

A photograph of a person working in a sugarcane field. The person is wearing a light-colored bucket hat, a blue long-sleeved shirt, an orange safety vest, and a purple skirt. They are using a machete to cut a sugarcane stalk. The field is filled with tall sugarcane stalks, and the ground is covered with cut cane and leaves.

Labour Rights Observatory

First annual report for the Latin American cane sugar sector

About this report

This report has been commissioned by CNV Internationaal to launch the first annual report of the Labour Rights Observatory for the Latin American cane sugar sector.

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A man wearing a cap and gloves is working on a tree trunk in a field. He is using a tool to cut or remove bark from the tree. The background shows a landscape with trees and a cloudy sky.

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Summary

1.

This study presents **the results of the first comprehensive survey of labour rights** in the Latin American cane sugar sector, the first of its kind, capturing the labour situation in the sector from the workers' perspective.

2.

840 workers from Bolivia, Colombia, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua responded to the survey. Of these, **113 were women, and 727 were men.**

3.

Most of the companies surveyed comply with their legal obligations to pay the minimum wage to their workers. However, **the majority of outsourced workers do not receive the minimum wage. In addition, over half of the respondents do not receive a living wage for their work,** and this situation is much more prevalent among workers in the production stages of planting, field maintenance, harvesting and transport.

4.

Direct workers in the harvest and the mills enjoy better working conditions than outsourced workers, especially in Bolivia. These differences further disadvantage the situation of women and people belonging to ethnic groups.

5.

The results show a significant **difference in perspectives between direct workers and outsourced or subcontracted workers** (e.g. subcontractors perceive social dialogue and the relationship with the company more negatively than direct workers).

Summary

6.

Positive trends in social dialogue were recorded: the preponderance of collective agreements, the respect for these agreements, the positive valuation of the company-union relationship, and the existence and use of complaint and consultation mechanisms. These results point to the indispensable role of trade unions in improving the relationship between workers and the company and the situation of labour rights.

9.

There was a widespread presence of adequate PPE (Personal Protective Equipment) in the companies surveyed and, at the same time, a considerable incidence of accidents at work. Also, in some countries, respondents negatively view the training they receive on occupational safety and health, mostly among subcontractors.

7.

The majority of the companies surveyed have a trade union presence, and the majority of the workers surveyed indicated that they think **it is important to have trade unions** in the companies.

8.

Union-busting in the companies was also reported; in particular, actions to discourage union membership and non-compliance with collective bargaining agreements. Although these actions were reported by less than 10% of the respondents, it is noteworthy that **most of those who say that the company does not comply with the agreements are subcontractors.**

10.

The data suggest low participation of women in the sector and **fewer job guarantees for women.**

Abbreviations

ENS	Escuela Nacional Sindical (National Trade Union School)
GLWC	Global Living Wage Coalition
IDB	Inter-American Development Bank
ILO	International Labour Organization
ITUC	International Trade Union Confederation
PLWF	Platform Living Wage Financials
PPE	Personal Protection Equipment
UNGP	United Nations Guiding Principles on Business and Human Rights
WHO	World Health Organization



Introduction

Background

The Labour Rights Observatory is an initiative of CNV Internationaal in partnership with its trade union counterparts worldwide, born out of the growing need to monitor and evaluate compliance with workers' rights in important production and supply chains, such as the sugar chain. In the last 20 years, world consumption of cane sugar has increased by almost 40%, reaching a volume of 193.2 million tons in 2020 and is expected to continue growing. This growth is partly due to the relative immunity of this and other food and beverage industry sectors to economic fluctuations¹. Despite its economic importance, the sugar sector is not exempt from controversies surrounding the health effects of sugar and environmental and climate impacts linked to biodiversity, soil, water and social impacts related to tenure, land rights and labour rights².

CNV Internationaal has been working alongside sugar workers' unions in Central America, Colombia, and Bolivia. The Latin American sugar cane sector has some critical

challenges regarding labour rights, especially in occupational health and safety, living wages (and related forced and child labour), freedom of association and social dialogue³. The sugar sector is a traditional sector. At the same time, it is an innovative and moving sector, proof of which is the establishment of Bonsucro, the most important sectoral organisation globally for the sustainability and traceability certification of sugarcane products. Bonsucro has 250 members in 50 countries representing different segments of the supply chain; among them, 27% of the members of this organisation represent the production segment and 20% of the purchasing segment⁴. Bonsucro's progress in 2021 includes the approval of a new production standard that could enable considerable improvements regarding labour issues. One of these is an indicator to map the gap between current wages and the living wage⁵. CNV Internationaal has designed and implemented a participatory digital monitoring tool in the sugar sector to track progress and setbacks in labour rights in the Latin American



sugar industry. In 2020, a first pilot was carried out to test the degree of appropriation and usability of these technologies by CNV Internationaal's partners in Latin America. In July 2021, a comprehensive survey using the KoBoToolbox platform was implemented in several countries in Central America, Bolivia and Colombia, with 840 responses from union leaders and direct and indirect workers. This information will be published in an online



dashboard. In addition, annual reports with additional interpretation and analysis and the presentation of complementary cases are planned. This is the first annual report with data from participatory digital monitoring. The opinions and information are collected from the voice of workers throughout all stages of cane sugar production.

Study objectives

This study aims to present labour rights progress from the workers' perspective through an alliance with unions in the sugar cane production chain in Bolivia, Colombia, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

Relevance

Globally, the cane sugar industry generates millions of dollars in profits.

However, most of these profits are concentrated in the supply segments of the sugar value chain⁶, and the workers employed in primary production and industrial processing live on meagre wages, sometimes below the minimum wage and often below the living wage. In addition to the unequal income distribution, the cane sugar industry sustains other forms of precariousness such as job insecurity, exploitation, outsourcing, and informality. Although labour rights violations in the sector are well known⁷, very little is known about the magnitude and depth of this situation on a regional scale.

This document offers a first approximation to the situation of labour conditions with relevant interest since it gathers the voice of workers

throughout the different stages of production of the sugarcane sugar chain in Latin America. This information constitutes a baseline, which will be continuously fed in an exercise that will make it possible to recognise issues and trends, both positive and negative, during the years of monitoring the sector. Likewise, this information will be very useful to improve transparency in the sector in relation to compliance with international standards, not only in the case of due diligence but also to improve the quality of social dialogue between employers and workers on labour conditions. In this sense, this exercise seeks to promote an evidence-based social dialogue informed by workers' voices.

We are proud to bring forward the first publication of these characteristics for the sugar sector. We acknowledge that this is only the beginning and that there is still much to be done, not only in terms of expanding the information and analysis in the coming years but also in developing the methodology, which we aspire to improve to make it increasingly robust and reliable. In this regard, we extend an invitation to all readers to share their observations and suggestions.

1

Methodology

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1.1 Data collection

1.1.1 Reach

The first pilot of the Labour Rights Observatory was carried out through a participatory approach, both quantitative and qualitative, involving a survey of 840 workers in seven Latin American sugarcane producing countries: Bolivia, Colombia, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua (Table 1). These countries were selected based on their global importance as cane sugar producers and CNV Internationaal union support programs to strengthen social dialogue and labour rights.

Table 1 General information about the participants

Country	Nr of companies included in the study	Nr of surveyed workers		
		Women	Men	Total
Bolivia	7	32	57	89
Colombia	9	0	54	54
Costa Rica	1	0	6	6
El Salvador	4	8	91	99
Guatemala	1	0	12	12
Honduras	1	5	27	32
Nicaragua	3	68	480	548
Total	26	113	727	840

1.1.2 Survey participants

The participatory digital monitoring system was implemented with the help of the CNV Internationaal program coordinators in each country, union leaders and workers belonging to the participating unions. Therefore, the sampling uses the snowball or contagion method, in which communication among participants leads to inviting other potential participants as they respond to questions of interest to workers.

It should be noted that this type of sampling is non-probabilistic, i.e., the choice of the sample elements (i.e., the participants) does not depend on probability but on causes related to the characteristics of the research. In this case, although we tried to achieve as heterogeneous a sample as possible, access to the universe of workers depended on the reach of the social networks of CNV Internationaal and its union counterparts in the countries under study, as well as the collaboration of the workers (who may be reluctant for fear of dismissal or other reprisals). From this perspective, workers in the Latin American cane sugar sector can be considered a population that is difficult to access, dispersed and sometimes unknown

or hidden, especially for outsourced workers, which justifies the use of contagion or snowball sampling⁸.

The current level of participation results from workers' trust in CNV Internationaal and their interest in raising awareness of issues of importance for monitoring labour rights. In this sense, the digital monitoring system enables anonymous and voluntary worker participation. The universe of direct and indirect workers in the sugar sector is still difficult to establish. While some unofficial estimates exist for some countries (for example, in Nicaragua it is estimated that the industry employs 37,500 direct workers and 136,000 subcontractors), creating a census of workers would require a significant data collection and aggregation effort (including direct dialogue with companies), which was not possible for this study. This regional study on workers' rights in the sector will serve as reference data for the permanent monitoring carried out by CNV Internationaal and its partners as part of the labour rights observatory. In this context, the following annual reports of the observatory will incorporate, among others, the methodological recommendations resulting from this exercise.

1.1.3 Survey

The survey was carried out through an online survey conducted for two months, between August 2 and October 3, 2021. The survey was designed by the CNV International team in Latin America and the regional coordination of participatory digital monitoring. In addition, consultations were held with union leaders and the Central American trade union network to delve into questions of interest to unions and union leaders. The questions sought to collect baseline data for Key Performance Indicators (KPIs) that will be used for this study and the online Dashboard. Moreover, local unions can conduct an informed dialogue with their employer and improve their labour situation. The survey contains cascading select questions with 32 basic questions, from which new questions are derived as applicable to each selected situation. The survey consists of general questions about the participant's characteristics, followed by two major components: 1. Social Dialogue, and 2. Rights at Work. From there sub-themes emerge such as freedom of association, decent wages, occupational health and safety, child labour, forced labour and gender are addressed, with precise quantitative and multiple-choice questions with categories

previously constructed with the Latin American work team. The survey also presents open-ended questions to explain the selected answers, which allow enriching the opinions of each participant. The survey was administered using the KoBoToolbox platform and its KoBoCollect mobile application (see Appendix 1 for a more detailed explanation of survey administration). The KoBoToolbox system ensures the anonymity of respondents and secure data storage. Similarly, the names of the companies for which the participants worked were anonymised.



1.2 Presentation of results

Although results presented in this report consider the responses provided by Guatemalan respondents, the particulars concerning this country are not published as part of this report. However, the data collected in Guatemala has been made available to Guatemalan unions for their own monitoring.

The results presented below fall into two of the four pillars of decent work, according to the International Labour Organization (ILO):

- Social dialogue
- Rights at work

Regarding the guarantee of rights at work, this report focuses on indicators based on the eight fundamental ILO conventions, in particular: freedom of association (C87), effective recognition of the right to collective bargaining (C98), the worst forms of child labour (C182), discrimination (employment and occupation) (C111), and the abolition of forced labour (C105). The report also analyses the industry's level of compliance with the convention on workers' safety and health (C155). This analysis seeks to characterise the quality of jobs in the sugar sector in terms of job stability (e.g., the prevalence of outsourcing

and trends), job security (occupational safety and health), minimum wage and living wage, and opportunities for workers to organise and negotiate their working conditions.

This study is also in line with the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. These two instruments were created to establish standards of accountability for multinational companies and serve as a reference framework for their accountability concerning human rights and labour rights. This study also echoes the ILO approach that recognises gender equality as a cross-cutting objective of the decent work agenda⁹. From this perspective, this study uses a gender approach as an integral part of its objectives and methodologies.

The data were contextualised with various bibliographic sources and with the data collected in the sectoral report that CNV Internationaal commissioned Profundo to research in 2021. This study focused on the financial and economic structure of the international sugar sector and the state of the minimum wages and living wages for workers in this sector.



2

Characterisation of participants

2.1 Demographic characteristics

A young workforce characterises the Latin American sugar sector. According to the United Nations age group classification¹⁰, 40% of respondents are young people between 18 and 34 (Figure 1). These data are consistent with the age structure recorded for the agricultural sector in the region, which is mainly made up of workers under 50 years of age¹¹.

In terms of the gender of respondents, less than 15% identified themselves as female. (Figure 2). None of the respondents in Colombia, Costa Rica and Guatemala identified themselves as women (Table 1). Although these results might suggest a low number of women active in the sector, there are no figures on women's participation in the sugar sector, even though female participation in the agricultural sector in Latin America is high¹².

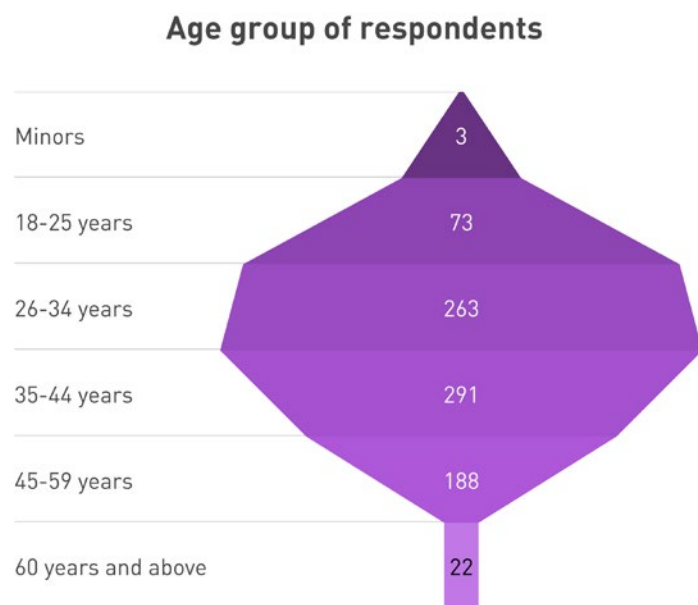


Figure 1. Question: Select your age group; under age n = 3

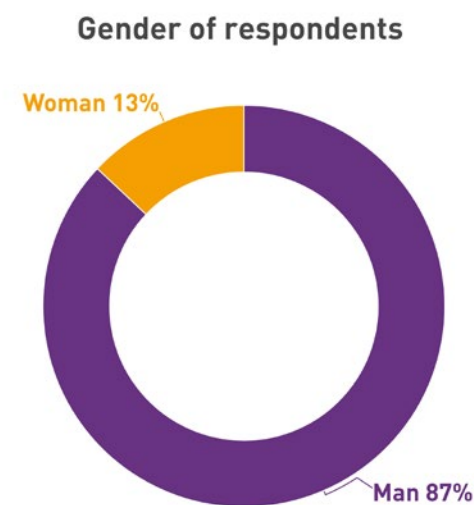


Figure 2. Question: Gender you identify with



Women's participation in the Latin American sugar sector appears to be low. While this contradicts trends in the agricultural sector in the region, informality may make women's presence in the sugar industry invisible. Photo: Woman transporter at a Nicaraguan sugar mill, CNV Internationaal.

Concerning respondents' ethnicity, less than 15% reported belonging to an ethnic group. Disaggregated by country, almost all Bolivian respondents reported belonging to an ethnic group, while none of the respondents from Costa Rica, El Salvador or Honduras identified themselves as such (Figure 3). Ethnic groups reported by respondents include Quechua, Aymara, Guaraní, Guaraya, Maya, Afro-descendants, and mestizos.

Ethnicity of respondents by country

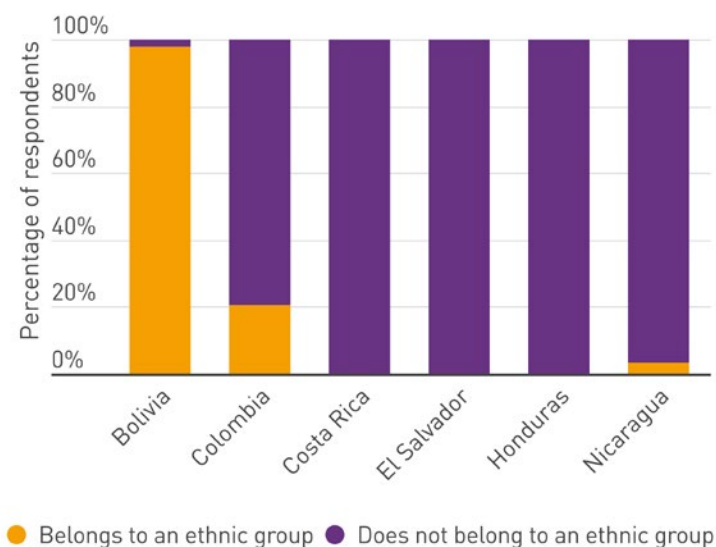
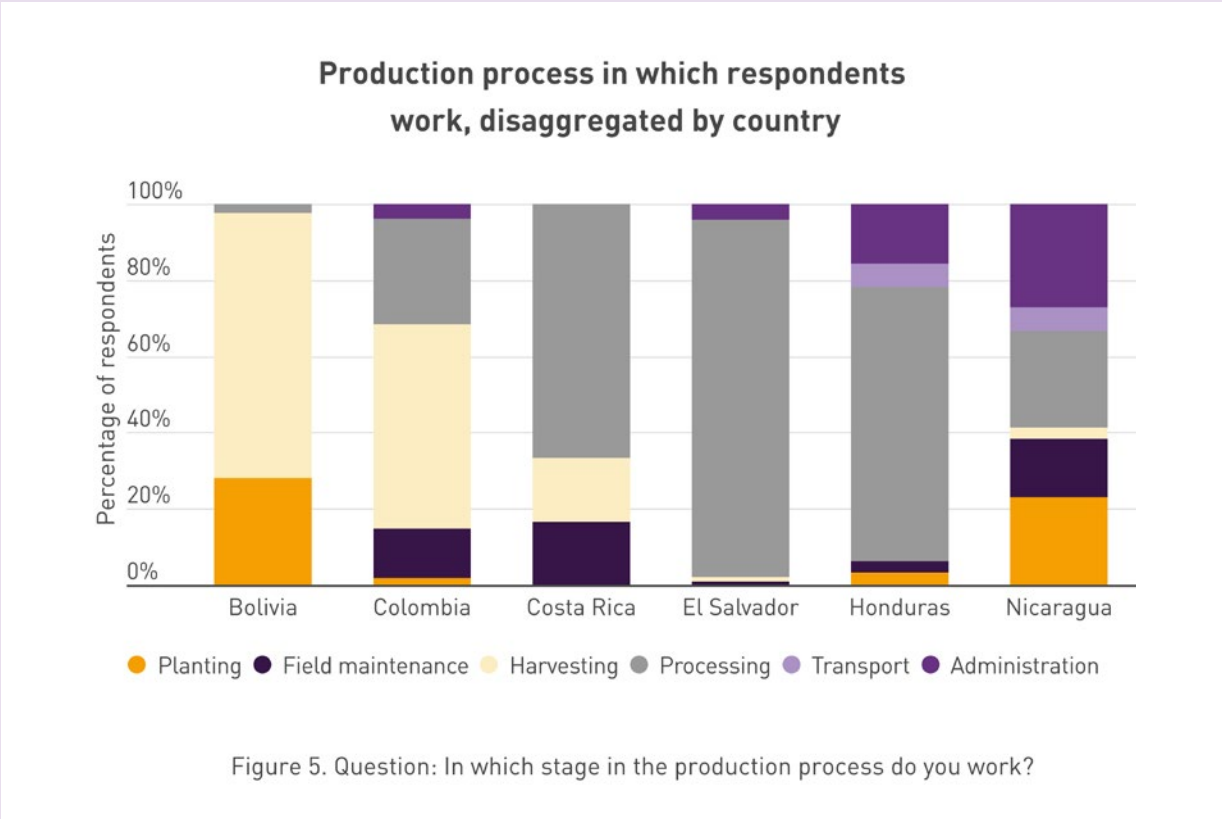
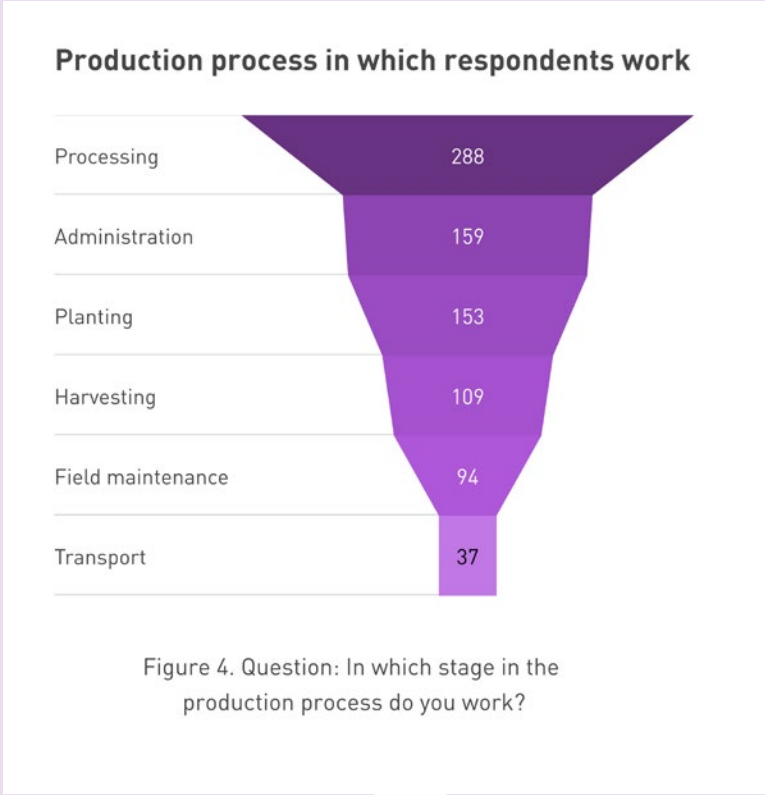


