

Risk Analysis of Labor Violations Among Farmworkers in the Guatemalan Sugar Sector

**A Summary Report on Findings from
Rapid Appraisal Research**

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Introduction

Rapid appraisal research carried out by Verité and REACH (Research-Education-Action-Change) in the Guatemalan sugar industry found evidence of a range of indicators of human trafficking for labor exploitation and labor rights violations, including deceptive recruitment, underpayment of wages, forced overtime, child labor, inadequate food and lack of potable water, limits on freedom of movement, and hazardous working conditions.

Sugarcane production, by its nature, puts workers at risk, often requiring physically demanding labor with machetes and long hours of exposure to high temperatures, agrochemicals, and smoke from burning cane fields. Workers are vulnerable to heat exhaustion and dehydration, as well as workplace injuries and chronic kidney disease (CKD), an often fatal and poorly understood illness that is common among cane cutters.

Verité chose to carry out rapid appraisal research on labor conditions on Guatemalan sugarcane plantations due to Guatemala's role as a major player in the global sugar trade and indications that workers employed on sugarcane plantations were vulnerable to exploitation. Past studies on labor conditions among Guatemalan agricultural workers,¹ as well as Verité's past research in the Guatemalan coffee and palm oil sectors indicated a high risk of labor violations.²

Guided by an analysis of the risks facing workers on sugar farms, Verité has developed actionable recommendations for companies and government seeking to improve working conditions in this industry. Verité's research builds on several earlier reports examining working conditions in the Guatemalan sugar industry, some of which have only been published in Spanish. Verité's full report synthesizes and analyzes research by other organizations and uses it to contextualize Verité's more recent findings.



Methodology and Scope of Research

Verité carried out research in October through December 2016, in conjunction with REACH, a Guatemalan research group. The research questions were guided by the International Labor Organization's (ILO's) operational indicators of trafficking for labor exploitation, which are broken down into indicators of deceptive recruitment, coercive recruitment, recruitment by abuse of vulnerability, exploitation, and coercion at destination. Researchers conducted a literature review, expert consultations, and in-depth interviews with 38 workers who performed a range of tasks on sugar plantations, including harvesting sugarcane.

Researchers interviewed workers in their home communities, located in three departments in Guatemala (Quiché, Sololá, and Suchitepéquez). Verité has found that this community-based research approach illuminates labor rights violations that interviews conducted in workplaces may fail to detect. Verité's previous research in Guatemala has shown that workers are more willing to share sensitive information when interviewed in their communities of origin, where they are less vulnerable to surveillance and reprisals for discussing labor abuses and criticizing their employers. Researchers in this study recruited respondents from areas where they had existing relationships with local community and religious leaders and civil society organizations, allowing them to gain the trust of workers more easily. This approach also helped ensure the safety of respondents and researchers in a country where violence against labor activists and human rights defenders occurs regularly.

Researchers did not scientifically sample respondents, and thus the results of the study are not statistically representative and are not meant to be interpreted as such. Using qualitative, rapid appraisal techniques, the researchers have been able to portray a rich description of the experiences of a group of Guatemalan sugarcane workers, some of whom endured highly concerning labor abuses. Verité's triangulation of these findings through review of relevant literature and interviews with local experts suggests that the experiences of workers interviewed were not isolated or unusual, but reflective of systemic issues within the industry. Additional in-depth research would be required to document the prevalence of the labor abuses found here in a more precise and conclusive manner.

The Sugar Industry in Guatemala

Guatemala plays a major role in the global sugar trade. Guatemala was the fourth largest sugar exporter in the world,³ and the third leading exporter of sugar to the United States in 2015.^{4,5} In addition to refined and raw sugar, Guatemala exports alcoholic beverages and biofuels derived from sugarcane. Sugarcane production has expanded rapidly in recent years, more than doubling in the past two decades,⁶ and

now covers 10 percent of the country's arable land.⁷ The sugar industry directly employs an estimated 85,000 people.⁸

Many migrant workers travel from the predominantly indigenous western highlands to the sugarcane fields along Guatemala's southern coast for the labor-intensive harvest season. On most plantations in Guatemala, workers harvest sugarcane manually,⁹ using machetes to cut down its bamboo-like stalks which can reach twenty feet in height. Farms usually burn cane fields prior to the harvest, releasing an odor of burnt agrochemicals. Cane cutters often work amid the ash, sometimes while smoke is still rising from the fields, covering their faces to protect themselves from the smoke. They may perform this strenuous labor in high temperatures, harvesting as much as six tons per day, double the weight of an average-sized pickup truck.

