

**The Political Economy of Forced Labour in Brazil:
Examining labour dynamics of production networks in two cases of 'slave labour'**

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Siobhán McGrath

School of Environment and Development

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ABSTRACT

University: The University of Manchester

Name: Siobhán McGrath

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Abstract:

The problems of forced labour and degrading work persist within modern sectors of contemporary economies. This presents both a practical and a theoretical challenge, as reflected in the literature on new slavery and on unfree labour. Analysis of the production networks within which forced labour and degrading work are found, however, has yet to form a central theme within these bodies of literature.

This thesis contributes to filling the above-mentioned gap in the literature by exploring the role of the labour dynamics of production networks in two cases of 'slave labour' in Brazil. The first case involves internal migrant workers in sugar cane while the second case involves cross-border migrants in garment workshops. The thesis addresses the question of whether, and how, the labour dynamics of production networks contribute to 'slave labour' and degrading work in the Brazilian sugar cane and garment sectors.

The analysis is a cross-disciplinary one, rooted in development studies but also drawing on economic geography, sociology and economics. A case study method is used, relying principally on archival sources, a focus group and semi-structured interviews.

Drawing on and developing the Global Production Network (GPN) framework, dynamics of production networks are conceived of as sets of power relations which structure the constraints and opportunities for the various actors who negotiate within them. These interlocking sets of relations include, among others: relations between workers, producers, suppliers, buyers, market intermediaries, civil society groups and the state. The labour dynamics of production networks are the subset of these dynamics involving or impacting relations between workers and employers and thereby structuring conditions of employment.

Conditions of employment for migrant workers are examined in each case to show how these constitute 'slave labour.' Degrading conditions and restricted freedoms are found to exist to different degrees and along a number of dimensions. At the extreme, these conditions are labelled 'slave labour' in Brazil. It is argued that 'slave labour' in these cases is therefore a symptom of a wider problem of degrading work.

The labour dynamics of production networks are analysed to reveal how producers at labour-intensive stages of production in both cases face increased levels of competition, and their strategies in response to these pressures intersect with the strategies of migrant workers and labour market intermediaries to produce outcomes of 'slave labour' and degrading work. Race, gender and migration status play a complex role in creating categories of workers vulnerable to degrading work and 'slave labour,' drawing attention to the way that production is necessarily embedded in particular socio-economic contexts. The analysis highlights the importance of accounting for and intervening in production networks within efforts to address 'slave labour' and degrading work.

DECLARATION

No portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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1) 'SLAVE LABOUR' IN BRAZIL

INTRODUCTION

With an estimated minimum of 12.3 million people in some form of forced labour worldwide (Belser et. al. 2005) according to the International Labour Organisation (ILO), this is a critical issue for development studies. In Brazil, 'slave labour' (as it is referred to in the country) is being confronted by a range of actors. The federal government reports 'liberating' over 30,000 workers, mainly internal migrants, between 1995 and 2008. This suggests both a significant problem, and the promise of making progress in efforts to address it.

Within the literature on 'new slavery' (e.g., Bales 1999) there have been a number of recent calls to focus on economic issues, with some recent works applying economic methods to studying forced labour, trafficking and contemporary slavery. While Marxist work on unfree labour (e.g., Brass 1999) can add to an understanding of economic issues, analysis of the production networks within which forced labour and degrading work are found has yet to form a central theme within either body of literature. The Global Production Network (GPN) framework (Henderson et. al. 2002) can deepen our understanding of the dynamics within which forced labour and degrading work emerge or persist. Dynamics of production networks are conceived of as sets of power relations which structure the constraints and opportunities for the various actors who negotiate within them. These interlocking sets of relations include, among others: relations between workers, producers, suppliers, buyers, market intermediaries, civil society groups and the state. The labour dynamics of production networks, then, are the subset of these dynamics which involve or impact relations between workers and employers, and thereby structure conditions of employment.

This thesis contributes to filling a gap in the literature by exploring the role of the labour dynamics of production networks in two cases of 'slave labour.' The first case is of internal migrant sugar cane workers and the second is of immigrant garment workers. The thesis addresses the question of whether, and how, the labour dynamics of production

networks contribute to ‘slave labour’ and degrading work in the Brazilian sugar cane and garment sectors.

I use the term ‘slave labour’ here because it is the term most commonly used by a range of actors in Brazil. This term will therefore be used throughout in reference to the Brazilian context, although it is a term that must be problematized. In asking what constitutes ‘slave labour’ in these cases, I explore the conditions experienced by workers and how these conditions have been labelled as ‘slave labour.’

I first examine what conditions are experienced by migrant workers in these cases. Conditions of employment include systems and levels of pay, duration and intensity of work, and health and safety conditions (both at the worksite and in employer-provided accommodation). As the thesis focuses on ‘slave labour,’ conditions of employment also include the degree to which workers’ freedoms – freedom of movement, freedom to change employers, and freedoms to contest conditions – are restricted. This is intimately linked to recruitment mechanisms, which are also examined. I then consider migrant workers’ evaluations of their experiences in labour migration and how these situations were or were not interpreted as ‘slave labour’ by different actors.

The workers found in ‘slave labour’ conditions in sugar cane have typically been young, male migrants from the Northeast of the country who migrate for agricultural work, in particular cutting cane. In many cases, these workers live in accommodation provided by their employers or by recruiters. In the garment sector, those identified by advocates, the media, and some elected officials as being in ‘slave labour’ have typically been young male and female migrants from Latin America, particularly Bolivia, working – and living – in small-scale garment workshops set up in residential buildings.

In both cases, reports in the media and other sources have documented: problems with underpayment and non-payment of wages; illnesses and injuries resulting from health and safety problems which exist both on the job and in the tied accommodation; explicit restrictions on workers’ freedom of movement and freedom to leave the job which include mechanisms of debt bondage and trafficking; and abusive treatment at the hands of employers and labour market intermediaries. In the sugar cane case, efforts to combat ‘slave labour’ have included the ‘liberation’ of thousands of workers from cane

fields by federal labour inspectors in recent years. In the garment case, workers have benefited less from state actions in spite of the fact that their conditions have also been described as ‘slave labour’ by a number of actors, including elected officials and the media.

‘Slave labour’ in Brazil can therefore be *distinguished qualitatively* from free labour in terms of *both the degree to which freedoms are restricted and the degree to which degradation is present*. While this may be conceived of as a continuum, the placement along such a continuum depends on an understanding of specific contextual factors, or dimensions along which workers may be able to exercise more or less autonomy within employment relations. In this conception, ‘slave labour’ is a symptom of degrading work. The metaphor has been used by Túlio Viana (2007, p. 33) as well as Sakamoto (2007b, p. 157), but the full implications of this view are not drawn out in these works. It implies that efforts to address the issue must aim to protect the rights of workers more broadly and to expand the options available to migrants and would-be migrants.

While the literature on GPN’s has been critiqued for lacking a focus on labour and workers, and has not been used to analyse forced labour, I extend it here by investigating the labour dynamics of production in these cases. The prospects for the industries in the two cases are in stark contrast, with ethanol produced from sugar cane widely seen as economically promising while the garment industry has been relatively stagnant. However, in both cases producers at labour-intensive stages are experiencing increased competitive pressures. I find that producers in these cases seek to respond to these pressures by increasing productivity and flexibility, which they do through varying strategies with regards to employment practices. These strategies can and do intersect with those of migrant workers and labour market intermediaries. The strategies of migrant workers and labour market intermediaries are also shaped by the respective opportunities and constraints they face, and these are in turn influenced by their race, gender and migration status, pointing to the fact that production relations are necessarily embedded within particular socio-economic contexts.

These labour dynamics of production networks are also shaped by state actors. This includes the financial and rhetorical support provided by federal and state governments in the sugar cane case, trade and investment liberalisation, immigration policy in the garment case, and labour inspection models which differ between the two cases. The effects of state actions can therefore be contradictory in their effects on 'slave labour' and degrading work. I find that the relative success of efforts by state actors to combat 'slave labour' is due to their articulation with efforts by civil society and other actors, and the degree to which they impact the labour dynamics of production networks.

ECONOMIC CONTEXT

Over the past few decades, Brazil's economy has had a number of transitions¹. The economic 'miracle' in the late 1960s and early 1970's led into the Latin American debt crisis of the early 1980s and was followed by periods of hyperinflation in the 1980s and 1990s. The *real* was introduced as the national currency in 1994 and Brazil experienced a currency crisis and devaluation in 1999. According to the CIA World Factbook, the country has since 2003 'steadily improved macroeconomic stability, building up foreign reserves, reducing its debt profile by shifting its debt burden toward real denominated and domestically held instruments, adhering to an inflation target, and committing to fiscal responsibility.' (CIA 2009) This progress has been achieved under the administration of President Luís Inácio da Silva (known as Lula) of the Workers' Party (*Partido dos Trabalhadores*, or PT).

Politically, Brazil has achieved increasing stability since emerging from the military dictatorship of 1964-1985. Current concerns about governance issues in Brazil centre on corruption and clientelism, crime and impunity. The major economic issue in Brazil has been inequality. It is one of the most unequal countries in the world in terms of family income inequality. (CIA 2009) This is in part a reflection of land inequality and significant regional disparities. These are intertwined with racial / ethnic and gender disparities.

¹ The fifth largest country in the world with an area of 8,514,877 square kilometres, Brazil is also the fifth most populous with a population of 198,739,269. It is a middle-income country with an estimated GDP per capita of \$10,300 in 2009. (CIA 2009)

It is also related to the ‘high decent work deficit’ in Brazil, as pointed out in a recent report. The authors identify four features of this decent work deficit:

a) high rates of unemployment and informality which result in a low degree of social protection and inadequate insertion of workers; b) a significant portion of workers subject to low levels of income and productivity; c) high employment turnover; and d) a high degree of inequality among different groups, reflecting a significant level of discrimination, above all with reference to women and the black population. (Abramo et. al. 2008, p. 18)

The recent period of economic progress has also been accompanied by progress, albeit uneven, on these socio-economic issues. Inequality has decreased as measured by the Gini coefficient, which went down from 57.1 in 1992 to 54.1 in 2006. (Abramo et. al. 2008, p. 34) Measured by the percentage of signed work cards or other indicators, more employment has become formalised during this period. (Abramo et. al. 2008, pp. 30-32) But there has been little improvement in gender disparities and even less in racial / ethnic inequalities. (Abramo et. al. 2008, pp. 50-52) Increasing efforts to combat ‘slave labour’ are part and parcel of these processes.

LABOUR INSPECTIONS BY THE ‘GRUPO MÓVEL’

Efforts to combat forced labour in Brazil are seen as a model which could inform similar efforts in other countries. (See especially Costa 2009.) These efforts have largely been targeted to protect the rights of rural migrant workers, with migrant cane cutters increasingly in this group. During the period in 2008 during which fieldwork for this dissertation was carried out, immigrant garment workers had not seen the same benefits from public policies to address 'slave labour.' This section briefly outlines indicators of progress in combatting ‘slave labour’ in Brazil, and describes how these efforts target the sugar cane sector but not the garment sector.

In 1995, the Cardoso administration recognized the existence of forced labour in Brazil. The inter-agency Executive Group to Combat Forced Labour (GERTRAF) was created and the Special Mobile Inspection Group (*Grupo Móvel*) was set up, to be coordinated at the federal level by the Labour and Employment Ministry (MTE). The Brazilian government began a cooperative project with the ILO entitled 'Combating Forced Labour' in 2002. After this, efforts accelerated. In 2003, the administration of Luíz Inácio da Silva (Lula) declared that a minimum of 25,000 people were in conditions

analogous to slavery in Brazil, published the first National Plan to Eradicate Slave Labour, and re-formed GERTRAF as the National Commission to Eradicate Slave Labour (CONATRAE).

The model of the *Grupo Móvel* is unique. In particular, it involves an inspection team which includes personnel from both labour ministries, the MTE and the Public Ministry of Labour (MPT), accompanied by federal police officers. Over time, more resources have been allocated to the *Grupo Móvel* and inspectors have also learned better methods to tackle the specificities of labour problems in rural and often remote locales. As can be seen in the table below, the number of workers 'liberated' or 'rescued' is impressive and has steadily increased from year to year. The column showing workers 'registered' refers to getting work cards signed by employers and indicates a contribution to a broader goal of formalising work relations. There has also been an increasing focus on obtaining compensation for workers and this has gone up as well. Mandating payment of collective 'moral damages' from employers as a punitive measure is also becoming routine.

Some efforts to focus on social protection measures have also been instituted. 'Liberated' workers have been ensured eligibility for unemployment insurance since 2003, and since 2005 there have been efforts to give them priority access to the *Bolsa Família* conditional cash transfer program. It should be noted here that workers have a say in whether they are 'liberated.' While labour inspectors may order a temporary halt to production in the event that they encounter 'slave labour' conditions, the consequent decision to 'liberate' workers is presented to them as a choice. Prior to the focus on obtaining compensation as well as unemployment insurance, this formal choice may not always have been a meaningful one for workers presented with the option of being 'liberated' without much support. These measures have therefore meant that workers have a greater ability to *exercise* the choice over whether they wish to leave the employment situation, because an alternative to remaining has been created.

Results of 'Slave Labour' Inspections

Year	Number of Operations	Sites Inspected	Workers Registered	Workers Rescued	Compensation Payments (\$R)	Notices of Violations Issued
2008	158	301	**	5,016	9,011,762.84	4,890
1st half 2008	–	–	1,170	–	–	–
2007	116	206	3,637	5,999	9,914,276.59	3,139
2006	109	209	3,454	3,417	6,299,650.53	2,772
2005	85	189	4,271	4,348	7,820,211.26	2,286
2004	72	275	3,643	2,887	4,905,613.13	2,465
2003	67	188	6,137	5,223	6,085,918.49	1,433
2002	30	85	2,805	2,285	2,084,406.41	621
2001	29	149	2,164	1,305	957,936.46	796
2000	25	88	1,130	516	472,849.69	522
1999	19	56	*	725	*	411
1998	17	47	*	159	*	282
1997	20	95	*	394	*	796
1996	26	219	*	425	*	1,751
1995	11	77	*	84	*	906
TOTAL	784	2184	28,411***	32,783	47,552,625.40	23,070

Sources: Data for 1995 through first half 2008 from MTE 20009a; for 2008 from MTE 2009b; totals calculated

*no data available for these years; ** data not yet published; *** includes only first half of 2008

LABOUR INSPECTIONS IN SUGAR CANE

The ILO's 2005 report noted that the 'principal destination' of those who end up in 'slave labour' is the 'region of agricultural expansion' on the frontier of the Amazon. (OIT 2005, p. 108) Nearly 50% of the complaints of forced labour recorded by the Catholic civil society organization *Comissão Pastoral da Terra* (CPT, or Pastoral Land Commission) from 1996 to 2005 referred to cases in the state of Pará. (OIT 2005, p. 24)

Efforts largely targeted rural work (e.g., charcoal camps, clearing land for cattle ranches, or agricultural work) in these regions.

In 2005, however, 1,003 workers were 'liberated' from 'slave labour' at the Destilaria Gameleira *usina* (mill or distillery) in the state of Mato Grosso. At the time, this represented the highest number of workers 'liberated' from one workplace. The labour-intensive nature of manual cane cutting means that when workers are liberated in sugar cane, the number liberated tends to be high. Since the 2005 Gameleira inspection, the Sugar Cane Agro-industrial Complex (CAC)² has been targeted for 'slave labour' inspections. (Oliveira, N. 2008) The report of the inspection of COSAN, for example, noted that the CAC was given 'special attention' in the annual plan of the MTE office which coordinates the work of the *Grupo Móvel*, the *Secretaria de Inspeção do Trabalho* (SIT). In both 2007 and 2008, about half of those 'rescued' from 'slave labour' were working in sugar cane: 2,947 and 2,553 respectively, the latter figure according to the Comissão Pastoral da Terra (Thenório 2008a; Reimberg 2009a)

The impact of 'slave labour' inspections in improving conditions for migrant cane cutters emerged from a number of interviews. When *Miguel* was asked if his employer in São Paulo state provided potable drinking water on the site, for example, he responded, 'Last year it changed a lot. There was a strong demand by the Labour Ministry that they had to adapt the bus to carry cold water. They used to bring water, but it wasn't cold, wasn't fit for consumption.' Beyond specific inspections, some participants described a changed climate. *Estevan*, for example, said that conditions in cane cutting had changed '100%' from his first experience in 1989, and that today work cards are signed and medical assistance is available. He stated that he believed one of the key reasons for this change has been stronger and more frequent inspections. If firms, he said, 'do not follow the rules, the worker brings them to the Labour Ministry, who obliges them to do everything within the rules, nothing outside of the rules.'

URBAN WORK

² I will use this term and the abbreviation CAC (Novaes and Alves 2008) when appropriate to refer to firms and investors involved in production, distribution and marketing of sugar-cane derived products (some of which also have interests in other goods and services). The term may exclude actors such as unions who may be considered to be part of the wider production network.

As noted, the inspections of the *Grupo Móvel* are focused on rural and agricultural work. Some cases which involve garment workshops involving exhaustive workdays, degrading conditions and / or restrictions on workers' freedoms have been treated as 'slave labour' with regards to the individuals running the workshop (often referred to as *oficinistas*). For example, Bolivians Daniel Jorge Ramos Mamani and Rene Willy Huanca Calle, 35 years and 23 years old, respectively, were arrested in 1999 for subjecting 27 people, mainly Bolivians and at least one Peruvian, to 'slave labour.' Similarly, 21-year old Bolivian Nelson Lima Cruz was arrested in the Brás neighbourhood of São Paulo accused of subjecting eleven Bolivian workers to 'slave labour' under Article 149 of the Penal Code. (Consultor Jurídico 2002) Korean couple Sang Hern Lee and Young Sook Lee Kim, arrested in 2002 for subjecting nine Bolivian workers to 'slave labour' in the Bom Retiro neighbourhood of São Paulo, were sentenced to four years in a 'semi-open regime,' a species of house arrest. (Coordenadoria de Editoria e Imprensa – STJ 2008)

According to e-mails received from Denise LaPolla (on 30 August 2008 and 23 January 2009) of the regional MPT office, there were 149 proceedings undertaken by her office in the Greater Metropolitan São Paulo region to address 'slave, degrading, or forced labour' in garment workshops.³ To my knowledge, as of 2008, none of the 149 inspections in response to 'slave, degrading, or forced labour' in garment workshops had resulted in the 'liberation' of workers with back wages, other financial compensation, and access to unemployment insurance, akin to the result for thousands of workers who have benefited from inspections by the *Grupo Móvel*. Nor had any of the cases resulted in the punitive appearance of firms on the 'Dirty List' (discussed below) of those using 'slave labour.'⁴

³ At the time, 56 of these had resulted in the signing of Agreements to Adjust Conduct (TAC's), agreements by firms to adjust their conduct. As 53 had not resulted in these agreements (for unspecified reasons, which could include that the employers could not be proved guilty of the charges), it appeared that 40 of the cases were still open. In seeking further information on these cases I was referred to Ana Camargo of the Labour and Employment Ministry (MTE,) but she did not respond to my calls or e-mails. Rolli and Fernandes state that between 1999 and 2007 'less than 100' cases of 'slave labour' were handled by the Civil Police in the São Paulo garment sector. (2007)

⁴ There have been cases of immigrant workers found to be in 'slave labour' in rural work who were given a deportation order, but did in fact receive compensation. Brazilian law also gives preference in employment to 'Brazilians' over immigrants.

PRODUCTION NETWORKS

Calls to study the economics of forced labour have not gone entirely unheeded. Belser 2005 estimates the profits from forced labour, while ILO 2009b estimates the cost to workers in forced labour resulting from lost wages. Both of these are based on the idea that workers in forced labour are compensated at significantly lower levels than free workers. (This would imply a strict segmentation between workers in forced labour and those in free labour, even within a particular industry and occupation, in the sense that wages and conditions of free labour and those of forced labour do not affect each other.)

The Belser 2005 estimate is based on the presumption that 'there are several groups of people who benefit from trafficking: the recruiter, the transporter / smuggler, and the final exploiter.' (2005, p. 18) The 'final exploiter' refers to the employer utilizing forced labour in the business' production process; the profits estimated are therefore the profits of those directly employing forced labour. These are estimated using data on value-added from agricultural producers, since agriculture is identified as 'probably the single largest sector in which forced labour occurs.' (2005, p. 7)

Yet, in order for the 'final exploiter' to share the full 'benefit' with recruiters and transporters / smugglers, a market price must be received for the goods or services produced. This assumption may not hold, particularly where employers are not selling goods and services to final consumers, but rather acting as suppliers within a production network. These producers may obtain business from buyers by offering lower prices, but reduce wages in order to maintain 'normal' profits. In this type of situation, others may also be benefiting, or profiting, from forced labour.

There is therefore a need for analysis that takes into account the production networks which employers participate in. Bales 2007 offers a glimpse into the complexity of particular 'product chains' within which 'slave labour' is found and the complexity of efforts to regulate them. (pp. 177-212) But the workers themselves are marginal to the strategies laid out, while 'cleaning up' product chains is held to be consistent with 'making a profit.' Marxist analysis on the other hand would begin with the question of how the value is produced and split between labour and capital. Consistent attention to the

complexity of how different groups of firms, different groups of workers, and other actors may capture this value, however, is frequently absent from the Marxist literature.

The Global Production Network (GPN) framework can be useful in addressing these questions. Henderson et. al. define a production network as 'the nexus of interconnected functions and operations through which goods and services are produced and distributed.' (2002, p. 445) This follows upon earlier conceptions of global commodity chains (GCCs) and global value chains (GVCs), the latter defined by Kaplinsky and Morris as describing 'the full range of activities which are required to bring a product or service from conception, through... production (and) final delivery to consumers ...' (2001, p. 4)

A central aspect of GPN analysis is that it highlights the fragmentation and globalisation of production in contemporary capitalism. In the context of fragmented production, competition among firms can be over access to business from buyers, traders or other actors rather than over consumer markets. Firms therefore become embedded within production networks, and 'dyadic' labour relations (or perhaps 'triadic' relations, where labour market intermediaries are involved) need to be viewed as part of this wider network of relations through which production takes place. Firms' decisions about employment can be structured by their strategies as actors within, or seeking to enter, production networks. Mapping the range of activities within this production network is a step towards understanding questions of governance and power asymmetry within it.

A number of debates run through these bodies of literature, and they cannot all be addressed here. The intent is rather to apply some of the insights from these overlapping strands of literature.⁵ While drawing on the GCC, GVC and GPN frameworks, I will use the term 'production network' mainly because the 'network' concept highlights the fact that there may be actors influencing the production process 'horizontally' (e.g., through regulation) in addition to the 'vertical' relationships (e.g., through supply chain linkages). Rather than an emphasis on 'functions' and 'operations,' the strength of GPN analyses

⁵ See Bair 2009, p. 13 on the issue of how the literatures overlap. Coe, Dickens and Hess state that there is a 'lot of common ground' in the three bodies of literature. (2008, p. 267) A comparison of the schools would consider the differences in their respective theoretical influences, particularly as the GVC framework draws heavily on transaction costs analysis associated with New Institutional Economics.

has been in highlighting the relations through which production is enabled. The GPN approach tends to place greater emphasis on 'the more fluid networks of power that exist between different actors, the geographical embeddedness of GPNs and the “strategic coupling” that occurs between firms and regions' (Cumbers et. al. 2008, p. 371) – although to be sure these concepts are not exclusively addressed by those affiliated with the GPN framework as opposed to the GCC or GVC frameworks. I do *not* always precede 'production network' with the word 'global,' as I have not chosen the two cases studies based on the extent to which they are 'global' in nature. Rather, the extent to which, and the ways in which, the production networks in question are 'global' is one element which will be examined.

The relevant insight of GCC, GVC and especially GPN analyses is that there are dynamic power relations among firms linked through their participation in different aspects of the production and distribution of goods and services, and that these power relations affect the distribution of value among these sets of firms. To this set of power dynamics must be added other actors: workers, unions and consumers, as well as relevant civil society groups, various state agencies and other institutions. Value, therefore, cannot be easily measured, given the different forces shaping its manifestation. Rather, the relations among actors engaged in the production of this value and their relative bargaining power must be analysed if we are to understand how it is distributed.

The power dynamics of relations within production networks create opportunities and constraints for workers and employers. The strategies workers and employers respond with structure conditions of employment. This is what I refer to as the labour dynamics of production networks. In contemporary forms of 'slave labour,' the proportion of benefits from production which is gained by workers is minimized.

The labour dynamics of production networks will be analysed through a description of the changing situation for producers in these two sectors within which 'slave labour' conditions are being produced, reproduced and challenged. The industries are facing very different scenarios in terms of their prospects for profitable growth. Each industry is also undergoing significant changes, which include aspects of globalisation. Prospects for Brazilian ethanol producers on the whole are bright with the potential for

exports sustained by domestic consumption. The Brazilian apparel industry, on the other hand, has yet to demonstrate a strategy for dynamic growth under a liberalized trade regime. Yet at the level of production where ‘slave labour’ has been identified, producers in both cases are experiencing increasing competition which impacts on their strategies with regards to labour.

The relevance of this to concerns about ‘slave labour’ is given by Nathan and Kalpana, who point out that while improving labour conditions is not inevitable where employers have some degree of bargaining power within value chains, it may only be possible under these conditions. (2007, p. 9) This means that one possible dynamic, particularly relevant to the garment case, is where suppliers are in a relatively weak position in negotiations with buyers but a relatively strong position in negotiations with workers. This is likely to lead to a situation in which the benefit of ‘slave labour,’ the value produced by these workers, is not fully captured by the immediate employer and labour market intermediaries, but rather is mainly captured by firms higher up the value chain and / or by consumers.

Understanding the dynamics of production networks matters for efforts to combat ‘slave labour.’ Clearly, this means that production network analysis must include a focus not just on firms but also on labour, on the state, and on other relevant actors such as civil society groups. In Chapter 7 below, the efforts described briefly above will be analysed with reference to the ways that they affect the labour dynamics of production networks. In the sugar cane case, the relative success of the National Pact to Eradicate Slave Labour can be seen as due to the degree that it changes the labour dynamics of production as well as the way that state efforts are articulated with the efforts of other actors including civil society groups. In contrast, state support of the CAC also affects labour dynamics of the production network, in ways that may be reinforcing outcomes of ‘slave labour’ and degrading work. In the garment case, state policies which affect labour dynamics of the production network include trade liberalisation, the model of labour inspections, and immigration policy.

DEFINITIONS OF ‘SLAVE LABOUR’ AND DEGRADING WORK

There are many overlapping terms which can apply to situations of degrading work in which workers' freedoms are restricted. The definitions of each are contested. They also serve different purposes. As Ruwanpura and Pallavi state, 'forced labour and its definition has in large part been the domain of lawyers' (2004, p. 3) and as such are frequently defined with an eye on the practical aspects of enforcing legal codes.

A key reference for this thesis is given in Article 149 of the Brazilian penal code, which has outlawed 'reducing someone to *a condition analogous to slavery*' since 1940. Since 2003, the law stipulates that 'reducing someone to a condition analogous to slavery' can be accomplished in different ways, 'whether by submitting the worker to forced labour or an exhaustive workday, by submitting him/her to degrading conditions, by restricting freedom of movement on account of debt,' by 'curtailing the use of any means of transport on the part of the worker' or by 'maintaining overt surveillance in the workplace or retaining the worker's documents or personal objects in order to detain him/her in the workplace.' That degrading conditions and an exhaustive workday can be indicative of 'slave labour' is important to the analysis of the cases examined here.

Definitions of *degrading conditions* themselves are less codified. The one offered by De Brito Filho is a good starting point. He states that 'work in degrading conditions' is characterized by a lack of guarantees around standards for health and safety and for conditions of work, housing, hygiene, respect and nutrition. (2006, p. 13)

Forced Labour is also referenced in Article 149. Forced labour is defined by the ILO under Convention No. 29 (1930) as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.'⁶ It should be noted that the definition has been (re)interpreted by the ILO's supervisory bodies to counter the importance seemingly given to initial consent. It is now understood 'that the consent of workers is irrelevant when there has been deception or fraud, or the retention of identity documents in order to achieve this consent.' (Belser 2005, pp. 2-3)

Given the centrality of migrant labour to these cases, the definition of *trafficking* is also relevant. Under Brazilian law, trafficking refers to prostitution and sexual

⁶ Art.2.1. Text available at: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029> (Accessed 18 March 2010.)

exploitation. However, the Brazilian anti-trafficking law references the United Nations' (UN's) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which also covers forced labour. The Protocol defines trafficking as:

'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.'

Rezende Figueira traces a shift in public discourse in Brazil towards the use of the terms 'slavery' and 'slave labour' from earlier use of a variety of terms, including 'forced labour.' The term 'debt slavery' has also been used with reference to internal migrants in Brazil. Rezende Figueira further notes that it is now often referred to this way without using the qualifier 'analogous' contained in Article 149 of the penal code. (2004, pp. 33-48)

The terms '*slavery*' and '*slave labour*' have a long intellectual history which cannot be fully covered here. With reference to contemporary forms of labour relations, Esterci argues that 'slave labour' is a term used as a 'refusal' of situations which 'break with culturally acceptable limits of inequality among men and injure culturally sanctioned notions of humanity.' (2008, p. 8)

Using the term as a strategy to indicate how it refers to an ethically or politically unacceptable situation, as Esterci does, entails a trade-off. It may cause confusion or lack of clarity as to whether the situation is being likened to chattel slavery or not, since it is frequently used to refer to trafficking, debt bondage, or other forms of forced labour. Another author advocating the use of this term is Bales, who defines a *slave* as 'a person held by violence or the threat of violence for economic exploitation.' (1999, p. 280) He further distinguishes 'new slavery' from 'old slavery' on the basis of legal ownership, purchase costs, level of profits, availability of slaves, duration of relationship, 'disposability' of slaves and importance of ethnic differences. (1999, p. 15) This distinction will be discussed further in Chapter 2 below.

Marxist authors use the term unfree labour to draw attention to the economic relations at work. It refers to situations in which workers' labour is exploited by capitalists but their participation in a labour market is restricted. Brass points out that within political economy, the distinction between free and unfree is made with regards to whether a worker has the power to personally commodify his or her own labour power. (1999, p. 28)

Finally, Sakamoto draws on Marxist analysis but also follows the Brazilian legal definition in part when he describes 'slave labour' as 'a form of degrading and non-contractual exploitation in which there is curtailment of the individual's freedom.' (2007b, p. 7) He also references 'objectification'⁷ which brings up the association with chattel slavery as a property relationship.

The argument for drawing a clear boundary around forced / trafficked / 'slave' / unfree labour has been made on analytical grounds. But it has also been made on ethical or moral grounds, based on seemingly exceptional cases of labour abuse. Bales, for example, insists that 'slavery should not be confused with anything else: it is not prison labor, it is not all forms of child labor, it is not just being very poor and having few choices ... Slavery in real, not metaphorical, form is growing and evolving ... We have to *name* the problem of slavery.'" (Bales 1999, p. 259)

In contrast, recent critiques have argued that strict dichotomies between 'free' labour and forced / trafficked / 'slave' / unfree labour are analytically tenuous and in terms of ethics, can even be harmful. The potential for harm comes from the normalisation of exploitation and abuse that can be achieved through marking out a special category of victims, thus rendering the situations which fall outside this category as inherently unproblematic. (See, for example: Lerche 2007; Rogaly 2008; O'Connell Davidson 2010; and Breman, Guérin and Prakash, eds., especially Guérin et. al.) These recent works grapple in different ways with whether a 'continuum' approach which views forced / trafficked / 'slave' / unfree labour as the extreme end of a spectrum of exploitation might replace what O'Connell Davidson refers to as the 'old binaries.'

⁷ The term used is '*coisificação*' which could also be translated as 'commodification.'

'SLAVE LABOUR' AND DEGRADING CONDITIONS IN BRAZILIAN LAW

As stated above, Article 149 of the Brazilian Penal Code was revised in 2003. 'Slave labour' may now be indicated by restriction of movement, seizure of documents, or by debt bondage or strict surveillance with the goal of detaining the worker, but also by an exhausting workday or degrading conditions. (MTE 2008a, p. 8) In terms of interpreting this legal provision, It should be kept in mind that this is a legal change, and must be considered within this context. It reflects both contextualized understandings of the problem at hand as well as practical considerations of how to tackle this problem within the context. Reflecting on both of these can be useful in formulating, or interrogating, academic definitions.

Concerns over forced or 'slave labour' can be based on valuing freedoms *per se* as well as on concerns over negative impacts resulting from restrictions on freedom. In other words, restricting a worker's choices about his/her decision to enter and exit a particular employment situation already constitutes a rights violation. But equally, a worker whose choice is restricted will become vulnerable to further rights violations due to the consequently heightened level of control which may be exercised by his/her employer.

The first issue, then, is regarding the burden of proof in demonstrating that freedoms have been restricted. In the Brazilian case, there have been well-documented instances in which rural migrant workers have been trapped at their work sites due to violence and / or threats of violence. But in many other cases, debt bondage is the key mechanism by which their freedoms are constrained, and this can involve perceptions of loyalty and / or honour on the part of the worker. (Rezende Figueira 2004, Bales 1999, Le Breton 2003, p. 3, and OIT 2005, p. 48) In these relationships, multiple actors may enter a scene in which structural factors have already constrained the range of choices available to migrant workers. The definition of trafficking in the UN Protocol allows for the 'abuse of power or vulnerability' to address this in theory. The change in law spells out what this 'abuse' might look like by detailing some of the specificities of the Brazilian case.

In defining 'slave labour' with reference to exhaustive workdays and degrading conditions, efforts to combat the problem in Brazil have recognized that, as stated by Vilela, the line between precarious work and slavery can be 'very tenuous' (Estudos

Avançados 2000, p. 24) Or as the ILO puts it, there is 'a very thin dividing line between coerced and non-coerced exploitation' (ILO 2009a, p. 8) and therefore an 'often thin dividing line between labour exploitation and forced labour.' (ILO 2009b) This recognition has facilitated increasingly effective actions to address the problem, at least for some workers.

I argue below that the model of inspections targeting 'slave labour' in Brazil is premised on an assumption that underlying restrictions on workers' freedoms are likely to be a causal factor in outcomes of degradation arising from an employment relationship. This recognises that extreme degradation may be a result of, and therefore a signal of, restricted freedoms. These restrictions may be more difficult to prove (than the resulting degradation is) given the nature of contemporary forms of debt bondage and human trafficking. The assumption therefore facilitates challenges to degrading work and 'slave labour.'

While some might fear that the meaning of forced labour or 'slave labour' may be lost in such a change, there is a strong argument to be made that extreme forms of degradation in employment are likely to result from forced labour practices. Legal responses can reasonably start from such an assumption, so that in the presence of extreme degradation the burden of proof regarding restricted freedoms is lowered - although not necessarily eliminated. As the ILO states, 'any judicial action against forced labour would normally take as its starting point the ultimate conditions of work or service, paying less attention to the range of factors that created or exacerbated the vulnerability of workers to the exploitation.' (ILO 2009a, p. 8)

The second issue is about the meaning of degradation in relation to the concept of 'slave labour.' The change in the legal definition can be interpreted in reference to the phrasing of the law it modifies. The concept of 'conditions analogous to slavery' may be different from, for example, a concept contained in the 1926 Slavery Convention⁸ involving the exercise of 'powers attaching to the right of ownership' over a person.⁹ Rather, it can refer to the inhumane treatment that those subject to rights of ownership

⁸ Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926. Text available at: <http://www1.umn.edu/humanrts/instree/flsc.htm> (Accessed 18 March 2010.)

⁹ The meaning of this phrase has naturally been debated.

have endured. This is part of what Esterci means by stating that the term 'slavery' is used as a 'refusal' of situations which 'break with culturally acceptable limits of inequality among men and injure culturally sanctioned notions of humanity.' (2008, p. 8) In other words, nobody should be treated 'like a slave.'

This is how the term 'slave labour' is described in the report of the PAGRISA inspection: as an 'employment relation' with 'element(s)' that 'harm the dignity of citizens' so that they are in a condition 'similar to those who lived under a slave regime.' Sakamoto, citing Castilho, also points to the understanding of dignity in contemporary understandings of 'slave labour' in Brazil. (2007b, p. 38) This is confirmed by other authors, particularly by De Brito Filho (2006) and is reflected in other countries' laws on forced labour and trafficking, as in Belgium and France. (Malpani 2010, pp. 139-140) This concept draws on a common understanding of slavery as unacceptably harsh treatment, treatment which society cannot allow its citizens to endure. The modification to the law codifies this by making an explicit link to degrading conditions.

A THIN LINE

Relevant to this discussion is a critique by O'Connell Davidson of the division between 'new slavery' and 'onerous work.' She asks whether 'slaveholders' are defined as those who 'beat, starve, sexually harass and cheat their workers with impunity, in addition to exploiting their labour' as opposed to employers who have 'kindly refrained from beating or cheating (their workers) despite the huge asymmetries of power that existed between them.' (2010, p. 252) This raises three inter-related issues: first, whether a line can be drawn between 'freedom' and 'unfreedom; second, how structural factors relate to 'new slavery'; and third, whether physical violence and / or deceit are necessary elements in classifying debt bondage as a form of slavery.

On the first point, Marxists emphasise that free workers are only free in terms of who they sell their labour power to within the labour market. They still lack freedom in that they are compelled to enter this market and sell their labour power in the first place. (Miles 1987, p. 26) The issue nevertheless sometimes arises as to whether the category of

'unfree labour' serves a similar role, as expressed in the debate between Banaji (2003) and Brass (2003).

Banaji describes as a fiction the idea that workers have 'some measure of control over their working lives because they can choose who to work for.' (2003, pp. 90-91) Banaji focuses on employers' ability to enforce contracts. (2003, p. 88) His argument resonates with Rao's claim that employers in India are able to achieve the 'enhanced control' and 'enhanced profit' through debt bondage but that 'at least in respect of Freedom, there is nothing to distinguish attached labour from canonical wage-labour.' (1999, p. 255) Brass focuses on the (in)ability of workers to re-commodify their labour power in refuting the argument. While the focus on commodification may be justified, this ability – like the control exercised by workers on one side and employers on the other – can be a matter of degree. Banaji is negating the possibility of identifying categories through qualitative breaks. To take one example, the categories of 'rich' and 'poor' would be rendered meaningless without this possibility, since these categories refer to *levels* of resources rather than to absolute scarcity/abundance. Categories distinguished in this way are not, as implied by Banaji and Rao, rendered meaningless.

Drawing a line past which labour can be considered unfree or 'slave labour' is necessarily contextual, subjective and contested. This is not least because there are many ways in which workers' freedoms may or may not be restricted and because the resulting conditions experienced by workers are also referenced, at least implicitly, when deciding where to draw these lines. Contextual definitions need not be arbitrary ones, however, as Steinfeld and Engerman imply they are. (1997, p. 108) The term 'slave labour' is used in Brazil to refer to minimum standards below which society seeks to prevent its citizens from labouring. The question posed by O'Connell Davidson among others, of whether drawing such a line necessarily defines one group of workers as 'free' and thus minimizes or even denies the extent to which they are not, nonetheless remains.

On the second point, Bales 2007 states that 'the key to defining slavery is to look closely at the core characteristics in the life of a slave and in the slave's relationship with their master or slave holder.' (p. 1) While this relationship is critical, it should not exclude other critical aspects of situations that might be described as 'slavery.' Part of the critique

laid out by O'Connell Davidson is that other relations, such as the relation with the state, are at least equally critical. Once these relations are implicated, which they typically are in Marxist political economy, these situations should force us to consider 'the many legal and social fetters ... imposed on individuals who are socially imagined as "free."'

(O'Connell Davidson 2010, p. 245)

The third point is not just a debate within the literature on 'new slavery,' but also within Marxist literature. Threats, abuse and violence are often considered to be the key defining features - or at least one of the key defining features - of 'slavery.' It is listed in Bales 2005, for example, as one of the three defining aspects of 'slavery' (along with 'loss of free will' and economic exploitation). (p. 91) Violence and coercion are perhaps the most 'extreme' means of restricting freedom. Yet even short of these measures, workers' freedoms - freedom of movement, freedom to change employers, and freedom to contest conditions – can be restricted.

Nor is violence exclusive to situations classified as unfree. It has been inflicted on workers who were generally considered to be 'free,' for example, in response to their efforts to organize trade unions in many countries and at many points throughout history. Further, regardless of which side of the division between free and unfree workers fall, there is the question of violence imposed on workers by actors *other* than their employers or traffickers. Scott (2000) gives an historical example of militia groups' violent repression of a strike in the context of a struggle over wages on sugar plantations, which interestingly enough was reinterpreted by planters as a racial struggle. O'Connell Davidson raises the issue of violence inflicted on labour migrants by state actors charged with enforcing immigration law. (2010).

Violence can thus affect 'free' workers, but also need not be visibly present in cases of unfree labour. The ILO states that 'the menace of a penalty,' a definitional characteristic of forced labour, 'can take many different forms. Arguably, its most extreme form involves physical violence or restraint' but there 'can also be subtler forms of menace, sometimes of a psychological nature.' (2009b, p. 5) As mentioned earlier, debt bondage mechanisms rely in large part on workers' perceptions of honour. Esterici notes that,

'among cases registered as slavery (or as practices “reducing persons to conditions analogous to slavery”) there are situations in accordance with patterns of paternalist domination. In these cases, the basis (of this domination) is not found in the use of force, but in economic and moral mechanisms which lead to dependence.' (2008, p. 6)

These are useful corrections to the insistence that violence is a necessary element in defining unfreedom. Da Corta makes a similar point from a Marxist perspective when she writes of the 'empirical reality' in South Asia, in which capitalists have 'multiple sources of power' in addition to the use of physical force. These include: 'economic power in credit markets, but also economic power in other markets (rental is a common one, food, inputs and clothing); political power – such as brokering poor people's right to the whole range of state benefits, to the courts, to police protection; (and) social, cultural, religious benefits and “social” inclusion;' as well as the invocation of 'existing and conjured ideologies.' (2008, p. 23)

In chapters 4 and 5 below, I explain how the *gancho* (suspension without pay) restricts workers' freedoms in the sugar cane case, while the expectation of staying with one's first employer for a minimum period of time does so in the garment case. The *gancho* can be considered one of Esterici's economic mechanisms, while the expectation of a minimum term of service can be considered one of the moral mechanisms. Violence, then, is not the only extra-economic means of imposing unfreedom, nor is extra-economic coercion limited to unfree or 'slave' labour.

CONCEPTUALIZING DIMENSIONS OF FREEDOM AND DEGRADATION

As described above, disagreements over the definitions of free vs. forced / trafficked / 'slave' / unfree labour often hinge on the question of where along a continuum of autonomy the line between the two can be drawn. When a definition is created – whether this definition is articulated by scholars, the media, legal experts, or advocates - new situations seem to inevitably arise to challenge this definition by appearing to fall on the 'wrong' side of this line. (I.e., a situation in which the worker is considered to be free appears to meet the definition of forced / trafficked / 'slave' / unfree labour or a situation in which the worker is considered unfree is not covered by the definition.)

The concept of 'slave labour' as elaborated in Brazil, while contested, refers to minimum standards below which society seeks to prevent its citizens from labouring.

These standards include both the structure of the employment relationship and the conditions arising from it. Put forward by activists and academics, and reinforced by the revised legal definition of conditions analogous to slavery, the concept does not rely on a single defining element such as violence to distinguish between slavery and free labour. 'Slave labour' can be thought of as a meaningful category, but distinguished qualitatively from free labour in terms of the degree to which freedoms are restricted and to which degradation is present.

While this may be conceived of as a continuum, the placement along such a continuum depends on an understanding of specific contextual factors. There are in fact different *dimensions* along which workers may be able to exercise more or less autonomy within employment relations. I argue here for a multi-dimensional concept of 'slave labour,' which builds on but goes beyond the 'continuum' approach. While the dimensions I will elaborate in the thesis are built up from the case studies, a multi-dimensional concept could likely be adapted to other contexts as well and in fact would be suited to the contextual definitions that authors who have been developing the continuum approach seem to be espousing. Lerche, for example, states that there is 'a need' to 'acknowledge the fluidity of the actually occurring levels of unfreedom (and) to build a fully-fledged historically specific analysis of unfree labour relations.' (2007, p. 447) Srivastava, perhaps coming closest to the conceptualisation proposed here, states that, 'labour bondage has to be viewed both in terms of the nature of the transaction between the labourer and the employer as well as the outcome of that transaction.' (2009, p. 133)

Workers in these cases experience different types and levels of restrictions on their freedoms even working in the same sector and the same region. And while we would expect restricted freedoms to be associated with degrading conditions, there is no strict convergence between the two. Conditions can be justifiably taken into account in conceiving of differences between 'slave labour,' degrading work and 'free labour.'

It is through this lens that the cases will be viewed in considering below how the conditions of employment for migrant workers are or are not interpreted as 'slave labour' by different actors. The elements emphasised by the different definitions given above –

such as consent, (threats of) violence, and restrictions on movement, as well as length of the workday and conditions which threaten workers' health and safety – are considered, but with an acknowledgment that these can differ in degree and that it matters whether multiple elements are present. In this conception, 'slave labour' can be thought of as a symptom of degrading work.

Individual employers vary in the types and severities of restrictions that they draw upon or impose, differing by groups of workers and over time. But it is important to note that the risks and reprisals are not limited to the workplace, nor to the workers as individuals. They may play out on the journey to the destination region or in workers' communities of origin. Not every unfreedom experienced by workers is a result of a decision made by their employer. Some may be enacted by intermediaries, for example, such as the '*gatos*' (labour recruiters) who have traditionally been associated with 'slave labour' in Brazil. Critically, restrictions on freedom may also be structural. Employers and intermediaries may carry out an 'abuse of power or of a position of vulnerability,' but immigration policies or criminal justice policies may restrict workers' freedoms even independently of actions which abuse their position. When I use the term 'vulnerability' in this thesis, it should therefore be understood to indicate a position of limited power which is due to interrelated issues of structural inequalities, social relations of unequal power and ideological factors.

Below is a depiction of how these different dimensions might be portrayed, imagining the **outer ring** as encompassing free labour, the **inner ring** as encompassing 'slave labour' and the **middle ring** bounding degrading work. Note that this diagram refers to employment relations only; i.e., it does not include many other forms of work such as household labour.

Each **dashed arrow** represents a characteristic of the situation which affects workers' freedoms, characteristics which must be considered in context. Some, such as lack of work authorization, restrict the possibility for exercising freedoms and point inwards. Some, such as a strong social network, expand the possibility of exercising these freedoms and point outwards. And some, such as a shared immigrant identity, may be used in different ways and so point in different directions.

The **solid arrows** are included to indicate how conditions may contribute to an assessment of whether a situation is one of 'slave' or free labour.¹⁰ Perhaps there are health and safety violations, associated with degrading conditions that constitute 'slave labour.' Perhaps the meals provided for workers are nutritious, plentiful and varied, not associated with degradation. Perhaps the piece rate of pay can be seen in different ways: as contributing to exhaustive work days even as the overall level of pay is relatively high.

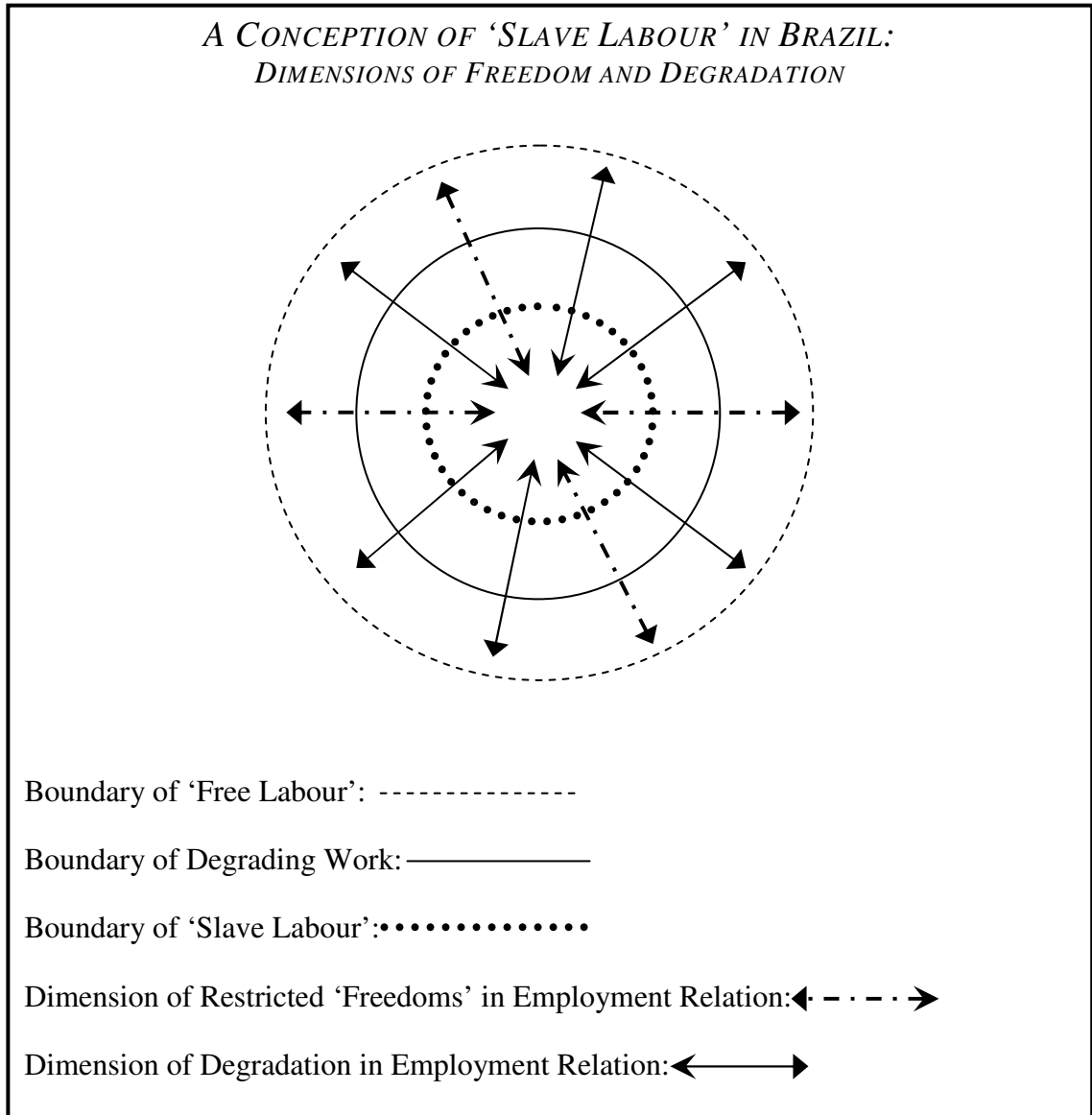
In depicting the various dimensions of an employment situation which may be taken into account when assessing whether a situation is one of 'slave' or free labour, I wish to demonstrate how the terms can be meaningful, even if contextual, subjective and contested. Whether one factor (e.g., violence) is a necessary or definitive one is largely a theoretical question. Which factors (e.g., piece rates) should be included is largely a contextual question. To what degree freedoms need to be restricted (e.g., loss of free will) is debatable. The presence of degrading conditions as a factor is often implicit. Finally, even if there could be agreement on what factors should be included and how to measure the point at which they constitute 'slave labour,' factors associated with 'slave labour' may be present in a specific instance simultaneously with other factors associated with free labour. Steinfeld and Engerman make a similar point that because the 'dimensions' of 'entry, performance, and exit' all potentially distinguish free from unfree labour, 'at times not all these aspects can be fit into the same side of the free-unfree dichotomy.' (1997, p. 108) However, their argument that contextual definitions are necessarily arbitrary ones does not have to be accepted; rather, an element of judgment and reference to prevailing standards can be valid.

Different factors may also interact with each other; this is not reflected in the diagram. Also not depicted is how these dimensions change over time. The worker's own strategies may be included among the factors pushing towards 'free' (or 'slave') labour along a particular dimension.

Different dimensions contribute to our understanding of whether a situation represents 'slave labour.' We can see then that this understanding is a judgement call about how well the situation and our conception of 'slave labour' match up, or fit, because

¹⁰ See Túlio Viana for an alternative schema of five potential components of 'slave labour.' (2007, p. 45)

many situations will not fall neatly within or outside the 'slave labour' circle. We need to consider how many factors point inwards and how many outwards, how strong these factors are, and how important they are to our definition.



In this conception it is still clear that, as in a continuum, a range of conditions may exist within *all three* categories. A normative goal here might be to move outwards towards 'free' labour (within the confines of capitalist employment relations). Efforts to 'rescue' or 'liberate' workers are discussed throughout the thesis, so it should be noted

that removing workers from 'slave labour' without providing alternative livelihoods for them would not necessarily bring them into the 'free' labour domain.

CONCLUSION AND STRUCTURE OF THE THESIS

Above, some contextual background is provided. Efforts to combat forced or 'slave' labour in Brazil are described, indicating why these are seen as a model for other countries. This raises the issue of how 'slave labour' can be defined and conceptualized. Some of the issues which arise from attempts to define forced labour, 'slave labour,' trafficking, unfree labour, and degrading work are addressed above. I argue that 'slave labour' is contextual, subjective and contested, but still a meaningful term. It is based on a judgment about the degree to which workers' freedoms are restricted and the extent to which degrading conditions exist, each potentially along a number of dimensions.

'Slave labour,' understood as involving both degrading conditions and restricted freedoms for workers, has been identified in both the garment and sugar cane cases in Brazil. Above, a gap in the literature on 'new slavery' and unfree labour has been identified, in that production network analysis is largely lacking from this literature.

In Chapter 2, I discuss theories which address the economics of forced / trafficked / 'slave' / unfree labour. This includes an outline of how 'demand' is conceived in recent works on 'new slavery,' trafficking and forced labour, and of how Marxist analysis approaches these issues. I explain how production network analysis can deepen our understanding of the dynamics within which 'slave labour' and degrading work emerge by focusing on issues that the aforementioned bodies of literature do not fully account for. In particular, I argue that the GPN framework can be extended to consider the labour dynamics of production networks.

In Chapter 3, I discuss the research methods employed and the rationale behind them. This includes a discussion of the case study method, production network analysis, case selection, participant selection, qualitative techniques, methods of analysis, ethical issues, and issues of language and transcription.

In Chapters 4 and 5, I discuss the experiences of migrant workers in each case. These chapters draw on a number of sources, including interviews and focus group

discussions conducted with migrant workers. I pay particular attention to the conditions these workers might encounter, the restrictions on freedoms they might encounter, and how these match up to notions of ‘slave labour’ and related concepts. In Chapter 6, I discuss issues around race, gender and migration status emerging from the case study analysis, pointing to the fact that production is necessarily embedded in particular socio-economic contexts. I find that women are not necessarily more vulnerable to ‘slave labour’ although their experiences are gendered while particular groups of men experience gendered vulnerability. I also argue that race is a relevant analytical category for studying ‘slave labour’ and degrading work and is intertwined with migration status in these cases.

In Chapter 7, I analyse the labour dynamics of the production networks within which these cases of ‘slave labour’ are found. This chapter also draws on a number of sources, including interviews with representatives of firms in the CAC and in the garment industry. I examine how the power dynamics within these networks create opportunities and constraints for employers, workers and labour market intermediaries, and how the strategies they respond with impact on labour conditions. I discuss how the effectiveness of efforts to combat ‘slave labour’ is in large part due to the degree to which they change labour dynamics of production networks.

In Chapter 8, I return to the relation between ‘slave labour’ and degrading work in these cases. I look at the dimensions along which freedoms may be expanded or restricted and along which degradation may be assessed. I show how judgements about whether a situation constitutes ‘slave labour’ are contextual, subjective and contested, but still meaningful. I argue that ‘slave labour’ in these cases is a symptom of degrading work. I suggest that attention to the labour dynamics of production networks can add to our understanding of contemporary forms of forced labour within production networks, as well as enrich the GPN framework.

2) ECONOMICS OF 'SLAVE LABOUR'

INTRODUCTION

There is a growing consensus in both the literature on 'new slavery' and in works on forced labour published by the ILO that demand is an under-researched issue. (e.g.: ILO 2001, p. 100; ILO 2005, p. 52; Andrees and Van Der Linden 2005, p. 56; Bales 2005, p. 171) Yet, understanding the economics of contemporary forms of 'slave labour' is far from a straightforward task. In this chapter, I critically review the literature on this issue to show how the literature on 'new slavery' and trafficking would benefit from incorporating insights of Marxist work on unfree labour, and demonstrating that the GPN approach offers a potentially useful framework for investigating how labour dynamics of production might contribute to outcomes of 'slave labour' and degrading work.