Figure 3. Question: Do you belong to any ethnic group?

This study characterised the cane sugar production process in six stages: planting, field maintenance, harvesting, processing, transport and administration. Employees performing activities in the field (planting, maintenance and harvesting) make up most of the surveyed workforce (42%). Almost 35% of the respondents work in the processing segment, and about 20% in administrative positions

(Figure 4). Disaggregated by country, there are important differences in the activities carried out by respondents. Notably, the majority of respondents in Costa Rica, El Salvador and Honduras are engaged in industrial processing activities. In contrast, most respondents in Bolivia, Colombia and Nicaragua are employed in field activities (Figure 5).



Stages of the cane sugar production process

Sugar cane is planted with vegetative material, either with cuttings or from seedlings. Before **planting** the cuttings or seedlings, it is necessary to prepare the soil according to the slope, irrigation infrastructure, and drainage required for the crop. This process can be mechanical or manual, or involve a combination of manual and mechanical tillage.

Once the planting stage is complete, **field maintenance** work begins with germination irrigation, followed by manual, mechanical or chemical weed control, replanting (which consists of replacing plants lost due to germination failures in spaces larger than 1 m), and irrigation and fertiliser application. This stage is carried out during the months following the planting and immediately after harvesting to condition the fields (especially when harvesting has been mechanical). Soil conditioning includes burning and liming of crop residues and subsoiling (conditioning the compacted soil surface).

Harvesting takes place between 11 and 16 months after planting. The crop is first burned to get rid of weeds and facilitate harvesting, and then the stalks are cut by hand. Once the cane is cut, it is stacked along the field and harvested by hand or with the help of a machine and placed in trucks that **transport** it to the plant where it is transformed into sugar.

During **processing**, the cane passes through crushers that press the cane to separate the fibre (called bagasse) and the juice. The extracted juice contains 95% of the sucrose present in the cane and to separate the sugar completely, the cane is dissolved in hot water or hot juice. The process involving water is called maceration and the process involving juice is called imbibition. Next, steam is used to remove impurities and residues that could not be removed during the preparation of the cane, which is known as clarification. This process results in a thick syrup composed of solids and water. This syrup is centrifuged and then evaporated in vacuum ovens until it is saturated with sucrose. Once saturated, sugar dust is added to aid crystallisation. Once enough are formed and the sucrose concentration reaches the required level, the mixture of crystals and syrup is deposited in crystallisers to cool. Once the mixture is cooled, it is centrifuged to obtain raw sugar and molasses. The molasses is filtered in storage tanks and the raw sugar is refined by washing with water that discolours the crystals. The product is dried in a tank and then sorted by size, packaged and distributed.

Administration tasks include those functions that enable an effective plant process, as well as ensuring that quality standards and production targets are met, and managing human resources and procurement issues. This category also includes general services such as cooking and cleaning, which are mostly carried out by outsourced women workers.

Source: Cassalet Dávila, C., Torres Aguas, J., Isaacs Echeverri, C. (1995), El cultivo de la caña en la zona azucarera de Colombia, Cali: CENICAÑA; Cajal, A. (n.d.), "Circuito Productivo del Azúcar: Principales Etapas", en línea: <https://www.lifeder.com/circuito-productivo-azucar/>, acceso en febrero 2022; CASUR (n.d.), "Proceso del azúcar", en línea: https://www.casur.com.ni/procesos/proceso_azucar.html, acceso febrero 2022.

The data on the productive process in which the respondents work disaggregated by gender reveal higher participation of women in the area of administration (32% of the total in this area) and planting (20%) and lower participation in processing (2%) and field maintenance (3%) (Figure 6). Of the women surveyed, 51% of those employed in planting and 64% in harvesting

work as part of a family unit. With regard to the ethnic composition of the production process, it is noticeable that the majority of respondents employed in field maintenance belong to an ethnic group (92%). In contrast, the proportion of respondents belonging to an ethnic group employed in administrative functions is less than 15% of

the total number of respondents employed for these tasks (Figure 7). It is noteworthy that, in Nicaragua, most respondents belonging to an ethnic group are engaged in administrative activities or processing.

Gender and production process

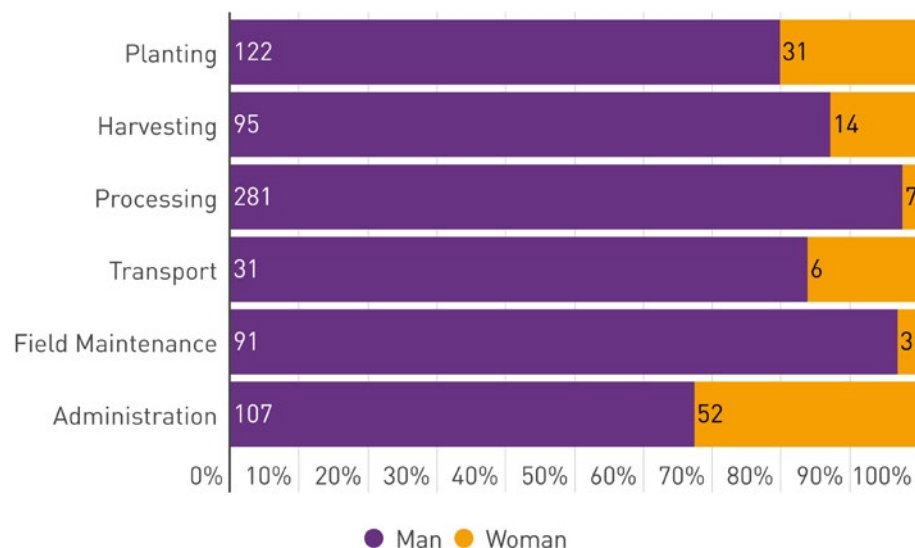


Figure 6. Question: In which stage in the production process do you work?

Ethnicity and production process

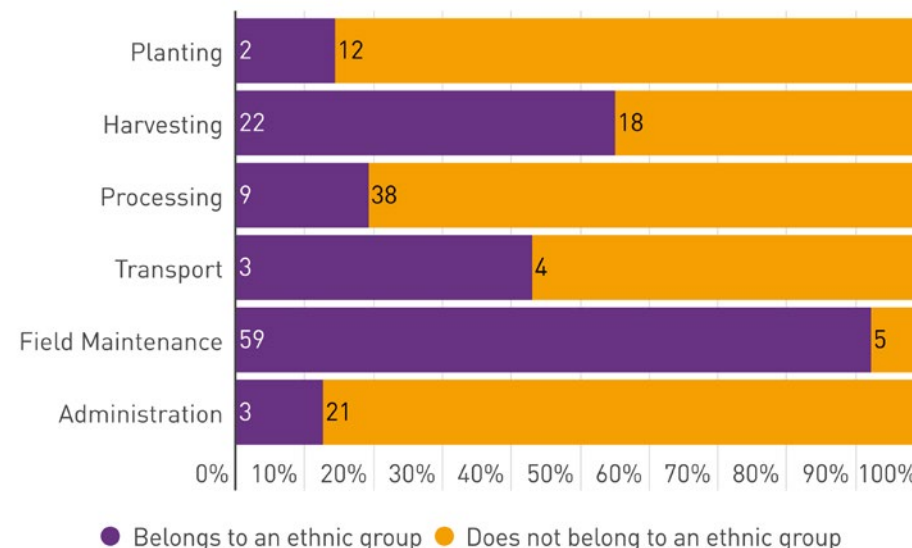


Figure 7. Crossover between employment by stage of the production process and ethnicity

Length of service

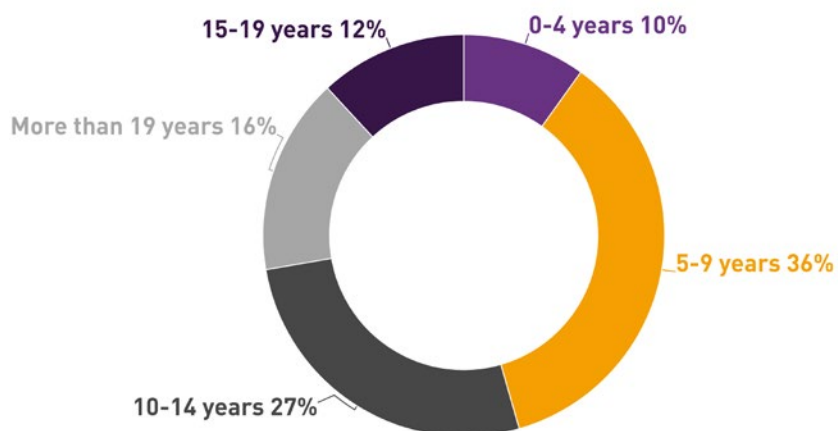


Figure 8. Question: How many years have you been working in the company?

Presence of nuclear families as a workforce

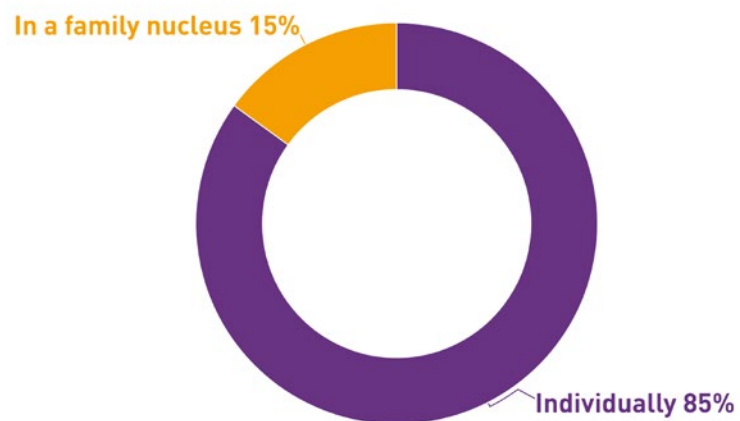


Figure 9. Question: Do you do your work as an individual or as part of a family?, n = 262

The data also reveal that among the respondents, employees with a length of service between 5 and 9 years predominate, with employees with less than five years of service being the least numerous (Figure 8). In this context, almost 70% of the workers surveyed with a length of service of more than 19 years work in industrial processing. Around 30% of the workers with a length of service of fewer than four years work in harvesting. Similarly, more than one-third of Salvadoran respondents have seniority of more than 19 years, and more than one-third of Bolivian respondents have seniority of fewer than four years.

Also noteworthy is the proportion of respondents who work as part of a family nucleus (Figure 9). Half of the respondents who work in this modality work in sugar cane planting, the other half in harvesting. On average, each family nucleus has 1.7 children. Ninety-four percent of the respondents who work in a family nucleus are from Bolivia, the remaining 6% from Colombia. In both cases, work in the family nucleus takes place in the context of planting and harvesting sugar cane (Figure 6).

2.2 Working conditions

2.2.1 Contracts and job stability

Most respondents (93%) have a direct working relationship with the company, and subcontracting was only recorded among respondents in Bolivia, Colombia and Nicaragua. Of these three countries, Bolivia had the highest number of subcontractors: 58% of all employees surveyed, while in Colombia, only 3% of respondents were subcontractors. In Nicaragua, only one person was in an indirect employment relationship with the company). These results reflect the sample's composition, which was mainly composed of unionised workers, who are in a direct employment relationship. Also, the majority of workers surveyed in Bolivia were zafreros (cane cutters), a group with an estimated subcontracting rate of 50%¹³. Of those surveyed in indirect employment or subcontracting relationships, the majority (98%, or all subcontractors in Bolivia and Colombia) belong to an ethnic group (Figure 10). Although there are no figures concerning the rate of outsourcing among indigenous or Afro-descendant people in the region, these results add to the recognition by the Inter-American Development Bank (IDB) and the ILO of the high participation of these groups in low-quality jobs¹⁴ and the barriers they face in accessing decent work¹⁵.

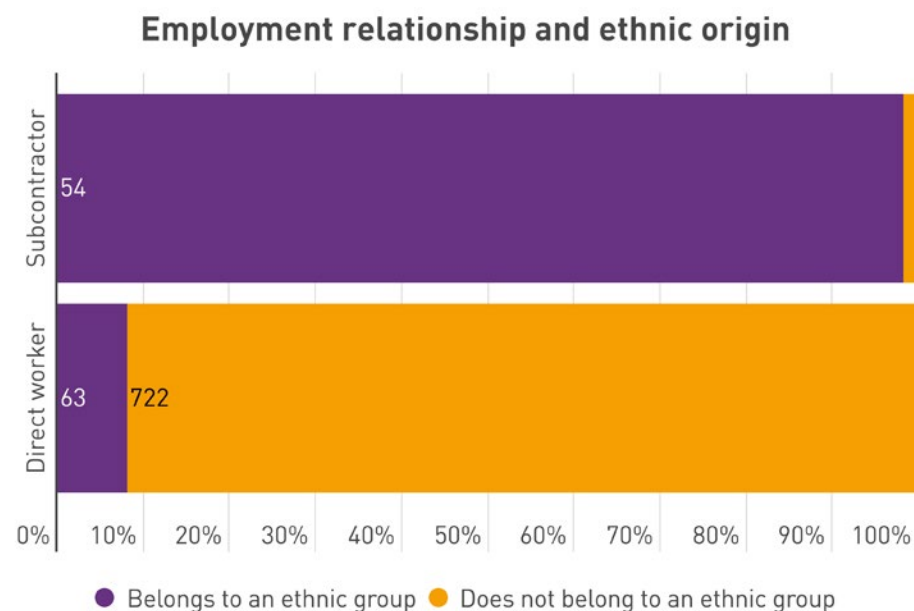


Figure 10. Crossover between employment relationship with the company and ethnicity



With respect to employment contracts, over 15% of respondents do not have a written contract (Figure 11). Among the respondents, Bolivia and El Salvador are the countries with the highest incidence of verbal contracts, making up 55% and 15% of the cases, respectively. Nearly 60% of the employees surveyed without a written contract are from an ethnic group, and 27% are women.

This study used the ILO definition of informal work as all paid work (e.g., self-employment and wage employment) that is not registered, regulated or protected by formal legal or regulatory frameworks¹⁶. From this perspective, 5% of the workers surveyed reported being informal workers. All informally employed respondents belong to an ethnic group, and 40%

are women. It is worth noting that all informally employed respondents are located in Bolivia. These results are below the records of informal work in a sugar mill in the Department of Tarija (Southeast Bolivia), which indicate that 67.91% of workers had a verbal agreement with the employer in 2013¹⁷.

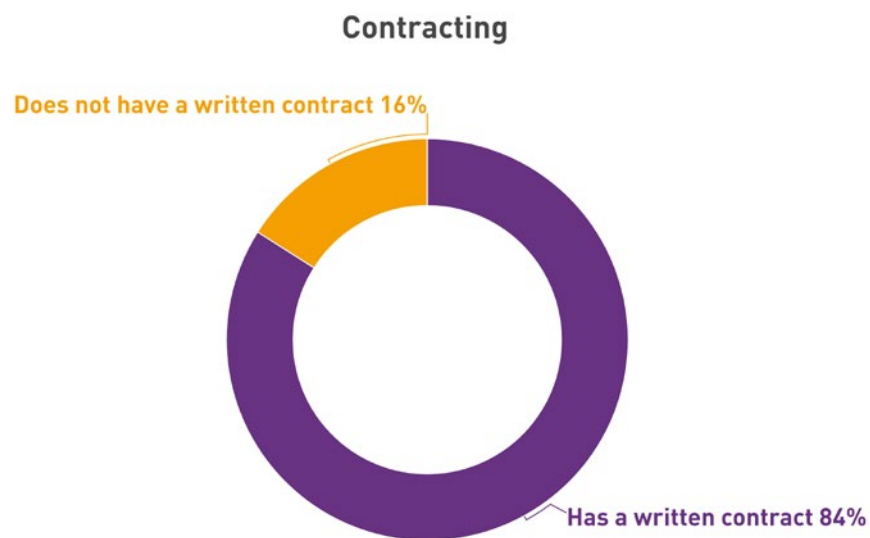


Figure 11. Question: Do you have a written employment contract?

