

NO LIMITS TO EXPLOITATION

MIGRANT LABORERS IN THE SUPPLY CHAINS OF GERMAN SUPERMARKETS



OXFAM
Deutschland



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Oxfam's partner organization, Women on Farms Project, regularly organizes demonstrations with laborers working on grape farms.

OXFAM'S PARTNER ORGANIZATIONS ARCA AND WFP

Oxfam's partner organization in South Africa, Women on Farms Project (WFP), has been engaged for three decades now in supporting farm-workers—especially women working on the grape farms in South Africa. Together with the workers themselves, WFP fights for women's rights, humane working conditions, and the freedom from discrimination and exploitation. One of its principal

missions is to inform women about their rights and help them organize themselves and achieve change on the political level.

One example: In the Summer of 2021, workers set out on a noise-making protest march through Worcester, a center of wine production in South Africa's Western Cape. They demanded, among other things, the payment of unemployment compensation long overdue for work missed during the COVID-19 pandemic.

The Asociación Regional Centro-america para el Agua y el Ambiente (Regional Association of Central America for Water and the Environment, or ARCA) is a civil society organization based in Costa Rica, which works to promote new, sustainable, and more social models of development. Besides their activities in the agricultural sector, ARCA is also engaged in defending people's right to clean drinking water and sustainable city planning.

PREFACE

Colette Solomon Director
Women on Farms Project
South Africa

South Africa is home to an estimated 3 million migrant workers, women and men, who come to South Africa to escape from the persisting economic crisis within their home countries. Many of these migrant workers make their way to the Western Cape Province in South Africa, to work on commercial wine and grape farms that are concentrated in this province.

Historically, migration within Southern Africa was considered within a gender-blind context, and most studies and research focused on the migrant men that flocked to the diamond and gold mines during the Apartheid context. However, being a feminist organisation that works with women who live and work on commercial farms in the Western Cape and Northern Cape provinces, Women on Farms Project has been monitoring the living and working conditions of farm workers and campaigning for their rights since 1996. WFP has been working with a growing number of migrant women farm workers since 2014, many of whom have reported widespread labour rights violations. Moreover, in the last five years, women have increasingly been reporting that many farmers are employing foreign workers in preference to South African workers.

This study on the working conditions of women migrant workers in South Africa enabled us to systematically collect information and better under-

stand these women's experiences, both as it relates to the feminisation of migration, the gender division of labour on agricultural farms, and the increasing casualisation and feminisation of an agricultural labour force, where migrant women are employed at the lowest rung of the agricultural value chain. This research is possibly the first comprehensive exploration of migrant women's experiences on wine and grape farms in South Africa, and its findings show that we are at the tip of uncovering the overall extent of how these women negotiate an existence within a context marked by xenophobic sentiments towards foreign workers; discrimination and exploitation within their workplace without any support from trade unions or government institutions, and a non-responsive migration policy framework, that presents numerous obstacles for these women to work and live freely, without fear of reprisal or deportation.

This research also occurred during the worldwide COVID-19 pandemic, and as such, contains striking findings of how migrant women and children were excluded from any safety net during the harsh level five lockdown period. COVID-19 indeed exposed, but also exacerbated, the vulnerable living and working conditions faced by migrant women in South Africa.

However, what this study also shows, is the power and agency of migrant women, who are increasingly migrating independently; who migrate to escape abusive relationships, and who rely on strong social networks with

other women, to find employment, make a life in their host country, and at the same time, through their remittances sent home regularly, provide for the needs of their children and extended family, and contributes effectively towards their home countries' economies through these remittances.

It is striking to see that the experiences described by migrant women in South Africa and Costa Rica working in the supply chains for large supermarkets are so similar. This points to the structural inequalities within our global economy.

There is a case to be made for governments, employers and those with resources that can work towards positive change, to contribute towards the building of a migration policy that seeks to promote, protect and enhance the human and labour rights of migrant women workers in our region, as the research shows that such a policy can enhance women's economic empowerment. It is also crucial for civil society and community leaders to engage local communities about preventing xenophobia, and as expressed by the South African farmwomen we work with, there are more issues that unite them and migrant farmwomen, than what sets them apart as workers.

Thus, the opportunity for solidarity and meaningful feminist collective action is a real alternative to counter the oppressive and exploitative working conditions women, and migrant women particularly, experience on commercial wine farms in South Africa and in global supply chains in general.

SUMMARY

Fat profits on the one hand, starvation wages on the other: The inequalities along the supply chains for our food are enormous. Dieter Schwarz, owner of Lidl and Kaufland, earns the annual income of a farmworker on a pineapple plantation in Costa Rica every six seconds.¹ While German supermarkets earned record profits during the pandemic, farmworkers on the plantations supplying produce for the supermarket shelves had to work for wages that barely suffice to feed a family.

Especially precarious is the situation facing migrant workers in agriculture. Without them, the supply chains for numerous foodstuffs would collapse. For a number of products, migrant workers represent half the workforce or more. Many of them leave their homeland to earn a living as seasonal workers. In return, they often must accept exploitative working conditions. For many migrants, these conditions nevertheless amount to the best of several bad options, given the difficult circumstances in their homelands.

For plantation owners and large firms, migrant workers mean one thing above all: cheap labor—for they demand lower wages than native farmworkers. Moreover, it is more difficult for migrant workers, especially those who have no work papers, to assert their rights. For if they do, they risk not only losing their job, but deportation. For this reason, they are more frequently

subject to human rights abuses and violations of fair labor standards, including violence and exploitation. This is especially true of women*.

For the study that follows, Oxfam—together with the Dutch research institute Profundo and various supporters—followed the supply chains back to their source: from the shelves of the large German supermarket chains back to the fruit-growing regions of Costa Rica and South Africa.

Inhumane conditions in the pineapple, banana, vineyard and graperies sectors

The present study sheds light on the situation of migrant workers using four examples: the pineapple and banana farms of Costa Rica and the vineyards and graperies of South Africa. In both countries, Oxfam's partner organizations ARCA and Women on Farms Project carried out interviews with migrant workers in the Spring and Summer of 2021. Costa Rica produces 75% of the fresh pineapples sold in Germany. South Africa is Germany's most significant wine exporter outside the EU.

Our study comes to the conclusion that the pineapples, bananas, wine, and grapes offered for sale in German supermarkets are being produced by farmworkers, and in particular migrant work-

ers, under inhumane conditions. In violation of legal provisions, the bitter reality for many farmworkers is piece work involving up to twelve hours a day. Many of them receive wages significantly lower than the statutorily mandated minimum wage—even on plantations with certification. Since contracts on many farms in Costa Rica and South Africa are concluded orally and working hours are not documented, such violations of labor law are difficult to prove in court.

At one supplier of pineapples to Rewe and Lidl in **Costa Rica**, we found proof of the repression of the rights of unions: Numerous court judgments found that workers active in unions had been fired contrary to law. Laborers reported that the supplier had even fired relatives of anyone involved in union activities.

In addition, enterprises are increasingly resorting to labor brokers for the hiring of field workers. These brokers regularly cheat farmworkers of their social security contributions and pay wages far below the statutory minimum—in the case of one plantation supplying fruits to Edeka and Lidl, wages amounted to barely 4.50 Euros per day.²

* See the Box on gender-sensitive and racism-critical language on page 6

As in Costa Rica, so in the **South African vineyard and graperies sector** we found proof of labor rights violations and inhumane conditions. Female farmworkers reported that they had been compelled to perform sexual acts in order to obtain a job. Once there, they were exposed to toxic pesticides and had no access to toilets or drinking water during work.

The wages earned by female farmworkers are extremely low. Nearly half of the migrant women surveyed for this study earned less than the statutorily mandated minimum of 194 EUR per month. Further, many of them are working under volume-based contracts that stipulate almost impossible harvest targets. Migrant women also report experiencing discrimination, racism, and violence. For the most part, there is no question of their demanding that their rights be respected: They are too afraid of being deported.

Massive price pressure from German supermarkets

As a result of their market power, German supermarkets have great influence on the working conditions offered by their suppliers. For this reason, they should be required to assume responsibility for upholding the rights of workers in their supply chains. On the contrary, however, their market practices undermine the protection of labor rights at the base of the supply chain.



Zoraida Trejos works on a plantation in Pocora, Province of Limón, Costa Rica

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They exert massive pressure on suppliers and producers: Only products that can be bought cheaply land on the supermarket shelves. Companies that want to sell their products in Germany can scarcely escape these conditions. For the four big supermarket chains—Rewe with Penny Markt, Aldi South and Aldi North, Edeka with Netto, and the Schwarz Group (to which Lidl and Kaufland belong)—together control 85% of the German retail market for food.

The workers at the base of the supply chain are squeezed between the interests of the exporting businesses, on the one hand, and those of the supermarkets, on the other. While farmworkers are being palmed off with starvation wages, the supermarkets are making fat profits at their expense. For instance, an average of just 1.2% of the sales price of a bottle of wine from South Africa ends up in the hands of the farmworkers; while the supermarket keeps more than 50%.

The responsibility of German supermarkets and the federal government

The supermarket chains have a responsibility to do something about these conditions. For starters, they have to pay fair prices, so as to enable producers to pay living wages to farmworkers. The German federal government, too, has a responsibility on both the national and EU levels: Germany's recently adopted Supply Chain Due Diligence Act, which requires enterprises in Germany to pay heed to human rights and environmental protection in their supply chains starting in 2023, must be fortified and ambitiously implemented. In addition, Germany should lend strong support to adoption of an effective statutory framework defining human rights due diligence obligations on the EU level and ensure that impacted parties, in the event of labor law violations, have access to an adequate legal remedy.

METHODOLOGY

In preparation of the present study, Oxfam’s partner organizations ARCA in Costa Rica and Women on Farms Project in South Africa conducted interviews with a total of 130 farmworkers in the Spring and Summer of 2021.

In Costa Rica, ARCA surveyed 25 workers—24 of them women—about living and working conditions on the pineapple and banana plantations. 24 of the 25 interviewees came from Nicaragua. All of them had been living in Costa Rica for more than ten years and have permanent residency permits, the so-called “*cédula de residencia*.” Having a legally secure residency status made it easier for them to talk

with Oxfam’s partner organization about living and working conditions on the plantations of Costa Rica. Moreover, Oxfam conducted a few select interviews with labor law experts and members of the union for farmworkers, SITRAP³.

In South Africa, the staff of Women on Farms Project spoke with 105 women working in vineyards and graperies. Forty-four of the interviewees came from Zimbabwe, 34 from Lesotho, and 27 from Malawi. The majority of the women interviewed had lived in South Africa for more than four years, but more than 40% had arrived between 2017 and 2020.

In cooperation with the Dutch research institute Profundo, Oxfam re-traced the supply chain using test purchases and research by Oxfam supporters— from the shelves of the large German supermarket chains back to the plantations and agricultural regions of Costa Rica and South Africa. The supermarkets, as well as the producers and labelling organizations, were informed of the study’s results in advance of publication and given the opportunity to respond. We present their responses on page 30.

ANTI-RACIST AND GENDER-SENSITIVE LANGUAGE IN THIS STUDY AND THE USE OF NAMES

The authors of this publication have made a conscious effort to use language that is sensitive, gender-appropriate, and as free as possible from racism and discrimination.