I first examine how labour markets and demand are interpreted in the recent wave of literature on forced / trafficked / 'slave' labour. I find that what or who is in demand differs. Further, the definition is not always explicit, and it may change within the same work. Issues of supply and demand are conceived of as stable variables which can be measured by economists using the appropriate tools. This leads to calls in the 'new slavery' literature to 'bring in the economists.' I therefore briefly consider mainstream economic approaches, showing that they are not well equipped to address the issues involved in analysing 'slave labour' and related phenomena. Finally, I then consider how these issues are addressed from a Marxist perspective on unfree labour which focuses on class dynamics.

I show that consideration of what is referred to in Bales 2007 as the 'product chain' (pp. 177-212) is often missing from the 'new slavery' literature, which considers the relation between 'slave' and 'master.' Nor is it always central to Marxist analysis which considers class dynamics. GPN analysis offers a framework for highlighting the complex web of relations within which production takes place, and within which contemporary instances of 'slave labour' occur. While GPN analyses of labour and employment have been few and far between, there is currently a wave of interest in using

the framework for these topics. GPN analysis can be used to examine production and distribution of value among different actors within a production network and therefore add to understandings of the economics of 'slave labour.' This entails extending the reach of the GPN framework to incorporate the labour dynamics of production networks.

'NEW SLAVERY'

The apparent persistence of forced and degrading work in the late 1990s together with concerns over immigration, organized crime, and globalization contributed to a wave of interest in contemporary forms of slavery, forced labour, and trafficking. (See the previous chapter for definitions of each.) The ILO's 1998 adoption of the *Declaration on Fundamental Principles and Rights at Work* established forced labour as one of four 'core labour standards.' The US State Department's Bureau of Intelligence and Research published a study on 'International Trafficking in Women to the United States' (O'Neill Richard 1999) and the Trafficking Victims Protection Act was passed in the US in 2000. The same year saw the adoption of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* as part of the United Nation's *Convention against Transnational Organized Crime*. Finally, *Disposable People: New Slavery in the Global Economy* by Kevin Bales was published in 1999.

This heralded the publication of a wave of works on the topic, some more academic in nature and others geared to a more popular market.¹¹ Bales' work has been especially influential in this wave of literature, and has also influenced policy reports and ILO publications on forced labour by various authors. In particular, the phrase 'new slavery' has been widely adopted¹², the way in which this is distinguished from 'old

¹¹ Some examples include: *Not for Sale: The Return of the Global Slave Trade--and How We Can Fight It* by David Batstone (2007); *A Crime So Monstrous: Face-to-Face with Modern-Day Slavery* by E. Benjamin Skinner (2009); *Enslaved: True Stories of Modern Day Slavery*, edited by Sage Jesse and Liora Kasten with an Introduction by Gloria Steinem (2008); *The Natashas: Inside the New Global Sex Trade* by Victor Malarek (2005) and *Woman, Child for Sale: The New Slave Trade in the 21st Century* by Gilbert King (2004). The topic has also entered into mainstream media through fictional television programmes and films.

¹² For example, the phrase is used in the title of *The Political Economy of New Slavery* edited by Christien Van Den Anker (2004). The term 'modern slavery' is also used interchangeably.

slavery' has been replicated¹³, and Bales' estimate of 27 million 'slaves' worldwide has been reproduced¹⁴. I therefore pay particular attention to Bales' work.

While I focus on the treatment of demand for labour within this literature rather than provide a comprehensive literature review, some initial remarks on the bifurcation between 'traditional' and 'modern' slavery are necessary. This division is problematic in and of itself. Bales states that, 'Traditional slavery is often referred to as “chattel slavery”' (2005, p. 52) but elsewhere states that debt bondage is the most prevalent form of 'slavery' today. There is no explanation about what makes chattel slavery more 'traditional' than debt bondage, the latter having evolved over time rather than being either new or old.

Quirk offers an extensive critique of how many works on 'new slavery' fail to consider how contemporary forms may have emerged from prior forms:

'One of the main limitations of much of the existing literature on contemporary slavery is that it either ignores the history of slavery entirely, or, alternatively, posits a sharp divide between past and present. The latter is often expressed in little more than fleeting remarks about how slavery did not come to an end in the nineteenth century, as commonly supposed, but continues today in different forms. Some accounts provide more detailed expositions, employing a bifurcation between “old” and “new” slavery. In both variants, contemporary issues are regularly framed as a distinctively modern problem, in which processes associated with globalization play decisive roles. One of the main deficiencies of this model is that most of the issues involved are by no means new, but instead have long-standing historical roots.' (2006, p. 566)

Batstone 2007 is an example of this problem. Batstone states that the 1833 Slavery Abolition Act in the UK 'gave all slaves in the British Empire their freedom' and that the 13th Amendment to the US Constitution 'left no ambiguity as to the legal standing of slavery in America' after 1865. (2007) In fact, in these and many other historical circumstances, the legal abolition of slavery has in led to the introduction of new forms of forced labour. Studies which focus on the shifting forms of labour created in the wake of abolition are useful in de-constructing this division. (E.g., Cooper et. al.

¹³ For one example, see Manzo 2005 who describes the 'shift from legal ownership to illegal control.' (p. 521)

¹⁴ Bales himself states that this was 'heartening because the response was to use the estimate in many informative ways, worrying because of an often uncritical acceptance of the estimate.' (2005, p. 103) Perhaps more interesting is that the estimate has been reproduced so frequently that it is sometimes not traced back to his work. Manokha (in Van Den Anker, ed. 2004), for example, cites the *New Internationalist* as the source of the estimate. (p. 218)

2000 and Angelo 1997; or, for an example from the Brazilian context, De Souza Martins 2002.)

Túlio Viana also points to the range of types and conditions of 'slavery' in different periods and regions. (2007, pp. 35-38) From chattel slavery to tenant farming on sugar plantations to debt peonage among rubber tappers in the Amazon to the *colono* system on coffee plantations (De Souza Martins 2002), different forms of unfree labour have been associated with different historical periods, geographical areas, and economic sectors in Brazil. Typologies of 'new' and 'old' slavery tend to obscure the variety of labour relations covered by each type, and also downplay the connections between the two. These critiques should be kept in mind in considering how demand is treated in the literature on 'new slavery.' For the context is often one in which 'sharp divides' are not only implied between free and unfree, but also between old and new.

(SUPPLY) AND 'DEMAND'

There is a growing consensus that labour demand is an under-researched issue within the recent wave of works on forced / trafficked / 'slave' / unfree labour. However, if there is a theory of the labour market underlying this literature it is often left unstated. What, exactly, is held to be in demand is also not always clear.

The ILO's 2003 report on 'Trafficking in Human Beings' discussed demand, alternately referring to demand for:

- 1) trafficked workers;
- 2) migrant labour;
- 3) irregular migrants;
- 4) cheap labour;
- 5) cheap and malleable labour; and
- 6) labour (in particular sectors and / or occupations).

Each of these conceptions of what demand refers to are present in other (academic and policy) texts on forced / trafficked / 'slave' / unfree labour.¹⁵ Distinguishing between these ideas of what, exactly, is understood to be in demand not least because policy responses will differ according to them. The different conceptions of demand raise a

¹⁵ For an example of each of these phrases, see: 1) Bales 2005, p. 154; 2) Skrivánková 2006, p. 54; 3) Van Liemt 2004, p. 2; 4) Craig et. al. 2007, p. 44 5) US Department of State 2003, p. 9; and 6) Plant 2002, p. 60. As in the ILO report, more than one of the concepts may be reflected in each piece.

number of issues: whether forced labour is a response to labour shortages; whether trafficking is synonymous with the employment of 'illegal' workers; whether forced labour is cheap labour; and whether there is a demand for trafficked labour *per se*.

If there is a demand for (rather than just a supply of) migrant workers in particular, there are a number of possibilities: 1) that there is a labour shortage and the demand is simply for more workers who happen to come in the form of migrants; 2) that migrants on average work for lower wages (and perhaps are also more 'malleable'); 3) that migrants have other characteristics which are in demand; or 4) that there is a demand for workers who are controllable which goes beyond the economic gain to be made from them. Depending on one's understanding of these issues, it could be argued either that border controls should be more strictly enforced or that there should be greater opportunities for immigrants to enter and find employment legally. These discussions on labour market supply and demand vis-à-vis forced labour do not generally acknowledge how the market may be shaped by production networks.

EXCESSES AND SHORTAGES OF LABOUR

Slavery is explained as an issue of *over-supply* by Bales (1999), citing population growth as one of the major factors in explaining the existence of 'new slavery' – because a 'glut of potential slaves' has led to a decline in the price of obtaining a slave. (p. 14) This is demonstrated graphically with the dramatic explosion in the number of people on the planet corresponding to a dramatic decline in the price of slaves. (p. 15) However, an increase in population does not automatically translate into an increase in 'potential slaves.' It does so only when individuals are unable to find other livelihood options, such as free wage labour. In recent decades, GDP per capita has been growing worldwide (World Bank 2010) so in the aggregate there is no reason to assume that an increase in the population will equate to more slaves. We would instead need to look for measures which estimate employment (and other livelihood) opportunities rather than making assumptions about the effect of population growth (or, for that matter, GDP growth). To what degree an increased population translates into an expansion of labour supply, and whether labour demand matches this supply, are empirical questions.

If an excess of labour supply relative to demand is expected to put workers in a vulnerable position, demand for labour in excess of supply is expected to bid up wages in conventional economic models. However, under certain circumstances a shortage of labour has been seen as leading to forced labour outcomes. The logic here is that in the absence of willing workers, coercion may be used to obtain labour. (Nieboer 1971)

Labour 'shortages,' however, are not limited to an *absolute* lack of potentially qualified workers, rather they can refer to an absence of sufficient numbers of qualified workers willing to accept work under the particular wages and conditions on offer. There may or may not be an absolute shortage of workers along the Amazonian frontier, for example. It is worth remembering that the Brazilian government couched its policies to 'open' the Amazonian frontier in the 1960's and 1970's in terms of bringing a 'people without land to a land without people'¹⁶ – a claim that has been questioned. Schmink and Wood, for example, point out that the slogan denied the existence of approximately 200,000 indigenous people. (1992, pp. 69, 74) Whether certain people are willing to accept particular types of jobs may also be in part a self-fulfilling prophecy, if recruitment and job offers are influenced by pre-conceptions about who is willing to work. While Bales does tend to imply that absolute labour shortages are partially to blame for instances of 'slave labour' along the Amazonian frontier, he also highlights how this intersects with an absence of the 'rule of law' which can break down due to corruption. (2007, p. 118; 2005, p. 15)

The employment of irregular migrants poses a specific problematic for analyses which focus on labour market supply and demand. Particularly in more developed countries where the demographic profile is held to demonstrate a 'need' for individuals of prime working age there is often a simultaneous lack of opportunities for work authorization, creating a situation in which these immigrant workers are vulnerable to abuse. If the issue here is one of demand, it may not be for irregular workers *per se*. Rather, the legal supply of labour to match the demand appears to be blocked (and with regards to the conventional economic model may therefore be thought of as a type of market imperfection arising from state policy). The presumed logic of supply and demand

¹⁶ This slogan is attributed to President Medici, in response to visiting victims of a major drought in the Northeast.

explanations is that the majority of employers would be happy with a legal source of labour 'supply' while a minority engage in abuse made possible by the irregular status of their workers. Were there means by which labour could be legally supplied, this source of vulnerability would be removed, giving those workers the ability to defend themselves against the (presumably rare) abusive individual.

This idea was one put forward in the United States in the debates over the proposal for a broad-based guest worker programme in the mid-2000s as outlined in detail by David Bacon. One immigration advocate is quoted by him describing the proposal as 'more market-sensitive immigration.' (2004, p. 6) Bacon's critique of this idea was that guest workers would *still* be vulnerable, given the conditions on their presence in the country. This belies the specific demand for workers made vulnerable by their immigration status, rather than for labour generally. Had the demand been for labour in general, an amnesty for undocumented workers followed by increased opportunities for legal immigration leading to residency could facilitate this supply, with the cost of 'maintaining and reproducing this international migrant labor force' (p. 7) borne to a greater part by the host country. Bacon argues, therefore, that in spite of the 'assertion that industries like meatpacking and tourism face a tremendous labor shortage,' the reason that (undocumented) immigrants make up a large part of the workforce in certain industries is 'a corporate unwillingness to pay higher wages to attract workers.' (2004, pp. 4-5)

Before moving on the question arising from Bacon's critique, one other issue surrounding apparent labour shortages must be noted. This is the demand for seasonal labour, pointed out by Plant with reference to forced labour. (2002, p. 60) This is a particular issue in agricultural labour, and Breman points out that bondage through debt is characteristic of seasonal migrants. (1996, p. 219) There is evidence that the seasonal nature of production plays a part in the curtailment of freedom for workers in both of the cases examined in this dissertation. Seasonality sets particular constraints within which struggles over wages and working conditions take place, and imposing restrictions on workers' freedoms may be one weapon used in this struggle. Both in the context of seasonality and more broadly, the ability of employers to bring about increases in the labour supply with the aim of driving down wages and other standards must be

considered, since this can be a strategy to increase profitability even in the absence of a labour 'shortage.'

DEMAND FOR IRREGULAR WORKERS OR CHEAP LABOUR

Returning to the conception of demand as one for irregular workers *per se*, Van Liemt 2004 is an example worth examining in detail as it is an 'economic perspective' on trafficking. Because Van Liemt asserts in this piece that, 'victims of human trafficking are irregular migrants,' (2004, p. 2) it should firstly be noted that while irregular migrants are often among those identified as trafficked in Europe, such a categorical statement implying that *all* victims are irregular migrants is incorrect. Workers legally employed as guest workers are highly vulnerable to trafficking, as pointed out in Anderson 2008 (p. 11), while Polish workers with the legal right to work in the UK have been identified in situations which appear to meet the definition of trafficked labour. (e.g., Skrivánková 2006, pp. 26-27) Finally, van Liemt is writing about trafficking into Europe, but characterising all victims of trafficking as irregular migrants does not fully account for the phenomenon of 'internal trafficking' in which the move from the home region provides an opportunity to restrict workers' freedoms. This must be considered for large countries in particular and for countries characterized by high degrees of income inequality and / or regional disparities. O'Connell Davidson raises both the former issue of trafficking of non-citizens legally present / employed in the country as well as the latter issue of internal trafficking. (2008, p. 13)

In fact, the demand for irregular migrants in Van Liemt 2004 turns out to be a manifestation of the demand for cheap labour¹⁷. This is because the laws 'stipulating wages, hours of work, paid holidays and the like do not apply to (irregular workers). They are not covered by social security, health care and pension plans.' (2004, p. 7) Whether this is a legal reality or a social one (since laws may apply in theory but not in practice), and whether this differs by country is not, at this point, clarified. The statement

¹⁷ Some authors insist that 'slavery' is necessarily unpaid which links the demand for 'slaves' and the demand for cheap labour by definition. (e.g., Manzo 2005, p. 522, following Bales [1999 pp 10, 24]) This is in spite of the fact that the ILO cite evidence from case studies that workers in forced labour receive an average of 20% of value-added (Belser 2005, p. 9) or 80% of the minimum wage. (ILO2009b) These rough estimates were used as facilitating assumptions in calculating estimates of lost wages and profits from forced labour.

runs the risk of naturalizing the status of irregular workers as one in which they are inherently right-less. The denial of rights to such workers can instead be seen as a social reality sanctioned, or at least enabled, through policy choices and/or social norms. In terms of the 'rule of law,' it is important to note that it is not completely absent in this scenario. Rather, specific workers are partially *excluded* from this rule, largely due to immigration policies.

Anderson describes the issue as 'a political reality about the state's role in constructing vulnerability for non-citizens, a reality with potential political solutions' which she argues 'is obscured by the call to the state to protect the “human rights” of (victims of trafficking) and exploited people.' (2008, p. 7)¹⁸ Violence, health and safety violations and other problems experienced by workers are mentioned by Van Liemt but not analysed in terms of demand. The interpretation of the demand at work in the context of trafficking, as demand for cheap labour in the form of irregular migrants, leads to two proposed solutions in Van Liemt 2004 aimed at 'weakening' the demand: a 'strict enforcement of labour and employment laws'; and 'relocation.' The logic is that if these measures are taken, wages *artificially* depressed by a supply of workers conceived of as outside the protection of minimum wage laws can return to normal, while the *true* demand for workers at lower wage levels can be dealt with by constructing a market outside the geographical reach of these laws, with employers moving to the home regions of would-be migrants.

The former suggestion appears protective of migrants' rights, but it turns out to be aimed at reducing the flow of (certain) migrants into the territory. It is held that enforcement of labour standards will 'reduce the incentive' to employ irregular migrants, implying that once employers are forced to bear the expense of the minimum wage, they will no longer choose to risk hiring irregular workers. So the jobs will go to authorized workers who had previously been holding out for the minimum wage. But this does not address what happens to the supply side. The question of what happens to the workers identified as irregular in the course of enforcing labour and employment law – such as

¹⁸ This touches on the broader issue of how trafficking discourse can be hijacked to advocate for measures which restrict legal opportunities for migration and leave potential migrants *more* vulnerable to exploitation: see O'Connell Davidson 2010, p. 255.

whether they would be deported or regularized - is sidestepped. Neither would be a small or inexpensive feat, given the estimates of the numbers of undocumented residents in various countries: hundreds of thousands in the UK (Woodbridge 2005) and millions in the US (Passel 2005). The question of what happens to irregular workers points to the fact that economic measures to reduce irregular migration cannot be so easily isolated from immigration policy *per se*.

In addition to the irregular migrants already employed, there is the question of whether migrants would continue to arrive if, in addition to lack of opportunities for authorized employment, there were less demand for their labour. Since potential migrants compare the opportunities in the host and home countries when making their decision, the second proposal of 'relocation' is aimed at addressing this issue in part by providing more opportunities at home. This begs the question of why these employers would not have already done this. One possibility is that the businesses in question are location specific (e.g., services which must be provided locally or industries which rely on infrastructure available in some countries but not others). Another is that it was precisely through shifting the burden of relocation on to workers that the businesses were made (more) profitable. In the scenario offered by Van Liemt, it is not clear who would then subsidize relocation. The state could not be expected politically to encourage offshoring. So the issue in the host country again boils down to immigration policy, because in order to force the issue, the potential for employing irregular migrants would need to be removed. The reality of cross-border migration as an aspect of globalization is somewhat more intractable than Van Liemt's proposals for national-level regulation in the host country would suggest.

Problems in accessing labour and employment rights in home countries are waved away, assuming that these rights are uniformly 'guaranteed by the law' (Van Liemt 2009, p. 23) to all but irregular migrants. This again ignores issues such as the existence of forced labour in other countries, for example, the prevalence of bonded labour in South Asia¹⁹. The 'relocation' proposal could perhaps be better supplanted by calls for economic development, meaning creation of employment and livelihood opportunities in the home

¹⁹ Forced labour has been documented in China (ILO 2009b, p. 18), the country Van Liemt is specifically referring to in this passage.

regions of irregular workers, along with regulation to protect the rights of the would-be migrants. This would raise broader questions of regulation and development, including those of funding, credit and redistribution.

Returning to the issue of demand, it is possible that it is not just 'cheap' labour but 'cheap and malleable' labour which is in demand. Quirk states that:

'Employers who make use of informal labour markets can greatly enhance their economic prospects by strategically depressing wage rates and working conditions. Many forms of contemporary slavery take this dynamic to its logical conclusion, by reducing returns to "workers" to an absolute minimum, while concurrently demanding exceptional levels of exertion under extremely unpleasant and / or unhealthy conditions. Aware that few individuals will voluntarily endure such conditions, slave-holders seek to compensate by resorting to violence and other means of control. This formula is primarily applicable to situations that require strenuous, repetitive labour, where slaves can be forced to work harder, longer and for less than available alternatives. Framed in these terms, the chief economic logic driving most forms of contemporary slavery is a demand for greater profits (or lesser costs) than would be available using other means. (2008, p. 55)

At first blush, this differs little from the 'cheap labour' idea in which 'complete control' over workers can 'reduce labour costs.' (Bales 2005, pp. 123, 162) However, Quirk's recognition that 'slave labour' may involve not just working 'for less' but also 'longer' and most critically, '*harder*' is often absent from the more common 'cheap labour' model. This is important because it stands in stark contrast to statements such as that made in Bales 2005 that 'slaves work both ineffectively and as little as they can ... Economically, except to these criminals, slaves are a waste, an untapped economic resource.' (p. 18) If, instead, workers in 'slave labour' may under certain circumstances have a higher productivity than free workers, their labour may in fact be a resource to others, including not only employers, but those purchasing or sourcing from the employers. The rule that besides the 'slave holders' who benefit, 'everyone else loses' (Bales 2005, p. 21) may not hold universally, or perhaps not at all.

DEMAND FOR TRAFFICKED WORKERS PER SE

The arguments above are about whether the demand fuelling trafficking may be met by migrant but not necessarily irregular workers, whether the demand may be met by irregular but not necessarily trafficked workers, and the economic rationale behind the use of 'slave labour.' But there is also the question of whether there is a more specific

demand for trafficked workers *per se*. One study by Anderson and O'Connell Davidson argues that clients of sex workers and 'employers of domestic workers are often not simply concerned with the purchase of labour as a commodity, but as embodied in a person who has certain characteristics (gender, age, sexuality, personal attributes).' (2002b, pp. 32-33) They explain:

'Those who consume the labour / services of both prostitutes and domestic workers often have an interest in the person of the worker, rather than simply the end product of his / her labour. Where the consumer who buys an item of clothing or a piece of fruit or a packet of cigarettes has no interest in the identity of the workers whose labour made these commodities available, the workers' age, gender, race, nationality, caste and / or ethnicity ... can matter a great deal to those who buy sex or employ a domestic worker.' (2002a, p. 26)

These are both specific cases in which *consumer* preferences for 'embodied' labour may yield particular preferences for characteristics of those employed in these service jobs. But the quote above also references those labouring to produce commodities who will in all likelihood never be seen by the consumers. The 'workers' age, gender, race, nationality, caste and / or ethnicity' may still be important to employers (who are not consumers) if, through reliance on stereotypes, they are held to signify something about the workers' abilities and attitudes.

Rather than looking at specific sectors, Bales 2005 begins from the principle that trafficked workers or 'victims' are themselves the 'product' in demand. (2005, p. 154) The business of supplying labour is an important subject and it is seriously addressed in the chapter. However, the analytical framework used is to consider how the 'product' might be 'marketed' in order to identify those 'attributes of trafficked people' which make them 'attractive to consumers.' (2005, p. 158) It is then qualified that 'many traffickers are dealing with "employers" rather than consumers.' (2005, p. 169) In fact, the ILO estimates that:

'20 per cent of all forced labour is exacted directly by the State or armed forces ... Forced commercial sexual exploitation represents 11 per cent of all cases, and *the overwhelming majority share – 64 per cent – is exacted by private agents for the purpose of economic exploitation*. About 5 per cent is in forms of forced labour that could not be clearly identified.' (2005, p. 12, emphasis added)

In the absence of evidence to the contrary, 'economic exploitation' should be understood as the most widespread aspect of contemporary 'slavery'²⁰ and therefore it is more often than not "employers" rather than consumers' that labour market intermediaries are dealing with. Domestic work, mentioned above, is a special case in that the employer is simultaneously the consumer. Employers in other sectors make use of labour-power as part of the production process, and hence may be more interested in the capacity of the worker to produce goods and services, or in other words their labour-power, than in the workers themselves as commodities.

With this in mind, how the attributes listed in Bales 2005 apply can be re-considered. These are: slaves cost little; slaves can be made malleable; slaves can be like the real thing; slaves can be exotic; and slaves allow their consumers the enjoyment of power. (2005, pp. 159-163) Bales refers to 'the violent ... exercise of physical and sexual power' for its own sake. An example is given (in the Lakireddy Bali Reddy case in San Francisco) of a particularly abusive employer. The argument that the employer was *primarily* interested in abuse for its own sake is based on the fact that 'the perpetrator was already rich and not in need of the profit he made from the young women he brought into the United States.' (Bales 2005, pp. 162-163) On the one hand, the fact that the perpetrator was 'already rich' does not necessarily take away the desire for further profit. On the other, this is a useful reminder that the objectives of employers cannot always be boiled down to *either* their profit-making goals *or* the social relations emphasised by Bales, but rather may involve both.

ASSESSING THE DIFFERENT TYPES OF (SUPPLY AND) DEMAND

Above, the various conceptions of labour market demand underlying the literature on 'new slavery' and trafficking are outlined. There may be specific cases in which trafficked labour *per se* is demanded, in which individuals wish to exercise control for its own sake. Yet, there are millions of workers estimated to be in a situation of trafficked or forced labour, not to mention the workers in situations which fall just short of such a classification. There are also indications that forced labour is concentrated in particular

²⁰ This is, of course, assuming the ILO definition of forced labour overlaps almost entirely with Bales' definition of 'slavery.'

industries. Therefore, the explanatory power of traffickers' desire to control workers *for the sake of control itself* is limited. The likelihood that economic demand plays a causal role is widely acknowledged for this reason, but the type of demand in question is not agreed upon (or indeed, always clearly specified) in the 'new slavery' literature.

A common understanding of forced / trafficked / 'slave' labour is the demand for 'cheap labour' or reducing labour costs. However, this understanding of 'slave labour' as cheap rather than productive is what allows the Brazilian sugar cane industry association UNICA to defend labour practices by pointing to the fact that average monthly earnings of manual workers are higher for sugar cane than for other agricultural crops (UNICA 2009a), without reference to the intensity of work and the consequences of this intensity. The phrase 'cheap labour' does not necessarily reflect the importance of productivity, in which costs are relative to profits. In Marxist terms, this would translate into increasing the rate of exploitation. As explored in the case studies below, increasing the rate of exploitation could include both increasing the intensity of work and increasing labour flexibility (such as lengthening the work day if and when this is advantageous). Himmelweit analyses intensification as increasing the rate of exploitation through increasing the extraction of absolute surplus value. (1998, p. 530)

Labour 'shortages' are rarely absolute, instead they are usually inseparable from a consideration of the terms and conditions of work being offered and whether local populations are willing to accept these. As described above, there may be a demand for workers made vulnerable by their migration status (understood to include guest workers and complicated by the phenomenon of internal trafficking). It has also been noted that if employers are able to increase the labour supply, they may do so as a strategy to enhance profitability by driving down wages and other standards. Both of these apply to the case of garment workers in São Paulo, who have been powerfully impacted by policy decisions about immigration status and the rights associated with it. Supply and demand are relevant then, but they are constructed politically and legally rather than given.

There are some insights from the considerations of labour demand and supply within the literature on 'new slavery.' But the labour market in question is an abstract one in which demand and supply are largely conceived of in this literature as variables which

can be readily measured by economists. This fails to take account of the fact that, as Ruhs and Anderson put it, 'labour demand and supply are not generated independently of one another. Instead, there is a *dynamic* and *mutually conditioning* relation between labour demand and supply.' (2010, p. 8).

Assessing (supply and) demand in relation to forced / trafficked / 'slave' labour needs to consider wider questions about labour markets in light of two realities. First, labour markets function differently than other markets because what is being purchased is not a commodity with transparent qualities but labour-power embodied in unpredictable human beings, so that the bargaining process will continue within the 'hidden abode of production.' (Marx 1996, p. 186) Second, these labour markets and production processes may be embedded within production networks.

NEOCLASSICAL ECONOMIC PERSPECTIVES

The conception of labour market supply and demand in the 'new slavery' literature has generated calls to, as Bales puts it, 'bring in the economists and business analysts.' (2005, p. 108) It is therefore worth considering what type of economists might be able to deepen our understanding of the causes of forced / trafficked / 'slave' labour. While some have recently applied economic methods in attempting to measure the correlation between indicators of forced labour and other indicators (e.g., Busse and Braun 2002) and in estimating the profits from forced labour (Belser 2005; ILO 2009), many of the core issues involved in analysing the issue, such as compulsion and freedom, have yet to be adequately handled by the framework of neoclassical economics.

Neoclassical economics typically operates from an assumption that market transactions necessarily bring about better solutions for both parties than the outcomes which would otherwise prevail, since the parties *choose* to enter into the transactions. The starting point of neoclassical economics is an ontological assumption about markets which makes the very recognition of unfree labour within capitalism a near impossibility. As Brass puts it,

'Having banished coercion, neoclassical economics is left with a form of market essentialism, a reductionist approach whereby anything and everything involving the employer / worker relationship is ipso facto proof of the harmonious operation of a free (or 'perfect') market in which choice-

making individual labourers express subjective preferences.’ (1999, pp. 146-147)

Hart writes from a similar standpoint as Brass in critiquing Bardhan's (1980) analysis of workers indebted to their employers. Bardhan views the workers in question as engaged in market transactions and free from extra-economic compulsion. Hart states that the 'implication is that, since these are market relations, they can be analysed in abstraction from the political, legal and ideological context within which they occur.' (1986, p. 186) Da Corta (2008) offers a more recent, extensive critique of New Development Economics in favour of the Political Economy of Agrarian Change (PEACH) approach with specific reference to bonded labour.

Attempts to address the pertinent issues while preserving the underlying principles of neoclassical economics are emerging within the New Institutional Economics (NIE) school of thought. Basu 2006, for example, explains how choice does not necessarily equal non-coercion and therefore exceptions to the 'Principle of Free Contract' should be allowed. This is demonstrated on an abstract level, and through hypothetical examples which include debt bondage and child labour. This is therefore an extension of earlier analyses of child labour (e.g., Basu and Van 1998) where the issue of consent is also a central problem.

A recent analysis by Genicot (2002) examines the issue of forced labour within this framework. Genicot views bonded labour and serfdom as negative outcomes of market transactions. This departs from previous neoclassical economic analyses in recognizing that a choice to enter into bondage made 'freely' can nonetheless result in a situation of unfreedom or servitude.

This issue plays out in the policy realm as well: the UN Protocol specifies circumstances under which consent is held to be 'irrelevant.' Lack of consent appears critical to the ILO's definition of Forced Labour in Convention No. 29 (1930): 'all work or service which is exacted from any person under the menace of any penalty *and for which* the said person has not offered himself voluntarily.' (Art.2.1, emphasis added) But as mentioned above, the definition has had to be (re)interpreted by the ILO's supervisory bodies to counter the importance given to initial consent and instead recognize the possibilities of deception, fraud, and control of identity documents. (Belsler 2005, pp. 2-3)

Genicot defines an 'exploitative' contract as one in which 'a party uses its power to restrain the set of alternatives available to another party so that the latter has no choice but to agree upon a contract very advantageous to the first party.' (2002, pp. 104-105) While allowing for the possibility that markets may be imperfect, there is still an implication that 'normal' contracts are not 'exploitative' and must therefore be negotiated between parties with relatively equal degrees of power (or alternately, that a party with a greater degree of power would have reason to refrain from using this imbalance to constrain the other party's options). These assumptions place the work within the neoclassical framework and frame forced labour as an anomaly when it is encountered within labour markets. As pointed out by Hart, the assumptions are far removed from the realities of bonded labour. This calls into question whether 'bringing in' neoclassical economists can deepen our understanding of forced labour.

MARXIST THEORIES OF UNFREE LABOUR

'Bringing in' Marxist analysis instead would entail a recognition that the freedom of a worker to withdraw from an employment situation must be assessed regardless of whether they initially consented to the arrangement. While Genicot analyses bonded labour as the result of an *anomalous* situation of unequal power relations, Marxist analysis views unequal power relations as the underpinning of capitalism, which is in turn largely defined by the exploitation of wage labour.

Hart, for example, has emphasised 'social control' defined as 'the ways in which those who control the means of production attempt to exercise power in non-labor spheres over those with little or no access to assets.' She writes that,

'those who control the means of production must not only devise ways of mobilizing the labor of others and ensuring work discipline; in addition they confront the problem of exercising social control. These social and political relations between workers and employers are not simply vestiges of 'traditional' patronage networks or of extra-economic coercion that can be expected to wither away once commercialization and market rationality take hold. Instead, they are often crucial elements in strategies to maintain and reinforce positions of economic dominance over the longer run.' (1986, p. 190)

Marxist perspectives 'understand poverty as also a problem of *incorporation* into *the normal workings of markets and of capitalisms*.' (Da Corta 2008, pp. 27-28) They start from the proposition that 'free wage labour' is in fact subject to economic

compulsion under capitalism, so that 'exploitation' of workers is the norm under capitalism. This is due to the fact that workers have been expropriated or 'freed' from the means of production (e.g., access to land) and therefore must offer their labour power for sale if they are to avoid the prospect of starvation. Free wage labour is, according to a Marxist perspective, also free to choose among buyers of this labour-power in the market. While subject to the powerful constraint of having nothing to sell but one's labour, the proletariat derive a countervailing power in their freedom to bargain among a set of potential employers and therefore influence the level of wages exchanged for their labour-power. As is evident in the terms used, Marx also posited that under capitalism it is wage relations that prevail, whereby exploitation occurs in the extraction of surplus value (rather than surplus product) from workers.

The problematic for Marxist analysis, then, has been explaining the existence of 'unfree' labour – that is, labour which lacks the freedom to choose among buyers of labour-power in the labour market - in the context of an expansion of capitalism. Among other issues, questions are raised about whether surplus value can be extracted from unfree workers and whether such workers can or cannot be wage workers. While Marxist analysis is therefore better equipped to deal with the issues of exploitation and compulsion involved in unfree labour by emphasising class relations and the forms of social control necessary to maintain particular modes of production, there has been limited dialogue between those responsible for the recent wave of literature on forced / trafficked / 'slave' labour and writers addressing what Marxists refer to as unfree labour.

This may be due to the focus within the literature on 'new slavery' on the 'slave's relationship with their master or slave holder.' (Bales 2007, p. 1) Such a focus may be important, but analysis of trafficked or forced labour need not be limited to this relationship. Instead, we must understand how, as Morgan and Olsen put it, 'unfreedom resides in the full ensemble of social relations that constitute the causal context of that unfreedom.' (2009, p. 16) A Marxist perspective, by focusing on class relations and their dynamics with modes of production, moves one step closer to recognising this 'full ensemble of relations.'

Some of the key Marxist theories attempting to explain how unfree labour co-exists with capitalism include semi-feudalism, primitive accumulation, articulation of modes of production and deproletarianization. Da Corta notes that,

'earlier PEACH (Political Economy of Agrarian Change) theories of tied or unfree labour understood them as part of *pre-capitalisms* (such as semi-feudalism), based solely on non-economic forms of coercion (e.g. physical force, traditional authority of dominant castes, ideology of clientelism and custom), and / or exclusion from markets (but such) theories have given way to understanding unfree labour as a form of intensified surplus value appropriation (intensified exploitation) *under capitalism*.' (2008, p. 20, emphasis in original)

This is expressed by Morgan and Olsen who, drawing on Marxist thought, state that 'unfreedom is an ever present condition of capitalism' and 'unfree labour as a sub-set of unfreedom is a persistent possibility within capitalism.' (2009, p 12)

CAPITALISM AS AN OPEN SYSTEM

Prior to reviewing these theories, it is first worth noting that an assessment of them might be impacted by recent literature theorizing capitalism as an open system. De Angelis offers a definition of capitalism as a 'global *articulation* of a multitude of techniques and strategies ...' (2007, p. 50; emphasis in original) He suggests that even using the word *capitalism* makes us 'forget the "non-capitalism" of our lives, the spheres of relations, value practices, affects as well as forms of power relations, conflict and mutual aid that we constitute beyond capitalist relations of production...' (2007, p. 34) The main point here is that while capital (conceived of as an actually existing social force emerging from a real set of social relations) *aspires* to be pervasive, capitalism is *not* an all pervasive system. Rather, it is a subsystem of 'the way we reproduce our livelihoods on the planet.' (2007, p. 37)

This has much in common with Jessop's conception of capitalism as 'not wholly self-contained.' (1997, p. 563) Identifying capitalism's 'distinctive feature'²¹ in Marxist theory as 'the generalization of the commodity form to labour power' (1997, p. 562) (enabling accumulation through the extraction of surplus value), he notes that:

'Even labour power itself is largely reproduced outside any immediate capitalist labour process – which means that the sole source of value and its bearers, the working class,

²¹ Note the choice of the word "distinctive" rather than "dominant."

are placed outside as well as inside the logic of capital. In addition, the capitalist economy is “structurally coupled” to other systems with their own operational logics or instrumental rationalities and to the “lifeworld” formed by various social relations, identities, interests and values.’ (1997, p. 563)

Theorising capitalism in this way means rejecting the notions that it is necessarily *the* predominant causal force in our lives and that it has a predetermined ‘final destination (whether triumph or collapse).’ (Jessop 1997, p. 570) As such, each actor within capitalism is necessarily constructed as ‘inherently heterogeneous, not singular.’ (Castree 1999, p. 148) Yet, as Castree points out, capitalism is ‘real, global and enormously consequential.’ (1999, p. 139) He suggests that it is vitally important to reconcile these ‘after-modern sensibilities’ with a continuing commitment to ‘investigations of capital and class.’ (1999, p. 142) He states that capitalism ‘can be seen as a constitutively “open” system which, while structured, global and hegemonic, is nonetheless constantly infused by its putatively “non-capitalist” exteriors.’ (1999, p. 141)

How would this affect Marxist theorisation of contemporary forms of forced labour? The theories outlined below still lend important insights into the dynamics within which these labour relations are situated. Marxist concepts and theories highlight in particular the structural forces within which the relations between social actors are constructed. This review of Marxist thought on unfree labour is necessarily brief, highlighting in particular the work of Miles and Brass, as these authors are particularly focused on how unfree labour can be understood within different capitalist contexts.

SEMI-FEUDALISM

The semi-feudalism thesis emerged from work on agrarian transition which in turn drew upon Kautsky and Lenin. De Janvry provides a summary of the historical paths of agrarian transition, such as the ‘Junker Road,’ along which capitalism developed in East Prussia and the ‘farmer’ or ‘American’ road. (1981, p. 107) Byres notes a number of other paths which agrarian transitions have taken, including the ‘French’ path, the ‘Japanese’ path and the ‘Taiwanese / South Korean’ path. (1986)

Those working within the framework of semi-feudalism view unfree labour largely as present in a transition from pre-capitalist modes of production to capitalism. Bhauduri, for example, defines semi-feudalism in agriculture by reference to its ‘four

prominent features ... (a) sharecropping, (b) perpetual indebtedness of the small tenants, (c) concentration of two modes of exploitation, namely usury and landownership, in the hands of the same economic class and (d) lack of accessibility for the small tenant to the market.' (1973, pp. 120-121) While Byres suggests that 'yet further diversity might be encountered' (1986, p. 19) among historical paths of agrarian transition, the expected end-point of these paths would appear to be largely similar. Forms of unfree labour characterized by a lack of freedom to choose among buyers of labour-power are therefore frequently referred to in this literature as not only non-capitalist, but 'pre-capitalist.' While Byres is careful to state that he is concerned only with capitalist paths, the semi-feudalist literature seems to imply an *inevitable* transition *from* feudalism *to* capitalism in which forms of unfree labour will diminish and be replaced by free wage labour. Yet there is nothing inevitable about the future, and therefore nothing inevitable about such a transition.

I do not provide an in-depth discussion of the semi-feudalism thesis here. It has been extensively critiqued as failing to explain the persistence, transformation and re-constitution, emergence and re-emergence of forms of unfree labour within the development of capitalism. This point has been made by Hart, Brass, and others. This is not to dismiss the contributions of scholars associated with works on semi-feudalism, but to acknowledge that the presence of unfree labour within a set of capitalist relations is not adequately treated within the framework. Of particular relevance in considering whether unfree labour is merely a 'holdover of feudalism' (Hart 1986, p. 179)²² is that cross-border trafficking is widely viewed as a distinctively modern phenomenon which occurs in the context of globalization combined with immigration restrictions. (e.g., Jordan 2002)

PRIMITIVE ACCUMULATION

Another perspective on 'pre-capitalist' forms of unfree labour is found in the theory of primitive (also known as primary, original, or previous) accumulation. Marx writes that 'capitalistic production presupposes the pre-existence of considerable masses of capital and of labour power in the hands of producers of commodities.' (1996, p. 704)

²² The idea of a 'holdover' echoes other conceptualizations of contemporary instances of forced labour as 'vestiges of slavery.' See, for example, Miers on the case of Mauritania. (2003, p. 420)

This 'pre-existence' must be explained. Bales states that 'if all left-handed people in the world became destitute tomorrow, there would soon be slave holders taking advantage of them.' (1999, p.11) A pertinent question, however, might be *how* they come to be destitute. Destitution is not necessarily 'natural' but can and does result from socio-economic processes. The question of how a situation arrives in which one class of people has ownership of what another class needs to survive is addressed by theories of primitive accumulation.

'This so called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production,' writes Marx; 'The starting point of the development that gave rise to the wage laborer as well as to the capitalist was the servitude of the laborer.' (1996, pp. 705-706) Marx described the specific historical process by which capitalism initially came into existence in Western Europe, through which serfs lost the right to cultivate land for their own subsistence. (See Federici 2004, pp. 68-70) Miles makes it clear, however, that primitive accumulation is an ongoing process, as the inherently expansionist logic of capitalism means that its growth depends on creating these classes in new contexts. (1987, p. 40) Blackburn distinguishes between the 'initial' primitive accumulation described by Marx and this 'extended primitive accumulation,' (1997, p. 515) the archetypical example of which is unfree labour imposed by colonial powers, which 'paved the way for capitalist relations' in the Americas. Sakamoto (2007b), relying heavily on De Souza Martins and Luxemburg, follows this logic in understanding contemporary 'slave labour' in Brazil as representing primitive accumulation which is necessary to accumulation through expansion. Sakamoto is careful in the thesis, however, to signal the possibility that expansion along capitalist frontiers may not be simply geographic but include expansion beyond to 'situations' in which capitalist relations had not been established.

The question as to whether these forms of unfree labour are simply a prelude to capitalism, or could themselves be classified as a form of capitalist labour relations, however, has engendered much debate. Brass (1999) cautions it is a context-specific and empirical issue whether such dispossession is necessary to the development of capitalism or not. He points to the possibility that this process of class formation may be one which results in *unfree* labour relations, then *reproduced* within a set of capitalist relations.

Miles (1987) views the development of capitalism as an historically contingent process, so that the general conditions necessary to allow the emergence and development of capitalist relations of production are not always present. He therefore argues that unfree labour can also be prevalent in situations where the commodification of labour power is obstructed or breaks down. Thus, unfree labour is not conceived of by Miles as 'pre-capitalist' with the implication that a capitalist future is inevitable, but it still appears to be a conception of unfree labour as non-capitalist.

ARTICULATION OF MODES OF PRODUCTION

Two Marxist theories directly address the question of whether unfree labour can facilitate the development of capitalism beyond a pre-capitalist phase of primitive accumulation. The first is the articulation of modes of production, applied to the concept of unfree labour by Miles, and the second is deproletarianization, articulated by Brass. Miles defines a 'mode of production' as 'the way in which people produce their means of subsistence' (1987, p. 17) of which 'relations of production are considered to be an essentially defining feature.' (1987, p. 8) He defines a 'social formation' as a 'particular combination of economic, political and ideological relations and practices.' (1987, p. 66) He argues that the 'capital / wage labor relation is an essential, constitutive feature' of the capitalist mode of production. (1987, p. 69) Yet, capitalism may interact with different modes of production within a social formation as well as with modes of production in other social formations to form an 'economic system.' (1987, p. 66)

Miles makes an important point about labour relations and capitalism for any analysis of contemporary forms of forced labour. This is that 'we need not assume that the emergence of the capitalist mode of production is synonymous with the abolition or transformation of other extant modes of production within either a social formation or an economic system.' As developed by Miles, the theory includes the possibility of capitalist relations developing, disintegrating, or being stalled at a certain stage of development, allowing for theory which does not insist that reality conforms to it.

Primitive accumulation is one instance of an articulation of modes of production, but other instances may occur where unfree labour relations are reproduced in order to

maintain the conditions under which capitalism can survive. Miles mentions, for example, how domestic servitude is related to the reproduction of workers who enter free wage labour. He examines various forms of unfree labour in colonial contexts, such as indenture, convict labour, apprenticeship, contractual servitude, exploitation of indigenous peoples, and labour tenancy (as well as mechanisms to control labour such as pass systems and Masters and Servants laws), and how these systems were frequently constructed over time in an 'ad hoc' manner. (Miles 1987, p. 81) He finds that in many cases these relations were reproduced (through forms of compulsion often backed up by state action, racism, etc.) in ways which enabled capitalist relations to develop alongside them. Additionally, he considers the issue of contract migrant labour in post-WWII Western Europe as an example of how a mode of production based on unfree labour may be articulated with capitalism in a situation where the latter is the dominant mode of production.

While Miles states that a social formation may have more than one mode of production, he nonetheless insists that: a) within a social formation one mode of production must be dominant; and b) the mode of production is the most defining element of a social formation. Miles consciously avoids conflating the boundaries of a social formation with those of a nation-state, but they are left somewhat indeterminate, leaving us to imagine what they might be. We would also be left with the question of how to determine what makes a mode of production dominant within a social formation, a question Miles himself identifies as 'problematic.' He contends that this can be done by 'determining not only the point at which wage relations of production have been sufficiently generalized but also the point at which commodity production as a whole (and other essential features of the capitalist mode) has been sufficiently generalized.' Yet little guidance on how to measure these 'points' is offered. I would suggest that the articulation of modes of production was a major step forward in conceptualizing the ways in which capitalist relations may affect and be affected by unfree labour. The theory can be enriched by an 'open systems' perspective recognizing the porous boundaries and overlapping domains of social systems and modes of production.

DEPROLETARIANIZATION

In contrast to the preceding theories²³, Brass sees unfree labour not just as preceding or existing alongside capitalist relations, but as forming part of capitalist relations themselves. The starting point of Brass' theory is that 'capitalism is not only compatible with unfree labour but in certain situations actually prefers this to a free workforce.' (Brass 1997, p. 57) He argues that 'assaults by capital on the freedom of wage labour' are inherent to capitalism, rather than an anomaly. (Brass 1999, pp. 151-152)

Brass considers ways in which the imposition or re-imposition of 'unfreedom on workers whose sole property is their labour power' (1997, p. 71) may serve to reinforce a capitalist system. He uses the concept of deproletarianization to refer to this process, by which workers face a 'double dispossession'; they are not only 'freed' from the means of production, but further freed of the 'means of commodifying labour power itself' (1997, p. 61) so that this labour is either 'decommodified or recommodified by someone other than its owner.' (1999, p. 4)²⁴

In his 1999 book, Brass draws on case studies of rural debt bondage in India and Peru (specifically, the *enganche* system in Peru). He argues that this is wage labour in that the workers are selling their labour-power, enabling the extraction of surplus value. Deproletarianization 'corresponds to workforce restructuring by means of introducing or reintroducing unfree relations, a process of class composition / re-composition which accompanies the struggle between capital and labour.' (1997, p. 71) These unfree relations may be imposed on existing wage workers or on peasants brought into wage labour.

Brass contends that dispossession of peasants may not always lead to proletarianization because the workers may not become free wage labourers, but rather enter into unfree capitalist labour relations. These unfree relations may then be *reproduced* rather than forming a 'pre-history' to capitalism. He also calls this process

²³ Wallerstein also considers various forms of free and unfree labour to be part of a 'capitalist world-economy' but the coexistence of these different forms is not sufficiently problematized.

²⁴ De Moraes Silva also touches on the notion of a double dispossession of migrant sugar cane workers when she states that the law was used to 'regulate the expulsion of the workers from the countryside, taking away from them not only their means of subsistence but also their labour rights' ('*regulamentaram a expulsão dos trabalhadores do campo, retirando-lhes não apenas os meios de subsistência como também os direitos trabalhistas*') although she does not use the term deproletarianization. (1999, p. 66) De Souza Martins also speaks of a 'double dispossession' in the Brazilian context. (2002, p. 301)

deproletarianization (somewhat confusing in linguistic terms, as the class he refers to has not ever necessarily *been* a proletariat) resulting from depeasantization.

The reason that capitalists seek to impose deproletarianization is 'either to prevent the emergence of a specifically proletarian consciousness or to curtail (it) where it already exists.' (Brass 1997, p. 72) In this, unfree labour 'fulfils the same role as technology to cheapen, discipline or as substitutes for free wage labour.' (1999, p. 9) By introducing unfree labour relations, the conditions and standards of work in a particular sector and region can be lowered. As such, the use of unfree labour relations results from class struggle between capitalists and workers. By 'cheapening,' Brass is referring to the rate of exploitation, including increased workload and / or lengthened workdays in this idea. (1999, p. 25) As mentioned above, this could impact on productivity and flexibility rather than just wage levels.

Brass provides us with a theory that asserts the primacy of the capital / wage labour relation in defining a capitalist mode of production, but offers an explanation for the imposition or re-imposition of forced labour *within* a set of capitalist relations. This is the key contribution of Brass' work. The recognition and analysis of unfree labour within capitalist labour relations provides a deepened understanding of capitalism.

There is a link to the above discussion on labour market demand. Brass states that restructuring may occur regardless of labour 'availability' because labour 'consciousness' is not limited to a situation in which labour is 'scarce.' (1997, p. 74) He argues that when labour engages in class struggle which threatens the interests of capitalist employers, the latter respond by 'replacing free workers with unfree equivalents or converting the former into the latter.'

A question regarding the 'unfree equivalents' referred to by Brass is who these workers are and how they come to be available to serve as unfree labour. In terms of the case studies here, it is necessary to consider the fact that the process is not a simple one in which peasants are dispossessed from the land by a group of actors who subsequently engage them as unfree labour. As described in the case studies below, the migrant sugar cane workers who participated in interviews had experienced a long-term process of increasing dispossession, and had responded by actively seeking wage labour

opportunities through seasonal or long-term migration. Migrant workers come to be available for work as a result of their conscious decisions about the risks they are willing to take, based on an assessment of the relative opportunities available to them. This is frequently left unexplored in Brass' work.

Finally, Brass notes that 'it is necessary to operate theoretically with a concept of exploitation which goes beyond the surface appearance of (invariably "official") wage data ... what the worker actually gets for the sale of his/her labour-power, who manages to appropriate the difference, together with the how and why of this.' (1999, p. 25) The examples given by Brass include an estate store owner, labour contractors and kin members appropriating parts of the surplus value created by workers. He considers the forced commercialisation of peasant produce, however, to entail 'the appropriation of distinct forms of surplus by producers occupying similar class positions.' Brass, then, treats different types of capitalists as 'occupying similar positions' rather than acknowledging and addressing how their positions may be different, or in other words recognizing the significance of class fractions.

The Marxist focus on class in the works of Brass, Miles and others in this tradition allows a more detailed picture of labour relations than the analyses of labour supply and demand found in the 'new slavery' literature. But a recognition of how the positions occupied by different groups of (potential) producers, buyers, workers and others involved in production vary and impact upon the relations among them is still less than clear. To explore this further in the context of the contemporary economy, GPN analysis provides useful insights.

LABOUR DYNAMICS OF PRODUCTION NETWORKS

The overall rationale for analysing the labour dynamics of production networks is presented in the introductory chapter above. Here, the specific ways in which this analysis, drawing on and extending the GPN framework, can address gaps and weaknesses of the literature on 'new slavery' and of Marxist work on unfree labour is explained. The 'new slavery' literature has a tendency to focus on the relation between 'slave' and 'slaveholder,' while Marxist perspectives have a tendency to focus on capitalism or capital as personified forces. GPN analysis gives more consistent

consideration to the multiple actors involved in each case, what relations they are enmeshed in with regards to production, and what constraints and opportunities they are faced with. Not only are capitalists linked through relations of cooperation and conflict (in addition to competition) by their participation in different aspects of production and distribution, but workers are also linked in these different ways.

GPN analysis and the GCC and GVC literature it builds on look at questions of governance and power asymmetry at various points in the network.²⁵ 'Lead firms' are seen to exercise governance functions, meaning that relations between suppliers and or buyers are not assumed to be like market relations. Gereffi, Humphrey and Sturgeon, for example, create a typology of five different relations (or 'linkages') between sets of firms, ranging from 'market' to 'hierarchy.' (Gereffi, Humphrey and Sturgeon 2005) Thus, as discussed above with reference to the analysis of who benefits from forced labour (Belser 2005), not all relations between firms can be characterized as market relations and therefore assumptions about the prevalence of market prices may not hold.

Kaplinsky and Morris (2001) explain the gains of certain actors within GVCs through the concept of rents, which involve the control of resources made scarce through barriers to entry. Although rent may be used to cover too many phenomena, the question which remains is who these rents are extracted from. In the original Ricardian conceptualization, rents could be extracted *by* landowners *from* producers. If buyers are able to extract rent from suppliers, so that the price charged by suppliers is lowered, the value attached to the suppliers' goods will appear lower, while the value of the buyers' goods will appear higher.

GPNS AND LABOUR

The GCC and especially the GVC and GPN bodies of literature have been criticized as lacking attention to workers and labour outcomes. For example, Smith et. al. comment that 'in so far as “workers” are present in this literature they appear as passive victims as capital seeks cheap labour,' (2002, p. 47) while Wood more subtly states that

²⁵ The analysis of power relations among actors in the chain or network was an issue addressed by Gaski and Nevin in a piece pre-dating the emergence of the literature on global commodity chains, value chains, and production networks. (1985)

an 'economist's perspective' can help link 'the focus of most analyses of value chains, namely firms, to the subject of principal interest to those concerned with policy, namely people.' (2001, p. 42) Some notable exceptions exist, such as Barrientos' work on the horticulture value chain and working conditions in Chile, South Africa, Kenya and Zambia. (Barrientos, A. and Barrientos, S.W. 2002; Barrientos 2001; Barrientos and Kritzing 2004; Barrientos et. al. 2003; See also Raworth and Kidder 2009) A recent article by Cumbers et. al. also 'seek(s) ... to help develop a labour dimension to the GPN debate.' (2008, p. 369) Given the sparse attention given to labour and workers within this literature, it is not surprising that forced labour within particular production networks has not received much in-depth treatment.

The relations between workers-as-workers and workers-as-consumers are not only fetishized through the commodities they respectively produce and consume; the relations between different groups of workers-as-workers are also fetishized through their participation in different aspects of production and distribution. The struggle of some workers to enter the labour force, and any struggles they engage in over their own wages and working conditions, may sometimes be obscured to other workers in the production network who view them as undercutting their own wages and working conditions.²⁶ This is complicated by whether the former set of workers had been excluded from the labour force because they were engaged in social reproduction, were in institutions such as prisons that may have excluded them from the labour force, have migrated from a region where wage labour is not prevalent, or happen to be in a location from which buyers have decided to begin (or increase) sourcing their supplies from (a decision that can be made for a number of reasons). These factors can create a framework of opportunities and constraints shaping the former workers' struggles quite different from the framework of opportunities and constraints shaping the struggles of the latter.

Racist or anti-immigrant sentiment among native workers is one manifestation of such a scenario. This raises the issue of how 'market' relations interact with – or are embedded within social relations. It is important to get beyond the frequently positive connotations underlying the use of the embeddedness concept within the GPN literature.

²⁶ See Cumbers et. al. 2008 for a case study on how this plays out with regards to cross-border solidarity actions undertaken through trade unions.

The positive connotations come in large part from Granovetter's (1985) interpretation of Polanyi's concept of embeddedness of economic activity, or market relations, within societal relations. This reading emphasises how the embeddedness of market relations within societal relations could counter disruptive market rationalities with alternative logics of reciprocity and redistribution. The positive notion of embeddedness also stems from the framing of territorial embeddedness as including the degree of an 'actor's commitment to a particular location' (Hess 2004, p. 178) in contrast to the precarious fly-by-night nature that outsourced production seems to offer, suggesting that capital is less mobile than it might appear. While these may be key aspects of embeddedness, societal and territorial embeddedness can also mean becoming enmeshed in structures of unequal relations, in particular with regards to race and gender. The cases examined here demonstrate that, 'embedded relationships ... can also reinforce hierarchy (and) power asymmetries.' (Taylor 2007, p. 533)

VALUE, LABOUR AND GPNS

The GPN framework can add to Marxist analysis by drawing attention to the increased complexity of the processes through which value is created and captured within contemporary capitalism. Value in the Marxist framework refers to the value of labour and labour power, concepts used to analyse the accumulation of capital through surplus-value extraction. Following the logic above, the surplus-value extracted by employers may not be fully retained by them, since it can be captured by other actors in the production network.

Any price measures of a good's value may reflect a combination of the value obtained through labour exploitation and through mercantile profits, as well as the value captured because other rents accrue to some parties (for example, as a result of trade barriers, patent protection, or other regulations). Thus the notion of surplus value and the understanding of related struggles over defining the level of a subsistence wage are complicated when production networks are taken into account. Guthman therefore, in discussing 'where value is added, appropriated, and distributed,' (2009, p. 193) also remarks that 'value itself is relative, not just its distribution.' (2009, p. 206) The notion of

surplus value extraction is still useful, but the profits through which it is manifested also include these other forms of 'value.'