Prevalence of informal labour in the Bolivian sugar sector

The occurrence of informal work in the Bolivian sugar sector has been previously documented. It is noticeable that most contracts are made verbally, giving employers the opportunity to deny the employment relationship, which leaves workers unprotected. Women and children, when working on the plantations as part of a family nucleus, are particularly affected by this situation. It also stands out that Bolivian mills normalise informal work by arguing that most workers choose not to sign a formal contract as this allows them to work on different plantations and avoid taxes.

Source: Ávila, P. (2020), *Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP+*, La Paz, Bolivia: CEDLA.

Employee benefits

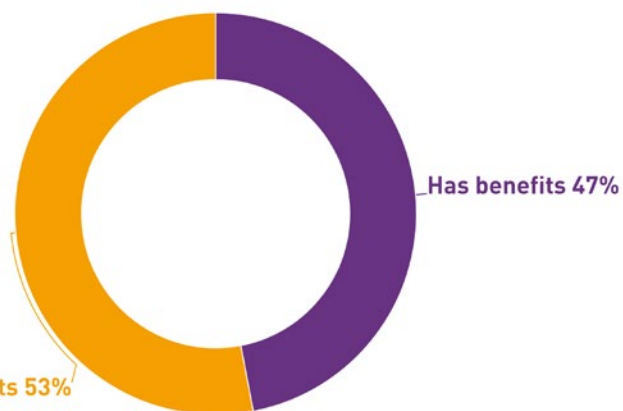


Figure 12. Question: In your employment contract, does the company provide benefits for food, transport or housing as part of your salary?

Regarding reimbursement of benefits by the company and by country, all companies surveyed in Nicaragua and Honduras offer the highest number of benefits to their employees. In contrast, the companies employing workers surveyed in Costa Rica do not provide any benefits. (Figure 13).

More than half of the respondents indicated that they do not offer benefits as part of the employment contract (Figure 12). When there are benefits as part of the employment contract, the most frequent are transport (47% of contracts with provisions) and food (41%). Less than 1% of contracts with benefits cover health care costs.



Figure 13. Question: What type of benefits?

2.2.2 Salaries

In terms of payment type, piecework is the most prevalent in planting and harvesting, accounting for 72% and 57% of all contracts,

respectively. The surveyed workers employed in administration, industrial processing, maintenance and transport are almost entirely paid by days worked (Figure 14).

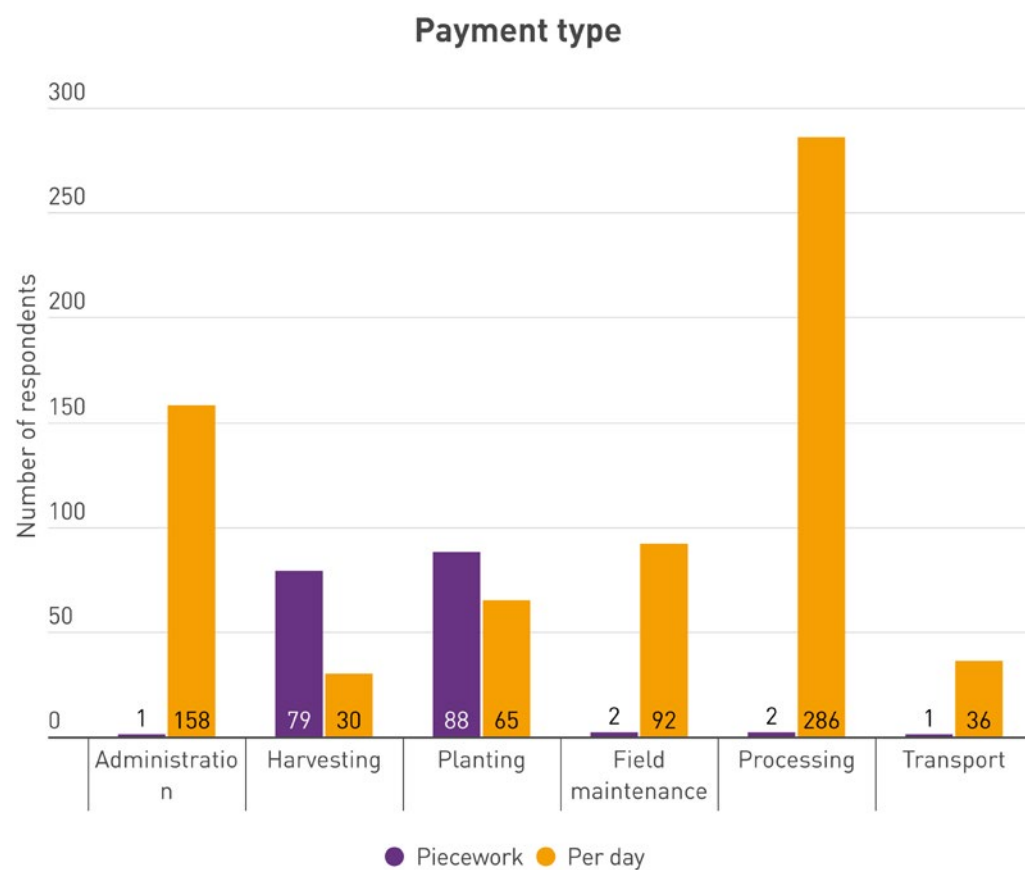


Figure 14. Question: In the company where you work, you are paid: by the day or piecework?



Nine per cent of respondents do not have employer-paid social health insurance, and remarkably, except for one company, nearly 75 per cent of employees surveyed in Bolivia are denied this right. Less than 10% of workers in Honduras and Nicaragua and more than 90% of subcontracted worker cane workers in Bolivia do not have access to employer-paid social health insurance (Figure 15). Notably, 57% of respondents without employer-paid social health insurance are subcontractors, 41% are women, and 93% belong to an ethnic group.

Subcontracted sugar cane workers in Bolivia and access to social health insurance

In Bolivia, the General Labour Law stipulates that part of the wages of formally employed workers must go towards social benefits. However, sugar cane workers generally do not have access to these benefits as many employers do not channel the due contributions. This is due to the high level of informality in the sector, which employers promote through their hiring practices. Although, by law, sugar cane workers are also covered by the Universal Health Insurance system, the lack of health facilities covered by the insurance in the vicinity of the plantations renders this system ineffective.

Employers' contribution to social health insurance

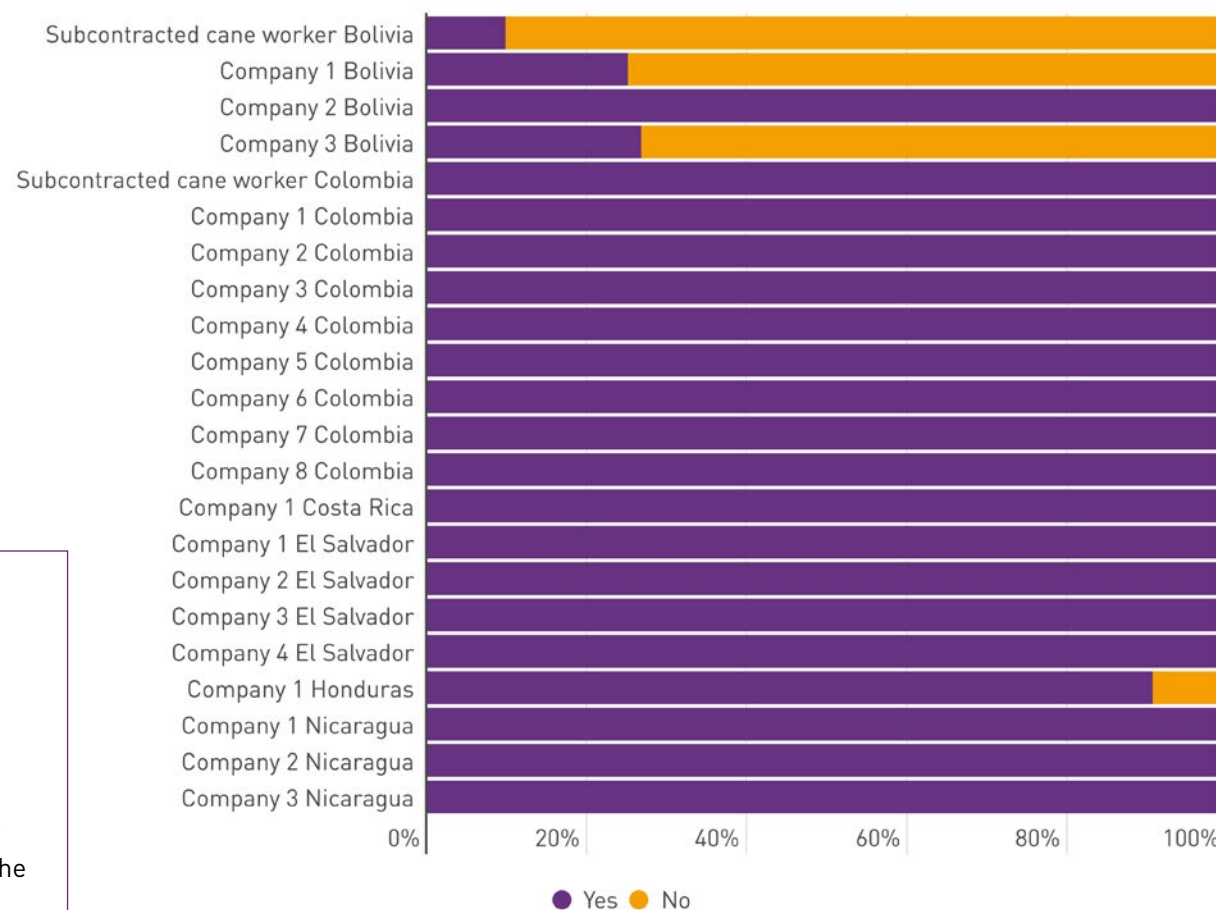


Figure 15. Question: Is your social health insurance paid by your employer?

Source: Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP+, La Paz, Bolivia: CEDLA.

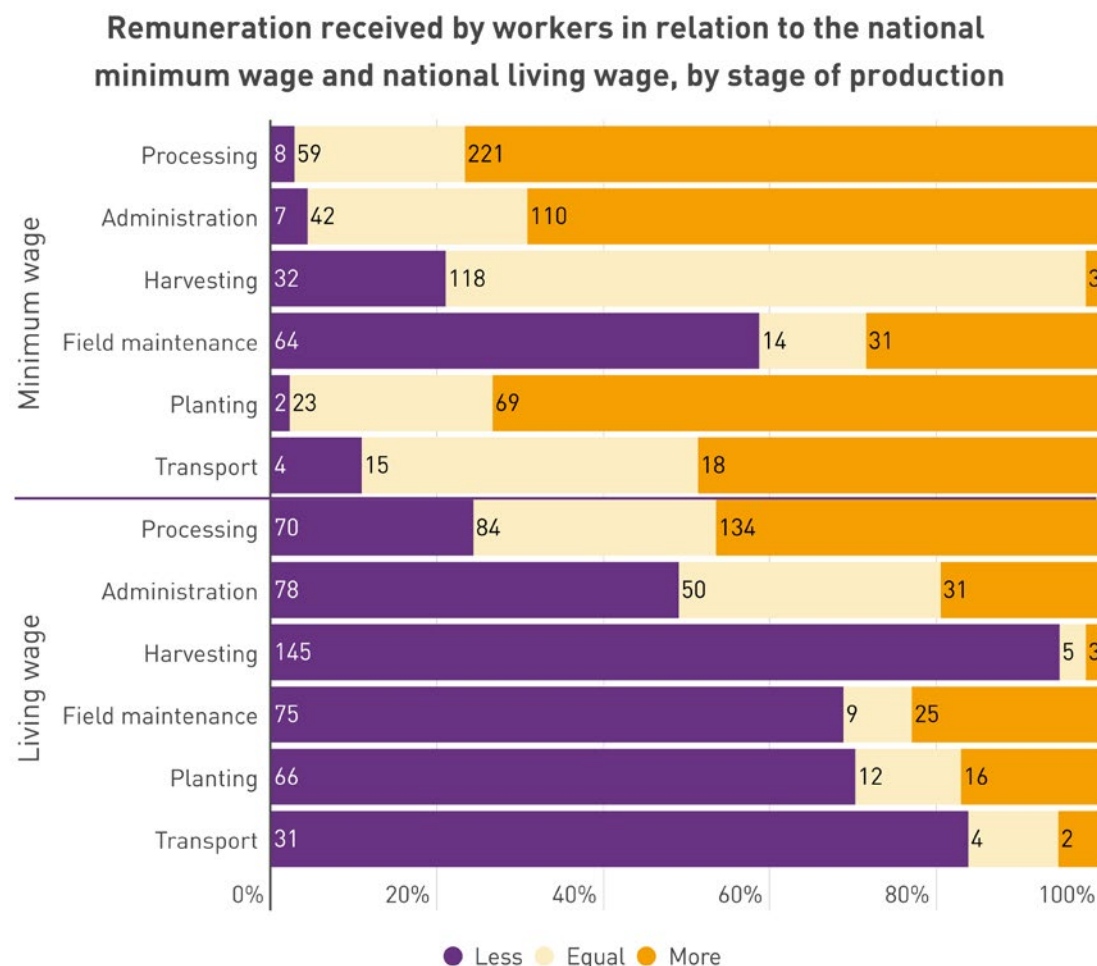


Figure 16. Question: Regarding the Living Wage in the country where you work, your wage is: Less than, equal to or more than 1.5 living wages?

In terms of minimum wage, 14% of all respondents reported receiving a wage below the national minimum wage. Disaggregated by stage of the production process, more than half of the surveyed workers employed in field maintenance (58%) reported receiving a salary below the national minimum wage. In contrast, more than 75% of the surveyed employees working in the processing stage indicated receiving a wage higher than the national minimum (Figure 16). Ninety-six per cent of employees surveyed in Bolivia, 33% in Costa Rica, 1% in El Salvador, 5% in Nicaragua, 94% of subcontractors, 31% of women and 74% of people belonging to an ethnic group reported receiving a wage below the national minimum.

	Minimum Wage	Living Wage Reference
Bolivia	BS 2,164	BS 2,164 (National Minimum Wage applies)
Colombia	\$1.014.980	\$1,644.569
Costa Rica	₡ 359.544,27(Generic Skilled Worker - TCG)	₡ 433,282
Guatemala	GTQ 2.992,37	GTQ 3,243
El Salvador	US\$243 (Agricultural Wage) US\$365 (Industrial Wage)	US\$355 (SVC 3,136),
Honduras	HLM 8.540,57 (Agricultural Wage) HLM 12.992,14 (Industrial Manufacturing Wage)	US\$277 (HLM 6,852)
Nicaragua	C\$ 4.414,91 (Minimum Industrial Agricultural Wage) C\$ 5.936,34 (Minimum Manufacturing Industrial Wage).	C\$12,101 (Managua Puerto Libre Zone) C\$9,900 (North-West).

* amounts are in local currency

With regards to living wages, 54% of respondents reported earning a salary below the national living wage. Disaggregated by stage of the production process, 95% of workers employed in harvesting, 86% of workers in transport, 70% of workers employed in planting and 68% of workers employed in field maintenance reported receiving a wage below the national living wage. In contrast, 76% of the surveyed workers employed in industrial processing reported receiving remuneration equal to or higher than the national living wage (Figure 16). Ninety-seven per cent of Bolivian respondents and 65 per cent of Nicaraguan respondents reported receiving wages lower than the national living wage. On the other hand, 87% of ethnic group respondents, 70% of female respondents, and 98% of subcontractor respondents (2% are from Colombia, 2% from Nicaragua and 96% from Bolivia) reported receiving wages below the national living wage.

Wages and labour outsourcing in Colombia

Although studies focusing on wages in the Latin American cane sugar sector are scarce, the available data indicate low wages for workers in the sector. In Colombia, there is high income inequality between different types of workers, especially between direct workers and subcontractors, but also within workers in the same category.

Estimating a Living Wage

The Anker method was developed by Richard and Martha Anker in 2017 to calculate living wages. Since then, this methodology has gained global acceptance and is now used not only to estimate living wages, but living incomes as well. The methodology has been applied and promoted by the Global Living Wage Coalition (GLWC) which is formed by Fairtrade International, GoodWeave International, Rainforest Alliance, Social Accountability International and UTZ, and is endorsed by the Living Income Community of Practice.

The GLWC 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.” From this perspective, the Anker methodology stipulates that, in order to calculate a living wage, one must first identify how much it would cost a household to achieve a decent standard of living. And the costs of decent food, decent housing, non-food, non-housing (such as school and clothing) and contingency allowance are budgeted taking into account international standards of decency (e.g. World Health Organisation (WHO), ILO and UN-Habitat). However, the local context is also considered, bearing in mind that local definitions of decency may vary geographically, which implies that standards of decency are normative.

Source: GLWC (n.d.), “The Anker Methodology for Estimating a Living Wage”, online: <https://globallivingwage.org/about/anker-methodology/#:~:text=By%20estimating%20the%20cost%20of,estimate%20is%20solid%20and%20credible.,> accessed in February 2022.

September and accessed in January, “Condiciones de trabajo y salud en el cultivo de caña de azúcar”, Agencia de Información Laboral, en línea: <https://ail.ens.org.co/opinion/condiciones-de-trabajo-y-salud-en-el-cultivo-de-cana-de-azucar/>, acceso en enero 2022.