Departments Under Study



Key Findings

Verité found evidence of recruitment abuses, indicators of labor trafficking, threats to workers' health and safety, and other issues such as child labor, gender-based discrimination, minimum wage violations, inhumane living conditions, and a lack of freedom of association and grievance mechanism. While some of these issues had been documented by previous studies, no research thus far had specifically documented the existence of indicators of labor trafficking. Indicators of deceptive recruitment detected by Verité included deception about the nature and location of jobs and employers, conditions of work, the content or legality of work contracts, housing and living conditions, and wages and earnings. Indicators of coercive recruitment included confiscation of documents and debt bondage. Indicators of recruitment by abuse of vulnerability included abuse of lack of education and lack of information. Indicators of exploitation included excessive working days and hours, bad living conditions, hazardous work, low salaries, a lack of respect for labor laws and contracts, and wage manipulation. Indicators of coercion at destination included confiscation of documents, debt bondage, isolation and surveillance, violence on victims, and withholding of wages. The following section covers some of the most concerning issues facing workers interviewed by Verité.

Key Findings on Risks Related to Recruitment and Hiring Practices

Workers hired through labor brokers were at heightened risk of labor abuses

Labor brokers play an important role in helping workers access employment opportunities on sugar plantations. However, Verité research in multiple other sectors in Guatemala has consistently found that being hired through labor brokers increases workers' vulnerability to a range of labor abuses. Most of the workers interviewed by Verité for this study had been hired by labor brokers, none of whom





showed their recruits a “carta poder,” a legally required power of attorney letter documenting the employer for whom they were authorized to hire the workers. The lack of written documentation about the employer or nature and location of the job appeared to leave workers vulnerable to deception and hinder them from seeking legal redress for labor abuses.

Workers hired through brokers were often subjected to additional debt and wage deductions, potentially heightening their vulnerability to debt bondage. A few workers reported paying their labor brokers recruitment fees or the cost of transportation. These workers paid 50 Guatemalan Quetzals (GTQ) (USD 6.50) in upfront fees to their labor brokers, which constituted nearly two days’ wages on average. Labor brokers sometimes charged their workers a certain amount, most commonly GTQ 5 (USD .68), per ton of sugarcane harvested. This fee typically reduced workers’ earnings per ton by between 13 and 22 percent. Sometimes employers paid this fee themselves and deducted it from the pay of workers recruited by labor brokers.

Workers were deceived about their terms of employment and the nature of their jobs during the recruitment process

Workers rarely had complete and accurate understanding of their terms of employment on sugar plantations. Specifically, they were deceived about working hours, compensation, the difficulty of the tasks, and living conditions in employer-provided housing. Many workers were paid less than the rate they were promised at the time of recruitment, and reported that their conditions of work were worse than those initially described to them.

In the most egregious example of deceptive recruitment Verité encountered during this research, several workers reported being tricked into working on a sugar plantation after agreeing to take much less strenuous jobs on a coffee farm. A labor broker arrived in their community and promised a group of men, women, and children jobs harvesting coffee. The workers boarded a bus to go to the coffee estate and were surprised when it dropped them off at a sugar plantation. Unable to afford the return bus fare, they had to work on the plantation in jobs that were much more

difficult and located farther from their homes than they had expected.

Workers did not receive accurate and transparent information regarding their terms of employment

The absence of written documentation of workers' terms of employment appeared to heighten their vulnerability. No workers interviewed reported receiving written documentation regarding their terms of employment, as is required by Guatemalan law. Nearly all reported having a "verbal contract," meaning that their terms of employment were verbally explained to them, though some workers said the "verbal contracts" lacked important information, such as their wages and the tasks they would be required to perform. A few workers reported receiving no information about their terms of employment whatsoever. A large percentage of the workers employed on Guatemalan sugarcane plantations are indigenous Mayans, many of whom speak Spanish as a second language or only speak indigenous languages, making it hard to understand both written contracts and verbal explanations of their terms of employment.

