO HAVE A POWERFUL INFLUENCE ON THE ABILITY OF FOOD SUPPLIERS TO ENSURE RESPECT FOR THESE RIGHTS AND PROVIDE DECENT WORK – TO ADDRESS HUMAN SUFFERING IN THEIR SUPPLY CHAINS.

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2. NEW EVIDENCE OF HUMAN SUFFERING

NEW RESEARCH IN ASSAM TEA AND BRAZILIAN FRUIT PRODUCTION EVIDENCES LABOUR RIGHTS VIOLATIONS AND DAILY INDIGNITIES FOR FOOD WORKERS

Two case studies – one on Assam tea and one on Brazilian fruit production – show the human face of the exploitation that prevails behind everyday foods, as a result of policy gaps or failures by supermarkets and governments. Both studies are based on new research commissioned by Oxfam in 2018 and 2019.

They add to the body of case studies published in 2018 covering food workers in Thailand, Indonesia, the Philippines, Costa Rica, Ecuador and Italy.¹² The pattern is the same: lack of dignity at work, poverty wages, unsafe and unsanitary working conditions, gender discrimination, and a lack of safe space to demand better conditions for workers in the supply chains of major supermarkets. Workers continue to suffer from a lack of freedom of association and collective bargaining, which prevents them from negotiating for better working conditions and pay.

* * *

‘THESE ARE NOT DIGNIFIED JOBS...I THINK OF WOMEN IN POVERTY LIKE DOLORES, WHO WORKS IN A CHICKEN FACTORY IN THE UNITED STATES. SHE AND HER CO-WORKERS WEAR DIAPERS BECAUSE THEIR EMPLOYER DENIES THEM TOILET BREAKS...’

* * *

Winnie Byanyima, at the World Economic Forum, January 2019

The human cost of Assam tea¹³

People have been enjoying the refreshing, health-giving qualities of tea for over four thousand years. Tea is one of the most widely consumed drinks in the world, second only to water. In the UK, consumers drink some 165 million cups of tea a day – enough to fill 20 Olympic-sized swimming pools.

New research commissioned by Oxfam and undertaken by the Tata Institute of Social Sciences (TISS) saw 510 workers on 50 tea estates interviewed and shows the shocking scale and depth of human suffering of the women and men that produce Assam tea to supply to supermarkets.

The research finds that the workers who bring us this prized brew struggle to earn enough to cover even their basic living costs, to access drinking water that will not give them typhoid or cholera, to reach a medical facility, or to find shelter from the monsoon rains under the dilapidated roofs of their cramped houses.

Wages are extremely low. Given this, 50% of households visited by researchers owned ‘below poverty line’ ration cards issued by the government of Assam, which entitle them to 5kg of rice per family member per month. This is official recognition that wages are insufficient to live on.

Women bear a heavy burden, as they are concentrated in the lowest paid plucking roles and also shoulder most of the unpaid domestic care work (taking care of young and old members of the family and carrying out household chores). The lack of childcare facilities means that girls often drop out of school at the age of 12, leading to a vicious circle of under-education, exploitation and lack of empowerment.





A worker plucking tea. Photo: Roanna Rahman/Oxfam India

The root cause of this crisis is a historical legacy of injustice for Assam's workforce, coupled with an inherent inequality of power, meaning that supermarkets and tea brands can exert an ever-greater price squeeze on the estates that supply them with private label and branded Assam tea.

Newly commissioned research also shows that in the Indian market, supermarkets and tea brands receive 58% of the end consumer price of processed black tea from Assam, with just 7% remaining for workers on tea estates. In export markets, the research shows that supermarkets and tea brands collectively retain between 67% to 94% of the final consumer price for tea from Assam in the markets analysed in our research (Germany, the Netherlands, the UK and the USA). In contrast, just 1% to 4% accrues to labour costs for workers in tea estates in Assam. This means that for a 100g pack of Assam tea sold in these countries – workers receive just \$0.04 (£0.03).

A lack of transparency in where supermarkets source their private label tea only worsens the challenges facing workers, as consumers are generally unaware of the conditions in which the people who pluck and produce tea are forced to live.

Many supermarkets source from India for their private label tea, and stock 'branded' Assam tea products. In response to a request for information, the majority (14) of the supermarkets included in Oxfam's campaign responded to a request for more information on their sourcing relationships. Only ALDI North and Edeka did not respond.¹⁴

Of the supermarkets that responded, four denied sourcing tea from Assam and eight supermarkets, from Germany, the Netherlands, the UK and the USA, confirmed that they either source tea from Assam or from one of six tea brands whose suppliers appear on the list of the 50 estates visited by TISS researchers. Two companies have responded to Oxfam's request but did not provide information to confirm or deny specific supply connections in this report.