Rejecting the colonial, racist terminology, we do not use “Black” as an adjective. Rather, we write this politically elected self-definition in capital letters to make clear that we are not referring to a

biological characteristic, but to a social, racist construct. The term *white* we write in cursive to make clear that, once again, we are referring to a socio-political construct: a racist power relationship, which ascribes to *white* people a dominant, privileged position within discriminatory societal structures.

Within sexist and patriarchal structures, not only women, but also trans-, inter-, non-binary, and a-gender persons are impacted by discrimination and exploitation. For the issues investigated in this study, however, the majority of the avail-

able data sets differentiated only between “women” and “men.”

Names marked with an asterisk [*] have been changed. To protect the persons cited, who might be exposed to negative consequences such as the loss of employment or deportation on account of their statements, we refrain from referring to them by name.

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INTRODUCTION

“Big on quality, lidl on price” is the slogan of one of Germany’s four large food retailers. For Edeka, it is “We love food.” A bottle of white wine from South Africa, a kilogram of bananas and a fresh pineapple from Costa Rica—German shoppers can put all three in their shopping bag for less than six Euros.⁴

Immaculate appearances, big words, low prices: The situation is no different with Germany’s other supermarkets and discounters. The supermarkets may love their food—but they do not, apparently, love the people who farm it. To produce the bottle of “refreshing white wine for any occasion”⁵ (so the publicity goes) and the “extra-sweet” fruits, the farmworkers at the base of the supply chain are worked to the bone for a starvation wage. For them, Lidl and its ilk pay all too “lidl.”

Migrant workers, in particular, who make up the majority of workers in numerous foodstuff supply chains, are vulnerable to exploitation. With no viable alternative to working on the farms, many migrant workers accept jobs paying starvation wages and put up with discrimination, racism, and violence. Despite the significant barriers and risks, however, and their fear of deportation, migrant workers also challenge the denial of their rights and organize themselves in unions or social movements—such as Oxfam’s partner organization Women on Farms Project.

The present study sheds light on working conditions for migrants in the pineapple and banana plantations of Costa Rica and in the vineyards and graperies of South Africa. These are food sectors which have already been criticized for their exploitative conditions in the past. The violations of labor law in this sector cannot just be attributed to exceptional misconduct; rather, they provide an example of practices all too typical of an economic system in which profit orientation and profit maximizing have the top priority.

This report follows up on two Oxfam publications from 2016 and 2017, which already revealed drastic abuses involving violations of human rights and fair labor standards on the pineapple, banana, wine, and grape plantations. The supermarket chains implicated in these abuses reacted with promises that they would meet their responsibilities.

And yet: Despite the grandiose promises made, all but nothing has changed in the working conditions on fruit and grape plantations over the past five years. Now as then, farmworkers produce wine and fruits to stock the shelves of German supermarkets under inhumane conditions. Migrant working women, in particular, are exposed to grave violations of their rights.

↪ 75 percent of all pineapples sold in Germany come from Costa Rica.

LABOR MIGRATION



Migrant workers—they form a pillar of our worldwide economic system and yet are especially hard hit by the inhumane conditions produced by this system. Many of them work informally, outside the bounds of the official labor market. How many people worldwide leave their homelands, whether temporarily or for a longer period, in order to earn a living elsewhere, cannot be calculated precisely.

Migrant workers in the food supply chains

The International Labour Organisation (ILO) estimates that worldwide there are 169 million migrant workers—and this figure only includes officially documented workers.⁶ The majority of the supply chains filling the shelves of German supermarkets could not be sustained without their contributions: In Germany, more than 300 000 migrant workers are engaged in agriculture every year—in the meat-packing industry, unions estimate that they represent up to 80% of the total work force in several branches of production.⁷ In Italy, official statistics record 370 000 migrant workers in agriculture. Estimates attempting to include non-documented workers rise to as high as 500 000 migrant workers, which would represent more than half of the people employed in agriculture in Italy.⁸ Seasonal work represents an important component of this phenomenon: More and more workers are compelled to migrate year after year, in order for instance to work on the harvest in southern Europe towards the beginning of the year and then follow the harvest periods northward in summer and fall.⁹

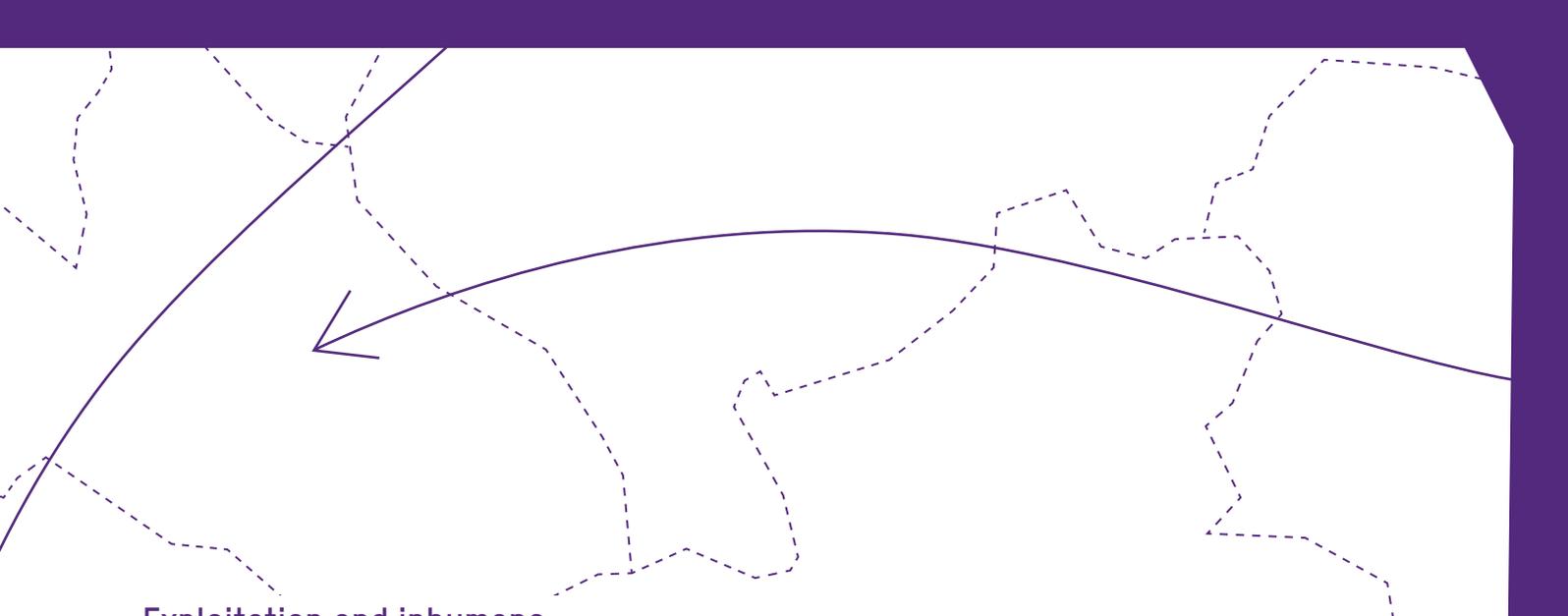
Outside of Europe, as well, migrant workers form the backbone of many supply chains. In Thailand's seafood sector, for instance, migrant workers represent 83% of the workforce, according to estimates made by the International Labour Organisation (ILO). Most of these migrants originate from Myanmar and Cambodia.¹⁰

To understand this phenomenon better, our study investigates by way of example the situation of migrant workers in Costa Rica and South Africa.

Migrant workers in Costa Rica and South Africa

Costa Rica, owing to its political stability, has for many decades been an attractive land for immigrants from neighboring countries. In total, eight percent of the country's population of five million are non-citizens.¹¹ Of these, at least 70% originate from Nicaragua. Citizens of Nicaragua also represent the majority of migrant workers in Costa Rica.¹²

In South Africa, the population of migrant workers is estimated at around 3 million.¹³ Highly qualified workers can obtain a work and residency permit, while lesser qualified workers often enter the country without the papers required for legal residency.



Exploitation and inhumane working conditions

Many migrants pay a high price to improve the conditions in which they and their families live. Without social or family networks nearby and often without a work and residency permit, lesser qualified workers in particular are compelled to accept precarious, often informal working relationships. The inhumane working conditions span the gamut from low or irregularly paid wages, short-term employment, excessively long working hours, and exposure to health risks at work, to the lack of protective clothing, discrimination, and the inability to join a union.¹⁴

What's more: Migrant workers are at a much higher risk, compared with others, of being victims of forced labor. For the year 2016, the ILO estimated that one fourth of the 24.9 million victims of forced labor came from another country.¹⁵