Key Findings on Other Indicators of Human Trafficking for Labor Exploitation

Workers were subjected to forced overtime, due in large part to quotas and a productivity-based payment system

Nearly half of the workers interviewed claimed they were unable to refuse overtime hours. More than two-thirds of the workers reported that overtime hours were required to meet daily quotas. Some workers said they faced punishments for failing to meet quotas, including dismissal, fines, and lower food rations. Workers reported that it was often impossible for them to meet quotas without working in excess of eight hours per day, the legal limit on regular working hours. Workers and experts interviewed reported that sugarcane cutters worked as many as 16 hours per day, and transport workers sometimes worked 24-hour shifts.

Most workers were paid through a piece rate system, in which they were paid based on the number of tons of sugarcane harvested, meters of cane planted, or backpacks of pesticides applied, rather than amount of time worked.¹⁰ Since workers were not guaranteed a minimum wage, let alone a living wage, independent of production, payments by piece rate incentivized them to work as much as possible.

Employers and labor brokers inhibited workers' freedom of movement and restricted their ability to leave the plantations, including by withholding their identity documents

Workers faced significant restrictions on their freedom of movement. They described two primary factors barring them from leaving: the presence of guards patrolling the plantations and the fact that their employer or broker withheld their identity documents. Some workers claimed they were under constant surveillance while working on sugar plantations. More than two-thirds claimed they were unable to leave their plantation without permission from management or their labor broker. Some workers reported that their verbal contracts included stipulations prohibiting them from leaving their plantations before working for a set period of time, often the duration of the harvest season. A few told researchers that they would not be paid what they were owed if they left the plantation without permission.

Some workers interviewed by Verité reported that their labor brokers withheld their personal identity documents (DPI), and they felt they could not leave the plantations without them. Guatemalans require a DPI to secure jobs, make bank transactions, or file legal complaints. Replacing a DPI often requires long processing times, bribes, and the costs of transportation for multiple long trips from their rural communities to government offices, in addition to the official cost of replacing the documents.

Workers' debts to labor brokers, employers, and company stores prevented them from leaving plantations

Many of the workers interviewed reported being indebted while working on a sugar plantation, and almost all of these workers claimed they could not leave without first paying off their debts. Workers gave several reasons why they could not walk out on debts: their DPIs would not be returned, they would not receive wages owed to them, and they could not afford a return trip. While the average amount of debt was not extremely high at any given time, because workers constantly had to buy food on credit, it could be very difficult for them to break out of a cycle of indebtedness, which combined with the retention of identity documents and limits on their freedom of movement, resulted in a high risk of human trafficking.

The majority of indebted workers owed money to stores located on the plantations where they worked. Workers often reported that farms did not provide them with sufficient food, leading workers to purchase additional food from overpriced company stores. These stores – frequently owned by plantations, individuals connected to management, and labor brokers – reportedly sold food and other items, including medicine, at inflated prices. Due to their desperate need for food and other supplies and their lack of alternatives in isolated workplaces, workers reported buying goods on credit between paychecks, leading many into a cycle of indebtedness.

Employers, labor brokers, and company stores provided workers with liquids and pills, including opioid painkillers, so that they could meet the rigorous physical demands of their jobs

Of the 38 workers surveyed, 16 (42 percent) reported that they took some type of drug to maintain their energy levels while working, and key informants reported that drug use for this purpose was widespread among farmworkers on sugar plantations. Workers reported taking prescription-strength opioid painkillers such as Tramadol, as well “pastillas sin sueño,” literally, no sleep pills, and “sueros,” liquids containing unknown substances. Some workers reported that after taking the drugs, they felt as if they could not stop taking them and were unable to carry out their jobs without them. A few workers claimed that employers and labor brokers actively offered them drugs, even giving them out for free initially, only to charge them once they developed a dependency. Some labor brokers sold pills for up to double the market price.