The relentless squeeze on the share of value for tea products makes poverty and hardship for workers such as those in Assam more likely, but it is also contributing to an economic crisis for the entire Indian tea industry – with several tea estates in West Bengal and Assam either closing or facing the threat of closure.

'BECAUSE OF THE ACCIDENT MY PLUCKING HAS BECOME VERY SLOW'

Female tea plucker who lost two fingers in a work-related accident. She didn't receive any compensation.



Despite this, a living wage for workers in Assam is feasible and achievable. Oxfam’s commissioned estimates show while workers receive the equivalent of \$0.04 (€0.03) per 100g pack - they would need the equivalent of only \$0.10 (€0.09) to enable living wages to be paid. In response, Oxfam is calling for supermarkets, tea brands and state authorities to end human suffering for Assam’s tea workers by:

- Committing to enable a living wage to workers and ensuring the commitment is actioned.
- Ensuring that women workers have a voice in decision making and can work in decent conditions without discrimination.
- Improving transparency for consumers around where their tea comes from and how much is paid for it at each stage of the supply chain.
- Ensuring that tea estates comply with their legal obligation to provide decent housing, healthcare, and education under the Plantations Labour Act (PLA), 1951.

The full briefing paper is available [here](#)



IN EXPORT MARKETS SUCH AS GERMANY AND THE USA, SUPERMARKETS AND TEA BRANDS RECEIVE AN ESTIMATED 94% AND 87% OF THE SHARE OF THE END CONSUMER PRICE FOR BLACK TEABAGS, RESPECTIVELY – WITH JUST 1% ACCRUING TO WORKERS ON TEA ESTATES.



Sweet and sour: Brazil’s tropical fruits¹⁵

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.

However, these gains are 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.

As part of its campaign to end human suffering in food supply chains, Oxfam has investigated the labour conditions for workers in melon, grape and mango production in the North-East region of Brazil who are linked to companies in the supply chains of major international supermarkets, including Edeka, Kroger, Lidl, Morrisons, PLUS, Sainsbury’s, Sam’s Club, Tesco, Walmart and Whole Foods.

Brazil has found a niche in world markets through meeting a consumer appetite for tropical fruits like mango and papaya and out-of-season Mediterranean fruits like melons, grapes and oranges. Brazil grows one in every four oranges consumed globally. In peak months (September/October), half the mangos on supermarket shelves in the USA are likely to come from the country.

Oxfam’s research shows pockets of good practice on 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 workers. This approach shows the potential for supermarkets and other food companies to engage with trade unions and producer groups to improve work conditions, as reflected in Oxfam’s recommendations on improving workers’ rights in food supply chains.

The investigation also shows areas of serious concern. One of the biggest is the widespread and systemic poverty among seasonal workers on fruit farms, particularly women – who are unable to meet their families’ basic needs. Some complained of harsh treatment and indignities at the hands of supervisors –such as being forced to wait for water or toilet breaks, alongside a reported culture of intimidation and fear.



BRAZIL GROWS ONE IN EVERY FOUR ORANGES CONSUMED GLOBALLY.



Interviewees also reported experiences of poor working conditions and inadequate protection against exposure to agro-chemicals; practices that are potentially in breach of the codes that supermarkets have signed up to, including the Ethical Trading Initiative Base Code in the UK, and the international labour and human rights laws on which they are based.

While most supermarkets and farms in the tropical fruit sector in North-East Brazil are seeking to avoid these poor working conditions, 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 order to improve the transparency of sourcing arrangements; work with trade unions on human rights due diligence; and maintain or support legal protection for seasonal workers.

The full briefing paper is available [here](#)

‘THERE ARE PEOPLE WHO GET SICK, GET DIZZY AND WANT TO VOMIT BECAUSE.. THE [PESTICIDE] SMELL IS STRONG.’

Maria, fruit worker in Brazil.



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



3. LAGGARD COMPANIES ON WORKERS' RIGHTS

Supply chain buyers in supermarkets are incentivized to purchase goods that match quantity and quality standards at the lowest possible cost. As a result, supermarkets can exert significant downward pressure on prices because of their buying power.¹⁶

As they exert ever more power over the companies that supply food to them, suppliers at all levels come under intolerable pressure to cut costs, while their own costs of production are often rising. This means that less and less of the money that consumers pay at the tills is reaching the hard-working farmers, fishers and workers at the end of the line – while the risks of human and labour rights violations faced by workers are heightened.