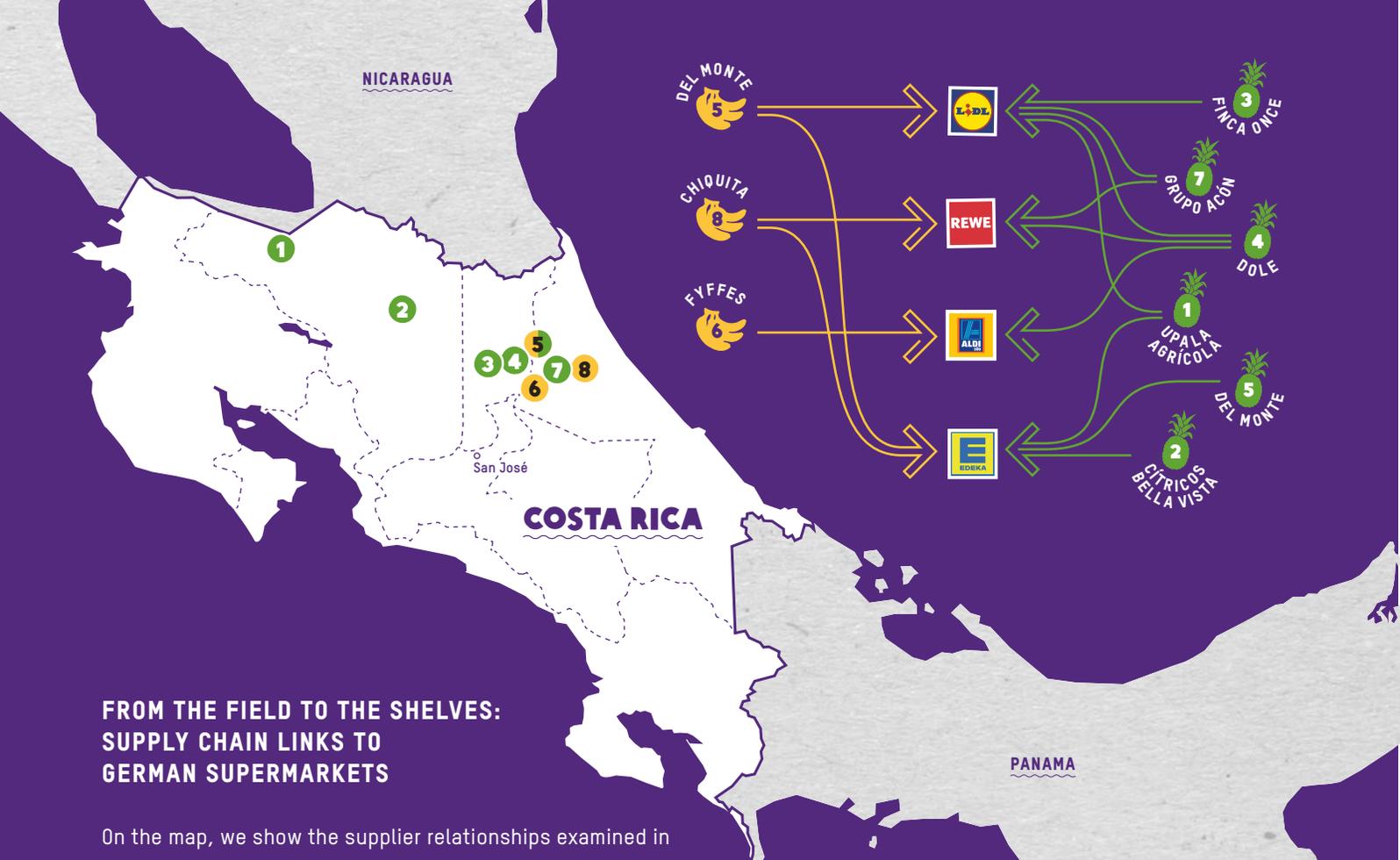
Causes

There are many causes and reasons for the migration of workers. Often, a large number of interrelated factors contribute to a person's decision to leave his or her home in search of work. One major factor is the inability to make a living in many economically disadvantaged regions of the world. The climate crisis—principally caused by corporations and economically privileged people in the Global North—will only exacerbate this problem. Thus, besides political instabilities and economic crises at home, environmental catastrophes are increasingly being named as a reason for emigration.¹⁶

The situation of migrant women

According to the most recent estimates, 42% of the migrant workers worldwide are women—in agriculture, it is about 35%.¹⁷ More frequently than men, women are compelled to perform activities for which very little formal qualification is required—often with bad working conditions and low pay. Further, the gender pay gap is in many countries even larger for migrant women than for women who have the citizenship of the country in which they work. According to surveys conducted by the International Labour Organisation (ILO), the average monthly wage of migrant women is more than 20% below that of migrant men in 37 of 60 countries studied.¹⁸

Migration for work is a double-edged sword: On the one hand, the migrants leave behind their economically disadvantaged homelands in hopes of escaping structurally conditioned poverty. Worldwide inequalities, which are still characterized by colonialism, thus constitute one significant reason for migration. On the other hand, migration can reduce inequalities, too—insofar as people find work elsewhere and send back to their relatives a part of what they earn, thus improving living conditions at home.¹⁹



FROM THE FIELD TO THE SHELVES: SUPPLY CHAIN LINKS TO GERMAN SUPERMARKETS

On the map, we show the supplier relationships examined in this study between German supermarkets and the banana and pineapple producers of Costa Rica. All the plantations are certified by Rainforest Alliance or GlobalGAP, two labelling organizations. The relationships shown on the map are not, however, necessarily direct business relationships. Frequently, one or more other enterprises act as intermediaries. In some cases, a group of enterprises owns numerous plantations. The Acón Group, for instance, supplies pineapple to Rewe from its *finca* “Piña Frut” and to Lidl from its “Piñales del Caribe.”

It is more difficult to re-trace the precise supply chains in the case of wine from South Africa. There is a lack of transparency in this market: Even when Oxfam asked German supermarket chains directly, none of them were willing to name the specific farms on which the grapes processed into wine or table grapes sold in their stores were grown. The practice of exporting wine in large tanks, often filled with wine produced on a number of farms, renders the tracing of sources especially difficult (see the Box on bulk wine on p.24).

Oxfam’s research shows, however: All large German supermarket chains source wine from the region of the Western Cape, in which the interviews for the present study were conducted. In addition, the supply chains could be traced

back at least as far as the South African export companies (see the illustration on page 24). Many of these companies are based in the same region.

The abuses revealed in this study represent structural problems in the wine and table-grape sector in South Africa. Numerous studies have already demonstrated violations of human rights and fair labor standards in the vineyards of the Western Cape Province.²⁰ These studies show: The legal violations do not simply appear occasionally on certain farms here and there. Rather, they constitute a structural problem and are likely, therefore, to apply to producers supplying the German market.

A study from 2020 conducted by the Rosa-Luxemburg-Foundation succeeded in tracing actual supply supply chain links for a wine sold by Edeka. The legal violations which that study discovered at the producer Leeuwenkuil, one of the largest private vineyards in South Africa—namely, the firing of union members, miserable living quarters, poor standards for the protection of health—are fully in keeping with the findings of our study.²¹

MARKET CONCENTRATION AND MARKET POWER IN THE RETAIL FOOD SECTOR

Once, it was primarily the large fruit producing companies, such as Dole, Chiquita, Fyffes, and Del Monte, that determined prices and conditions in the fruit growing sector. Today, it is mainly the large supermarket chains that, applying their tremendous market power, strategically exert pressure to stay ahead of the game in the competition for the cheapest fruits.²²

The four large supermarket chains, Rewe with Penny Markt, Aldi South and Aldi North, Edeka with Netto, and the Schwarz Group (to which Lidl and Kaufland belong) together control more than 85% of the German retail food market.²³ Following the bankruptcy of Real, the market concentration grew even worse, for Kaufland and Edeka are taking over many of Real's outlets.²⁴

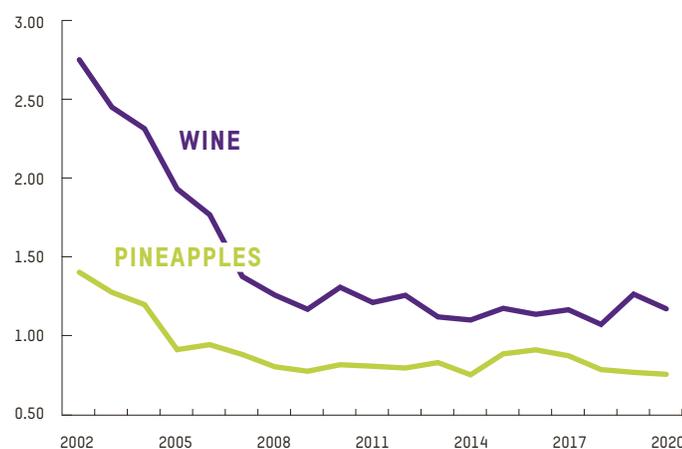
These corporations thus represent the "gatekeepers" for the German market. That means: No company that wants to sell its products in Germany can ignore the supermarket giants.

The four supermarket conglomerates take full advantage of this market power. They exert tremendous price pressure on producing and transport enterprises. To stay in business, companies have to deliver large volumes of a product in stable quantities and at low prices on a continuous basis.

Unfair trading practices are thus the rule rather than the exception. For example in wine purchasing: Wine traders and producers must pay a fee just to be included in the list of a supermarket's suppliers—and this fee can amount to as much as 28% of their sales volume. The supermarkets charge an additional fee for "shelf rent," i.e., for a highly visible placement on the shelves. Another fee applies for product advertisement.²⁵

GERMAN IMPORT PRICES FOR WINE AND PINEAPPLES (in Euros/kg)

Source: Comtrade Database, adjusted for inflation



As a result, the import prices for South African wine have fallen to below 50% of their former levels over the past 20 years. Likewise, the prices for pineapples from Costa Rica have been nearly cut in half²⁶—as our graph clearly shows.

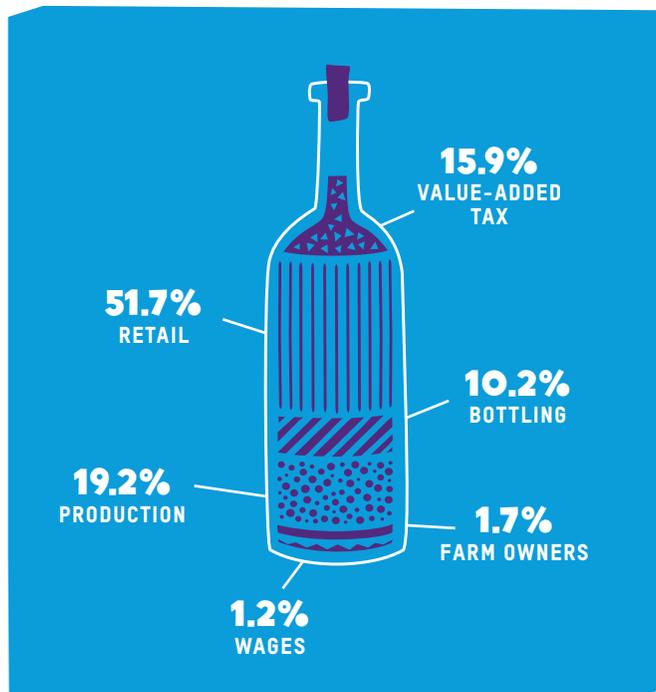
With few exceptions, only large enterprises can withstand the price pressure exerted by the German supermarkets. As a result, the market in the fruit producing countries is dominated by a small number of powerful players.

In Costa Rica, for example, just a few large firms dominate the banana and pineapple sector: 91% of all banana exports stem from four companies, Del Monte, Chiquita, Fyffes, and Dole.²⁷ In the pineapple sector, Del Monte, Dole, Grupo Acón, and Fyffes account for about 70% of all exports.²⁸

Things are no different in the vineyards of South Africa: The market is dominated by a few large firms, and the immense price pressure to which producers are exposed has aggravated concentration of the farms into a smaller and smaller number of owners.²⁹

WHO MAKES MONEY ON WINE AND PINEAPPLES?

Shares in the sales volume of tanks of wine from South Africa and of pineapples from Costa Rica in German supermarkets

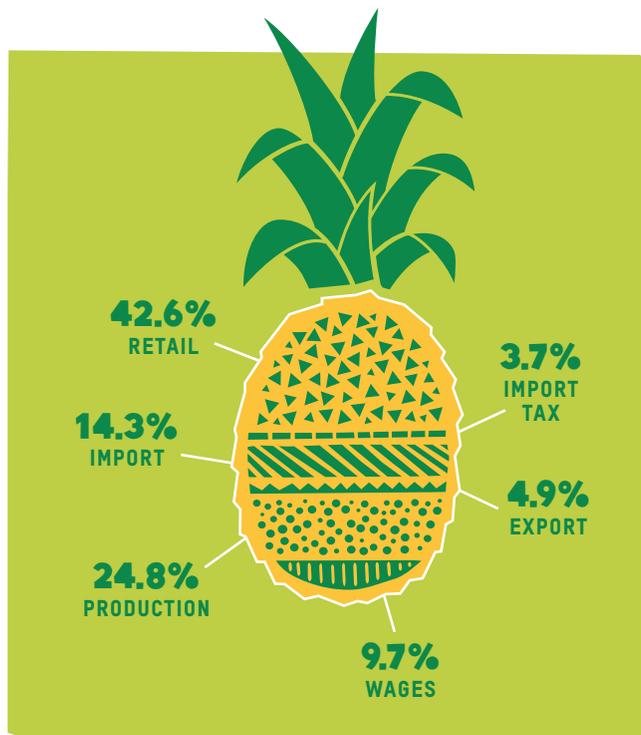


Source: Calculations for wine based on data provided by VinPro, UN Comtrade, UNCTAD, OECD, DeStatis (2019)

The companies which merged to form the Distell Group in 2001 were already the largest wineries of South Africa in the era of Apartheid.³⁰ Today, the Distell Group accounts for 40% of total wine sales in the South African market—but note it buys 95% of its wine from other producers.³¹

Even large enterprises like the Distell Group feel the price pressure of the supermarkets to which they sell their wine. Less than one third of vineyards made a profit in 2019.³² Since 2010, the acreage devoted to grape-growing in South Africa has been receding continuously.³³

At the bottom of the chain, once again, are: Farmworkers, who harvest the grapes for South African wine, working under inhumane conditions for starvation wages. While for them—as for people all over the world—their earnings dwindled in 2020, a year under the sign of Corona, the German supermarkets achieved record sales that year. The wealth of their owners, who count among the richest families of Germany, grew correspondingly.³⁴



Source: Calculations for pineapple made by BASIC based on data provided by Eurostat, CIRAD, Comtrade, Sopisco (2016). Pineapple price does not include value-added tax.