Key Findings on Severe Health and Safety Risks

Workers faced serious injuries and pesticide exposure while working on plantations

All but two workers interviewed reported risks to their health and safety, and almost all said they had been exposed to pesticides. Since applying pesticides is less physically strenuous than cutting cane, this work often falls to women and children. One worker reported seeing a pregnant woman applying pesticides. Key informants expressed concern over workers’ exposure to agrochemicals, particularly the residue of herbicides and pesticides burned off of sugarcane during the harvest, which they believed was linked to respiratory problems. The majority of workers reported that they did not receive the personal protective equipment (PPE) necessary to protect them. Workers also complained of being transported to plantations under crowded and unsafe conditions. In some cases, decommissioned school buses and cargo trucks were packed tight with workers who had to stand pressed together for long, winding journeys.

Workers lacked access to potable drinking water, breaks, and shade while working

According to key informants and workers interviewed, most cane cutters lacked





sufficient drinking water. More than half of the workers interviewed claimed they did not receive drinking water on the job, and some reported not being able to carry enough water to satisfy their thirst. In some cases, trucks delivered tanks of river water to the fields. Some workers described drinking water out of ditches. The majority of workers said they had no shady place to rest while working in the fields. In general, workers' breaks were short and infrequent, with the majority of workers interviewed reporting that they received a half an hour or less of break during their long, strenuous workdays.

Workers were vulnerable to a potentially fatal kidney disease, and they lacked access to health care to address the condition

Chronic kidney disease (CKD) has devastated communities in sugar growing areas in recent years, and the threat appears to be growing. By one estimate, more than 20,000 people in Central America have died of CKD in the past 20 years, frequently working-age men involved in sugarcane production.¹¹ The prevalence of the condition in Guatemala remains understudied, but strenuous agricultural labor in hot temperatures, particularly harvesting sugarcane, is clearly linked to the disease.^{12,13} A 2015 analysis of enrollment in dialysis programs in Guatemala found the highest prevalence of CKD among men in hot, low-lying areas along the Pacific coast, where sugar cultivation is concentrated.¹⁴ CKD attacks tubules in the kidney that filter urine, preventing the body from eliminating waste. Although the exact causes are unknown, recurring dehydration and heat stress appear to contribute to the disease, and some scientists have hypothesized that exposure to pesticides,¹⁵ as well as the use of painkillers,¹⁶ may increase the risk as well. All of these risk factors were highly prevalent among interviewed workers.

Both workers and experts interviewed by Verité reported that kidney failure was a common problem and accepted as normal by many working in the sugar industry. One key informant interviewed by Verité estimated that 25 percent of workers on Guatemala's sugarcane plantations suffered from CKD, while another key informant reported that the condition afflicted the majority of these workers. About two-thirds of the workers interviewed by Verité reported that they, or someone close to them,

suffered from CKD. Many remained silent about their illness out of fear of losing their jobs. Some workers expressed concern over lack of access to health care for CKD, which eventually requires expensive dialysis treatments.

Workers faced difficulties accessing healthcare

Half of the workers interviewed reported that their plantation provided no medical care, and most claimed they paid for their own medical expenses. Although workers often had deductions made from their paychecks for Guatemalan Social Security Institute (IGSS) benefits, including access to IGSS-run hospitals, it appeared that not all workers contributing to IGSS were enrolled in the system. One worker described how an IGSS-run hospital turned him away after he was injured, since he was not registered in the social security system. Workers' inability to access healthcare is particularly concerning considering their vulnerability to potentially fatal CKD.

Key Findings on Major Risks

Workers reported that children worked on sugar plantations and carried out hazardous tasks

The majority of workers interviewed reported seeing children under 14 working on the sugarcane plantation on which they were employed. In some cases, workers estimated that children made up between one-quarter and one-half of the workforce. Among the workers who witnessed children working, all said that children used sharp tools, such as machetes, and nearly all claimed they saw children applying pesticides. Some workers reported that children were working on plantations during the school year, suggesting this work may have interfered with their education. Both hazardous work and jobs that interfere with children's education are considered to be among the worst forms of child labor.

Verité research found that several factors coalesced to make child labor almost inevitable on sugar plantations: family migration, a lack of childcare, and the use of piece rates to determine workers' pay. Two-thirds of workers interviewed migrated with their family members. Given the lack of child care on many plantations, parents often made the rational decision to have their children accompany them to the sugarcane fields rather than leaving them alone with unfamiliar men in communal housing. Most workers were paid by piece rates, and more than two-thirds had a quota to meet. Parents often enlisted the help of their children to increase their earnings or meet quotas.