FIGURE 2. THE ROLE OF SUPERMARKETS IN DEPRESSING PRICES AND INCREASING RISKS FOR SUPPLIERS



Note: Figure created by Oxfam using information from D. Vaughan-Whitehead and L.P Caro (2017). *Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey Results*; G. Ellison (2017). *Grocery Code Adjudicator: Annual Survey Results*; European Parliament (2016). *Report on Unfair Trading Practices in the Food Supply Chain*; and other reports.

Supermarkets may not be directly accountable for the abuse that occurs deep in their supply chains, since they often do not employ the workers, but their business models and behaviours can indirectly enable it to happen.

The UN Guiding Principles on Business and Human Rights are clear that businesses can be 'complicit' in contributing to adverse human rights impacts caused by other parties – particularly if they are seen to benefit from the abuse committed by that party.¹⁷

While the violation of basic human and labour rights is a problem that is likely to appear in the supply chains of all international supermarkets, there is an inherent responsibility on these companies to work with suppliers to understand what these risks might be, and to put in place measures to minimize the chance of these risks materializing.

WHICH COMPANIES ARE LAGGARDS ON WORKERS' RIGHTS?

In July 2019, Oxfam updated its Supermarkets Scorecard, which assesses companies' policies and practices on human rights in supply chains across some of the largest and fastest growing supermarkets headquartered in Germany, the Netherlands, the UK and the USA but with an operational footprint across the world.¹⁸ It measures performance on four themes (transparency and accountability, workers, farmers and women) against benchmarks developed by Oxfam based on internationally recognized indicators of good practice.¹⁹

On workers' rights specifically, some of the 16 supermarkets Oxfam assessed in 2018 and then reassessed in 2019 have committed to doing far more than others to ensure respect for workers' rights in their supply chains, notably Tesco, Sainsbury's and Morrisons.²⁰

However, several companies remain laggards. For example, ALDI North (0), Edeka (0), Whole Foods (4), Kroger (4), Lidl (6), Albertsons (8) and Rewe (8) all received scores of less than 10% on the workers' rights indicators. The Netherlands-headquartered company PLUS scored slightly higher, but it did not improve its score on workers' rights on Oxfam's scorecard from 2018 to 2019, alongside several other companies.²¹

Typically, these 'laggard' companies lack robust policies and fail to show the actions they are taking to prevent forced and child labour, ensure women receive fair and equal treatment, protect workers from harassment and harsh treatment and enable them to raise concerns safely, for instance via a trade union. They typically do not engage with key suppliers on the issues or demonstrate shared responsibility to remedy any concerns. Nor do they acknowledge that wages, even if legal, generally fail to provide a decent basic income and that illegal underpayment can be easily hidden.²²



FIGURE 3. COMPANIES LAGGING BEHIND ON HAVING POLICIES AND PRACTICES THAT ENSURE WORKERS' RIGHTS IN SUPPLY CHAINS (BASED ON OXFAM'S SUPERMARKETS SCORECARD)



Note: Scores are based on an assessment of measures taken by supermarkets to ensure that workers' rights are respected in their supply chains. Scores are given based on publicly available information measured against a set of indicators of recognized good practice. Percentages given are the points scored as a percentage of the total score available on the workers' rights theme for 2019. Full data and methodology is available here: <https://policy-practice.oxfam.org.uk/publications/behind-the-barcode-supermarket-scorecard-2019-data-620836>



GENDER DISCRIMINATION CONTINUES TO BE A NEGLECTED ISSUE

Gender discrimination continues to be the most neglected issue, with 10 of the 16 companies scoring zero on Oxfam's Supermarkets Scorecard for proactive steps to ensure fair and equal treatment for women. Most do not recognize the greater obstacles women face to access decent work. The audits they commission typically find almost no cases of gender discrimination, but do not investigate when women are clustered in the lowest paid, least secure roles. Nor do they engage with their suppliers on steps to prevent discrimination.

FIGURE 4. GENDER SCORES IN OXFAM'S SUPERMARKETS SCORECARD (2019)



Note: Scores are based on an assessment of measures taken by supermarkets to address specific human and labour rights impacts on women in their food supply chains. Scores are given based on publicly available information measured against a set of indicators of recognized good practice. Percentages given are the points scored as a percentage of the total score available on the women theme of Oxfam's scorecard for 2019. Full data and methodology is available here: <https://policy-practice.oxfam.org.uk/publications/behind-the-barcode-supermarket-scorecard-2019-data-620836>



4. PROGRESS BY COMPANIES AND GOVERNMENTS

SUPERMARKETS ARE TAKING INCREMENTAL STEPS

In 2018, Oxfam launched its campaign to tackle the human suffering faced by the women and men that produce our food – with a call to action for both supermarkets and governments to acknowledge this problem and act to address it. The last year has shown that progress *is* possible through companies strengthening policies and practices on human rights in food supply chains and governments strengthening policy frameworks or regulations.