The massive price pressures are not exerted equally by companies all over the world. Compared with their international peers, German companies pay extremely low prices for South African wine—prices which lie well below the average export prices. The state-owned import company Systembolaget from Sweden, for instance, pays 50% more than the German importers.³⁵

It is also the supermarkets that earn most on the products they sell. For example with pineapples: More than 42% of the sales prices lands with the retailer, while not even ten percent goes to plantation workers. Workers on the banana plantations of Costa Rica obtain just 6.7% of the sales price.

Things are no better with regard to wine from South Africa: Just 22.1% of the sales price in German supermarkets remains in South Africa. 51.7% goes to the supermarkets. The farm workers receive on average just 1.2% of the sales price.

HISTORICAL ROOTS: FROM COLONIALISM TO THE FREE TRADE AGREEMENTS

Exploitation in global supply chains goes back to colonial times. Wine growing in **South Africa**, for example, was started in the 17th century by colonists from the Netherlands and France. Slaves worked the fields for their colonial masters. Later, too, largely Black farmworkers worked for minimal wages on the wine farms. In 1913 and 1936, laws allocated 90% of the land in South Africa to the *white* minority of the population. Many people were forced—robbed of the ability to pursue their own small-scale farming by the prohibition on owning land—to accept work as wage-earners.³⁶

During Apartheid, the exploitation of workers continued. Salient factors included inhumane working conditions, child labor, and the so-called “tot system,” the payment of workers with wine, which led to widespread alcoholism.³⁷

Even today, the commercial farms and processing operations are largely owned by *white* people. In 2018, only 3% of the vineyards belonged to Black farmers.³⁸

Many of the farmworkers have lived in very simple housing directly on the farms for several years already. While the 1997 “Extension of Security of Tenure Act” (ESTA) was meant to improve the housing rights of workers who live with no property on farms, the law has been roundly criticized as ineffectual. Today, as before adoption of the ESTA, the workers have no property rights to their housing and can be compelled to leave their homes by judicial process after termination of their work contracts.³⁹ As recently as 2019, Oxfam’s partner organization Women on Farms Project, among others, reported on large-scale evictions. In the community of Drakenstein alone, 1 200 eviction procedures involving 20 000 people were documented.⁴⁰

In **Costa Rica**, US-American corporations introduced large-scale farming of bananas and pineapples for export. The very first farmworkers on the banana plantations were migrants, who were initially recruited to lay the tracks for a railroad line to the port of Limón—newly built for the export traffic—and then employed in the banana fields.

These historical structures remain in evidence today: Frequently, a handful of global fruit companies dominate the market and determine, together with the supermarkets, prices and working conditions. Under these circumstances, the rights of workers get swept under the carpet.

Neo-Colonialism

These neo-colonial structures are further solidified by the free trade policies of the economically powerful countries. Especially criticized have been the free trade agreements (FTAs) the EU concluded with African and Caribbean countries (the so-called “Economic Partnership Agreements” or EPAs), which aimed at opening up the markets of former colonies. The result: Large, frequently transnational firms have eroded the structure of small-scale farming in these countries and oriented agriculture towards mass production in monocultures and towards export. The competition from more highly industrialized states has made it more difficult for economies of the Global South to develop their own, domestic value chains. Their dependence on prices defined in the international markets and on large-scale buyers in the Global North has increased. Thus the affected states remain stuck in the role of suppliers of agricultural produce and raw materials; the processing or manufacturing of more highly valued products is dominated by foreign firms.^{41 42}

In **South Africa**, this phenomenon is readily apparent in the recent transition to bulk wine shipped in tanks, which removes the bottling of wine, and thus a part of the added value, to importing countries in the north. In Costa Rica, just four companies dominate 91% of the banana trade.⁴³ Agricultural produce represents 64% of the country’s exports to Germany, while Germany’s exports to Costa Rica are almost exclusively (96%) industrial products.⁴⁴ This disparity in trade thus solidifies and exacerbates unjust structures which have existed since colonial times.

Large parts of the population do not benefit from this development model, as is evident from the high indicators of inequality in the two countries: South Africa has the highest income inequality in the world, while Costa Rica is ranked fifth within Latin America.⁴⁵



BEHIND THE FAÇADE OF THE PLANTATIONS — TWO EXAMPLES

Shoppers who buy pineapple from Costa Rica at the German discount supermarket Penny, which belongs to the Rewe Group, can find out more about its provenance by scanning a QR code. Thus we learn that the fruits are sourced, for example, from the 3500 hectare *finca* “Piña Frut,” which — at least according to the text we get from the QR code — “puts the well-being of its workers, their community, and the environment in the foreground.”⁴⁶ The farm is said to be “operated in a responsible fashion, in order to contribute to the sustainable development of the community and improve the quality

of life for its employees.” The farm’s operations are certified by “Rain-forest Alliance” and by Rewe’s own label “Pro Planet.”

These statements bear little relation to the reality on the plantations of the conglomerate Grupo Acón, to which the *finca* in question belongs. This company is notorious for its repression of union organization. Numerous court decisions⁴⁷ demonstrate that workers who join a union are immediately fired and then re-hired by the company only when it is required to do so after a lengthy judicial process. Workers hired via labor brokers (so-called *contratistas*) also report that they are defrauded of their social security contributions (for more on the *contratistas*, see page 21).⁴⁸

Upala Agrícola, which supplies the German Edeka and Lidl supermarkets with pineapples, also counts among the country’s biggest pineapple producers. The owner of this enterprise, which according to its website operates “with environmental harmony and corporate social responsibility,” is the country’s former minister of agriculture and chairman of the supervisory board of the National Bank Alfredo Volio Pérez. While Upala Agrícola in Costa Rica was operating in the red (according to official disclosures) and paying its farm-workers starvation wages (as demonstrated in the following chapter), profits from the booming pineapple business were flowing, according to the Pandora Papers, into the coffers of Volio Pérez’s offshore company Upala Investments in Panama.⁴⁹

CASE STUDY: PINEAPPLE AND BANANA FARMING IN COSTA RICA

“My eldest daughter was working on the same farm as I and they threw her out because I am a union member. My other daughter wanted to work there, too, but they didn’t give her the job because I am in the union.”

Gladys*, worker on a plantation belonging to Grupo Acón, which supplies Rewe and Lidl.

Of all the agricultural land in Costa Rica, 14.6% is devoted to banana growing, while pineapples are grown on 10.6%. These two fruits thus count among the country’s most important crops.

Costa Rica is today the world’s largest exporter of pineapples. 55% of all exported pineapples come from Costa Rica, and this corresponds to revenues of 77 million Euros. For the German market, too, Costa Rica is the most important supplier of pineapples: About 75% of the pineapples imported to Germany come from that country.⁵⁰ In recent years, the pineapple—a fruit once rarely consumed in Germany—has experienced a genuine boom: Between 2002 and 2020, pineapple imports from Costa Rica have increased fourfold.⁵¹

Bananas from Costa Rica are responsible for an annual turnover of about 153 million Euros in Germany. 17% of all bananas imported to Germany come from Costa Rica.⁵²

At the same time, the price pressures exerted on producing companies is enormous: The price of pineapples has been cut in half over the past 20 years (cf. the chapter on “Market concentration and market power” above).

🔍 Farmworkers seek to protect themselves against pesticides and insects while they are working.

MIGRANT WORKERS IN COSTA RICA

About three out of every four migrant workers in Costa Rica come from Nicaragua.⁵³ The most commonly cited reasons for migration are the absence of economic opportunity at home and the prospect of better work in Costa Rica; but natural disasters, such as hurricanes, are also cited. Some of the women who have been questioned stated that they left their home country to escape physical and sexual abuse.⁵⁴

Officially, migrant workers need a visa or work permit specifying work on a particular farm in order to enter Costa Rica. Since such official papers are expensive, however, many migrants cross the 300 km long border between Costa Rica and Nicaragua without valid papers, avoiding the three official checkpoints.

Migrant workers without papers are particularly easy to exploit: Not only do they constantly have to worry about losing their job, they also risk deportation. If, for instance, they organize themselves into a union, in order to demand their rights or fight against discrimination, they are in danger of having their own employers report them to the police, which could lead to deportation. But even if they obtain an official visa, migrants are dependent on their employers, for such visas do not permit them to change employers.⁵⁵ According to information provided by SITRAP, migrant workers on the banana plantation Jardín del Tigre—which via Fyffes supplies bananas to Aldi South in Germany—reported that they were issued documents with false names. After every three months, when by law they would have to be registered for social security, they receive a new name (we report the company’s response to this allegation on page 30).⁵⁶

All too often, migrants working in low-wage sectors earn wages well below what people need to live on. According to official statistics, migrants earn just 60% of what Costa Rican employees earn—in the case of women, the difference is even greater.⁵⁷

CHEATED OF THE MINIMUM WAGE

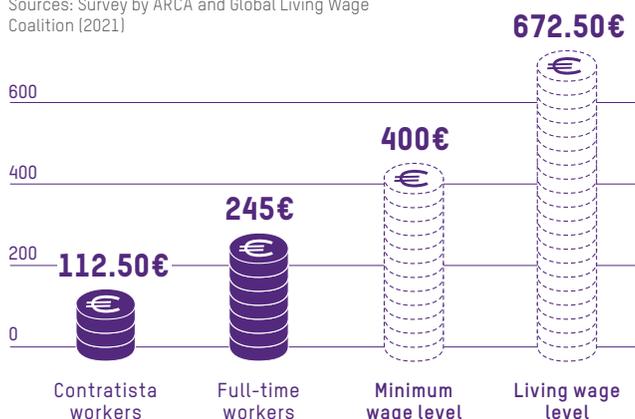
“We have worked on a farm for 17 days already—and I haven’t seen a single penny yet. In one week, we earned just 12 000 Colones⁶¹ [ca. 18 Euros]. For more than a month now, I have not been able to send anything back to my family.”