Workers reported wage violations, including payments far below the minimum wage and gender-based wage discrimination

All but two of the workers interviewed received less than the monthly minimum wage of GTQ 2,747 (USD 365). Workers' monthly wages averaged GTQ 981 (USD 131) after deductions, only about a third of the legal minimum wage and less than a quarter of what the Guatemalan government estimated a family of five needed to cover their basic nutritional needs. Furthermore, in some cases the earnings reported by workers were the product of the labor of multiple family members, including children.¹⁷ In addition, although Guatemalan law requires that workers be paid at least once every 15 days, some workers reported being paid monthly, leading them to make purchases on credit for goods to meet their daily needs, which sometimes contributed to debt.

The majority of workers reported they did not understand how their wages were calculated, and almost none received pay slips or other documentation explaining their earnings and deductions. Nearly half of the workers felt they did not receive the full amount rightfully owed to them each month. Workers reported being paid by inexact measurements that seemed subject to manipulation. For example, some cane cutters were paid for each "montoncito," meaning "little mountain" of cane harvested. Additionally, workers and experts interviewed reported that they believed that the scales used to measure sugarcane were altered in order to reduce the amount paid out to workers. A large majority of workers interviewed experienced deductions from their pay. Deductions were made to pay workers' debts to company stores; social security and health care costs; and, tools and PPE – such as gloves, shoes, machetes, and canteens – needed for their jobs. The absence of pay slips created confusion about these deductions and contributed to the lack of clarity about how workers were paid.

Women interviewed reported receiving lower wages than men. Female workers interviewed received GTQ 529 (USD 70) per month on average, less than half of men's average wages of GTQ 1,191 (USD 158). In addition, men were often paid for the work of their whole families, leaving women without control over their earnings. The indigenous workers interviewed also received lower wages on average than non-indigenous workers (GTQ 1,015 (USD 135) vs. GTQ 1,163 (USD 155) per month).

Workers lacked access to sufficient food and potable water in employer provided housing

More than half of the workers interviewed reported that they lived in housing provided by their employer. Nearly half claimed they lacked potable water, and less than one-third reported having enough to eat. Workers typically received two to three meals per day consisting only of beans. Workers might receive beef or chicken once or twice per week. Some workers reported that they killed and ate snakes, iguanas, and opossums for additional food. In some cases, only the male head of household received food, although the entire family worked. Workers reported that

receiving food was contingent on working a requisite number of hours per day. In some cases, plantations refused to provide dinner to workers who refused to work 10 to 12 hours per day. Missing work due to sickness or injury also resulted in a loss of food in some plantations.

Workers lacked access to appropriate grievance mechanisms for reporting labor abuses

The majority of workers interviewed reported that their first language was an indigenous language. Due to language barriers impeding communication with plantation personnel, labor brokers were often workers' only channel for grievances and communication with management, leaving workers no venue to express grievances involving the brokers themselves. Some workers also reported they would be blacklisted for complaining about their conditions of work.

Unions, which could facilitate communication with management and help address grievances, are essentially nonexistent in the sugar sector, except for in a single mill. Unions are extremely rare in the Guatemalan agricultural sector in general, as less than one percent of rural workers were unionized in 2010.¹⁸ Some workers were aware of blacklists for those involved in organizing, and a few had been explicitly warned not to carry out union activity when they were hired.



The Story of Esperanza

An indigenous woman, “Esperanza”¹ who speaks K’iche and grew up in the Department of Quiché, the area hardest hit by massacres targeting the indigenous population during Guatemala’s 36-year-long civil war, tells her story.

“I worked on many sugar plantations and coffee estates throughout my life. It was hard working on the plantations because there was no childcare and I was paid very poorly. However, I had to keep going back year after year because I needed money.

‘Contratistas’ or labor brokers came to my community to find workers and bring them to the plantations. ‘Miguel Lopez’ is one of those brokers. He does not show us a carta poder or a contract. He simply explains to all the workers what their terms of employment will be, but on many occasions, he lies to people and the conditions are worse when they arrive at the plantation.