Supermarket improvements on workers’ rights

Two Dutch supermarkets made significant public commitments on workers’ rights in 2018, following campaigning by Oxfam supporters. Albert Heijn (a subsidiary of Ahold Delhaize) and Jumbo published human rights and due diligence policies and promised to implement a due diligence process based on the recognized framework for human rights.²³

Both supermarkets have committed to carry out several human rights impact assessments annually, publicly report on the results and progress, and set up complaints mechanisms based on good practice guidance. Other companies such as Tesco, Rewe and Sainsbury’s are similarly working on improving their complaints mechanisms. In another important step, both Albert Heijn and Jumbo will publish an interactive world map showing where their own-brand products come from.

Following a second assessment of the 16 biggest and fastest growing supermarkets in Germany, the Netherlands, the UK and the USA in 2019,²⁴ four companies (Jumbo, ALDI South, Tesco and Morrisons) increased their score on workers’ rights by 15% points or more, showing that with corporate will, improvement is possible.

Other companies made incremental progress. Around half have committed to take proactive steps to prevent forced labour, committed to not to ‘cut and run’ when issues are exposed, and publicly acknowledged that problems are systemic and require collaboration to solve.

Companies scoring better on workers’ rights do so because they explain how they manage challenging issues, recognize the greater obstacles women face and take at least some steps to tackle them. Tesco stands out for recognizing that wages fall short of a ‘living wage’ in Malawi tea and in several banana producing countries, as well as committing to eliminate unfair trading practices and providing information on how it manages labour rights issues.

* * *

CHARACTERISTICS OF COMPANIES SCORING BETTER ON WORKERS’ RIGHTS ARE THAT THEY EXPLAIN HOW THEY MANAGE CHALLENGING ISSUES, RECOGNIZE THE GREATER OBSTACLES WOMEN FACE AND TAKE AT LEAST SOME STEPS TO TACKLE THEM.

* * *

FIGURE 5. HIGHEST SCORERS AND MOST IMPROVED ON OXFAM'S SUPERMARKETS SCORECARD (2019)



*Based on change in score on workers' rights from 2018-2019 in percentage points.

Note: Scores are based on an assessment of measures taken by supermarkets to ensure that workers' rights are respected in their supply chains. Scores are given based on publicly available information measured against a set of indicators of recognized good practice. Percentages given are the points scored as a percentage of the total score available on the workers' rights theme for 2019 and the percentage change in score on workers' rights from 2018 to 2019. Full data and methodology is available here: <https://policy-practice.oxfam.org.uk/publications/behind-the-barcode-supermarket-scorecard-2019-data-620836>





BOX 1. WHAT HAPPENED WHEN ALDI SOUTH AND LIDL ATTEMPTED TO STEP UP?

In 2018, ALDI South scored just 1% on Oxfam's Supermarkets Scorecard. After public campaigning in multiple countries, the German-headquartered retailer published its first international human rights policy, committed to respect human rights, and adopted measures to identify risks and prevent harm to people.²⁵ These statements, among others, increased the company's overall score by 18%, more than any other company. It has also joined the Ethical Trading Initiative in the UK which helps companies address workers' rights issues.

However, ALDI South's sourcing of bananas demonstrates a disconnect between the company's human rights commitments and its business practices. Around the time it was developing its human rights policy, the company told banana suppliers they would have to cut prices, even though prices had already fallen by 50% in 15 years.²⁶ In response, 31 organizations said enough was enough and urged other retailers not to follow ALDI South's lead.²⁷

Another powerful German discounter, Lidl, took a different approach in relation to sourcing bananas. It made a public commitment to sell only Fairtrade-certified bananas in its 3,000 stores in Germany and Switzerland. However, after only eight months, following intense price cutting from competitors, it abandoned its 100% Fairtrade commitment and reintroduced a line certified by Rainforest Alliance,²⁸ which does not pay a premium and takes fewer steps than Fairtrade to ensure respect for workers' rights.²⁹

Workers on banana farms were the losers from this price war, according to the union of agricultural workers in Costa Rica (SITRAP):

* * *

'WE BANANA WORKERS ARE VERY WORRIED BECAUSE DAY BY DAY OUR WORKING CONDITIONS GET MORE DIFFICULT. RIGHT NOW WE ARE NEGOTIATING A COLLECTIVE BARGAINING AGREEMENT BUT WHEN WE ASKED FOR A RISE THE COMPANY REFUSED POINT BLANK, ARGUING THAT...THEY ARE SELLING BANANAS FOR A VERY LOW PRICE, AND THAT MEANS THEY ARE NOT ABLE TO INCREASE OUR WAGES.'