Perception of workers' economic situation in the last three months

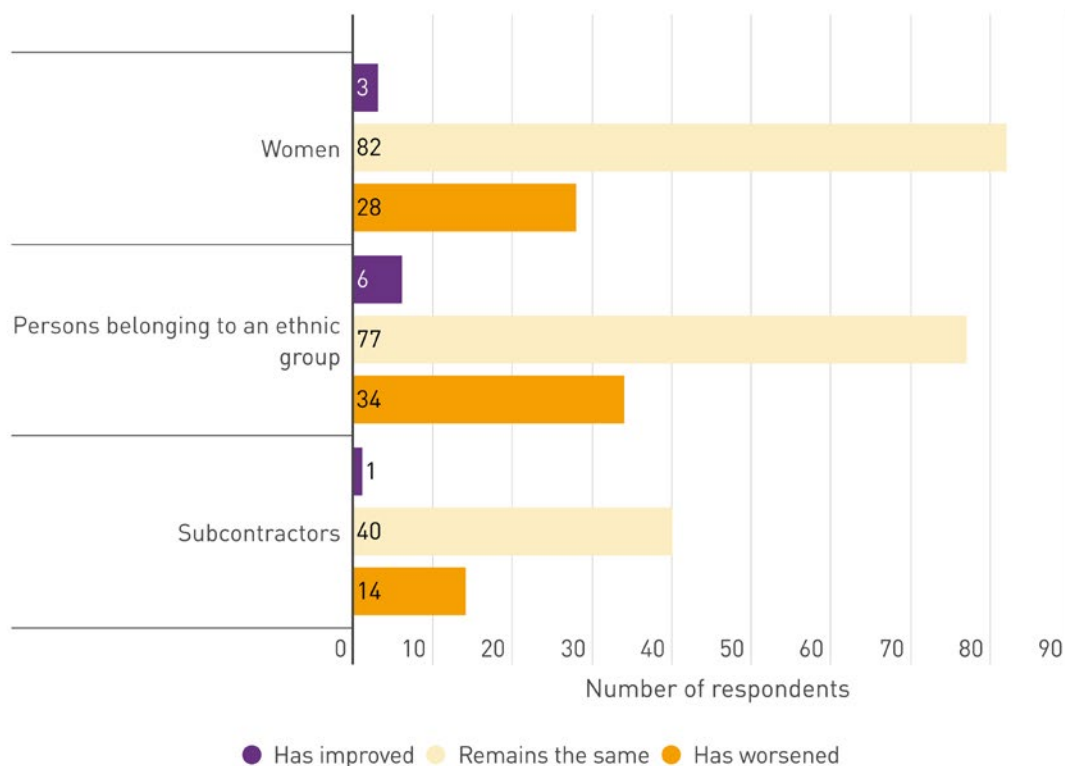


Figure 17. Question: Has your economic situation in the last three months improved, worsened, or stayed the same?

When asked about their economic situation, most respondents at all stages of the production process and in all countries indicated that their situation had remained the same three months before the survey. Also, most female respondents, persons belonging to an ethnic group and sub-contractors stated that their economic situation had remained the same in the last quarter (Figure 17). For this question, 3 months was taken as the reference period as it sought to capture the impacts of COVID-19 on the economy of the workers surveyed. Since the survey was conducted before the COVID-19 vaccination campaigns were rolled out in each country, it was expected that changes would be observed.



Salary deductions

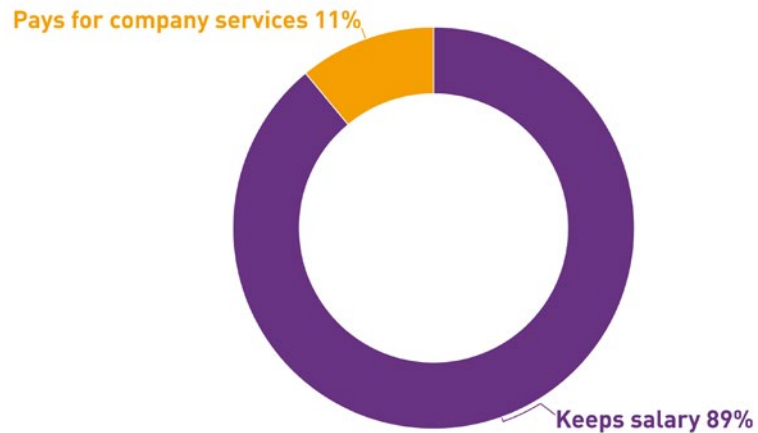


Figure 18. Question: On the salary you earn in the company where you work, can you keep all your salary or do you have to pay services to the company?

Respondents were also asked whether they could keep their full salary or whether they had to pay the company for any services. Eighty-seven per cent of the subcontractors surveyed, all of whom are from Bolivia, are required to pay services to the company. The vast majority of employees surveyed keep their salary without paying the company (Figure 18). Of the workers surveyed who reported having to pay for services to the company, 81% must pay for food and transport, 18% for food only and 1% for transport only. Payment for company services was reported exclusively by workers surveyed in Bolivia (85% of total responses for this category and 86% of respondents in this country) and Nicaragua (15% and 2%). Given the low number of responses for this category in Nicaragua, Nicaraguan respondents who reported paying the company for services may have selected the wrong answer during the survey or may not be adequately informed about their employment benefits. According to information from Nicaraguan unions, food is incorporated into the labour contract and workers are paid in cash.



Ratification of C001 – Hours of Work (Industry) Convention

Of the countries covered by this study, El Salvador and Honduras have not ratified the C001 convention on hours of work in industry which states that when work is carried out by shifts, the duration of work may exceed eight hours per day and forty-eight hours per week.

Source: ILO (n.d.), "Ratifications of C001 - Hours of Work (Industry) Convention, 1919 (No. 1)", en línea: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312146, accessed in January 2022.

In relation to the national minimum wage and the length of the working week, it was found that the majority of the employees surveyed who have a 48-hour working week and those who have a working week of fewer than 48 hours are paid above the national minimum wage. None of the workers surveyed who work a working week of 60 hours or more is paid below the national minimum wage (Figure 19). This could be explained by the fact that most of the workers surveyed receive additional overtime pay (Figure 19). Latin America is one of the regions in the world with the longest working weeks. In El Salvador and Honduras, the legal working week is 41-45 hours, while in Colombia, Costa Rica, and Guatemala, the legal working week is 46-48 hours. In Bolivia, the working week cannot exceed 48 hours for men and 40 hours for women¹⁸. Nicaragua sets a maximum of 49-59 hours per week (of which 48 ordinary hours and 12 hours of overtime per week), Colombia, Costa Rica, Guatemala, Honduras 60 hours or more, and El Salvador sets no legal limit to the number of hours per week¹⁹. Notably, Colombia introduced a law in 2021 (Law No. 2101) that aims to reduce the working week to 42 hours in a gradual manner and without reducing wages or affecting workers' rights²⁰.

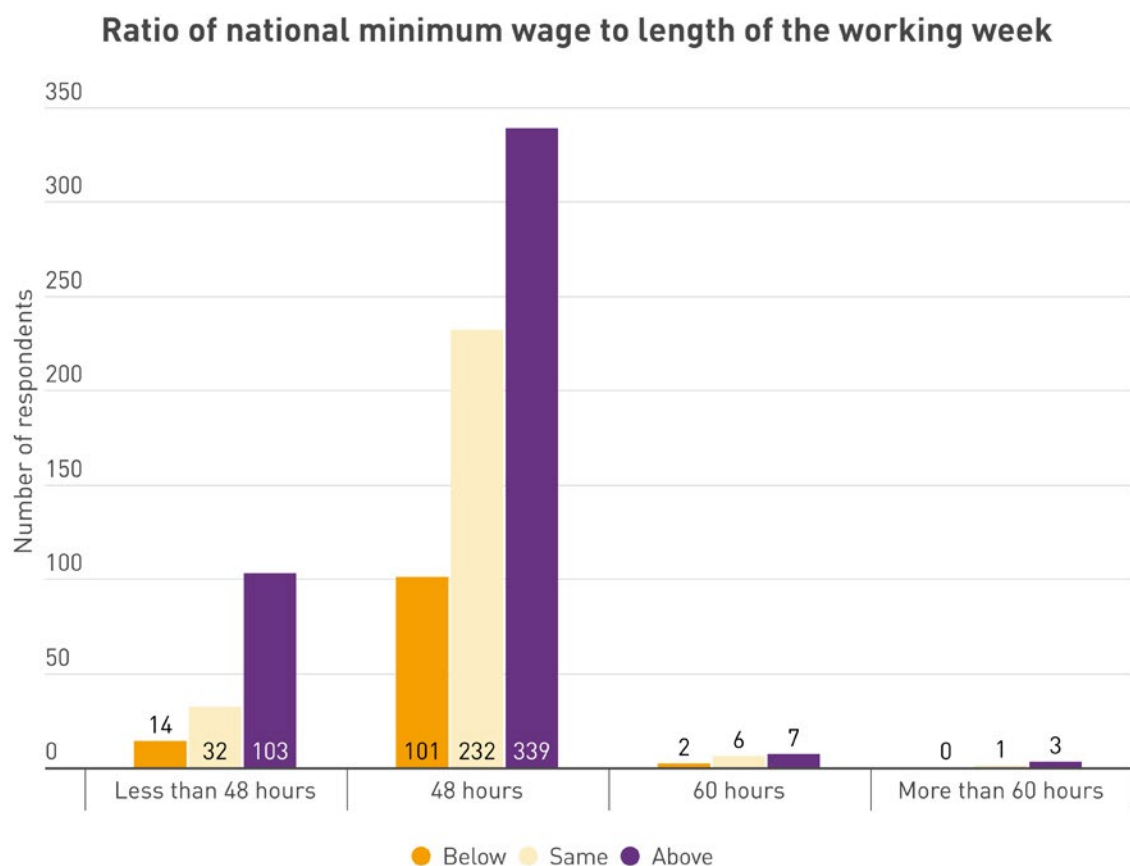


Figure 19. Crossover between national minimum wage and length of working week; 60 hours n = 15; more than 60 hours n = 4

2.3 Rate of unionisation amongst survey respondents

Eighty-six percent of workers surveyed are unionised, and the vast majority of respondents report that there are unions in the companies where they work (Figure 20). Notably, among employees surveyed in Colombia (n = 54), Costa

Rica (n = 6) and El Salvador (n = 99) there was 100% union membership. In contrast, the maximum union membership in Bolivia (n = 89) was 25% (two of the companies included in this study), and 2 of the 51 Bolivian sugar cane growers (both subcontracted) reported union membership. It is possible that the

individual Bolivian cane growers may have made a mistake in answering this question because, according to information from the Bolivian unions, cane growers are landowners and not workers, so they are not unionised. It is also possible that the low rate of unionisation in Bolivia reflects the workers' perception since in the zafra (i.e. the sugar cane harvest), the majority of workers are unionised. In this context, membership is community-based and not formal, as in the sugar mills. In Nicaragua (n = 548), there was 100% union membership among the employees surveyed in only one of the companies (Figure 21). Of the non-unionised workers surveyed, the vast majority do not do so because of lack of time or are not interested. However, 8% of these (all in Honduras, n = 32) indicated that they do not do so because it is risky or a political issue.

Trade union presence in the company and rate of trade union affiliation amongst respondents

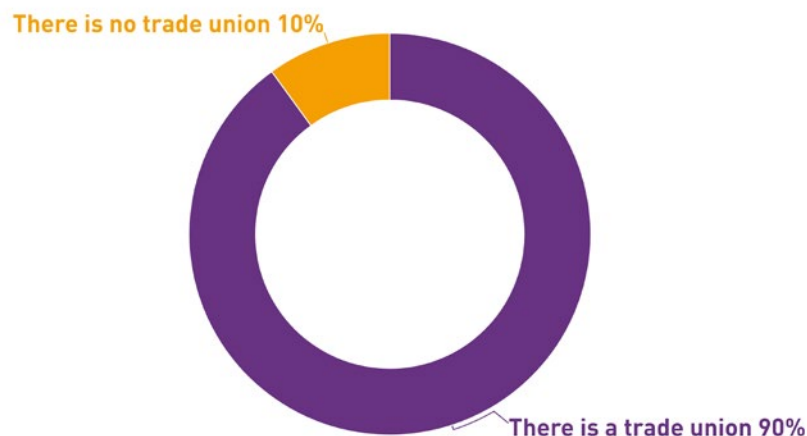


Figure 20. Question: Is there a union in this company?

Member of the union

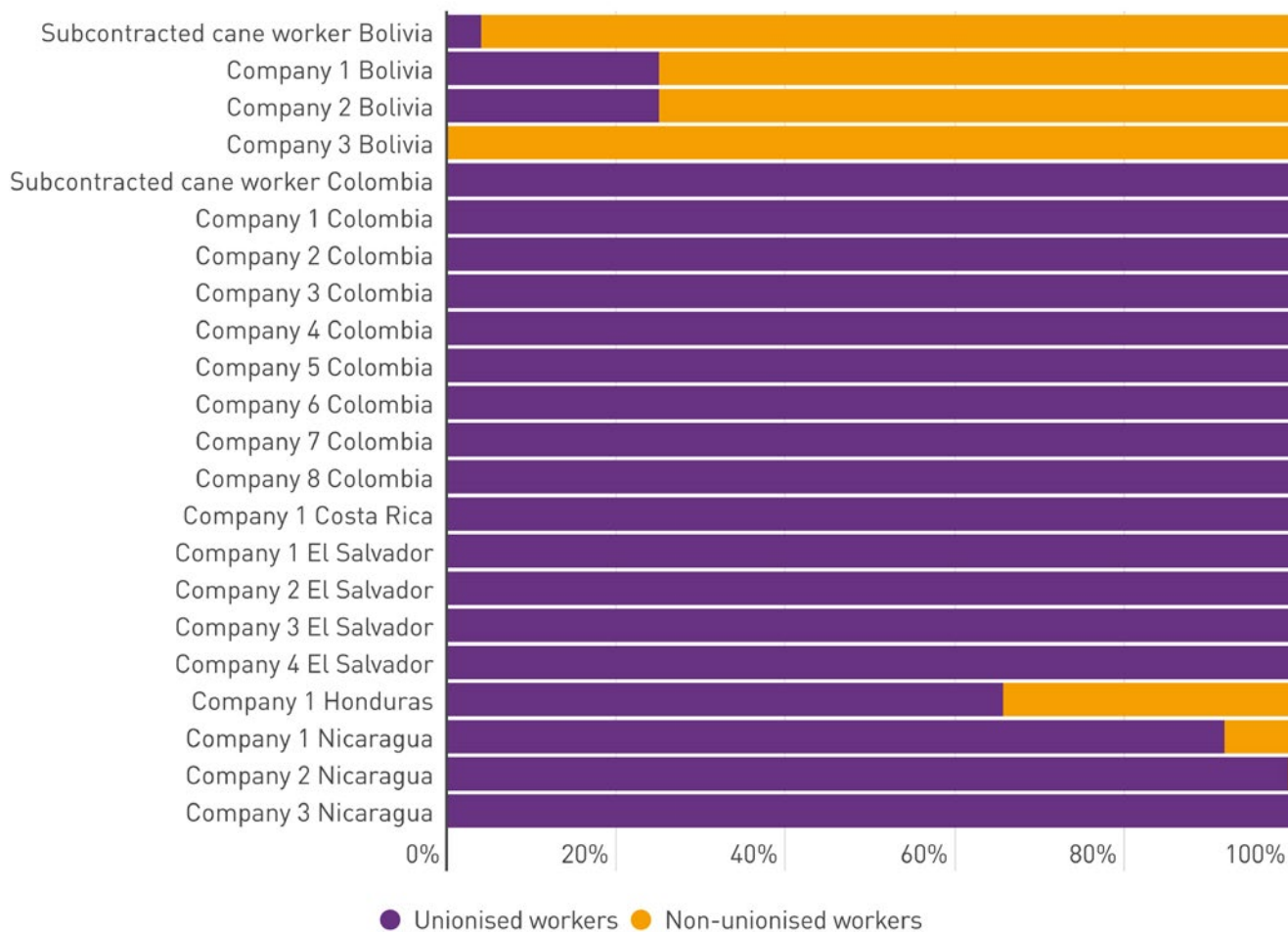


Figure 21. Question: Are you unionised?

Unionisation in the countries of study

Most of the countries covered in this report have a lower unionisation rate than the average for the Latin American region (16.3%). For example, according to ILO estimates, the unionisation rate in Colombia, Peru, Nicaragua and Guatemala is 9.5%, 5.7%, 5.3% and 2.6%, respectively. In some of these countries there is also a high rate of anti-union actions and violence. The International Trade Union Confederation (ITUC) Global Index of Rights 2021 states that in Colombia, Peru and Guatemala workers' rights are not guaranteed.

Source: ILOSTAT (n.d.), "Country Profiles", online: <https://ilostat.ilo.org/data/country-profiles/>, acceso en enero de 2021 y CSI (2021), 2021 Índice Global de los Derechos de la CSI. Los peores países del mundo para los trabajadores y las trabajadoras.



3

Promotion of social dialogue

3.1 Employer-employee relations 37

Regarding the existence of grievance or conflict resolution mechanisms at work, the vast majority of workers surveyed reported the existence of such mechanisms (Figure 22). Notably, 89% of employees surveyed in Bolivia indicated that there were no such mechanisms or that they did not know they existed. In contrast, only 4% of Nicaraguan respondents were not aware of conflict resolution

mechanisms in the company. Of this 4%, almost half were workers employed in administrative tasks. Likewise, 33% of female respondents were not aware of these mechanisms.

Almost all workers surveyed who were aware of conflict resolution mechanisms indicated familiarity with such mechanisms (Figure 23). Notably, 97% of respondents in El Salvador,

94% in Colombia, 93% in Nicaragua, and 90% in Honduras were familiar with grievance and conflict resolution mechanisms.

Presence of grievance or dispute resolution mechanisms

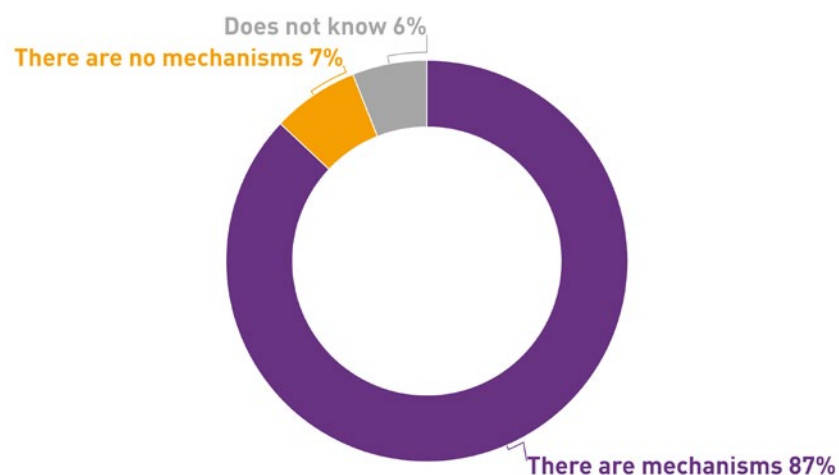


Figure 22. Question: In the company where you work, do workers have access to grievance or dispute resolution mechanisms?