One time Don Miguel Lopez told me that it was time for the coffee harvest. He even brought a coffee branch that had ripe coffee beans on it so that people would accept his offer to go to the coffee estate. When we arrived, we were surprised to find out that it was a lie: we had been taken to a sugar plantation. Everyone got angry because he put us to work on a sugar plantation and the working conditions are worse than coffee.

Also, the transportation to the plantation was very crowded, as he put 150 people in a bus meant for 60 people. Sometimes he just takes a cargo truck and packs it with up to 200 people. That is how the contractors put people’s lives at risk when they transport them to the plantations.

When we get to the plantation, they put a bracelet with a number on each worker’s wrist so that they can identify them. They split the workers into crews of 50, called ‘cuadrillas.’ Each cuadrilla is assigned a name or number, which they use to assign tasks and payments. The women are responsible for weeding and the men are responsible for fumigating, but during the harvest, both men and women cut sugarcane.

We usually wake up at 2 a.m. so that we can eat, because if we wake up later they don’t give us food. Every day they just give us bean soup. The menu rarely changes, and they don’t cook the beans enough. They don’t give us three meals a day. If we don’t work the number of hours that they tell us to, usually 10 to 12 hours, they usually don’t give us dinner. That is why I go to the plantation store to buy food on credit. They

¹ Any names included in this report are aliases used to protect the identities of respondents.

deduct what I spend from my salary every 15 days, and sometimes we don't have much money left over because they sell everything for more than the normal price.

I start working at 5 in the morning so that I can get ahead, especially when I am cutting cane because at that time I am as strong as the men who work with me. At 10, the sun starts to get too hot and because there is no shade, my body gets weak. We bring our own water, but it is not enough. That is when the "capataz" or supervisor comes to scold us saying that we must work faster, but even so, because we are so tired already, we can't work at the same pace as the beginning of the day.

When I finish working each day, I return to the 'galera,' a large open shelter where we sleep. It is very uncomfortable because the beds are made of boards, 30 people sleep in each galera, and it is very hot and loud. Many times, I do not sleep because it is simply impossible to sleep under these conditions.

When my co-workers or I get sick, they don't give us medical attention. We have to see what we can do to get healthy. It is the same with workplace accidents – they don't attend to us. They tell us that we should decide what to take, so we go to the store and self-medicate to feel better again.

One day my son got gravely ill, and I went to talk to the capataz, but he didn't pay it any mind. He even said that the plantation didn't take responsibility for children and if something happened to them it was the responsibility of the parents. I didn't know what to do with my son, and the weather was making the situation worse for him. None of the medications that they sold in the store worked anymore. My co-workers told us that it was best if we went home and took him to a doctor, because beforehand some children had died due to a lack of medical attention. I had to return home even though the transportation was very expensive.

Necessity forces me to accept this job. It offers me almost nothing, not stability or good pay. Even though I want to make a complaint, I can't because the labor inspectors' office is far away and they don't pay any attention to us anyway because they don't understand our language. I am also scared that instead of improving my conditions, they will fire me. Despite all the things that happen on the plantations, I keep working to try to support my family and feed my children."

Conclusions and Recommendations

Verité's rapid appraisal research found a number of labor violations among farmworkers employed in Guatemala's sugar sector. However, given that this research is not scientifically representative at a sectoral or country level, government agencies, foundations, international organizations, and companies should fund and

carry out research to document the prevalence of labor abuses, including labor trafficking, as well as CKD, in the Guatemalan sugar sector.

Verité has developed recommendations for the Guatemalan government to reduce the risk of violations uncovered during rapid appraisal research. The Guatemalan government has been criticized by both the U.S. government and the ILO for failing to enforce labor law and is at risk of facing severe sanctions if it fails to take immediate action to address these deficits.