Juan*, who has worked on various *fincas* through the agency of labor brokers (*contratistas*)

In Costa Rica, there is a minimum wage fixed by the state. In practice, however, employers often pay less and the state does little to enforce its minimum wage. On the one hand, the responsible state supervisory authority, the Labor Inspector (*Inspección de Trabajo*), does not have the legal power to impose fines or other penalties against offending companies. On the other, the Labor Inspector’s bureau, with just 115 auditors for the more than 2 million employees across all sectors of the economy, has far too little staff. In rural areas, in particular, audits are rarely carried out.⁶²

MINIMUM WAGES AND LIVING WAGES IN COSTA RICA

Sources: Survey by ARCA and Global Living Wage Coalition (2021)



In any event, the fact that wages lie below the legal minimum can scarcely be proven, since contracts with farmworkers are most often concluded orally and the documentation of working hours records less time than have in fact been worked.

WAGES FAR BELOW WHAT WORKERS NEED TO LIVE ON

In many countries, there are minimum wages fixed by law. But these wages are often insufficient to meet the basic cost of living—this means they lie below what counts as a living wage. Pursuant to Art. 23 Para. 3 of the Universal Declaration of Human Rights, adopted in 1948, a wage counts as a living wage when it ensures that workers can meet, on an enduring basis, their costs of living.

On the example of South Africa: In 2020, the minimum wage—which increases slightly every year—lay at 3 362 Rand per month, which corresponds to about 194 Euros.

As last calculated in May 2021 by the “Global Living Wage Coalition,” the living wage for a worker in the Western Cape wine region was a minimum of 4 596 Rand, or around 265 Euros, per month.⁵⁸ Thus the state minimum wage lies well below the wage that workers need in order to meet the basic costs of living.

Moreover: Frequently, a worker’s wages need to cover the expenses of children and other family members, as well. To meet the needs of a household with four or five members, the Global Living Wage Coalition and the South African NGO “Pietermaritzburg Economic Justice and Dignity (PMBEJD) have estimated that a worker needs monthly between 7 462 Rand⁵⁹ and 8 281 Rand,⁶⁰ i.e. between 431 and 477 Euros.



Farmworkers' housing in Pocora, Limón Province, Costa Rica

As a result: Not one of the farmworkers from the pineapple sector interviewed for this study receives the legal minimum wage of 10620 Colones (about 16 Euros) per day. Workers with a steady employment contract stated that they received between 5000 and 8000 Colones a day, which corresponds to between about 7.50 and 12 Euros.

The situation of those hired via a labor broker (*contratista*) is especially precarious. More and more *fincas* are turning to this model of hiring, including the Lidl supplier Finca Once. Some *contratistas* pay just 3000 Colones (4.50 Euros) a day—this was reported by, among others, an interviewee who had worked for Edeka and Lidl supplier Upala Agrícola. That this constitutes nothing more than a starvation wage is evident when we compare what counts as a living wage: Assuming 25 working days per month, Global Living Wage Coalition estimates that a worker in rural areas of Costa Rica requires monthly about 446 000 Colones⁶³ (673 Euros), which corresponds to 17 840 Colones (26.90 Euros) per day. Both Finca Once and Upala Agrícola deny that they hire farmworkers over *contratistas* and claim they are in full compliance with the requirements of the minimum wage law.

In most cases, the workers do not dare report these abuses. Their fear of reprisals plays a role in this, as do physical barriers, such as the long journey to the capital they would have to undertake in order to file a complaint with the agency responsible for worker protection.

WORK THAT MAKES YOU ILL

Besides the exploitative wages, farmworkers are exposed to unlawful working conditions that damage their health. During harvest season, they often work extensive overtime without having their hours officially documented. They may work more than twelve hours a day, despite that the law fixes a maximum working day of eight—and for hard agricultural labor six—hours.

Further, farmworkers are exposed to dangerous pesticides—often without receiving the necessary protective clothing. Paula*, who works on a pineapple plantation run by Edeka supplier Cítricos Bella Vista, reports: “*We women asked for protective clothing, but were ignored. They gave the men overalls. I feel that is discrimination.*” Fernanda*, a worker on the pineapple plantation of Rewe supplier Grupo Acón, says: “*We get no gloves, no masks. And if once they do give you work-gloves, you have to wear them for three months.*”

Workers trace their health problems back to the toxic substances to which they are constantly exposed. Gladys*, who works on a banana plantation, says: “*I have breast cancer and terrible pain. Moreover, I suffer from dizziness. I am sure that these illnesses are related to my work. For I used to work on the banana plantations without any protective clothing. For instance cleaning: They would give you a red and a white liquid that you had to mix with bleach. You got gloves, but no other protection. It made you dizzy and your eyes would burn.*”

DISCRIMINATION AGAINST WOMEN

Women face yet another problem: They are being hired less and less often, because plantation owners are afraid the farm will be responsible for social security costs in the event a woman gets pregnant. Maureen Gamboa, union secretary for women's rights in the farmworker union SITRAP³, summarizes: *"Pregnancy is not well received in the agricultural industry—not just on account of mandatory pregnancy and nursing leave, but also on account of the time needed to care for children later."* The methods used by employers have changed over time, she explains further: They used to have a form for women seeking work to fill out, in which applicants had to state how many children they already had, whether they had had an operation for transection of the fallopian tube and so were protected against having any more children—they would even ask when was the last time the applicant had had sexual intercourse. *"Nowadays the methods are more subtle,"* Gamboa says. *"Companies either just avoid hiring any women at all for work in the fields or, if they hire them, give them short-term contracts of just a few months at a time. Thus if a woman is pregnant at the end of her work contract, she doesn't get her contract renewed."*

UNIONS — NO, THANKS

Fruit-growing companies also seek to prevent the plantation workers from organizing themselves in unions. On the one hand, they hire migrant workers without valid residency and work permits, because such migrants are less likely to try to organize themselves owing to their fear of deportation. On the other hand, the plantations hire workers via *contratistas*. The labor brokers make their employees change locations frequently, which makes it more difficult for them to form a union.

As a result, in areas where a high number of farmworkers are employed via *contratistas*, the level of union organization is extremely low. 94% of the farmworkers surveyed in the region of Huetar Norte, in which many pineapple plantations are found, stated that they had never been member of a union.



© Oxfam / Andres Mora

Tractor pulling pesticide sprayer on a pineapple plantation in Pocora, Province of Limón, Costa Rica

In the event workers do join a union, they often get fired immediately.⁶⁴ Their family members, too, are in danger of getting fired. Oxfam has collected numerous court decisions from Costa Rica, in which the unlawful firing of union members has been established.

Grupo Acón, which supplies Rewe and Lidl, has attracted especial attention for its hostility towards unionizing. Didier Leiton from the union SITRAP reports:

"Grupo Acón is radical in its persecution of unions. It pursues a strategic policy of isolating and discriminating against union members. They even refuse to hire family members of any worker who joins a union."

COVID-19

The Covid-19 pandemic revealed just what a fundamental role migrant workers from Nicaragua play in Costa Rica's agriculture. Border checkpoints were closed and the authorities patrolled the whole length of the border. In consequence, there was a shortage of 74 000 farmworkers, so that the agricultural industry begged the government to let migrant workers back into the country.⁶⁵

On the plantations, the measures prescribed by law to guard against Corona infections were often ignored. Thus many workers received no protective clothing such as masks. Often, they were not quarantined, despite contact with persons infected by the virus, and were not tested,

despite showing symptoms. In addition, infected workers were in some cases fired, for instance on plantations of the brands Dole and Chiquita. Dole disputes these allegations.

When workers fall ill or do go into quarantine, they often receive no more wages. Thus Anabel* reports about a plantation belonging to the corporation Del Monte: “I worked on the

finca with a woman who tested positive. So they told me I shouldn't come to work anymore. But they didn't want to pay me my wages, either—and wouldn't test me for COVID-19. When there's a whole lot of fruit to harvest and you feel sick, they say: 'Just take a couple pills and come to work!' But if there's not much fruit to pick and somebody dares cough, they send him home. They always do just what suits them.”

LABOR BROKERS IN SOUTH AFRICA AND COSTA RICA

“The firms use labor brokers who take over the hiring of farmworkers—farmworkers who don't complain, who do what they're told. They hire migrants without valid papers, in order to get around legal requirements. And finally, they pay the workers hired via labor brokers less.”—a worker surveyed on a pineapple plantation.⁶⁶

In recent years, farmworkers—and especially migrant farmworkers—in the banana and pineapple sectors in Costa Rica or the vineyards and graperies of South Africa are increasingly hired not directly by the farms but indirectly, via what are called “labor brokers” in South Africa and “*contratistas*” in Costa Rica.

These labor brokers hire workers for large enterprises—sometimes even recruiting in neighboring countries. In some cases, the workers are brought over the border in trucks. On several farms in Costa Rica, all farmworkers are hired via *contratistas*.⁶⁷

The advantage for employers: They can hire workers for even lower wages and deflect all responsibility for violations of labor law onto the labor brokers, even though it is the enterprise which determines the conditions.

The losers in this situation are the farmworkers, whom the labor brokers often hire for just a few months, in order to avoid compliance with labor laws and social security provisions.

In Costa Rica, where the law provides that workers transition after a three-month probation period to regular employment, which entails the payment of social security contributions, *contratistas* hire their workers again and again for periods of just three months. In this way, they avoid paying health insurance premiums, paid vacation days, and the thirteenth month of wages prescribed by law.

Cristina*, who works on a pineapple plantation owned by Grupo Acón in the Zona Huetar Atlántico, reports even more egregious abuses:

“Where I work, there are contratistas. They deduct from your wages for health insurance, and then you go to the insurance company and find out you are not even insured. The contratistas just pocket the money.”

In South Africa, as well, farmworkers employed via labor brokers are frequently deployed on several different farms, never working at one place for more than three months at a time. This ensures they do not obtain the status of a regular employee and benefit from the rights associated with that status. Many workers are sent to a different farm every couple of days. Often, they do not even know the name of the farm they work on. As a result of the high unemployment rate in South Africa, labor brokers have no trouble firing workers who make any noise and replacing them with more compliant ones. This means that workers have an even harder time enforcing their rights and do not join unions.⁶⁸



CASE STUDY: VINEYARDS AND GRAPERIES IN SOUTH AFRICA

“The farmer says he knows that the minimum wage is 21 Rands per hour. When we ask him, how much it will be per hour, he will say 21 Rands; but when you get paid, he won’t give it to you. If you ask for the money, he will say: ‘Go, go, you are no longer working here, go, you are fired!’ That’s why I’m scared to ask.”