Familiarity with grievance and labor dispute resolution mechanisms

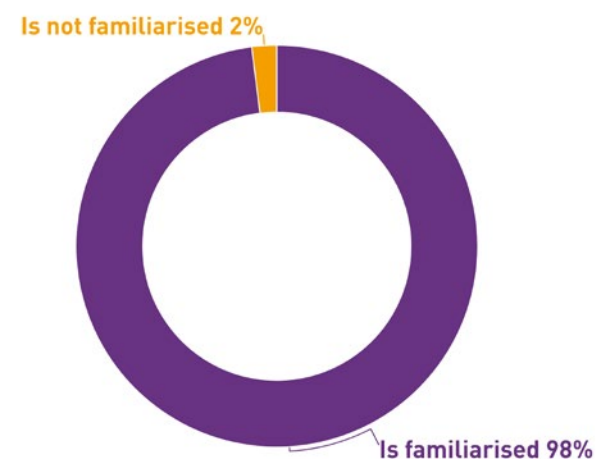


Figure 23. Question: Do you know the mechanisms?

Use of grievance and dispute resolution mechanisms

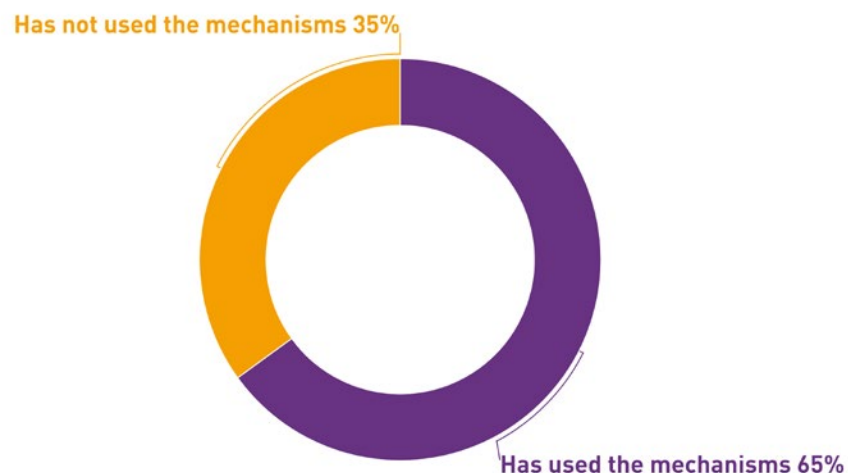


Figure 24. Question: Have you used those mechanisms?

Effectiveness of grievance and dispute resolution mechanisms

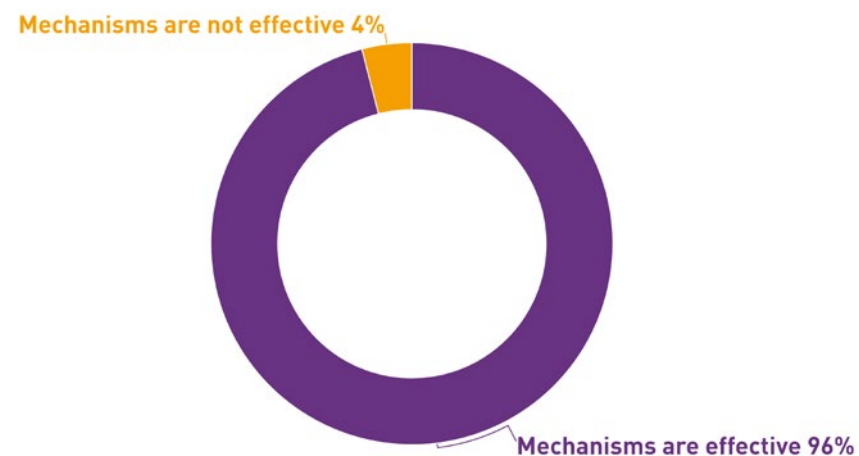


Figure 25. Question: Do you think those mechanisms are effective?

A considerable proportion of workers surveyed reported having used grievance or conflict resolution mechanisms at work (Figure 24). Notably, 70% of Colombian workers surveyed and 63% of Nicaraguan workers reported using these mechanisms. In contrast, only 11% of Bolivian respondents reported using these

mechanisms. This survey did not inquire about the types of mechanisms used by workers, but it did inquire about the perception of the workers surveyed of the effectiveness of the mechanisms. In this context, most respondents consider the mechanisms to be effective (Figure 25).

Companies consulting with employees on important decisions

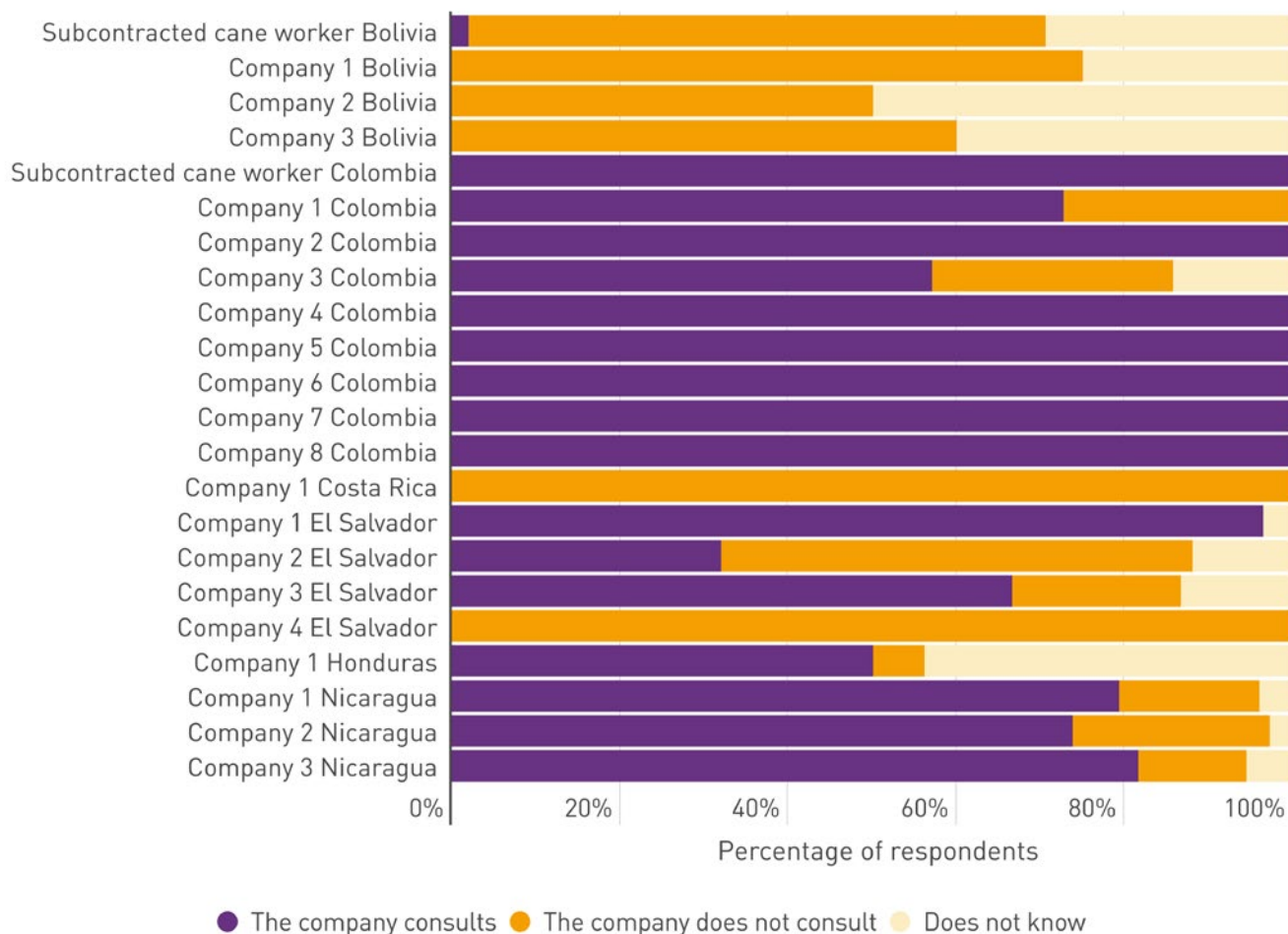


Figure 26. Question: Does this company consult with workers before implementing major work measures?

Regarding the company's inclusion of workers in taking important decisions, 67% of the workers surveyed indicated they usually consult them before important actions are taken. Twenty-four per cent indicated that the company does not consult them and nine per cent indicated that they do not know if they are consulted. It is striking that in Colombia, except for two mills, all companies seem to consult their employees. In contrast, only one of the sugar cane workers in Bolivia acknowledged that companies consulted them (Figure 26).





According to most workers surveyed who indicated that their employers consult them before taking major decisions, these companies consulted them more than four times in the year before the survey (Figure 27). Notably, this situation is reported by respondents from Colombia, El Salvador, Honduras and Nicaragua.

Frequency with which companies consult with their employees

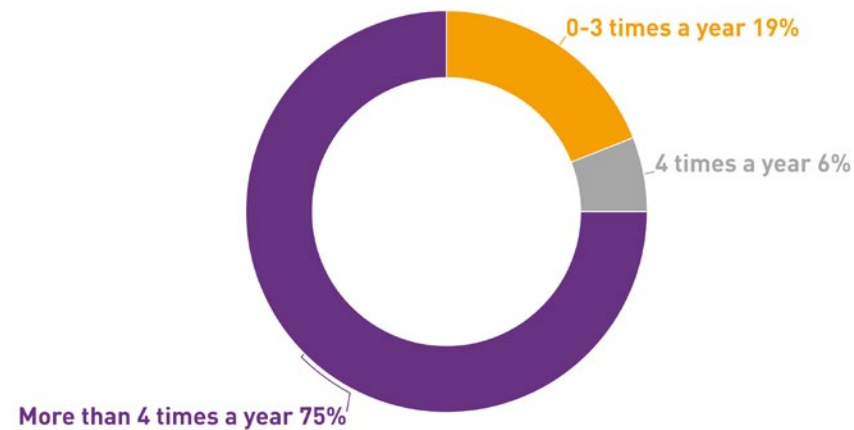


Figure 27. Question: How often have these consultations occurred in the last year?

3.1 Employer-employee relations

The majority of workers surveyed perceived that social dialogue had improved in the last three months in the company (Figure 28). Notably, 93% of Bolivian respondents and 50% of Costa Rican respondents did not know or did not believe that company-worker relations had improved in the quarter before the survey.

42% of respondents who did not know or did not believe that relations had improved are not union members.

Similarly, more than half of the workers surveyed perceive a positive company-worker relationship (Figure 29). The highest level of

dissatisfaction was recorded among Bolivian respondents, with 57% of them being dissatisfied or very dissatisfied with the relationship between workers and the company at the time of the survey. Notably, 58% of subcontractors indicated that they were dissatisfied or very dissatisfied with company-employee relations.

Perception of the trajectory of social dialogue in the last three months

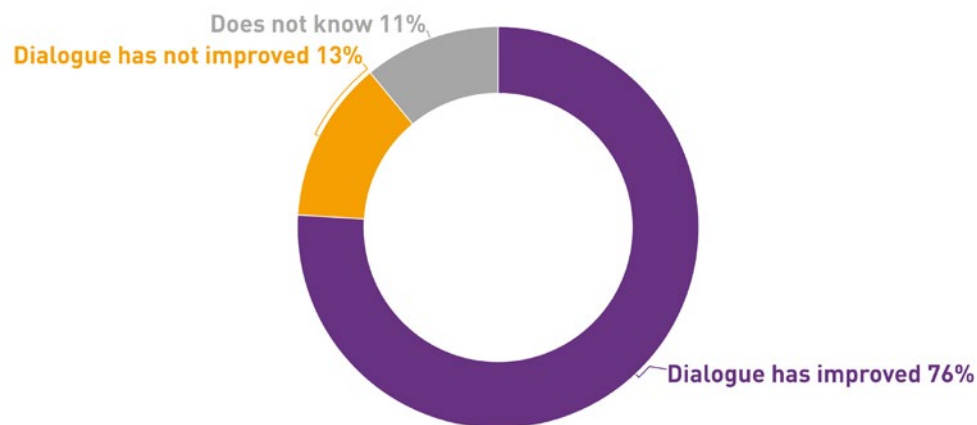


Figure 28. Question: Do you think social dialogue has improved in this company in the past 3 months?

Respondents' level of satisfaction with employer-employee relations

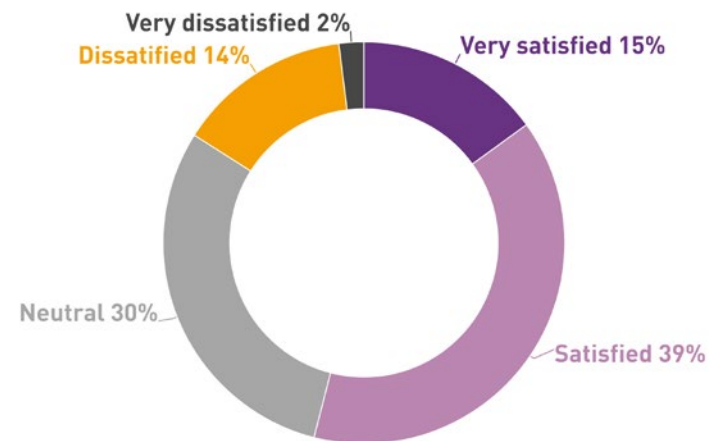


Figure 29. Question: How would you rate employer-employee relations today?

Less than 20% of the workers surveyed perceive that there is no freedom to raise problems with the employer (Figure 30). Of these, 52% are not affiliated with a trade union. Negative perceptions about employer accessibility were most prevalent among Bolivian respondents, 96% of whom do not feel there is the freedom to raise issues or problems with their employer.



The majority of employees surveyed indicated that the company did not organise meetings with workers to implement prevention measures in COVID-19 (Figure 31). Over 75% of Bolivian employees indicated the absence of social dialogue in the framework of COVID-19.

Perception of freedom to raise issues or problems with employer

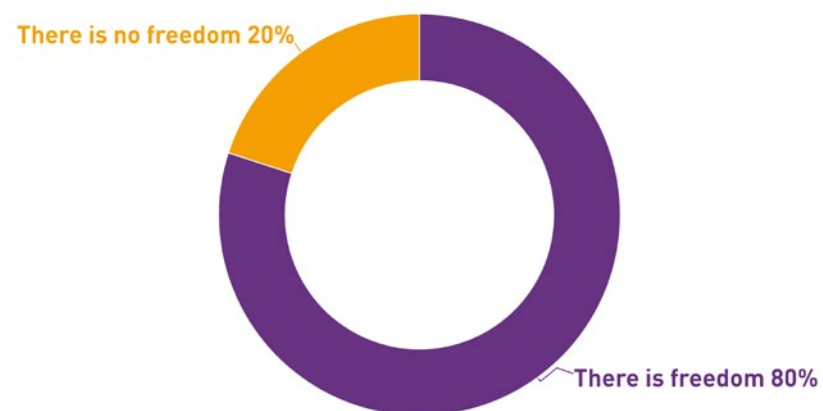


Figure 30. Question: As a union leader or worker, do you feel free to raise issues or problems with your employer?

Social dialogue with workers in the context of COVID-19

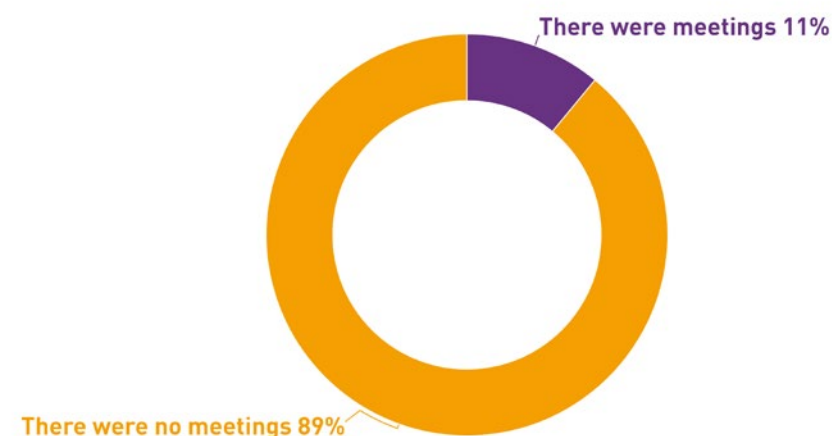


Figure 31. Question: Did the company hold social dialogue meetings with workers to implement COVID-19 prevention measures?

Regarding the adequate implementation of COVID-19 prevention and safety measures, most workers surveyed indicated that these were adequately implemented (Figure 32). Almost 50% of the surveyed workers in the harvest indicated that COVID-19 measures were not adequately implemented.

With regard to the gender-related issues surveyed, it was found that more than half of the workers surveyed do not know whether there is an active gender committee available in the company to which they can turn for help and advice on harassment in the workplace (Figure 33). Notably, 57% of female respondents do not know if such a committee exists, while 19% were aware of its existence. There were

respondents in all countries who did not know about the presence of a gender committee. Notably, 76% of Bolivian respondents, 75% of subcontractors and 60% of indigenous or Afro-descendant respondents were not aware of an active gender committee in the company.

Implementation of measures taken in the context of COVID-19 by the company

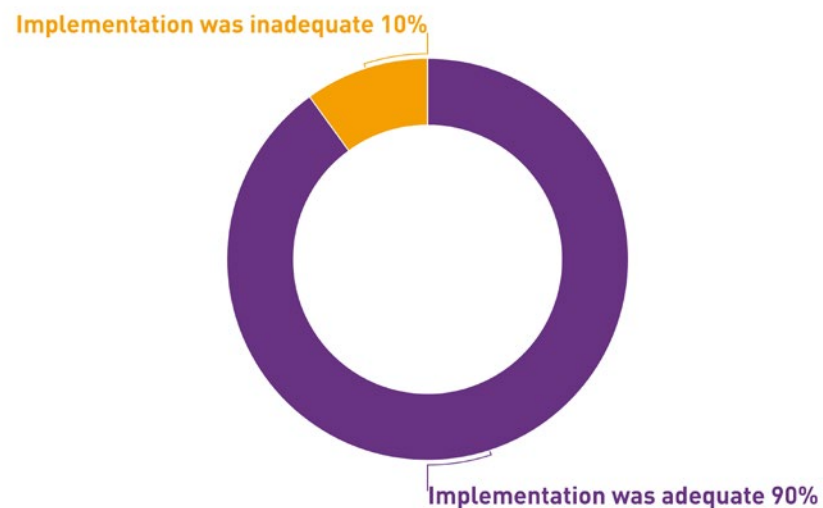


Figure 32. Question: Did the company adequately implement COVID-19 prevention and safety measures for workers in the past year?