- The government should increase the capacity of the labor inspectorate to enforce labor law by ensuring that labor inspectors receive adequate compensation; paying for labor inspectors' travel expenses; providing incentives to carry out inspections in the agricultural sector; hiring additional inspectors; establishing standardized timetables for inspections in the agricultural sector; providing inspectors with police assistance; hold accountable employers who impede inspectors' access to worksites; and implementing systems to ensure compliance with judicial orders and inter-agency cooperation.
- In order to ensure that labor brokers are registered and adequately monitored, the government should establish a centralized registry of labor brokers; verify that labor brokers are registered and operating in accordance with the law; monitor the charging of recruitment fees; and hold both labor brokers and their end employers accountable for labor law violations.
- The government must improve efforts to combat human trafficking for labor exploitation by implementing trainings on identifying victims; raising awareness about the most prevalent indicators of trafficking in the sugar sector; training police, prosecutors, and judges on trafficking laws; training police and prosecutors on building successful cases; and establishing a referral system for victims.
- Finally, the government should take a series of actions to protect workers from specific labor violations detected on sugar plantations, such as verifying that workers are provided with contracts and the minimum wage; prosecuting individuals who retain workers' DPIs; decreasing DPI processing times; inspecting plantations for the worst forms of child labor; providing the children of farmworkers with free education and daycare programs; monitoring stores located on plantations for debt bondage and provision of illegal drugs to workers; eliminating forced overtime and quotas; ensuring workers' right to safe and healthy workplaces are respected; investigating the causes and prevalence of CKD and providing workers affected by CKD with healthcare; hold accountable employers who make social security deductions yet fail to register workers in the social security system; and implementing adequate grievance mechanisms.

Companies directly or indirectly sourcing sugar from Guatemala, as well as the

Guatemalan sugar mills that supply them, have the power to significantly improve conditions for workers on sugarcane plantations and could face legal and reputational risks if they fail to do so.

- Verité recommends that both companies and mills take the following actions to address known causes of CKD: ensure that plantations provide workers with potable water; provide workers with access to shaded rest areas; require that workers receive adequate breaks; provide workers with necessary PPE; raise workers' awareness about CKD; and provide workers with access to medical care for CKD.
- In order to ensure that every worker receives the minimum wage independent of production, companies should discourage payments based on piece rates; explicitly ban the practice of paying only heads of household for the work of their entire families; and explicitly prohibit the imposition of quotas.
- To ensure that workers are adequately nourished and do not become indebted to company stores, brands and mills should mandate that plantations provide sufficient quantities of food for every worker and family member living on plantations; expressly prohibit the withholding of food from workers; require that food or supplies be sold at or below market rates at company stores; ensure that workers are paid fully and in a timely manner; require that stores keep accurate records; and incorporate the points above into audit protocols.
- Companies should take the following actions to increase access to affordable childcare and education in order to reduce child labor on sugar plantations: provide free childcare or schooling to the children of farmworkers; provide transportation to local schools; and provide incentives for parents to send their children to school.
- Companies and mills should also undertake measures to improve workers' understanding of their terms of employment and payment calculations, including by ensuring that workers receive written contracts, detailed verbal descriptions of the contents of contracts, and pay slips that itemize earnings and deductions in languages that they can understand.
- Finally, companies should provide workers with internal grievance mechanisms that allow them to report grievances to individuals other than their labor brokers and supervisors. Companies should invest in sector-wide grievance systems available in indigenous languages spoken by workers and appropriate to their levels of literacy and technology access. These mechanisms should allow workers to report grievances, receive information on their legal rights, and obtain referrals to service providers. Companies should also develop systems to address both individual grievances and the root causes of labor violations. and support the development of workers' organizations and committees to facilitate worker communication with management.

Endnotes

¹ Wesseling, Catharina, et al. Trabajadores de la caña de azúcar. Organización Iberoamericana de Seguridad Social, 2011. <http://www.oiss.org/estrategia/IMG/pdf/6-Cana.pdf>.

Labor Conditions in the Guatemalan Sugar Industry. COVERCO, 2005. <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2019&context=globaldocs>.

CODECA. Situacion Laboral de Trabajadores/as Agrícolas en Guatemala, 2013. https://www.servindi.org/pdf/situacion_laboral.pdf.

Labor Conditions in the Guatemalan Sugar Industry. COVERCO, 2005. <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2019&context=globaldocs>.

² Research on Indicators of Forced Labor in the Supply Chain of Coffee in Guatemala. Verité, 2012. https://www.verite.org/wp-content/uploads/2016/11/Research-on-Indicators-of-Forced-Labor-in-the-Guatemala-Coffee-Sector__9.16.pdf.

Labor and Human Rights Risk Analysis of the Guatemalan Palm Oil Sector. Verité, 2013. https://www.verite.org/wp-content/uploads/2016/11/RiskAnalysisGuatemalanPalmOilSector_0.pdf.