Tarisai*, who works on a South African wine farm

Wine and table grapes are among the most highly exported items of agricultural produce in South Africa, which counts as the world’s seventh largest wine exporter.⁶⁹

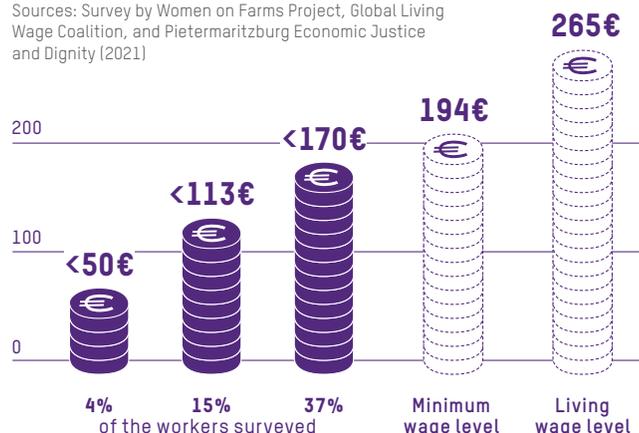
Wine grapes are grown in South Africa on nearly 2 900 farms with a total area of about 92 000 hectares. Most of these farms lie in the province of Western Cape, where the interviews for the present study were also conducted.⁷⁰ In addition, there are around 650 farms with a total of 22 000 hectares that grow grapes for direct consumption. Many of these farms lie in the hotter and drier province of Northern Cape.⁷¹

For Germany, the world’s second largest importer of wine,⁷² South Africa is its most important source country for wine outside the EU. Four percent of its imported wine comes from South Africa.⁷³

◀ Primrose Mulenga works on grape farms and lives with her husband and two children in one room in an informal housing unit in De Doorns.

MINIMUM WAGES AND LIVING WAGES IN SOUTH AFRICA

Sources: Survey by Women on Farms Project, Global Living Wage Coalition, and Pietermaritzburg Economic Justice and Dignity (2021)



In 2019, Germany imported 65 000 tons of wine from South Africa with a total value of 75 million Euros.⁷⁴ While demand has seen a steep increase in recent years—it has grown fivefold since 2002—import prices have fallen sharply: Prices are now half what they were in 2004 (see the graph on p. 13).⁷⁵

Who pays the price? Farmworkers on the grape farms: 37% of those surveyed for this study earned less than the minimum wage prescribed by law, which for the harvest season of 2020/2021 lay at 3 362.40 Rand per month (194 Euros).⁷⁶ More than one in five women, however, earned between 2 001 and 3 000 Rand (113–170 Euros); one woman in ten earned less than 2 000 Rand; and 4% of the women surveyed stated that they earned less than 1 000 Rand a month—that is, just 50 Euros.

Asserting their rights, for most of these working women, means risking deportation. 82% of them stated that they made no contact with the authorities owing to their fear of deportation, and that for the same reason they never reported violations of labor rights or discrimination. Union members even stated that some employers had reported their own migrant workers to the police at the end of the season, in order to avoid paying the agreed-upon wages.⁷⁷

SELECTED SUPPLY RELATIONSHIPS FOR WINE

Source: Our own overview on the basis of independent research by Oxfam in the first quarter of 2021



BULK WINE

To make export wine even cheaper, pressure from the trading and import companies has created a trend towards exporting wine filled into large flexitanks rather than bottles.

Transporting wine in tanks reduces, on the one hand, emissions harmful to the environment; but on the other, it means that a large part of the value creation is removed from the country where the grapes are grown to the country where the wine is sold. As a result, downstream jobs are lost in the wine producing countries. In 2020, 34% of the volume (by weight) of wine exports worldwide were exported as bulk wine—and yet this represented only 9% of the total dollar value of those exports.⁷⁸ This poses a grave problem to South Africa, where 60% of all wine exports are exported

in tanks—only 40% are exported in bottles.⁷⁹ This trend has grown in recent years: In 2010, the ratio between bulk and bottled wine exports was the reverse.⁸⁰ Germany imports a particularly large share of the cheap bulk wine: In 2020, the share of bulk wine in the total volume of South African wine imported to Germany lay at over 82%.⁸¹

Correspondingly low are the prices which German import companies pay to the South African producers. According to the *Deutsches Weininstitut*, prices in 2020 averaged 1.16 Euros per liter—the second lowest of average prices paid by German importers to the world's ten largest wine-exporting countries.⁸²

PLACE OF SURVEY

- 1 KLAPMUTS
- 2 WOLSELEY
- 3 RAWSONVILLE
- 4 DE DOORNS

 Selected suppliers



PRECARIOUS EMPLOYMENT RELATIONSHIPS AND LIVING CONDITIONS

Most women are hired as simple laborers—many of them only for the current season. Migrant workers, especially, rarely obtain regular employment that extends beyond the season in which they are needed. Thus 84% of the workers interviewed were seasonal workers. One of them reports: *“South African workers are permanent workers, and we only get casual work. Migrants get paid less than South African workers. We also don’t get holiday money, but South African workers do. I also did not get a blue card [for unemployment compensation].”*

Migrants are frequently not given employment contracts, which put wages down in writing and can be reviewed for compliance with the minimum wage laws. The law of South Africa requires that workers receive a contract and that they have adequate time to read and understand it before signing. Nevertheless, nearly a third of the women we interviewed had no employment contract and feared they would be fired immediately if they demanded one. 61% of the women report that while they signed a contract, its contents were not explained to them and they were given no time to read it.

Frequently, farm workers live in informal housing units—this was the case with 55% of the women we interviewed. The landlords are often the farm owners themselves, and charge exorbitant rents. Thus 53% of the workers we interviewed stated that they paid between 500 and 1000 Rand in rent—which amounts to about 15 to 30% of their income.



Anna Tshepe works as a seasonal worker on grape farms in Wolseley. She came from Lesotho to South Africa, because in her home country there is little work, especially for women.

© Dxfam / Alexa Sedgwick

The migrant women in our survey had often left their children behind in their country of origin. Living conditions in the informal housing units are bad and their children would have no chance—without the necessary papers, which most of the workers cannot afford—of going to school.

PIECE WORK, PESTICIDES, AND SANITARY CONDITIONS

“The target, you might make it, but it’s not easy to make it because it’s too much. When you don’t make the target that they want, you must sign a warning.”

Manana*, who works on a South African vineyard

Working conditions are bad: The grapes often must be harvested under a contract for a fixed volume, and workers are only paid after they deliver that volume. The targets are often fixed too high. More than 60% of the women we interviewed said that they had to meet daily harvest targets fixed by the farmowners. The majority of workers consider the targets unrealistic or practically impossible. Frequently, the daily harvest targets are set so high that the women must work rapidly and without any break.

In addition, the fixed harvest targets sometimes apply only to migrant workers. Thus Manana* goes on to report: *“When you work fast, the South Africans yell at you: ‘Why are you working so fast, Kwerekwere?’⁸³ Go home. Don’t come here to work.’ They don’t want us to work faster.”*

Workers are constantly exposed to pesticides, although this constitutes a violation of the national legal provisions regulating health risks at work. They receive no protective masks or clothing. 60% of the women report that they do not

have anywhere to wash up at work, either, even when they are exposed to pesticides. Half the workers surveyed stated that they were told to start working again less than four hours after the spraying of pesticides—with grave consequences for their health. One worker reports: *“I worked for many years at that farm. They spray while we are busy. I get pains. When I go to the clinic, they say it is asthma; it is a struggle to breathe.”*

Nine of ten migrant women report that they have no access to toilets while at work on the grape farms and are ashamed to have to use the bushes in front of other workers, including men. One woman in five has no access to drinking water during work. Some report that they drink dirty water from the irrigation pipes.

LEGAL STATUS: THE FEAR OF DEPORTATION

“It is difficult to get a permit. Some farmers want papers and others don’t bother. So, if a farmer asks for a permit, we will borrow a permit from someone else, and they will charge you to use their paper.”

Chisomo*, who works on a South African vineyard

Nearly 270 000 persons are employed in the wine sector in South Africa⁸⁴—many of them as migrant seasonal workers. The majority of migrant workers on South Africa’s vineyards work without valid work and residency permits. This was also the case with the migrant workers we surveyed for this study: More than three quarters of them had no valid papers—above all because the bureaucracy is too time-consuming and the fees are too high. Further, many women were afraid they would be deported if they went to the authorities to

file a visa request. Their fear was so great that many women spoke very circumspectly about their residency status even in the interviews for this study.

For women from Zimbabwe, the situation got drastically worse at the end of 2021: A special visa treaty between Zimbabwe and South Africa had made it legal for them to reside in South Africa. But South Africa decided not to renew the treaty. A transition period will apply through the end of 2022, but after that migrants will face a risk of deportation.⁸⁵

THE EXPERIENCE OF AND REASONS FOR MIGRATION

When asked for her reasons for coming to South Africa, one worker reported: *“I was suffering in poverty in Zimbabwe and needed a better life and I came looking for a job to support my family. I worked in Zimbabwe, but the money was not enough.”*



© Oxfam / Alexa Sedgwick

Primrose Mulenga is 25 and comes from Zimbabwe. She came to South Africa in hopes of earning more money here.

With the other migrant workers surveyed, as well, unemployment, low wages, and economic crises in their homelands are the main reasons they state for the decision to emigrate. Many of them also had relatives or friends who were already working on South African vineyards.

The journey to South Africa is long and dangerous—frequently, migrants traverse several thousand kilometers to get here. Kundai* from Zimbabwe reports: *“It is very hard to come here to South Africa. Most of us don’t have enough papers to get here. So, they will go through the bushes.”*

And migrating without papers can be expensive: Migrants often must bribe border officials to let them into the country or pay “transporters”—smugglers—large fees to bring them over the border. Women from Malawi also report that they must obtain the permission of their husbands and families, if they want to go to South Africa to work.

RACISM, DISCRIMINATION, AND (SEXUALIZED) VIOLENCE

*“The farmowner yells at the migrant women: ‘Jou dom k*****.’⁸⁶ If you don’t want to work, go back home.”*

Ruth*, who works on a South African wine farm

Women are often exposed to sexual exploitation by labor brokers just to get work on a farm. *“It is a fact that they are subjected to sexual favours before they can get a job,”* reports union representative Denia Jansen of the *Mayibuye Land Rights Forum*.

The women also suffer insults, name-calling, humiliation, and racist or discriminatory language at the hands of farm-owners or their overseers. 45% of the migrant women surveyed reported experiencing racism and discrimination, as well as psychic, physical, or sexualized violence.

Discriminatory language and insults from South African co-workers are no rarity, either. 49% of the women surveyed had been treated with hostility by native co-workers. The xenophobia of farmworkers with South African citizenship is exacerbated by their own often precarious living conditions, the high rate of unemployment, and their low wages. The official unemployment rate in the South African population lay at over 29% in 2019⁸⁷; using an expanded definition of unemployment, it was closer to 45% in 2021.⁸⁸ Such conditions fuel the animus based on the widespread assumption that migrant workers take work from native South Africans, since they are willing to work for lower wages.

Migrant worker Frances* reports: *“Some of the South Africans do not like us. They say, ‘You don’t say no to jobs when they pay you 150 Rands; you just work. What kind of people are you?’ We answer and say, ‘if we just sit at home, how are we going to pay rent? How are we going to buy food?’ That’s why we have to take these jobs, even if the pay is little. Some people hate us for that.”*

The competition for work can also create conflicts among the various migrant groups. In 2009, this kind of hostility led to massive violence: In one of the informal housing complexes in the city of De Doorns, a group of migrants—mainly from Lesotho—locked ten other migrants into a shack and set it on fire. Seven people died. A few months later, a group of South Africans attacked the housing of migrant workers from Zimbabwe and drove 3 000 people from their homes. Many of them stayed in provisional shelters for the harvest season, which had just begun, and then left De Doorns afterwards.⁸⁹

INTERSECTIONALITY

A Black, Lesbian single mother from Zimbabwe, who harvests grapes on a vineyard in South Africa as a seasonal worker, can be affected by discrimination from numerous angles: be it on account of her appearance, her migrant experience, her family status, her sexual orientation, her gender identity, or her work status. The intersection of various forms of discrimination is referred to as intersectionality—a concept that can help us better understand the situation faced by migrant workers.