Existence of an active gender committee to turn to in case of harassment in the workplace

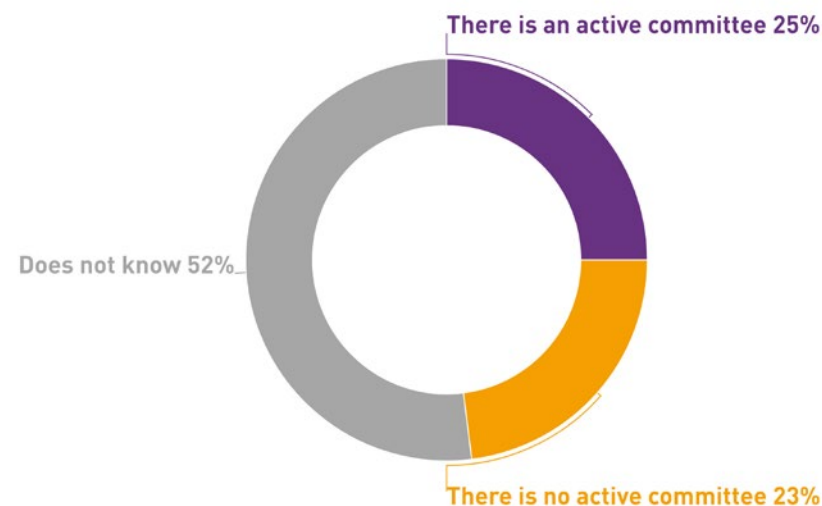


Figure 33. Question: Do you know if there is an active gender committee where workers can go for help and advice in case of harassment in the workplace?

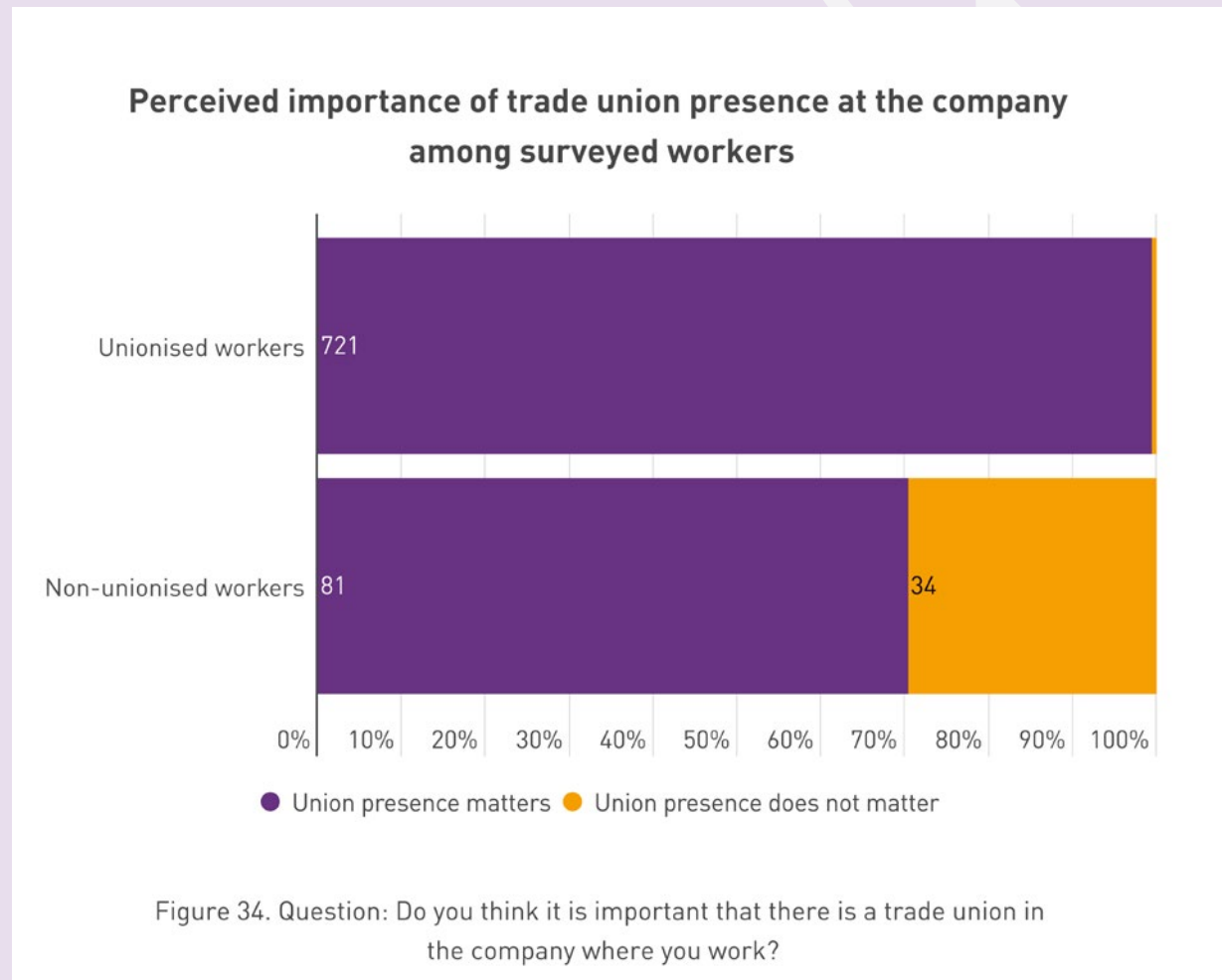
4

Guarantee of rights at work

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4.1 Freedom of association and trade union freedom

Concerning freedom of association, it is notable that among workers surveyed who belong to a union, union presence is more important than amongst those who are not unionised (Figure 34). Given that the monitoring sample in all countries was conducted through CNV Internationaal's trade union partners, possible bias in these results cannot be ruled out.



Union-busting actions



Figure 35. Which union-busting actions were there?

Eight percent of respondents report that they have observed union-busting actions in companies. The top three actions reported by respondents were actions to discourage them from joining the union (40% of reported actions), threats or instilled fear that action will be taken against them (19%) and withholding of leave (13%) (Figure 35).



4.2 Effective recognition of collective bargaining rights

Ninety-one percent of respondents reported a collective bargaining agreement in force in the company where they work, 4% report that it does not exist and 5% report that they do not know. Disaggregated by country, most workers surveyed without knowledge of the existence of a collective bargaining agreement are in Bolivia. All workers surveyed in Costa Rica, El Salvador and Honduras indicated a collective bargaining agreement in force in the company where they work (Figure 36).

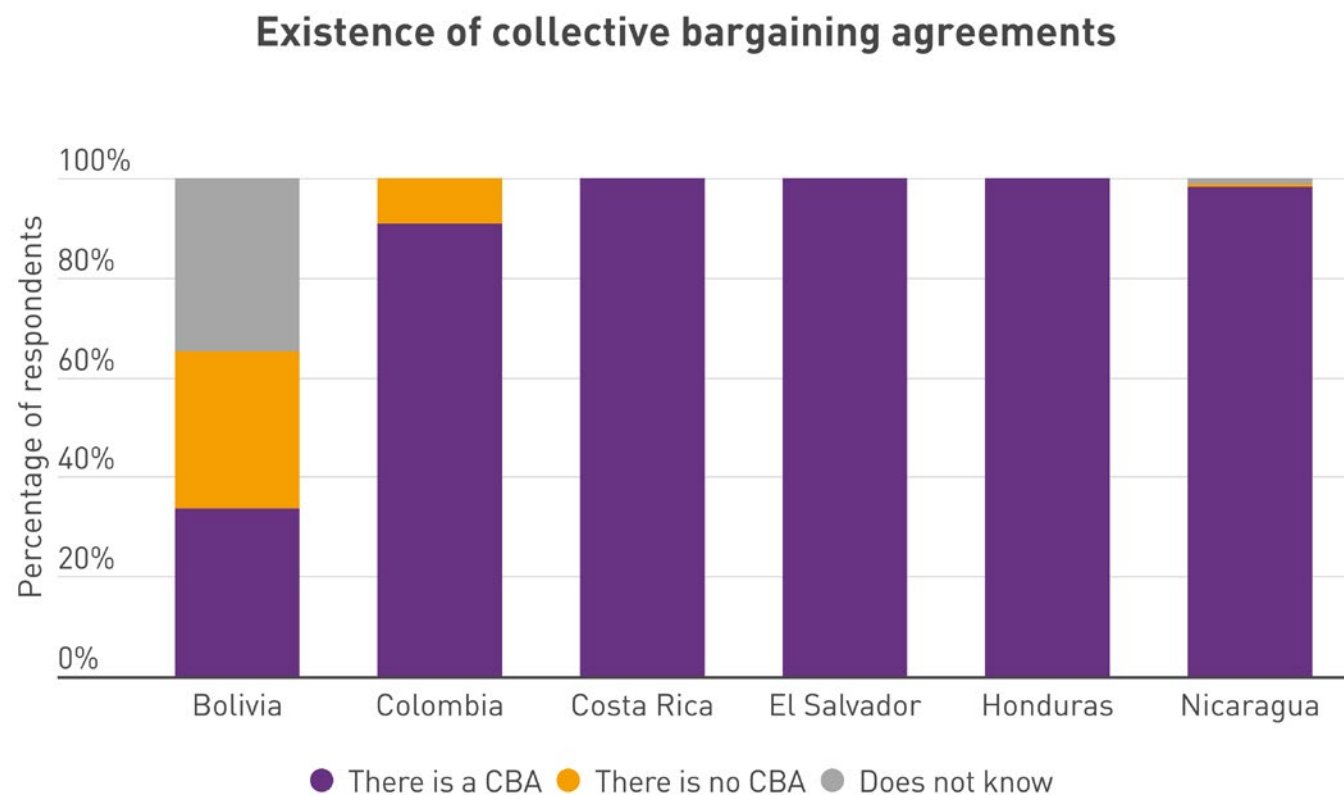


Figure 36. Question: Is there a collective bargaining agreement in force in the company?

Of those respondents who are aware of the existence of a collective bargaining agreement in the company, 7% reported that the company does not comply with this agreement. Disaggregated by country, most respondents who do not believe that the company complies with the agreement are in Bolivia and Costa Rica (Figure 37). It is worth noting that the perception of company compliance with the agreement is very different depending on whether the worker is direct or subcontracted. While most direct workers report that the company complies with the collective agreement, more than two-thirds of all subcontracted workers report that the company does not comply (Figure 38). Notably, all of the surveyed subcontractors who do not perceive company compliance are from Bolivia. The aspects of collective bargaining agreements that are most often not complied with are wage increases, union benefits, union leave and payment of agreed bonuses.

In terms of the type of violations of the agreement by companies reported by respondents, one or more of the following are found: agreed wage increases (35 reports), payment of agreed bonuses (16), agreed union benefits (20), agreed union leave (16), others such as improvements to working facilities, freedom of association, provision of uniforms, and provision of transport and medical care (24).

Compliance with collective bargaining agreements

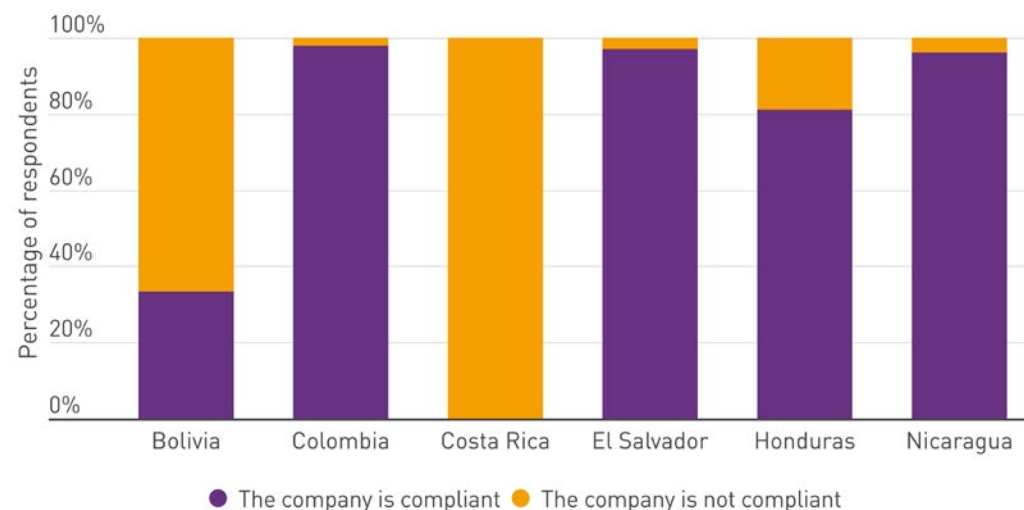


Figure 37. Question: Does the company comply with the collective bargaining agreement?; n = 767

Compliance with collective bargaining agreements

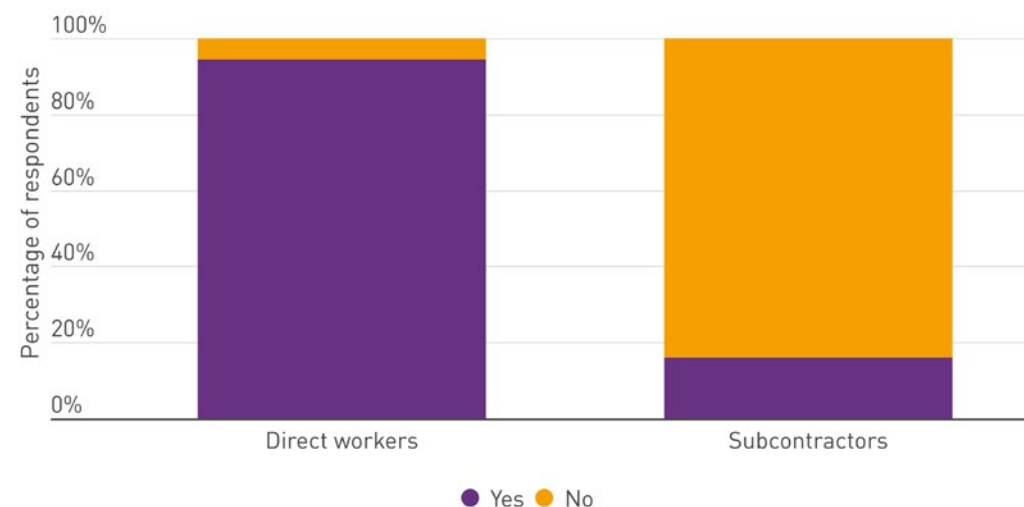


Figure 38. Question: Does the company comply with the collective bargaining agreement?; n = 767

4.3 Occupational Safety and Health

The presence of personal protective equipment (PPE) is reported to be widespread among the respondents. Eighty-seven percent of respondents report that they have adequate PPE. Among the respondents who report not having adequate PPE (13%), over 60% work in the harvest (Figure 39). There is a high rate of

occupational accidents, with more than half of the respondents reporting accidents (Figure 40), mostly minor, although 166 moderate, 91 disabling, and 4 fatal accidents were reported.



Percentage of respondents that reported not having adequate personal protective equipment (PPE), by stage of industrial process

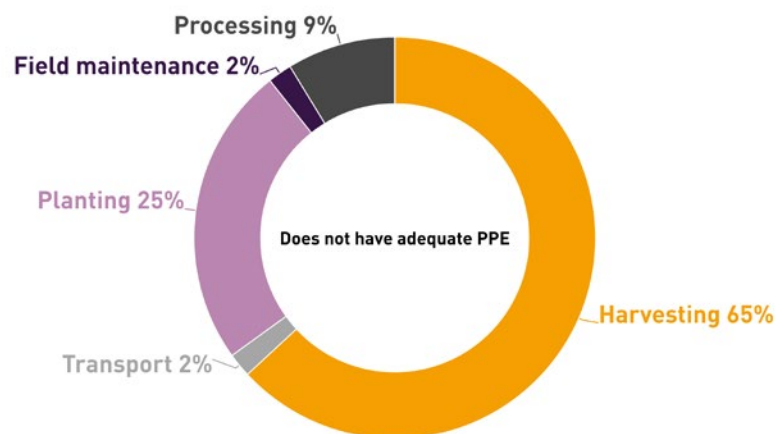


Figure 39. Question: Have you been provided with appropriate protective equipment?

Accidents at work in the past year

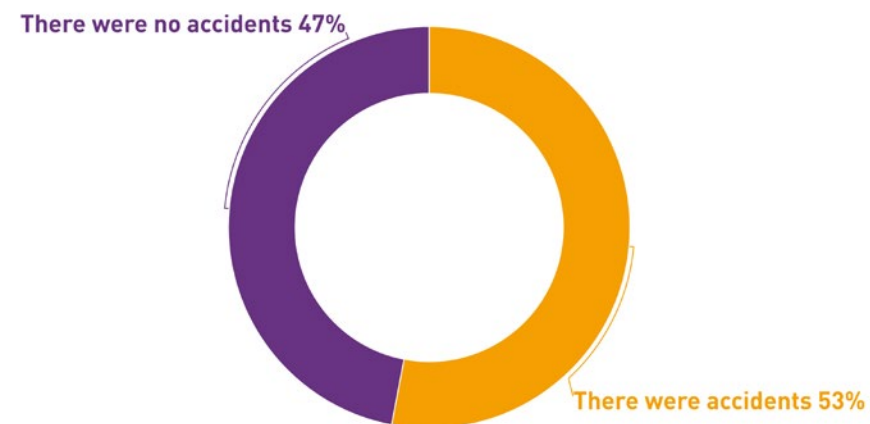


Figure 40. Question: Have there been accidents at work in the past year?



Regarding occupational safety and health training, the opinion on the quality of training contrasts depending on whether the workers are main or subcontracted workers. More than 75% of subcontracted workers report that the quality of training was poor (Figure 41), while the majority of main workers report that it was very good (Figure 42). All subcontractors dissatisfied with training were in Bolivia.

Notably, 94% of workers surveyed in Nicaragua rated the training received as good or very good.

Opinion on the quality of training, subcontracted workers

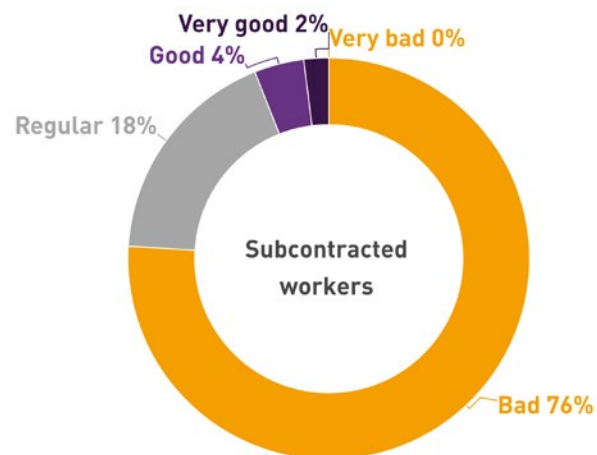


Figure 41. Question: What is your opinion on the quality of the training you received?