* * *

Spokesman for SITRAP, November 2018³⁰

In Lidl's case, people missed out on the Fairtrade premium they would have received had the company kept its promises.³¹

ALDI South said it 'acknowledged the challenge with low and non-transparent farm gate prices of raw materials in many agricultural supply chains, and supermarkets like ALDI South can contribute to improving the situation.' It said it is 'working on different approaches in its own supply chain and engaging with other stakeholders.'

BOX 2. TOWARDS BETTER PRACTICE IN A PROBLEMATIC SECTOR: ITALIAN TOMATOES³²

What does good practice look like in a problematic sector like Italian tomato production?

Oxfam worked with Finland's biggest supermarket, S-Group,³³ to help its staff understand the impact the company has on the Italian tomato workforce and gain insights into how it could help to address any problems.³⁴

The study, known as a Human Rights Impact Assessment (HRIA), evidenced appalling working and living conditions in a location – Italy – that most companies do not designate as 'high risk' when they are sourcing products.

Alongside the perfect storm of conditions in Italy itself,³⁵ the assessment found that supermarket business practices contributed to adverse human rights impacts. Over the last five years, S-Group's private label processed tomato suppliers have seen a 15–25% decline in prices in real terms, and farmers have seen a 10% reduction in tomato prices.

Over the same period, according to the collective agreement negotiated by trade unions, tomato worker wages should have increased by 8%, although no evidence was found of wages being paid at this level.

This disconnect between falling tomato prices and rising wage costs increases the likelihood of poor labour practices, such as significant under-reporting of workers' hours, which are widespread in the sector.

S-Group deserve credit for undertaking this study, including sharing commercial data with researchers and finding ways to present that sensitive information in ways that comply with competition law. We would like to see more companies undertake such studies.

'SOME SUPERMARKETS DEMAND TO BUY PROCESSED PRODUCTS AT TOO LOW PRICES. IN THE END THE WEAKEST PLAYERS IN THE SUPPLY CHAIN ARE THOSE WHO PAY THE CONSEQUENCES.'

Supplier to S-Group interviewed for the assessment

'THE REPORT AND COLLABORATION WITH OXFAM HAS TAUGHT US A LOT. NO ACTOR CAN SOLVE THE COMPLEX ISSUES ALONE, BUT WE CONTINUE COLLABORATION WITH OTHERS AND SEEK NEW PARTNERSHIPS TO TAKE ACTION AND ADDRESS THE ROOT CAUSES OUTLINED IN THIS REPORT.'

Lea Rankinen, Vice President, Sustainability S-Group

OTHER IMPROVEMENTS BY FOOD COMPANIES THAT HELP SHOW THE WAY

Among agricultural brands, Nestlé and Wilmar are taking a lead role in driving product traceability. Nestlé has published a Transparency Dashboard for palm oil,³⁶ announced it will disclose suppliers of 15 priority commodities³⁷ and used blockchain technology to enable consumers to track their food back to the farm.³⁸ The company has found that its commitment to traceability has made its business owners more accountable and extended the mandate of procurement teams. Wilmar was the first company to publish a full list of its supplying mills in 2015 and the only one of 38 companies covered in the 2018 'KnowTheChain' Benchmark Report to disclose its first-tier suppliers.³⁹

In the UK, Marks & Spencer⁴¹ publishes its first-tier suppliers and some raw materials supply chains, including for tea and coffee, and Waitrose publishes its first-tier suppliers.⁴² In 2018, seven tea brands disclosed parts of their tea supply chains, after being lobbied to do so by a UK

'TRANSPARENCY IS BECOMING THE NORM, AND IT IS ONLY A MATTER OF TIME UNTIL ALL PLAYERS WILL HAVE TO DISCLOSE THEIR SUPPLY CHAINS. WE WANT TO BE FRONTRUNNERS ON THIS TOPIC.'