However nebulous its measurement might be, if the creation and capture of value do not always occur within the same 'link' in the chain or 'node' in the network, then those who benefit from trafficking may include 'lead firms' who are able to capture some of the value created by their suppliers. Analyses of 'slave labour' must therefore go beyond the relationships between the workers on one side and their recruiters and employers on the other. The relationships which the employers are engaged in, particularly those they are engaged in vis-a-vis production networks, must also be considered. Employers' decisions are influenced by their position within production networks, the governance dynamics of production networks, and how they attempt to respond to (and / or change) these. Workers enter into production networks, the dynamics of which include relations between them and other industry actors – principally their employers, upon whom their subsistence in the form of wages partially depends. The governance structures emerging in the relevant production network create opportunities and obstacles for these and the other actors in it. These structures reflect the existing state of power differentials among these actors, creating a range of (perceived) possibilities for their interactions.

CONCLUSION

The multiple conceptions of labour market supply and demand underlying the recent wave of literature on forced / trafficked / 'slave' labour has been discussed above, noting that it is not always clear what it is that demand refers to. While there are calls for economic analysis, neoclassical economics is limited as a tool for handling some of the most central issues involved in analysing contemporary instances of 'slave labour.' I have argued that a Marxist perspective considering class relations and modes of production should be incorporated if a deeper understanding of these issues is to be achieved. This Marxist analysis can be strengthened through conceiving of capitalism as an 'open system.' It can also be strengthened through using the framework of GPN analysis.

GPN analysis highlights the relationships that particular actors involved in production are enmeshed in. Relations between workers, employers and recruiters can be viewed as part of these production networks, which also involve buyers, suppliers,

government and civil society actors, among others. These relations include cooperation, competition and conflict over the production and distribution of value. In Chapter 7, GPN analysis will therefore be used to examine the relations and power dynamics between specific actors involved in the two cases of ‘slave labour’ and degrading work considered in this thesis. This will enable the increased competition experienced by producers at labour-intensive stages of production to come into view as an important factor in the emergence and persistence of ‘slave labour’ and degrading work in these two very different cases. It will also allow us to see how efforts to combat ‘slave labour’ which change the labour dynamics of production networks, such as the National Pact to Eradicate Slave Labour, are particularly significant.

3) RESEARCH STRATEGY AND METHODS

INTRODUCTION

The phenomenon of contemporary 'slave labour' within production networks is examined in this dissertation through a case study approach which uses the concept of labour dynamics of production networks. Qualitative data were constructed between and across the cases principally through conducting semi-structured interviews and focus groups with a variety of participant types. In interviews and focus groups I sought to understand not just events experienced by participants, but also their interpretations. I therefore solicited both 'knowledge' and 'perceptions.' (Woodhouse 1998, p. 128) Other sources, such as reports of labour inspections, transcripts of public hearings, archival news sources, and observation (the last of which I had not foreseen in my initial research design) provided additional evidence and other perspectives. Below, I explain the rationale behind the case study approach and my selection of the cases and of participants and the concept of labour dynamics of production networks. I focus on the interviews and focus groups in discussing data sources and techniques, although other sources are elaborated upon as well. I then discuss my approach to analysis and interpretation. Finally, I explain how language issues, transcriptions and coding were dealt with and comment on the ethical issues involved.

CASE STUDY APPROACH

Undertaking a research project on the persistence of forced labour, I initially wished to understand its causes and in particular whether the labour dynamics of production networks could be contributing to the existence of forced labour in particular cases. In then developing the research project in collaboration with my supervisors, I began to appreciate the problems with the category itself. Specifically, I began to be interested in whether 'slave labour' (the term most commonly used in Brazil today) can or should be conceived of separately from degrading work. There is a need to answer this question if we are to identify the causes of forced labour. Attempts to measure statistical

correlations between variables, for instance, must be based on careful specification of the dependent variable.

For example, Busse and Braun (2002) rely largely on the US Department of State's 2002 Trafficking in Persons Report's 'Tier Rankings' to assess the prevalence of forced labour in a country. The political nature of these rankings has been widely criticized as reflecting US foreign policy interests. (See Chuang 2006.) This arguably renders them undesirable for use as a dependent variable. But politicization aside, these rankings are still a measure of governments' *efforts to combat* trafficking and other forms of forced labour rather than only a measure of the *prevalence* of forced labour in the country.²⁷ Another example of problems with the dependent variable is Bales 2005, which provides a list of 'push' and 'pull' factors causing trafficking while failing to differentiate these from factors which cause migration. (pp. 138-140)

Another challenge, as examined above, was that there was limited exploration in the literature of the role of labour in GPN analysis, let alone forced labour. Given these gaps in knowledge, and in order to consider the relation between 'slave labour' and degrading work in addition to the labour dynamics of production networks, I chose a case study approach. Yin has defined a case study as 'an empirical enquiry that: investigates a contemporary phenomenon within its real-life context; when the boundaries between the phenomenon and context are not clearly evident; and in which multiple sources of evidence are used.' (1984, p. 23) The case study approach was suited to the question because of the contemporary nature of the phenomena, and because a key aim of the research was to gain understanding about the boundaries of the phenomena. Hammersley and Gomm also suggest that case study research tends to be 'practically applicable' (2000, p. 2) which implies that it is particularly suited to the study of social problems such as the issue of 'slave labour.'

In order to be sensitive to the contested nature of the boundaries between the phenomenon of 'slave labour' and its context, I chose cases which had been *labelled* as 'slave labour,' where the label appeared to be based on some empirical evidence. In the first case, those applying the label included federal government officials in Brazil and in

²⁷ Busse and Braun (2002) also include a measure of GDP per capita rather than other measures which more directly capture the level of poverty in a country, given varying degrees of inequality.

the second case they included elected officials in the São Paulo City Council. I will expand on the choice of these cases below.

In examining whether and how labour dynamics of production networks could be contributing to outcomes of 'slave labour' and degrading work in these cases, I wished to understand:

- the conditions faced by workers deemed vulnerable to 'slave labour';
- to what degree their freedoms could be understood as restricted in each case;
- the migrant workers' evaluations of these experiences of labour migration;
- how these situations were or were not interpreted as 'slave labour' by different actors; and
- the labour dynamics of production networks and how these did or did not contribute to the conditions faced by workers.

As implied in Yin's definition, this would entail seeking different perspectives on the cases through triangulation of sources. The case study approach 'concentrates on the experiential knowledge of the case and close attention to the influence of its social, political and other contexts.' (Stake 2005, p.444)

One issue for comparing the two cases was that conditions within the two cases were deemed to be 'slave labour' by different actors - and therefore possibly in different ways. Yet, it was this type of difference I sought in my decision to pursue the question through a case study approach comparing two cases. These cases, with similarities and differences between them, were referred to in a similar way but by different actors. These similarities and differences could be explored in understanding the application of the same term but not always by the same actors, and how this in turn could impact the cases themselves. The case study approach I use is comparative in that it seeks to 'understand each case *as a whole*' and then make comparisons between the cases. (De Vaus 2001, p. 253, emphasis in original)

With an awareness of the diversity of the phenomena labelled as forced / trafficked / 'slave' / unfree labour and of the complexity of carrying out two case studies, I decided to follow a retroductive strategy. Retroduction is a strategy carried out in seeking to find underlying structures and mechanisms, but ones which 'produce a regularity only under certain conditions.' (Blaikie 2000, p. 110) It implies beginning with a research question but allowing for changes to the question in the course of the study itself.

The methodology therefore breaks with some of the procedures in Yin 1984, as it has been influenced to some degree by the 'complexity turn' in the social sciences. (Urry 2005) Stake asserts that 'the case to be studied is a complex entity located in a milieu or situation embedded in a number of contexts or backgrounds.' (2005, p. 449) Of particular relevance is the roles played in these cases by (cross-border) migration, global production networks and increasing trade flows, since 'it is the awareness of the "global" that has helped to generate the complexity turn within the social and cultural sciences.' (Urry 2005, p. 10)

The recognition of complexity is appropriate to a political economy perspective and leads to a methodology that is cross-disciplinary, rooted in the approaches of particular disciplines, but not prescribed by them. This cross-disciplinary approach is particularly suited to development studies. (See Harris 2002.) In particular, I am working from development studies but influenced by economics and to some degree by sociology; and by bringing in GPN analysis, there is also some influence from economic geography.

The political economy perspective I take is relevant to the study of 'slave labour' because it entails a 'recognition of the relationships of power, coercion and hierarchy characteristic of both workplace and marketplace in capitalist society (and) that capitalist societies are not in static or even dynamic equilibrium but are constantly changing.' (Mohun 2006, p. 492) I therefore wished to understand structure, but also agency, and how they interact. Flyvbjerg (2001, p. 131) emphasises this process aspect of power relations in what he refers to as 'phronetic analysis' while Mitchell (2000, p. 168) points to the fact that case study research can illuminate this process of interaction between structure and agency.

In the case study approach, the realities which terms such as 'slave labour' refer to can be depicted in at least some of their complexity. I consider this complexity important in the face of statements that those in slavery suffer a 'loss of free will' (Bales 2005, p. 91) or that they are under the 'total control' of those who they are working for. (Sakamoto 2007b, p. 31)²⁸ Recognition of how these terms are meaningful does not mean

²⁸ This reflects legal interpretations of the crime of 'slave labour' prevailing prior to the 2003 amendment of the Penal Code.

subscribing to all elements of their definitions. For, in spite of best intentions, Donmoyer's caution applies: 'Researchers' ideal types can easily become stereotypes.' (Donmoyer 2000, p. 51)

As mentioned above, the case study approach was based on a retroductive strategy. As argued by Blaikie, retroduction is most appropriate for establishing the existence of underlying mechanisms that cause or contribute to an observed outcome. (2000, p. 101) It was clear from the outset that these mechanisms - such as capitalist processes, exploitation of vulnerability, regulatory efforts, etc. - were to be key objects of analysis. The goal of retroductive research is not to simply verify or falsify a hypothesis, but rather to establish a claim about a cause or causes of the phenomenon, regardless of the relationship between this claim and the initial hypothesis. A retroductive strategy and a case study approach are a good 'fit' in that case studies can be used to 'unravel causation, especially relations between purposeful behaviour by several actors or agencies.' (Thomas 1998, p. 308) The retroductive approach requires flexibility, including alterations to the research design as the research progresses.

In practice, flexibility meant that while some data sources turned out to be inaccessible given time and resource constraints, others were identified in the course of the research. These are noted in the data sources appendix, as well as in relevant sections below. While these data sources are not perfect substitutes for interviews, they nonetheless could be analysed in order to answer many of the questions I had hoped to answer in the course of such interviews, particularly when combined with the other types of data which were successfully obtained.

CASE SELECTION

The two cases involved internal migrants engaged in manual, agricultural work in sugar cane in Brazil and cross-border migrants working in garment workshops in and around São Paulo city. The cases were bounded by specifying a number of characteristics (geography, sector, occupation, migrant status of workers) typifying the situations in which 'slave labour' has been identified, but without limiting the cases to the situations identified as 'slave labour.'

The selection of these cases was information-oriented. (Flyvbjerg 2006) The characteristics of each are relatively unique for a study of 'slave labour' and degrading work. Brazil was chosen because the problem of forced labour has been identified in the country, but also because of efforts by state and civil society to 'eradicate' the problem. These efforts include increased resources, continued development of strategy, and building of expertise in the form of the *Grupo Móvel's* model of inspections. They also include the formation of the National Pact to Eradicate Forced Labour in 2005, a particularly interesting effort in light of my interest in value chains and production networks. Both the scale and seeming intransigence of the problem in the country and the scale of efforts to eradicate forced labour practices were important aspects for the case selection.

Additionally, the change in the legal definition of 'slave labour' in Brazil in 2003 to include degrading conditions as indicative of 'slave labour' represented a unique opportunity to explore the aspect of my research question focusing on the relations between 'slave labour' and degrading work. In sum, the chance to examine change and continuity as a means of understanding the phenomenon was the key reason for choosing Brazil as what might be labelled a paradigmatic case. Stake advocates this type of case selection which includes examining particular interests and considering typicality but favours examining 'cases that seem to offer *opportunity to learn ...* (or) that case from which we feel we can learn the most.' (1994, p. 243)

Given the central analytical role of production networks, it was important to delineate more narrowly two cases, defined largely by sector. The sugar cane case was chosen because of the increasing numbers of workers being liberated in the sector (as noted above). The reasons for and the effects of this increase relate to the causality of 'slave labour.' More fundamentally, the increase represented an opportunity to make an original contribution through an analysis of the issue of 'slave labour' in this particular case. The geography of this case is different than, for example, the cattle sector, analyses of which have necessarily focused on frontier areas.

The garment case was chosen with reference to the key differences in the two cases. First, the garment case can be compared to the sugar cane case on the basis of the

workers' 'migrant' status. The call by authors such as Rezende Figueira (2004) to rescue the citizenship of workers in slavery applies to the sugar cane case, because these workers have generally possessed legal citizenship even as the rights attached to such a status appear to be denied to them. In the garment case, the question is a different one, with the possibility that the denial of citizenship rights is enabled by the denial of legal citizenship status. Inclusion of this case along with the sugar cane case allows for a dialogue with many of the works focused on cross-border trafficking which fall into the 'new slavery' literature. As an urban industrial case, and as a case in which the *Grupo Móvel* had not carried out targeted inspections, the case provided a strong contrast to the sugar cane case. In terms of production network analysis, there is a strong contrast between the histories and prospects for the industries between the two cases. Inclusion of this variation was important in considering the phenomenon of 'slave labour' in Brazil.

PRODUCTION NETWORK ANALYSIS

The key contribution that this thesis makes is in applying production network analysis to the problem of 'slave labour' through analysing the labour dynamics of production networks. The rationale behind this is laid out in the chapters above. Firstly, I aim to explore further the labour dynamics of production networks behind the contemporary use of forced or 'slave labour,' which has been missing in much of the literature on the topic to date as discussed above. Secondly, I also hope this contributes to the growing interest in labour, work and employment within GPN analysis. As stated above, I interrogate what precisely is 'global' in these production networks. The important ways in which these production networks are becoming globalised are complex, and differ from the more common story of lead firms in developed countries sourcing production in developing countries. This will be discussed in a later chapter.

In drawing on sources documenting 'slave labour' and degrading work in these cases (such as media reports and official reports of labour inspections), I considered what types of firms were involved in cases of 'slave labour' and degrading work. The firms tend to be at labour intensive stages of production. I then sought to map out the production networks that these types of firms were a part of. This involved identifying which actors form part of these production networks, due to being involved in and / or

impacting production in these cases. In order to get a broad picture of these industries, I relied on industry publications, business and other news sources, and academic literature. This informed the selection of participants in each case, which will be discussed below. It also influenced the questions asked in interviews and focus groups, and the interpretation of this data. I sought to analyse the power dynamics within these production networks – in particular between workers, labour market intermediaries, employers and buyers – and how participants attempted to negotiate and influence these dynamics. This data brought up new issues and details about the relevant actors and the relationships among them.

The role of the state is also analysed through the lens of production network analysis. I look at the way in which, and the degree to which, state efforts to combat 'slave labour' change the labour dynamics of production networks. The relative success of the National Pact to Eradicate Slave Labour, for example, can be seen as a result of the articulation of efforts by the state, civil society and industry actors in changing the labour dynamics of production networks. On the other hand, the tensions which exist in these cases between efforts to combat 'slave labour' and other state policies – such as immigration policy in the garment case and support for the CAC – also emerge from this analysis.

SELECTION OF PARTICIPANTS

I sought to gain a full picture of the phenomenon labelled 'slave labour' in the two cases and to explore the labour dynamics of the production networks in these sectors. This implied seeking out and actively listening to different types of actors involved in the relevant production networks (and interpreting the data generated with reference to the literature on these sectors). Types of participants in interviews and focus groups included migrant workers, labour market intermediaries, employers and buyers. Discussions were also held with labour inspectors and representatives of a range of civil society groups. A purposive sampling method was used, with a conscious choice made to involve small numbers of participants in order to include a range of participant types.

A detailed appendix of data sources is included, listing all participants in interviews and focus groups - and others with whom substantial discussions took place - as well as other data sources; it also lists some unsuccessful attempts at recruiting

participants. This data was collected during fieldwork, between January and September 2008. Of particular interest among participant types are the workers, employers, other businesses in the production networks, intermediaries, and land owners. The data from these interviews and focus groups were the main sources for analysis, so I will describe them below.

In the garment case, most of those who ran workshops had previously been employed in similar workshops. Twelve Bolivian immigrants who had worked in and / or run garment workshops participated in interviews and / or focus groups. I also spent a day with a Bolivian couple and one of their daughters who, along with other family members and two Brazilian employees, ran a garment workshop. At the level of those subcontracting to the workshops, a Korean-Brazilian garment manufacturer who contracts out to sewing workshops, a garment manufacturer and leader in Korean community in São Paulo, and a Brazilian who runs a garment workshop all participated in interviews. At the buyer level in this case, a staff member of a transnational clothing retailer's monitoring firm, staff members of two separate neighbourhood clothing (wholesale / retail) shop associations, a staff member of a transnational retailer which is a signatory of the National Pact to Eradicate Slave Labour, a staff member of textile firm which is a signatory of the National Pact to Eradicate Slave Labour, and staff members of two other signatories of the National Pact to Eradicate Slave Labour participated in interviews.

In the sugar cane case, ten cane workers in Maranhão (one of whom also worked as a recruiter and foreman), the sister of cane worker (who also worked at a 'travel agency' both in the home region and in cane cutting region), and a former cane worker in São Paulo who is now a representative of her union all participated in interviews. At the employer level, staff members at four *usinas* (mills or distilleries), all of which were inspected by the Labour Department in response to complaints of 'slave labour' (with varying outcomes) and a staff member of a large sugar and alcohol producer conglomerate participated in interviews. At the buyer level, staff members of four fuel distributors which are signatories of the National Pact to Eradicate Slave Labour and a staff member of a signatory of the National Pact to Eradicate Slave Labour participated in interviews. In terms of labour market intermediaries, five 'travel agents' who sell bus

tickets to migrant workers from Maranhão – and may participate in labour recruitment – participated in interviews. At the landowner level, a staff member of an association of sugar cane growers / suppliers, a land owner who rented his land to one of the *usinas* where I conducted interviews, and the president and a fellow representative (the former President) of a land reform settlement which rented land to one of the *usinas* where I conducted interviews all participated in interviews. Additionally, an editor of an industry publication participated in an online interview.

In many cases, participants made me aware of other potential data sources. Those I used include archival sources, participation in a 'routine' labour inspection at an *usina* in São Paulo state, and attendance at events along with staff and volunteers from the Migrant Support Centre (CAMI). These will be described below.

There was a focus on migrant workers because those identified as experiencing 'slave labour' conditions in the two cases have typically been migrants. The conditions experienced by local workers in the same occupations, sectors and locations can be seen as part of the context of the case. Participants such as migrant workers, employers and labour market intermediaries were not screened based on whether they had experienced or enforced 'slave labour' conditions, since I wished to learn about the experiences of others in similar circumstances. In the sugar cane case, for example, I chose to recruit sugar cane workers who are considered 'vulnerable' to 'slave labour' as participants rather than recruiting only those who had been 'liberated' from 'slave labour.' Employers recruited for interviews were those inspected by the *Grupo Móvel* whether 'slave labour' conditions were identified or not. To what degree the conditions described by the 'vulnerable' participants were similar or different from the conditions of those involved in cases of 'slave labour' was an object of enquiry.

In aiming at both breadth (in terms of the range of participant types) and depth (in terms of the interview and focus group techniques), there was some narrowing of focus. In the sugar cane case, for example, migrant workers were interviewed in the *região dos cocais* within the state of Maranhão, a home region for the overlapping groups of migrant sugar cane workers and migrant workers who have been 'liberated' from 'slave labour.' Other groups, then, such as workers employed in the coastal Northeast and indigenous

workers from the Centre-West, were not recruited for participation. This was a limitation, or narrowing of the case, based on time and resource constraints.

SELECTION OF PARTICIPANTS IN SUGAR CANE CASE

In seeking migrant workers to participate in interviews and focus groups, I sought to understand the experiences of workers considered to be vulnerable to 'slave labour.' I considered it a potential safety risk for workers (and myself) to seek participants in the regions where they worked – particularly as I planned to interview employers in these regions. As mentioned, I chose the state of Maranhão to seek participants with experience of migrating for work in sugar cane. Upon arrival, I met with representatives from the *Comissão Pastoral da Terra* (CPT) who referred me to the local staff person in the *região dos cocais*. She housed me, and referred me to others who housed me in two other nearby municipalities. None of these women asked for anything in return for providing me with housing, food, company and assistance. In addition to token gifts for my hosts, I made a small donation to the local CPT office upon my departure.

There was in a sense a chain of gatekeepers which started with the CPT staff person. In each of these municipalities, my hosts introduced me to others who in turn introduced me to migrant workers. In one case, the local Catholic priest planned a day visiting migrant workers and / or their family members. (In some cases, these were people he knew already and in other cases, he asked community members about potential participants.) In another case, my host asked a local motorcycle taxi driver to take me to workers' houses. In another case, a young missionary staying at the same house as me showed me around town and brought me to the day care centre where she was volunteering. There, the day care workers introduced me to the wife of a migrant cane cutter, who later introduced me to her husband and other participants. These examples are illustrative of the fact that the participants were not necessarily closely tied to the CPT. They also show that others were often present at interviews, sometimes adding comments and questions. The lines between hosts, participants and research assistants were in many cases crossed by those who supported me in my efforts: one woman whose brother had worked as a migrant cane worker had herself worked in a 'travel agency' transporting

workers to, and possibly placing workers at, sugar cane jobs. She participated in an interview, invited me to her home to eat, and introduced me to other participants.

In general, I sought workers who had migrated for sugar cane, seeking their impressions of the experience, whether positive or negative. However, when I was told that two workers had recently returned home as a result of being 'liberated' from 'slave labour,' I prioritized including them. One of these two participants also had experience working as a foreman. In one case, I was introduced to an intermediary (a 'travel agent') but in other cases, I was able to approach these 'travel agents', who advertised their services. These interviews took place in participants' homes, at my hosts' homes, and at the travel agencies.

In terms of employers, I chose *usinas* who had been inspected for 'slave labour.' These were in the North-Northeast (though not the coastal region) and Centre-West. The fact that they were inspected on suspicion of 'slave labour' does not mean that all of these firms were charged with 'slave labour' offences. Inspectors from the *Grupo Móvel* do not always find 'slave labour' conditions when conducting such inspections. In one case, I accompanied a fellow postgraduate researcher working on a similar topic who was planning to conduct an interview at a *usina* where a staff member had already agreed in principle to participate in my research project. She contacted them in advance of her visit and requested that we conduct the research together. In three other cases, I contacted the *usina* myself. As noted in the data sources appendix, two of these cases involved being hosted overnight at the *usinas*. During these visits, a number of employees and managers participated in interviews or discussions. In one case, the *usina* had in principle agreed to participate, but I was unable to contact them in the weeks leading up to the interview and decided not spend the time and expense travelling to the locale without a firm appointment.

In two cases, I was referred by staff at the *usinas* to those leasing land to the *usinas* and was able to obtain interviews as a result. I also conducted an interview with a representative of cane growers. The very different positions of these landholders was helpful in understanding the changing dynamics of those who either grow sugar cane to be used by *usinas* in production or who lease land to the *usinas* for this purpose.

Another group of participants included fuel distributors, who were mainly contacted for participation in interviews via their role as signatories to the National Pact to Eradicate Slave Labour. Representatives were interviewed at their offices. These firms occupy a strategic position in the production networks for sugar cane, given that ethanol has been the more dynamic sector in the CAC in more recent years. I also met with other industry representatives. One conglomerate which is involved in production and marketing of sugar was interviewed as well, via telephone, to ensure that the focus on ethanol was not entirely exclusive of the sugar sector. This firm was subject to a complaint of 'slave labour' at two of its production units, although to my knowledge this did not result in an inspection by the *Grupo Móvel*.

SELECTION OF PARTICIPANTS IN GARMENT CASE

While in the sugar cane case, the targeted inspections of the *Grupo Móvel* mean that there is a relatively transparent process through which different actors judge whether conditions are 'analogous to slavery' or not, the garment case is complicated in this sense. An inspector from the MPT's regional office, for example, responded to a request for information with a list of inspections classified as covering 'slave, degrading or forced labour' without any indication of whether there is differentiation among these categories. Because there is no equivalent to the *Grupo Móvel's* targeted inspections in this case, there is less consistency about which cases could be considered 'slave labour' and by whom. I therefore sought to speak to migrants working in and running sewing workshops, retail firms accused of having 'slave labour' in their supply chains (as a result of labour inspections which were covered in the media), retail firms who are signatory to the National Pact to Eradicate Slave Labour, '*lojistas*' who run (largely wholesale) shops and often manufacture garments and subcontract to the workshops, and vendors who sell the garments they produce at wholesale and retail street markets.

The difficulties of access were different in this case, and I found more reticence to participate in interviews by a range of actors. This was particularly true for the wholesalers and manufacturers who subcontract to the garment workshops. Many potential participants in this case refused to grant interviews.

I sought to speak to Latin American immigrants working in and running garment workshops, and in the end all of these participants were from Bolivia. As in the sugar cane case, the focus was narrowed because (in addition to only including Bolivian participants) those who had returned to Bolivia or moved on to other countries were not included as participants. Additionally, participants were initially recruited within São Paulo city, with the possibility that those living farther away from the city centre face different situations. Given that these migrant workers came from different areas of Bolivia, were of different ethnic backgrounds, included more recent and more established immigrants, were in different situations vis-a-vis their immigration status, etc., the group was a heterogeneous one. Nonetheless, all had worked or were working within the garment sector and shared the common identity ascribed to them in Brazil by actors such as the media and elected officials.

Most of this group was identified through the Migrant Support Centre (CAMI), who had asked me to do some volunteer work as a condition of assisting me with my research. These individuals however, came to CAMI for a variety of reasons: some to receive assistance with the bureaucratic requirements of regularizing their immigration status, others to enrol in computer literacy or Portuguese language classes, and still others with a view to organizing their community, in particular as CAMI occasionally served as a meeting space used by other community organizations. Given my presence at CAMI, I was able to recruit the participants myself, although the permission to be present and recruit participants was given by staff members at CAMI, who can therefore be considered gatekeepers. An additional couple were recruited as participants by canvassing a street where many Bolivian-owned businesses are located; I spent a morning with them and their family. An additional source of qualitative data in the garment case was my participation in a citizenship class at CAMI, in which students were asked to construct meanings of citizenship.

Retail firms in the the garment case were identified through cold calling; some firms were called because they were signatories to the National Pact to Eradicate Forced Labour, and others because they had been accused of 'slave labour.' As mentioned, many refused to grant interviews. Another source of qualitative data where the voices of these actors are found is in the records of testimonies given during hearings conducted by the

São Paulo City Council's Commission of Enquiry on 'slave labour.' Fifteen wholesalers (which may also manufacture garments and / or sell them retail) were canvassed and two manufacturers cold called. While this was not very fruitful, two neighbourhood associations of wholesale / retail shops (which include manufacturers) granted interviews; in one case, the representative ran a branded jeans shop. Through my association with CAMI, I was able to attend a meeting organized by the Association of Koreans in Brazil regarding subcontracting in the apparel industry. In this meeting, a representative of the Public Ministry of Labour (MPT) explained the legal responsibilities of those subcontracting production and this was followed by questions and comments. As I recorded and transcribed this, it also served as a source of qualitative data reflecting the voices of manufacturers. Finally, a wholesaler / manufacturer who is a leader in the Korean community granted an interview when approached at this meeting.

QUALITATIVE DATA COLLECTION TECHNIQUES

The key approaches to the creation of qualitative data were semi-structured interviews, and in one case, a focus group. The technique of semi-structured interviews was employed because, in my experience, the narrative produced by a semi-structured interview is guided by both interviewer and participant. This opens the possibility for the participant to bring up issues that she believes are important, even if these have not been anticipated by the researcher. Thus, semi-structured interviews are able to explore existing explanations while allowing for the emergence of alternate (competing or complementary) explanations to emerge. As described by Woodhouse, using semi-structured interviews allows the research design to continue in the interviewing phase (1998, p. 139) and therefore flows from the retroductive strategy employed.

With regards to firms (and landholders) occupying different positions in the production networks, I sought to understand the sets of relations they were engaged in and the changing power dynamics of these. Therefore, in addition to questions about labour recruitment, 'slave labour' and responses to regulatory efforts, this also involved asking questions about arrangements with suppliers and buyers, and what kinds of opportunities and challenges the participants saw for the future. The data from these interviews have been analysed in the context of literature on the relevant industries.

In interviews with migrant workers, I asked about the reasons behind their decisions to migrate, whether there were other opportunities available to them, and their strategies for finding work. I sought to gain an understanding of the conditions faced by these workers in their employment situation, and to what degree these were consistent or variable across jobs, as well as what strategies they employed if they found conditions unacceptable. I also asked about their views of the term 'slave labour' and about labour inspection efforts. In sum, I sought their evaluation of the overall experience of labour migration.

In the case of cross-border migrants running and working in garment workshops, I set up a focus group which was held at CAMI with individuals who had been at the centre for a meeting or a course that day (although recruited previously).²⁹ The focus group was in part for practical reasons, as this group of participants was less (willing or) able to make time to participate in interviews, given their current employment and housing situation (although a number of interviews were conducted in participants' homes). However, it was also in order to create a dialogue about what these workers see as fair and the strategies they use for bringing about fair outcomes. Within the context of the greater perceived informality of the garment workshops, this dialogue was facilitated by the context of a focus group, rather than an interview conducted with an 'outsider' such as myself. Individual interviews were also conducted, some with individuals who had participated in the focus group.

In terms of migrant workers in sugar cane, interview participants were generally more comfortable in their 'home' region and many had more free time given that they were not engaged in full-time employment during the period. This meant that conducting in-depth interviews was comparatively easier; the value of setting up a focus group was relatively lower, especially given practical obstacles to doing so.

OTHER DATA SOURCES

Other data sources not mentioned above are worth highlighting here. Some of these helped me to understand the model of inspections in sugar cane. While visiting the

²⁹ Dinner from a Bolivian restaurant was purchased for the participants in acknowledgement of the extra time they spent in order to participate.

Labour and Employment Ministry (MTE) in Brasília to interview staff members there, I was given access to reports of inspections either conducted by the *Grupo Móvel* in sugar cane or forwarded to the inspection team by other labour inspectors who identified 'slave labour' conditions. These are detailed reports of the conditions encountered by inspectors, their evaluations of these conditions, and the steps they took to rectify violations of labour and employment law. While I was not allowed to copy these, I took notes on many and later compiled a list of 'slave labour' cases in sugar cane over a particular time period (in Appendix 3) by cross-referencing these with articles by *NGO Repórter Brasil*, press releases from labour inspectorates and newspaper articles.

Additionally, I was able to accompany an inspector at a 'routine' inspection to a sugar cane firm in São Paulo state, talking with managers and workers there, and discussing the process with the inspector, *Joaquim*, afterwards. *Joaquim* is part of a team which is modelled in part on the work of the *Grupo Móvel*. These sources provided a wealth of insight into the tasks undertaken by labour inspectors in sugar cane and how they go about their work.

In the garment case, I was able to photocopy selected newspaper articles from the archives of the *Centro de Estudos Migratórios* (CEM). My participation as a volunteer with CAMI allowed me to attend events and meetings around the issue, to which I would not otherwise have had access. For example, one meeting held at CAMI's parent organization, the *Serviço Pastoral do Migrante* (SPM) involved representatives from a number of civil society groups and government agencies. This gave me an opportunity for observation of their interaction and the process of policy formulation which complements the other qualitative data.

INTERPRETATION

I aimed to develop understanding the diversity of experience among participants and to take into account different interpretations offered by participants. The representatives of employers who participated in interviews, for example, described varying financial situations and strategies, while workers described varied outcomes of labour migration. Triangulation of sources was important in this regard, including the different types of participants, but also reports of inspections, transcripts, newspaper

articles, industry literature, observation, and other sources which served as alternative perspectives to those offered by participants.

The choice to involve small numbers of participants through purposive sampling was reinforced by both the case study approach and the challenges of accessing vulnerable participants. This category includes not just workers but also employers, given the risks involved in discussing the possibility of 'slave labour' conditions within their firms' supply chains. Authenticity – as I understand it - was favoured over representativity. My understanding of authenticity is that the starting point of analysis should be listening to the voices of those who are at the centre of the research project – migrant workers in particular, but also employers. The type of authenticity I am referring to here is what Manning describes as fairness: 'Meaning, particularly as expressed by those whose voices have been silenced in an effort to deny their understandings, is uncovered through dialogue and negotiation.' (Manning 1997, p. 100) I am not claiming to 'give voice' to participants by presenting their stories without mediation or interpretation. I agree with Riessman that this is an impossible feat. (2002, p. 220) Rather, I wish to emphasise that participants did not simply impart knowledge, but offered and in fact pushed for particular interpretations, and that this has influenced my own analysis.

For example, I was willing to consider whether the 'slave labour' label was or was not appropriate in the garment case. Yet, I did not appreciate that the label might be harmful, and that this might hold even if a strong argument could be made for its applicability. The firm objections to the term made by participants who had worked in or ran garment workshops made me sensitive to this issue. *Isabela*, for example, once turned the radio on to a pirate radio station (since shut down) to listen to a Bolivian garment worker call in and request a song. She turned off the radio and asked me, 'Is he a slave?' *Modesta* stated, 'They say we are slaves, but don't ask any questions to find out that we actually want to be working.' Her daughter *Sara* later linked a story about the emotional toll of her uncle's deportation from Brazil with her complaints about how Bolivians are referred to as 'slaves.'

Because of this heightened sensitivity, an exchange I witnessed held particular meaning for me. The exchange occurred at a meeting referred to above which took place

at the *Serviço Pastoral do Migrante*: an inspector responsible for monitoring conditions at garment workshops stated that the workers themselves rejected the term 'slave labour.' An inspector from the *Grupo Móvel* responded that this was initially the case in their inspections, but that over the course of time the inspectors were able to 'explain' that they were not calling the workers 'slaves' but rather highlighting the injustice of the 'slave labour' conditions which were imposed on the workers. While this inspector saw the process of negotiating meaning as a dialogue, the *context* of the dialogue – in which actions by inspectors were, in my understanding, helpful to rural and agricultural workers – was the basis of this negotiation.

The qualitative data emerging from interviews and focus groups include descriptions of events experienced by participants, their relations with other actors, and their own decisions and actions. The data also include participants' understandings of these events, relationships and actions. Participants' understandings were reflected in their emphasis, clarification of terms used, repetition, avoidance, and contestation. Interpretation of this data was accomplished through the case study method, placing it within a wider context by triangulating data sources.

TRANSCRIPTIONS, CODING AND INTERPRETATION

I used NVivo software to code transcriptions of: interviews and focus groups conducted with garment workers and those running workshops and interviews with migrant sugar cane workers and labour market intermediaries in the sugar cane case. Interviews conducted at *usinas*, with other businesses in the production networks, and with land owners were also analysed but with less intensive coding. Case codes were set up for participants and these were coded according to variables such as age, gender, type of participant (e.g., 'has worked in sugar cane', 'representative of *usina*'); where applicable, relations were created.

I have listed some sources separately in the appendix as 'meetings,' mainly because there was less interpretive analysis of these data sources. The format of most of these, however, was nonetheless that of a semi-structured interview, where I sought to gain knowledge and understanding by posing questions to participants, soliciting their

viewpoints on issues, and allowing space for them to guide the conversation to topics they viewed as relevant. For this reason, where representatives of labour unions could speak to the specific experiences of migrant workers I consider these to be 'interviews.' When other representatives of labour unions provided more of a background or overview discussion of trends, strategies, etc., I consider these to be 'meetings.' I have listed industry trade associations under interviews with 'businesses' where they were speaking on behalf of their members.

I then set up initial codes for topics of interest, such as those related to indicators of forced labour, trafficking and 'slave labour' such as: immigration status, deductions from wages, days and hours of work, etc., and other themes I might wish to pursue, such as 'resistance.' These were modified as a result of beginning to code and analyse transcripts, so that 'resistance' became 'acceptance and resistance.' I also added new codes where participants brought up other relevant issues, where participants emphasised points, or where topics came up repeatedly within and / or across interviews / focus groups, such as 'dehydration' in the sugar cane case and 'childcare' in the garment case. I also added codes where I wished to reflect on the meanings of particular words and phrases such as the references to 'working harder, earning more' (initially coded as 'good workers') or references to workers 'escaping'³⁰ from their jobs.

In interpreting what participants said, I have tried to pay careful attention to the context within which interviews took place, meaning the historical moment as well as the specific context of the interview. I believe that this will be evident in the text below. I also worked towards interpreting the 'meaning-making' (Donmoyer 2000, p. 58) which took place. I have mentioned the rejection of the term 'slave labour' by some participants in the garment case, so I will comment further on this term as an example. In addition to relying on the letter of the law, and inspectors' statements of about the meaning of 'slave labour,' my analysis of reports of (and articles and press releases about) labour inspections focused on what kind of problems were identified in the cases termed 'slave labour.'

³⁰ *'fugindo'*

I expected employers to reject the term, and this expectation may have sometimes prevented me from fully listening to their interpretations. I was puzzled by the anger of *Dimas*, a manager at an *usina*, over an inspection which did *not* result in an application of the 'slave labour' label by inspectors. He explained that the firm was not producing when the inspection took place, and had they been, he believed the inspectors would have labelled the conditions 'slave labour.' This comment helped me to interpret his view of inspections, which I believe is shared with others facing accusations of 'slave labour,' as a situation in which labour inspectors from the *Grupo Móvel* are outsiders who would use any evidence they could in their quest to identify 'slave labour' conditions and who had little awareness of the realities he lived with on a daily basis. My interpretation of other perspectives on the issue has been explained above and these different understandings have led me to understand the meaning of the term 'slave labour' as constructed in ways that are contextual, subjective and contested, but not arbitrary.

Where topic codes were added, transcriptions coded earlier were revisited, often using text searches to assist in identifying these themes. Memos were also used as part of this analysis. I also created some codes to refer to the dynamics of interviews themselves, where these were particularly salient to me. This was not a major stream of analysis, but it was a particularly useful exercise in analysing the dynamics of focus group conducted with individuals working in and running garment workshops.

The coding exercise therefore served as a means of reviewing the data and becoming familiar with it (which includes gaining sensitivity to issues highlighted by participants), and as a means of organizing the qualitative data for later analysis. However, it must be recognized that, particularly given the retroductive strategy employed, the task of analysis began, to some degree, during the interviews and focus groups themselves and continued throughout. (Kvale 1996, p. 189) As such, becoming familiar with and categorizing data were part of this ongoing process of analysis.

LANGUAGE ISSUES AND RESEARCH ASSISTANTS

In nearly all cases, I conducted interviews in Portuguese, which I speak as a foreign language. (Some Bolivian participants spoke Spanish on occasion as well, which I also understand as a foreign language.) Interviews were recorded where participants consented to this and seemed comfortable with it. Where these interviews were both conducted in Portuguese and recorded, my research assistant, Tiago Rangel Côrtes, transcribed them verbatim. (I transcribed interviews conducted in English, and took notes on unrecorded interviews, but the majority were transcribed from recordings by Tiago.) Tiago was listed on the consent form and agreed to respect confidentiality.

In transcriptions, Tiago included notes where interruptions, significant pauses, laughter, etc. were clear on the recordings – as well as some notes on interpretation - to which I added any field notes that I had on non-verbal communication and context of the interviews and focus group. The transcriptions were in Portuguese, so all translations are mine (discussed with Tiago or other native Portuguese speakers where I was in doubt). Wherever there is a matter of judgement involved in the translations, I include the original language used in a footnote.

Tiago also assisted with translations of written communication about the project (e.g., project descriptions and consent forms) and attended some interviews and meetings in the course of his training and participation in the research project. He also continued to be available to discuss the project. While I compensated Tiago for the transcriptions, the support he provided went beyond this. I also planned to employ an assistant when conducting the interviews at four *usinas* but after an interview at one of these, I found that we could not come to a clear understanding of her role, and so continued without her. She was compensated for the time she gave to the project.

RESEARCH ETHICS

Ethical judgements are complex, ongoing, and situational. 'Researchers need to invoke contextualized reasoning,' as Birch and Miller assert. (2002, p. 6) Such

contextualized reasoning must therefore be guided by a set of principles.³¹ Birch et. al. further state that 'principles guide our perceptions of how to conduct ethical research' while decisions about how to apply these principles must be made in regards to 'specific circumstances and contexts.' (2002, p. 6) These issues were taken seriously and highlighted to my research assistants. In planning for the fieldwork period, I considered how to respond to a number of potential scenarios - which thankfully did not arise in the actual course of fieldwork - such as perceived risks to my safety or that of participants, or perceived labour violations at work sites.

One of the key ethical issues surrounded the fact that some participants belong to a 'vulnerable population.' (Creswell 2003, p. 64) Because of this, participants were promised confidentiality. Pseudonyms have been used for participants and this is indicated by the use of italics. Care was taken to ensure that all those who participated in the project through interviews and focus groups were fully informed and understood the nature of the project, and 'had the right to withdraw from the process at any stage.' (Blaikie 2000, p. 20) This was done through verbal communication, followed up by a consent form given to participants. (See Appendix 3.) Participants were not asked to sign forms, as this would have been inappropriate, particularly given the likelihood that some participants would face language and / or literacy issues. In the case of migrant workers at risk of experiencing 'slave labour' conditions, this also raised the possibility that 'even asking someone quite innocent questions could be disturbing to that person.' (Blaikie 2000, p. 19) I attempted to ensure that the experience of participating in focus groups and interviews represented 'safe spaces' for the participants by allowing them to influence the direction of the topics covered, conveying an attitude of respect for their experiences and opinions, and ensuring that I was available for future contact.

One particular difficulty I faced in terms of ethics was that it was not helpful to frame the project mainly in terms of 'slave labour' because doing so would both influence participation in interviews and focus groups and limit the scope of topics which participants deemed relevant. This was a difficult decision to make as it verged on a 'sin of omission' and I wished to avoid deception. But in fact, in exploring the relations

³¹ For one example of a set of principles, see (Accessed 30 July 2007): http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/Images/ESRC_Re_Ethics_Frame_tcm6-11291.pdf.

between 'slave labour' and degrading work, I found it extremely important to consider the experiences of employers who had not been found to commit 'slave labour' offences, and of migrant workers who had not been identified as experiencing 'slave labour' and might hold positive views of their labour and migration experiences. In all cases, the topic of 'slave labour' was mentioned in recruiting participants and explicitly addressed in interviews and focus groups.

CONCLUSION

Investigating 'slave labour' and related phenomena within production networks is a complex and, I believe, an important task. Above I have provided: an explanation of my approach to the research; a justification of my case selection and participant selection; an explanation of the labour dynamics of production networks; a description of the qualitative techniques of semi-structured interviews and focus groups and reasons for using them, as well as a description of other sources used; a discussion of the analysis along with related issues of language, transcription and coding and an indication of the ethical issues involved and decisions I made about them. I have attempted to give an honest account of the fieldwork process, which meant disclosing the difficulties encountered in data collection. I hope this has provided some level of transparency in terms of my research strategy and methods, as I will now turn to my analysis of the data.

4) 'SLAVE LABOUR' AND THE EXPERIENCES OF MIGRANT SUGAR CANE WORKERS

'I don't want to work in order to die, I want to work in order to live.'
– Alex, sugar cane worker

INTRODUCTION

With thousands of workers being 'rescued' from 'slave labour' annually in Brazil, cases involving migrants workers performing manual labour in sugar cane, as mentioned earlier, have increasingly figured among these statistics. Because of the large quantity of labour needed for manual cane cutting, when workers are 'liberated' from 'slave labour' in the sector, it is often hundreds at a time who are 'rescued'. While the highest number of *cases* of 'slave labour' in Brazil has in many years been for cattle ranches (e.g., OIT 2005, p. 67), in both 2007 and 2008 the highest number of *workers* 'liberated' were sugar cane workers. (Thenório 2008a; Reimberg 2009a)

This chapter describes the recruitment mechanisms and employment relations at this point in the production network, where instances of 'slave labour' have been identified. It examines the conditions that cane cutters and other manual agricultural workers in sugar cane face after migrating for these jobs. It considers why and in which instances have these conditions been characterized as constituting 'slave labour.' It further analyses how workers negotiate these dynamics and interpret their experiences. This analysis relies on data about cases in which labour inspectors 'liberated' workers from 'slave labour' in the sector, on interviews conducted with individuals who have migrated to agricultural jobs in sugar cane and on interviews with other relevant actors.

THE GEOGRAPHY OF 'SLAVE LABOUR' IN SUGAR CANE

According to the MTE, thirty-three inspections were either carried out in response to credible complaints of 'slave labour' and / or uncovered 'slave labour' conditions in sugar cane between the 1st January 2005 and 31 August 2008. (See Appendix 3) Seven resulted in both 'liberations' of workers and the appearance of the firms (for at least some length of time) on the 'Dirty List,' the registry of firms and / or individuals using 'slave labour' which the federal government began publishing in 2003. Another sixteen firms

were forced to accept the 'liberation' of some of their workers (in some cases from more than one production site) but without (as of 15 July 2008) appearing on the 'Dirty List'.³² The number 'liberated' ranged from a low of fourteen to a high of 1,064. Additionally, an inspection of six *usinas* (mills or distilleries) run jointly by the MTE and the Public Ministry of Labour (MPT), but not by the *Grupo Móvel* itself, resulted in the 'liberation' of 288 workers.³³ At ten other units inspected on suspicion of 'slave labour,' the firms were charged with violations of labour law, but no workers were 'liberated,' so they do not necessarily fall into this 'slave labour' category. Together, these represent twenty-four cases in the sector (one of them at a number of firms, but treated here as one case) in which labour inspectors apparently considered the conditions to be constitutive of 'slave labour.'

In the majority of these twenty-four cases, migrant workers from the Northeast (particularly the state of Maranhão) and the state of Minas Gerais were 'liberated.' In thirteen of the cases, migrants were from states other than the one they were working in; in another three cases there was indication of this as well, either because '*gatos*' (labour recruiters) were used or because workers were described as being from 'other localities.' Two other cases, both in the Centre-West, are notable in that the hundreds of workers 'liberated' were indigenous (over 400 at Destilaria Centro Oeste Iguatemi and over 1,000 at Debrasa)³⁴.

The two regions best known for sugar cane production in Brazil are the coastal Northeast (mainly Paraíba, Pernambuco and Alagoas states) and São Paulo state (in the South-east), the latter region spreading into neighbouring states, particularly Paraná. While the production in the former region was prominent in the era of colonial slavery and the transatlantic slave trade, the development of the latter took off after WWII and intensified during the Pro-Álcool programs of the 1970's through which the government promoted ethanol as a bio-fuel; production also began to expand outwards to other states. (Alves 2007, pp. 24-25; Nunberg 1986, pp. 79-80) In the 2000s, the cane region centred

³² Some appeared on the 'Dirty List' after this cut-off date, including Debrasa, Energética do Cerrado in Itarumã, and COSAN.

³³ This inspection was not listed on the cases of 'slave labour' in the sugar cane sector provided to me by staff responsible for the operations of the *Grupo Móvel*. I am including it among the cases of 'slave labour' as identified by inspectors, although I am not sure why the case was omitted from the list.

³⁴ In the remaining five cases, I have no data about the state of origin of the workers 'liberated.'

in São Paulo has intensified and expanded outwards, while areas in Goiás, Mato Grosso do Sul and Mato Grosso states in the Centre-West region have become key sites of expansion. While coastal areas spreading upward from Rio de Janeiro in the Southeast through Espírito Santo and the southern end of Bahia were also experiencing some growth in production levels, the traditional Northeastern sugar producing region has been relatively stagnant.

These 'slave labour' cases occurred in areas where there were few producers in the region (e.g., in the states of Maranhão and Pará³⁵), in areas of expansion (e.g., in the states of Mato Grosso, Mato Grosso do Sul and Goiás), and in the traditional sugar cane producing region of the Northeast (e.g., Alagoas). There were also 'liberations' in São Paulo state. However, in spite of the prominence of São Paulo in terms of production levels, less than 500 out of a sum of over 7,000 workers 'liberated' in these cases were 'rescued' from sugar cane fields in São Paulo state, and most of these resulted from the inspection of six *usinas* mentioned above. The geographic spread of conditions characterized by labour inspectors as constitutive of 'slave labour' is therefore wide, but with some under-representation in São Paulo state (although De Moraes Silva notes the increasing number of complaints from this region [2007, p. 60]), and some over-representation in those areas with a small number of producers. More specifically, Biondi, Monteiro and Glass find that there is a concentration of 'slave labour' cases in recent areas of expansion. (2009, p. 13)

As explained above, worker interviews were mainly carried out in the state of Maranhão, given the high proportion of liberated cane workers who come from the state. Employer interviews were conducted in various states, but notably, none were carried out in the coastal Northeast. The particularities of the experiences of both the indigenous workers and of the conditions experienced in the coastal Northeast – where conditions are quite possibly worse³⁶ - are therefore not captured in my primary data. The data instead are largely from cases in areas of the North and Northeast overlapping with the

³⁵ Both states are in *Amazônia Legal*, the politically-defined Amazon region.

³⁶ In the (North and) Northeast there is a different socio-economic situation. There are higher levels of informality in employment and higher levels of illiteracy rates among the agricultural workforce in the sector. (MTE 2008b) Producers in the Northeast typically have competitive disadvantages compared to producers in the Centre-West and Southeast. Biondi, Monteiro and Glass note that accident rates in the sector are higher in the Northeast than in São Paulo (2009, p. 12) See also Adissi and Spagnol 2008.

Amazonian frontier previously associated with 'slave labour' cases in Brazil, and from cases in the Southeast and Centre-West, areas of intensification and expansion of the sugar cane sector.

MIGRANT WORKERS: *NORDESTINOS* (NORTHEASTERNS)

Those migrating for agricultural work in sugar cane are mainly seasonal migrants, although some may stay in the destination regions from season to season and others may settle there. The origin of the migrant workers who plant and cut sugar cane appears to have shifted over the years. In a definitive study of migrant cane cutters carried out in the late 1980's in the Ribeirão Preto region in the state of São Paulo, De Moraes Silva focuses on the experiences of workers from the Vale do Jequitinhonha region of Minas Gerais (along with workers from São Paulo state who had been 'freed' from unfree production relations such as the *colonato* system). Other states of origin are noted, but Maranhão and Piauí are not specifically named. (1999; pp. 69-71) In the introduction to their 2007 collection about migrant sugar cane workers *Migrantes*, however, Novaes and Alves state:

In 2001 ... in the municipality of Guariba, in the Ribeirão Preto region of São Paulo, we noted the existence of new characters on the scene of that typical dormitory town in the *interior paulista*: those from Maranhão and Piauí. These new characters differed from the old ones we knew, from Minas Gerais, Bahia and Parana, seasonal inhabitants of the region since the 1950's and 1960's... (2007, p. 11)

It should be noted briefly here that there are high rates of poverty and limited opportunities for income and employment in Piauí and Maranhão. The dates match with the outward migration trends from the towns of Codó and Timbiras in Maranhão identified by the local *Comissão Pastoral da Terra* groups. They first identified the trend of migrating to São Paulo and other states for sugar cane jobs in 2000 and have documented annual increases in the numbers over the following years. (Sampaio Carneiro and De Almeida Moura 2008, p. 10)³⁷ These 'new characters' entered the 'scene' just in time for the sector's next act. While the 1990's had been a period of uncertainty for firms in the sector, due in part to deregulation, the 2003 introduction of flex-fuel vehicles in Brazil increased internal demand for ethanol while at the same time the prospects for

³⁷ Many of those I spoke with in the *região dos cocais* often referred to these journeys as going 'to São Paulo' even though many were to other states such as Goiás, Mato Grosso, or Mato Grosso do Sul.

exports looked promising due to increased interest in bio-fuels abroad. Alves claims that the 'Sugar Cane Agro-Industrial Complex, in yet another of its cyclical expansion phases, needs rural workers coming from ever more distant regions of the country' (2008, p. 21)³⁸

Labour inspectors charged with combating 'slave labour' have also found local workers experiencing violations of labour and employment law. The violations appear to be less severe among workers who are able to return home at the end of the day (or at least the end of the week). In the case of Ipê Agro-Milho Industrial in 2007, for example, fourteen migrant workers from the state of Maranhão were 'liberated' from 'slave labour' in the state of Goiás. But fifty local workers were also found to experience degrading conditions. Because they did not have deductions from their wages for housing and food, their pay was still above the salary floor, and hence they were not counted in the 'slave labour' statistics. (Camargo 2007c)

Migrant workers are seen as apt for the hard work of cane cutting. This is sometimes by virtue of already being accustomed to agricultural work. *Sebastião* ascribed migrant workers' suitability for sugar cane work to their 'specialization in field labour.' This is in spite of the different rhythms and intensity of the small-scale and subsistence agriculture which frequently composes their prior experience. I have heard the logic applied to migrants who have only worked as smallholders or share-croppers, never as agricultural wage labourers, and never in sugar cane.

Migrant workers may also be seen as naturally suited to the work. The idea was expressed by a number of participants in terms of 'vocation.' The term was used, for example, by *Luís*, an agrarian technician who was very concerned with the mistreatment of agricultural workers by his employer, and *Júlio*, a representative of sugar cane planters who sell to *usinas*. Imagining that migrants have a 'calling' or 'disposition' (as 'vocation' can be defined) sidesteps recognition of other reasons that migrants turn out to be productive cane cutters. Namely, the disparity between migrants' needs and ambitions on the one hand and the socio-economic realities of their home region on the other pushes

³⁸ This echoes the concept of a 'shifting labour frontier' described by Ronald Skeldon during his presentation 'Unfree Labour, Migration and Mobility: Contested Outcomes' at a seminar on Migration, Labour Intensive Growth and Unfree Labour held at the University of Manchester as part of the ESRC-sponsored Unfree Labour seminar series.

them to seek work in these jobs. The recruitment networks through which they access the jobs then serve as a means of discipline, given the relationships and reputations at stake (for all parties involved), while living in company housing reinforces some workers' dependency on their employers and their isolation from the wider community.

EMPLOYMENT AND LIVELIHOODS IN HOME REGION

I conducted the majority of the interviews with agricultural workers in sugar cane in the *região dos cocais* in the state of Maranhão, in three different municipalities. This is a home region of workers identified by labour inspectors as experiencing 'slave labour' conditions and a region where recent migrants in sugar cane come from. For example, Timbiras was one of the most common 'municipalities of reference' contained on the unemployment registration forms of the workers 'liberated' from PAGRISA; it was the home municipality listed for 55 out of the total of 957 workers. According to the Brazilian Institute of Geography and Statistics, Timbiras is among the poorest municipalities in the country, with a GDP per capita of 1,680 *reais* in 2006, compared to a national GDP per capita of 12,688 *reais*. (IBGE 2008, pp. 33, 88, 100)

Share-cropping relations are prominent in Timbiras. (Sampaio Carneiro et. al. 2007) Asked about land relations in interviews, the participants in the *região dos cocais* who had worked in agricultural labour in sugar cane discussed their own or their parents' experiences working on the land, growing crops for subsistence and / or sale. Eight of them, the majority, indicated experience with share-cropping (with some mentioning additional experiences in agriculture, such as casual wage labour). One mentioned working on his family's own land, and one participant's answer referred ambiguously to working on land owned by 'others.' Local staff from the CPT told me that the region had a history of peasants being violently expelled from the land from the 1960s through the 1980s. While conflict over land is a larger issue, the relevant point is that those working the land through share-cropping arrangements do not necessarily live on this land, even if this tended to be the arrangement a few decades ago.

How are we to understand the relation between these share-cropping arrangements and the migration to work in sugar cane? De Moraes Silva (1999) posited that an earlier

wave of migrants to Ribeirão Preto in the state of São Paulo, mainly working in sugar cane, can be understood as having experienced a process of primitive accumulation, having been thrown off their land. She also looks at the way in which the local workers in the *colonato* system (see glossary) were uprooted as another process of primitive accumulation. Alves considers the current wave of migrant sugar cane workers from Maranhão to have been 'expelled' from the land in a process of primitive accumulation. (2007, pp. 47-48)

Interview participants did not frame the issue in terms of losing access to land. *Alex* rated share-cropping to be worse than both construction work and cutting sugar cane, the only thing worse being to go hungry. Only a few of these workers mentioned specific reasons for migrating to work in sugar cane: *Caio* owed money for a refrigerator he purchased while *Clara*, interviewed in São Paulo and asked about her decision to begin working as a cane cutter in 1983, pointed to a 'great personal need' and the fact that this was the only work available. Another typical response was *Rafael's*. When asked why he migrated for work in sugar cane, stated, 'because a friend called me to go.' Most interview participants, however, referred to the relative opportunities in the destination regions compared to the opportunities available in the home regions. They sometimes mentioned a desire to 'help' their families.