Opinion on the quality of training, direct workers

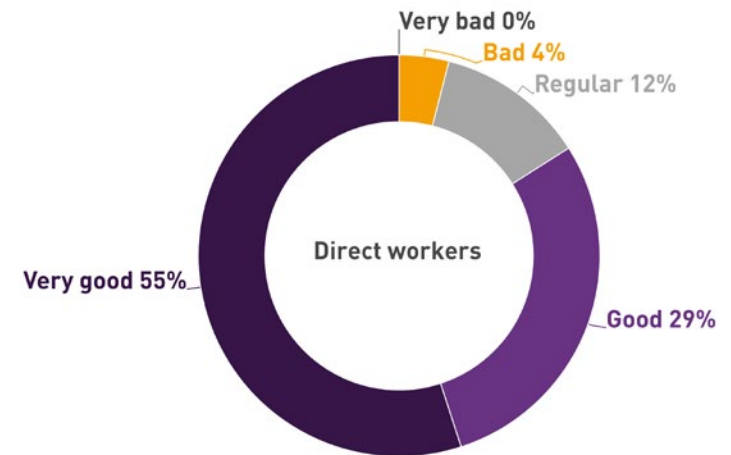


Figure 42. Question: What is your opinion on the quality of the training you received?

Over two-thirds of the respondents perceived the level of health and safety at work as good (49%) or very good (30%), while 8% perceived it as bad. In this context, none of the Bolivian respondents has a positive opinion on health and safety at work. Incidentally, Bolivia is among the countries that have not ratified the ILO convention on occupational safety and health²¹.

Ratification of occupational safety and health conventions

Of the countries covered in this study, only El Salvador has ratified the C155 convention on occupational safety and health.

Source: ILO (n.d.), "Ratifications by country", online: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:> access in January



4.4 Child labour

On child labour issues, almost 90% of respondents report that companies have a formal policy for the protection of children, including the prohibition of child labour and remediation (Figure 43).

However, 5% of respondents reported knowing minors working in the company, all of them informally. All respondents who reported the



Existence of a protocol against child labour

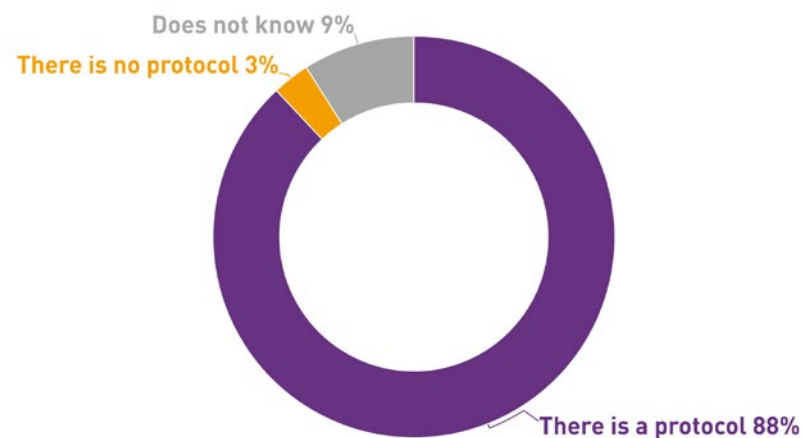


Figure 43. Question: Does the company where you work have a policy or protocol prohibiting child labour?

Working as a family nucleus is a frequent modality in the sugar cane harvest in Bolivia. In this context, entire families live near the sugarcane fields. When harvest workers receive a piecework wage, it is common for these workers to enlist the help of their spouses and children (sometimes including minors) to achieve a higher harvest volume and thus a higher remuneration. Photo: CNV Internationaal.

presence of child labour are employed in the Bolivian zafras. As mentioned in the previous section, the presence of child labour is related to the family labour that has been reported in the fields in Bolivia.

4.5 Forced labour

Over two-thirds of respondents report working beyond legal hours for fear of dismissal. Even if employers do not actively threaten workers with dismissal if they refuse to work overtime, the fact that workers fear losing their jobs constitutes forced labour, according to the ILO. This is especially the case when workers feel obliged to work overtime because it is

the only way to earn the minimum wage²². In line with this argument, of the respondents who work overtime for fear of dismissal, 65% receive a wage above the national minimum, and almost 30% receive a wage equal to the national minimum. While this might suggest no forced labour situation, it would be necessary to capture whether these respondents were paid

the minimum wage even if they did not work overtime.

Overtime work motivated by fear of dismissal is prevalent in all study countries except Colombia (Figure 44). Respondents in indirect employment relationships (i.e. subcontractors) reported no pressure to work overtime.

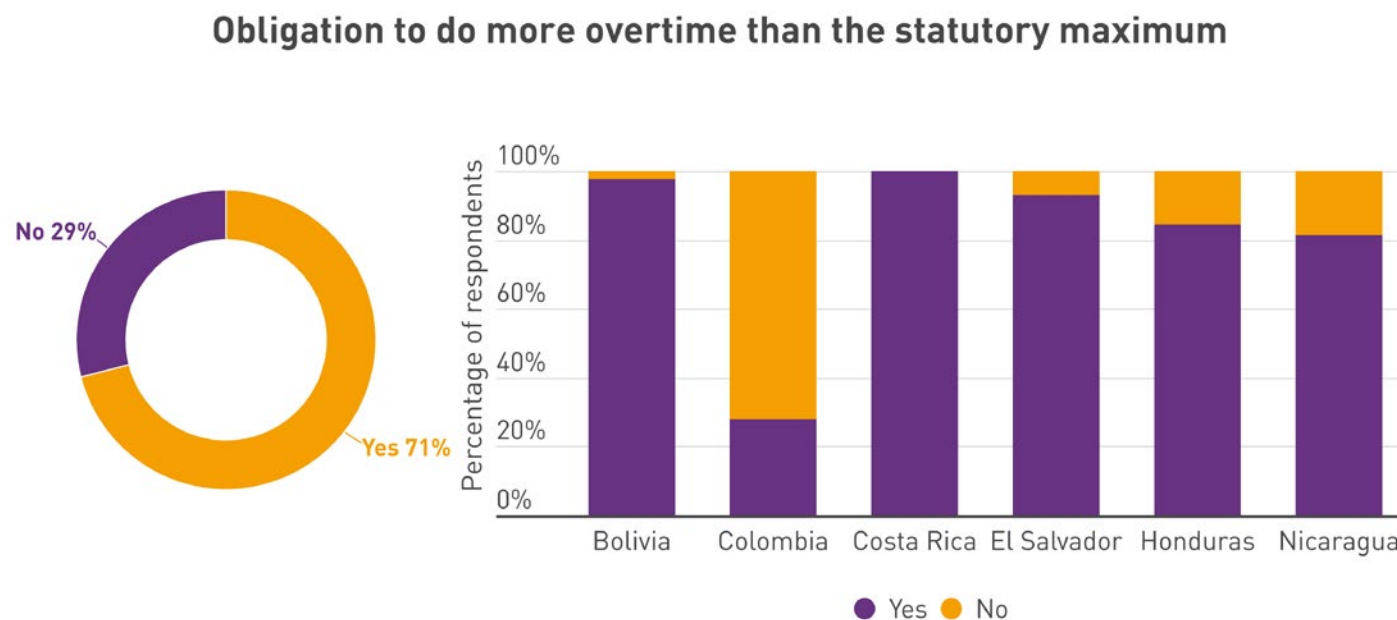


Figure 44. Question: In the company where you work, have you been forced to work beyond the legal maximum hours for fear of dismissal?

In terms of overtime pay, more than half of the respondents report that they always receive additional compensation for overtime work. However, a quarter of respondents reported that they never received it, especially in Bolivia and Colombia (Figure 45).

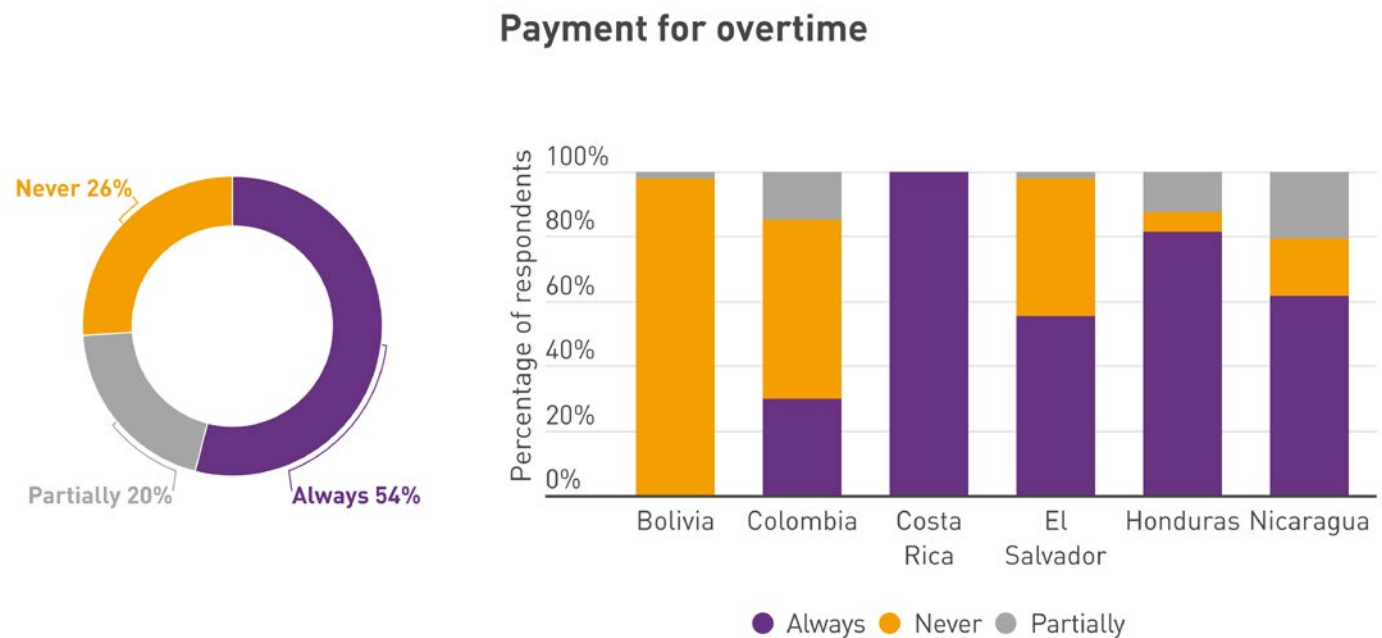


Figure 45. Question: In the company where you work you receive additional payment for overtime work?

5

Conclusions

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Conclusions

This study set out to investigate the labour rights situation focusing on the wages received by workers in the Latin American cane sugar sector, social dialogue and the guarantee of rights at work. The data suggest a mixed picture in which, on the one hand, there are aspects of working conditions in the sector that could be described as precarious, and these situations are more serious in countries where there is less trade union representation. Similarly, the employment situation also varies within countries, depending on each company's practices and whether there is a trade union in the company. In this context, there are indications that company-union relations are good. Occupational health and safety is an important issue in some countries, especially in companies with union representation.

5.1 General conclusions

As highlighted in the introductory chapter of this study, the results of the first comprehensive survey of labour rights in the Latin American cane sugar sector are the first of their kind.

While there is great merit in presenting for the first time the labour situation in the sector from the voice of the workers, this exercise also has some limitations. In particular, the data are not necessarily representative of the sector as there is a sampling bias. As mentioned throughout the report, with the exception of the Bolivian workers surveyed, most of the respondents are workers in formal and direct employment, most of them also unionised, which is important as the rate of unionisation in the sector is still low, and outsourcing is rampant²³. In this context, the data from this study suggest a worrying situation in Bolivia, where more than half of the respondents were outsourced workers. Therefore, it is important that for future editions of participatory digital monitoring, a greater effort is made to include the perspectives of outsourced workers in the other countries to investigate whether there is a similar situation there.

However, the results add to the evidence that the distribution of value in the sugar chain is not equitable. Ensuring living wages for workers is crucial to mitigate the most alarming problems



in the sector, such as child labour in Bolivia and labour exploitation²⁴. From this perspective, it is expected that continuous digital monitoring will confirm trends of interest to all actors in the cane sugar value chain.

5.2 Living wages

It has been mentioned above that there is great inequality in the creation and distribution of value in the sugar chain, with the primary production segments earning less than the distribution segments. In this context, it is worth noting that while most of the companies surveyed comply with their legal obligations to pay the minimum wage to their direct workers, a significant percentage of their outsourced workers are paid less than the minimum wage. In addition, more than half of those surveyed do not receive a living wage for their work, and this situation is much more prevalent among workers in the production stages of planting, field maintenance, harvesting and transport. This study also shows that there are wage differences within the primary production segment. For example, direct workers in the harvest and the mills enjoy better working conditions than outsourced workers and the

gap, in terms of guarantees and remuneration, is large. These differences further disadvantage women and people belonging to ethnic groups. Again, bias in the sample is an area for improvement for the next editions of the annual report of the Labour Rights Observatory. As part of the effort to broaden the sample, it will be necessary to capture the perspectives of other globally marginalised and historically invisible populations such as (documented and undocumented) migrants and LGBTIQ+ people.

5.3 Labour outsourcing

As mentioned above, the survey does not reflect the rate of labour outsourcing in the Latin American sugar sector. However, the results show an important difference in perspectives between direct workers and outsourced or subcontracted workers (e.g., subcontractors perceive social dialogue and the relationship with the company more negatively than direct workers). Although these results cannot be generalised, they can be read not only as an indication of the situation of these workers but also as evidence of the need to include them in greater numbers in future surveys. Likewise, the perspectives of these workers should serve

as a reminder that, in this form of employment, labour rights are at risk and that companies and states are the primary guarantors of their rights.

5.4 Social dialogue

The fact that unionised workers were surveyed in most countries reveals some positive trends, including the preponderance of collective bargaining agreements, the mostly positive valuation of the company-union relationship, and the existence and use of complaint and consultation mechanisms. These results point to the indispensable role of trade unions in improving the relationship between workers and the company, and labour rights. In this context, the fact that most of the workers had a seniority of more than 5 years in the company might suggest a certain satisfactory relationship with the company or a satisfactory employment situation (especially taking into account that the seniority in the field, where there is more subcontracting, is much lower than in the industrial processing segment). At the same time, the results show that, although trade union work has managed to open up spaces for dialogue, trade unions still do not reflect the



feelings of all workers, even if they are from the same company, as the rate of unionisation in Latin America is low, according to the data highlighted above. Again, these results cannot be generalised, and it is important to include people working in non-unionised companies in future surveys to confirm these trends.

5.5 Freedom of association and trade union freedom

The results on freedom of association and trade union freedom give a positive picture, with some contrasts. In this context, most of the companies surveyed have a trade union presence. Most of the workers surveyed indicated that they think it is important to have trade unions. On the other hand, there were reports of anti-union actions in the companies, particularly to discourage union membership. Although these actions were reported by less than 10% of respondents and occur in all countries, anti-union actions are more pronounced in El Salvador, which corroborates ITUC reports on the prevalence of anti-union actions in that country²⁵. Similarly, less than 10% of workers surveyed indicated that the company does not comply with collective agreements. Notably, most of those

who say the company does not comply are subcontractors. This points to the fact that workers in indirect employment relationships have fewer rights and guarantees at work and corroborates the impact outsourcing has on labour precariousness as companies evade their employer responsibilities²⁶.

5.6 Occupational Safety and Health

With regard to occupational safety and health, the survey results give a mixed picture. There was a widespread presence of adequate PPE in the companies surveyed, while at the same time, there was a considerable incidence of accidents at work. Also, in some countries, respondents had a negative view of the occupational safety and health training they received, while in others (notably Nicaragua and Costa Rica), there was more satisfaction. Among the workers who perceive training as deficient, the majority are subcontractors, suggesting that this labour right is also more inaccessible for outsourced workers.

5.7 Specific conclusions

5.7.1 Bolivia

The incidence of family labour in the planting and harvesting of sugar cane documented here corroborates previous reports on child labour in the Bolivian²⁷ sugar industry. It may explain the prevalence of women employed informally in the harvest.

Another salient feature of the Bolivian sugar sector, to which the results of this study contribute, is the high level of informality among sugar cane workers²⁸. In Bolivia, there is also a considerable level of labour outsourcing, with the vast majority of outsourced workers belonging to ethnic groups²⁹.

This study also found a low level of unionisation among the workers surveyed, which could be explained by the high level of informality and outsourcing. Previously trade unions were reported in most Bolivian mills³⁰, the majority of Bolivian workers surveyed were *zafreiros*. While there is a Federation of *Zafreiros* in the country, it does not have permanent unions as its structure is sustained within the communities and camps that house the *zafreiros*. Therefore, it is possible that the *zafreiros* do not relate their form of organisation to a trade union.

In terms of wages, almost all Bolivian respondents reported receiving wages below the national minimum wage (which is the same as the national living wage). Although this confirms previous reports of the prevalence of low wages in the sector, these below-minimum wages are common in the harvest segment and not in the mills.³¹

Despite this negative picture, it should be remembered that these results are not representative of the sector and that a broader and more diverse sampling could reveal more positive trends for the Bolivian sugar sector.

5.7.2 Colombia

The findings of this study might suggest that there is a high level of unionisation in the Colombian sugar sector. However, these results contradict ILO estimates of unionisation in Colombia, which is among the lowest in the region at 9%. It is possible that the high rate of unionisation found in this study is impacted by sampling bias and therefore also explains the high level of social dialogue, which has been characterised as low in previous studies³².

In line with this, a positive perception of the company and its relationship with the workers is observed among the workers surveyed, which

contradicts the perception of the workers in the industry, especially of the women workers, with regard to their employers³³.

As in Bolivia, work in the family nucleus was recorded in Colombia, which raises the possibility of child labour in the country's sugar industry³⁴. For the next annual reports of the Labour Rights Observatory, it would be important to have a broader sampling of sugar cane workers and especially of women sugar cane workers to determine the presence (and degree of prevalence) of child labour in the country.

With regards to wages, all workers surveyed reported receiving wages at or above the national minimum, and only 3% reported receiving a wage below the national living wage. These data contradict the data reported by the National Trade Union School (ENS), which indicate wages of less than 80% of the national minimum, and large disparities between outsourced and direct workers³⁵. Given that there were no subcontracted worker among the Colombian respondents, a larger sample for future surveys will allow for corroboration of these disparities.

5.7.3 Costa Rica

As in Colombia, the data from this study suggest a high level of unionisation in the Costa Rican sugar sector. This data contradicts the low level of unionisation recorded by CSI, which stands at 0.49% of the economically active population and 0.54% of the employed population³⁶. Given the small sample size in this country, these data are almost certainly biased.