Nestlé 2019⁴⁰



campaign, *Who picked my tea?*⁴³ However, the grocery sector still lags behind the garment sector, where 70 of the top 200 fashion retailers now publish their first-tier factories⁴⁴ and some publish their fabric and yarn mills.⁴⁵

Retailer members of the Consumer Goods Forum, including Ahold Delhaize, Sainsbury's, Tesco and Walmart, made a public commitment to adopt practices to help eliminate forced labour.⁴⁶ Twenty companies, including Tesco and Walmart, joined the Leadership Group on Responsible Recruitment and signed up to a principle known as 'The Employer Pays' to drive safer recruitment practices for migrant workers. It is vital that in addition to these commitments, supermarkets ensure they factor the costs of compliance and improvement into their business model as well.

In September 2019, Amazon (Whole Foods' parent company) published a new set of Supply Chains Standards and Suppliers' Code of Conduct that covers a range of important issues raised by Oxfam's campaign, such as labour rights, health and safety and ethical behaviour by suppliers. The new supplier standards will apply to all Amazon's subsidiaries, including Whole Foods.⁴⁷

NEW REGULATIONS ON WORKERS' RIGHTS

Oxfam's *Ripe for Change* report found that labour rights standards and real wages are higher where there are regulations to protect workers' rights, such as an adequate minimum wage, the right to freedom of association, and state-based measures to prevent forced and child labour.

Some progress has been made in these areas since 2018. Australia has adopted legislation to tackle modern slavery, and in the UK, rules around company reporting and public procurement have been tightened up.⁴⁸ In the USA, the cost of company inaction on forced and child labour increased: Customs and Border Protection (CBP) has started seizing goods 'tainted' by forced labour at the border, beginning with a 2019 consignment of tuna products.⁴⁹

The International Labour Organization, in its centenary year, passed its first ever convention to combat violence and harassment in the workplace, saying '*Without respect, there is no dignity at work, and, without dignity, there is no social justice.*'⁵⁰ This will help make visible these hidden forms of abuse which prevent millions of workers – disproportionately women – from feeling safe in their workplace.

In 2019, new European Union (EU) rules banned unfair trading practices (UTPs) by supermarkets and large buyers. These outlaw common exploitative practices, such as late payments, last-minute cancellations of orders and refusing to provide written contracts, all of which put commercial pressure on suppliers, who pass the pressure on to the people with the least power. The rules cover all food products bought by retailers based inside the EU, wherever these products come from, and once incorporated into national law, should help protect food producers from all around the world.⁵¹

There is growing momentum in Europe and beyond for companies to be held legally accountable if they fail to take measures to prevent and mitigate human rights violations along their supply chain. Oxfam and a broad alliance of civil society organizations is calling for mandatory human rights due diligence at EU and at national level.⁵² We believe this will pave the way for stronger global rules and an international, binding treaty on business and human rights.⁵³

BOX 3. PROGRESS IN A SECTOR: THAI SEAFOOD

In 2014, shocking stories emerged of men on board Thai fishing vessels being held in conditions of modern slavery, and of ‘troublemakers’ being thrown overboard.⁵⁴ Organizations such as the Environmental Justice Foundation published evidence and called for action.⁵⁵ In 2015, a ‘yellow card’ was given as a warning to Thailand by the EU for not doing enough to prevent illegal and unregulated fishing.⁵⁶

Initiatives have been implemented by governments, companies and NGOs to tackle the problems. The Thai government has adopted new regulations and processes, including an International Labour Organization convention on work in fishing, a forced labour protocol, and a range of domestic laws. A number of supermarket chains, including Albertsons, Ahold Delhaize, ALDI South, Costco, Morrisons, Tesco and Walmart, took welcome steps to continue to source their seafood from Thailand, rather than ‘cutting and running’ from the problematic sector.⁵⁷ Some seafood suppliers have improved standards on board vessels. A coalition of local NGOs for Ethical and Sustainable Seafood in Thailand, convened by Oxfam, has brought the voice of workers into the reform process, and strengthened worker committees, as migrant workers are not yet allowed to form trade unions.⁵⁸

An Oxfam seafood report published in 2018 based on research in Thailand and Indonesia found that exploitation was happening on land as well as at sea, and in processing plants supplying all 16 supermarkets on Oxfam’s Supermarkets Scorecard. Women peeling shrimps reported excessive working hours, underpayment of the minimum wage, restrictions on toilet breaks and drinking water, verbal abuse and hazardous working conditions.⁵⁹

A 2019 review of progress found that the government has taken significant steps to strengthen regulations and the EU has lifted its ‘yellow card’.⁶⁰ Fewer injuries and disappearances at sea go unreported, and there has been some improvement in conditions on board vessels, such as adequate food and clean water. Workers have better access to social security benefits, and more consistently get paid at least the legal minimum wage.