This leads to the issue of what other options there are for these workers. Of those who worked in agricultural labour in sugar cane that mentioned previous jobs, two had worked in construction and both considered this a career. One mentioned casual agricultural labour. Another mentioned working in a grocery store (for most of the time, off-the-books and while below the minimum working age). Another mentioned migrating to charcoal camps in Açailândia, which is in another region of the state of Maranhão. One of the two female cane cutters who participated in interviews mentioned taking in washing. Finally, two workers described jobs they obtained after migrating for work in sugar cane but finding themselves unemployed in the destination region: casual labour in the construction industry and packing peanuts. If there was one overall theme from participants' remarks on this subject, it was a lack of reliable opportunities for income at home. As *Vítor* stated, 'here, you might get work one week, and the next week you won't.'

It is true that the prospects for social reproduction through access to land have been diminishing over time for those in the *região dos cocais*. But the process of primitive accumulation is only a useful lens on their experience if we recognize some of the specifics of this process. First, it is not necessarily an overnight process, but may unfold over the course of generations. Second, capitalism can only come into being through its actors. And in this case, the *usinas* who seek to employ those dispossessed from access to land are not necessarily the same actors responsible for this dispossession. Rather, in some cases they simply take advantage of this dispossession. Finally and most importantly, the process is not something that simply happens *to* these workers. Even where recruiters use deception in exaggerating the benefits and downplaying the risks of the work in sugar cane, these migrants are making active decisions to seek better opportunities. The workers found in 'slave labour' or degrading conditions are there as a result of their active attempts to become free wage workers rather than face the choice of continuing in share-cropping relations or enduring persistent under-employment.

These workers are not simply thrown off the land by violent means and sent to 'slave labour' in the cane fields to feed the process of deproletarianization. Rather, they are active agents seeking the means to improve their economic situation and loosen ties of dependency. The long journeys they make often allow them to achieve certain objectives. *Rodrigo* spent seven years working in sugar cane in São Paulo state before he and his wife *Ana Paula* returned to their home town in Maranhão and opened a clothing shop. Asked when they returned, *Ana Paula* responded, 'On the 29th of December at 2 o'clock in the afternoon we arrived here.' Even if sometimes these journeys lead them to encounter restricted freedoms and degrading conditions that could justifiably be labelled 'slave labour,' the agency they have exercised in attempting to change their circumstances and the risks they decide to take are important elements of the process. To what degree they are successful and for how long this success lasts is one of the questions addressed here, but their goal is certainly to spend time working as free wage labourers.

EMPLOYMENT, RECRUITMENT AND INTERMEDIARIES (*GATOS*)

Because 'slave labour' in Brazil usually involves migrant workers, any discussion of the topic usually begins with the role of the '*gato*,' a somewhat pejorative term for a

person who typically acts as both labour recruiter and foreman. (See, for example, Rezende Figueira 2004, pp. 119-120.) In the ILO report on *Slave Labour in Brazil in the Twenty-First Century*, for example, the *gato's* role is described as a fundamental characteristic of the problem. (OIT 2005, pp. 21-22) Those recruited by the *gato* are frequently hired as a group. The *gato* may give workers salary advances, organize transport from the home region (or pay off workers' accumulated debts at a boarding house in the destination region), organize accommodation once on the job, and be responsible for wage payment. Therefore, it has often been the *gatos* who enact the debt bondage mechanisms which trap workers in 'slave labour.'

The concentration of these tasks is not inevitable, however; *gatos* sometimes work with *sub-gatos* to coordinate the recruitment process. This is reflected in the existence of other terms for intermediaries, such as *agenciador*, *turmeiro* (the one who gets together a crew or *turma*), *empreiteiro*, or *fiscal* (supervisor or foreman³⁹). The scenario may depend on the sector, on geography, and on particular conditions, and it changes over time.

The way in which recruitment of this largely seasonal labor force is carried out and the role of labour market intermediaries are a crucial aspect of the labour dynamics of production. The point of production at which 'slave labour' has been identified is characterized by a complex and dynamic system in which large groups of workers are specifically sought out from distant locales. In a different context, Coe, Johns and Ward (2008) point to the way that labour market intermediaries (in the form of temporary staffing agencies in this case) enable labour market flexibility.

From the employer's perspective, intermediaries are useful in identifying a potential group of workers, in particular if the intermediary selects a group who is relatively productive, flexible, compliant and cheap, and if the intermediary can be held responsible for this expectation. An intermediary may additionally liberate the employer from the responsibilities of organizing housing, meals and daily transport for the group. For the workers, the *gato* may provide information about employment, secure them this employment through vouching for them as good or trustworthy workers, and assist them with the expenses involved in obtaining the employment, such as transportation to the

³⁹ This term can be translated as 'auditor' and so may also refer to inspectors.

destination region. In 2004, a member of the CPT's *Pastoral do Migrante*, a key advocate for rural migrants in São Paulo, estimated that over 56% of sugar cane workers in São Paulo state are recruited by *gatos* and that 32% arrive having received advances from *gatos*. (De Moraes Silva 2007, p. 61)

De Moraes Silva noted an emergent separation of the functions of recruitment and control of agricultural workers in cane fields in her 1999 book based on fieldwork in the late 1980's. (p. 156) A predominant explanation for such changes is increasing regulation, in that the pay-offs to the employer of utilizing an intermediary diminish as the employer is forced to formalise the employment relation. For example, in June 2008, 63 workers who had previously been registered with a subcontracted firm and let go received retroactive payments totalling R\$200,000. Another 200 workers previously registered as employees of subcontracted firms were directly contracted by the Moema *usina* as the result of an inspection by the *Grupo Móvel*. (Peres and Hashizume 2008)⁴⁰ The gains this firm had derived from non-recognition of the employment relation made possible through the use of these intermediaries were eliminated.

GATOS AND MIGRANT WORKERS

The employment of migrant workers has particular ramifications regarding the employment relation. If workers are recruited in another state, the firm becomes legally responsible for registering them in their home states and providing for transportation, accommodation and meals. However, if the migrant workers are contracted locally, the firm no longer faces the requirements related to the inter-state recruitment. While accompanying a labour inspection of a firm in São Paulo state in August 2008, for example, the inspector, *Joaquim*, explained that we would not be visiting the workers' rented accommodation in spite of suspicions about the conditions there because the employer would be able to argue that the workers 'showed up on his doorstep.' He mentioned that COSAN, the largest sugar and ethanol firm in Brazil (Folha Online 2008),

⁴⁰ The Moema Group is run by Maurilio Biagi Filho, a prominent figure in the sector; the Biagi family was responsible for approximately 10% of Brazil's sugar and ethanol production in 2007, according to Bloomberg News. (Smith and Caminada 2007)

had accepted the requirement to provide housing for migrant workers only after a long period of pressure.

As will be demonstrated below, the main requirement that workers hold recruiters to is that of providing reliable information, so that they do not end up jobless in the destination region. (See Martin 2006 on the role of recruiters in providing information.) In as much as the recruiter serves an informational role in bringing employers and workers together, the increasing level of knowledge in migrants' home regions regarding employment opportunities can make the intermediary less useful to the (potential) workers over time. However, the role of intermediaries often goes beyond the 'informational' as it entails vouching for the workers' reputations and thus helping to secure them employment.⁴¹ *Lucas*, a Human Resources Manager, told me that for each cane-cutting job, two workers apply. Migrants' need for recruiters was also identified by De Moraes et. al. as a result of the scarcity of jobs in the Ribeirão Preto region caused by mechanization in the mid-1990s. (2007, p. 276) It is revealing that when *Rodrigo* left one job after 10 days because his co-workers were complaining about low pay, he did not seek payment for the period he did work; this was presumably in order to maintain his reputation. This is similar to *Felipe's* decision, mentioned below, to leave PAGRISA without seeking wages owed to him.

In recent years, the 'disappearance' or 'transformation' of the *gato* has been noted with an increasing number of 'travel agents' appearing in the home regions of migrant workers. (Reis and Magalhães 2008a) These offer cheap transport for workers who often have to make journeys of three or more days from small towns (although the fares do increase for the journeys home at the end of the season). The savings are based on providing less comfort, evading regulations, and in many cases, by cutting corners on safety. Some agencies are simply used to give the appearance of a legitimate business to a *gato*. Even those which at first glance appear to be truly focused on the provision of transportation often go beyond this role. They inform workers of opportunities, and they may also select workers. Those that do are also acting as 'references' for the workers,

⁴¹ In one study of workers identified by the MTE as being in conditions of 'slave labour,' 48 interview participants said that they were recruited through a friend or acquaintance, while 33 said they were recruited by an agent or directly by the employer. (ILO 2009b, p. 19)

even if they do so to a lesser degree than the classic *gato*, exercising less control over the workers once they have secured the employment.

Estevan, for example, runs his agency out of a bus terminal. He also has three agencies in São Paulo state, in three different cities. Now 42 years old, he has a fourth grade education and began working in agriculture at 12 years old, not unlike the experience of many migrant sugar cane workers. 80% of his passengers are travelling to work in sugar cane. He says that he has contact with four *usinas* from which he gets calls asking him for 'so many workers.' He then places an ad on the radio stating that those interested 'need to come talk to him.' He states,

'When I recruit⁴² a worker here to cut cane, I look at him and already know if he will be able to stand it or not. Get it? How do I know if he will stand it? Because I already cut (cane). I know what the suffering is like.'

Other authors, such as De Menezes and Saturnino, have noted that intermediaries screen potential workers for perceived character traits such as 'honesty.' (2007, p. 249)

Estevan further stated that he allows the workers to pay for the trip later, and additionally lends them money for initial expenses, travelling down mid-season to collect repayment. Finally, he travels with the workers and 'only leave(s) there after everybody is set up,' for his biggest concern is over transporting workers to jobs which fail to materialize. He claims this has never happened. Asked if he received any money from the employers, *Estevan* said, 'I don't earn a cent from them. No *usina* owner gives me anything. I only earn the commission from the transport.' These 'agencies' are clearly aware of the legal responsibilities which would come from payment by the *usinas*. Others were also quick to point out that they did not receive money from the employers. For example, part of the response given by *Fernanda*, an employee at an agency, to the question, 'Is (the owner) in contact with the *usinas*?' was, 'We don't force anybody.' *Eduardo*, meanwhile, who also runs an agency from a bus station, had stated that one person would reserve the transport for a group of workers. Asked if he was in contact with the *usinas*, he responded,

'With the *usinas*, no. There is always somebody responsible for coming to get (the workers). If not, they call us. They call -- but there is always somebody responsible

⁴² 'arrumo'

who comes. So they always come to the agency and arrange a meeting point. Either in a hotel or in one of the agencies...'

It was *Gustavo*, who runs an agency from his house, who exhibited the most sensitivity around this issue. There were a number of reasons for this: for one, he had been interviewed by a 'student' who later used the material on a television segment; he had also recently been interviewed by a public prosecutor over the BRENCO case. He was involved because he had transported workers to jobs planting cane at BRENCO, from which 17 workers were officially 'rescued' from 'slave labour' conditions (particularly with regards to the conditions in the accommodation) in March 2008, with hundreds of others choosing to leave as well. Further, *Yasmín*, who works with her mother in running an agency (although focused on work in other crops) stated that in addition to the BRENCO case, *Gustavo* was defending himself in court over a case in which he transported people to jobs that failed to materialize. She felt that this damaged the reputation of others running agencies. It was reputation that was the important aspect of the issue for *Gustavo*, who stated that the workers at BRENCO had gone on strike and this brought 'shame' on him, suggesting again that his business depends on being able to identify reliable workers to employers. An intermediary quoted in De Menezes and Saturnino also mentions the issue of workers potentially bringing 'shame' on him. (2007, p. 249) These intermediaries can therefore also be vulnerable and under certain circumstances, held to account by the workers who they recruit. The 'in-between' position occupied by labour market intermediaries in the Indian context is noted by Breman (1996, p. 250) and Picherit (2009).

Thus the role of *gatos* and 'travel agents' as labour market intermediaries in this case goes beyond 'matching' the abundant labour supply in one region to the demand for labour in another. Rather, the role of these intermediaries includes a partial guarantee of workers' future performance on the job, something which is a source of critical uncertainty for employers, particularly those with seasonal production schedules. The recruitment of workers through intermediaries is therefore a means of meeting the demand for productive, flexible, and relatively cheap labour within production networks.

LABOUR SUBCONTRACTING TO CANE 'SUPPLIERS'

In some 'slave labour' cases where there has been illegal subcontracting, it is not always clear from reports whether the subcontractor was a *gato* or a sugar cane grower who was supposedly supplying cane and employing the agricultural workers. One case of the latter was the 2007 inspection of Coruripe Açucar e Álcool in the state of Minas Gerais which resulted in the 'liberation' of 347 workers. Part of the inspectors' determination of illegal subcontracting in this case was based on the contracts between Coruripe and its 'partners.' Coruripe paid their 'partners' a fixed price per area of land, regardless of production level. It was therefore clearly the former rather than the latter who had the interest in increasing production levels and thus in matters related to employment and supervision. This differentiates it from a supplier relationship, in which the land holder works to increase productivity because they are paid with reference to the amount of cane cut.

Two participants (*Alex* and *Felipe*) who worked as migrant cane cutters stated that working for subcontracted plantations rather than directly for *usinas* is less desirable because the pay rates tend to be lower. *Clara*, the union representative and former cane cutter, stated that labour officials from the MPT had worked to end the practice. However, her opinion was that this had resulted in unemployment because the *usinas* chose to mechanize cane cutting rather than take on the manual cane cutters as direct employees. *Usinas* seeking migrant workers in particular may formally register those working on their own or others' land as employees but continue to rely on recruiters or *gatos*.

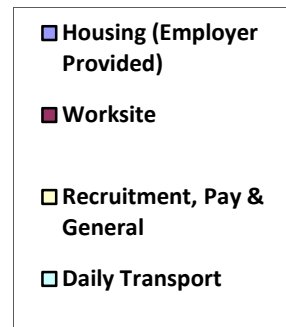
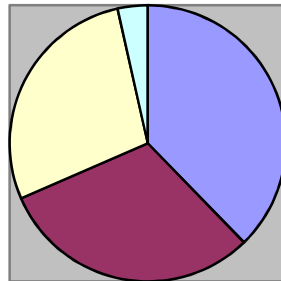
CONDITIONS CONSTITUTING 'SLAVE LABOUR'

The following chart and table rely on inspection reports, articles published by the NGO *Reporter Brasil* on their website, press releases and newspaper articles on twenty-three of the twenty-four identified 'slave labour' cases. (Sources are listed separately in Appendix 3. Data was not available for one case. While the data here refer to cases classified as 'slave labour,' inspection reports from three additional cases were also reviewed.)

I noted the different types of (potential) violations mentioned for each case in the following table. These are roughly grouped by those which occur: in hiring and pay; in housing; in daily transport to the work site; and on the work site.⁴³ What can be seen from this table is that while some touch directly on issues of worker 'freedoms,' a number of them represent degrading working and living conditions. This demonstrates the relevance of Law number 10.803, amending Article 149 of the Penal Code, which allows for degrading conditions to indicate 'slave labour.' Consistent with this, the extent and severity of degrading conditions appear to be taken into account by labour inspectors in assessing whether the situation constitutes one of 'slave labour.'

⁴³ I have chosen an inclusive approach: for example, in one case it was noted that 'two men had to share one bed' and I included this as an instance of 'lack of mattresses,' although it is quite possible that this was the only mattress lacking. On the other hand, particularly where I did not access the inspection reports, many potential violations were not included in the descriptions. This was true of one case, for example, in which 153 *autos de infração* (notices of violations) were issued and I relied solely on an article from *Reporter Brasil*. Another classification of labour violations found as a result of inspections in the sector (not, as I understand it, limited to 'slave labour' cases) reported by Biondi, Monteiro and Glass shows a similar pattern. Of 2,236 notices issued between January 2007 and July 2008, 44% were regarding hygiene and comfort and 17% were about worker health and safety. (2009, p. 12)

**Potential Violations by Type:
'Slave Labour' Cases in Sugar Cane**



Potential Violations	Housing (Employer-Provided)	Work-site	Recruitment, Pay & General	Daily Transport*
Problems with meals (not enough food, rotten, etc.)	1	9	1	
No work cards, work cards not signed, or other problems with work cards	1		10	
No place to store tools	3	1		2
Lack of separate kitchen	6			
Housing structurally unsound / in disrepair	6			
Lack of mattresses	6			
No place to store or wash clothes (risk of contamination)	8	2		
Overcrowded	8			
Lack of bedding	8			
Inadequate or no sanitary facilities	11	8		
Not enough clean, potable water in hygienic conditions	11	9		
Dirty / odorous / poor condition / lack of hygiene	16			
Inadequate rest periods		4		
Workday extended beyond legal limit without reason		4		
Damaged safety gear		5		
Unprepared for injuries (no ambulance, no first aid kit, not enough medical staff, etc.)		6		
No shelter for meals / breaks		10		

Potential Violations	Housing (Employer-Provided)	Work-site	Recruitment, Pay & General	Daily Transport*
Some or all safety gear not used		12		
Gancho – workers suspended w/o pay as punishment			2	
Adolescent labour			2	
Failure to provide 24-hour rest period weekly			2	
Employer had knowledge or involvement in illegal recruitment practices			3	
Work hours not recorded properly			3	
Problems with recording production level to calculate pay			3	
Problems with store credit (e.g., prices, recordkeeping)			6	
Non-payment or late payment			8	*
Illegal or potentially illegal deductions			11	
Gatos recruit workers in home state without registering them			13	
Unsafe transport (e.g., no seat belts, faulty brakes, etc.)				7
Other	12	9	8	
Total	97	79	72	9

**There was also one instance of non-payment for time in transit (not reflected in total)
See Appendix 3 for list of inspections this table refers to, map and sources.*

Given that these are the cases deemed to constitute ‘slave labour,’ it is interesting to consider how the conditions compare to those experienced by migrant cane cutters more generally. Interview participants had varied evaluations of their experiences working in sugar cane fields. *Rafael*, for example, (described to me by his wife as ‘that gorgeous black man’⁴⁴) did hint at some difficulties: the fact that a labour inspection occurred at his work site, resulting in the distribution of an extra set of work clothes; the fact that the employer did not provide food or water at the work sites; his opinion that it would be difficult for his wife to accompany him because it is cold there and the work is

⁴⁴ *'aquele bonito negão'*

'heavy;' and, in particular, his statement that the foremen had bad days⁴⁵ and sometimes the cane cutters would 'want to get angry.' But overall, he insisted that he enjoyed the work, that the conditions were good, that the experience was good, that the private housing was fine, and that he planned to go back. *Mateus*⁴⁶ first migrated for a cane cutting job which did not materialize. He ended up sleeping on a floor and getting by with a temporary job packing peanuts for a few weeks before finding another cane cutting job. His evaluation was at the other extreme, describing the work as 'really awful'⁴⁷ and 'the worst work I have ever done in my life.'

Other participants, naturally, expressed views which fell somewhere in between and included tensions and contradictions. *Carolina*, the sister of a cane-cutter who also worked in an agency providing transportation to cane workers, stated that conditions at mills varied. 'Some pay more, or less. Some pay late,' she said. 'Some will organize all the documents well so that you can get unemployment insurance. Some pay in cash, others in check.'

While some of the other issues will be discussed below, the right to unemployment insurance mentioned by *Carolina* is not directly covered in the table above. It is related to the issue of formal registration of workers, which does appear in the table. *Larissa*, for example, did not receive unemployment insurance because she spent time working off the books in an effort to increase her current earnings. However, some firms issue work cards and then refuse to pay the unemployment insurance. *Vítor* had a signed work card and yet did not receive unemployment insurance after working for nine months. He said that he did not pursue the matter because, 'You get the benefits that belong to you, but you can no longer get work, particularly in that region.' *Caio* only received the unemployment insurance due to him after filing a complaint about it. Illiterate, he was only able to achieve this when he and fellow members of his work

⁴⁵ 'tinha dia que era meio enjoado'

⁴⁶ Both of these interviews, of course, were conversations which took place in a wider context. *Rafael* did not seem to trust me and in many ways resisted the interview process; my impression was that he was arguing against a presumed assumption that the work was 'slavery.' *Mateus*, on the other hand, did not look me in the eye during the interview and after reflection, I believe that he felt he was prohibited from articulating such a negative evaluation of cane cutting given the income that it was bringing into the community, but that he had decided to do so anyway because he felt strongly about it.

⁴⁷ 'ruim demais'

crew sought the assistance of a 'lawyer' to whom they are paying 50% of their unemployment insurance earnings.

Two points were, while not entirely undisputed, repeated by multiple participants. The first was that conditions had improved in the sector in recent years. As explained in the introductory chapter above, this was attributed largely to the increased threat of labour inspections. As *Rodrigo*, who worked year-round for seven years before he and his family returned to Maranhão stated,

'I went in 2001. There were no set hours from 2001 to 2003, no. At the most we had fifteen minutes for lunch. So a lot of people were dying ... because it's a lot of work, right? ... sometimes there is no rest, right? ... then a lot of people began to die, so the Labour Ministry came in against the *usina* and now, no. We start at seven, we have lunch at eleven. We work from twelve to two and then stop again, have a coffee break and start again at two-fifteen. Then at three-twenty we go home. So things got much better for us.'

Significantly, one interview participant *Enrique*, while he rejected the term 'slave labour,' saw a labour inspection by the *Grupo Móvel* as the key event which sparked improvement in the occupational health and safety practices at his firm – practices which he was responsible for. Asked further about this, he described the inspection as a 'wake-up call.'

The second point was that the work was 'heavy' (with this word also being used by some managers to describe cane cutting work) and that the experience involves 'suffering.' Some of those using the words, like *Rafael* above, were individuals who viewed 'all that sacrifice' (as *Vítor* put it) as justified. As De Moraes et. al. point out, when migrant cane-cutters are able to reach 'at least some of their objectives,' they tend to say that the sacrifice was worthwhile. (2007, p. 280)

HEALTH AND SAFETY

According to Abreu, physical health and safety risks affecting agricultural cane workers arise from: exposure to climactic conditions; repetitive and excessive movement; verminous animals; use of cutting tools, often without protective equipment; and long workdays, without nutrition and hydration adequate to replenish the energy expended. (2007, p. 175) A recent study from the MTE (2007) gives insight into the comparative risks of agricultural employment in sugar cane fields compared to other types of rural

employment in Brazil.⁴⁸ The 135,044 rural workers identified as employed in sugar cane cultivation⁴⁹ represented 11.2% of the total of 1,374,444 workers identified as employed in rural work. Between 1999 and 2005, there were a total of 219,154 accidents reported for workers in rural employment, of which 62,008 were in sugar cane cultivation, or over 28% of all reported accidents. This is well over twice as many as would be expected given the share of employment in the sector.

As mentioned in the introductory chapter, cane cutters tend to be young. Trade union officials, labour inspectors and others studying work in the sector concur that the 'working life' of a manual cane cutter is short; some say it is about ten years before workers are used up and unable to stand the work anymore. As *Rodrigo* put it, 'the work is very heavy, that's why I left. In December I was exhausted.'⁵⁰ Seven years, that was a long time. I was tired already, so I left and we came back here.' While unemployment has been discussed earlier in relation to mechanization, this issue of a short 'working life' in sugar cane should also be considered in terms of unemployment.

While 22.7% of total accidents in rural employment resulted in death, 11.8% of accidents resulting in death were in sugar cane. It must be remembered, however, that these deaths occur among a relatively young workforce. The rate of accidents among 16 to 34 year olds was 66.9%; only lower (among rural workers) than grape harvesting and cotton harvesting. (MTE 2007) Further, it may be that the rate of deaths in sugar cane is particularly prone to under-reporting, as the exhaustive work may lead to deaths from heart attacks or other causes not easily attributable to occupational health and safety, as the example below Juraci Barbosa da Silva's death will illustrate.

⁴⁸ The report relies on *reported* number of accidents, so it may underestimate the number of accidents in rural employment overall. De Menezes and Saturnino report on rewards systems for workers who do not report accidents, systems which may incentivize under-reporting rather than improved practices. (2007, p. 250)

⁴⁹ Even the total number of employees appears to be dramatically underestimated. In 2008, CONAB estimated that there were 303,777 manual cane cutters nationwide (149,000 in São Paulo state). According to the sugar cane industry association UNICA, there were 520,000 people employed in all cane growing occupations nationwide in 2002 (UNICA 2007, p. 60) and nearly 190,000 cane cutters employed in São Paulo state alone at the end of 2007 (UNICA 2009d). Reimberg (2009b) reported that there were approximately 500,000 workers 'in sugar cane cutting' nationwide, though it is not clear what the reason or the discrepancy is; he may be including machine operators, including unregistered workers, or including other agricultural workers in sugar cane, such as those occupied in planting.

⁵⁰ '*eu não estava mais agüentando de cansaço*'

In addition to the factors identified by Abreu, health and safety problems also relate to unsafe transport, exposure to chemicals, the absence of or inadequate sanitary facilities, and other problems which result from a lack of investment in health and safety-related measures. But a number stem partially or fully from the intensity of work, intensity due in part to the need to cut more in order to earn more. This in turn depends on the value of the piece rate as well as the transparency of this rate. As Alves puts it, 'deaths of sugar-cane cutters in Brazil are caused by the payment rules in this sector.' (2006) In addition, there are explicit pressures to produce higher quantities in order to increase production further. A number of participants actually defined 'slave labour' with reference to the intensity and rhythm of work.

- Asked what she considered 'slave labour' to be, *Carolina* responded, 'When you work without stopping. You have to work from 8am to 11am without a break. This can be called slave labour. There is the *gancho*. It's a punishment of no work for three days.'
- Asked what the difference was between 'slave labour' and 'normal' (work), *Alex* responded, 'It's that normal work, you start at seven and stop at noon, then you have a lunch hour. You go from one until four. That's normal. Now in one where they want slavery⁵¹, (he) wants the person to start well before seven, and instead of stopping at noon he stops at twelve-thirty to start at one, so you only get a half-hour. You eat and as soon as you finish you have to get back to work. Instead of stopping at three-thirty, four o'clock, the work hours go until later. So there's no stopping. You will stop at five. So that is enslaving the people. The foreman takes a hard line, is a tough guy who wants to be very strict. So, today the worker no longer accepts this.'⁵²
- *Pedro*, who works for a union representing workers at an *usina* which appeared for a time on the 'Dirty List,' stated that before the union contract, 'They made the guy work for sixteen hours, until he was dying. After three months, he couldn't take it anymore, so every three months they would have to replace each worker.'⁵³

In a causal analysis of cane cutter Juraci Barbosa da Silva's death, members of the São Paulo State Rural Mobile Inspection Group highlighted production levels averaging ten tons per day, sometimes fifteen, with 'totals of 24.6 tons on 21st April and yet another

⁵¹ 'numa que quer escravizar'

⁵² 'Bota fiscal linha dura, bicho da cara ruim, que quer ser muito rígido. Então, assim, hoje o trabalhador já não aceita mais ele.'

⁵³ 'eles colocavam os caboclo para trabalhar 16 horas, até morrer. Com 3 meses ninguém agüentava mais, daí com 3 meses eles já substituíam por outro.'

17.4 tons on the 28th of April stand out – remember that his death occurred at about 2am on the 29th April!!' (Grupo Estadual Móvel Rural / SP SDT - Barretos 2008)

The combination of heat and the physical intensity of the work leads to numerous instances of dehydration. The use of *soro*, or electrolyte replacements, was mentioned by numerous participants. It is common as both a preventative and remedial measure against dehydration. In addition to the descriptions above, *Caio* stated that some days he and his co-workers were 'ready to die' at the end of the day. Everybody had cramps,' he said. *Larissa* said that there were times that she 'cried in the cane field, in that heat.'

The potential of fatal consequences seems to lurk in the backdrop for many workers. A number of cane cutters mentioned deaths in the fields even if it did not affect them directly. *Rodrigo* knew a co-worker who died, apparently related to exhaustion. *Miguel* described an incident in which a friend of his became ill and the crew of fifty workers brought him to the bus, but the driver told them that it would pass.

'We said, "what do you mean, man, pass? The guy is dying of agony." So then we took off his shirt and poured water (over him) ... Everyone was angry. So we told him to start the bus and take him to the hospital ... the whole crew, we rebelled against him by force to take him. Because if not, he wasn't going to take him, no. The guy might have died there ... if not, the guy could have died⁵⁴ on the field.'

Miguel believed that his friend pushed himself too hard, cutting well above the average and continuing to do so even after this incident. Sometimes contributing to the risk of dehydration is a lack of drinking water. As indicated in the table above, the provision of drinking water at work sites is mandatory but appears to be violated frequently by firms. *Rafael*, *André*, and *Mateus* all stated that water was not provided at work sites, but rather that they had to bring the water from home themselves.

While the risk of cuts seems to be a separate health and safety concern, it can also be a manifestation of the pressure to keep production levels up. For example, a number of participants, including *Mateus*, mentioned the requirement of working in the rain, which is difficult and dangerous because of the risk of slipping and cutting yourself. Similarly, while some firms fail to provide adequate safety gear, in other cases the violation the firm is charged with is failing to require its use. Workers sometimes do not use the clothing

⁵⁴ 'era capaz de morrer'

and safety gear provided because it makes them feel hotter, or is awkward and slows them down. Workers also face risks resulting from repetitive motion injuries, risks again elevated by intensification of work.

ONE EXAMPLE: PAGRISA

A number of these cases could be looked at in more detail but the PAGRISA (Pará Pastoril e Agrícola S/A) case stands out among them. The high number of workers liberated, and the political intervention which followed, resulted in the descriptive section of the PAGRISA inspection report being placed in the public domain⁵⁵. These inspection reports are a key source for information on the cases; even in media accounts, much of the information about these cases comes from the labour inspectors. By visiting the MTE, I additionally had access to the archived full inspection report, parts of which were not disclosed publicly.

Demographic data of the 'liberated' workers, of whom there were 1,064, is contained in the workers' unemployment insurance registration forms filled out by inspectors and annexed to the inspection report. With the exception of the cases involving indigenous workers, the data appear fairly typical of the demographics of other workers 'liberated' from agricultural jobs in the sector. All of the workers were male. Of 957 responses, 65% of workers listed Maranhão as their 'state of reference' and 23% listed Piauí. Of 917 responding, 70% were single and 21% were married. Of 923 responding, 39% were between twenty and twenty-four years of age; 25% between twenty-five and twenty-nine; 14% between thirty and thirty-four; 9% between thirty-five and thirty-nine; 10% forty or older and 3% under twenty. Of 921 responding, 81% had four or fewer years of schooling. 20% of those who gave their race listed it as 'black,' 18% as 'white,' and 62% as '*pardo*' or 'mixed race,' but the number of responses to this question was only 274.

PAGRISA is located near Ulianópolis in the state of Pará, at the edge of the Amazon eco-region. Founded as a cattle ranch in the late 1960's and still run by members of the same family, it was (according to the company's website) the opportunities

⁵⁵ The report is in Portuguese but includes photographs from the inspection; it can be found at: <http://www.mte.gov.br/sistemas/SGC/Arquivos/Documento/Op044de2007-PAG.39351,5653935185.pdf> (Accessed 3 April, 2009)

presented by the Pro-Álcool program which spurred the firm to begin growing sugar cane and, in 1982, producing ethanol. The firm is a key producer in the region; the inspection report notes that 300,000 litres of ethanol are produced by the firm daily, supplying fuel distributors such as Petrobras, Ipiranga and Shell. They have recently begun producing crystalline sugar as well.

Regional labour inspectors (i.e., from what was then called the DRT, or *Delegacia Regional do Trabalho*) had received complaints in February 2007 that there was 'slave labour' at a firm contracted by PAGRISA for services. But these inspectors found that the firm's contract with PAGRISA had been terminated and therefore did not inspect the conditions at PAGRISA itself. An inspector from the MTE received complaints from workers while he was in the area, triggering the inspection by the *Grupo Móvel* which began on 28 June 2007.

The report's description of conditions begins with the housing situation. Migrant workers were in company housing which had a number of problems: it was overcrowded; workers from different shifts were housed together; workers were sleeping in hammocks; there was a lack of potable drinking water; the bathrooms were dirty, with toilets that didn't flush, shortages of water for bathing, and even a lack of toilet tissue; drains were exposed; and there were a lack of spaces to store tools and clothes. *Alex*, who worked there in 1989, stated that 'at the time, the housing was just a shack, a big room' where the workers put up their hammocks. *Felipe*, who worked there in about 2003, stated that the workers were (still) sleeping in hammocks, that the bathrooms were not functioning, and that the only water available was from the tap, and therefore not potable.

Problems in transit to and at the work site identified in the inspection report included: lack of storage for work tools on the bus used to transport workers to the work sites; lack of sufficient spaces on these buses; inadequate shelter for meals, and instances of workers not using these shelters (also noted by *Felipe*); water provided coming from a rusty tank; meals causing intestinal infections and a rotten smell coming from a meat locker; non-provision of all personal protective equipment (PPE, or safety gear); workers failing to use PPE; PPE distributed quickly upon arrival of the inspectors; unsafe work

practices; and a lack of first aid materials or staff persons to administer first aid in cases where injuries had occurred (also noted by *Felipe*).

An 'exhaustive workday' was noted, based on: workers taking inadequate time for meal breaks because they do not want to lose time which they could spend increasing their production levels; working hours not recorded; non-payment of time spent in transit with the implication that these hours were not counted as part of the workday; a lack of proper adjustments to wages for those who worked on Saturdays, Sundays and holidays; and workers' statements that they began the day at 4:30am, arriving at the work site by 6am, and that the time at which work finished was inconsistent, with transport back to housing sometimes arriving only at 6pm. Workers were also threatened with deductions if they took sick leave.

Some problems around underpayment of wages have been mentioned already. Others included: not informing workers of their daily production levels; deductions for over-priced medicines; and failure to pay according to the piece-rate unless workers achieved a quota. This, along with other deductions, such as those taken for meals, led to instances of workers who at the end of the month were paid far less than the minimum wage or even nothing at all. *Felipe* left after a month instead of complaining because he did not want his name to appear on the 'blacklist.' He stated of the time he worked there that the deductions from his wages ate up most of his pay. 'Actually we earned good money, he said, 'but the money actually stayed there, so it wasn't good.' Almost 50 instances of pay well below the minimum wage are demonstrated in the report for May 2007 as are over 30 instances of zero pay for April 2007. Additionally, some of those listed as earning nothing actually started the following month with a debit which would be deducted from their future earnings. This practice was justified by the firm as accounting for salary advances, but the report stated that no documentation of these advances were provided.

The above elements are all taken into account in an assessment of the situation as one characterized by degrading conditions and deprivation of workers' 'dignity,' thereby constituting 'slave labour.' This assessment was reinforced by the situation of debt bondage resulting from issues around the system of payment. It is worth emphasising that

it was the sum total of abuses suffered by the workers, including but certainly not limited to the restrictions on freedom enabled by the debt bondage mechanism, which was seen to constitute 'slave labour.' The resulting 'rescue' of over 1,000 workers meant that the firm was ordered to dismiss the workers 'without just cause' which legally implies extra payments for the workers. These totalled \$1,152,093, averaging around R\$1,000 per worker. For the majority, this equalled half of what they would have been due at the end of the season from the '*direitos trabalhistas*' or '*acerto*', calculated to include various sources (such as proportional amounts of paid leave that permanent workers are eligible for). Workers were additionally eligible for unemployment insurance.

HOUSING

As can be seen in the table above, housing is a key site in which degrading conditions have been identified, contributing to the assessment of 'slave labour' conditions. The provision of housing is mandatory in the case of migrant workers contracted in their home states, as mentioned above. As in the case of the immigrant garment workers in and around São Paulo city, the degree of power employers may exercise over workers is increased if the workers do not have a separate domestic space they can go to at the end of the day. Yet this control comes at a cost, particularly if the *usina* complies with regulations regarding housing standards. *Usinas* do not always abide by the requirement of providing housing to migrant workers, in order to avoid the costs of housing them, as mentioned above.

Some *usinas* are located at some distance from the nearest town, so that it is necessary to provide housing for agricultural workers in any case. At one unionized *usina*, for example, the union contract stipulates that local workers must be given preference in hiring; even these 'local' workers spend week-nights at the mill, however, going home for the weekends only. In these cases, it may be more straightforward for labour officials to demand improvements in housing conditions.

However, where private housing is involved the issue becomes more complicated. It must be proven that the firm is responsible for providing housing. If it cannot be proven, so that the workers are themselves responsible for the conditions, there may be problems of degrading conditions because the workers do not wish to spend money on

housing costs. This occurs due to migrant workers' desire to allocate their (often low) earnings towards the objectives they had in undertaking the labour migration. The decision may be based on the perception of temporary suffering and may interact with potential exploitation by other actors. In both the case of accommodation provided by the *usina* and private accommodation, housing costs are therefore kept to a minimum for migrant workers. The immediate costs of social reproduction are therefore kept low.

The push to hold firms responsible for providing housing may in fact be hampered by workers who prefer to stay in private accommodation, where this is possible. Workers may wish to have a place somewhat removed from the *usina*. The issue comes up when migrants travel with their partners, and sometimes their children. Given that individuals are now recruited for work rather than families (the process of individuation is described below), there is normally no suitable family accommodation provided by *usinas*. Breman (1990, p. 564) describes a similar scenario in which intensification of work increased manual sugar cane cutters' productivity, a process facilitated by recruitment of younger adult worker and efforts to prevent non-working dependents from accompanying migrant workers. According to participants in the *região dos cocais*, migrating with a partner (and children) is, however, an increasingly common scenario. Women may carry out household work, cooking in particular, for their partners (and in some cases for their partners' colleagues as well) or they may find work in other jobs, including other types of agricultural work. It is rare for these women to work in the cane fields; one participant (*Larissa*) did so only after her husband was diagnosed with Hansen's disease (leprosy). It is difficult to calculate how shifting from individual to family migration affects a household's costs, but what does occur is that the migrant's position as a member of a household becomes more visible. Migrant cane workers and those in 'slave labour' have been viewed as suffering a social (or civil) death;⁵⁶ their decision to migrate as a family can be viewed as resistance to this process.

PIECE RATE SYSTEM AND PAY

⁵⁶ Alluding to Orlando Patterson's seminal 1982 work *Slavery as Social Death: A Comparative Study*, 'social death' is used by De Menezes and Saturnino (2007, p. 176), who also reference De Moraes Silva, while 'civil death' is used by Rezende Figueira (2004, pp. 146, 291).

As described above, problems with pay sometimes include illegal deductions. They may also be due to a lack of payment for time in transit, mentioned by some participants. Beyond these patently illegal actions, however, problems arise from the standard payment system. The importance of the piece-rate system as a means of control in the Indian context is noted by Breman (1996).

The most common occupation on the agricultural side is cane cutting, for which workers are routinely paid by production. Each firm has a wage 'floor' which should be the minimum monthly salary paid, and this translates into a minimum daily rate. The existence of this 'floor' was a concession made by São Paulo firms as a result of a wave of strikes, beginning in the municipality of Guariba in 1984. (Alves 2007, p. 39) Interview participants reported that the rate of this floor totalled between 470 and 535 *reais* per month. (At the time, the monthly minimum wage was 415 *reais*.) The examples below, of the monthly income of participants who worked as cane cutters, demonstrates that this monthly 'floor' is not an acceptable wage level, given the difficulty of the work and the sacrifices of the migration process. Rather, it protects workers on days when: they have to perform certain tasks besides cutting (e.g., weeding); they have to work under particular conditions (such as working in the rain or cutting cane that had 'fallen' or bent over, making it difficult to cut); or work is stopped early for some reason.

Given that pay by production determines wages for most cane cutters on most days, there are problems of transparency. In one *usina* in São Paulo (Usina Ester in Cosmópolis), the union won the right to verify the weight; this was, according to union representative *Clara*, after collective action including work stoppages staged by twenty crews in 1998. In the AgroSerra *usina*, a similar system has been in place since the union was able to begin representing agricultural workers – which occurred only after inspectors deemed conditions at the firm to be constitutive of 'slave labour.' However, these cases are the exception to the rule. Alves points out that although *usinas* in São Paulo state agreed to worker verification of weight, this is unrealistic because workers accompanying the process are not assured any extra pay for doing so (and would thus lose piece-rate earnings) and are not assured any specific protection from retaliation. (2006)

Workers may know how many *meters* they cut, but cane weighs different amounts depending on the variety and quality – and the *usina* usually weighs the cane afterwards to make a final determination on pay based on the number of *tons* cut. Different rates are paid for different varieties and for different types of cane (e.g., 'fallen' cane, 'raw' cane not burned the previous evening, etc.). Calculating the amount that should be received is therefore difficult enough even if workers are given documentation of the amount they cut for the day, which many foremen fail to do. (See Alves 2007, pp. 35-39.) Income therefore, depends on more than ability and effort. First, as *Rodrigo* put it, the amount you earn 'depends on the cane, because there's poor cane and there's somewhat better cane.' One participant, *Caio* also mentioned that workers sometimes lose out on earning opportunities if a foreman decides to end the workday early for some reason.

But second, it depends on how much workers are told that they cut. *Clara*, the union representative who began as a cane cutter herself in the above-mentioned Usina Ester, stated that the union has discovered that productivity levels are higher than had been believed, estimating that the average is somewhere between fifteen and eighteen tons per day. These are striking figures given advocates' indignation over the estimated doubling of average productivity levels from six tons per day in the 1980's to twelve tons per day in the present decade. (Alves 2007, p. 39) She also points out that this discovery proves that there is frequent 'fraud' in measurement of production levels. *Felipe*, who had worked as a foreman, also mentioned this issue, stating:

'... if you are friends with the foreman, it's easier for you to earn money; he can make things easier for you. Now if you are not friends – you got it? ... he takes your meters and puts it onto another's. So there are these things – got it?'

Consistent with other studies on workers in the sector, a 'successful' cane cutter can be expected to earn twice the minimum wage (of 415 *reais* in 2008) per month. Additionally, as mentioned above, if the worker stays through the harvest, he or she should be eligible for an additional payment when let go. For *Miguel* the '*acerto*' totalled 1,500 *reais*. As mentioned above, workers who have worked for at least six months should also be eligible for unemployment insurance. Workers reported the following earnings:

1. Three participants (*Estevan*, *Miguel*, and *Alex*) reported earning between 800 and 1,000 *reais* per month while working as cane cutters, and *Clara*, a union

representative, stated that the average cutter's salary is about 1,000 *reais* per month.

2. One participant (*André*) reported coming close to this level, with earnings of anywhere from 400 to 800 *reais* per month.
3. Two workers reported earning more. *Rodrigo* stated that he earned 800 to 1,200 *reais* per month during harvests. In between harvests, he worked planting for three months which involves cutting raw cane; he mentions being tired after seven years, because cutting raw cane is 'worse.' But it pays well; he earned 1,800 *reais* or more net salary per month. Additionally, as a year-round worker, he had a month's paid holiday. *Felipe* stated that in Mato Grosso do Sul, he earned 12,000 *reais* over the course of the year; this would be about 1,500 per month based on an eight-month harvest.
4. Four workers reported earning less. Of these, two (*Larissa* and *Mateus*) emphatically do not plan to return to cane cutting. As such, these two may be considered 'unsuccessful' cutters in that the sacrifices they made were not justified by the earnings. *Larissa* earned 300 *reais* every two weeks (so just over 600 *reais* per month) but this was when off the books. She said that on the books, she earned over 200 but less than 300 *reais* every two weeks, because the rest was taken out in taxes. *Mateus* stated that he earned 400 *reais* per month, which in his opinion was not much. *Rafael* earned from 250 *reais* (presumably at the beginning while he was 'learning') to 360 *reais* (presumably later) every two weeks. *Caio* said he earned 520 *reais* per month after taxes.

While those mentioned above include 'successful' and 'unsuccessful' migrants, a specific part of the latter group is missing from this account. Even among those are initially able to secure a job, they must face a trial period, usually three months long. During this period, they must keep up a particular production level or they will be let go. The trial period is in place to weed out workers whose productivity is low before they have stayed on long enough to be eligible for entitlements such as unemployment insurance.

Making it through the trial period, however, does not mean that the quota no longer applies. For the most part, the piece rate does not imply the freedom to cut only as much as cane as one chooses. For if the monthly wage floor is an unacceptable income level to workers, the level of production it represents is unacceptable to employers. The infamous *gancho*, through which workers are suspended and unable to earn a piece rate, is frequently imposed on workers who fail to reach the quota. *Miguel*, *Larissa*, and *Carolina* (the latter the sister of a cane-cutter who also worked in an agency providing transportation to cane workers) all stated that the *gancho* was a three-day suspension,

while *Miguel* said that the *gancho* implied not just losing the chance to earn a piece rate, but a deduction from pay of 100 *reais*. A milder version of 'sending them home' for the day is also practised. *Sebastião*, a foreman, told me he resorts to this more frequently at the beginning of the season.

Production levels also impact upon workers' chances of getting hired the following year. This is true when jobs are accessed through the firm directly: *Lucas* told me that when a former worker applies, the firm considers whether he has a history of alcohol abuse or fights, and what his productivity level was. This type of screening may also be carried out by intermediaries, as demonstrated in De Moraes Silva 1999 (p. 140).

Production levels of cane cutters are one source of productivity for *usinas*. There are other sources of productivity, such as: improved varieties of cane with higher concentrations of sugar, pest control, irrigation, and, in particular, mechanization. As noted earlier, however, most cane is still cut manually in Brazil. The increase in the yield of sugar cane, measured in tonnes per hectare, was approximately 60% from the mid-1970s to the mid-2000s (going down slightly in the 1999/2000 and 2000/2001 harvests before recovering the upward trend). (UNICA 2008a; also Mariante 2007) A 60% increase in volume cannot be conceived of without a dramatic increase in manual cutters' levels of production.

Cane cutters are not seeing the full benefit of this increased productivity. While their monthly salaries have held steady or slightly improved, productivity increases have been accompanied by a decline in the value of the piece rate. (Alves 2007, p. 39) Thus the sector's increased productivity levels have been experienced by migrant sugar cane workers mainly as work intensification. The value of this increased productivity is captured by other actors in the production network. As will be described in Chapter 7, an end to the piece rate system seems to have been a key sticking point in the tripartite dialogue process set up by the federal government for the CAC, and was not agreed upon by the parties to the process.

In spite of the intensification of work and the issues of transparency mentioned above, numerous participants stated simply that those who cut more earn more. This conception obscures the way that production quotas have been pushed up over time

through the use of specific recruitment and hiring mechanisms, the trial period and the *gancho*. Rather, it conveys that there is some fairness to the system and that individual workers are accountable for their earning levels. Workers who are able to cut higher amounts of cane can be proud of this achievement, which is a marker of strength.⁵⁷ This is a very different dynamic than the one documented by Brass in India in which there was an 'ideological decommodification' of the wage-form itself, with labour power 'separated conceptually from the value it produces.' (1999, p. 12)

The motivations to increase productivity, then, are both the carrot of being able to earn more by cutting more, but also the stick – or as Abreu terms it, the 'invisible whip' – of the *gancho* (2007, p. 172). Together, these demands for higher productivity lead to many of the health and safety risks faced by cane cutters. As *Miguel* stated,

'The work is very different than you think. The work is heavy, hard. It demands a lot of physical force. You only earn what you produce in the harvest. You have a base salary in the work card but you only earn that salary if you produce that quota that they want.'

RESISTANCE

Miguel's story about a crew insisting that one of their members be taken to the hospital and *Clara's* description of union struggles illustrate that resistance is not absent from this scene. Workers articulate a difference between conditions that are difficult and those that are unacceptable. This difference varies by time and place, but unacceptable conditions frequently trigger resistance.

Rezende Figueira reminds us that the complaints of 'slave labour' which result in inspections are frequently made by workers and this in itself can be understood as resistance. (2004, pp. 75-78) These complaints form part of a repertoire of varied and sometimes subtle forms of resistance. They may be only one part of the pressure workers put on their employers when facing conditions which are degrading or unacceptable. At the Olho d'Agua plantation of the Alcoopan Alcool do Pantanal *usina* owned by Silvio Zulli, for example, a group of workers travelled to the state capital to lodge a complaint

⁵⁷ Donna Simpson, a PhD student at Sussex University, made a very similar point about the role of piece rates in the Seasonal Agricultural Workers Scheme in Britain. This was during her presentation at a seminar on Migration, Labour Intensive Growth and Unfree Labour held on 29 January 2010 at the University of Manchester as part of the ESRC-sponsored Unfree Labour seminar series.

of forced labour while others blocked roads in protest over conditions. The initial inspection resulted in the liberation of 318 workers. This is in contrast to the idea discussed above that a 'loss of free will' (Bales 2005, p. 91) or that they are under the 'total control' of their employers. (Sakamoto 2007b, p. 31) The idea that workers need to be 'rescued' or 'liberated' is subverted by workers who use this possibility as a tool in their struggle.

Strikes, road blockages and other forms of protest at firms where 'slave labour' has been identified have also been carried in years both preceding and following the inspections. The Fazenda Cachoerinha plantation and Destilaria Centro Oeste Iguatemi (DCOIL) *usina* for example, had been inspected in 2007 resulting in the 'liberation' of over 400 workers, many indigenous. When it was re-inspected in 2008, 50 workers who had recently been fired in retaliation for striking were identified. Finally, while the wave of strikes in the 1980s was followed by a 'reduction in unions' capacity to organize and fight' in the 1990s (Alves 2007, p. 40), there were over thirty strikes by sugar cane workers in 2007 (CPT 2008, p. 38) and a wave of strike actions by cane cutters swept through São Paulo state in 2008

CONCLUSION

In order to assess the conditions experienced by migrant sugar cane workers and the degree to which these constitute 'slave labour,' I have relied principally on reports of labour inspections and qualitative data from interviews with migrant workers and labour market intermediaries as well as other participants. Migrant workers' freedoms – freedom of movement, freedom to change employers and freedom to contest conditions – are restricted in different ways. Degrading conditions are not exclusive to those in 'slave labour,' nor is there a bright line between workers who are free and those who are trapped. Rather, it is the extent and severity of both degrading conditions and restricted freedoms which are assessed in judgments – particularly judgements by labour inspectors – about where degrading work ends and 'slave labour' begins.

The degree to which the freedoms of migrant sugar cane workers are restricted depends upon: whether migrant workers are indebted to recruiters and / or employers; whether this was induced through deceptive and / or illegal means; how housing is

arranged and paid for and whether this results in the physical isolation of the workforce; whether their wages are delayed; whether their wages are artificially reduced (which in combination with the preceding factors can constitute a system of debt bondage); whether workers are registered on work cards; and whether there is any violence (or threat of violence) from foremen or other representatives of management. But on the job, it is the piece rate system, the lack of transparency in this system, the associated production quotas, and the threats of being subject to *gancho* and blacklisting which disciplines the workers, leaving them vulnerable to degrading conditions constitutive of 'slave labour.' These conditions include: relative pay rates; hours of work and whether breaks are granted; whether safety equipment is provided; whether sanitary facilities are available at work sites; whether safety is ensured during transport; whether medical assistance is available; whether adequate drinking water is provided; the quality and quantity of food; a range of issues around the conditions of accommodation; and treatment by foremen and other representatives of the employer. It is these conditions – in particular, health and safety problems in accommodation and on the worksite – which are most commonly cited by labour inspectors in their judgments of 'slave labour' conditions.

Workers interpret their experiences with reference not only to the difficulty of the experience, but whether the end result enables them to achieve these objectives. The lack of opportunities in their home region means that they do not take for granted the ability to earn an income in order to get by and / or achieve certain objectives. The lack of alternative opportunities contributes to migrant workers' vulnerability to degrading work and 'slave labour.' The relative lack of power workers are able to exercise vis-à-vis recruiters, foremen and employers is evident in workers' reluctance to claim the rights legally owed to them for fear of reprisals. Notwithstanding this vulnerability, workers differentiate between conditions that are difficult and those that are unacceptable. Even among workers in 'slave labour', resistance to the conditions imposed upon them is visible.

This relatively weak bargaining position of migrant workers in negotiating over labour conditions, combined with the use of labour market intermediaries or other forms of restricting their freedom, enables employers to impose harsh conditions on these workers. In this way, employers are given more assurance about the performance, and in

particular the productivity, of a seasonal labour force while still minimizing their expenditures on labour. 'Slave labour' and degrading work enables employers to meet their objectives as actors within contemporary production networks, which are discussed further in Chapter 7.

5) 'SLAVE LABOUR' AND THE EXPERIENCES OF IMMIGRANT GARMENT WORKERS

*'Being a slave of the boss is different than being a slave to work ... the Koreans pay very little, and we, to get a little more, have to push a little harder, so that we are slaves to work.'*⁵⁸

- Gabriel, garment worker who recently started up a workshop

INTRODUCTION

Accusations of 'slave labour' in the sewing workshops concentrated in and around São Paulo city have been publicly debated for a number of years. The accusations of 'slave labour' are the starting point for an analysis of this case, which has a number of differences to the sugar cane case, including weaker prospects for the industry, the cross-border nature of migration, the more urban setting of the workplaces, and a different model of labour inspections.

This chapter describes the employment relations and conditions of work at the point in the Brazilian garment production network where instances of 'slave labour' have been identified, which can be compared to those described for the sugar cane case. It analyses the working and living conditions encountered by immigrant workers in these jobs. It examines how workers negotiate and interpret these experiences. It considers how these conditions are considered to (or not to) constitute 'slave labour.' In exploring these issues, the chapter draws principally on interviews with workers and those running workshops as well as on media accounts and reports of labour inspections.

'SLAVE LABOUR' IN 'OFICINAS DE COSTURA'

While many segments of the garment industry may be characterized by violations of protective labour legislation, it is the case of Latin American immigrants in and around São Paulo that has been labelled as 'slave labour.' Peruvians, Paraguayans, and other Latin Americans are found in garment workshops (*oficinas de costura*), with Bolivians most commonly been identified as working in 'slave labour' conditions. (It was Bolivian workers with whom I carried out interviews and a focus group.) According to e-mails

⁵⁸ *'É diferente ser escravo do patrão e ser escravo do trabalho ... os coreanos pagam pouco e nós, para tirarmos um pouco mais, temos que forçar um pouco mais, por isso é que somos escravos do trabalho.'*

received from Denise LaPolla (on 30 August 2008 and 23 January 2009) of the Public Ministry of Labour (MPT) there were 149 proceedings undertaken by her office in the Greater Metropolitan São Paulo region to address 'degrading, forced, or slave labour' in garment workshops⁵⁹ between 2001 and 19 February 2008. Of these, the vast majority of workers were Bolivian. The São Paulo City Council created a Commission of Enquiry into the issue in the mid 2000's. The stated reason for the Commission was that 'complaints related to the exploitation of labour in conditions analogous to slavery in the city of São Paulo have come out throughout the 1990's.' (Câmara Municipal de São Paulo 2006, p. 8)

These workshops are mainly set up in residential buildings. They are often small in scale; those employing 20 or more workers are considered to be large. The workers live in the workshops, or '*oficinas*,' as well as working in them (as was the case, for example, in all 149 cases referred to by Denise LaPolla in her e-mail of 23 January 2009). Usually the *oficinista*, or workshop manager, lives there as well. The workshops tend to perform only subcontracted sewing work, receiving orders from *confecções*. These manufacturers cut the garments before the sewing work is done in the *oficinas* and perform finishing work and pressing afterwards.

While it is not possible to fully delineate the segment occupied by these workshops, data from interviews and focus groups as well as from a selection of job postings provides some insight. Three types of sewing machines are commonly used in the workshops: *reta* (straight stitch); *oberloque* (overlock); and *galoneira* (cover stitch). Garments are usually produced from woven cloth (*malha*) and may be made of cotton or synthetic material. In the case of cotton, this is often grown in Brazil and there have been instances of 'slave labour' in cotton production. The types of garments produced in the workshops are typically casual wear – t-shirts, blouses, shorts, etc. Other types included

⁵⁹ The word used in her communications is '*confecção*' or '*confecções*.' I refer to an '*oficina (de costura)*' as a '(sewing) workshop,' where sewing is the main production activity carried out, and often the only one carried out, while I refer to a *confecção* as workshop or factory operated by the 'manufacturer' where cutting and finishing is (also) conducted and sewing work is often subcontracted to the *oficinas de costura*. However, these words are often used interchangeably by others. I use the terms '*oficinista*' or 'manager' to refer to those running the workshops, because '*dono*' or 'owner' seems to me to imply investment of capital beyond the sewing machines typically owned by the *oficinistas*, who often rent or sub-let the residential spaces in which they set up the workshops.

trousers, jeans and blazers. It seems that opportunities to produce evening wear (e.g., ‘party dresses’) and other garments which require more skill offer opportunities for increasing profitability and are therefore rare but sought after by *oficinistas*. Outside of garments, some workshops are engaged in producing bags and wallets. Lingerie and swimwear, potential niches for Brazilian producers, do not seem to be commonly produced in these workshops.