The concept of intersectionality says that discrimination can take place on a number of different levels, including gender, sexuality, ethnicity, age, or class; and that these levels of discrimination interlock. They define a person’s social, political, and economic status and exert an influence on spheres of political action.⁹³

Thus migrant women in Costa Rica and South Africa experience discrimination on account of their gender. In interviews, some report that sexual abuse by their husbands compelled them to leave their homes. Others re-

port of their fear of sexual abuse at work.

But the same women also experience discrimination on account of their (actual or presumed) migrant experience. During the COVID-19 pandemic, for instance, the widespread prejudice that migrants would bring the virus into the country led to ostracism and hostility against them.



© Dxtam / Alexa Serdwick

Many of the people who work on vineyards earn little and live in very simple accommodations.

UNIONS AND WORKER ORGANIZATIONS

“It is clear that the workers are afraid. We ask them, ‘Why don’t you join the union?’ But they are very scared. They are undocumented and they really fear deportation.”

Denia Jansen, representative of the Mayibuye Land Rights Forum

During Apartheid, Black workers were not permitted to organize themselves in unions.⁹⁰ Today, it is the mainly *white* farmowners who seek to prevent workers from organizing—for instance, by threatening them with being fired if they join a union.⁹¹

Researchers estimate that about five percent of workers in South Africa are organized in unions, although in the region of Western Cape it is ten percent.⁹² In organizing workers, non-governmental organizations (NGOs) and on some farms collective efforts at self-organization, as well as traditional unions, play an important role.

103 of the 105 women surveyed stated that they were not members of any union. Frequently, the women do not even know of the existence of unions. And even when they are aware of the possibility, they would not risk getting organized for fear of how the farmowner would react and for fear of being deported.

COVID-19

The protective measures and lockdown restrictions imposed in South Africa during the Covid-19 pandemic placed migrant workers in an existential crisis. Like all seasonal workers, they could not work during the lockdown; and returning home to their countries of origin was impossible, too. Workers with South African nationality at least had the right to apply for unemployment compensation during the lockdown—although because the staff of the governmental agencies responsible stayed home from work, their applications were not processed. Migrant workers did not even have the right to apply for support. 90% of the migrant workers interviewed got no support whatsoever during the lockdown, either from the state or from private institutions. *“It was tough. We suffered, we really suffered. We will never forget that time,”* says Tarisai*.

HOW DO THE COMPANIES IN QUESTION REACT TO THESE REPORTS?

Oxfam, in February 2022, wrote to all the companies named in this study and asked them to respond to it.

ALDI South claimed that it had no knowledge of the allegations concerning the Fyffes banana supplier Jardín del Tigre and entered into a dialogue with the company. It said it would, if necessary, conduct an on-site review itself.

REWE assessed the events as a clear violation of applicable law and the moral and ethical principles of the company. It announced that there would be consequences if the violations were unambiguously proven.

Edeka stated that it had no contractual relationship with the firms Upala Agrícola or Cítricos Bellavista. Oxfam's research, however, was able to clearly trace the boxes of fruit in the Edeka store back to both enterprises using the GlobalGAP number printed on the box. One gets the impression that Edeka does not see itself as responsible for the abuses uncovered. The supermarket merely stated that all farms, from which their supplier intermediaries bought fruit, had to be certified by either GlobalGAP or Rainforest Alliance. It asserted that the governmental authorities in the producer's country were responsible for investigating allegedly criminal conduct such as the payment of wages below the lawful minimum wage—a statement which once again underscores the company's misconception of what constitutes meeting its due diligence obligations. Oxfam Germany has seen evidence of this misconception at Edeka for many years now. When pressed by us, the company finally said that it would take the allegations seriously and investigate.

Lidl, by contrast, was the only supermarket that disclosed its suppliers for pineapples, bananas, and wine from the countries in question in response to Oxfam Germany's request. It contacted Finca Once, Piñales del Caribe, and Perdeberg Winery; and it took the description of conditions at Finca Once

as an occasion to submit the enterprise to another independent audit. It stated that every direct and indirect business partner of Lidl was required to respect the company's Code of Conduct if it wished to remain a partner over the long term.

All Costa Rican enterprises that answered Oxfam Germany's request disputed the allegations made by the workers, either in whole or in part. **Finca Once** stated that all year-long farm work was carried out by workers hired directly, and that this corresponded to 98.4% of its workers. It claimed that the company resorted to labor brokers (*contratistas*) only for repair or cleaning operations. **Upala Agrícola** denied the use of *contratistas* entirely. They claimed never to have used this form of hiring. Oxfam's partner organization, however, spoke with as many as six persons who worked for Upala Agrícola through the agency of *contratistas* between 2019 and 2020. **Grupo Acón** stated that the *contratistas* it worked with were supervised to ensure that no violations occurred, for instance in connection with social security contributions. The enterprise denied the allegations that it was hostile towards unions and had failed to provide workers with protective equipment.

All three firms denied paying wages below the statutory minimum wage.

The companies in some cases cited certifications to corroborate their statements. **GlobalGAP** has certified Upala Agrícola, Del Monte, Piñales del Caribe, Jardín del Tigre, Finca Once, Cítricos Bellavista, and Chiquita—the first three with its worker rights certification GRASP, in addition to the regular certification. **Rainforest Alliance** has issued certificates on the operations of Finca Once, Upala Agrícola, and Jardín del Tigre, as well as the three *fincas* of Grupo Acón already mentioned. Rainforest Alliance promised to investigate the accusations.

CERTIFICATIONS AND LABELS

Oxfam, in its research, comes across various certification standards again and again. The certifications and labels on food in the supermarket are intended to inform shoppers that products meet certain quality standards relative to the methods used in growing or the conditions of production. The standards to which they refer, however, differ significantly from certificate to certificate. In Costa Rica, certifications are mainly issued pursuant to the standards of the Rainforest Alliance. In South Africa, the standards are set locally by the Wine and Agricultural Ethical Trade Association or Fairtrade. Such certifications should represent just one building block in the panoply of activities carried out by an enterprise to prevent human rights abuses. They are based on social audits. In performing such audits, the auditor visits a business and attempts to determine the existence and nature of any abuses with regard to human rights, labor rights, and environmental protection standards. Numerous studies have shown that social audits are often ill fitted to identify—let alone stop—certain abuses, such as the payment of excessively low wages.⁹⁴ For example, companies may show auditors falsified payroll records. It is thus not surprising that all the farms on which we found violations of labor law had nevertheless obtained at least one certification.⁹⁵ Oxfam’s local partner organizations criticize these certification standards as an instrument that serves management rather than providing any genuine reinforcement of workers’ rights.

Fyffes said it was surprised at the allegation that falsified documents were used on its supplier plantation Jardín del Tigre and conducted an internal investigation, which revealed no evidence of any such abuse. Plantation workers, however, reported to us that the affected employees were told to stay home on the day the audit was performed. The auditors did not speak with the company’s SITRAP union representative, either.

Dole disputed that it had fired people and failed to implement adequate health protection measures during the COVID-19 pandemic. **Chiquita**, **Del Monte**, and **Cítricos Bellavista** had not submitted any statement as of the date fixed for responding.

The South African **Distell Group** stated that all farms that sell grapes to Distell or **Nederburg Wines** had to be certified by either Fairtrade or the South African Wine and Agricultural Ethical Trade Association (WIETA). The company said it views a living wage as equivalent to the national minimum wage fixed by the state—despite that Oxfam’s research has shown that the lawful minimum wages in South Africa lie significantly below what workers need to meet the basic costs of living. Lidl and EDEKA stated, on behalf of their suppliers **Perdeberg** and **Rheinberg Kellerei**, that all farms were certified by WIETA or Fairtrade.

In sum: A number of enterprises promise to investigate the allegations. Oxfam Germany, together with its partner organizations, will continue to monitor the extent to which these investigations lead to results and make noticeable improvements in the conditions to which workers are exposed.

PROFIT AND PRICE PRESSURE: THE (LACK OF) ENGAGEMENT FOR HUMAN RIGHTS ON THE PART OF GERMAN SUPERMARKETS

The situation of workers in Costa Rica and South Africa provide two examples of how human beings are exploited to make the products sold in German supermarkets. And in light of their enormous market power, those supermarkets must assume responsibility for the situation. It is the supermarkets that dictate prices—and it is the supermarkets that are in a position to ensure that working conditions on the farms are *humane*.

At the same time, the supermarkets are earning higher profits than ever. While workers at the base of the supply chain either continued to work for wages well below what they need to live on or lost their jobs completely, the wealth of the owners of German supermarkets grew by as much as 30% in 2020, the first year of the pandemic.⁹⁶



Besides using certifications and labels (see Box on p. 31), some supermarket chains have in the past few years begun to introduce their own internal processes and standards, which are meant to help avoid human rights abuses in their supply chains. These correspond to the obligation referred to as “human rights due diligence.” Oxfam analyzes these efforts in its “Supermarket Scorecard” (See Box at right). The results of the most recent Scorecard, from the Summer of 2020, show: The fat profits made on cheap fruits do not seem to have inspired a corresponding sense of corporate responsibility.

There is hope, however: In the Spring of 2022, Oxfam will update its Supermarket Scorecard and it appears that some supermarkets have made significant progress in comparison with the last Scorecard.

For example with regard to transparency: Aldi and Lidl now publish a list of their direct suppliers, most of them import companies, for food products. Lidl has even begun to publish more remote links in a selected few of its supply chains— all the way back to the farms, where the greatest risk of human rights abuses lies.⁹⁷ As, among other things, our research on the vineyards of South Africa has shown, the vast majority of supply chains remain shrouded in a lack of corporate transparency.

In addition, Aldi, Lidl, and Rewe have all adopted new guidelines for the reinforcement of gender equality in their supply chains. Aldi North, for instance, has decided to evaluate the gender pay gap in its supply chains and try to close it in select supply chains, one by one.⁹⁸

Oxfam’s Supermarket Scorecard also shows, however, that not all companies will voluntarily engage themselves on behalf of human rights. Edeka, for instance: In contrast to its competitors, Edeka has for years shown no significant



improvements. This makes Germany’s new Supply Chain Act, which will obligate large companies to protect human rights in their supply chains starting in 2023, all the more important (see Box on p. 34).

Despite some positive developments, then, the core question remains: Will the companies’ new processes and standards really lead to the prevention of human rights abuses in their supply chains? The efforts of German supermarkets will only be really credible when they eventually stop misusing their market power and start paying their suppliers appropriate prices—prices that make it possible to uphold human rights, such as payment of a living wage.⁹⁹

If they do not do that, the human rights policies adopted by certain supermarket chains in recent years are likely to remain a paper tiger, producing no substantial improvement in the lives of workers around the world.

WHAT WILL CHANGE UNDER THE SUPPLY CHAIN ACT?