However, reports suggest that the business model used by supermarkets has not changed. Buyers still do not provide commercial incentives to suppliers who demonstrate more ethical practices (which are driving up costs). This means that Thailand’s seafood suppliers are losing their cost-competitive advantage because of the reforms, while buyers are sourcing from less scrutinized locations. Workers are also still largely missing from the conversation. And in the process of bringing undocumented workers into an employee relationship, many have become indebted to their employers.

There remains an urgent need for supermarkets to reward better supplier practices and to engage with NGOs, migrant workers’ representatives and the government to ensure that improvements are sustained.

* * *

‘I THINK THE RECRUITMENT PROCESS IS IMPROVING. IN THE PRE-DEPARTURE TRAINING, WORKERS ARE BETTER INFORMED ABOUT WORKING CONDITIONS, WORKER RIGHTS, WELFARE AND RECRUITMENT EXPENSES, BEFORE THEY LEAVE [THEIR HOME COUNTRIES] FOR THAILAND. THIS IS CRUCIAL TO REDUCE THE RISKS OF FORCED LABOUR AND ILLEGAL RECRUITMENT FEES BEING CHARGED BY LABOUR BROKERS.’

* * *

A member of the CSO Coalition for Ethical and Sustainable Seafood in Thailand⁶¹



5. CONSUMERS AND INVESTORS ARE CALLING FOR ETHICS AND OPENNESS

With such a weight of evidence and frequent media exposés about human suffering in supply chains, supermarkets are facing pressure to reassure consumers and investors they can be trusted to address these issues. They are also facing calls to improve transparency on where they source their food and to disclose any human rights concerns in their supply chains.

CONSUMERS ARE INCREASINGLY ASKING TO SHOP 'GUILT-FREE'

Over the past 12 months, new evidence has emerged to support the case that consumers want to shop 'guilt-free' and want to trust supermarkets to ensure that the products that they take from the supermarket shelf have been produced ethically and sustainably. Such changes are in line with shifting trends in consumer views on sustainability.⁶²

A recent consumer survey in 23 countries found that three-quarters of respondents feel it is important to buy 'ethical food' produced in socially and environmentally responsible ways.⁶³ Another survey in the USA, the UK and France found 71% of people, especially the under-25s, were concerned about the governance of issues such as workers' rights.⁶⁴

In a survey commissioned by Oxfam in Italy, 72% of people voiced their willingness to buy food free from any form of slave labour, regardless of the price.⁶⁵ In the Netherlands, almost 80% want their supermarket to ensure workers get a fair living wage, while one in three said that they would consider switching to a supermarket that is (more) committed to the fair treatment of workers.⁶⁶

A YouGov poll for Oxfam in 2018 found that almost 90% of ALDI customers in the UK believe it is important for the supermarket to ensure that workers who produce its food earn enough for at least a basic standard of living (87%) and there are no inhumane working conditions (88%).⁶⁷ Almost half said they would be willing to switch from ALDI to a different supermarket with better ethics.⁶⁸

INVESTORS CALL FOR TRANSPARENCY AND MANAGEMENT OF HUMAN RIGHTS RISK

Many investors are also expressing concern about the corroding effect of economic inequality and are scrutinizing companies' management of workforce risks and opportunities as never before.⁶⁹

A group of 50 investors with approximately \$3.1 trillion of Assets Under Management (AUM) have signed onto an Investor Statement to support the aims of Oxfam's campaign.⁷⁰ This statement includes a recognition that the current supermarket business model is unsustainable and that lack of transparency makes it impossible to calculate a holding's risks and opportunities with precision, making investing in supermarkets hazardous for those who seek reliable long-term financial health in the companies they own.

Adopting the practices outlined in the Investor Statement would mitigate the risk that human rights violations generate media attention and a public backlash, spark lawsuits, lead to operational delays, or incur other expenses.

Trends in shareholder proposals (which ask for publicly-traded companies to take a particular course of action – usually submitted at an annual general meeting) reflect this attitude: not only is support for resolutions on environmental, social, and governance (ESG) issues rising,⁷¹ but there has been a sharp rise in proposals asking companies to monitor and disclose the treatment of workers in their supply chains.⁷² Even when resolutions do not go to a vote, they still have impact: Oxfam’s shareholder resolution asking Whole Foods’ owner, Amazon, to conduct human rights impact assessments on three high-risk food supply chains was instrumental in encouraging the company to begin a deeper examination into workers’ rights.