Many of the manufacturers are *lojistas* who operate stores geared to the wholesale market. Small, independent retailers frequently supply their shops from these wholesalers. The garments sewn in these workshops also end up in well-known retail chain stores. Interview participants, however, rarely mentioned manufacturers who were not also *lojistas*.

The manufacturers from whom the workshops take orders are often run by Korean immigrants and second generation Korean-Brazilians, and sometimes by Brazilians. São Paulo is a cosmopolitan city, so clearly not all *confeccões* are run by Koreans or Brazilians; the ties between Korean immigrants and Bolivian (and other Latin American) groups are a legacy of the strategies that Korean immigrants followed earlier, creating a (low-cost) niche in the garment industry in São Paulo in the 1970’s (Buechler 2004) and then employing Bolivian immigrants in the 1980’s. A reading of newspaper articles collected from the archives of the *Centro de Estudos Migratórios* indicates that it was over the course of the 1990’s during which employees working for Koreans were able to set up shop and became their suppliers, in turn employing newer immigrants from Latin America. Bolivians are sometimes able to sell in open-air or semi-enclosed markets serving a mainly wholesale function, such as the ‘dawn market’ around Maria Marcolina street in the Brás neighborhood (bordering Parí). To my knowledge, though, few have opened storefront wholesale shops to date and fewer still have been able to make it up to the level of first tier suppliers to retail chains.

It is overwhelmingly the job of operating sewing machines that has been relocated from factories and wholesalers-cum-factories, where it used to be carried out alongside other tasks. It is now executed in small workshops which are run as separate businesses and rely on subcontracted work from these factories. These changes in the structure of the

production network have occurred alongside changing fortunes for the garment industry as a whole, suggesting that the *oficinas* and the employment conditions within them have been part of the response to these changed conditions, described more fully in Chapter 7.

STANDARDS: HOURS AND EARNINGS

The standards which prevailed at the time of my fieldwork in 2008 were often far below those mandated by Brazilian labour law. They might be considered constitutive of ‘slave labour,’ particularly given the standard workday, which can reasonably be described as ‘exhaustive.’ During most months of the year, the ‘standard’ schedule described by research participants⁶⁰ is from Monday to Friday, with a half-day of work on Saturday. The hours during the week are routinely long.

Adalberto, for example, works at home on a sewing machine. He ran a workshop employing others in the past but says that it ‘didn’t work out.’ The exchange that followed this statement was:

SM: Why didn’t it work out?

Adalberto: They⁶¹ did not like working

SM: Because they didn’t want to work for 12 hours?

Adalberto: No, we didn’t work so much. We worked until 9:30, 10:00 ... we started at 8:00 until 10:00.⁶² Because the demands are strong. They bring the order to you and you have to deliver it tomorrow. You say, ‘three days;’ he says, ‘No, finish quickly...’

Other participants (who either participated in interviews, participated in a focus group, or responded briefly to my research assistant and myself when we approached them on Coimbrã street in the Bresser neighbourhood) reported working from:

- 8am until 8pm (*Carmela*)
- 8am until 10pm (*Teófila*)
- 7am until 10pm (*Danilo*)
- 8am until midnite (*Elías*)

⁶⁰ As mentioned above, the participants were all identified within the city of São Paulo. While many of them work outside of the city centre, the standards may be different for those working in suburbs located further away and in towns that do not form part of the greater metropolitan area. The likelihood of this is also based on the time dimension these spaces represent, as *oficinas* are thought to be increasingly opening further out.

⁶¹ ‘*O pessoal*’ is translated here and below as ‘they.’ It may also mean the group of people or the staff / personnel.

⁶² Here there seems to have been a misunderstanding in which he thought that I meant they worked until 12 midnight.

- 7am until midnite working for a Korean *oficinista*; later, in a period when she was working with her husband but before they hired other workers, from 7 am until 10pm or 11pm (*Isabela*)
- 6 am until midnite (*Camilo*)

Conditions vary among workshops, but while carrying out fieldwork it became clear that there are standards which prevail in the workshops. By standards, I refer to what is generally seen by both workshop employees and *oficinistas* (to varying degrees) as acceptable – if not desirable. For, as *Beatriz* put it, ‘This is nobody’s dream.’ Standards, then, are the conditions which *oficinistas* and employees are generally able to impose on each other at any given moment without threatening the functioning of the workshops.

Rowbotham writes of the way that similarly placed homeworkers in Britain were often prepared to articulate ‘specific grievances’ based on ‘intricate differences of circumstances’ which reformers failed to appreciate, thus painting a picture of these workers as passive and unorganizable. (1994, p. 188) Rogaly makes this point as well, that these ‘apparently small but often meaningful ways in which workplace arrangements may be subject to continual (re)negotiation by workers’ are often obscured in discussion of forced labour. (2008, p. 1432) One exception to this rule is Esterci 2008, which includes a discussion of mutual obligations in the context of ‘slave labour.’ (2008, p. 5.)

The dynamics in the focus group illustrate the idea that there are standards, even if they are lower than those mandated by law. *Petrona* had been in Brazil for three years and stated that she earned R\$400 per month. Asked a follow-up question about her schedule, she then stated that she worked from 7am until midnight. Other participants in the focus group simultaneously responded, ‘Still!?’ (I will return to this below.) After a further interaction with *Petrona*, I asked a question about income and *Beatriz* discussed the issue at length before stating, ‘but I see that she is earning very little, very little,’ and *Elías* added, ‘Me too.’ It should be noted that *Beatriz* and *Elías* are both *oficinistas* empathizing with a fellow Bolivian immigrant employed in a workshop, a position they were in previously.

Converse to the idea that the conditions experienced by *Petrona* are unacceptably low given the length of time she has been employed in workshops in São Paulo is the

argument which took place following a statement by *Gabriel*. He had recently begun to operate a workshop with his wife and one employee, and stated,

‘... I don’t think that it’s necessary to work the way you said. If you want to work (more) and earn (more), then you push yourself. If you don’t want to, I allow it. I don’t say, “You have to work.” I leave it be. In the morning, (when) they are sleeping, then I knock on the door ... they sleep as long as they like, until nine o’clock...’

Beatriz responded that, ‘This is not respect!’ *Gabriel* then explained that he begins at 8, washing dishes and preparing breakfast for everyone but the others do not necessarily get up for breakfast. He says that he may turn on some music, presumably to wake them without directly ordering them to get out of bed. *Beatriz* insisted,

‘No, you have to hold a meeting, right? Of course, then you need to say to everybody how we will work and that it is going to run (this way), we will work like this, everybody agrees. If each one follows his own path, as you say, it’s not going to work out, is it?’

Luz spoke at that point to say that she agreed with *Beatriz*. She stated,

If I am the owner of a workshop, I have my machines, it cost me to have these tools. I saved up for them because I want to progress ... if I get a worker who wants to work, they have to respect my schedule. If I say that she should come in at 8 on the dot, she ought to come in at 8 on the dot. If lunch is at noon, she should have lunch at noon ... everything has a schedule ... I want to earn more, and so to earn more it has to be like this ... one time a young woman came in ... I (told her that) I start at 6am; she wanted to begin at 7. So I said that she would have to start at 7 on the dot, she would get a break at noon. But what happened? In the beginning it was fine, but afterwards she began gossiping and eating (often). Oh, I didn’t like that ... I paid her 300, 200 ... so she said, “But why only this much?” I said “If you are earning this much, it is because I am not earning anything. You are using the lights, water, everything, eating, and it is not generating income for me.” I said, “If you don’t like it, leave.” And she left. Fresh workers, for what?’

Elías also agreed, stating, ‘of course.’ The use of the term ‘fresh’ by *Luz* also references the framing of the issue by *Beatriz* as one about respect. Deviation from the standards signifies an intolerable lack of respect. The worker’s pay was cut as a response; her contribution was seen as less than that implied by her informal contract and so her reward was reduced proportionately. The choice given to her was to meet the standards, or leave. She chose to leave, a form of contesting those standards.

At the time of the focus group, the monthly minimum wage in Brazil had just increased from 380 *reais* to 415 *reais*, so *Petrona* was earning about one monthly minimum wage. While the monthly minimum wage falls below a subsistence wage

according to DIEESE, the Inter-Union Department of Statistics and Socio-Economic Studies (DIEESE 2007, p. 57), her living expenses were quite low. Most employees in workshops I spoke with reported their income with reference to the wages they received in addition to housing and food. In terms of pay and income, sewing machine operators in workshops usually earn a piece rate and can be expected to earn at least one minimum wage at the end of the month.⁶³ As with *Petrona*, though, the hours worked are far above the legal maximum and could very well be considered to constitute an ‘exhaustive workday.’

The monthly minimum wage does seem to have served as a reference point for an acceptable monthly income if one is to judge from newspaper reports on Bolivian immigrants in São Paulo.⁶⁴ In a number of instances the wages reported match the minimum wage almost exactly.

1. A 2005 article reports that ‘Gabriela’ and ‘Dario’ worked from 7 until 1am (the last three hours in the day because they ‘wanted’ to) for R\$300 monthly; the minimum wage at the time was R\$300. (Folha de São Paulo 2005)
2. In 1998, Olga Tereza Baltazar reported that after spending some months earning only R\$50 per month, she reached a salary of R\$120; the minimum wage at the time was R\$130. (Isto É 1998)
3. *Oficinistas* Emilio Cordeiro Flores and Bertha Daniela Vargas Quispe reportedly paid R\$120 to workers, qualified by the statement this was ‘when they did get paid;’ the minimum wage at the time was R\$130. (Nuzzi 1997)
4. An article from 1992 reported on a group of Bolivians who were working 16 hours per day for a salary that ‘barely reached the minimum wage.’ (‘Coreanos Exploram Bolivianos em SP’ 1992)

In all these cases, however, there were longer workdays than contemplated by the law mandating this wage. Additionally, these workers should have been covered by a higher minimum wage (R\$659 in mid-2008) according to the sectoral agreement negotiated by the labour union representing sewing machine operators.

⁶³ Another task in the workshops is food preparation. This is often work done by the (female) *oficinista*. Otherwise, (particularly in larger workshops) a cook, usually a woman, is hired at a weekly or monthly rate.

⁶⁴ Results of a survey conducted by Professor Claudia Ferreira da Silva were reported in a textbox, ‘Bolivians who migrate to São Paulo.’ accompanying Rolli and Fernandes 2007: 63% of respondents are reported to be working in the garment industry. In addition to those employed in other industries, then, the survey includes *oficinistas*. Earnings are reported as follows: 10% earn less than R\$100; 23% earn between R\$100 and R\$300; 33% earn between R\$300 and R\$500; 19% earn between \$500 and R\$1,000; 15% above de \$1,000. The minimum wage at the time was R\$380.

HEALTH AND SAFETY ISSUES

There are a number of issues which combine to impact negatively on the health of those in these workshops. These almost always include: the long hours worked; intensive, repetitive motions; the combination of living and working space; and inadequate ventilation. Often, ergonomic issues are also neglected in the workshops, adequate lighting is not provided, and measures to ensure hygienic conditions are not followed. A report of an inspection conducted by the Public Ministry of Labour in September 2007 serves as an example. It describes the conditions as follows:

‘Unhealthy working conditions, as identified one year earlier, persist, such as: exposed wiring, leakage and mould on the walls, little illumination and a lack of ventilation. Stairs without a railing, one bathroom for both genders, and kitchens without the minimal hygienic conditions. An inadequate and insufficient working environment for twenty people.’ (LaPolla 2007)

Together, these issues may affect the musculoskeletal system, the respiratory system, and the immune system, not to mention psychological problems resulting from stress. Buechler tells us that workers suffer from ‘problems with their eyes, their kidneys and their backs,’ (2004, p. 111) while the report of the São Paulo City Council Commission of Enquiry into the issue additionally mentions skin problems and dengue, as well as delay of pre-natal treatment. (Câmara Municipal de São Paulo 2006, p. 32) *Isabela* describes giving birth by Caesarean section one morning and being back at work the following afternoon.

Tuberculosis (TB) among these garment workers and *oficinistas* has been reported in the media. For example, ‘Gabriela’ and ‘Dario’ lost their jobs after contracting TB and went to stay at a shelter for immigrants operated by the *Pastoral dos Migrantes*, which is associated with a Catholic Church. (Folha de São Paulo 2005) When I visited the home and workshop of one family whose strategy was to combine the labour of eight siblings and their two parents in addition to two Brazilian employees (thereby being able to sell at open-air markets in addition to receiving subcontracted orders from *confecções*), I was impressed by the fact that the workshop was physically apart from the living space. It was below the other floors of the house, in a space which could alternately serve as a garage, with the fabrics and finished garments stored in a separate room, and it seemed adequately lit. Yet, when *Sara* mentioned that she had been suffering from a cough for

three months, I asked, 'But it couldn't be from the fibres, could it?' and she responded, 'Yes, it might be from the fibres.'

When workers evaluate the conditions of workshops in which they have been employed, the issue of food and meals often comes up. *Danilo*, for example, when asked if the owners of one workshop were good people, responded '... not everybody is good in all things. I used to work in Vila Guilherme;' (a São Paulo neighbourhood) 'there the food was very good; there was plenty, it was very good, there was fruit, everything.' In the focus group I conducted, two *oficinistas* had an exchange in which *Elías* stated that sometimes those who are treated badly are the ones who in turn subject others to similar poor conditions. *Gabriel*, whose story will be explored in more detail below, objected. He stated, 'I'm sorry, but many times if you were treated like that ... I wouldn't want them to go through what I did. I have one employee – I have a wife and one employee (working with me). They have every freedom, eat when they want, make juice, eat fruit, they have everything...' *Elías* responded by stating that he also treats people well and mentions that he doesn't give them 'just any food, no. The best food, that I like, for everybody ... rice, beans, sausage every day, or eggs, I make a really good meal! Everybody eats the same food that I do, that I like.'

The exchange is interesting on many levels, but what is relevant here is that where the evaluation of the meals provided is negative, this is often because of health problems associated with the food. *Teófila*, for example, stated that in a workshop she used to be employed in, they served, 'rice, salad, a bit of potato...' Asked if she meant that the amount of food was insufficient, she stated, 'It was enough, but at this other job, there is bread, vegetables, stews with meat, a balanced diet. You need to eat vegetables, fibre, carbohydrates, all of this is necessary.' Later in the interview, she stated that shortly after leaving that workshop, she sought medical treatment and discovered that she was anaemic.

Isabela associates health problems experienced by herself and her husband with the food served by the Korean employers she worked with in the first years after arriving in São Paulo. 'In the beginning,' she said, 'I didn't like it; it made me nauseous, I wouldn't eat. I ate only a little rice and a tiny bit of fish, and threw the rest out. It was a

lot of food, a lot of rice – it wasn't food; it was rice and a little bit of fish and a whole lot of Korean salad and that's how we worked until midnight.' Asked how long she worked there, she responded, 'He kicked me out because I became ill. I had stomach problems, I had gastritis, (and) I ended up getting sick and everything. The Koreans don't want anyone who is ill, even if they are working through it. He told me, "When someone is sick, we send them away," and he sent me away.' In an interview, she also related a story about her husband's operation for an intestinal problems and how she worried about whether he would survive, while on another occasion she mentioned that he only had stomach problems while they were working for Koreans and speculated that perhaps it was the food.

ONE PARTICIPANT'S STORY OF 'SLAVE LABOUR'

While the term 'slave labour' has been applied to those in the sewing workshops, the meaning of the term for the workers themselves is not always considered. This meaning may be different for others, such as the Brazilian media, or the labour inspectors who wish to 'eradicate slave labour' in the workshops. In particular, the term 'slave labour' may refer to illegal working conditions, to restricted freedom *per se*, or to conditions which are otherwise deemed unacceptable.

These questions can be explored through the story of *Gabriel*, a twenty-eight year old Bolivian who had been in Brazil for seven years at the time of the focus group. Each participant was asked to introduce him/herself and describe how they came to Brazil. As part of *Gabriel's* response, he stated, 'Like the majority of people who come, I was super exploited – for a period of more or less four months. I didn't have the freedom to go out in the street (and) the door was always closed because I owed a sum of 120 to 150 dollars.' Throughout the rest of the focus group, and in an individual interview conducted the following week, he described some of these experiences. The account below relies on his description of events.

Finding it difficult to work as a barber in La Paz, he responded to an ad on the radio announcing opportunities to work as a sewing machine operator in Brazil. Those interested needed to turn up in 'such and such a place' and meet the recruiter, whose appearance and clothing were described in the announcement. He travelled with

approximately 30 people, who would work in two sewing workshops when they arrived in São Paulo; the two Bolivian *oficinistas* travelled with them.

There were just under 20 people working in the sewing workshop where he was employed. He was paid no salary in the first month, because this was a ‘trial period’ during which he and the others were ‘still learning.’ The following month, he was paid 80 *reais*. (The minimum wage at the time was 151 *reais*.) This was lower than the salary promised in Bolivia, justified by the ‘deductions’ for what was owed from the trip to Brazil. The maximum he earned was 220 *reais*, ‘working from Monday to Monday’ (i.e., seven days a week). The working hours, then, went beyond those described above. *Gabriel* described working ‘from 6am until 4am, 2am ... We rested only on Sunday, because we only worked until six, and then we could rest, watch TV, wash our clothes.’

The doors were closed and the workers could only see outside through a small window. ‘And it was prohibited to look outside,’ he recalled, ‘It was complicated.’ The food was insufficient and the workers made electrolyte drinks (*soro*) by adding sugar and salt to water as a means of battling dehydration and hunger. The *oficinistas* also kept his identity documents, which prevented him and many of his colleagues from leaving, because they believed that if they tried to ‘escape’ without these, the police would apprehend them and deport them. In fact, before leaving Bolivia, they had been told a story about an undocumented Bolivian being killed by a Brazilian police officer.

One question I asked *Gabriel* was a follow-up to a discussion in the focus group. *Javier* had stated that his employers had retained his identity documents, but ‘I also wanted them to, because I didn’t know where to keep them either. I didn’t have anywhere to keep them.’ I asked *Gabriel* in the individual interview, then, if he thought that the retention of his documents was strange or if he regarded it as a favour. He responded,

‘No, keeping as a favour, I was never stupid. The guys invented this “favour” that to me was never a “favour” because they were my documents. I know how to take care of them. I am not a child. For me it was an intention ... they kept my documents because I owed them so much. I even paid it off, and he kept the document because they thought I could escape, or (rather) that I was obliged to stay for a year. That was the contract, not on paper but in conversation.’

Gabriel demanded the return of his identity documents from the *oficinistas* but they refused his request. He then offered to stay working for them until the end of the

year, but only if they agreed to return his friend's identity documents. But the *oficinistas* argued that they were not obliged to return these, since his friend had 'escaped.' He finally decided to 'escape' himself, without his documents. He left with only his clothes and a radio he had brought from Bolivia.

A year later, feeling more confident about his status in Brazil, he returned to demand his identity documents back. He threatened to make a complaint against the *oficinista* if she did not give him back the documents.

'And she said to me, "No, you need to recognize what I did for you. You have to be grateful." I said, "No, you exploited me." There was a discussion and then she cried. And it was a woman, not a man, and she lived with a guy who was not her husband and had five kids. She said she had brothers, a mother (to help support). So I became a little sad too because she was crying, maybe out of necessity also. She showed me that thanks to her I am here. So then I gave her 150 or 100 *reais* to give me back my documents.'

This interaction demonstrates the construction of complex relations between a worker and (his former) employer. Production is necessarily embedded within a particular socio-economic context, and here the ramifications of this embeddedness can be glimpsed. Seemingly voluntary acts are structured by perceptions of loyalty and obligations. This is discussed further below in the section on the ideology of apprenticeship.

RESTRICTED FREEDOMS VS. UNACCEPTABLE CONDITIONS

While not the exclusive determinant of how the situations are understood, restrictions on workers' freedoms are taken into account in both the legal definition of 'slave labour' in Brazil and in workers' and *oficinistas*' assessments of the situation. A number of ways in which *Gabriel's* choice to leave the workshop was restricted were also mentioned by other participants. These include: locked doors; retention of documents and debt; fear of and threats of deportation; and delayed payments. Other participants did not describe a combination of so many factors, but each of them was mentioned by at least one other participant.

On the issue of locked doors, *Danilo* stated in the focus group that in one of the workshops where he was employed, the doors were closed and he had to ask permission to go out. *Teófila* also said that a Bolivian *oficinista* she had worked for did not allow

workers out and the doors were locked. *Isabela* described having to ‘escape’ from one workshop by climbing out through a window because the Koreans she worked for were away and the doors were locked. *Elías*’ statements, meanwhile, appear to be contradictory: in an individual interview he said that he was not allowed out of the first workshop he was employed in by a Bolivian *oficinista*, but in the focus group he said that he had the freedom to come and go as he wished.

On the issue of retention of documents and debt, *Javier* also stated that the friend’s aunt he initially worked for in São Paulo retained his documents until after his ‘debt’ was paid. ‘When I arrived,’ he said, ‘I worked a lot, from 6 until midnight or 1am. They paid very little; I even paid them, eh?’⁶⁵ *Petrona* stated that it took her three months of work to pay off her initial debt.

Regarding threats of deportation, *Petrona* stated that she was not allowed out by her former employers; she and her co-workers were told that the police ‘would threaten them’ if they did go out. *Teófila* told a similar story: her former employer told her and her co-workers that they were not allowed out or the police would apprehend them.

As for delayed payments, participants did not explicitly describe continuing to work in the hopes of getting wages paid. However, they did tell of leaving work without payment for all the wages they had earned, and of the difficulty involved in obtaining these payments. *Adalberto*, for example, said that he left one workshop without payment of all wages earned and only managed to get paid later by embarrassing his former (Bolivian) employer in front of the latter’s colleagues. *Isabela*, who described her ‘escape’ via a window when she needed to travel to Bolivia, said that she thought she would get paid later. Upon return, however, she was told by her former employers that they did not know who she was and that she had never worked for them. Finally, *Teófila* described following up with her former boss repeatedly for four months before receiving the 200 *reais* in wages that she was owed. It is likely, therefore, that some workers stay in particular workshops longer than they might like to because they are waiting for payment of wages owed to them.

⁶⁵ ‘...eu cheguei a pagar a eles, né?’

In many of these cases, the restrictions were only imposed by one employer, and this was often the participant's first employer in São Paulo. One reason for this is the ability to impose debt bondage based on the (real or inflated) expenses of transport from Bolivia. But it also points to specific vulnerabilities of newer immigrants. They may be less sure of their rights and of the degree to which irregular migrants are targeted by officials; this is sometimes reinforced by employers who instil fear of the police in their employees. They may be unsure of how to find their way around and concerned about language issues. They may also have a fear of being assaulted on the street, an issue repeatedly brought up by Bolivian participants. They may have less of a network to draw upon in finding other jobs. *Petrona* points out that freedom of movement may be restricted by *oficinistas* specifically to prevent workers from participating in a job market in the weekly open-air *Kantuta* market.

The motivation for employers to impose such restrictions is related to the challenges that they face. *Oficinistas* seek to retain a flexible supply of labour. This is due to variation in required production levels generally, and to the seasonality of the industry, in which production ramps up in advance of the higher sales during the Christmas season and then drops sharply afterwards. Some *oficinistas* therefore attempt to impose an obligation for workers to stay employed with them for up to one year. In some cases, *oficinistas* are also trying to maximize earnings by imposing this obligation on workers as well as requiring longer hours for less pay than would be acceptable to workers who were aware of opportunities in other workshops.

The other participants in the focus group reacted to *Gabriel's* story with compassion, recognizing that what 'he went through' was 'sad.' The definition of 'slave labour' which arose in the context of the focus group appeared to centre largely on the unacceptable conditions he toiled under, which were below the standards more commonly imposed in workshops. (Again, it must be kept in mind that these standards imply *mutual* obligations and constraints.) The principle at work in this definition is similar to the principle operating in Brazilian law under which 'slave labour' may be indicated by degrading conditions. This principle is reflective of the fact that 'slave labour' is understood by those implementing policy to apply to situations which constitute

not just a violation of labour laws (the extent of which is problematic in Brazil's garment industry more widely), but a violation of human rights in affecting human dignity.

In particular, the long hours leading to a lack of rest, the fact that he was obliged to work seven days a week and to stay inside for such an extended period and the initial underpayment were seen as exploitative and unacceptable by other focus group participants. When *Gabriel* stated that he had been a 'slave' in his initial employment in Brazil, the other participants accepted the statement, although the use of the term must be seen as part of an on-going dialogue between those in the workshops and other actors including the media, government officials, and researchers. But the acceptance of the term cannot be easily written off as a desire for concordance among members of the focus group, given other contentious debates which arose among them.

The difference is that the standards set for labour conditions under Brazilian law are higher than the standards accepted by those working in and running these sewing workshops. The threshold below which conditions are considered to be degrading is also set higher by labour inspectors than by Bolivian garment workers and *oficinistas*. First and foremost, the 'standard' workday exceeds the maximum number of allowable hours. Participants described typical work schedules which ranged anywhere from 12 hours to 18 hours long. Given that an 'exhaustive' workday is part of the legal definition of 'conditions analogous to slavery' under the Brazilian Penal Code, 'slave labour' can be thought of as common in these workshops. This is particularly true when also taking into account other common problems in the workshops. These, particularly health and safety violations, could be classified as 'degrading conditions' constitutive of 'slave labour' under Brazilian law.

IDEOLOGY OF APPRENTICESHIP

A number of terms can be applied to the situation of workers in this case. Terms such as 'slave labour' have been used politically to emphasise the moral and ethical dimensions of the issue, so that these terms have become, as Esterici put it, 'invested ... with new meanings.' (2008, p. 27) Analytically, there are also elements of 'human trafficking' and 'debt bondage' in that new immigrants are particularly vulnerable to

experiencing the worst conditions and the most restrictions on their freedoms and in some cases, real or fictitious debts are used to justify this.

While recognizing the potential utility of these terms, I wish to suggest that the concept of ‘apprenticeship,’⁶⁶ as a form of labour characterized by restricted freedoms, can better help us to understand how the conditions and relations of work in these *oficinas* are ideologically produced and reproduced. There are also ideological dimensions of labour arrangements. The moral obligation felt by many workers to repay their debts represents an ideological dimension to debt bondage among internal migrants in Brazil (Bales 1999; Rezende Figueira 2004; LeBreton 2003, p. 3; OIT 2005, p. 48). We cannot assume however, that ideological dimensions map on neatly across cases, particularly given the urban setting and the cross-border nature of migration in this case. Lerche (1999) points to the need for ideological legitimising of the dominance of one caste or class in the context of bonded agricultural labour in India. Chattel slavery relied on the ideological fiction of a person as property potentially owned by another person. The notion of an apprenticeship helps to highlight the specific ideological dimensions of the labour arrangements found in these workshops.

Apprenticeships typically entail below-standard conditions justified as providing opportunities for young and / or new workers to enter a trade. The reaction from members of the focus group when *Petrona* described her income and working hours shows that there is a time dimension in terms of what is seen as acceptable. Her fellow Bolivian immigrants working in or running sewing workshops intimate that she should *no longer* be working so hard for such a low income, given that she has been working in São Paulo for three years already.

The issue of how long one can be expected to work long hours for others earning minimum wage plus room and board is also related to the issue of age. By many accounts, a large proportion of recent Bolivian immigrants to São Paulo are 25 years old or under. Some *oficinistas* who participated in the focus group expressed a preference for younger workers and the conversation soon turned to the relation between age and productivity. *Elías*, a 29-year old who came to São Paulo and began working in a sewing

⁶⁶ *Petrona* stated that she didn't know how to sew when she decided to come to Brazil, but was told that it 'didn't matter' because she could work as 'an apprentice.'

workshop when he 14 years old, stated that he could not work at the same level that he did when he was younger. *Beatriz*, 26 years old, continued her colleague's thought by saying, 'You want to, but your body isn't able to anymore, you are no longer made of steel.' These two members of the focus group, having previously been employed in the sewing workshops, became *oficinistas* themselves. They were able to increase their income and independence in the process, which they see as justifying their initial sacrifices. Yet, at age 29 and 26, respectively, it remains striking that they described themselves as no longer young enough to keep up the required pace of work for sewing machine operators in these workshops.

Each of the means by which workers' freedom of movement and / or participation in a wider labour market is restricted can be seen as constitutive elements in the construction of an ideology of 'apprenticeship.' The bricks of this ideological construction may include invoking the idea that doors must be locked for safety, creating obligations based on real or fictitious debt, and making threats regarding the police. But it is conceptions of loyalty which serve as the mortar. Loyalties are based broadly on the idea of being 'compatriots' who are in the shared position of being immigrants (albeit sometimes weakened by differing ethnic and linguistic backgrounds). More specifically they are based on networks, particularly kin networks.

These loyalties are reinforced by the idea that workers should be grateful for their initial opportunity to work in Brazil. When *Gabriel* stated that he paid his former employer in exchange for the return of his identity documents in part because she 'showed me that thanks to her I am here,' I asked him to clarify, or expand on, this point. *Elías* then offered to explain the issue to me, saying that *Gabriel's* former employer was telling him that 'he had to "recognize that I brought you from there, that I paid for your trip, that I taught you to sew, I gave you food," all of this.' The idea that workers earn little or nothing while they are still 'learning,' mentioned by *Gabriel* above, but also by *Danilo* and *Teófila*, is further representative of the apprenticeship ideology.

In retrospect, this suffering is later viewed by those who are able to open workshops of their own as the initial sacrifice they had to make in order to enter the world of garment production in Brazil. Those who are able to achieve some of their goals

can perhaps be considered ‘fully apprenticed’ according to the ideology at work in the *oficinas*. They may be working incredibly hard to keep their *oficinas* running and struggling with life as an immigrant, but have something to show for their efforts. This is not to suggest that all or even most workers in these *oficinas* will successfully complete the apprenticeship by opening their own workshops, but rather that the example of those who do serves as a unifying ideological rationale for the conditions which are endured. It highlights the ‘economic and moral mechanisms which lead to dependence.’ (Esterci 2008, p. 6)

At the height of the production season, *Beatriz* states that she can earn an income of between 10,000 *reais* and 20,000 *reais* per month, suggesting that she is managing to earn at least a subsistence wage over the course of the year even taking into account months in which her income is far lower. (See DIEESE 2007, p. 57 for estimates of subsistence wages.) *Isabela* and her husband own their home. *Sara* and her family had collectively bought one home / workshop and more recently had bought another house down the street, which they may turn into a store. While working in or running an *oficina* may be ‘nobody’s dream,’ and may sometimes be a nightmare, some dreams are achieved through this work, sustaining the ideology of apprenticeship.

RESTRICTED FREEDOMS: PIECE RATES, IMMIGRATION AND TIED HOUSING

The worst conditions and the most restrictions are often experienced by newer workers in the first workshop in which they are employed. The position of workers afterwards must be considered: once they ‘escape’ from their initial (exploitative) employer, ‘learn’ how to sew, become established in the São Paulo region, and go to work for other *oficinistas*, without (yet) opening workshops themselves. If they are subsequently able to ‘freely’ choose the conditions in which they work, the unfreedom which affects workers during the initial immigration period could best be described as trafficking. In fact, even where doors are left open, when there are no ‘warnings’ about what the police will do if workers venture outside, and when workers move beyond their initial employer, their freedoms are still significantly constrained. Immigration status is a significant thread running through these constraints, but not always in straightforward ways.

The combination of work space and living space is a key way in which those in sewing workshops are restricted in their participation in a labour market. To lose one's job is to immediately lose one's housing. As mentioned above, this creates particular difficulties for those with children and for those who become ill. The general issue regarding freedoms in employment relations, however, is that noted by Anderson and Rogaly in a report on *Forced Labour and Migration to the UK*. The power of employers is increased through the dependency relationship created by such an arrangement. (Anderson and Rogaly 2005) The comment by a Brazilian *oficinista* (Laura) who employs Bolivians is illuminating. After she said that she calculates the workers' piece-rate as 50% of the payment she receives for each piece, I asked whether the workers lived in the workshop. She replied, 'I don't let them live there. Because they might call it "slave labour."'

Here, immigration status enters the picture because of the documents normally required in order to rent or purchase property in Brazil. It is for this reason that sewing machine operators do not necessarily view the inclusion of housing and food in the compensation package as problematic. It may be seen instead, as long as relations are not strained, as a benefit in that workers do not have to confront the difficulties of obtaining housing on their own.

For *oficinistas*, one of the benefits is the cost-savings involved. The overhead associated with running a factory or workshop also serves to reduce the wage package, since workers know that they do not need to spend any wages on rent. Workers, *oficinistas*, and other participants described the payment structure as the 'one-third' system. This is usually explained as a system in which one-third of the payment received from manufacturers for an order constitutes the workers' piece-rate, while one-third goes to running the workshop (e.g., rent, food, and bills) and one-third is kept by the *oficinistas*.

But workers themselves may also view this as a way to 'economize' so that they can retain 'most' or 'all' of the wages they earn rather than spending them immediately

on rent and food. Together with the piece rate system⁶⁷, this obscures identification of who precisely profits from (or exploits) the labour of workers. It also encourages the idea that there is a fairness to the low wages earned because those who produce more, earn more, and the idea that workers work long hours because they ‘want’ to earn more (e.g., as claimed by ‘Gabriela and ‘Dario’ in the article cited above [Folha de São Paulo 2005]). This is a useful fiction, but one exposed by the negative reaction to *Gabriel’s* putting the principle into practice by allowing his wife and employee to sleep in and begin work later than him.

More directly related to immigration status is the fact that Federal Police accompany labour inspectors responding to complaints of ‘slave labour.’ While this is to ensure the safety of the inspectors, the Police are also charged with enforcing immigration laws. In 2008, anyone in the workshop without work authorization was liable to receive an order to leave the country within seven days. The policy continued to be in place according to my interview with labour inspector *Tatiana*, in spite of announcements (e.g., as reported in Lins Rossi 2005, p. 36) that it had changed and in spite of the objections raised in the report of the São Paulo City Council Commission of Enquiry (Câmara Municipal de São Paulo 2006, p. 29). Were a worker to complain about labour conditions, she, or perhaps someone else in the workshop, could potentially be subject to receiving such an order. Polarized debates about whether workers ‘want’ these jobs or should be ‘liberated’ from the degrading conditions could benefit from a focus how policies expand or – in this case – contract the options available to workers.

The potential costs to the worker of making such a complaint would far outweigh the benefits. As mentioned above, because ‘slave labour’ is understood to go beyond violations of labour laws, to constitute a violation of ‘human dignity’, policy responses to ‘slave labour’ differ from policy responses to lesser labour violations. But complaints around labour issues in garment workshops have not been effectively treated as ‘slave labour.’ The response to the 149 cases of potentially ‘forced, degrading or slave labour’ in sewing workshops investigated by the MPT in and around São Paulo can be taken as

⁶⁷ The piece-rate system is also used in garment production to calculate pay for (mainly female Brazilian) homeworkers, but here it operates in conjunction with the provision of housing, which has effects particular to this case.

an example. *Tatiana*, the labour inspector, told me that wages have been obtained in cases where workers were authorized to work in the country *and* the workshop was registered, although statistics were not forthcoming. None of the inspections, however, had resulted in the ‘liberation’ of workers with back wages, other financial compensation, and access to unemployment insurance, akin to the result for thousands of workers who have benefited from inspections by the *Grupo Móvel*. Nor had any of the cases resulted in the punitive appearance of firms on the ‘Dirty List’ of those using ‘slave labour.’

Tens of thousands of Bolivian immigrants (28,000 according to Pyl 2008; 42,000 according to Dantas 2008) were recently able to temporarily regularize their immigration status through an agreement between the Brazilian and Bolivian governments. A number of obstacles to regularization (including fees, fines, and bureaucratic issues) are thought to have prevented more immigrants from regularizing their status. Those entering after the date that the agreement was signed in 2005 were not eligible for regularization under the agreement. The agreement has not been renewed. This situation may have changed with the broad-based amnesty for undocumented immigrants and the Residency Agreement for Nationals of Mercosur, Bolívia and Chile, both announced in 2009 after the end of the fieldwork period.

Even Bolivian immigrants with authorization to work in Brazil frequently stay within the world of garment production. Many of those who open workshops are those who have managed not just to save up some money to buy sewing machines, but also to regularize their status in Brazil, facilitating the rental or purchase of space to set up the *oficinas*. (During the fieldwork period in 2008, immigrants with a temporary visa in Brazil were also prohibited from business ownership.) While Bolivians have been able to carve out an ethnic niche in running sewing workshops in and around São Paulo, they may also face barriers to entering other industries and occupations due to a lack of integration in Brazilian society, even where their legal immigration status *per se* allows them the opportunity to do so.

Workers may also stay in a less than desirable situation in the hopes that their employer will later assist them in setting up a workshop of their own. *Adalberto*, for example, says that the Brazilian *oficinista* he worked for after starting a friendship with

her 'lent' him a sewing machine to get started, which he 'later' paid off a bit at a time. Citing Guillaud and Giese, Van Liemt points to this dynamic in other contexts where irregular migrants may put up with 'severe exploitation' because it is conceived of as limited in time. It may be construed as 'the price to pay for success' where the employer first suffered similar conditions, and where workers' 'need the boss' network of suppliers and clients once they are ready to set up their own business.' (2004, p. 20) Continuing to work based on expectations of future assistance in setting up a workshop can be considered a conscious strategy, but one which again reflects the lack of perceived alternatives to income generation and employment outside of feeding into subcontracted garment production.

DIMENSIONS OF 'SLAVE LABOUR' IN THE GARMENT CASE

Restricting freedoms in employment relations – freedom of movement, freedom to change employers, and freedom to contest conditions – limits what Miles (1987, p. 32) refers to as workers' 'ability to dispose of labour-power as an item of private property.' Let us review some of the restrictions a cross-border migrant working in São Paulo's garment sector state *may* experience.

1. S/he may begin at a relative disadvantage in the labour market due to a lack of knowledge of the local language, geography and labour law, and a limited social network.
2. If compounded with a lack of work authorization as an immigrant, the field of potential employers may be severely restricted; s/he may judge the risk of seeking alternative opportunities to be too high relative to the low likelihood of success.
3. Even if not recruited in his/her home country, s/he may, in order to find a job, rely on a relative or other person who is tied into kin and social networks. This may be construed as a sponsorship, so that s/he owes gratitude to the employer for the opportunity. Any conflicts with the employer may therefore impact on relationships with others in their shared social network, which can restrict the worker's ability to contest the conditions of employment.
4. His/her employer may take advantage of the above factors in deciding what particular terms and conditions of work to offer him/her. The opportunities and constraints faced by his/her employer, including those arising from production network dynamics, will be part of what influences this decision by the employer.
5. The provision of housing as part of the compensation package may severely limit the worker's freedom since any risk of losing employment means simultaneously losing his/her home. This is true even when viewed by both worker and employer as a cost-saving measure. The worker's immigration status contributes to the

decision about this arrangement, given restrictions on rental agreements faced by unauthorized migrants. The doors of the workshop may or may not be locked.

6. Wages are likely to be earned on a piece-rate basis, which the worker might perceive as an opportunity to earn more by working longer and harder. Combined with low piece rates, this can lead to long work days. The worker's limited 'free time' would then restrict the possibilities for building social networks, obtaining education, and seeking alternative employment.
7. The worker's employer or recruiter may have paid for his/her journey and / or provided a cash advance. This debt, combined with both the provision of housing / food and payment by piece-rate is likely to yield a low cash income. This is true even if there is no conscious manipulation with the aim of imposing debt bondage – although this type of deliberate manipulation is a distinct possibility.
8. The worker's employer may delay wage payments. Again, this measure may be deliberate manipulation or it may be due to real cash flow problems (e.g., resulting from delayed payment to the employer by contractors). In either case, the worker may not wish to leave because it would reduce his/her chances of receiving outstanding wages.
9. The worker's employer may impose a number of other measures: retention of identity documents; threats on the basis of immigration status (certainly qualifying as an 'abuse of ... vulnerability'); threats related to debt (which, especially along with manipulation of debt, now clearly puts the situation into the category of bondage); and violence or other abusive mechanisms of control.

I have attempted to list these possibilities roughly in order from the least to the most restrictive. If they are considered to be cumulative, (so that a worker may experience the restrictions indicated in point #1, for example or those in points #1 through #5, or in points #1 through #9), then there may be a threshold at which the worker's freedoms are constricted to a such degree that, along with an assessment of the conditions of employment, the situation 'breaks with culturally acceptable limits of inequality among men and injures culturally sanctioned notions of humanity' and is therefore labelled 'slavery.' (Esterci 2008, p. 8)

Even if these possibilities were cumulative, there is no 'bright line' between freedom and unfreedom. Those in a situation falling just short of this line experience restricted freedoms and are likely to experience degrading conditions. Morgan and Olsen note that, 'No labour is absolutely free to enter or exit employment relations.' (2009, p. 11) Andrees and van der Linden also point out that on the other side, workers classified as falling *within* a defined category such as 'forced labour' also experience a range of conditions (not just freedoms), some more 'abusive' than others. (2005, p. 64)

But these possibilities are *not* always cumulative. This is reflected in the experiences of participants discussed in the chapters above. Perhaps a migrant worker is authorized to work in the country, has found the job through an advertisement, and her employer does not deliberately seek to restrict her freedom. Nonetheless, her housing is provided as part of her compensation package and her employer is in a precarious financial situation, leading to a delay in wage payments. She may feel that if she leaves, she would have no guarantee of being paid the wages she has already earned. This might prevent her from taking up alternative employment opportunities, even if these are better remunerated. This represents a partial restriction on her freedom to change employers.

The point here is that the restrictions on freedom listed above are possibilities and not all of them will necessarily materialize for an individual worker at a given moment in time. There are a number of *dimensions* along which freedoms may be restricted – or not restricted - rather than the question being only one of *degree*. In addition, we have seen that the legal definition of 'slave labour,' like common-sense definitions, takes into account the conditions of employment. How much she earns, whether the housing is acceptable, what kind of meals are provided, all count in assessments of the situation.

These aspects of degradation and restricted freedoms are represented in the diagram on Page 33. Many of the factors related to restricted freedoms which could be included for the garment case were given above: for example, most immigrant workers live in their workplaces, some have experienced locked doors, and many have experienced delayed wage payments. As noted, whether the workers face degrading conditions constitutive of 'slave labour' also enters into an assessment. In particular, there are: the health and safety conditions (e.g., structure of the building, sanitary conditions, and ventilation); the required and / or actual hours of work; the relative level of pay; the quantity and quality of food; and the treatment by the employer.

It is also critical to recognize that the term 'slave labour' may be accepted or rejected based on expectations about the effects of applying the term. As discussed in the preceding chapter, sugar cane workers facing degrading conditions may be able to use the term as a means of accessing support. But if it is expected that declaring immigrant garment workers to be in 'slave labour' will lead to orders of deportation, then the term

will be rejected by many workers and others who see this as further restricting their freedoms. The contextual effects of applying this or other terms must therefore be carefully considered. (See Dottridge, ed. 2007.)

CONCLUSION

Conditions in small-scale residential garment workshops employing, and increasingly run by, Latin American immigrants have been labelled by the media and some elected officials as ‘slave labour.’ I have relied on a focus group and interviews with workers, those running workshops, and others familiar with the conditions of these workshops, as well as archival sources and media reports to assess the conditions in these workshops and why these are sometimes labelled as ‘slave labour.’ The experience of *Gabriel* was recounted above as an example. He, and in turn his compatriots, accepted the label of ‘slave labour’ as a marker of the sub-standard conditions he faced. In that case, these conditions were imposed through a number of explicit restrictions on his freedom of movement and freedom to participate in a labour market.

Long hours are common in the *oficinas de costura* while routinely low piece rates are sometimes combined with underpayment or non-payment and health and safety problems are numerous. In some cases, workers are literally locked in. In others, there are a number of restrictions on the ‘freedoms’ of Bolivian immigrants employed in sewing workshops even when the doors are unlocked, in cases that many *oficinistas* and their employees would not label as ‘slave labour.’ These restrictions are perhaps more complex and subtle, relating to the provision of housing as part of the compensation package, to the piece-rate system of pay, to a number of issues surrounding immigration status, and possibly to expectations of assistance from employers.

Many immigrant garment workers actively reject the term ‘slave labour’ when it is applied to their workplaces. This rejection should not be dismissed too readily. Workers do negotiate and even contest conditions. That the prevailing standards in these workshops are lower than those prescribed by Brazilian law is in part a reflection of how little bargaining power they are able to exercise and the relatively few alternatives available to them. It is also a result of the ideology of ‘apprenticeship’ which exists in these workshops, in which newer immigrants are construed as owing a certain length of

service to their initial employer because of loyalty. This ideology, which contributes to immigrant workers' vulnerability to 'slave labour' and degrading work, is supported by the real accomplishments of some migrants who have been employed in these workshops.

There is then no bright line between 'slave labour' and degrading work. Mutually accepted standards among workers and *oficinistas* fall below the standards of Brazilian labour law; but the principle through which the group identified 'slave labour' in Gabriel's case is similar to the one operating in Brazilian law which has come to identify 'slave labour.' That is, 'slave labour' is defined through an assessment of the extent and severity of degrading conditions together with the extent and severity of restricted freedoms. Restrictions on workers' freedoms in this case help to sustain a system of degrading work which in many instances could – in theory if not yet in practice – be defined as 'slave labour' under the Brazilian law.

This system of 'slave labour' and degrading work is one in which costs are kept low and labour is made flexible and productive. The extent to which workers are rewarded for their labour is minimized through their relatively weak bargaining position, and through the various ways in which their freedoms are restricted. This enables the value of their labour to be captured by other actors in the production network, discussed further in Chapter 7.

6) MIGRATION, RACE AND GENDER

INTRODUCTION

The two preceding chapters examine the conditions for workers in the two case studies, and how these constitute 'slave labour.' The restricted freedoms and degrading conditions are documented at labour-intensive stages of production within production networks. These systems of 'slave labour' and degrading work serve to ensure productive, flexible labour within production networks which minimizes the extent to which workers are rewarded for their own labour.

One salient characteristic of the workers vulnerable to 'slave labour' in both cases has been the fact that they are typically migrant workers. Degrading conditions are experienced by 'local' workers as well, but employers' active efforts to hire migrant workers, often by recruiting them in their home region, appears to be based on a decision about these workers' greater willingness to accept the pay and conditions on offer. To the extent that there is a 'demand' for migrant workers in these cases, it is because employers perceive these groups as particularly suitable for the work. This is expressed in an ideology that migrants from the Northeast have a 'vocation' for cane-cutting as mentioned in Chapter 4. There is a similar idea that Bolivian immigrants have a natural skill for sewing.

Sebastião, for example, a Human Resources manager in the ethanol sector, stated that he would travel to Pernambuco or Alagoas recruit 120 workers for planting and cutting cane, and could easily recruit 400 or 500 workers in less than two weeks if he wanted to. Locally, however, it has taken him 20 days to recruit just 80 suitable workers. Another manager, *Dimas*, denigrated local workers in the region where he was working, stating, 'I know almost all of Brazil, and the worst labour that I have known in my whole life is here in (this state).' These are *not* claims that there are no local workers available, or that local workers are not willing to work in cane, but rather that migrant workers are of a better quality and more productive.

I asked *Mr. Choi*, a garment manufacturer, whether there was a labour shortage. He responded that there used to be more garment workers in São Paulo but 'everybody disappeared' because the work 'no longer pays' and that these days it is difficult to find workshops to undertake production. More generally, *oficinistas* and manufacturers rarely stated that there was an overall labour shortage, instead describing the pressure to produce quality goods on tight deadlines. One manufacturer I met told me that he used to work with four sewing workshops run by Bolivians, until he spent 19 days in jail as a result of a legal action taken by a couple who had been fired from one of these workshops. While he stated that he was cleared of any responsibility because the incident took place before his business relationship with the workshop, he has stopped working with Bolivians for fear of another problem occurring. He stated that in order to reach the same level and speed of production from the four 'Bolivian' workshops, he began contracting from no fewer than twelve other workshops. From the perspective of someone running a workshop, the testimony of Glades Sopinia Dias to the São Paulo City Council in 2005 raises the same issue. She stated that contractors 'want the product overnight. This is why we work so many hours, because we are obliged to.'

The fact that migrant workers are those most commonly identified as experiencing 'slave labour' conditions raises the issue of whether there is, as discussed above, a demand for labour as embodied in a person with certain characteristics. The issues of migration, race and gender are therefore discussed below. Two themes in the literature on trafficking and 'new slavery' – that women and children are inevitably more vulnerable, and that race is largely irrelevant – are challenged through analysis of the cases examined here. Instead, I find that employers point to greater productivity among the migrant workforce. Labour relations and outcomes for workers in these cases are shaped by race, gender and migration status, pointing to the fact that production is necessarily embedded within particular socio-economic contexts.

GENDER, TRAFFICKING AND 'NEW SLAVERY'

In the Brazilian legal context, a separation exists between 'trafficking' and 'slave labour' which is in large part along the lines of gender. The term 'trafficking' has generally referred to prostitution. The phrases 'conditions analogous to slavery' or 'slave

labour' on the other hand, have referred to other forms of work, mainly rural and agricultural work. (See Nederstigt and Almeida 2007.) According to the ILO, the vast majority of those liberated from 'slave labour' in Brazil are men. (Costa 2009, p. 63)

While in Brazil there is a separation between (female) victims of trafficking and (male) victims of 'slave labour,' the English-language literature on trafficking and 'new slavery' tends to simply focus on women and children. There is a subset of this literature which depicts the 'product' in demand to be sex and / or 'women.' Tiefenbrun, for example (who advocates for legalization of prostitution) writes, 'Women are cheap products that can be used and reused.' (2002, p. 175) The phrases 'sex slaves' and 'sex slavery' – a phrasing rarely used with reference to other industries - are ubiquitous. As Ditmore writes,

'(while) the term "trafficking in persons" refers to men, women and children and covers both internal and cross-border trafficking for migration and labor, what captures the minds and imaginations of the media, the general public and policy makers remains the specter of women and children trafficked for purposes of sexual slavery.' (Ditmore 2003, p. 2)

The literature on 'new slavery' has been plagued by debates on gender from its inception. Policy, media coverage, and academic analysis of forced labour and contemporary 'slavery' often focus on trafficking, trafficking is in turn often conceived to be mainly for sex work, and sex work is then conceived of as performed by women (and children); more provocatively, some advocates argue that all sex work is 'forced.' This adds up to a common focus on 'women and children' in ways that are problematic.

It is problematic firstly because rather than examining the gendered experiences of those deemed to be in forced / trafficked / 'slave' labour, the issue is simply framed as one generally affecting 'women and children' more than men. (See Johansson Wennerholm 2002 for an example of a piece beginning from this presumption.) This is reflected in the title of the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. The introduction to the edited volume *Human Traffic and Transnational Crime: Eurasian and American Perspectives* is instructive in how the issue is conceived of first and foremost as related to women in sex work. The first section references only trafficking of women into sex work; then, the contributions of Russian authors to the volume are described as conceptualizing the problem 'broadly' because they

do *not* 'focus solely on the sexual exploitation of women and children.' (Stoecker and Shelley 2005, pp. 1-5)

It is difficult to counter the argument that trafficking is largely a problem affecting 'women and children' with reference to statistics, given that quantitative data on age and gender of those in forced / trafficked / 'slave' labour are both scarce and - because of differing definitions - contested. The ILO's minimum estimate of forced labour, made in 2005, while contested, is the most comprehensive attempt to estimate the scope and characteristics of the phenomenon. (Belser et. al. 2005) The US State Department's 2004 Trafficking in Persons (TIP) Report stated that 'analyses of data reveal that 80 percent of the victims trafficked across international borders are female,⁶⁸ that 70 percent of those females are trafficked for sexual exploitation' and that 50% of the victims are children. (US Department of State 2004, pp. 15, 23)⁶⁹

These statistics can be compared to the ILO figures. The ILO estimates that 20% of forced labour is state or military imposed, 64% is for economic exploitation, and 11% is for commercial sexual exploitation, with 5% 'mixed.' (Belser et. al. 2005, p. 1) Within the 20% of forced labour in the form of trafficking, 32% is estimated to be for economic exploitation while 43% is estimated to be for commercial sexual exploitation (with 25% 'mixed'). Given the ILO's estimate that 98% of sex workers in forced labour are female, the State Department report's focus on trafficking might therefore explain why their estimates of female victims are so high.

⁶⁸ The 80% figure is on page 23, while on page 15 they state that 70% are female.

⁶⁹ Data on the gender of victims certified as victims of trafficking within the US by the Department of Health and Human Services show higher percentages of adult male victims, 31% for the cumulative period 2000-2004, and 40.6% for 2008. Given the presumption, held by the authorities leading efforts to combat trafficking in the US, that victims are predominantly women and children, we might assume that women have a greater chance of obtaining certification as victims. The 'true' percentage of adult male victims in this case would then be even higher. HHS data is from: 1) E-mail received on August 9th, 2004 in response to a request for information. The information they supplied is for the 549 adult victims who received certification letters and 45 minor victims who had thus far received letters of eligibility since the TVPA was passed. 2) US Department of State 2009, p. 57 which further states that 30 percent of the adult trafficking victims certified in FY 2007 were male, as were six percent in FY 2006.

ESTIMATED GENDER BREAKDOWN: TRAFFICKING / FORCED LABOUR VICTIMS

Estimates -- Worldwide	Female	Male	Children
US State Department: Trafficking	80%	20%	50%
ILO: Economic Exploitation	56%	44%	N/A
ILO: Commercial Sexual Exploitation	98%	2%	N/A

Sources: US Department of State 2004; Belser et. al. 2005

It is problematic secondly because, as Anderson and O'Connell Davidson point out:

'The fact that the (UN) protocol on trafficking places women together with children as categories of person requiring special protection is also considered by some to simultaneously infantilize women and negate or minimize the human rights violations perpetrated against migrant men.' (Anderson and O'Connell Davidson 2002a, p. 14)

Perpetuating this single category of 'women and children' means that women are imagined as helpless victims in need of rescue, while adult males are imagined as exercising free choice and therefore not in need of protection. This means that women migrants and sex workers might be 'rescued' from a situation they do not wish to leave, or in fact prevented from migrating for work 'for their own good.' (See: Dottridge, ed. 2007; Jana et. al. 2002; and Doezema 2002) The flip side of this coin is that male migrant workers may be refused assistance in confronting exploitative situations that they have 'chosen.'

As mentioned above, there is also an argument that *all* sex work is forced. (See, for example: Raymond et. al. 2002; Kempadoo and Doezema, eds. 1998; and Anderson and O'Connell Davidson 2002a.) The US government's anti-prostitution pledge, which obligates recipients receiving funds for anti-trafficking work to state 'in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution,' has been imposed as a result of this logic. (United States Congress 2003) Given the \$528 million these funds represented between 2001 and 2007, the impacts are significant. (US Department of State 2008) It is notable that in 2005, Brazil rejected funds from the US to be used towards combating HIV/AIDS on the basis of a similar pledge requirement. (Hearn 2005)

At first glance, the argument over the voluntary or involuntary nature of sex work may not seem relevant to the cases examined here. There are two ways in which it is relevant. First, what is at stake in these debates is an issue that goes beyond the remit of gender and sex work, and that is the question of agency. The questions raised in this debate include those about: who decides when a person is considered to be trafficked or free; what rights a person who consents to a situation has to withdraw this consent later; whether there are conditions which are so unacceptable that we cannot conceive of 'victims' having consented; whether a person can ever reach a point at which they experience a 'loss of free will' (as claimed in Bales 2005, p. 91);⁷⁰ and what, if any, alternatives must be created in order to justify a 'rescue'. These questions have been particularly contentious in debates around 'sex trafficking' and 'sex slavery' but it should be clear from the preceding chapters that they have wider resonance for the conceptualization of forced / trafficked / 'slave' labour.

The second way in which this is relevant is that in the cases studied here, those identified as experiencing 'slave labour' conditions are more often than not men. This is contrary to the assumption of women's vulnerability and men's lack thereof. The legal separation made in Brazil between 'trafficked' women and 'enslaved' men conceals the challenge that these cases could pose to the assumption of women's greater vulnerability. The fact that these cases involve mainly adult male 'victims' points to the need for a gendered analysis of forced / trafficked / 'slave' labour in production networks, rather than a simplified presumption of female vulnerability.