³ Sugar: World Markets and Trade. USDA, May 2016. <http://apps.fas.usda.gov/psdonline/circulars/Sugar.pdf>.

⁴ United States Department of Agriculture, Foreign Agricultural Service. Sugar: World Markets and Trade. May 2017. <https://apps.fas.usda.gov/psdonline/circulars/Sugar.pdf>.

⁵ “Trade Map.” International Trade Center, 2016. <http://www.trademap.org/>.

⁶ Arce, Alberto and Martin Rodriguez. “Trabajo infantil y explotación laboral en el azúcar de Guatemala.” Plaza Pública, December 1, 2012. <https://www.plazapublica.com.gt/content/trabajo-infantil-y-explotacion-laboral-en-el-azucar-de-guatemala>.

⁷ Tay, Karla. United States Department of Agriculture Foreign Agriculture Service. Guatemala Sugar Annual: Sustainability Approach. March 31, 2015. http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Sugar%20Annual_Guatemala%20City_Guatemala_3-31-2015.pdf.

⁸ The Coca-Cola Company: Review on Child and Forced Labor and Land Rights in Guatemala’s Sugar Industry. UL, March 2015. <http://fr.coca-colamaroc.ma/content/dam/journey/us/en/private/fileassets/pdf/human-and-workplace-rights/review-on-child-and-forced-labor-and-land-rights-in-guatemalas-sugar-industry.pdf>

⁹ Melgar, Mario et al, eds. Centro Guatemalteco de Investigación y Capacitación de la Caña de Azúcar (CENGICAÑA). El Cultivo de la Caña de Azúcar en Guatemala. 2014. <https://dialnet.unirioja.es/descarga/libro/572719.pdf>.

¹⁰ CODECA. Situacion Laboral de Trabajadores/as Agricolas en Guatemala, 2013. https://www.servindi.org/pdf/situacion_laboral.pdf.

¹¹ “Rate of Chronic Kidney Disease in Guatemala Tied to Geography.” Washington University in St. Louis Institute for Public Health. August 25, 2015. <https://publichealth.wustl.edu/projects/rates-of-chronic-kidney-disease-in-guatemala-tied-to-geography/>.

¹² Laux, Timothy et al. “Prevalence of chronic kidney disease of non-traditional causes in patients on hemodialysis in southwest Guatemala.” Pan American Journal of Public Health. Vol. 39, No.4, 2016:186–93. <http://www.scielosp.org/pdf/rpsp/v39n4/1020-4989-RP-SP-39-04-186.pdf>.

¹³ “Rate of Chronic Kidney Disease in Guatemala Tied to Geography.” Washington University in St. Louis Institute for Public Health. August 25, 2015. <https://publichealth.wustl.edu/projects/rates-of-chronic-kidney-disease-in-guatemala-tied-to-geography/>.

¹⁴ Laux, Timothy, et al. “Dialysis enrollment patterns in Guatemala: evidence of the chronic kidney disease of non-traditional causes epidemic in Mesoamerica.” BMC Nephrology. Vol. 16 No. 54, April 14, 2015. <http://bmcnephrol.biomedcentral.com/articles/10.1186/s12882-015-0049-x>.

¹⁵ Shapiro, Lila. “A mysterious epidemic plaguing Central America may be linked to climate change.” Huffington Post. October 16, 2015. http://www.huffingtonpost.com/entry/epidemic-climate-change_us_56210714e4b069b4e1fbb8c0.

¹⁶ Chatterjee, Rhitu. “Mysterious kidney disease goes global.” Science. March 31, 2016. <http://www.sciencemag.org/news/2016/03/mysterious-kidney-disease-goes-global>.

¹⁷ Instituto Nacional de Estadística. Índice de Precios al Consumidor - IPC - y Costo de la Canasta Básica Alimentaria y Vital. December 2016. <https://www.ine.gob.gt/sistema/uploads/2017/01/12/bb6vENc1cmPIBToSEEr6HESWdZk6tHFfs.pdf>.

¹⁸ CODECA. Situacion Laboral de Trabajadores/as Agricolas en Guatemala, 2013. https://www.servindi.org/pdf/situacion_laboral.pdf.