Investor members of ShareAction’s Workforce Disclosure Initiative, supported by the British government, doubled in 2019 to bring their combined AUM to \$15 trillion.⁷³ The initiative aims to improve the quality of jobs in the operations and supply chains of publicly-listed companies by bringing together investors to help companies to improve their workforce reporting. Disclosing companies have 8.3 million employees and 1.5 million suppliers between them. The fact that most companies are unable to report the number of workers in their supply chains, never mind the gender breakdown or level of well-being, is prompting investors to probe further.

In the Netherlands, an investor coalition with €2.1 trillion AUM started the Platform Living Wage Financials (PLWF),⁷⁴ in the belief that *‘If equipped with reliable, accessible information, [investors] are in a unique position to identify and reward companies with strong social performance.’*

With dividends typically increasing ten times as fast as wages,⁷⁵ investors need to give clearer guidance to companies about how to balance respect for human rights with delivering financial returns.

Several international supermarkets in Oxfam’s campaign are privately-owned companies. A compelling reason for them to take action is that abuses such as human trafficking and forced labour in the supply chain generate significant reputational, legal and operational risks that can devastate a company’s bottom line.⁷⁶ A study has found that private companies have more latitude to demonstrate corporate responsibility than public companies and can take a longer-term view in some cases.⁷⁷

* * *

**‘CALLS FROM
SHAREHOLDERS,
CIVIL SOCIETY, AND
WORKER ORGANIZATIONS
FOR BETTER DATA AND
ACTION TO DELIVER
ON THE PROMISE OF
DECENT JOBS ARE
ONLY GETTING LOUDER.’**

* * *

Amy Metcalfe, ShareAction



6. A FRAMEWORK FOR ACTION TO IMPROVE WORKERS' RIGHTS

Urgent action is required from government to improve the policy environment for workers in countries in which food is produced, and to introduce mandatory human rights due diligence for companies in consumer countries. There is also a need for a wholesale change in approach from supermarkets and other companies in the supply chain in the way they manage the risks of human rights violations, and ensure that workers' rights are respected.

This report shows that progress is possible, and that there are increasing winds of change from consumers and investors.

Oxfam is calling on supermarkets to adopt robust human rights due diligence and improve transparency in their global supply chains. If supermarkets have nothing to hide, why not disclose what they do to prevent exploitation, where their products are made and under what conditions?

For the second year of Oxfam's campaign, we have released a framework with clear and actionable recommendations for supermarkets on workers' rights covering three main goals:

- To **adopt a human rights due diligence approach**: Oxfam asks supermarkets not to rely exclusively on compliance audits but to embrace a different way of managing human rights that can help identify the key problems in high-risk food supply chains and formulate a robust strategy to address them;
- To **prevent human rights harms in supply chains** by identifying adverse impacts of their businesses on the workers and farmers that produce our food and enabling affected rights-holders to be informed and use their voice; and
- To **achieve positive social impact**, showing that companies can not only do less harm but that they can also do more good using their economic and political power.

FIGURE 6.
SUPERMARKET ACTION
TO IMPROVE WORKERS'
RIGHTS IN FOOD
SUPPLY CHAINS





An agricultural worker holding a melon. Photo: Tatania Cardeal/Oxfam

For each one of these goals, supermarkets are asked to work through four areas of focus. Steps needed to achieve fair and equal treatment for women are integrated into the recommendations.

- 1. Corporate commitment:** by adopting overarching policies and broad commitments that set the stage for the company's human rights framework (for example, a labour and human rights policy, gender policy and buyer incentive policy); and disclosing the governance structure for effective implementation and reporting. Put women's empowerment at the heart of business operations by signing up to the UN Women's Empowerment principles and disclosing the company's gender pay gap.
- 2. 'Know and show' risks for workers' rights:** by managing human rights risks. This includes, among other actions, the implementation of human rights due diligence, publication of first- and second-tier food suppliers, publication of the gender ratio of workers at each production site, and publication of the labour share of value for the lowest paid workers at each stage of the supply chain.
- 3. Acting in a company's own supply chain:** by taking actions that the company should adopt in its own supply chains (arising from its human rights due diligence), such as the publication of an action plan to address human rights risks, meaningful engagement with trade unions, and prioritization of suppliers that give workers and farmers greater power and value. Publish a gender policy that includes prevention of discrimination, safety from sexual harassment and recognition of the value of unpaid care work.
- 4. Acting beyond its own supply chain:** by taking concrete actions to influence industry-wide or country-wide change. Examples of these actions include: participating in effective multi-stakeholder initiatives, exiting or reforming associations or other industry bodies that lobby against labour regulation, and advocating with governments to improve legislation and human rights frameworks.

NOTES

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