Olsen writes that women's experiences as 'relatives of male bonded labourers, or as members of bonded households' as well as their own experiences of individual bondage need be considered, and that beyond this, the household needs to be 'unpacked' so as to examine forms of exploitation other than surplus value extraction experienced by women. (1997, p. 401) On the flip side, the gendered nature of men's experiences must also be considered rather than assuming that gender is either irrelevant to men or provides them with an advantage. Rather, as shown below, constructed notions of gender can play

⁷⁰ Banaji quotes Sartre on this point: 'Coercion is not an "overpowering of the will ... A victim of duress *does* normally know what he is doing, *does* choose to submit, and does intend to do so.'" Conversely, "the fact that he (the victim) exercised a choice *does not indicate lack of compulsion.*" (2003, p. 90)

complex and changing roles within the labour dynamics of production networks and in relation to 'slave labour.'

GENDER IN THE SUGAR CANE CASE

In the sugar cane case, women have been progressively excluded from cane cutting jobs, while men have faced increasing intensity of work. Heightened production quotas have discouraged women from obtaining and keeping these jobs, and outright refusal to hire female workers has further prevented them from doing so. A number of avenues for gender analysis of this case exist. The one that I wish to highlight is the role of gender identity in constructing unskilled agricultural labour in sugar cane as men's work. While there is little to suggest that women are more vulnerable to 'slave labour' in these cases, gender plays a part in the differing experiences of the actors involved, including those working in sugar cane.

While male migrants have increasingly been recruited for cane cutting work, 'local' women have been pushed out of these jobs. I was informed by *Lucas*, the human resources director, that the policy of the *usina* (mill or distillery) was not to employ 'women or children' in agricultural jobs. Women are seen as to be protected along with minors. While minors are legally protected from the potentially harmful working conditions, women are seen as needing protection from their male co-workers in situations where accommodation is provided.

Clara stated that when she was a cane cutter in São Paulo state in the 1980s, half of her co-workers in the field were women. But in order to guarantee that at least 10% of this workforce is now made up of women, the union had to negotiate this with the *usina*. As such, there is gendered suffering for both parties, with 'local' women facing the prospect of unemployment and often turning to less well-paid employment, and migrant men facing increasing pressures to produce more - at risk to their well-being.

Not only are the vast majority of migrants performing manual agricultural labour in sugar cane are men, but so are virtually all of those who have been 'liberated' from 'slave labour' in the sector. Ulyseia further notes that evidence in the literature covering other countries shows women workers as more likely to be employed in the informal

sector,⁷¹ but in Brazil it is male workers who are more likely to be employed in the informal sector. (2006, pp. 599-600). If the higher percentage of women ending up as victims of trafficking is held to indicate women's vulnerability, could the same logic apply to men when they represent a majority of victims?

While women who stay in the home regions must struggle to carry out productive and reproductive tasks in the absence of migrant men, these men face their own difficulties. For participants from Maranhão, the long journey itself is uncomfortable at best and dangerous at worst. Upon arrival they may encounter no job, or harmful working conditions. As stated in Chapter 4 above, the piece rate system of pay makes it appear that earnings result from physical efforts or – as *Felipe* put it, their '*coragem*.' This term is a deeply gendered one as it signifies not just effort, but bravery and strength. This increased intensity of work heightens the health and safety risks for cane cutters. The notion that increasing production levels demonstrates male workers' *coragem* serves as an ideological element in the exploitation of these men.

Work intensification, experienced through the piecework system, occurs in the context of the construction of a masculine identity. This is pointed out by Alves (2007; p. 35) and by De Menezes and Saturnino (2007, p. 251).⁷² The sugar cane case is one which highlights the 'specific gendered vulnerabilities of particular groups of men' raised by Jackson, particularly with reference to 'men of the rural working poor, often functionally landless and whose most important asset is their own bodies....' (1999, pp. 90, 91) This gendered vulnerability is exploited in the drive to increase production levels at a labour-intensive stage within production networks. While work intensification is justified through a gendered notion of *coragem* or strength, the rewards of this labour are increasingly captured by employers and other actors in the production network.

MEN AND GENDER IN THE GARMENT CASE

⁷¹ A recent report from the ILO, however, finds that the majority of those in undeclared work in Europe are male. See: http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_120319.pdf

⁷² See also Costa, P. T. M. (2008) for an analysis of the relationship between 'slave labour' in Brazil and the construction of masculinity.

Among Brazilians, sewing work is carried out almost exclusively by women; it is the union of ‘*costureiras*’ (and not ‘*costureiros*’) that represents sewing machine operators in the garment industry in São Paulo. Yet, this is not the case among Bolivian and other immigrant workers; both men and women labour in sewing workshops. According to Da Silva, this population was predominantly male at the time of his study. He cites, for example, a review of 332 records of those seeking assistance at the *Pastoral dos Migrantes*, of whom 74.2% were male. There are few reliable estimates of the gender composition of this population. Cacciamali and Gomes De Azevedo state that the majority of Bolivian immigrants to São Paulo are male. (2006, p. 130) When discussing my proposed fieldwork with the Research Group on Contemporary Slavery at a conference held at the Federal University of Rio de Janeiro (UFRJ) in October 2007, a number of participants told me that Bolivian garment workers in São Paulo are overwhelmingly male.

My own observations during fieldwork did not indicate that the population was predominantly male. It may be true, then, as Buechler states, that, ‘There used to be many more male Bolivian sweatshop workers, but at present the numbers of women are increasing.’ (2004, p. 110) This would be consistent with figures referring to later periods which are lower than Da Silva’s. These include the results of a survey conducted by Professor Claudia Ferreira da Silva, reported in a textbox, ‘Bolivians who migrate to São Paulo’ (accompanying Rolli and Fernandes 2007) which estimated the population as only 55% male, and the presentation by the *Centro de Apoio ao Migrante* (CAMI) noting that 64% of those served by the centre are male. (Illes 2007a)⁷³

Men are among those who have managed to earn an income that is difficult to obtain in their home regions, and in the process they, along with women migrants, encounter situations in which their freedoms are restricted and in which they are subject to degrading conditions. As mentioned above, the perception of sewing work as women's work is stronger among Brazilians compared to Bolivian immigrants in Brazil. Whether and how this affects the male workers in these workshops is an open question. I have

⁷³ It would also be consistent with the migration trends of a group surveyed in a neighbourhood ‘on the outskirts of Cochabamba’ in Bolivia who had migrated to Argentina largely (41% of respondents) for work in the garment sector. Bastia finds that the migration was initially male-led but became increasingly feminized throughout the 1990s. (2007, pp. 659-660)

unfortunately been unable to explore the gendered experience of male workers – whether their engagement in ‘women’s work’ might be difficult to negotiate, for example, or whether they are able to utilize gender roles in gaining advantage over their female colleagues. The question turned out to be too complex to uncover given my research objectives and methods.⁷⁴

WOMEN AND GENDER IN THE GARMENT CASE

I did not find any evidence that women immigrants are more 'vulnerable' than men to having restrictions imposed on their freedom of movement or their freedom to change employers in this case. But their experiences are certainly gendered. Some women view their migration to Brazil as leading to increased autonomy, having left relationships in which they were unhappy and finding an ability to redefine gender norms in their new home. Changed circumstances also impact on gendered issues, such as the difficulties of providing childcare associated with employment in garment workshops. Some of the women employed and / or living in these workshops have also experienced gendered suffering through sexual violence. Again, the issue here is not simply whether women are 'more vulnerable' to exploitation than men, but what role gender plays in the experiences of both male and female migrant workers.

Participants in the focus group were asked to compare the experiences of women and men among the group of Bolivian immigrants to São Paulo and employed in sewing workshops or working as *oficinistas*. They had not addressed the question directly until it was posed as, ‘But what do you think about the life of the woman immigrant? Is it more difficult (than that of men) or (is it) equal?’ *Petrona* replied that she thought, ‘Today, it’s equal. The men are not as *machista* (sexist) as before; it has changed a lot. They help’ with the housework. Asked if this was the same in Bolivia, whether men helped there as well, she replied that in Bolivia, ‘the woman continues to be exploited. There it is more

⁷⁴ The question is not explored in key works on the case of Bolivian immigrants in sewing workshops in São Paulo, such as Buechler 2004, Cacciamali and de Azevedo 2005, and São Paulo City Council 2006. The analysis of gender in Da Silva 1997 is principally focused on an argument that the culture promotes ‘complementary reciprocity.’

machista.' Luz followed up immediately after, however, by pointing out that neither men nor women have enough time for childcare in the sewing workshops.

This demonstrates that the experience of migration can transform gender relations but in complex ways, rather than in a clear direction. *Isabela*, for example, stated that she got married 'because of honour' after her husband 'kidnapped' her in Bolivia and brought her to his uncle's house for two weeks. She did not seem to be expressing anger at her husband, but rather regret over how her decision was constrained by the gender norms prevalent at that time (and in that place), or as she put it, by 'my mother, my family and the way we were raised.' At the time of the interviews, she described herself as 'separated' from her husband in spite of living in the same home as him and interacting with him. During the course of the marriage, she underwent a tubal ligation procedure. She said that her husband was too '*machista*' to be the one to have a vasectomy. On the other hand her decision to have the procedure can be seen as an exercise in autonomy.

The process of migration, then, can enable this increased space for women's gender autonomy, even as it creates new difficulties for them. The changes in gender relations experienced by these women after migrating are not unidirectional, but complex, contradictory and dynamic. Two particular issues which arise in this context are the aforementioned problem of childcare issues and gendered violence.

CHILDCARE IN THE GARMENT CASE

There are claims made that Bolivian immigrants often have children in Brazil as a strategy to regularize their immigration status. One newspaper article, for example, states, "Today, obtaining permanent residency here is not difficult: it is enough to marry a local or have a child here." (Folha de São Paulo 2005) These are legal means to obtain resident status, but for many undocumented immigrants, the possibility to regularize their status by giving birth in the country would not justify the obstacles to finding a job and housing that would be created. It also, of course, obscures the pain of those who left children behind in their home countries and who send part of their earnings back in order to better provide for these children.

Given the combination of living and working space, the issue of childcare is a prominent one for those in sewing workshops. The presence of infants and children can create problems in terms of the social dynamics within the workshops. This results in a preference of many *oficinistas* for employees without children. This was a recurrent difficulty for *Isabela* and was one of the reasons that she and her husband decided to buy their own sewing machines and eventually set up a workshop. She describes the first time this became a problem, saying, ‘we stayed a good while there (in one workshop). Then, after, with our son, it was very difficult. Because the majority don’t want somebody with a child, because they think a child gets in the way, so later that’s when it didn’t go well. We left for another place, precisely because of the children, with me pregnant. We went to work in *Penha* (a neighbourhood in São Paulo) with some friends.’

Beatriz expressed such a preference in the focus group, stating that she will employ single or married workers, but that when she seeks workers, she states up front that the positions are for those without children. She said that, ‘You’re not going to want somebody with a load of kids, because you will have problems in the house. There will be discussion and it will be a headache. It’s quite difficult.’ The merits of her decision not to hire employees with children may be debated (as they were among the participants in the focus group), but there is a clear rationale behind it. Social tensions in these workshops run high – not surprisingly, given the amount of time workers spend together in these spaces. One workshop I visited, for example, had a list taped to the wall assigning each employee a two-hour interval in the day during which time he/she had the right to choose the music played.

Beatriz also mentioned that she doesn’t like to see children ‘all dirty there’ in the workshop, which points to the potential harm done to the children being raised in these workshops⁷⁵. *Eliás*, for example, mentioned that his niece, who was two years and 10 months old at the time, had been in the hospital for a week with lung problems. The doctor told him that she is probably allergic to dust. We discussed the fact that the dust from the textiles is likely triggering her health problems. (A week later, when he participated in the focus group, he stated that she was fine.) Other participants mentioned

⁷⁵ In the course of my fieldwork, I found little indication of a problem regarding child labour *per se* in these workshops.

problems that resulted both from the presence of children within the workshops and the lack of time (or funds) available for childcare. For example, *Teófila* states that colleagues in her current workshop would send their children under five to day-care centres, but that a 6 or 7 month old infant used to fall out of bed in one of the workshops where she was previously employed.

GENDERED VIOLENCE IN THE GARMENT CASE

One of the issues *Isabela* raised (in reference to her daughter) was the gendered problem of sexual violence. Breman (1990, p. 207) also notes the phenomenon of gendered violence perpetrated by male workers against women in the informal sector, suggesting that this is an issue which perhaps deserves further attention. Presentations prepared by staff from CAMI (Illes 2007a and Illes 2007b) emphasise the degree to which gendered violence is a problem, pointing out that of all complaints made through the organization⁷⁶ those regarding gender violence outnumber those regarding ‘slave labour.’ There may also be particular risks for women in the process of migrating to Brazil from Bolivia; Olga Tereza Balthazar is quoted in a newspaper article as explaining that she suffered sexual violence during this journey while in a *pensão* (boarding house) in the border region. (Isto É, 1998) Here, however, I wish to emphasise how the dynamics of the workshops themselves may contribute to an increase in gendered violence.

Da Silva notes a case which was related to him of rape and gendered violence occurring among Bolivians in a garment workshop in São Paulo. (1997, p. 139)

The following excerpt from a newspaper article is informative:

The excess of repetitive activities creates a brutal stress, observable in outbursts of aggressiveness or insomnia. ‘I had a habit of hitting my wife and I didn’t understand why I couldn’t control my anger,’ relates M.G., married to F.C.L.’s sister. ‘Afterwards I came to understand that all of it was driving me crazy.’ The three lived in the workshop. ‘It was difficult to see my sister being beaten,’ (said F.C.L.).

The phrase ‘excess of repetitive activities’ is perhaps an inadequate description of the dynamics in the workshops which potentially contribute to gendered violence. These

⁷⁶ Note that one of the presentations states that less than 40% of those served by the centre are filing complaints of human rights violations or receiving legal assistance; many are enrolling in courses, receiving orientation about regularizing immigration status, or being provided with other benefits.

dynamics are that between Monday morning and Saturday afternoon, those working and living in these small spaces typically spend nearly every minute together. Most waking time is spent on sewing, with breaks mainly for meals and showers. There is little time to relax. And while the decision to work these long hours and live in the same space as one works in may be mutually construed as voluntary, the space to exercise autonomy within these conditions (incredibly long hours, combined working and living space, and a [resulting] lack of integration in immigrants' host society) is limited. If we have come to acknowledge that most sexual violence occurs in 'private space,' then the spaces constituted in these workshops can be seen as ones in which there is likely to be an elevated risk of sexual and other gendered violence – as reflected in the complaints made through CAMI.

Without further research, claims about who the perpetrators of this violence are cannot be made with any degree of confidence. In the case cited immediately above, it was the woman's partner who admitted to carrying out physical abuse. A staff member from the *Pastoral dos Migrantes* stated that this type of abuse was a significant problem and it was typically directed at women by their partners. In these workshops, couples are hired together and labour is often recruited through informal networks, including kin networks (and perhaps fictive kin networks). But gendered violence may also be committed, for example, by those who are 'strangers' apart from the work relationship (employer-employee or colleague-colleague).

As alluded to above, an event which marked the life of *Isabela* is illustrative of the issue regarding the space of the workshops within which gendered violence occurs. She had been speaking of a case she heard about that might be considered 'slave labour,' when she stated, 'I, for example, I was – I went – I closed – I had a lot of people working with me. I closed the workshop due to a very sad thing that happened. This is what made me decide to work "outside" and I don't want to know anything more about workshops.' Asked what happened, she began, 'Because we trust ...' and went on to tell the story of how her daughter – who suffers from Down's syndrome and was nineteen years old at the time of the interview – was 'taken advantage of' at thirteen years old.

They had been holding a barbecue with their employees as well as family to celebrate her husband's birthday. It was on a Sunday. She said that she was making up a plate of food for her daughter when, 'all of a sudden my little niece, she must have been three or four, said, "Auntie, auntie, a man is kissing *Lucía*" – her name is *Lucía* – pulling her hair and kissing her forcefully.' *Isabela* went on to describe her frantic search through the house for her daughter and how,

'the guy took advantage of my daughter, taking advantage of the fact that she has a problem. She is a defenceless girl. So this is what marked my life in the workshop. It marked it very much, so then I decided to really close the workshop. I told *Tomás* (her husband) that I don't want a workshop here, in the workshop my family mixing together with workers and it was a *Bolivian* who did this. So –'

At this point I interrupted to ask why she had emphasised the fact that it was a 'Bolivian who did this.' She responded that, 'we completely trusted our compatriots because they are our compatriots.'⁷⁷ She went on to describe how the pain of this episode stays with her, in part because she blames herself and her husband since, 'we didn't separate (things); we mixed things together.'

This 'mixing' occurs due to the combination of living and working space which is the essence of the garment *oficinas* in and around São Paulo. It enables cost-cutting by passing on some of the overhead costs to *oficinistas* and workers whose employment is contingent upon accepting housing within the workshop as part of their compensation. For workers whose living and working spaces are combined, the freedoms they are able to exercise in the employment relation are restricted, so that they are under greater pressure to respond to demands for productivity and flexibility arising from within production networks. But for women, whose experience of migration has the potential for increasing autonomy in some respects, the combination of living and working space also appears to increase the risk of experiencing gendered violence.

RACE AND 'SLAVE LABOUR'

The prominence of migrant workers among those as identified in 'slave labour' and consideration of the demand for labour as embodied in a person with certain characteristics also point to the issue of race. Largely through drawing a contrast to

⁷⁷ 'a gente dava plena confiança para os nossos patrícios porque era nosso patrício'

chattel slavery in colonial times, various authors have claimed that race and other characteristics are not relevant factors in contemporary 'slave labour' – 'except' in that they reflect existing inequalities. As Bales put it, 'In the new slavery race means little,' (1999, p. 10) and with reference to specific cases, workers' 'caste or religion simply reflects their vulnerability; it doesn't cause it ... the key difference is not racial, but economic.' (1999, p. 11)⁷⁸

This is a contested notion, and there are other conceptions of how race, caste and other identity categories relate to class within unfree labour. Although he argues that there is no need for a specific theory of race or ethnic relations (1987, p. 7), Miles nonetheless emphasises the critical role of race, noting that 'labour-power is inseparable from the human being who provides it.' (1987, p. 187) He pays particular attention to the way race is ascribed to 'foreigners' (1987, pp. 194-195) and to its interaction with class. Brass also mentions the 'racist responses on the part of an existing agrarian workforce displaced by the nationally / ethnically / regionally specific labour power of cheap / unfree migrants.' (1999, p. 13) The role of race as a socially constructed but very real category in these cases will therefore be considered.

In both the cases examined here, the workers in question confront racialized barriers to accessing particular opportunities and rights. These barriers are not absolute and are also relative to the migrant workers' other experiences. For example, some Bolivian participants stated that they did not experience racism in Brazil. *Adalberto* stated that he preferred living in Brazil over Argentina, where he had been robbed by police who he considered to be racist. As a group, however, migrant workers may still be affected by racialization. This 'othering' limits the power that workers have to negotiate over the conditions of employment within production networks, as will be examined below.

RACE AND 'SLAVE LABOUR' IN THE SUGAR CANE CASE

Following Bales, the over-representation of non-white persons in 'slave labour' in Brazil is frequently held to 'simply reflect' the demographics of poverty in the country.

⁷⁸ Bales' description of how racism, sexism, and other prejudices may be used to justify trafficking (2005, p. 157) is somewhat inconsistent with this logic.

(e.g., Rezende Figueira 2004, p. 145; OIT 2005, p. 34, table 4) This is in contrast to the analysis of De Moraes Silva, who has long studied the experiences of migrant workers in sugar cane. She asserts that these workers have been subject to 'a process of exploitation-domination based on the articulation of the three social organizations: class, gender and race.' (De Moraes Silva 1999, p. 17)

Rezende Figueira notes that rural migrant workers are referred to as *peões* and are 'stigmatized' due to being poor. (2004, p. 145) He reveals widely held stereotypes of *peões* as drunks, dangerous, prone to fighting, lazy, or dishonest. (2004, p. 142) He explains that these workers have been conceived of as 'less human' (2004, p. 345) quoting one landowner who does not provide clean drinking water because 'they don't like it, they prefer to drink water from the stream' (2004, p. 313) and a rancher accused of labour abuses who stated that those he employed were 'just marginal.'⁷⁹ (2004, p. 315) This was a term highlighted by one interview participant, *Luís*, who stated, 'You hear *usineiros* speaking about workers as *marginal*. This is disgraceful'⁸⁰.

As mentioned in Chapter 3 above, the argument that race is only a proxy for poverty and vulnerability is laid out by Bales. His example of hypothetically destitute left-handed people becoming vulnerable to 'slavery' (1999, p.11) ignores the social construction of race. In the process of left-handed people becoming vulnerable to slavery through destitution, left-handedness would likely be held to signify something about their natural suitability to the conditions they were being subject to. This would justify the slave holders' actions, and the idea could persist even after some left-handed people had managed to escape destitution. As noted by Miles, signification is a 'necessary and inevitable feature of the process of labour recruitment and retention' and 'racism is a historically contingent mechanism of signification.' (1987, p. 187)

The use of the word 'vocation' has been mentioned in Chapter 4, and it is worth quoting one of the participants, *Sergio*, in his use of the word:

⁷⁹ It would perhaps be interesting to consider the meaning of this term further, given Kopytoff and Miers' definition of slavery as an 'institution of marginality. (1977)

⁸⁰ '*lamentável*'

'There are regions with greater availability of labour, because it's not everybody who wants to cut cane, no. You get it? Cutting cane is a vocation. It's not everywhere that you find people available to cut cane, no. So, you have to bring them from outside. There is a vocation for everything. You don't accomplish anything if it's a person who doesn't have a vocation to cut cane, they don't earn. So you don't accomplish anything. So they have to select people for cane cutting.'⁸¹

This may or may not be understood as a stereotype. Even if it is, it could be based either on poverty and vulnerability or on a regional identity rather than racial identity. Would either of these be more justified in asserting a claim that certain people have a 'vocation' for cane cutting? In the face of 'slave labour' conditions which have been identified in sugar cane, I would argue that this stereotype still creates an Aristotelian notion of the 'natural slave' which regards 'certain people as suited by nature to subjugation and labour' (Anderson 2000, p 149) - even if it were not based on race.

De Souza Martins, however, shows that the stereotypes identified by Rezende Figueira may have an underlying racial code. He states that:

'poor peasants in areas where peonage occurs themselves display both a contempt towards and a fear of peons, and consider them rootless, feckless and "dangerous" – the same attitudes in fact as those which structured the perceptions of black slaves in Brazil until the 19th century.' (De Souza Martins 1997, p. 301)

Similarly, Vettorassi affirms that when local inhabitants describe migrant cane workers as '*os de fora*' – literally, the outsiders – a key part of what is meant is that the workers are black or *pardo* (mixed-race). (2007, p 123) In Brazil's so-called 'racial democracy' (Freyre 1998) the category of black is typically applied to individuals with a particular set of characteristics that includes very dark skin, while *pardo* applies to those who appear to have partial African ancestry.

Nor is race irrelevant in terms of which workers migrate to the jobs being analysed here and sometimes end up in situations of 'slave labour.' In addition to notable cases in which indigenous workers were 'liberated' from 'slave labour' in sugar cane, the case of PAGRISA is suggestive. The table below compares the percentage of liberated workers identifying themselves in each of four categories for race, compared with these

⁸¹ *"Tem região que você tem maior disponibilidade de mão de obra, porque não é todo mundo que quer cortar cana, não. Viu? O corte de cana é vocação. Não é em todo lugar que você encontra gente disponível para cortar cana não. Então, tem que trazer de fora. Para tudo existe uma vocação. A pessoa que não tem vocação para o corte de cana não adianta, ela não rende. Então não adianta, então o pessoal tem selecionado as pessoas para o corte de cana."*

figures for relevant population groups. It should be noted that PAGRISA is located in the North of Brazil, with most of the liberated workers coming from the Northeast, particularly the state of Maranhão, where the percentage of both black and *pardo* workers is higher than the national average.

'Liberated' Workers in PAGRISA case, by Race, 2007

Racial Category	Liberated workers from PAGRISA	Brazil	North of Brazil	Northeast of Brazil	State of Maranhão
Black	20.0%	7.4%	5.5%	8.5%	9.5%
Pardo	62.0%	42.3%	68.3%	61.5%	63.9%
White	18.0%	49.4%	24.7%	29.5%	25.5%

Sources for general population from IBGE 2007; Sources for PAGRISA calculated from unemployment registration forms annexed to report of labour inspection.

While not representative, these figures suggest that whites were under-represented and blacks over-represented among the workers 'liberated' from PAGRISA. The more revealing statistic was that only 247 of the forms had a response to this question, compared to over 900 for the questions about 'state of reference', age, sex and marital status. Given that labour inspectors assist in filling out these forms, what is more clearly revealed here is a constructed silence around issues of race vis-a-vis 'slave labour'. This denial of racial issues or silence on them with regards to 'slave labour' in Brazil has been questioned by Marinalva Dantas (IOS 2004, p. 47) and by Nunes (2009).

RACE AND 'SLAVE LABOUR' IN THE GARMENT CASE

The intersection of race and migration status is a key issue in the garment case. Lins Rossi writes that a 'keen eye' will note the presence of Bolivians in São Paulo, with their 'darker skin, darker hair, slightly slanted eyes, below average height, indigenous features.' (2005, p. 20) Another term used in reference to Bolivian immigrants is 'Indian,' which has a more pejorative connotation than the more neutral term 'indigenous.' The place of indigenous American peoples within Brazil's 'racial democracy' has been an ambivalent one, as has the place of non-white foreigners.

The perception of Bolivian immigrants as not only foreign but also indigenous serves to racialize the group, reinforcing the construction of a foreign, outsider identity, an 'othering' which serves to exclude the group from membership in 'local' society. This is reinforced by immigration law which limits participation of immigrants in political activity and membership of unions and professional associations. (Campos 2010) This limits the extent to which they are able to call upon solidarity which might be used to strengthen their bargaining position within the employment relation. This outsider identity is highlighted by historians and anthropologists in numerous analyses of slave systems. (Rossi 2009, pp. 6-7) This racial identity is constructed in São Paulo, and might be constructed differently in other regions of the country.

Bolivians in and around São Paulo have often been assumed to be irregular migrants, even though many have regularized their status. They have frequently been referred to as '*clandestino*'⁸² - a term used similarly to the way that the term 'illegal' might be used in the United States. One article in a local paper in 2001 was entitled '*Clandestinos* Invade São Bento Square' (critiqued in Costa 2001) while in 2004 another article about '*clandestinos*' was entitled, 'Silent Invasion.' (Moraes 2004) The Korean and Korean-Brazilian community, meanwhile, has to deal with the media's depiction of Korean immigrants as responsible for the exploitation of Bolivian 'slaves.' The problems encountered by immigrant workers appear to be of their own making in this depiction, imported by them in the course of their 'invasion.' This obscures the degree to which labour exploitation arises from within production networks geared towards serving the domestic market with affordable, stylish goods.

The exclusion of racialized migrant Brazilian-born workers from the enjoyment of workplace rights has been challenged through calling on a notion of citizenship conceived of in opposition to slavery. Brazilian activists and theorists such as Rezende Figueira (2004) have posed efforts to eradicate 'slave labour' as an attempt to rescue the citizenship of Brazilians who have been excluded from it, and this has filtered into the language used by state actors involved in efforts to eradicate 'slave labour.' But applying

⁸² Like any term, it has particular contextual connotations and can also be taken to mean 'irregular.'

the label of 'slave labour' has not been as beneficial to immigrant garment workers as it has been to some rural Brazilian migrants.

These workers are often imagined as lacking any rights to be protected or restored in part because of their immigration status as non-citizens. This intersects with their racialized identity. As Anderson puts it, the two 'often coincide and the denial of rights to "illegal immigrants," for example, is made more palatable by the fact that the majority of people to whom these rights are being denied have a racialized identity.' (2000, p. 148)

Using the term 'slave labour' may sometimes even be harmful then, because citizenship can be a bounded concept and it is these immigrants who are frequently conceived of as non-citizens. The leap from the term 'slave labour' to the term 'slave' in popular and academic references to this case is small but significant. It is parallel to the contradictory meaning written about by Henry: 'This new "enemy", the trafficked person, is often seen as a cause of insecurity at the same time as they are depicted as the penultimate insecure victim.' (2007, p. 71) This is in large part why Da Silva (1997) rejects the term. While groups such as CAMI seek to expand the territory associated with citizenship status to a regional level or to construct what Bosniak (2006) terms 'alien citizenship,' the process is not an easy one. Whether the amnesty for irregular immigrants and the Residency Agreement for Nationals of Mercosur, Bolívia and Chile announced by the Brazilian government in 2009 will be step in this direction and / or shift discrete groups of people from the status of 'alien' into the status of 'citizen' are questions that need to be documented and analysed.

CONCLUSION

Gender, race and migration status play a complex role in the experiences of workers in these cases – in ways which challenge some of the prevailing wisdom found in contemporary discourse around trafficking and 'new slavery.' First, in these cases women are not more vulnerable to 'slave labour.' The analysis of these cases highlights the progressive exclusion of women from certain forms of employment, as well as particular ways in which women may experience gendered suffering when working alongside men in degrading work and 'slave labour.' However, even within these situations women may find avenues of increased autonomy. Further, men can also experience gendered suffering

when notions of masculinity play a role in justifying a system of work and remuneration through which their labour is exploited.

Second, race is a relevant factor in spite of arguments to the contrary. Migrant workers in these cases are constructed as ‘outsiders’ marked by race. The lack of alternative opportunities available to migrant workers in these cases – reinforced by immigration policy in the garment case – represents a structural condition broader than but shaped by race. Race reduces workers’ bargaining power in negotiations over conditions of employment because of these limited opportunities. Race also impacts their position because their racialised identity is used to justify the conditions they endure as particular groups of workers are perceived as naturally suited to difficult and even degrading work. Evidence of racially oppressed groups’ over-representation in situations identified as ‘slave labour’ should not therefore be dismissed through the argument that race is simply a proxy for vulnerability, but rather be viewed as a structural condition contributing to this vulnerability.

Race, gender and migration status are therefore essential but variable elements in the persistence of ‘slave labour’ and degrading work in these production networks. The structural vulnerability of these workers stemming from their racialised and gendered migrant identities can facilitate restrictions on their freedoms and degrading conditions. Because of this, at particular points in the production network these workers have less ability to claim rewards for their labour. Instead, the objectives of other actors in the production networks for relatively cheap, flexible and productive labour are enabled. This demonstrates the fact that production is necessarily embedded in particular socio-economic contexts.

7) 'SLAVE LABOUR' AND LABOUR DYNAMICS OF PRODUCTION NETWORKS

INTRODUCTION: LINKING PRODUCTION NETWORKS AND LABOUR OUTCOMES

The conditions experienced by migrant workers in these cases and interpretations of these conditions as 'slave labour' are the focus of previous chapters. This chapter turns to whether, and how, labour dynamics of production networks contribute to outcomes of 'slave labour' and degrading work in these cases. This involves looking at the changing context of opportunities and constraints, shaped by power dynamics, within which employers and workers are making their decisions. Conditions faced by workers engaged in production, including those subject to 'slave labour' conditions, arise from within this set of dynamics.

The chapter considers what is 'global' about these production networks, and the role of the state in these production networks, with a focus on labour relations and conditions of employment. This analysis shows how the governance of labour conditions is intertwined with the governance of production networks more broadly. It is therefore a contribution to the GPN literature in examining aspects of production networks which proponents argue demand more attention (Coe et. al. 2008; Smith et. al. 2002; and Cumbers et. al. 2008), and doing so in the context of an emerging economy undergoing aspects of globalisation.

As mentioned in preceding chapters, there has been increasing investment and expanded production in sugar cane in recent years, while in garment production there have been decreased levels of productivity without a clear strategy for growth and competitiveness. In the former case, a number of opportunities for (potential) producers have opened up, while in the latter, new obstacles are being confronted by producers. These contrasting situations, however, have in both cases led to increased competition among producing firms. Within this context, informality and degrading conditions have been created and / or sustained in large part as a result of employer efforts to cut costs, increase productivity, and maintain flexibility. The informality and degrading conditions

imposed include the cases of 'slave labour' identified in these sectors as part of a range of conditions in the sector which also includes instances of degrading work.

In order for these employer strategies and resulting conditions to materialize, they have had to intersect with the strategies of (potential) workers and labour market intermediaries. Manual cane cutting has long been considered a laborious job, but academics point to a series of changes in labour relations over time. Under the ProÁlcool era in the 1970s, work rhythms intensified and temporary migrant workers from other states became an important part of the labour force in São Paulo state. At that time, there was some level of family labour, in which a male worker would be hired (and paid) but his whole family would actually do the work. In the mid-1980s, workers in São Paulo state staged a wave of relatively successful strikes, leading to the establishment of a wage floor. This period was also characterized by increasing individuation, with the family system of labour declining. During the 'crisis' of the 1990s, the value of the wage floor was eroded and work intensification continued. Some mechanization began to occur. During this period, the percentage of women in cane cutting jobs began to decline. While the previous wave of migrant workers were largely from the states of Bahia and Minas Gerais, now workers began arriving from Maranhão and Piauí. (Alves 2007) In addition to the changing conditions on the job, then, opportunities to obtain employment also shift from some groups to others over time. Workers from Maranhão and Piauí have been managing to enter the labour force, albeit beginning on the terms prevailing at the moment they have managed to do so.

In the garment case, it appears to be largely during the 1990's that the subcontracting chains in and around São Paulo lengthened. During this period, the existence of small-scale workshops performing only sewing work became increasingly common. The contractors supplied by these workshops cut the garments prior to sewing, and finish them after the sewing is done. These contractors may run wholesale shops, or directly supply merchandisers or retailers (or larger contractors). The workshops typically: are set up in residential buildings; employ and are increasingly run by Latin American immigrants (with some run by Brazilians, Koreans, or others); and serve as both living spaces and working spaces for workers (and sometimes for those running the workshops). As standards for workers engaged in sewing declined during the 1990s,

Latin American immigrants continued to arrive in Brazil to work in sewing workshops. Others transitioned from being employees of small factories to running sewing workshops (supplying contractors who ceased to perform sewing operations in-house). It is these types of workshops that have frequently been accused of using 'slave labour,' although garment homework among Brazilian women workers may also be characterized by degrading conditions.

GARMENT: RETAIL GOVERNANCE AND PRESSURE ON PRODUCERS

The apparel industry, and in particular the garment sector, is a classic example of a buyer-driven global commodity chain (Bair 2009, p. 20) in which local producers need to find ways to meet the demands (of cost, quality, turn-around time, etc.) made by powerful global buyers who exert a high degree of control over access to markets. This access has often been gained by means of investing in brands, marketing, design, etc. These dynamics are playing out in Brazil's largely domestic industry. As noted above, the industry is not particularly 'global' in the sense typically used in the literature on GCCs, GVCs and GPNs. (See, for example, Gereffi 1994, p. 218.) It does not fit neatly into the story of 'sweatshops' in developing countries feeding into a globalized apparel industry, since most of the production processes take place within the country and are largely geared to the domestic market. Most firms in Brazil's apparel sector have not entered the export market with trade liberalization nor become established as suppliers in global value chains. However, it is 'global' in some senses: the entrance of foreign firms utilizing strategies that have proven successful elsewhere, the replication of these strategies by national firms, increased import pressure, and cross-border migrants working in production.

Similar to the dynamics of the industry in other countries, there is increasing market concentration, particularly on the retail end. Amann and Baer show that the market share of the biggest firms in Brazil has been increasing dramatically in a number of industries. In textiles and clothing, the share for the four biggest firms went from 45% in 1993 to 62% in 2004, while in wholesale the share went from 56% to 80%, and in retail, from 54% to 66%. (Amann and Baer 2006, p. 272) While the most dramatic increases in retail concentration may have been in supermarkets (see Concha-Amin and

De Aguiar 2006), the entrance of actors such as Carrefour and Wal-Mart also brought the hypermarket format to Brazil (implemented by the Companhia Brasileira e Distribuição as well, e.g., Extra Hipermercados), thereby affecting the apparel sector. There has also been a dramatic increase in the number of shopping malls, partially as a result of foreign direct investment (Martins Sá 2005). Perhaps more importantly, there has been the entrance of chain retailers such as Zara and C&A (Fleury et. al. 2007, p. 143) and the transformation and expansion of retailers such as Renner, acquired by JC Penney in 1998 and turned into a publicly-traded company in 2005. (Lojas Renner 2009)

The dynamics of the Brazilian apparel production network do therefore seem to follow many patterns described in the GCC, GVC and GPN literature on apparel in other locations. This is consistent with the statement by McCormick and Schmitz in their *Manual for Value Chain Research on Homework in the Garment Industry*, that:

'we emphasise the global character of value chains ... (but) recognise that, especially in countries with large domestic markets like India or South Africa, national value chains may ... share many characteristics with global chains, including their use of homeworkers.' (2001, p. 17)

As Bair states, 'although particular chains ... may not be global, the GCC framework leads us to ask how these are nevertheless shaped by the ... global commodity chain to which they belong.' (2009, p. 16) These statements can be applied to Brazil. The strategies pursued by domestic firms in Brazil have in fact 'emulated international strategies.' (Fleury et. al. 2007, p. 143)

This is in large part because they have been responding to similar trends. In addition to the threat of imports from China and elsewhere, the particular dynamic that emerged was the imposition of standards by increasingly powerful actors in the production network, namely retailers. The source of the pressures for increased productivity, flexibility and cost-reductions – the brunt of which is borne by workers in 'slave labour' and degrading work, are these dynamics.

Sea Jin Song, testifying to the São Paulo City Council in 2005 on behalf of the *Confecções Istanbul*, a supplier to the apparel retailers C&A and Riachuelo, described these pressures. She stated, 'every year the demands increase.' One apparel producer quoted in Tenan and De Miranda also articulated this power dynamic in portraying the

moment in which Wal-Mart shows samples to potential suppliers. 'They have the world at their feet. They conduct a veritable auction for who can produce the cheapest.' (2007, p. 202) Ricardo Ribeiro dos Santos, also testifying to the São Paulo City Council on behalf of the apparel retailer Marisa, explained that the first Tuesday of every month was an 'open day' for potential new suppliers to visit the retailer, presumably with similar dynamics to the interactions with Wal-mart. Survival in these conditions of competing to gain entry as a supplier is not assured: Amman and Baer report that profitability in the clothing sector decreased from 3.9% (of turnover) in 1993 to 1.4% in 2003. (2006, p. 284)

These demands include not just increasing numbers of 'seasons' or 'fast fashion' but flexibility in meeting quickly imposed deadlines, and an ability to weather a dramatic increase in production for the Christmas season and a quick drop in production levels after this season. *Beatriz*, a focus group participant who was running a workshop, stated that in September, October and November she needs to fully participate in the sewing work along with her employees. These are the months when it is necessary to 'work a lot' since it is in these months that those running workshops 'earn' whereas in some months she 'ends up with nothing' after expenses. Both *Isabela*, an interview participant who runs a workshop and *Danilo*, an interview participant employed in a workshop, described lengthened hours during these months, from 6am until 10pm and 11pm, respectively. *Beatriz* states that treating workers well is important (such as providing plenty of fresh fruit in the meals which form part of their compensation) so that she will be able to convince workers to stay if they are thinking about leaving during the peak months.

THE GLOBAL INDUSTRY AND THE DOMESTIC MARKET

The predominance of transnational value chains in the apparel industry has brought the attention of many in developed countries to the problem of working conditions in factories abroad, including those termed 'sweatshops.' A wealth of literature has considered the conditions faced by garment workers in the developing world employed in these chains, as well as considering efforts to improve these conditions. (See, for example: Rosen 2002; Collins 2003; Esbenshade 2004; Armbruster-Sandoval

2005)⁸³ In their most recent report on forced labour, the ILO highlights concerns over forced labour in 'outsourced operations and complex supply chains' of multinational enterprises, with garments (and agriculture) given as examples of industries 'commonly perceived to be at risk.' (ILO 2009, p. 54)

In this context, the most striking feature of the Brazilian apparel industry is the fact that it appears to be very much a domestic market for largely domestically-produced goods in a developing country. In the case of Brazil, this does not mean that it is a small industry. While Brazil was only the 35th largest exporter and 40th largest importer of textiles and garments in volume worldwide, it was nonetheless the 8th largest producer. (Fleury et. al. 2007, pp. 134-135) Approximately half of the production in the Brazilian apparel sector is clothing. (Tenan and de Miranda 2007, p. 162)

While apparel is largely both produced and marketed domestically, the industry is globalising in some key aspects. The 'global' factors affecting the Brazilian industry are the entrance of certain types of firms utilizing strategies that have proven successful elsewhere, increased import pressure, and cross-border migrants working in production. The industry had been largely protected under Brazil's import substitution regime through the end of the 1980's. Dramatic trade liberalization was then instituted, with average tariffs (for all products) being reduced from 41% in 1989 to 13.5% in 2002 (Amman and Baer 2006, p. 272).

A coherent export strategy in the sector did not accompany liberalization of trade. Trade balance figures since then show a mixed picture: for example, the overall trend from 1997 to 2003 was a decline of garment imports into Brazil. (ABIT 2006, slide 12) The trade balance in apparel went from US\$124.6 million in 1996 down to US\$58.3 million in 1999, then climbed to US\$546.3 million in 2004 before declining again to US\$253.3 million in 2006. (Fleury et. al. 2007, p. 140) While there were some effects from over-valuation of the Brazilian currency in the second half of the 1990's (and a devaluation in 1999), Fleury et. al. explain these trends mainly as a result of exports

⁸³ Some works also consider the issue of sweatshops and efforts to improve conditions within the developed world. (e.g.: Ross 2004; Gordon 2007; Loule 2001; or, for an earlier consideration, Phizacklea 1990)

being used strategically to respond to oscillations in the internal market. (2007, p. 137; p. 143)

In assessing the trade balance, what must be kept in mind is that in value terms, there were negative growth rates in the industry in the 1990's. It may be more useful, then, to consider Brazilian exports as a percentage of world exports, and the imports into Brazil as a percentage of all sales in the sector. On the export side, Brazil's participation in textile and garment exports worldwide has declined from 1% to 0.5% over twenty years. (Tenan and De Miranda 2007, p. 163) Import penetration ratios for 'textiles and clothing,' meanwhile, rose dramatically from 4.3% in 1993 to 9.3% in 2003. (Amann and Baer 2006, p. 274) These imports have increasingly come from China: among all garment imports to Brazil, the percentage from China went from 29.6% in 2000 to 60.9% in 2005 (ABIT 2006, slide 38) while in textiles and garments, there were also increasing imports from India and Indonesia. (Fleury et. al. 2007, p. 140)

In fact, imports were more restrained during this period than they might have been otherwise. Upon the expiration of the Agreement on Textiles and Clothing / Multi-Fibre Arrangement in 2005, ending the quota system, Brazil signalled that it could impose a 'safeguard' provision under the 'market disruption' clause of the World Trade Organization rules. This led to the negotiation of a voluntary import restriction agreement with China covering eight categories of garments for two years⁸⁴; even after the agreement was in place, Brazil imposed the maximum tariff rate of 35%. (Tenan and De Miranda 2007, p. 164, p. 214)

The effect of these imports (and the threat of more) has likely been one of the causes of the decline in value of garments. This has contributed to the negative growth rates in the industry mentioned above. The value per ton of textile and clothing imports from China to Brazil, calculated from the figures given for volume and value in Tenan and De Miranda (2007, p. 213), decreased from US\$4,959 in 2001 to US\$3,461 in 2006. While Fleury et. al. point to lowered productivity levels in the apparel sector *measured in value terms* between 1990 and 2000 (2007, p. 137, citing Prochnik), ABDI notes increased productivity levels in the sector between 1995 and 2006 *measured in number of*

⁸⁴ The Brazilian textile and clothing industry association soon expressed concerns over fraudulent evasion of this agreement and participated in monitoring compliance with it. (ABIT 2006)

pieces. (ABDI 2008, p. 109) Rather than a dramatic shift in productivity levels during the overlapping periods, what this mainly appears to reflect is the declining price of products. According to Tenan and De Miranda the the average price of a finished garment in 2005 was half of its value in 1990, which is in line with international trends. (2007, p. 162) How consumers do or do not contribute to and benefit from these changes is an outstanding research question, at least for the Brazilian context.

SUBCONTRACTING

These competitive pressures have led firms in this production network to subcontract parts of the production process as part of a strategy to cut costs and increase flexibility (particularly in regards to turnaround time). This has led to a lengthening of value chains. Not only does small-scale production characterize the apparel industry, but this is increasingly the case. 70% of factories in Brazil have up to 20 employees while only 4% have more than 100. (Tenan and De Miranda 2007, p. 162) Among 100 registered garment factories with less than 19 employees surveyed in São Paulo city by Zylberstajn et. al., 24% had three or fewer employees. (Zylberstajn et. al. 2004, p. 14) The trend towards smaller factories as a result of increased subcontracting is reflected in the decline in the number of employees in the apparel sector⁸⁵ from approximately 1.8 million in 1990 to about 1.2 million in 2005, while the number of factories went up from from 15,400 units to 20,800 units. (Tenan and De Miranda 2007, p. 161)

The issue of subcontracting⁸⁶ was the topic of a public forum I attended in São Paulo. An attorney from the Public Ministry of Labour (MPT) spent over one hour at this meeting explaining that if the main activity ('social objective') of a firm is subcontracted, the firm holds proportional legal responsibility for remedying any labour violations at their subcontractors. (So, if the workers were owed 1,000 *reais* each and 25% of the workshop's business is from the firm, then the firm would be potentially liable for 250

⁸⁵ These figures come from IBGE, the Brazilian government's census and statistical agency. Figures for the number of workers employed with a work contract on 31 December are reported annually by the Ministry of Labour and Employment (MTE) in their publication *Relação Anual de Indicadores Sociais* indicate an increase in the number of those employed in the 'garments and accessories' sector between 1997 and 2005. (ABDI 2008, pp. 67-68)

⁸⁶ The term used in Brazil is '*terceirização*' which I translate in this thesis as 'subcontracting' although other terms such as 'triangular relationship' may be appropriate.

reais in back wages for each worker.) At this meeting, I met *Jinho Choi*, an interview participant who runs a small factory and two wholesale shops (one selling textiles and the other garments), and is a leader in the Korean immigrant community in São Paulo. He participated in an interview a couple of days later, during which he protested that subcontracting 'didn't start today, its been many years, since we arrived here' (in the late 1960s and early 1970s).

Nonetheless, there is evidence that while subcontracting may not have been invented in the 1990s, it became a key strategy at that point. Buechler quotes the president of the garment workers' union in São Paulo who gives 'the example of a firm' which went from 600 workers in 1995–1996 to only 40 workers in 1998, 'but continued to produce the same amount.' This statement implies that the firm was subcontracting the work. (Buechler 2004, p. 102) As *Hugo*, an interview participant who monitors labour conditions throughout the supply chain of a multinational retail firm explained, subcontracting was a strategic response to the increasing power of retailers:

'If you look historically we had a shift here in Brazil, which happened all over the world ... a shift (in) power from the industry to the retailer ... until the '80's, we had a very famous fair here which is called the FENIT, *Feira Nacional da Industria Textil* ... launching the new collections ... *they* decided what would be fashion and what would not be fashion. And this changed a lot, the whole new business model in fashion, especially when you talk about the big sized stores ... actually it's the retailer who's defining what they are going to sell, not the brand owners or the industry. The industry is actually execution; that's all. "This is what we need; we need it quick. And cheap." ... So these guys they actually lost their power. *So they had to outsource*⁸⁷, because this was a huge problem to keep all these people internally (given their wage levels).' (latter emphasis added)

The pressure exerted by retailers helps to explain the dynamics at the meeting regarding subcontracting mentioned above, which was run by the Association of Koreans in Brazil. The first question posed to the attorney from the MPT, who had explained the legal responsibility of contracting firms at length was,

'I would like to ask: if a workshop works with two or three firms besides mine, do I have, even so, all this responsibility on me, or could it be that, as an autonomous firm, I might be exempt from this responsibility?'

⁸⁷ This interview was conducted in English, and the participant used the term 'outsource' rather than, for example, 'subcontract.'

Mr. Choi gives a sense of the power of large retailers. He states that he prefers selling garments to independent clothing retailers, because 'selling to department stores isn't profitable, and is very risky. If they ask for 10,000 pieces and then (decide to) cancel the order, where am I going to sell these 10,000 pieces?' 10,000 pieces is an enormous opportunity, but for *Mr. Choi*, the risk that comes along with it is not worth it. In order to avoid entering the value chains governed by large retailers in the position of a captive supplier, he decides to participate in a segment of the market where there is less direct governance by lead firms.

However, the independent retailer segment is nonetheless influenced by the changes brought about through increasing imports, the entrance of foreign-owned firms, and increasing power of large retailers. This reflects the point made by Reardon et. al. for the case of supermarkets in the developing world, that these trends can alter 'the rules of the game' for their competitors. (2003, p. 1146) In order to compete, independent firms need to follow some of the same strategies pursued by large retailers, leading to increasingly challenging and competitive conditions for their suppliers as well.

It is unclear to what extent the garments produced in the workshops end up being sold in large retail firms via merchandisers and contractors and to what extent they end up being sold in smaller, independent shops via wholesaler contractors running a business model similar to *Mr Choi's*. In 2005, members of the São Paulo City Council Commission of Enquiry on 'slave labour' conditions visited two workshops where they identified degrading working and living conditions. They discovered tags from leading retail chains Marisa, Riachuelo and C&A in the type of workshops employing immigrant workers described above. (Câmara Municipal de São Paulo 2006, p. 31; Rolli and Fernandes 2007) The garments produced in these workshops have, therefore, made their way into the large retail chains. Yet those working in and running these workshops as well as other participants more commonly describe contracting by *lojistas* who run wholesale shops frequented by smaller, independent retailers.

There is further work to be done, therefore, regarding issues of governance in this production network.⁸⁸ Nonetheless, retailers in the sector appear to be increasingly competing on the basis of price. The related pressure exercised by large retailers has contributed to heightened supplier competition on the basis of costs and flexibility. It is likely that independent retailers are also subject to these trends, given the decline in the price of finished garments, and so may reinforce these dynamics. These dynamics form the context within which labour standards are set (and contested), with the pressures being passed on to workers through lengthened value chains that further diminish workers' already weak bargaining power. Those employed in the garment sector must meet these demands for reduced cost and flexibility. In particular it is migrant workers, paid in piece rates and working long and changing hours in garment workshops where they also live, who respond to these demands.

LABOUR DYNAMICS OF PRODUCTION IN THE GARMENT SECTOR

In addition to increasingly long and complex supply chains, there is an 'elevated level of informality' noted in virtually all discussions of the garment sector. For example, Tenan and De Miranda 2007 note, among other dynamics associated with informality, the 'migratory character of factories.' (2007, p. 162; Fleury et. al. 2007 and ABDI 2008 also note the issue of informality.) This is not a separate sector operating in parallel to the formal, but a characteristic of workshops which act as suppliers to formal firms. Informality may refer to the workshop itself - for example, whether it is registered or not. (It is worth noting here that as of 2008, Brazilian immigration law prohibited temporary foreign residents from registering a business.) Informality may also refer to the status of

⁸⁸ I was unable to gather sufficient fieldwork data to illuminate these issues of governance to the extent that I had hoped. Four large retail firms did not grant interviews in response to my repeated requests. Similarly, when I entered into fifteen wholesale shops, some staff members answered questions briefly, but none would grant a full interview. When I telephoned an association I know to be active on the issue of subcontracting and 'slave labour' to request an interview, I was informed that the association was a cultural organization with no involvement in business affairs. The neighbourhood retail / wholesale associations I interviewed did not respond to requests for referrals to their member firms for interviews. The relevant data I did obtain, which gives some insight into the issues, is described in the methodology section.

employees - for example, whether they have signed work cards or not and whether or not they are authorized to work in Brazil. (As discussed in preceding chapters, employers also access workers made vulnerable through their migration status through particular labour recruitment mechanisms.) It may also refer to observation of labour and employment laws governing wages, hours of work, and health and safety practices, the key area of interest here, which can overlap with the other aspects of informality.⁸⁹ The small size of the workshops described above is in part a function of the fact that expansion would make them more visible targets for regulators and therefore might entail costs of formalising one or more of these aspects.

Given that industrial capacity measured in number of sewing machines actually increased from 638,000 to 782,000 between 1990 and 2005 (Tenan and De Miranda 2007, p. 161), the figures showing a declining number of employees may represent not just jobs which have been eliminated, but also those that have been informalised. This is a view held by the President of the garment workers union in the São Paulo region:

'In 1998 the union president argued that there would have been 160,000 instead of 83,000 registered garment workers in São Paulo if all the workers in the sector had been registered: "Where are the rest? [They are producing] in the manner I told you [working as outsourced workers]. And they are not only the Bolivian [sweatshop workers]. Let me make clear, these include large enterprises, with a manager or courier carrying the sewing machine to their homes, to work in that way.'" (Buechler 2004, p. 102)

As she points out, informality in the sector is not limited to immigrant garment workshops, but also includes homeworkers, generally Brazilian-born women who used to work inside the factories. *Hugo* pointed out the difficulty of monitoring such a situation when, in his opinion, 'you cannot control' the practice. He stated that a homeworker,

'will work from dusk till dawn, from the morning, first morning light till late in the evening ... They say "okay, I give you a hundred pieces, I need it tomorrow." The girl will work 200 hours. ... (I tell them) to pay her enough per piece that she can work normal working hours at a decent salary. That's what we are trying to look for. Trying to figure out, it takes a lot of time, trying to figure out first, what do they get per piece. At the end, if she works eight hours, for a full week, for a full month, what is the amount of money she will get. This must be clearly over minimum wage...'

⁸⁹ See Jonakin 2006 for a useful discussion of informality and neoliberalism in Latin America, albeit focused on the export sector.

Homework is a typical pattern in the garment industry in many countries. (McCormick and Schmitz 2001, p. 12) Rowbotham (1994) describes the similar co-existence of subcontracting, small workshops, and homework in an earlier period of Britain's garment industry. The situation of Brazilian homeworkers in the garment industry is a subject that merits further study; for the purposes of this discussion, it is important to note in so far as it is another strategy followed by workers and producers in the industry. The situation of immigrants in garment workshops is therefore not the only manifestation of informality and potential labour violations in the Brazilian garment industry.

Labour violations and some degree of informality exist even in relatively larger garment factories. One example is found in a recent article describing the results of labour inspections at two jeans factories in São Paulo state, which reportedly produce brands and supply retailers such as Cavalera, Yachtsman, C&A, Marisa, Calvin Klein, M. Officer, Forum, Vila Romana, Renner and Wal-Mart. Problems found by the inspectors at the factories (the larger of which had 700 employees) included: laundry workers not using safety gear for protection from chemical exposure; workers subject to spending long hours standing up without requisite breaks; hygiene problems; uneven floors; lack of safety guards on machines and belts; inaccessible fire extinguishers; and unregistered workers. (Solano 2008)

Hugo stated that the 'worst conditions' were found in workshops where immigrant workers were both housed and employed, but that these represented 'like 0.2%' of products sold at the company he was monitoring. Asked about conditions at the remaining 99% of production sites, he stated that 50% were 'below what we would call the minimum we would like to have.' The problems he encounters include:

'... mainly health and safety of the workplace ... ventilation, light, personal protective items, no fire extinguisher, electrical wiring which is like ... its like coming out everywhere you see wires ... Bathrooms, which are terrible, (break) rooms, if they have (them), normally they don't ... they eat and drink and work in the same place, that's it. These are the main problems. No paint on the wall, humidity and all this stuff. Dirt places. Messy places. That's it. And then we look always, fire extinguisher, emergency exits ... if you are in a three-story high building and there is no emergency exit, then for us its more critical ... for example, in the shoe industry ... I look at ... the chemicals they are using, so normally what's more critical for us,

at the first stage when we are looking at this, is what really endangers the person who is involved in the job.'

The point here is that the 'slave labour' conditions are only one outcome in terms of labour standards, and that there are other serious problems facing both immigrant and native-born workers in the apparel industry. At the labour-intensive stage of sewing, workdays are lengthened, the intensity of work is increased, and labour costs are cut. These measures are part of strategies by firms responding to increasingly difficult conditions. The value produced by those in 'slave labour' conditions should be seen as partially captured by manufacturers, retailers and consumers, rather than only the workers' immediate employers. These trends affect not just cross-border migrants in garment workshops, but also Brazilian homeworkers facing degrading conditions, while in more formal workplaces there can be serious labour violations even if there is not 'slave labour.'

SUGAR CANE: CONCENTRATION AND THE *USINA*-DISTRIBUTOR RELATIONSHIP

LULA'S 'HEROES'

Labour problems for agricultural workers in sugar cane are not 'new,' but rather have had changing dimensions over time. For migrant agricultural workers, particularly in manual cane cutting, increasing levels of competition among producers have contributed to employer strategies which contribute to work intensification and degrading conditions. These forces work against the progress made by labour inspections targeting 'slave labour.' The degree to which 'slave labour' cases in sugar cane are associated with particular locations and/or particular characteristics of workers is discussed in Chapter 4 above. This section will give an overview of the rapidly changing CAC and describe how its current dynamics shape employment conditions for migrant agricultural workers.