In terms of wages, one-third of respondents reported receiving a wage below the national minimum wage and two-thirds reported receiving less than the national living wage. It is worth noting that Costa Rica, unlike some countries in the region, does not exclude agricultural workers from minimum wage policies³⁷. Therefore, a larger sample of respondents could reveal the causes for the exceptions recorded in this study.

5.7.4 El Salvador

Based on the survey results, El Salvador shows a positive labour rights situation in terms of wages and the promotion of social dialogue (reflected in workers' familiarity with grievance and dispute resolution mechanisms). These findings are corroborated in the trajectory of the sector's minimum wage, which has been

increasing over the last decade (there have been increases of 12%, 105% and 20% in 2013-2015, 2017 and 2021, respectively)³⁸ and which is negotiated in a context of social dialogue as part of the functions of the National Minimum Wage Council³⁹.

In contrast, there was a high level of overtime work among respondents motivated by fear of dismissal. Although this suggests the possible presence of forced labour (according to the ILO considerations explained above), it would be necessary to capture whether workers are dismissed for refusing to work overtime. This should be a point to be taken up in the following surveys of the Observatorio de Derechos Laborales.

5.7.5 Honduras

The survey recorded a high level of worker familiarity with grievance and dispute resolution mechanisms in Honduras. Most respondents indicated that the company consults with them before making important decisions. While this suggests a good company-worker relationship, many workers were also reported not to join the union because they consider it a risky business. While the ITUC reports repressive practices against organised workers in Honduras⁴⁰, fear

of union membership may be unjustified in the sugar sector.

5.7.6 Nicaragua

The findings of this study suggest a considerable level of unionisation in the Nicaraguan sugar sector, and in this context, there is a considerable level of satisfaction among the workers surveyed with the company. While these results contradict ILO data estimating a very low rate of unionisation in the country⁴¹, both the existence of unions and the rate of unionisation and its corollaries (such as the high level of familiarity with grievance and dispute resolution mechanisms and the considerable level of use of the mechanisms) deserve to be interpreted as a positive trend.

In terms of wages, although a very low number of workers surveyed reported receiving wages below the national minimum wage, 65% reported receiving a wage below the national living wage. Incidentally, none of the workers who reported a wage below the national living wage work in primary production activities (planting, field maintenance or harvesting). Yet the above reports confirm that sugar cane planting and harvesting workers are not guaranteed a living wage unless they work harder⁴².

5.8 Other issues

5.8.1 Gender

The data collected by this study suggest low participation of women in the Latin American cane sugar sector and its unions. Likewise, the results suggest an even more precarious situation for women sugar cane workers who are exposed to low-paid and informal work, associated with the spouse's work arrangement (especially if performed as part of a nuclear family). The precariousness of work for persons socialised as women is exacerbated by unpaid care work, which in Latin America is a domain almost exclusively of women.

While the results may reflect the sector's reality, more rigorous sampling is needed to validate other important findings of this study, such as informality and lack of access to employer-paid social health insurance. Also, the low participation of women in the sugar sector highlights the need to design exclusive participation and leadership spaces for women.

5.8.2 Methodology

This study repeatedly acknowledged that some issues of interest would need to be improved

in future surveys. As a first approximation that requires greater breadth and depth, the methodology applied to this study achieved the objective of providing an overview of the labour rights situation in the Latin American sugar sector from the workers' perspective.

Apart from its limitations, some positive conclusions can be drawn from the method used by this study for data capture. First, the KoBoToolbox digital platform is easy to appropriate, allows for snowballing, and allows for secure database storage. In other words, the method is user-friendly and allows for the broad and protected participation of diverse worker profiles.

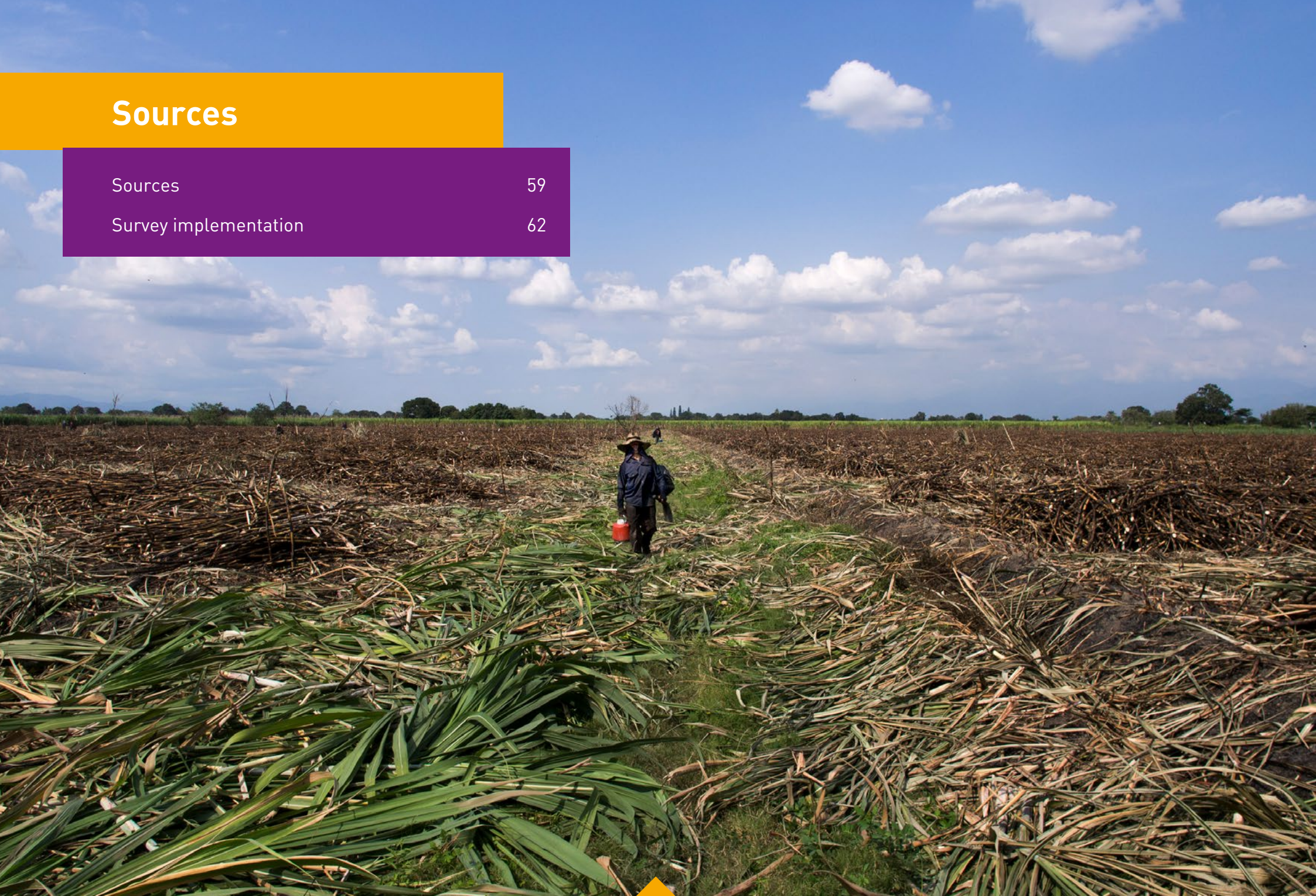
Also, the cascade type of survey allows disaggregating questions and deepening answers according to particular situations identified, and refining questions for new applications.

Finally, the participatory digital monitoring system starts from the results of each monitoring period to follow up and evaluate particular situations identified. Therefore, no absolute data is obtained in the first rounds, but trends are obtained to be confirmed and further evaluated.



Sources

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Sources

- 1 Imarc Group (2022), "Sugar Market: Global Industry Trends, Share, Size, Growth, Opportunity and Forecast 2021-2026," online: <https://www.imarcgroup.com/sugar-manufacturing-plant>, viewed in February 2022.
- 2 Kiezebrink, V., Van der Wal, S., Theuws, M. And P. Kachusa (2015, December), Bittersweet. Sustainability issues in the sugar cane supply chain, Amsterdam, Netherlands: SOMO, pp. 11-14.
- 3 Quiroz, D., Kuepper, B., Rijk, G., Achterberg, E. (2021, May), The Sugarcane Value Chain in Latin America and Asia: Main Actors, Market Mechanisms, Labour Issues and Opportunities, Amsterdam: Profundo, pp. 48-49.
- 4 Bonsucro (2020, December), Beneficios de la membresía, Londres: Bonsucro: p. 1.
- 5 Bonsucro (2022, January), Estándar de Producción de Bonsucro, Londres: Bonsucro, pp. 19-20.
- 6 Quiroz, D., Kuepper, B., Rijk, G., Achterberg, E. (2021, Mayo), The Sugarcane Value Chain in Latin America and Asia: Main Actors, Market Mechanisms, Labour Issues and Opportunities, Amsterdam: Profundo, pp. 58-59.
- 7 CNV Internationaal, ICAES (2016), Condiciones socio-laborales en la industria del azúcar en Guatemala Estudio de campo de los casos de los trabajadores de "la corta" y el transporte, Utrecht: CNV Internationaal; Verité (2017), Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector: A Report on Findings from Rapid Appraisal Research, Amherst, MA: Verité; Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP +, La Paz, Bolivia: CEDLA; ENS (2018), The Precarious state of labour rights in Colombia. Resolution 2628 of the European Parliament, Medellín: ENS; Martínez, L. (2020, October), "Este es el panorama de la salud de los trabajadores de la caña de azúcar en Colombia", Agencia de Información Laboral, online : <https://ail.ens.org.co/opinion/este-es-el-panorama-de-lasalud-de-los-trabajadores-de-la-cana-de-azucar-en-colom>, viewed in February 2022; Hansson, E., Glaser, J., Weiss, I., Ekström, U., Apelqvist, J., Hogstedt, C. & Wegman, D. H. (2019), "Workload and cross-harvest kidney injury in a Nicaraguan sugarcane worker cohort", Occupational and environmental medicine, 76(11), 818-826; Rel UITA (2020, April 22), "Azunosa atenta contra libertad sindical. Sitiamash denuncia hostigamiento y despidos ilegales", online: <http://www.rel-uita.org/azucar/sitiamash-denuncia-hostigamiento-y-despidos-ilegales/>, viewed in February 2022.
- 8 Atkinson, R., Flint, J. (2001), Accessing hidden and hard-to-reach populations: Snowball research strategies. Social Research Update, 33 (1), pp. 1-4.
- 9 ILO (n.d.), "ILO and gender equality", online: <https://www.ilo.org/gender/Aboutus/ILOandgenderequality/lang--en/index.htm>
- 10 Department of International Economic and Social Affairs (1982), Provisional Guidelines on Standard International Age Classifications, New York: United Nations, p. 3.
- 11 Weller, J. (ed.) (2016), Brechas y transformaciones: la evolución del empleo agropecuario en América Latina, Libros de la CEPAL, N° 141 (LC/G.2695-P), Santiago: Comisión Económica para América Latina y el Caribe (CEPAL), p. 87.
- 12 Biermayr-Jenzano, P., Paz, F. (2020, October 14), "El rol de la mujer rural en el sistema agroalimentario latinoamericano", online: <https://a4nh.cgiar.org/2020/10/14/el-rol-de-la-mujer-rural-en-el-sistema-agroalimentario-latinoamericano/>, viewed in January 2022.
- 13 Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP +, La Paz, Bolivia: CEDLA, p. 42.
- 14 Bustelo, M., Frisancho, V., Viollaz, M. (2020), Desigualdad de oportunidades para los pueblos indígenas y afrodescendientes, Washington D.C.: BID, p. 3.
- 15 OIT (2019, December 6), "OIT: 55 millones de indígenas enfrentan "potentes barreras" para acceder al trabajo decente en América Latina y el Caribe", online: https://www.ilo.org/americas/sala-de-prensa/WCMS_731992/lang--es/index.htm, viewed in January 2022.

- 16 OIT (n.d.), "Sector informal y las formas atípicas de empleo", online: https://www.ilo.org/actrav/areas/WCMS_DOC_ATR_ARE_INF_ES/lang--es/index.htm, viewed in February 2022.
- 17 Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP +, La Paz, Bolivia: CEDLA, p. 35.
- 18 Estado Plurinacional de Bolivia (1942), Ley General del Trabajo del 8 de Diciembre de 1942, online: <https://www.oas.org/dil/Migrants/Bolivia/Ley%20general%20del%20trabajo%20del%208%20de%20diciembre%20de%201942.pdf>, viewed in February 2022.
- 19 ILO (2018, November), Antecedentes para la fijación de la jornada de trabajo, online: https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-santiago/documents/genericdocument/wcms_736997.pdf, viewed in January 2022.
- 20 Congreso de Colombia (2021, July 15), Ley No. 2101 Por medio de la cual se reduce la jornada laboral semana de manera gradual, sin disminuir el salario de los trabajadores y se dictan otras disposiciones, online: <https://dapre.presidencia.gov.co/normativa/normativa/LEY%202101%20DEL%2015%20DE%20JULIO%20DE%202021.pdf>, viewed in January 2022.
- 21 ILO (n.d.), "C155 - Occupational Safety and Health Convention, 1981 (No. 155)", online: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312300:NO, viewed in January 2022.
- 22 ILO (2009), Lucha contra el trabajo forzoso Manual para empleadores y empresas 2 Preguntas frecuentes de los empleadores, Geneva ILO, p. 20.
- 23 Quiroz, D., Kuepper, B., Rijk, G., Achterberg, E. (2021, May), The Sugarcane Value Chain in Latin America and Asia: Main Actors, Market Mechanisms, Labour Issues and Opportunities, Amsterdam: Profundo, pp. 61+.
- 24 CNV Internationaal y Platform Living Wage Financials (2021), A living wage through the cane sugar supply chain. Position Paper and road map, Utrecht: CNV Internationaal, p. 15.
- 25 ITUC (2021), Global Rights Index, Geneva, ITUC link: https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf
- 26 Linares Briceño, R. A. (2021), La tercerización e intermediación: La empresa fuera de la empresa, y su controversia en la instancia administrativa en el derecho laboral, Guayaquil: Universidad Católica de Santiago de Guayaquil, p. 47.
- 27 Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP+, La Paz, Bolivia: CEDLA, p. 36.
- 28 CATIBERO (2018, November), Niñas/Niños y Adolescentes Trabajadores de la Calle en Cochabamba (Bolivia), p. 328.
- 29 OISS (2018, November), Trabajadores de la caña de azúcar, p. 3.
- 30 Quiroz, D., Kuepper, B., Rijk, G., Achterberg, E. (2021, mayo), The Sugarcane Value Chain in Latin America and Asia: Main Actors, Market Mechanisms, Labour Issues and Opportunities, Amsterdam: Profundo, pp. 63-64.
- 31 Ávila, P. (2020), Derechos Laborales en la Explotación de Caña de Azúcar: Principal Materia Prima de las Exportaciones de Alcohol Etílico a la Unión Europea Bajo el SGP+, La Paz, Bolivia: CEDLA, p. 39.
- 32 ILO (n.d.), "Colombia. Fortalecimiento de capacidades institucionales para prevenir y resolver conflictos mediante diálogo social", online: https://www.ilo.org/lima/programas-y-proyectos/WCMS_732998/lang--es/index.htm, viewed in January 2022.
- 33 Lasso Ortega, M. A. (2015), Cortando caña como machos: Condiciones laborales de mujeres negras corteras de caña en el municipio de Puerto Tejada, Cauca, Cali: Universidad del Valle, p. 15.
- 34 FAO and ILO (2019), Estudio regional sobre trabajo infantil en la agricultura en América Latina y el Caribe, Roma: FAO, p. 35.
- 35 Suárez, C. (2020, September 29), "Condiciones de trabajo y salud en el cultivo de caña de azúcar", Agencia de Información Laboral, online: <https://ail.ens.org.co/opinion/condiciones-de-trabajo-y-salud-en-el-cultivo-de-cana-de-azucar/>, viewed in January 2022.

36 CSI (2019), Normas Internacionales del Trabajo en Costa Rica. Informe para la reunion sobre costa Rica del mecanismo de las políticas comerciales (MEPC) de la Organización Mundial del Comercio (OMC), en línea: https://www.ituc-csi.org/IMG/pdf/informe_omc_final_revap_lc.pdf, viewed in January 2022.

37 Global Wage Report 2020-21
Wages and minimum wages in the time of COVID-19, Geneva, ILO, p. 94.

38 América Economía (2013, July 4), "Presidente de El Salvador avala aumento de 12% al salario mínimo hasta 2015", online: <https://www.americaeconomia.com/economia-mercados/finanzas/presidente-de-el-salvador-avala-aumento-del-12-al-salario-minimo-hasta-20>, viewed in February 2022; Hernández Canales, A., Funes, K. (2021, julio 5), "El Salvador: incrementarán salario mínimo 20% en agosto", online: <https://www.eleconomista.net/economia/El-Salvador-incrementaran-salario-minimo-20-en-agosto-20210705-0006.html>, viewed in February 2022.

39 República de El Salvador (2017, March), Informe de El Salvador sobre la aplicación del protocolo adicional a la convención americana sobre derechos humanos en materia de derechos económicos, sociales y culturales (Protocolo de San Salvador), San Salvador: República de El Salvador, p. 8.

40 ITUC (2021), Global Rights Index, Geneva, ITUC link: https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN-final.pdf, p. 33.

41 Quiroz, D., Kuepper, B., Rijk, G., Achterberg, E. (2021, mayo), The Sugarcane Value Chain in Latin America and Asia: Main Actors, Market Mechanisms, Labour Issues and Opportunities, Amsterdam: Profundo, p. 79.

42 Bejarano, M. (2017, March 13), "Más de 35,000 empleos genera la industria azucarera", online: <https://www.elnuevodiario.com.ni/economia/421527-mas-35-000-empleos-genera-zafra-azucarera/>, viewed in January 2022.





Survey implementation

KoBoToolbox is a software tool developed by the Harvard Humanitarian Initiative, the academic and research centre of Harvard University in the United States. KoBoToolbox is a web-based tool designed to collect information in difficult environments with restricted communication and connectivity using mobile devices (or smart phones). The system only requires internet for downloading the survey with password and user protection. Filling out multiple forms does not require an internet connection, nor does saving the completed surveys, although a connection is required for sending the final forms. KoBoToolbox offers several options that allow you to develop different research in a personalised, fast, and organised way in graphs and data tables. The data collection is done via the KoBoCollect mobile device application, which is free to download from online shops such as the Play Store and Apple Store. You enter the data to be reported through the forms you have created in the KoBoToolbox system.



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