The main goods produced from Brazilian sugar cane are sugar and ethanol, the latter mostly used for fuel (both anhydrous and hydrous ethanol). Brazil has a strategic advantage in the production of ethanol. This is historically contingent, given the long history of state support for the sugar cane industry and in particular the Pro-Álcool programmes of the 1970's under which the sector developed. In 2007, Brazil was the world's largest sugar producer and second-largest producer of ethanol (commonly

referred to as 'alcohol' in Brazil) and the largest exporter of both products. (UNICA 2007, p. 36; Revista Petrobras 2007) In 2006, sugar accounted for 49 percent of sugar cane production in volume and ethanol took up 51 percent. (Brandão 2007, p. 4) In 2007 / 2008, 44% of income in the sector was from sugar (64% of which was exported), and 54% of income was from ethanol (15% for export). (UNICA 2009)

Ethanol is driving the current changes in the CAC to a far greater extent than sugar (with production of bio-electricity for the market increasingly important). For example, I asked about future opportunities in a telephone interview with *Natália*, a staff member in Communications and Social Responsibility for her firm. The company had become a market leader in the sugar market as a result of focusing on sugar rather than ethanol during the years following deregulation. Her response to the question about future opportunities was, 'Obviously then you are talking about ethanol.' (She later confirmed that the firm was also investing in bio-electricity projects.)

This is due to the timely introduction of the flex-fuel vehicle to the Brazilian market in 2003, which triggered a revival of the CAC following upon a 'crisis' of slowing growth during the 1990's. (This 'crisis' had occurred for a number of reasons, including deregulation.) Drivers of flex-fuel vehicles in Brazil are able to choose between ethanol and gasoline at the point of purchase, based on prices at the pump. With relatively high fuel prices, production of this type of car took off; about 90% of new vehicles produced in Brazil are now flex-fuel (Ewing 2009).

Hydrous ethanol consumption increased 24% in the first year that the flex-fuel vehicle was introduced (Alves and Szmrecsányi 2008, p. 111) and ethanol consumption was 50% higher from January to May 2008 than in the same period in 2007. According to the fuel regulatory agency ANP (Agência Nacional do Petróleo Gás Natural e Biocombustíveis), this meant that when considering both hydrous ethanol and the anhydrous ethanol blended into gasoline, ethanol consumption surpassed gasoline consumption in 2008 for the first time in twenty years. (De Oliveira 2008). The degree to which ethanol is seen as a potential engine for growth was apparent in President Lula's (controversial) labelling of Brazil's ethanol producers as 'heroes' in March 2007. (Associated Press 2007a)

With rapidly expanding opportunities, investment has poured in. Santelisa Vale, which became the second largest producer of sugar and ethanol when it was created through the merger of Santa Elisa and Vale do Rosario in 2007, serves as an example of the variety of means by which recent investments have been financed. Goldman Sachs invested US\$210 million to obtain shares in the company in 2007 and in the following year BNDESPAR, the equity arm of the Brazilian National Development Bank (BNDES), became another key partner of the firm through an investment of R\$150 million. (BNDES 2008; Reuters 2007; Milanez et. al. 2008) Also in 2008, the Inter-American Development Bank provided US\$260 million in partial finance for the construction of three ethanol distilleries by the Companhia Nacional de Açúcar e Álcool (CNAA), a joint-venture between Santelisa Vale and investment funds Global Foods, Carlyle/Riverstone, Goldman Sachs and Discovery Capital. (Moreno 2008; UNICA 2008c) Meanwhile, BP announced in April 2008 that it would invest US\$59.8 million for a 50% stake in Tropical BioEnergia, a joint venture established by Santelisa Vale and Maeda Group. Tropical BioEnergia is constructing one ethanol distillery in the state of Goiás and planning to construct a second. (BP 2008)

In mid-2009, facing bankruptcy resulting from the credit crunch, the company was taken over by the Brazilian subsidiary of French commodities group Louis Dreyfus. (Reuters 2009) Santelisa Vale had plans for an Initial Public Offering (IPO) which did not go through. An Initial Public Offering on the New York Stock Exchange was carried out, however, by COSAN, Brazil's largest ethanol and sugar producer. The firm raised US\$1.1 billion through the IPO in 2007 (raising a further \$R500 million in additional third-party equity the following year). (Fitch Ratings 2009)

Within this climate, the need for capital is key for most *usinas* to maintain or improve their position. Access to capital is increasingly important for a number of reasons: to attract skilled workers, who are in high demand due to the rapid expansion of this agro-industrial complex; to purchase machinery for mechanized harvesting; to secure high-efficiency boilers which are in short supply in order to take advantage of new opportunities for income from generating and commercializing electrical energy; to obtain land in areas of expansion; and to improve or gain access to improved logistics infrastructure.

Poor logistics infrastructure, in particular, has been widely seen as a key barrier to expansion of ethanol exports. (PAGRISA, for example, had attempted to negotiate a contract for exports to Switzerland in 2004 [José Pinto 2004] without success.) Foreign capital participation is also seen as a means to secure contracts for export. This builds upon the pattern established in projects by Brazilian firms to buy or open firms in Central America, taking advantage of trade agreements with the US, projects which tend to rely at least in part on foreign capital. (Milanez et. al. 2008, p. 28)

Parastatal Petrobras, for example, has formed a company with Japanese firm Mitsui and Camargo Correa (a Brazilian conglomerate with an engineering division that has been a key player in infrastructure projects) to jointly construct a R\$3 billion ethanol pipeline stretching 1,150 kilometres from the city of Senador Canedo in the state of Goiás, to the port terminal of São Sebastião in São Paulo state. The partnership with Mitsui is expected to open up opportunities to export anhydrous ethanol to Japan. (Carolo 2008a, p. 34; McCleary 2009; Domingos 2008) BRESCO, the Brazilian Renewable Energy Company, also plans to construct a 1,200 kilometre ethanol pipeline from the city of Alto Taquari in the state of Mato Grosso to the large port of Santos in São Paulo state, at an estimated cost of R\$1 billion. (Carolo 2008b) Construction of another ethanol pipeline is planned by COSAN, together with firms Crystalsev and Copersucar (which commercializes the production of its 34 associated firms). The estimated investment in the project is R\$1.6 billion. The pipeline will have a projected capacity of transporting 14 billion litres of ethanol annually, and will run between Ribeirão Preto in São Paulo state to the port of Santos. COSAN has recently signed a long-term contract with Japanese group Mitsubishi to export ethanol to Japan for production of the gasoline additive ETBE, while Copersucar has a deal with Japan Biofuels Supply LLP for exports of up to 200 million litres per year of ethanol. (Riveras 2009)

CONCENTRATION AND OLIGOPOLY

At the *usina* level, concentration began during the 'crisis' years of the 1990's (Vian and Belik 2003, p. 158) and accelerated during the 2000's. (Torquato 2006) Foreign firms typically plan to operate higher numbers of production units than the previous average – particularly through greenfield projects in the states of Mato Grosso do Sul, Goiás, and

the west of Minas Gerais⁹⁰ (Milanez et. al. 2008, p. 16, p. 27) and usually with fully mechanized planting and harvesting of cane. In the agricultural inputs sectors (an increasingly concentrated sector which also puts pressure on producers through high prices), firms such as Cargill and Bunge have recently entered production themselves.

It is not only new entrants to the industry contributing to industry concentration. Existing Brazilian firms are also part of the process of increasing the scale of production, in many cases through mergers and acquisitions. For some family-controlled firms, strategies to confront the new dynamics in the industry have included participation in commercialization and trading firms such as Copersucar, securing investment to modernize and expand production, and expanding or transferring production from the Northeast to the Centre-West and Southeast. (Vian and Belik 2003, p. 167 and Alves and Szmrecsányi 2008, p. 111.) But other family-controlled firms, which constitute a large share of *usinas* (Milanez et. al., 2008, pp. 26-28) are being incorporated into larger firms.

Within the ethanol sector, *usinas* supply a fuel distribution sector that to date remains oligopolistic. It is an oligopoly dominated by Petrobras Distribuidora, the former state owned enterprise of which the government is still the majority stockholder. Export is coordinated by trading companies which tend to be located within the structure of the fuel distribution conglomerates and the largest of the ethanol producing firms. While the sector is changing rapidly, fuel distributors exercise a high degree of power in governing production networks. *Marcos*, a manager at one of the *usinas* I visited, stated in an interview that 70% of their sales of ethanol (and they did not produce sugar) were to Petrobras and an additional 20% to Chevron / Texaco. *Roberto*, an interview participant from the same firm expressed the power dynamics in stating that they 'don't negotiate' with Petrobras; they 'swallow it.'

The power of fuel distributors to exercise governance over the production network is not entirely one-sided, given the power of *usineiros* in the Brazilian scene, and the strategic location of some *usinas* which make it difficult for fuel distributors to find alternate suppliers of ethanol. Further, increasing concentration in the producing sector

⁹⁰ The state of Paraná might be added to the list.

means that some *usinas* are obtaining increasingly powerful positions vis-à-vis distributors.

The industry is also changing rapidly. COSAN, for example, a firm (in)famous for acquisitions of other firms in the industry in recent years, acquired NovAmerica in March 2009⁹¹. With this purchase, the firm acquired not just production units, but also the *União* sugar brand and control of a second port terminal. At a cost of US\$826 million, the firm also purchased (from ExxonMobil) Esso in Brazil, the fifth largest fuel distributor in the country. (Carolo 2008c) This is significant as it is the first time that an ethanol firm has entered the oligopolistic fuel distribution sector. (Brandão 2007, p. 13; Burnquist et. al. 2002, p. 190; Ewing 2008) COSAN therefore is not only a key player in the drive towards concentration of capital in production, but is also furthering consolidation by expanding its reach out from production to other sectors including logistics, distribution and retail. The move to expand into fuel distribution in particular shows that the existing structure of power relations within the production network is changing, with the largest producers challenging the power of the fuel distribution oligopoly.

Nonetheless, the continuing power of the fuel distributors poses a challenge for *usinas*, particularly for relatively smaller firms. The level of competition in an industry which grew up under state support and regulation has been heightened in recent years. Industry consolidation combined with the oligopolistic power of the fuel distribution sector can make profitable survival as an independent business uncertain.

MECHANIZATION

With many of those 'liberated' from 'slave labour' are employed as cane cutters, manual cane cutting is associated with higher numbers of 'liberated' workers. The significant trend towards mechanization of cane cutting therefore has direct implications for 'slave labour.' Most greenfield investment in areas of expansion will begin production with fully mechanized cutting. On the other hand, 68.1% of cane was still cut manually in

⁹¹ See, for example, the 'Company Background' section of their website:
http://www.cosan.com.br/cosan2009/web/conteudo_eni.asp?idioma=1&tipo=26742&img=26644&conta=46

the 2005/2006 harvest⁹² (Nunes Jr., et. al. 2007, p. 97) and some areas, particularly in the coastal Northeast, are not suitable terrain for mechanized cutting.

Mechanization has also been seen by some as a response to gains by workers, such as in the wake of the successful wave of strikes that began in Guariba in 1984. (Alves 2007, p. 23) However, the increasing prospects for commercialising electrical energy also promotes mechanized cutting as well, because the process allows for the use of straw rather than just bagasse. (UNICA) Shikida et. al. estimate the cost reduction of implementing mechanized rather than manual planting and harvesting at 25%. (2002, p. 126)

Mechanization eliminates the jobs most prone to 'slave labour.' On the other hand, the prospect of unemployment from mechanization is a problem in and of itself for those with low levels of education currently employed in manual cane cutting; UNICA estimates that the impact of this level of mechanization will be the creation of 57,000 jobs in the sector along with the elimination of 190,000 manual cane cutting jobs. (Goldemberg et. al. 2008, p. 101) In 2009, a program to re-train 7,000 cane cutters was announced by UNICA and the trade union federation FERAESP. (Reimberg 2009b) In the absence of alternative livelihood opportunities for workers currently migrating to work in sugar cane, it is far from a solution. Workers who are no longer able to access these jobs in sugar cane may rely more heavily on the sharecropping relations mentioned above. They may also seek work in other sectors, such as in charcoal camps or in clearing land for cattle grazing, in which they are equally or more vulnerable to 'slave labour' and degrading conditions.

In the short term also, the process of increasing mechanization among firms able to finance the process has put other firms at a competitive disadvantage. This is particularly salient in a sector characterized by concentration and consolidation through large-scale investment. Guedes et. al. show that technology has been used successfully in the CAC to increase discipline over the workforce and to decrease unions' bargaining power. (2002, p. 324) Given the awareness of rapid mechanization, employers may

⁹² CONAB (2008, p. 43) estimated that 75% of cane was cut manually in 2007/2008 although this is likely an overestimate.

attempt to use it as a threat in order to impose or continue to impose unfavourable conditions on these workers. One manager at an *usina*, *Dimas*, emphasised to me that, 'the machine does not complain.'

USINAS, GROWERS, AND GATOS

Usinas may own or lease the land on which their cane is grown, or they may purchase cut cane from growers. Growers, in turn, may produce cut cane on their own land or land they lease; alternatively, landowners may decide to lease land to *usinas* without being involved in production.⁹³ There may also be illegal subcontracting arrangements in which the growers are listed as employers but the *usinas* are in fact the ones supervising production and paying for the labour (as opposed to the product of this labour). Regardless of who owns the land where workers labour, there may also be (illegal) labour subcontracting involving *gatos*.

Some larger firms in the industry, new entrants as well as firms that have grown through consolidation, have been charged with 'slave labour' offences. In these cases, there tend to be smaller numbers of workers liberated and there is frequently subcontracting and / or the use of *gatos* involved. As discussed in Chapter 4 above, *gatos* are labour recruiters who may also act as the employer on paper, work as foremen, and / or arrange housing for migrant workers. This was the case for BRENCO (the Brazilian Renewable Energy Company), for example.

According to their website, BRENCO is investing R\$5.5 billion and aims to produce 3.8 billion litres of ethanol at 10 industrial sites annually by 2015, representing approximately 10% of the country's projected level of production. The company is headed by Philippe Reichstul, the ex-president of Petrobras, and investors in the enterprise include, among others: former World Bank President James Wolfensohn, former US President Bill Clinton (through the Yucaipa Companies, founded by supermarket magnate Ronald Burkle), Sun Microsystems founder Vinod Khosla, and co-founder of AOL Steve Case. (Fan and Regelado 2007)

⁹³ Some entrepreneurs have also entered the market to manage land through purchasing large amounts and leasing it to producers.

In March 2008, 17 workers hired by BRENCO through a labour intermediary were 'rescued' when found in degrading conditions. The use of *gatos* seems to be a mechanism for imposing degrading conditions in sugar cane. The established role of labour market intermediaries means that firms like BRENCO are becoming embedded in an existing system of labour relations, one shaped by race, gender and migration status, as discussed in the previous chapter.

Independent growers are in an increasingly precarious situation in this new scenario, with less ability to invest enough to implement mechanization and other productivity improvements, and with less bargaining power vis-a-vis their suppliers (of agricultural inputs, machinery, etc.). Their bargaining power vis-a-vis *usinas* has come from the technical need to use cane grown within a certain radius of the processing facility. But this bargaining power is being diminished as the majority of cane grown is now the *usinas'* own and the geography of production has been shifting, with a tendency towards leasing land rather than relying on growers to supply cane. (Milanez, et. al. 2008, pp. 17-18)⁹⁴

In the wake of deregulation, the CONSECANA system was set up by the main growers' association (ORPLANA) and the main industrial producers' association (UNICA) to privately regulate sales of cane to *usinas*. But the system may privilege *usina* interests. A particular issue raised in an interview by *Sergio*, a representative of sugar cane growers, regarding the CONSECANA system is that payments are made with reference to total recoverable sugars, while *usinas* will be making further use of bagasse and straw for generating electrical energy. This effectively reduces the percentage of profit going to growers. This was also mentioned by a manager at an *usina*, Marcos. According to *Sergio*, economic concentration is a trend among landowners growing cane, not just among *usinas*. The relationship between *usinas* and growers is one in which the latter often feel 'dependent' on the former, as *Sergio* put it.

Since the future is envisaged as a largely mechanized one, it is difficult for manual agricultural workers to make claims on the resources of their employers; there are other avenues to utilize these resources which employers might consider more urgent.

⁹⁴ Land prices have also been increasing dramatically (Fortes 2008), though this may have differentiated impacts on growers.

Working for these suppliers may mean reduced pay rates, particularly when the 'supplier' is providing little more than land in an illegal subcontracting arrangement.

An example is the case of COSAN, a firm mentioned above. Forty-two workers were 'liberated' at COSAN's Junqueira unit in 2007, all of whom were employed via recruiters and were subject to debt bondage mechanisms. In 2008, another inspection found that those directly employed at the São Francisco unit enjoyed decent working conditions, but those hired by a *gato* and working at a supplier to the *usina* faced a number of health and safety problems and complained of ill treatment. The next day, decent conditions were identified for a third group of workers hired directly, but the workers in a fourth group who were employed by a supplier had not been registered with signed work cards as required of employers by law.

LABOUR DYNAMICS OF PRODUCTION IN SUGAR CANE

'Slave labour' appears to be persisting in sugar cane in spite of signs that the CAC is healthy and the ethanol sector in particular is going strong.⁹⁵ Increasing production of fuel ethanol, a wave of new investment, and support from the state did not automatically translate into improvements for agricultural workers. Breman (1990) discusses a not dissimilar situation in the cane fields of South Gujarat approximately twenty years earlier. He highlights employers' preference for migrant workers, the role of labour market intermediaries in providing migrant labour, and issues of caste and ethnicity which bear strong similarities to the analysis of the Brazilian case presented above.

But the structure of the production network, and the changing power relations through which it is constituted, are less strictly comparable. In this case, *usinas* with less access to capital, especially those located in regions less suitable for full mechanization, must compete for market access with firms who are increasing production levels and profitability. These smaller and / or more financially fragile firms face industry concentration and consolidation and an oligopolistic fuel distribution sector. Compared to larger firms, they are less able to make improvements in technology and productivity,

⁹⁵ The effects of the global economic crisis have not been examined here, as the analysis is based on data from 2008. The global competitiveness of the sector does not appear to have suffered any long-run damage from the crisis.

increase the scale of production, and enter first into new or expanding markets such as commercialization of electrical energy and ethanol exports. Independent growers are becoming marginalized in this scenario.

One strategy for survival appears to be increasing productivity through intensification of work among the agricultural workforce performing manual labour. This is noted by Sakamoto who finds that firms unable to mechanize fast enough may attempt to compensate for the difference by increasing the rate of exploitation of their workforce. (2007a, p. 179; the mechanization of cane cutting Sakamoto comments on is of course only one of the ways in which investments can be used to gain a competitive advantage.) The piece-rate system and other means of restricting workers' freedoms can serve as tools in the task of intensifying work and increasing flexibility. These cost reductions and increases in productivity and flexibility appear to be gained partially at the expense of workers' well-being.

Recruitment systems are changing, and not all cases of 'slave labour' in sugar cane involve *gatos*. Nonetheless, the continuing links between *usinas*, growers and *gatos* represent 'labour chains' through which expanded sources of labour are at least initially accessed. This enables producers to meet their needs for a productive and flexible work force while keeping compensation levels low. (Barrientos 2010) Given the different dynamics described above, it is difficult to make any broad statements about whether, on balance, working conditions are improving or getting worse. It is conceivable that 'slave labour' has increased during this period, due to increasing production levels in an agro-industrial complex already characterized by poor conditions for agricultural workers and due to pressures resulting from mechanization and other significant changes. But if it is the case that 'slave labour' conditions have increased, this has occurred even as these conditions are being challenged by state and civil society actors.

STATE POLICIES AND 'SLAVE LABOUR' IN PRODUCTION NETWORKS

In the introductory chapter, efforts to combat 'slave labour' in Brazil were described, demonstrating the reason that these are seen as a model for combatting forced labour in other countries. This section considers more carefully the role of the state in production networks for the two cases examined in this thesis. Efforts to combat 'slave

labour' derive their relative success in large part from their impacts on the labour dynamics of production networks, which may be direct or indirect. GPN analysis recognises the role of non-commercial actors in helping to shape commercial relations, but exploration of the specific role of the state is limited. The analysis here is a contribution to the GPN literature, by demonstrating the multiple and complex roles that the state may play in the labour dynamics of production networks within the context of an emerging economy experiencing processes of globalisation. It also highlights the role of civil society actors in influencing state policy, reflecting the multi-dimensional interaction of commercial with social and state actors.

The role of labour inspections targeting 'slave labour' and the articulation of government efforts with those of other actors in seeking to eliminate 'slave labour' are key aspects of the government's role in the CAC. However, state policies of support to the CAC are also significant, and operate to reinforce dynamics which may result in 'slave labour' and degrading work in sugar cane. Immigration policy serves in multiple ways as a barrier to replicating in the garment sector the types of initiatives to combat 'slave labour' that have been relatively successful in other sectors. The state has also been managing aspects of globalisation in both sectors, through (in addition to immigration policy) the liberalisation of trade and the promotion of foreign investment and export opportunities.

SUGAR CANE: INSPECTIONS AND THE 'DIRTY LIST'

'Slave labour' conditions in sugar cane are being challenged by state efforts to combat 'slave labour' and formalise employment, which cane workers have utilized as a tool in their own struggles to improve conditions and pay. As noted above, 'slave labour' inspections have increasingly targeted the CAC. The focus on sugar cane has been responsible for a widening of the geographic area of inspections and liberations. Further, the lessons learned from the experience of the *Grupo Móvel* are being disseminated, which also leads to a geographic expansion of these efforts. Regional labour inspection teams have been formed since 2003, based in large part on the model of the *Grupo Móvel*. The SIT (*Secretaria de Inspeção do Trabalho*, the office in the labour ministry which coordinates the work of the *Grupo Móvel*) has also organized specific training on

inspections in sugar cane in 2008. (Pyl 2009a) Plans to 'Eradicate Slave Labour' have also been published by a number of state governments including Mato Grosso, Pará, Maranhão and Tocantins.

The fact that since 2003, 'slave labour' may legally be constituted by degrading conditions or an exhaustive workday appears to have facilitated this focus on the CAC. As will be described below, those liberated from 'slave labour' in the CAC have consistently been subject to degrading conditions and / or exhaustive workdays. The extent of debt bondage, threats of violence, or other restrictions on freedom that they have experienced, however, has been varied. Explicit restrictions may be less frequent than in earlier cases in other sectors (as described in, for example: Rezende Figueira 2004; Bales 1999; Le Breton 2003, p. 3; IOS 2004, p. 27; and OIT 2005, p. 11, p. 27, p. 48). It should be noted that labour inspections in sugar cane – both routine inspections and those specifically investigating complaints of 'slave labour' – have also been facilitated by Regulatory Norm 31, which since 2005 has clarified specific requirements for health and safety standards in rural work.⁹⁶

One of the key tools to magnify the effect of these inspections is the 'Dirty List', a registry of firms and / or individuals using 'slave labour,' which the federal government began publishing in 2003. These are cases in which the courts have upheld labour inspectors' judgements that conditions constitute 'slave labour' under Article 149 of the Brazilian Penal Code. Those on the list become ineligible for official finance, such as subsidized credit. A firm or individual may be removed from the 'Dirty List' by completing a two year compliance period during which no serious violations are identified. However, many firms have had their names removed through other means. These include legal injunctions which may be based on questions about the legality / constitutionality of the list itself. (See OIT 2007.)

The 'Dirty List' is also used as a reference by signatories to the National Pact to Eradicate Slave Labour, which was created in 2005 as a result of work by *Repórter Brasil* and other non-governmental organizations (NGO's). Signatories to the Pact – 'the majority of which are businesses and business associations' (IOS 2008, p. 9) commit to

⁹⁶ Also significant in the state of São Paulo is a law passed in 2009 requiring inspection, by the Ministry of Health, of rural accommodation provided for workers. (Pyl 2009e)

eliminate forced labour from their supply chains. Private banks have also signed the Pact, pledging not to extend credit to those found to use forced labour.

In 2008, the first firm definitively excluded from the Pact was ethanol and sugar producer Grupo José Pessoa, after labour inspectors identified 'slave labour' conditions at one production site in 2007 and another in 2008. (Repórter Brasil 2008) Interview participants from fuel distribution companies described how a decision to suspend purchasing from an *usina* because the latter had appeared on the 'Dirty List' frequently resulted in the swift appearance of a representative from the *usina*. The attempt by the *usinas* to maintain these sales represents the importance of the fuel distributors in determining the fortunes of the *usinas*.

The National Pact to Eradicate Slave Labour represents the significance of an articulation of initiatives by government actors, civil society groups and corporate actors in efforts to combat 'slave labour' in Brazil. This articulation of efforts, and the way they impact on production networks, is a key source of the relative success of efforts to combat 'slave labour' in Brazil. The case of COSAN's appearance on the 'Dirty List' is a good example. When the firm appeared on the list in early 2010 stemming from the liberation of workers at the Junqueira unit in 2007, BNDES announced that they would temporarily suspend financing. Signatories to the National Pact to Eradicate Slave Labour typically rely on the publication of the 'Dirty List' in order to determine which firms use 'slave labour.' Wal-Mart, an active signatory, announced it would suspend purchases from the firm, which now owned the *União* sugar brand. The company's stock price went down dramatically before it was able to obtain an injunction removing the firm's name from the list, after which the value of the stock recovered. (Kassai 2010; Marinho and Kassai 2010) The effectiveness of these efforts to combat 'slave labour' can be seen as tied to the degree to which these efforts are able to change the labour dynamics of production networks.

OFFICIAL SUPPORT FOR SUGAR CANE SECTOR

The other key role the state has played in the CAC has been to provide support, in part through official financing. In the first half of 2008, over 5% of all disbursements

(R\$2.68 billion of R\$47.53 billion) from BNDES, the Brazilian National Development Bank, went to the sugar and ethanol industry. 70% of these disbursements are indirect, going through banks with whom BNDES shares risk. Disbursements went largely to ethanol producers: R\$1.6 billion in 2007, 27 times higher than in 2004. Other BNDES contracts in the industry, not yet at the disbursement stage, represented a further commitment of over R\$9 billion. (Milanez et. al. 2008, pp 8-11) The industry, which was in a phase of heavy investment immediately preceding the credit crunch, is also among the beneficiaries of BNDES' targeted measures to address the effects of the financial and economic crisis. In a departure from its traditional mission, BNDES has expanded into providing working capital and in April 2009 announced a programme to lend \$R1.3 billion to the industries to cover the cost of raising fuel inventories. (Shirai 2009, p. 28)⁹⁷

Firms appearing on the 'Dirty List' of those using 'slave labour' published by the federal government are not eligible for public financing from regional development banks. BNDES has also had a policy of restricting credit to these firms. Thenório has calculated that in 2007, 19.5% of BNDES funding disbursed by the bank in 2007 nonetheless benefited firms that appeared on the 'Dirty List.' In 2008, BNDES committed to reinforce the restriction, in part through adding a clause regarding 'slave labour' to contracts with firms receiving financing. (Thenório 2008c)

But the separation between 'clean' and 'dirty' may not be so clear-cut. Two recent articles in the newspaper *Folha de São Paulo* have criticized the flow of official finance to firms which have been charged with violating labour laws. Usina São João Açúcar e Álcool received R\$ 456.6 million from BNDES to expand two units in Goiás. One of them, Agropecuária Campo Alto, in Quirinópolis (294 km from Goiânia) was inspected in May 2008, with 421 workers being 'liberated' due to degrading conditions, particularly at the housing site.⁹⁸ Twenty-four notices of violations were issued and fines of R\$176,000 were imposed. The contract with BNDES was signed in June 2008. While the 'liberation' of workers demonstrates that the labour inspectors considered the conditions to constitute 'slave labour,' the firm had not (yet) appeared on the 'Dirty List' of firms

⁹⁷ The federal government also created a temporary subsidy to support agricultural producers in the Northeast. (New Energy Finance 2008)

⁹⁸ The CEO, Herminio Ometto Neto, is on the board of industry association UNICA.

found guilty of using 'slave labour.' BNDES stated that they could not therefore 'prejudge firms being investigated.'

Similarly, BRESCO received R\$1.2 billion in BNDES financing, approved in August 2008, to be coordinated by banks Itaú BBA and Banco do Brasil. As mentioned above, 17 workers hired by BRESCO through a labour intermediary were 'rescued' in March 2008 when they were found in degrading conditions. The Office of the Solicitor General⁹⁹ is attempting to overturn an injunction which currently prevents BRESCO from appearing on the 'Dirty List.' (Lima 2009; Scolese and Iglesias 2009)

The BRESCO case is also an example of how official financing can be complementary to foreign investment. The Brazilian government, through the efforts of the President and other state agencies, provides support to the trans-national expansion of the CAC in promoting exports and projects to undertake production abroad. (Monsalve Suárez et. al. 2008, pp. 24-25) *Oscar*, an interview participant and manager at an ethanol producing *usina*, said that the government was helping the industry very much. As he put it, 'the president can be considered the poster boy for ethanol. He has really taken on this fight, and has defended (the industry) and helped a lot in this process.'¹⁰⁰

In addition to direct and indirect support received from the federal government, firms frequently benefit from state government policies. Many firms are given partial exemption from state ICMS taxes as an incentive to produce within the state. Another example was given by *Dimas*, who mentioned the importance of a bridge constructed which created access to neighbouring land for expansion of sugar cane plantation, critical for utilizing the firm's industrial capacity. If it has been difficult for the federal government to ensure that efforts to combat 'slave labour' in sugar cane are not compromised by policies to support the growth of the sector more generally, these state-level incentives have few strings attached with relation to labour practices, even on paper.

RURAL AND AGRICULTURAL WORK: CHALLENGES TO PROGRESS

⁹⁹ *Advocacia Geral da União*

¹⁰⁰ '... principalmente o presidente pode ser considerado o garoto propaganda do etanol. Ele realmente comprou essa briga, tem defendido e tem auxiliado bastante nesse processo.'

The progress in combatting 'slave labour' in rural and agricultural work in Brazil, described in the introductory chapter, has not been achieved without opposition. Inspectors from the *Grupo Móvel* have faced threats and violence in carrying out their work. (Rochas 2003, p. 48; Estudos Avançados 2000, p. 29) The most infamous incident occurred in January 2004, when four inspectors and their driver were killed during an inspection in the state of Minas Gerais. The driver survived long enough to reach a hospital where he stated that the group had been ambushed on the road before being shot. (OIT 2005, p. 57)

The political repercussions following the 2007 'liberation' of over 1,000 sugar cane workers at PAGRISA also signified a key moment in which the development of efforts to combat 'slave labour' in Brazil were seemingly threatened. During the course of the inspection, a delegation arrived representing the state lawyers' association (Ordem dos Advogados do Brasil [OAB] - Pará), the state agricultural federation (Federação da Agricultura do Estado do Pará [Faepa]), the state trade association (Federação do Comércio do Pará), the state commercial association (Associação Comercial do Pará) and the state industry federation (Federação das Indústrias do Estado do Pará). Pressure from congresspersons ensued, questioning the work of the *Grupo Móvel* and the integrity of the SIT, while the Senate created an external commission to assess the *Grupo Móvel's* inspection of PAGRISA. All of this resulted in an unprecedented suspension of *Grupo Móvel's* inspections for three weeks. During this period, the National Commission for the Eradication of Slave Labour (CONATRAE) released a statement in support of the *Grupo Movel*. The only member of CONATRAE to abstain from signing it was the National Agriculture and Livestock Association (Confederação da Agricultura e Pecuária do Brasil, CNA). (Camargo 2007a; Camargo 2007b; Sakamoto 2007a) Leaders in efforts to combat forced labour in Brazil – including *Maria Elena*, a representative of a firm which is signatory to the National Pact to Eradicate Slave Labour - told me that they felt the end result of these upheavals was a strengthening of support for their efforts.¹⁰¹

¹⁰¹ Another example of political pressure came in the form of a proposed law to 'strip (the *Grupo Móvel*) of some of their power to investigate relationships between employers and employees, and to fine abusers.' This was an amendment to a larger bill seeking to unify two federal tax departments, lobbied for by media organizations 'seeking more flexibility in the way they employ freelancers.' (Associated Press 2007a) The law was approved by Congress but vetoed by President Lula in 2007; as of 11 May 2009 this veto may still be overturned. (De Queiroz 2009)

For rural and agricultural work more broadly, there have been significant limits to the achievements in combating 'slave labour' in Brazil. In the second National Plan to Eradicate Slave Labour published in 2008, it is noted that advances have been made in many areas since the publication of the first National Plan, but that less has been accomplished in regards to 'measures to lessen impunity and to guarantee employment and land reform' in the destination regions of migrants who have been found in 'slave labour' conditions. (SEDH 2008) The Plan reflects the need to address the problem of 'slave labour' through measures in both the home and destination regions of migrants, as reflected in the discussion of Van Liemt 2004 in a previous chapter.

In terms of the first issue regarding holding employers responsible for these practices, Rochas (2003), Sharma (2006), and others have criticized a lack of effective prosecution for forced labour offences. In 2005, the ILO pointed to a lack of progress on addressing impunity. (OIT 2005, pp. 99-100) In 2006, however, a court decision clarified that jurisdiction for 'slave labour' offences should be at the federal level, and there are hopes that this will lead to progress in addressing impunity. (Campos 2006; See also De Melo 2007) Recently, for example, judgements in 32 'slave labour' cases were issued jointly by a judge in the state of Pará. They resulted in 27 individuals being sentenced (24 for 'slave labour' offences, 3 for other offences) to prison sentences ranging from 3 years and 4 months to 10 years and 6 months. (Pyl 2009b)¹⁰²

As for providing support to the workers, the fact that some are 'liberated' from forced labour more than once shows that there is still progress to be made in terms of prevention and reinsertion. Sharma, citing a newspaper source, notes that, 'up to 40% of workers freed from slave labour have been freed once before,' and while the CPT believes this figure to be lower, they still put it at around 20 per cent. (2006, p. 5) While a

¹⁰² Bischoff noted in 2006 that three persons had been convicted under Article 149 of the penal code, but one of the convictions was overturned on appeal and 'none of the three men has spent a day behind bars'. He adds that only a handful of *gatos* and small landowners have actually served real jail time for forced-labour crimes, and even these convicts seldom serve out the duration of their sentences. (2006, p. 171) The ILO notes that the largest fine for 'slave labour' offences was 'imposed in 2006 on a landowner from whose property 180 persons were released from 'slave labour', amounted to 5 million Brazilian reais (approximately US\$3 million).' Further, only one criminal conviction was 'known to have involved a prison sentence'. In May 2008, the Federal Court of Maranhao imposed a 14-year prison sentence on Gilberto Andrade, including 11 years for the offence of reducing a person to slavery-like conditions. He was also ordered to pay 7.2million reais as arrears of wages to the workers.' (ILO 2009a, p. 38)

few prevention and rehabilitation programs exist,¹⁰³ they are clearly not enough to prevent workers from becoming vulnerable to 'slave labour'. As Túlio Viana puts it, 'this new abolition must ... not only repress slave labour, but create effective conditions for dignified survival of the marginalized populations.' (2007, p. 59)

Given the rural origin of the migrant workers liberated from 'slave labour' in Brazil, land inequality is a key issue in relation to prevention. As stated by Assunção, 'Brazil has one of the most skewed land distributions in the world.' (2006, p. 1) The predominance of share-cropping in Timbiras and Codó in the state of Maranhão, a region of origin for migrant cane cutters at risk of entering 'slave labour' conditions, has been discussed above in Chapter 4.¹⁰⁴

Civil society groups have consistently called for specific land reform measures to be instituted with regards to 'slave labour'. In 2008, the expropriation of 10,000 hectares of land from the Mutran family was ordered. This was the first time this occurred specifically because of 'slave labour' offences committed by the owners. The legal process had begun in 2004 and it is expected that the family will receive at least 21 million *reais* in compensation (Reis and Magalhães 2008b). This highlights the importance of a proposed law to enable expropriation of land without compensation, the most recent version of which (*Proposta de Emenda Constitucional 438*) has been pending since 2004.¹⁰⁵

While the 'Dirty List' and the National Pact to Eradicate Slave Labour have been seen as successful models, they also are in need of improvement in significant respects. As mentioned above, many firms have prevented the appearance of their names on the 'Dirty List'. This is often accomplished by obtaining legal injunctions. To the degree that signatories to the National Pact rely on the 'Dirty List', this represents a weakness in the

¹⁰³ For example, a group of steel firms who had been called to account for 'slave labour' conditions in charcoal camps (since charcoal forms part of their supply chain) formed the *Instituto Carvão Cidadão* through which workers liberated from charcoal camps are placed in formal employment. There are also some literacy and education projects in Brazil targeting those at risk for 'slave labour', and efforts to enrol workers in the *Brasil Alfabetizado* programme.

¹⁰⁴ Rezende Figueira 2004 and De Moraes Silva 1999 also look at workers found in 'slave labour' who were being 'freed' from unfree land relations such as share-cropping and the *colonato* system, though the decisions of the landless or land-poor to leave these relations and seek better alternatives through migrating for wage work is not recognized.

¹⁰⁵ A land reform settlement being established in Piauí is also notable for specifically including families with members liberated from 'slave labour'. (Pyl and Hashizume 2009)

model. According to my interviews with staff at fuel distributors who are signatories to the National Pact, many, but not all, rely exclusively on the 'Dirty List'. Those who rely on the 'Dirty List' feel that they can defend this as a fair and objective way of complying with their obligations as signatories to the National Pact, and they claim that there is no other way to monitor conditions at suppliers. *Flávio*, a purchaser at a fuel distribution firm which is a signatory to the Pact, told me that after an inspection by the *Grupo Móvel* at ethanol producer PAGRISA uncovered conditions deemed by inspectors to constitute 'slave labour,' the firm temporarily suspended purchases. But when PAGRISA's name failed to be published on the list after some time, 'everyone' started purchasing from PAGRISA again, including *Flávio's* firm.

An evaluation of the Pact was carried out by the Instituto Observatório Social through conducting interviews with 56 signatories. 75% of those interviewed reported implementing commercial restrictions on dealing with firms where 'slave labour' conditions had been identified. However, the majority were not publicizing their adherence to the Pact and related actions. Further, participants were asked about implementation of the commitments specified by the clauses of the Pact and in seven of the eleven categories, a majority were found not to be implementing these commitments. (IOS 2008, pp. 26-27, 33)

The state has also played a role in the CAC through state-level regulation mandating mechanization, responding to concerns over the environmental and health issues related to the burning of sugar cane practised in manual cane cutting. The most recent and ambitious goal of mechanizing cane cutting in all suitable lands in São Paulo state by 2014 was set through a voluntary agreement (*Protocolo Ambiental do Setor Sucroalcooleiro*) signed by representatives of UNICA and of the state government on 4 June 2007, with other entities subsequently signing on. (UNICA 2008) A similar agreement has been signed in the state of Minas Gerais. The different effects of mechanisation on workers has been mentioned above: it may eliminate jobs prone to 'slave labour', may be used as a threat to impose harsh conditions, and may contribute to unemployment. The turn to mechanization leaves workers with even fewer options for

employment in the absence of other targeted measures to expand their employment possibilities – although this would require long-term investment.¹⁰⁶

IMMIGRATION POLICY AND INSPECTIONS IN GARMENT WORKSHOPS

As discussed above, workers in garment workshops did not, as of 2008, benefit from state policies to combat ‘slave labour.’ These workshops are often set up in residential buildings. Inspectors thus consider them hidden and difficult to identify. Compared to the experiential knowledge about rural labour embodied in the *Grupo Móvel*, the inspection team housed in the regional MPT office is still faced with the challenge of adapting to the geographic and organizational specificities of urban work in the garment sector.

Where complaints about conditions did trigger inspections, these were not effectively treated as ‘slave labour’ from the perspective of the workers involved because the office carrying out the inspections has never classified them as such. *Tatiana*, an inspector from this office told me, ‘in all the inspections that we have done here we have not found slave labour. Labour violations¹⁰⁷ exist; lack of registration exists, excessively long workdays; many times the environment is not properly adapted; there are environmental problems’ and that they usually earn below the minimum wage - ‘but not slave labour.’ This judgement was made on the basis of the fact that the workers she encountered were allowed to physically leave the premises, that she did not find evidence of document retention, and that some stated that they wanted to work more hours in order to earn more.

The response instead was to address labour violations without prioritizing those directly affected by these violations. In part, this is because Federal Police accompany labour inspectors responding to complaints of ‘slave labour.’ The rationale is to ensure the safety of the inspectors, but the police are also charged with enforcing immigration

¹⁰⁶ The Brazilian government committed to measures along these lines in the June 2009 *Compromisso Nacional para Aperfeiçoar as Condições de Trabalho na Cana-de-Açúcar*.

¹⁰⁷ ‘Irregularidades’

laws; anyone in the workshop who does not have work authorization was liable to receive an order to leave the country within seven days.¹⁰⁸

As discussed in a previous chapter, the policy of Federal Police enforcing immigration law while accompanying labour inspectors discouraged workers from making complaints about labour conditions. The practice by the Federal Police, in addition to reducing the number of complaints made, demonstrates that even when inspections are carried out, the aims were not oriented to providing assistance and support to the workers involved. The support that these workers *have* received comes from organizations such as the *Centro de Apoio ao Migrante* (CAMI), linked to the Catholic National Conference of Bishops. CAMI provides a number of support services to immigrant communities in São Paulo. These include Portuguese language courses, computer literacy courses, assistance in regularising immigration status, workshops, and other activities. CAMI and other groups are building relations with government agencies and working to influence public policy and receive support for the services they provide. During the period of my fieldwork in 2008, however, one could not yet speak of a successful articulation of efforts by civil society organizations and other actors.

PROPOSALS

In 2005, the ILO evaluated the degree to which the measures outlined in the first National Plan to Eradicate Slave Labour had been successfully implemented. At the time, 26% of the proposed measures were considered to be unfulfilled, 22% fulfilled, and 46% partially fulfilled (with 5% not evaluated.) (OIT 2005, p. 99) The Second National Plan to Eradicate Slave Labour represents a response to this, signalling a commitment to continue the progress made to date. A total of 66 actions are outlined in this plan, under five categories: General Actions; Suppression¹⁰⁹ of Slave Labour (e.g., providing resources for inspections); Reinsertion and Prevention; Information and Training; and Economic Measures (e.g., the 'Dirty List'). Some of these build on pilot programmes and initiatives,

¹⁰⁸ Deportations were not actually carried out in most of these cases because of the funds which would be necessary to carry out the process

¹⁰⁹ '*enfrentamento e repressão*'

such as the *Programa Marca Zero* currently operating in eight municipalities¹¹⁰ which seeks to replace informal labour market intermediaries (or '*gatos*') with public agencies. (Reimberg 2008) The proposal to expropriate land without compensation based on 'slave labour' offences, mentioned above as a key goal for advocates, is one of the measures contained in the second National Plan.

In regards to sugar cane in particular, the federal government announced in June 2008 that a national minimum wage would be created for manual cane cutters. (Monitor Mercantil Digital 2008). While this did not happen, a tripartite dialogue process was set up by President Lula's office in July 2008. The government's original target to complete the dialogue was in October 2008 (Pimentel 2008). The *Compromisso Nacional para Aperfeiçoar as Condições de Trabalho na Cana-de-Açúcar*¹¹¹ was signed in June 2009 by just over 300 *usinas* out of the 403 operating in Brazil at the time. Over 50 points of consensus were agreed upon by all parties, including a commitment to eliminating labour market intermediaries or recruiters known as *gatos*. The agreement stipulates independent monitoring of signatories. (Scolese and Iglesias 2009) But creating a minimum wage for cane cutters, as mentioned in Chapter 7, was not agreed upon. (Reimberg 2009b) It seems, then, that one of the main sticking points was the lack of consensus on ending piece-rate pay for manual cane cutters.

With regards to garment workshops, a set of policy recommendations was issued in 2005 by the São Paulo City Council Commission of Enquiry mentioned above. These included: a change in legislation to allow revocation of the licences of garment firms using 'slave labour'; the creation of a social responsibility label for the sector; the institution of social services (e.g., Portuguese language courses, health services) targeting immigrant workers; public education campaigns; the maintenance of a 'Dirty List,' support for the creation of cooperatives; a request that the Public Labour Ministry obtain compensation for workers found in 'slave labour' regardless of their immigration status; and statements of support for federal-level legislative changes. The Commission of Enquiry did seem to play a part in the process which led to a number of retail firms

¹¹⁰ Paragominas (PA), Marabá (PA), Floriano (PI), Açailândia (MA), Bacabal (MA), Codó (MA), Sinop (MT) and Alta Floresta (MT)

¹¹¹ The text of the agreement is available in English at:
http://www.presidencia.gov.br/estrutura_presidencia/sec_geral/arquivos/cartilhacanaing.pdf

signing Agreements to Adjust Conduct (*Termo de Compromisso de Ajustamento de Conduta* or TAC's) with the MPT to improve their conduct. However, there has been little progress on any of the policy initiatives set out in the Commission of Enquiry's report.

The first National Plan to Eradicate Slave Labour did not specifically mention the issue of immigrant workers. The National Plan recommends a number of actions; Action Number 12 of the Second National Plan is to create structures which provide social and legal assistance to immigrant workers (including the issuing of identity documents) while Action Number 13 is to modify immigration law to allow for regularising the immigration status of those found in slave and degrading labour.

A set of policy recommendations was also issued as a result of the Tripartite Dialogue on Migration and Labour Policy held in August 2008. Some of these are 'general recommendations' expressing goals to re-orient the principles which guide immigration policies and laws. An extensive list of actions is then laid out under the categories of: Norms and Legislation; Knowledge Base; Studies and Statistics; Insertion in the Labour Market: Challenges and Alternatives; and Protection of the Migrant Worker, the last category specifically linked to the treatment of Brazilians abroad. The fact that Brazil has ratified ILO Convention 111 on discrimination is noted, as is Brazil's membership of Mercosur and the Union of South American Nations. Not mentioned but perhaps relevant is that Brazil is bound by the Covenant on Economic Social and Cultural Rights as well as the Covenant on Civil and Political Rights, as these apply to 'all persons in their jurisdiction' and therefore include irregular migrants. (Mattila 2000, p. 55) Ratification of ILO Convention 143 on migrant workers, ILO Convention 181 on Private Employment Agencies, ILO Convention 156 on Workers with Family Responsibilities, the Ibero-American Multilateral Social Security Convention and the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is advocated for. Brazil signed the latter convention in December 2008. (Pyl 2009c) A wide range of other measures are called for, including modifications to Brazilian immigration law. Notably, there is attention the effect of language being used, such as a recommendation to avoid terms which 'criminalize' immigrants.

If a broad set of these policy goals were to be implemented, the opportunities for immigrant workers at risk of 'slave labour' would undoubtedly be improved. The experience of the São Paulo City Council Commission of Enquiry does not give much ground for optimism regarding the prospects for implementation. The National Plan and the Tripartite Dialogue, however, were formulated at the federal level and a number of stakeholders were part of the formulation process. A general amnesty for irregular migrants and the Residency Agreement for Nationals of Mercosur, Bolívia and Chile were both announced in 2009. On the ground, a series of dialogues among relevant actors were coordinated in 2008 by the MPT, who were also publicly highlighting the issue of contractor responsibility for labour conditions at subcontracted firms in the garment sector. This resulted in a Tripartite Municipal Pact Against Fraud and Precarization and for Decent Work and Employment in São Paulo, although large retailers had not signed on by the time the Pact was announced in 2009. (Pyl 2009d). One sign of hope is a recent case which may mark a turning point for the model of labour inspections in the garment sector: the clothing retailer Marisa has been ordered to register and pay back wages to 17 immigrant garment workers in São Paulo. (Hashizume 2010)

CONCLUSION

This chapter has considered the labour dynamics of production networks for the two cases examined in this thesis. In both cases examined here, employers at labour-intensive stages of production have faced increased competition in both cases, albeit for very different reasons. In the Brazilian apparel sector this is due to a number of trends, including the increased power of retailers and a consequent lengthening of subcontracting chains, which will be familiar to those who have studied the 'classic' case of buyer-driven commodity chains in this sector. The production and consumption in this case is largely domestic, but with increasing import pressure facilitated by the liberalization of trade barriers.

In the case of the sugar-cane agro-industrial complex, ethanol-producing *usinas* supply a fuel distribution sector that to date remains oligopolistic. Fuel distributors exercise a high degree of power in governing production networks in this sector. The opportunities created by the entrance of flex-fuel vehicles and the global interest in

biofuels have intersected with Brazil's historically contingent strategic advantage in the production of cane-based ethanol. This has resulted in a wave of investment, supported rhetorically and materially by the state. While workers with particular qualifications are in demand, the need for capital has been heightened for industry players who wish to take advantage of the new opportunities. New players are producing on a much larger scale, some firms expanding into new business areas, and a trend of concentration and consolidation taking place at the level of *usinas*. Smaller and/or financially fragile firms as well as independent growers may not have the resources to compete in this scenario,

The power dynamics through which these production networks are governed results in a set of constraints and opportunities for participants, including employers operating at the level of production where 'slave labour' conditions have been identified. The intersection of various actors' strategies in response to the constraints and opportunities they are faced with can result in outcomes of 'slave labour' and degrading work. Producers attempt to pass some of these pressures on to workers, often by accessing workers through 'labour chains' and then increasing demands on the workers through restricting their freedoms on the job. In the garment case, this has been enabled by the emergence of small-scale sewing workshops employing immigrant workers and the use of homeworkers, enabling contractors to increase productivity and flexibility in response to these challenges. In the sugar cane case, manual cane cutting has been sustained by the increasing productivity of new groups of migrant workers. Migrant workers' attempts to access employment feed into these chains, but there has also been resistance to the conditions imposed among these workers.

Going beyond the way that 'value chain interventions' seeking to 'promote private sector development and economic growth' (Humphrey and Navas-Alemán 2010, p. 63) are typically conceived, the various roles that the state along with civil society groups play in shaping labour dynamics of production networks have been highlighted. The role of the state as an actor within these production networks, broadly and in terms of combating 'slave labour' and degrading work, is therefore included within the labour dynamics of production networks. Efforts to combat 'slave labour' appear to have a positive impact in large part because the power of key actors within production networks has been turned from demands for productivity and flexibility to demands for assurances

of labour standards. This has been accomplished through integrated efforts of the state and civil society groups. On the other hand, degrading conditions are reinforced by other state policies, such as the liberalisation of trade and investment, rhetorical and financial support to the ethanol sector in the sugar cane case, and immigration policy in the garment case.

8) 'SLAVE LABOUR' AND DEGRADING WORK

INTRODUCTION

This thesis advances a multi-dimensional concept of 'slave labour.' This builds upon the 'continuum' approach which seeks to distinguish between free and unfree labour without creating 'unhelpful dichotomies.' (Lerche 2007, p. 447) However, it goes beyond this approach by acknowledging degradation as a defining characteristic of 'slave labour' and by recognizing the multiple dimensions along which freedoms and degradation might be measured.

Second, the thesis applies and extends the GPN framework to consider how labour dynamics of production networks contribute to 'slave labour.' It has been motivated by calls to examine the economics of 'new slavery.' But while this body of literature assumes that answers might be found in labour market analysis, the labour market cannot be analysed in isolation from the 'hidden abode of production.' (Marx 1996, p. 186)

Employers in the cases examined here are responding to pressures arising from within production networks to increase flexibility and productivity while minimizing costs. At labour-intensive stages of production, these employers attempt to pass such pressures on to workers. As producers, they must confront the fact that the commodity of labour-power is unique because it is embodied in human beings with all their inherent properties, including a capacity for resistance. The bargain made in the labour market is always an uncertain one, continuously made and re-made within the employment relation.

Employers may wish to purchase a commodity with transparent qualities that performs consistently according to their needs, but this is an impossible pursuit. Instead, they rely on and may reinforce structural unfreedoms imposed on racialised groups of migrant workers and on existing gender ideologies. As discussed above, employers perceive migrant workers as better workers. One might argue that migrant workers *actually are* more productive, more reliable, and more willing to tolerate difficult conditions than local workers. Migrant workers' are, after all, engaged in efforts to enter

the wage labour force and/or find opportunities unavailable in their home regions, and therefore might under-bid local workers.

But the evidence above indicates that workers' freedoms are also restricted, initially through recruitment mechanisms and subsequently within the employment relation. This suggests that migrant workers' willingness to accept lower standards than local workers is not enough for employers to meet the demands arising from within production networks. Employers and labour market intermediaries also reinforce and impose additional restrictions on workers' freedoms - freedom of movement, freedom to change employers, and freedom to contest conditions. Freedoms may be restricted in a variety of ways, from outright restrictions on mobility to the more subtle use of piece-rate systems as a mechanism of control.

The degrading conditions imposed within production networks rely in part on these restricted freedoms and range from low wages to conditions which threaten workers' well-being. 'Slave labour' in Brazil refers to this situation, referencing both restrictions on workers' freedoms and levels of degradation resulting from the employment relationship. If participation in a production network means that more powerful actors within the network will be able to capture surplus value, then increasing the rate of exploitation enables employers to obtain, maintain or improve their position within the production network. These are the labour dynamics of production networks in these cases.

As shown above, the state can play different and contradictory roles in influencing the labour dynamics of production networks. The National Pact to Eradicate Slave Labour is an example of progress through an articulation of efforts by state actors, civil society actors and commercial actors in a way that impacts the labour dynamics of the production network in the sugar cane case. But other policies, such as trade and investment liberalisation, immigration policy, and rhetorical and financial support for particular sectors may influence these dynamics in contradictory ways.

'SLAVE LABOUR' AS A SYMPTOM OF DEGRADING WORK

In both cases examined in this thesis, the migrant workers identified as vulnerable to 'slave labour' experience a range of conditions, which frequently vary over time. In

interpreting whether their situation is one of 'slave labour' or not, migrant workers assess their experiences relative to the other opportunities available to them and their success in achieving particular objectives through labour migration. In both cases, the workers are taking risks and enduring temporary suffering in an attempt to further their goals and aspirations. In the garment case, there are elements of an apprenticeship system in which many workers hope to run workshops themselves one day.

Their interpretations are also shaped by gender ideologies and perceptions of loyalty to employers, to labour market intermediaries and to fellow migrant workers. Finally, workers' use of or rejection of the term 'slave labour' is based on the expected impacts of applying the term. Migrant workers in these cases are not passive, but rather are in a structurally weak position to bargain over their conditions of employment. They are socially constructed as 'outsiders' who are suitable for difficult and even degrading work. This construction of their identity is a racialised one and, one which has been reinforced by immigration policy in the garment case.

The task of drawing lines between free and 'slave' labour – or between migrant and trafficked workers, free and unfree labour, free and forced labour – will always be contested. The contextual and subjective nature of the task complicates such distinctions. The category of 'slave labour' as used by Brazilian civil society, media, academics and government actors is nonetheless a meaningful one. It refers first to restrictions on the freedoms workers have within employment relations – freedom of movement, freedom to change employers, and freedom to contest conditions. It also refers to the conditions faced by workers (shaped in part by these restrictions).

Yet, these labels also risk obscuring the potential exploitation and degradation on the 'free' side of the division. Local workers in these cases also experience a range of conditions which can include violations of labour law and degrading work. If workers are subject to varying degrees of compulsion and exploitation, drawing such lines should not blind us to the fact that the causes of degrading work and 'slave labour' may largely overlap.

The critiques of Anderson and O'Connell Davidson (which draw in turn on historical critiques of the slave-free labour binary) are relevant here. They argue that the

language of 'new slavery' disguises wider realities of exploitation. Andrees and van der Linden also raise this as a possibility, stating,

'the trafficking paradigm presents a useful entry point to better understand some of the worst forms of exploitation existing in the world today. If too narrowly defined, however, it limits rather than enlarges our knowledge base on exploitation linked to the movement of people. This also has consequences for taking action to eliminate human trafficking.' (2005, p. 56)

Lerche makes a related argument that the International Labour Organization (ILO) 'ghettoizes' and 'cocoon' the issue forced labour:

'The strategy of the ILO is to isolate the "worst forms of 'un-decent labour'", so that these incidents can be dealt with in isolation, without challenging the overall system that created the conditions for their occurrence in the first place. The focus is on dealing with what is seen as "exploitation", namely forced labour, child labour etc. – standard "free" labour relations, on the other hand, are not seen as exploitative.' (2007, pp. 430-431; See also Rogaly 2008.)

I have demonstrated above that those 'liberated' from 'slave labour' conditions in sugar cane are not the only rural Brazilian migrant workers in the sector who experience restrictions on their freedoms. Violence and explicit forms of debt bondage are sometimes used. But the piece rate system of pay (and associated systems of enforcing production quotas) affects virtually all those working as manual cane cutters. The restricted freedom inherent in an obligation to live in company housing also affects migrant workers beyond those deemed by labour inspectors to be in 'slave labour.' Further, the recruitment mechanisms used mean that reputations are at stake when *gatos*, or even fellow workers, recruit others from their own towns and villages, reinforcing restrictions on freedom. It is not that all manual agricultural workers in sugar cane are in 'slave labour,' but that most are subject to a set of restrictions on their freedoms. And in some cases, the number and severity of these restrictions and / or the co-presence of degrading conditions, leads to a label of 'slave labour.'

I have also demonstrated that the situation of Bolivian and other immigrant garment workers in and around São Paulo is, in terms of the range of both conditions and restricted freedoms experienced, analogous to that of rural migrant Brazilian cane workers. Many of these workers are subject to restricted freedoms and degrading conditions, sometimes so extreme that they are labelled (by the media, members of the City Council, advocates, and occasionally workers themselves) as 'slave labour.' This is

due to similar issues around debt bondage, recruitment mechanisms, social networks and the reputations at stake, and by the frequent combination of working and living space. It is again reinforced by a piece rate system and standard hours of work which restrict the freedom of virtually all those employed in these workshops, not just those considered to be in 'slave labour.' The number and extent of restrictions on their freedom vary over the course of different jobs they hold within the sector. Beyond the workshops in which these immigrants live and work, there are illegal labour practices in the garment industry related to homework, mainly experienced by Brazilian-born women as well as instances of labour violations in more formal workplaces.

In both cases, the situations labelled as 'slave labour' are therefore symptoms of a wider problem of degrading work. Restrictions are imposed on workers' freedom of movement, freedom to change employers, and freedom to contest conditions. These restrictions sometimes reach a level when, in combination with degrading conditions, the situations are labelled as 'slave labour.' But many workers in these two cases have found themselves in situations not classified as 'slave labour' but characterized by only slightly 'more free' relations along different dimensions or by slightly 'less degrading' conditions. There can indeed be a 'thin line' between degrading work and 'slave labour.'

I suggest that the tendency towards viewing the distinction between 'unfree' or 'slave labour' and 'free' labour as occurring along a spectrum rather than subscribing to a dichotomous distinction is useful, and it would be even more useful to advance a multi-dimensional notion of 'slave labour.' Such a conceptualisation would identify the different dimensions along which freedom can be restricted or expanded and to recognize that the conditions faced by workers also contribute to judgements about 'slave labour.' This way of looking at the issue can advance the task of recognising situations of greater / lesser freedoms and of greater / lesser degradation, allowing us to work towards combating 'slave labour' without doing so at the expense of other groups of workers defined as 'free.'

In the sugar cane case, the role the application of the term 'slave labour' does not appear to obscure the exploitation experienced by purportedly free workers. Rather, the redefinition of 'slave labour' under Brazilian law – so that it can be indicated by

degrading conditions and exhaustive workdays, with (in practice) some indication of restricted freedom(s) – has been implemented in a way which is largely supportive of rural workers in sugar cane. This includes those deemed to be suffering under 'slave labour' conditions *as well* as those who are considered to fall short of this definition but are experiencing labour violations. It may be possible for the language of 'slave labour' to reveal wider realities of exploitation rather than conceal them, if (and perhaps only if) those wider realities are addressed in the process.¹¹²

Of course, this case involves mainly internal migrants while Anderson is specifically referencing the exploitation suffered by immigrant workers, particularly (though not exclusively) irregular immigrants. In the garment case, many workers have lacked work authorization and this has powerfully impinged on their freedoms and their bargaining power. This is sometimes (but not always) manipulated by those running the workshops. It has, crucially, been related to the exclusion of these workers from the benefits of the Brazilian government's anti-slavery efforts. This has meant that workers and their advocates sometimes reject the term 'slave labour' because its application seems to ironically further restrict workers' freedoms.

Viewing 'slave labour' as a meaningful concept but also as a symptom of degrading work has both theoretical and policy implications. Conceiving of 'slave labour' as a symptom of degrading work: raises questions about the treatment of race and gender in the literature on 'new slavery'; relates to debates about agency and resistance in the literature on 'new slavery'; leads to an analysis of the labour dynamics of production networks, an aspect frequently missing in the literature on 'unfree labour'; and sheds light on the impacts of state policy on 'slave labour.'

AGENCY AND RESISTANCE IN THE 'NEW SLAVERY'

In the cases examined here, workers attempt to improve their conditions of employment in the ways they see best fit. The literature on 'new slavery' is largely silent on the issue of resistance (Quirk 2008, p. 70), so that the language of 'victims' and 'loss of free will' may be understood to imply that workers do not contest their conditions. A key

¹¹² The application of laws which consider 'gradations in exploitation' such as Germany's and Israel's anti-trafficking laws (Malpani 2010, p. 139; ILO 2009b, pp. 36-37) would be useful as comparative cases.

problem for analysing resistance in the framework of 'new slavery' is that if 'slave labour' is defined by the extent of restrictions on workers' freedoms (with reference to degrading conditions) the situations defined as 'slavery' are precisely the ones in which resistance has been either absent or relatively unsuccessful.

Effective or successful resistance by workers might prevent their employment situation from deteriorating into one of 'slavery.' In seeking resistance *of 'slaves,'* the 'new slavery' literature may overlook resistance *to 'slavery.'* Marxist writings are more likely to recognize the agency of workers in unfree labour. For example, Lerche writes that 'unfree labourers may take action against their employers or engage in other kinds of collective bargaining processes.' (1999, p. 199) Brass writes that unfree labour relations do not 'exclude the possibility of "from-below" agency.' (1999, p. 15) He continues that, 'for Marxists, the fundamental issue remains whether, why and when "from below" agency is or is not successful.' (1999, p. 301)

The evidence of agency by workers in 'slave labour' is particularly visible if we look beyond individual acts of resistance to consider the ways in which standards are set collectively for a group of workers. Participants working in and running garment workshops, for example, described the shared perceptions of fair treatment (and the points of disagreement in these perceptions). One example of a shared perception of fair treatment is that the conditions imposed in the initial period of employment in the workshops is not considered acceptable in the long term; this demonstrates that even where legal standards are not applied, other standards of fairness / unfairness can still prevail.

These standards, then, set a context for individual negotiations and disputes. Workers who are prepared to accept undesirable conditions will be openly insubordinate if certain lines are crossed, such as when *Miguel* and his fellow sugar cane workers forced a driver to take a co-worker who had become ill to a hospital. Word of strikes, protests, and labour inspections get out and have effects beyond the workplace in which they take place. In this, a Marxist emphasis on class, as opposed to the often individualized accounts of workers' situations presented in the literature on 'new slavery,' is helpful.

In some cases, the actions of workers in sugar cane would meet the criteria of actions that Marxists would expect from a proletarian 'class-for-itself.' *Felipe*, for example, describes two instances of co-workers mounting 'rebellions' in the form of striking, blocking roads, and making complaints to labour inspectors. But the act of 'escaping' a garment workshop and later shaming a former employer into paying you back wages might be missed by the search for 'proletarian' resistance. The way in which labour market intermediaries are held to account for actually providing access to promised employment opportunities might also be missed. Considerations of worker agency and resistance must be contextual if they are to be recognized, let alone understood.

RACE, GENDER AND 'NEW SLAVERY'

Contrary to some of the literature on forced labour, trafficking and 'new slavery,' race has been identified as a factor in these cases. The racialization of the migrant workers in these cases contributes to sustaining the degradation and restricted freedoms they encounter in their struggles to obtain waged work. This goes beyond the fact that race is a proxy for the poverty that makes workers vulnerable to these situations. It is related to the process of racial signification and the question of whose rights should be protected within a society.

Similarly, the cases challenge the notion that women are particularly vulnerable to forced labour. In these cases, it is predominantly men who have been identified as facing 'slave labour' conditions. I argue that in the sugar cane case, the vulnerability of these male workers is gendered. Notions of masculinity play a role in justifying the piece rate system which contributes to health and safety problems. While women migrant workers in these cases are not found to be more vulnerable to 'slave labour', their experiences are still gendered. This includes opportunities for positive redefinitions of gender norms as well as instances of gendered suffering.

This highlights the fact that production is necessarily embedded within a particular socio-economic context. Systems of labour relations emerge from and interact with policy and social norms. Employers' demands for cheap, productive and flexible labour leads them to actively recruit migrant workers, and specifically male workers in the sugar cane case. The extent to which these migrants are viewed in the location where

they labour as 'others,' as passive victims, or as individuals with rights affects the scope they have to improve their own condition. These categories of identity cannot be separated from class, for class positions are formed within societies through race, gender, and migration status.

MARXIST ANALYSIS AND 'SLAVE LABOUR' IN BRAZIL

Dividing lines between free and unfree labour have also been drawn in Marxist writings. Sakamoto (2007b) draws the line between contractual and non-contractual employment relations. Others draw it on the basis of whether workers are subject to extra-economic compulsion or not (e.g., Brass 1999, p. 10). Unfree labour has also been defined in Marxist theory as the inability of workers to personally commodify their own labour power. (Brass 1999, p. 28)

Whether employment relations are contractual or not impacts on workers' freedoms and the conditions they face, but in the cases examined here it does not exclusively determine whether the employment situation is one of 'slave labour.' It is also argued here that free workers may be subject to varying degrees of extra-economic compulsion, particularly when ideology is considered to be part of this compulsion. Understood this way, determinations of unfree labour must be made on the degree rather than the presence / absence of extra-economic compulsion.¹¹³ Similarly, Miles points out that wage labour may be unfree where there is surplus value extraction through wage payment in production for exchange on the market but the 'labourer's ability to dispose of labour-power as an item of private property is limited.' (1987, p. 32) In this understanding, commodification of labour power may be partial, as experienced by garment workers whose compensation package includes room and board and who may have limited options for employment if they lack work authorization. As mentioned above, more recent theoretical work in the Marxist tradition develops these ideas further by recognizing capitalism as an open system, in which actors engaged in capitalist relations are inevitably also involved in 'non-capitalist' relations.

¹¹³ Miles states that unfree labour is defined as labour 'retained by politico-legal mechanisms and / or physical compulsion' while free labour is retained '*primarily* by economic compulsion' which is much closer to the view I am espousing here. (1987, p. 171, emphasis added)

Both the concept of primitive accumulation and the concept of deproletarianization shed light on certain aspects of the cases examined here, although neither are full explanations of how and why restricted freedoms and degrading conditions emerge or are reproduced. The cases examined here involve the intersection of migrant worker strategies with the strategies of other actors, in particular the strategies of the employers. While producers and other actors in production networks are able to take advantage of a migrant workforce suffering a degree of dispossession and structural unfreedom, this does not imply coordination with the actors responsible for the availability of this migrant workforce.

Deproletarianization is applicable to understanding employers' strategies. It explains how capitalists may seek to restrict workers' freedoms in order to cheapen and discipline the workforce. Employers in these cases seek to retain workers during specific periods, and to extract the most effort for the lowest price. In order to do this, they seek out migrant workers and others perceived as having a 'vocation' for the work. An example of the way employers may benefit from the structural unfreedoms faced by migrant workers is that immigrant workers in São Paulo are subject to restrictions in obtaining housing, which facilitates the combination of living and working spaces in garment workshops. This serves to both cheapen labour costs and to restrict workers' freedoms. Employers may reinforce these unfreedoms, e.g., through threats around immigration status. They may also seek to impose measures which further restrict the workers' freedoms, e.g., locking doors.

As opposed to deproletarianization, theories of primitive accumulation consider how dispossession and unfree labour form a pre-history of capitalism in a process of class formation. Sakamoto (2007b) explains 'slave labour' in Brazil as an aspect of ongoing primitive accumulation along the geographic and situational frontiers of capitalist expansion. The two specific cases examined here do not neatly fit into such a framework.¹¹⁴ However, the concept of primitive accumulation – or depeasantization, as

¹¹⁴ Sakamoto (2007b) does not examine the garment case in detail, since it had not been treated as 'slave labour' by the federal government. Further, there is less of a focus on sugar cane in Sakamoto (2007b) because time period focused on in that work ends at approximately the moment when the time period focused on here begins, and in the latter period sugar cane has been more prominent among the cases of 'slave labour' in Brazil.

Brass prefers – can illuminate the process by which the 'unfree equivalents,' used by capitalists to replace free wage labour, come to be available in the first place. Even here, Miles reminds us that dispossession may be partial. This is applicable to the situation faced by migrant cane worker participants who had been involved in share-cropping and affected by local trends of expulsion from the land.

The concept of primitive accumulation is only useful, however, to the extent that it recognizes how these migrant workers participate in the process. The agency they exercise in choosing to migrate rather than accept local circumstances should be highlighted. There is a danger that the term 'primitive accumulation' instead obscures this agency.

The articulation of modes of production framework begins to open up more possibilities for analysis by recognizing links across time, space and modes of production. In the cases examined here, migrant workers *themselves* are among those creating the links between these modes of production and / or between different forms of capitalism in their home and destination regions.

The claim here is that actually existing capitalist relations within contemporary production networks contribute to bringing about the situations labelled as 'slave labour' (on the basis of degrading conditions and restricted freedoms). They are neither inevitably constituted nor inevitably extinguished by the development of capitalism as a whole. The set of capitalist relations from which they emerge go beyond the immediate ones between the workers and the individuals directly enforcing the conditions and mechanisms of control understood to constitute 'slave labour.' They include other sets of relations that each of these actors is engaged in, constituting the labour dynamics of production networks.

'SLAVE LABOUR' AND PRODUCTION NETWORK ANALYSIS

Between an analysis of 'the slave's relationship with their master or slave holder' (Bales 2007, p. 1) and an analysis of capitalism writ large, we can examine the production networks which workers enter and form a part of. An examination of the

labour dynamics of production networks is particularly important in comparing a case which involves immigrant workers who may lack work authorization with a case involving internal migrants who in theory possess full citizenship rights. My consideration of the two cases of 'slave labour' has therefore entailed an analysis of the labour dynamics of production networks. In both cases, there have been increasing and changing forms of competition by producers in response to the power dynamics within these networks, dynamics influenced by the state in varied and sometimes conflicting ways. While these production networks continue to be shaped by their national character, some elements are 'globalising.' These dynamics have been part of the reality shaping labour conditions.

In Brazil's Sugar Cane Agro-industrial Complex (CAC), there have long been problems of degrading work, albeit varying over time and by region. The rapid interest in ethanol from 2003 on has brought changes to the sector. Some ethanol producing firms have been accessing capital through consolidation, concentration, public finance, foreign investment, and other means, while firms in a weaker position strive to catch up. In terms of the newly expanded domestic market for ethanol, firms are contending with a scenario in which deregulation has changed the type of support they receive from the state, but they continue to supply an oligopolistic fuel sector.

The ensuing drive to increase productivity of a seasonal labour force at low cost entails intensification of work and, often, the imposition of degrading conditions. This is enabled by both taking advantage of and imposing restrictions on workers' freedoms. It is often accomplished through the employment of migrant workers via labour market intermediaries, or through 'labour chains,' even as there are changes to these recruitment structures. These strategies have materialized when they intersect with the strategies of workers and intermediaries. There are indications that the imposition of degrading conditions and restrictions on workers' freedoms is more common where *usinas* (mills or distilleries) use independent suppliers (who in turn are frequently dealing with a decline in their bargaining power) and especially where leasing of land is falsely labelled as subcontracting. There have also been cases of 'slave labour,' however, where rural workers were directly employed by *usinas* and in which larger firms were responsible for these conditions, indicating that they too are embedded within existing labour relations.

In the garment sector, retailer concentration combined with increasing price pressure from imports due to the on-going process of trade liberalization has put increasing pressure on producers and led to the lengthening of value chains. At the end of these value chains, (along with mainly female Brazilian homeworkers), are the sewing workshops where Bolivian and other immigrant workers live and labour. The need for flexibility in supply of labour both on a short-term basis and over the course of the year is increasingly important, as are lower unit labour costs. These workshops draw on existing structural unfreedoms imposed on immigrant workers and create strategies which reinforce these unfreedoms, enforcing exhaustive workdays and, often, degrading conditions. Again, these strategies are enabled by their intersection with the strategies of workers and intermediaries.

This is a reminder that the notion of embeddedness, central in much of the GPN literature, should not be given *a priori* positive connotations. To the extent that production networks are embedded within society, it must be recognized that 'society' is not a strictly positive counterpoint to the market. Rather, particular societies are characterised by structures of race, class, gender and migration which can be inherently unjust. As Yeung reminds us, 'firms produce places through their place-based activities and places produce firms via prevailing sets of institutions, rules and conventions.' (2005, p. 46) The impacts of production relations upon these societal structures are not predictable. In this case, the embeddedness of the ethanol production network within these structures creates categories of workers vulnerable to increasing levels of exploitation through work intensification, as these workers struggle to gain the opportunities represented by employment. Embeddedness can reinforce and transform historically racialised structures of domination.

In sum, increasing levels of competition at labour intensive stages of production have been produced within production networks in these two very different sectors. This has resulted in strategies by employers in both sectors, especially those in weaker competitive positions, to reduce costs while increasing productivity and flexibility. Where these strategies have been met with the strategies of workers migrating to find regular employment income, the outcomes have included instances of 'slave labour.' They

also include degrading conditions and restricted freedoms which fall short of the 'slave labour' label, as experienced by both local and other migrant workers.

While GPN analysis is only beginning to focus on workers and labour outcomes, we can extend this perspective to better understand the power dynamics that workers enter into and form a part of. The employment which they sacrifice to obtain promises the means to achieving some of their goals. The successes of some migrant workers serve as examples for others to seek work in the sector. This employment also represents the risks associated with restricted freedoms. These two possibilities, of achieving goals through labour migration and of running the risks of experiencing restricted freedoms and degrading conditions, are not exclusive of each other, but may manifest themselves simultaneously.

By focusing our lens on the production networks within which workers are engaged, we are better able to understand how opportunities and constraints on actions are created for a range of actors. These actors include those subject to, imposing, and enforcing degrading and 'slave labour' conditions through various mechanisms of control. We are also able to hypothesize the purpose that these mechanisms of control serve in enabling producers to survive and compete under conditions of growing competition within the dynamics of production networks – by increasing the rate of exploitation in a situation where more powerful actors within the production network may be able to capture the value produced at the stage of production these producers are engaged in. And we are able to see how the success of efforts to combat 'slave labour' in Brazil – such as the 'Dirty List' and the National Pact to Eradicate Slave Labour - can be measured in part by their impacts on these dynamics.

POLICY ISSUES AND COMBATING 'SLAVE LABOUR'

While immigrant garment workers in and around São Paulo are in conditions often labelled as 'slave labour,' these workers had not, as of 2008, benefited from the government's anti-slavery efforts. When found in degrading conditions analogous to those faced by cane cutters, garment workers were not 'liberated' in the sense that thousands of cane cutters have been liberated: with back wages, other financial

compensation and access to unemployment insurance. On the contrary: if their immigration status was irregular, they received an order to leave the country.

The complaint-driven model of the labour inspectorate responsible for enforcing employment law in this sector and region was not adjusted to address the vulnerability stemming from workers' immigration status. Lack of work authorization among some workers plays a part in sustaining the combination of living and working space that serves to further limit workers' options, and therefore their freedoms. The possibility of receiving a deportation order reinforces the way in which immigration status serves to restrict workers' freedoms. And this status is intertwined with race for, as pointed out by Anderson, the 'othering' of migrants is not race-neutral. Civil society groups such as CAMI are working on a number of fronts to support these workers, taking the issue of identity into account in their strategies.

In the case of sugar cane workers, the federal administration has been active in efforts to 'combat slave labour' through labour inspections increasingly focused on the sector. These inspections have also been increasing in effectiveness, improving labour standards both directly and through serving as a tool that can be utilized by workers and their allies in contesting conditions. Further, other labour inspectorates have learned from this model. But simultaneously, the state has been supporting, both rhetorically and financially, the rebirth of the CAC. To some degree, this counteracts their efforts to support workers subject to 'slave labour' conditions.

The influence of the state is not limited to the workplace but can extend to the economic development of the home regions of migrant workers. This is particularly important given the trend towards mechanization of cane cutting. Fuelled by opportunities for greater profitability but also supported by civil society groups and the state on environmental grounds, mechanization holds the promise of eliminating the jobs most frequently characterized as 'slave labour.' But in the absence of other measures to increase opportunities for migrant workers, this poses difficulties for migrant workers in both the short and long term. It may even increase their vulnerability to forced labour in other sectors. This points to the wider issues of socio-economic conditions and livelihood

opportunities which must be addressed in reducing vulnerability to 'slave labour' and degrading work.

The state is not a singular actor, but is rather multi-scalar and multi-faceted. It therefore influences labour dynamics of production networks in a number of ways, sometimes in contradictory ways. Civil society groups working on the issue of 'slave labour,' for their part, have not been content to see the state respond to their concerns; they have actively sought to expand these efforts. One example is the National Pact to Eradicate Slave Labour, which relies in large part on the federal government's publication of the 'Dirty List' of firms using 'slave labour.' The extent to which this initiative has been successful has been due to the articulation of efforts by state, civil society and industry actors, and to its impact on labour dynamics of production networks.

CONCLUSION

The analysis of the two cases presented here supports a multi-dimensional concept of 'slave labour,' a conceptualisation which might also be adapted to other contexts. It has problematized the distinctions between freedom and unfreedom in employment relations. Workers on both sides of any line drawn between free and 'slave' labour can and do experience varying degrees of freedom. The distinction can still be meaningful, however, even if it is subjective, contextual and contested. This entails recognition that degradation can also be a defining characteristic of 'slave labour,' and that both degradation and freedom can be measured not just along a continuum, but along different dimensions.

Under this conceptualisation, 'slave labour' can be viewed as a symptom of degrading work. Conceiving of 'slave labour' as a symptom of degrading work and looking at the way labour outcomes are produced within production networks, has important implications for the recognition of agency and resistance. This highlights the need to look for resistance beyond those situations which are classified as 'slave labour.' Labour struggles over degrading work must be seen as resistance to 'slavery,' since workers engaging in them seek to draw a line below which conditions are not accepted.

The possibilities for effective resistance are circumscribed in situations where workers' bargaining power in relation to potential employers is weak. Resistance must

therefore be conceived of in a contextual way which recognises the limited space within which workers engage in struggle. Workers negotiate over wages even below the legal minimum wage, they demand a higher quality of the food which forms part of their compensation, they engage in open resistance when their co-workers' health is at stake, they migrate with their families in spite of the fact that individual accommodation forms part of their compensation, and they pressure former employers for unpaid wages after leaving employment. All of this may be recognized as resistance. These struggles may also prevent a situation of degrading work from deteriorating into one in which the conditions become harsh enough to be considered 'slave labour.'

Second, the thesis has proposed the concept of labour dynamics of production networks. The particular actors engaged in capitalist relations and the opportunities and constraints they are responding to has been analysed through the GPN framework, highlighting the changing power dynamics of these relations and the social embeddedness of production. The thesis therefore extends the set of relations which the GPN framework encompasses and deepens its explanatory power. It also speaks to Marxist analyses of unfree labour which characteristically enter into the 'hidden abode of production,' but have not adequately accounted for the location of this abode within contemporary production networks.

In particular, the increasing competitive pressures faced by employers at labour intensive stages of production in these cases have been highlighted. These pressures arise from the dynamics of the production networks in which employers are engaged. The bargaining power of workers vis-à-vis employers is impacted by the strength of their employers' bargaining power vis-à-vis other actors within production networks. Where producing firms are facing these increasing pressures, workers may be in less of a position to make demands on them.

This analysis has also considered the question of what is in demand in situations of 'slave labour,' since neither workers nor their labour can be thought of in the same way as other commodities. Any demand for cheap labour should not be oversimplified, because there may also be a demand for productive and flexible labour within production networks. Racialized and gendered identities mean that some employers and labour

market intermediaries consider particular groups of workers to embody the characteristics they are seeking. This may intersect with the strategies of these groups of workers who are seeking opportunities for waged work. This is a demonstration of supply and demand as dynamic, mutually conditioning, and socially constructed. Supply and demand for labour is constructed within production networks, and becomes embedded within existing systems of labour relations, systems often shaped by racial and gender inequalities. The production network framework is therefore particularly useful for investigating the context within which these labour relations emerge, a context not always accounted for in the literature on 'new slavery,' nor in Marxist analyses of unfree labour.

The analysis here has shown that labour dynamics of production networks are an aspect of network governance, and also that the state is a multi-scalar and multifaceted actor impacting these dynamics. Efforts by civil society groups intersect with government efforts to combat 'slave labour,' and the success of these efforts is in part determined by the degree to which they change the labour dynamics of production networks. Like a high fever, the symptom of 'slave labour' demands immediate treatment. But to achieve their intended objectives, analyses and policy responses must also take into account the problem of degrading work to which 'slave labour' alerts us. Accounting for and intervening in the labour dynamics of production networks is a critical aspect of addressing both degrading work and 'slave labour.'

This thesis has shown how the ability to impose 'slave labour' conditions results from a complex set of power dynamics emerging from the labour dynamics of production networks, which include state actors. In both cases, the extent to which migrant workers are perceived as racialized 'others' affects the range of opportunities available to them and the support they might receive if they wish to contest conditions, demonstrating how production relations are necessarily embedded in a particular socio-economic context.

While the state has played a complex and contradictory role in impacting the labour dynamics of production in the sugar cane case, the threat posed to employers by the potential 'liberation' of their workers from 'slave labour' has been strengthened by both public and private initiatives. The increasing support for liberated workers in the form of back wages and social protection has enabled increasing numbers of workers to

‘choose’ liberation when inspectors judge their working conditions to be constitutive of ‘slave labour.’ But more importantly, the publication of the ‘Dirty List’ and the creation of the National Pact to Eradicate Slave Labour have meant that the repercussions of these liberations are potentially amplified. Liberations may eventually lead to employers losing business from signatories to the Pact. The power exercised by fuel distributors within the production network has therefore been recognised and used in support of workers’ rights. This has provided workers and their allies with a tool to use in their struggles to improve conditions, thus increasing their bargaining power.

In contrast, responses to the informal and degrading conditions found in the garment case has yet to offer workers many tools for more effective resistance and negotiation (at least during the fieldwork period). Labour inspections carried out in garment workshops characterised by ‘slave labour’ have not offered possibilities for workers to improve their bargaining position within the production network. Rather, both small-scale employers and workers’ positions were largely weakened by the sanctions imposed on them. Perhaps due to awareness that some workers (and employers) are unauthorised, the state has yet to ‘rescue the citizenship’ of immigrant garment workers in and around São Paulo.

Workers’ bargaining power vis-a-vis their employers is therefore articulated with the power relations among workers and recruiters, workers and the state, employers and buyers, employers and foreign investors, these firms and the state, the state and civil society groups, etc. These set the stage for whether employers and/or labour market intermediaries are able to violate employment laws with impunity, whether workers will be offered and/or accept tied housing, and whether a piece rate system of pay will prevail, to offer a few examples. The results of this analysis suggest that attempts to combat ‘slave labour’ should be viewed in light of the extent to which they alter these power relations.

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APPENDIX 1: GLOSSARY AND ABBREVIATIONS

Acerto = 'settling up' - see *direitos trabalhistas*

ATR = *Açúcar Total Recuperável* – total recoverable sugars, a measure combined with volume to determine value of sugar cane

Autos de Infração (AI's) = legal notice of labour irregularity / violation

Aldeia = term used in reference to villages of indigenous people

Bancada Rural = rural bloc or lobby in Brazilian congress

CAC = Sugar Cane Agro-Industrial Complex (*Complexo Agro-industrial Canavieiro*)

CAMI = *Centro de Apoio ao Migrante* – Migrant Support Centre, church-based NGO providing services to and advocating on behalf of immigrants in the São Paulo metropolitan area

Clandestino = clandestine, also used to refer to anything unregistered, informal or illegal

Colono / colonato = labour relations system described by de Souza Martins as 'a diversified and complex contractual relationship, combining salaried work, the payment of rent in the form of labour and goods, and the rendering of labour services free of charge, in addition to direct production of the means of subsistence.' (2002, p. 306)

Compromisso Nacional para Aperfeiçoar as Condições de Trabalho na Cana-de-Açúcar = tripartite National Commitment (Agreement) to Improve Labour Conditions in Sugar Cane signed in June 2009

Confecção = generally used to refer to garment factories rather than sewing-only workshops, which are usually referred to as '*oficinas*'

CPT = *Comissão Pastoral da Terra* – church-based civil society group which advocates for rural poor and migrants.

DIEESE = Inter-Union Department of Statistics and Socio-Economic Studies

Direitos trabalhistas = also referred to as *acerto* - any and all payment due at the end of work term, such as pay in lieu of paid time off, FGTS (in certain circumstances), etc.

DRT = *Delegacia Regional do Trabalho*, regional labour offices of Labour and Employment Ministry (MTE), which operate at state level rather than at the federal level; now called *Superintendência Regional do Trabalho e Emprego*

FAT = *Fundo de Amparo ao Trabalhador*, Worker Support Fund; fines and damages imposed on firms found in violation of labour law may be paid into this pool of funds. Funds are used for costs of unemployment insurance, mandatory salary bonuses, and labour-related economic development programs

FGTS = *Fundo de Garantia do Tempo de Serviço*: An individual employee account funded by an 8% payroll tax which workers can withdraw under specific circumstances

Gatos = literally 'cat'; informal labour recruiters who may also act as foremen; negative connotation associated with slavery / trafficking

Grupo Móvel = *Grupo Especial de Fiscalização Móvel (GEFM)*: Special Mobile Labour Inspection Group which carries out targeted 'slave labour' inspections in rural areas (i.e.,

in agriculture, livestock, charcoal camps, etc.). It based in the Labour and Employment Ministry (MTE) and operates at federal level

ILO = International Labour Organization or *Organização Internacional do Trabalho*

Interior = the 'interior' of a state or country generally refers to rural (and / or isolated) areas

Liminar = 'preliminary verdict' which serves as an injunction. Being removed from the 'Dirty List' through a *liminar* means that the decision could be on technical grounds, e.g., related to questions about the legality / constitutionality of the list itself. It is therefore not necessarily a judgement on the conditions encountered by the labour inspectors

Loja – shop. Those running shops (*lojistas*) may or may not have a factory and often contract from workshops (*oficinas*)

Machista – chauvinist, sexist

MPT = Public Labour Ministry which has power to impose fines on companies; a representative forms part of *Grupo Móvel*'s inspection teams

MTE = Labour and Employment Ministry

NGO = non-governmental organization

Oficina = workshop, refers to sewing only workshops who receive subcontracted orders (*pegar serviço*) from factories. Those running the shop are referred to as *oficinistas*.'

NR31 = Regulatory Norm 31, detailing standards for working conditions and accommodation for rural workers, introduced in 2005

Organização Internacional do Trabalho (OIT) = International Labour Organization (ILO)

Pardo = official racial category for mixed race person, similar to the more derogatory term *'mulato'*

Pastoral dos Migrantes = church-based NGO providing services to and advocating on behalf of immigrants in the São Paulo metropolitan area

PPE = Personal Protective Equipment or safety gear

Pro-Álcool = *Programa Nacional do Álcool* - Government programmes supporting the production and use of fuel ethanol which began in the mid-1970's and was largely phased out at the end of the 1990's

RB = Repórter Brasil, www.reporterbrasil.org, NGO which reports on cases of 'slave labour'

Região dos cocais = region named for the babassu palm; used here only in reference to the *região dos cocais* within the state of Maranhão

SIT = *Secretaria de Inspeção do Trabalho*, department of Labour and Employment Ministry (MTE) which is responsible for inspections and coordinates the work of the *Grupo Móvel*

Serviço Pastoral do Migrante = Migrant Pastoral Service, church-based parent organization of CAMI.

Soro = 'serum.' Refers to a rehydrating or electrolyte drink.

Superintendência Regional do Trabalho e Emprego (SRTE) = formerly known as *Delegacia Regional do Trabalho (DRT)*, regional labour offices of Labour and Employment Ministry (MTE), which operate at state level rather than at the federal level

TAC = *Termo de Compromisso de Ajustamento de Conduta*, legal agreement signed with the Public Labour Ministry (MPT) as a result of alleged irregularities, committing firm to certain standards in their labour practices and specifying penalties for violating the agreement.

UNICA = sugar cane industries confederation based in São Paulo and representing mills responsible for majority of sugar and ethanol production

Usina = sugar mill and / or alcohol distilleries. Owners often referred to as '*usineiros*.'

APPENDIX 2: DATA SOURCES

GARMENT – INTERVIEWS

Recorded unless stated otherwise

BUSINESS

- Interview with staff member of monitoring firm of transnational clothing retailer (conducted in English)
- Individual interviews with staff members of two separate neighbourhood clothing (wholesale / retail) shop associations. *Asked both for referrals to member businesses and followed up repeatedly but never obtained any referrals.*
- Two substantial, unrecorded conversations¹¹⁵ with a garment manufacturer (immigrated to Brazil from Korea as a child) who stated that he no longer contracts out to Bolivian sewing workshops. A friend of his, also a manufacturer (Brazilian, married to a Korean) was present during the second conversation.
- Interview with manufacturer and leader in Korean community in São Paulo.
- One of the employers running a garment workshop had particularly prominent recruitment advertisements which were also placed ads on her car. When I saw her sitting in her car I approached her and told her I was a student studying the industry, and asked her some questions. I followed up later with a brief telephone interview.
- Unrecorded interview with staff member of transnational retailer, signatory of National Pact to Eradicate Slave Labour
- Interview with staff member of textile firm, signatory of National Pact to Eradicate Slave Labour
- Interview with staff member of signatory of National Pact to Eradicate Slave Labour
- Unrecorded interview with staff member of signatory of National Pact to Eradicate Slave Labour

IMMIGRANTS EMPLOYED IN AND / OR RUNNING SEWING WORKSHOPS

- Three consecutive interviews with a Bolivian immigrant working in industry
 1. I also had a number of substantial unrecorded conversations with her husband
- Individual interviews with three Bolivian immigrants working in industry
- Focus group with seven Bolivian immigrants working in industry
 1. Interview with Bolivian immigrant working in industry who participated in focus group

¹¹⁵ Informed consent was still obtained for all ‘conversations/’

2. Unrecorded interview with Bolivian immigrant working in industry who participated in focus group
- I spent one afternoon (along with my research assistant) on the street where recruitment ads are posted in a few store fronts. We had substantial conversations with five individuals and one couple.
1. I attempted to follow up on these conversations and was able to with the couple, who I accompanied to their home / sewing workshop. Over the course of that morning, I spoke with the two of them and one of their daughters at length. I took notes but did not record.

GARMENT – MEETINGS

MEETINGS ATTENDED WITH THE MIGRANT SUPPORT CENTRE

- The church-based Migrant Support Centre asked me to undertake some voluntary work as a condition of assisting me with my research. I therefore spent a few days at their office, mostly doing data entry. The focus group listed above was composed mainly of students and teachers of the Centre's weekend courses.
- I was also invited to a number of events by staff members of the Centre. These included:
- Three of the citizenship classes held on Saturday afternoons at the Centre. I took detailed notes on the discussion of how to define citizenship at one of these classes.
 1. Two Centre staff meetings.
 2. A meeting held at the Centre to discuss how to proceed with participation in commissions organized by the Public Ministry of Labour (MPT) regarding the problems of sewing workshops.
 3. A meeting of various government agencies, community based organizations, the ILO, and others to discuss policy solutions to the problems faced by immigrants working in the apparel industry in the São Paulo region. Held at the offices of the Migrant Pastoral Service (SPM), the parent organisation of the Migrant Support Centre.
 4. The first day of a tripartite meeting organized by the federal National Council on Immigration together with the ILO

GOVERNMENTAL ENTITIES

- Staff member of the São Paulo City Council who worked on the Commission of Enquiry on the 'exploitation of labour analogous to slavery'
- Staff member from Ministry of Justice
- Inspector from Public Ministry of Labour (MPT) , regional office responsible for Greater Metropolitan São Paulo area

NGO'S / CBO'S / UNIONS

- Staff member of Instituto Observatório Social (with a colleague present for much of the interview) which is lead organisation in monitoring the National Pact to Eradicate Slave Labour
- Staff member of Pastoral dos Migrantes in São Paulo which provides services to and advocates on behalf of immigrants in the São Paulo city metropolitan area
- Staff member of Seamstresses' Union (with a colleague present for much of the interview)

ACADEMICS

- Academic at the University of São Paulo who has studied issue of immigrant workers in garment workshops and 'slave labour'
- Academic at University of São Paulo affiliated with Research Group on Contemporary Slave Labour
- Staff member from the Migration Studies Centre (affiliated with church-based Pastoral dos Migrantes)

GARMENT – OTHER DATA COLLECTED

- I made repeated requests to the Public Ministry of Labour (MPT) for data on inspections of garment factories and workshops and received some data which partially fulfilled my request.
- I collected copies of newspaper articles going back ten years on the issue of garment workshops and 'slave labour' from archives of the Migration Studies Centre.
- I wrote down the contact information for 43 employers advertising jobs in sewing workshops and the information they included in these advertisements. I then passed this on to a Bolivian immigrant who worked in the industry who called each of them to ask about salaries and working conditions and wrote down their responses.
- I attended and recorded a meeting of the Association of Koreans in Brazil regarding subcontracting in the apparel industry. A representative of the Public Ministry of Labour (MPT) explained the legal responsibilities of those subcontracting production and this was followed by questions and comments which were recorded and transcribed.
- I obtained transcripts from the São Paulo City Council's hearings on 'slave labour' in garment workshops, which include the testimony of a number of employers implicated in cases of labour abuses.
- I observed the 'dawn market' where clothing is sold mainly on a wholesale basis. I spoke briefly with a few of those selling there.
- I entered fifteen wholesale / retail shops (which may also manufacture garments) in one of the city's garment districts and spoke briefly with six managers in these shops. None were willing to grant full interview.

SUGAR CANE – INTERVIEWS

Recorded unless stated otherwise

BUSINESS – INDUSTRY

- Skype interview (i.e., via instant messages) with editor of industry publication.

BUSINESSES – FUEL DISTRIBUTORS

- Individual interviews with with staff members of three fuel distributors, signatories of National Pact to Eradicate Slave Labour
- Interview with with staff member of fuel distributor, signatory of National Pact to Eradicate Slave Labour
 1. Separate interview with another staff person immediately following first interview
- Individual interview with staff member of signatory of National Pact to Eradicate Slave Labour

BUSINESSES – SUGAR MILLS / ETHANOL DISTILLERIES

- Representative of National Union of Sugar Cane Industry (UNICA, represent producers of sugar-cane based products in São Paulo state, so membership encompasses more than 50% of producers in Brazil)
- Interviews at four usinas, all of which were inspected by Labour Department in response to complaints of ‘slave labour’ (with varying outcomes)
 1. Hosted at distillery. Conducted jointly with fellow postgraduate researcher.
 - Recorded interviews with: Human Resources staff person, Health and Safety Director, Pest Control Director, Distillery Technology Director, and General Manager.
 - Substantial, unrecorded conversations with: Foreman (agricultural), Head Foreman (agricultural), Agrarian Technician, staff person in Administration / Marketing, Secretary who sold land to distillery, and Cane Cutter
 2. Individual interview with Director / Manager, who also owns land that is rented to distillery
 3. Hosted at third distillery
 - Individual interviews with General Manager, Human Resources Director and Foreman (agricultural).
 - Substantial, unrecorded conversation with Agrarian Technician.
 4. Individual interviews with Human Resources Director and General Manager. Substantial, unrecorded conversation with driver.
- Unrecorded telephone interview with large sugar and alcohol producer conglomerate

BUSINESSES – LANDOWNERS

(Sugar cane suppliers or ‘partners’ who lease land to mills / distilleries)

- Individual interview with staff member of association of sugar cane growers / suppliers
- Individual interview with land owner who rented his land to one of the usinas I interviewed. (His family was present.)
- Interview with President and fellow representative (former President) of land reform settlement which rented land to one of the usinas I interviewed. State Secretary of the Environment also present.

INTERMEDIARIES

- Individual interviews with five ‘travel agents’ who sell bus tickets to migrant workers from Maranhão
 1. Three were owners of these businesses; one was the daughter of the owner, who also worked in the business; one was an employee.
 2. One was open about having recruited cane workers. Others stated that their business was solely transport.
 3. Four of these five provided transport mainly to cane workers, while one worked with other types of agricultural workers. However, in the interview with the latter, she spoke extensively about another of the intermediaries who had been interviewed.

MIGRANT CANE WORKERS AND THEIR FAMILY MEMBERS

- Individual interviews with ten cane workers, one of whom also worked as a recruiter and foreman; a family member was also present at four of these
- Unrecorded interview with sister of cane worker who also worked with ‘travel agency’ both in home region and in cane cutting region
- Three individual interviews with family members of cane workers
- Unrecorded individual interview with family member of cane worker

LABOUR UNIONS

- Representative of FERAESP, São Paulo state federation of rural workers who is also president of local union which represents agricultural workers in sugar cane and began as a cane cutter herself.
- President of union representing agricultural workers at one of the usinas where I conducted interview with management staff
 1. Group interview with President, two workers who are active union members, and union staff person responsible for Family Agriculture Cooperative project

SUGAR CANE - MEETINGS

GOVERNMENTAL ENTITIES

- Federal Ministry of Labour and Employment:

1. Staff member to Grupo Móvel, mobile labour inspection group which investigates complaints of 'slave labour'
2. Staff member to Grupo Móvel
3. Staff member on Health and Safety Issues

NGO'S / CBO'S / UNIONS

Note: while these interviews focused on sugar cane, many also covered garment

- Staff member at Instituto Ethos, organisation focused on corporate social responsibility which coordinates National Pact to Eradicate Slave Labour
- Staff Member at Repórter Brasil, lead NGO working on issue of 'slave labour' in Brazil
- Staff member at International Labour Organisation
- Interview with staff member of FETAEMA – federation of rural unions for the state of Maranhao
- Two staff members of Pastoral Land Commission in state of Maranhão
- Staff member of Pastoral Land Commission's local office in region of usina where I conducted interview with management staff
- Communications Director for state federation of agricultural workers
- Two Directors of state federation of agricultural workers

ACADEMICS

- Academic at Universidade Estadual de Campinas who has studied labour and migration issues in sugar cane

SUGAR CANE – OTHER DATA COLLECTED

- At the federal Ministry of Employment and Labour (MTE) – accessed and took notes on approximately twenty reports of labour inspections triggered by complaints of 'slave labour'; this was supplemented by articles published by NGO Repórter Brasil, government press releases, and other media reports
- Accompanied labour inspection of agricultural part of sugar mill / distillery in São Paulo state
 1. This was a routine inspection carried out by State Labour Department, not one in response to complaint of 'slave labour'

GENERAL 'SLAVE LABOUR'- INTERVIEWS

The following two entities do not work with sugar cane cutters (or garment workers) but are considered to be models in combating forced labour.

- Interview with a staff member of the Instituto Carvão Cidadão (Charcoal Citizen Institute)

- Individual interviews with four staff people from the Centro de Defesa de vida e dos Direitos Humanos de Açailândia (Açailândia Centre for the Defense of Life and Human Rights); interview with two participants of Centre's recycled paper cooperative project; and individual interview with participant of Centre's ecological charcoal cooperative project, who had been 'liberated' from charcoal camp by Grupo Móvel.

POTENTIALLY 'KEY' INTERVIEWS REQUESTED BUT NOT GRANTED

- Large sugar producer in Brazil: Initially seemed willing to grant interview, then stopped responding.
- Trade association: Non-responsive.
- Trade association: Replied to first e-mail but then unresponsive. Tried again after meeting a representative at a seminar but this time her colleague was completely unresponsive.
- Retailer and signatory of National Pact to Eradicate Slave Labour: Refused interview but stated that they would be willing to answer questions over e-mail.
- Sugar and alcohol producer inspected for 'slave labour.' Refused interview on grounds that the firm was going through restructuring. Part of their business was sold to another firm. I followed up months later and they again refused saying the restructuring was still in progress.
- Sugar and alcohol producer inspected for 'slave labour': Agreed to interview but then could not get in touch with them again for a few weeks because neither the phone number nor e-mail seemed to work any longer. I then decided not to attempt to obtain this interview because of the distance I would need to travel alone
- Academic, expert on cane cutters: unresponsive.
- Brazilian garment manufacturer and retail chain with production facilities in São Paulo: Stated that a staff member would be available during the last week of August but that I should call closer to the date to make appointment. When I called they then stated that they would be unable to grant an interview because the vast majority of the staff were on holiday leave.
- Clothing retailer accused of 'slave labour': Refused interview.
- Clothing retailer accused of 'slave labour': Non-responsive.
- Garment manufacturer in São Paulo: Stated that the manager would be away for a month but did not have the exact date he would return.

APPENDIX 3: ‘SLAVE LABOUR’ INSPECTIONS IN SUGAR CANE FIELDS
from 1 January 2005 through 31 August 2008

This appendix was compiled with reference to a list supplied by the inspectorate of the Labour and Employment Ministry – *Secretária de Inspeção do Trabalho* (SIT), *Ministério do Trabalho e Emprego* (MTE). The list included cases in sugar cane from June 2005 through April 2008 which were either: inspected by the *Grupo Móvel*, the mobile labour inspection group which carries out targeted ‘slave labour’ inspections in rural areas; or investigated by regional labour inspectorates and reported to the SIT because ‘slave labour’ conditions were identified by the inspectors.

Inspections resulting in the ‘liberation’ or ‘rescue’ of workers are considered to be ‘slave labour’ cases; the removal of workers in this way reflects a judgement by the labour inspectors that the workers were in conditions constituting ‘slave labour.’ ***The ‘Potential Violations by Type’ table on pp. 103-104 refers only to these ‘slave labour’ cases.*** Inspections by the *Grupo Móvel* which did not result in any workers being ‘liberated’ should be generally be considered a ‘slave labor’ inspection but not a case of ‘slave labour.’

I initially cross-checked the list with reference to the annual reports of the *Comissão Pastoral da Terra* (CPT) which includes a table of complaints lodged on the basis of alleged ‘slave labour’ conditions. However, it was not always clear which sector these complaints referred to, especially in earlier reports. Further, a representative of the SIT stated that all complaints of ‘slave labour’ would be investigated by the *Grupo Móvel* if there were grounds to believe that ‘slave labour’ conditions were likely to be found; and that in cases likely to involve labour violations falling short of ‘slave labour’ conditions, the complaints would be referred to other (i.e., regional) labour inspectorates. Therefore, complaints listed in the CPT’s annual reports but not resulting in inspections by the *Grupo Móvel* may be excluded from this table.

I also cross-checked the list through a systematic review of articles on ‘slave labour’ cases published on the website of the NGO *Repórter Brasil*. Newspaper articles and other media reports were also used in some cases. The sources are listed below.

Inspections at the same companies but previous to the cases listed here are not noted. Where I know of a subsequent inspection leading to the ‘liberation’ of workers, this is noted.

The ‘Dirty List’ refers to the registry of firms found to use ‘slave labour’ published by the Brazilian government. The status here refers to the ‘historical’ version of ‘Dirty List’ as of February 2008 obtained from MTE and the ‘current’ version as of 15 July 2008 available through MTE and *Repórter Brasil* websites. Firms may be removed from the ‘Dirty List’ after successfully completing a two-year compliance period, or they may be removed after obtaining a ‘*liminar*’ (injunction). Some *liminares* have been granted on grounds related to the legality the ‘Dirty List’ itself.

The map produced from this data was designed by Graham Bowden at the University of Manchester’s School of Environment and Development.

**'Slave Labour' Inspections in Sugar Cane Fields
from 1 January 2005 through 31 August 2008**



Name	Pagrisa
Alternative Name	Pará Pastoral e Agrícola
Year of inspection	2007
Town	Ulianópolis, Pará

Name	Pagrisa
Dirty List	No (But see Última Instância 2009, regarding legal decision around company's appearance on list)
# liberated	1,064

Name	Debrasa
Alternative Name	Unit of Companhia Brasileira de Açúcar e Álcool (CBAA) / Agrisul Agrícola, Owned by Grupo José Pessoa.
Year of inspection	2007
Town	Brasilândia, Mato Grosso do Sul
Dirty List	No (Entered Dirty List July 2008)
# liberated	1,011

Name	Destilaria Gameleira
Alternative Name	Changed name to Destilaria Araguaia in May 2006
Year of inspection	2005
Town	Confresa, Mato Grosso
Dirty List	Appeared in 2003; removed in 2005 to due to <i>liminar</i> ; reappeared in 2006 when <i>liminar</i> overturned in court; removed 2 May 2008 because of compliance for two year period.
# liberated	1,003 318 liberated in 2003 inspection

Name	AgroSerra
Alternative Name	Agropecuaria Agroindustrial Serra Grande
Year of inspection	2005

Name	AgroSerra
Town	São Raimundo das Mangabeiras, Maranhão
Dirty List	Yes, excluded through <i>liminar</i>
# liberated	652

Name	Usina São Francisco
Alternative Name	Agropecuaria Campo Alto (USJ/União São João Açúcar e Álcool)
Year of inspection	2008
Town	Quirinópolis, Goiás
Dirty List	No
# liberated	421

Name	Destilaria Centro Oeste Iguatemi (DCOIL)
Alternative Name	Fazenda Cachoerinha
Year of inspection	2007
Town	Iguatemi, Mato Grosso do Sul
Dirty List	Yes
# liberated	409 (according to press release; although report of inspection says 498 'removed' [<i>retirados</i>]) 126 in second inspection in 2008

Name	Santa Clotilde
Alternative Name	Owned by Grupo Oiticica
Year of inspection	2008
Town	Rio Largo, Alagoas
Dirty List	No

Name	Santa Clotilde
# liberated	401

Name	Coruripe Açúcar e Álcool
Year of inspection	2007
Town	Ituramã, Minas Gerais
Dirty List	No
# liberated	374

Name	Fazenda Olho d'Água
Alternative Name	Alcoopan Álcool do Pantanal; Silvio Zulli
Year of inspection	2005
Town	Poconé, Mato Grosso
Dirty List	Yes
# liberated	318

Name	Operation at six mills
Alternative Name	Tarumã (of NovAmérica) Maracaí (of NovAmérica) Porta do Céu (supplier to Renascença, which was formerly called Oncinha) Cocal (part of Copersucar) Paraálcool Ibéria
Year of inspection	2007
Town	Extreme west of São Paulo state, bordering Paraná, including Tarumã, Maracaí and Ibirarema
Dirty List	No
# liberated	288

Name	Usina Fortaleza de Açúcar e Álcool Ltda.
Year of inspection	2008
Town	Porteirão, Goiás
Dirty List	No
# liberated	244

Name	Usina Central do Estado
Year of inspection	2008
Town	Porecatu, Paraná
Dirty List	No
# liberated	228

Name	Two units - Capricho & Sumuauma
Alternative Name	Owned by Grupo Toledo
Year of inspection	2008
Town	Cajueiro & Marechal Deodoro, Alagoas
Dirty List	No
# liberated	203

Name	AgroRubim
Alternative Name	Cooperativa Cooper Rubi
Year of inspection	2006
Town	Rubiataba Goiás
Dirty List	No
# liberated	102

Name	Energética do Cerrado Açúcar e Álcool
Year of inspection	2007
Town	Itarumã, Goiás
Dirty List	No (Appeared on 'Dirty List' in December 2008)
# liberated	77

Name	Fazenda Sarita
Alternative Name	Supplier to Usina Iracema and Destilaria Agro-Verde
Year of inspection	2008
Town	Itaí e Taquarituba, São Paulo
Dirty List	No
# liberated	Firms ordered to make payments to 74 workers; inspection report stated that those who wished to return to Maranhão would be able to. Report characterized situation as analogous to slavery.

Name	Agrisul
Alternative Name	Unit of Companhia Brasileira de Açúcar e Álcool (CBAA)
Year of inspection	2008
Town	Icém, São Paulo
Dirty List	No
# liberated	55

Name	Laginha
Alternative Name	Owned by Grupo João Lyra
Year of inspection	2008

Name	Laginha
Town	União dos Palmares, Alagoas
Dirty List	No
# liberated	52

Name	COSAN
Alternative Name	Junqueira (production unit)
Year of inspection	2007
Town	Igarapava, SP
Dirty List	No (Briefly appeared on Dirty List early 2010)
# liberated	42

Name	Fazenda Soever
Year of inspection	2006
Town	Beberibe, Ceará
Dirty List	Yes
# liberated	40

Name	Agrocana JFS
Year of inspection	2007
Town	Ceres and São Luiz do Norte, Goiás
Dirty List	Yes
# liberated	36

Name	BRENCO
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Name	BRENCO
Alternative Name	Brazilian Renewable Energy Company / Companhia Brasileira de Energia Renovável
Year of inspection	2008
Town	Campo Alegre de Goiás, Goiás; Mineiros, Goiás; Alto Taquari, Mato Grosso
Dirty List	No
# liberated	17 (those housed in Campo Alegre de Goiás)

Name	Fazendas Pirangi and Três Marias
Year of inspection	2007
Town	Beberibe, Ceará
Dirty List	No
# liberated	15

Name	Ipê Agro-Milho Industrial
Year of inspection	2007
Town	Inhumas, Goiás
Dirty List	Yes
# liberated	14

Name	Moema
Alternative Name	Unit of Crystalsev
Year of inspection	2008
Town	Oriundiúva, São Paulo
Dirty List	No

Name	Moema
# liberated	0

Name	Ivaicana Agrícola
Alternative Name	Vale do Ivaí Açúcar e Álcool
Year of inspection	2008
Town	São Pedro do Ivaí, Paraná
Dirty List	No
# liberated	0

Name	Usina Santa Helena da Açúcar e Álcool
Alternative Name	Fazenda Santa Helena, Part of Grupo Naoum
Year of inspection	2006
Town	Santa Helena, Goiás
Dirty List	No
# liberated	0

Name	Usina DENUSA
Alternative Name	Destilaria Nova União S/A
Year of inspection	2006
Town	Indiara, Goiás
Dirty List	No
# liberated	0

Name	Usina Boa Vista
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Alternative Name	Part of Grupo São Martinho, which also owns Iracema
Year of inspection	2006
Town	Quirinópolis, Goiás
Dirty List	No
# liberated	0

Name	Delta
Alternative Name	Unit of Grupo Carlos Lyra – also referred to as Usina Caeté, although officially this seems to be the name of group’s central mill / distillery in Alagoas, while this inspection was carried out only in Minas Gerais.
Year of inspection	2007
Town	Delta, Minas Gerais
Dirty List	No
# liberated	0

Name	Usina Mendonça Agroindustrial e Comercial Ltda.
Year of inspection	2007
Town	Araxá, Minas Gerais
Dirty List	No
# liberated	0

Name	Zihuatanejo Açúcar e Álcool
Alternative Name	Usina Tocantins Açucar e Álcool
Year of inspection	2007
Town	Arraias, Tocantins
Dirty List	No

Name	Zihuatanejo Açúcar e Álcool
# liberated	0

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APPENDIX 4: SAMPLE PROJECT INFORMATION SHEET AND CONSENT FORM

Researcher: Siobhán (Giovana) McGrath

Type of project: PhD dissertation

Topic: Case studies of sugar cane production and garment production in Brazil

Contact information for researcher while in Brazil:

XXXXXXXX

Institution:

Institute of Development Policy and Management, School of Environment and Development

The University of Manchester

Oxford Road

Manchester, M13 9PL

United Kingdom

Tel: +44 (0)161 275 0969.

Fax: +44 (0)161 273 8829.

E-mail: idpm@manchester.ac.uk

Research assistant: Tiago Rangel Côrtes

What am I being asked to do?

You are being asked to participate in an interview or focus group. You will be asked about your experience in the industry being studied, and other relevant experience and knowledge. You may also be asked to provide other information about yourself and your life history. If you agree, this will be audio-recorded.

What happens to the data collected?

If you agree to take part in the project, your answers to the questions will be kept and analysed by the principal researcher. A report will be written about the findings and related articles may be published. *You will not be identified in the writings.*

How is confidentiality maintained?

The researcher (and research assistant) will not identify your name or personal information to anyone. This information will be kept physically separate from any recordings and transcripts. Pseudonyms will be used in any reports or articles. (You are free to suggest a pseudonym for yourself.)

The only exception to this rule is if you disclose any activity on your part which would harm others. In this case, I may be ethically obligated to disclose this information. Please keep this in mind.

Do I have to participate? What happens if I change my mind?

You are in no way obligated to participate. You are free to withdraw from the project at any time without giving any reason and without detriment to yourself.

Will I be paid?

If appropriate, you may receive travel expenses and a meal (or cash equivalent) in order to participate in this research. You will not receive any other payment.

Will I receive any assistance? Where can I get help for problems I have had at work?

The researcher is not able to provide any assistance. If your employers has exploited or abused you, you should contact the Centro de Apoio aos Migrantes at (011) 6694-5428 or the Ministério do Trabalho e Emprego at (0800) 285-0101.