© Oxfam / Andres Mora

Workers harvesting pineapple on a plantation in Pocora, in the province of Limón, Costa Rica

In June 2021, the federal government of Germany adopted the “Act on Corporate Due Diligence Obligations in Supply Chains” (*Gesetz über die unternehmerischen Sorgfaltspflichten in Lieferketten, LkSG*). Its goal is to improve the international human rights situation by obligating enterprises—including German supermarkets—to orient their supply chains towards global justice.

Starting in 2023, all companies in Germany with more than 3 000 employees—so the Supply Chain Due Diligence Act provides—must implement measures intended to end the violation of human rights-related obligations in their supply chains (see § 3 LkSG).¹⁰⁰ If companies fail to meet their obligations, they risk incurring public-law sanctions such as fines and exclusion from public procurement contracts (§§ 22–24 LkSG).

The Act represents a long overdue milestone: For numerous studies have belied the claims that companies have made for years now, to the effect that they meet their responsibilities even without regulation.¹⁰¹

Supermarkets like Edeka or Lidl will in principle be obligated, starting in 2023, to take effective measures against human rights violations in their supply chains. The violations covered by the law include paying wages below an adequate living wage, firing union members and their relatives, discriminating against migrants and women, and tolerating working conditions that pose a health hazard.

The Act contains several important gaps, however: It distinguishes, for instance, between a company’s own operations and those of its direct and indirect suppliers. In the case of indirect suppliers, a company has an obligation to address human rights abuses only if it already has knowledge of a possible violation (§ 9 Para. 3 LkSG).

Another shortcoming of the law: Even where it is proven that a supermarket has violated its due diligence obligations and that workers on a plantation or in a processing plant have suffered damages as a result, the Act provides the impacted parties with no additional claim for compensation of damages under German law.

The EU, as well, is working on a supply chain law, in order to ensure that all enterprises in the European market are subject to identical conditions. It is to be hoped that the EU legislation will correct the shortcomings of the German Act and require Germany to make the necessary improvements. In Brussels, too, however, it appears that there is strong resistance to an effective supply chain law.

CONCLUSIONS

Pineapple and banana farming in Costa Rica, wine and table-grape farms in South Africa—four products, two countries, two continents, and one shocking reality: The present study shows that in particular migrants work under inhumane conditions to farm the products sold in German supermarkets. Owing to the dire situations they face at home, these men and women decide to leave their home countries and seek work elsewhere. Often, they have no choice but to accept precarious jobs on bad terms. They put themselves at risk of losing their jobs and being deported, if they try to defend themselves against violations of labor law and their human rights. And this despite that many food supply chains on which German supermarkets depend would collapse without them.

Improving the legal status of migrant workers and granting them official residency and work permits would be one important first step. But only one: Working and living conditions on the farms themselves must improve, as well. German supermarkets are responsible for contributing to this change—and given the extent of their market power, they are in a position to do a lot more than they have done to ensure that the products they sell are produced under humane conditions.

Despite the grandiose promises some supermarkets have made, for workers little has changed over the past several years in the supply chains we investigated. And yet at the same time, the wealth of the supermarkets' owners—and with it global inequality—has grown, in part owing to record profits during the pandemic.

The federal government of Germany has an obligation to act, as well: It took a big first step towards holding supermarkets responsible by adopting the Supply Chain Act in Summer 2021. But the Act has shortcomings, which need to be corrected on the European level.

The parallels in the living and working reality of migrant workers in both case studies we have presented are remarkable. Albeit each case deals with different products farmed on different continents, the abuses we found are the same: Wages well below what workers need to live on, piece work, discrimination, working conditions that are hazardous to health, circumvention of legal provisions, repression of unions, and systematic exploitation of the vulnerable legal status of migrant workers.

All this makes it clear: We are not talking about isolated incidents of abuse. There is in place an exploitative, inhumane system—a system for which German supermarkets are partly responsible. For they dictate the terms of access to the German market, squeeze wages with their price policies, and help sustain exploitation.

This has got to change.

OXFAM DEMANDS:

Putting an end to the abuses described in this study is a complex task requiring action on the part of both enterprises and all the affected governments.

THE FEDERAL REPUBLIC OF GERMANY

- ▶ must implement the Supply Chain Act ambitiously. This means, among other things, that the *Bundesamt für Wirtschaft und Ausfuhrkontrolle* (Federal Office of Economics and Export Control, BAFA) must
 - comprehensively fulfil its duty of risk-based oversight and review companies to ensure that they adequately live up to their due diligence obligations;
 - take into consideration in particular the sourcing policies of supermarkets as forming a part of their obligation of due diligence. For the enormous price and cost pressures to which suppliers are exposed drive smaller producers from the market and squeeze wages down to a level below what workers need to live on; and
 - rigorously investigate complaints of human rights abuses in supply chains.
- ▶ should codify, as in Spain, a prohibition on the purchasing of foodstuffs at prices below the costs of production in the Agricultural Organization and Supply Chain Act (*Agrarorganisationen-und-Lieferketten-Gesetz*), in order to encourage the setting of ethical purchase prices.
- ▶ should impose transparency obligations on enterprises, requiring them to disclose all investments in their own supply chains and all distributions of profits.
- ▶ should ratify and implement the UN's International Convention on the Protection of the Rights of All Migrant Workers and their Families, as well as the ILO Private Employment Agencies Convention (No. 181), in order to better protect migrant workers from labor law violations.
- ▶ should orient antitrust law towards the common welfare, in order to ensure an equitable distribution of profits within the supply chain and, in particular:
 - include an investigation of the effects on wages, employment, suppliers and producers in its evaluation of mergers and abuses of market power. The threshold value for the presumption of market dominance should be lowered from the current 40% to 20%; and
 - provide, as ultima ratio, for the possibility of unbundling excessively powerful enterprises and restricting their overweening cross-market positions of power—for instance by erecting firewalls between business segments or spinning off businesses and assets.



THE EUROPEAN UNION

must adopt ambitious supply chain legislation:

- ▶ All enterprises—including small and medium-sized enterprises—must be covered by the law.
- ▶ The entire length of the supply chain must be included within the scope of the law—without gradation. For it is precisely at the base of the supply chain where the risks of human rights abuses are greatest!
- ▶ Civil liability: Impacted parties must have the right to sue for compensation of damages in European courts.
- ▶ Living wages must be clearly defined as a goal of the legislation. For national minimum wages are often so low that workers cannot meet the basic costs of living.
- ▶ The law should explicitly include the avoidance of unfair trading practices and implementation of responsible price and sourcing policies as forming a part of every company's due diligence obligations.
- ▶ The law should provide for robust supervision by the authorities, including the power to impose sanctions such as fines in the event of violations.
- ▶ The rights of migrants and women must be explicitly addressed in the law:
 - The relevant provisions should be based on the International Convention on the Protection of the Rights of All Migrant Workers and their Families; and on
 - The Women's Rights Convention, that is, the Convention on the Elimination of all Forms of Discrimination against Women;
 - The law should explicitly provide for consultation with migrants and women's organizations in connection with the establishment of risk management systems, including definition of the measures to be taken and complaint procedures;
 - Sexual molestation and violence should always qualify as a grave violation of human rights; and
 - The barriers to access impeding judicial enforcement of the rights of women and migrants in particular should be dismantled, for instance by expanding the aids for litigation costs and lowering burdens of proof.

THE GERMAN SUPERMARKETS

- ▶ must comply comprehensively with their human rights due diligence obligations, as these are defined by the UN Guidelines on Business and Human Rights. In particular, they must:
 - pay fair prices to producers, rather than using unfair trading practices and exerting enormous pressure to lower prices;
 - cooperate with local unions, as well as migrants' and women's organizations, and comply with their demands in performing their risk analyses, taking preventive and remedial action, and establishing complaints procedures; and
 - make sure that tangible improvements are carried out on site, rather than rely on half-hearted social audits.

- ▶ must implement a company-wide policy of gender equality, including the following steps:
 - gather gender-specific data, including on wages, from supplier companies in their high-risk supply chains;
 - make significant progress towards closing the living wage gap, i.e., the gap between wages actually paid and the wages workers need to meet the basic costs of living, as well as the gender pay gap;
 - guarantee access to gender-specific complaint mechanisms; and
 - support suppliers in providing women with access to health care and programs intended to alleviate the burdens of care work.
- ▶ must implement the Dhaka Principles for Migration with Dignity in their own supply chains.
- ▶ must orient their business models towards the common welfare by taking, inter alia, the following steps:
 - make significant investments in more equitable supply chains, so that workers, small farms, and other suppliers obtain an appropriate share in the value creation. To this end, prices must at the very least cover the costs of production and make it possible to pay living wages; and
 - give higher priority to paying fair prices and living wages than to paying dividends to shareholders.

THE GOVERNMENT OF COSTA RICA

- ▶ must make it easier, both financially and bureaucratically, for migrants—especially those already living and working in Costa Rica—to obtain residency and work permits and to access legal protection, whether or not they have official papers.
- ▶ should ratify and implement the UN’s International Convention on the Protection of the Rights of All Migrant Workers and their Families, as well as the ILO Private Employment Agencies Convention (No. 181), in order to better protect migrant workers from labor law violations.
- ▶ should ratify and implement the ILO Safety and Health in Agriculture Convention (No. 184), including its Recommendation 192, and the ILO Violence and Harassment Convention (No. 190).
- ▶ must guarantee exercise of the freedom of association.
- ▶ must make improvements in its labor law, and in particular:
 - residency and work permits should not be linked to a particular employer, for this renders workers dependent on their employers and facilitates their exploitation;
 - the office of the Labor Inspector must be provided with the staff and legal powers it requires to sanction unlawful employment practices with public-law or criminal penalties; and
 - employers should not be allowed to shift legal responsibility for their employment conditions onto *contratistas*. This includes the responsibility to pay wages in accordance with state minimum wage provisions and collectively negotiated wage tables, as well as compliance with applicable labor law standards.

THE GOVERNMENT OF SOUTH AFRICA

- ▶ must establish a systematic approach to protecting the rights of documented and undocumented migrant workers, as migrant workers will continue to migrate to South Africa, given the economic crises plaguing neighboring countries.
- ▶ must make it easier, both financially and bureaucratically, for migrants—especially those already living and working in South Africa—to obtain residency and work permits.
- ▶ should ratify and implement the UN’s International Convention on the Protection of the Rights of All Migrant Workers and their Families, as well as the ILO Private Employment Agencies Convention (No. 181), in order to better protect migrant workers from labor law violations.
- ▶ should ratify and implement the ILO Safety and Health in Agriculture Convention (No. 184), including its Recommendation 192, and the ILO Violence and Harassment Convention (No. 190).
- ▶ should extend its existing visa treaties with the states relevant for purposes of migrant workers—in particular, with Lesotho and Zimbabwe—and sign visa treaties with other such countries, including Malawi and Mozambique.
- ▶ must make improvements in its labor law and social law, and in particular:
 - support migrant workers in registering for unemployment insurance;
 - educate the staff of the Labor Inspector to improve sensitivity, in particular, to violations of the rights of migrant workers, women, and seasonal workers; and
 - create opportunities for earning income outside the harvest season.
- ▶ must actively engage in efforts to eliminate discrimination and violence against migrant workers.



ENDNOTES

- 1 Basis for the calculation: According to Forbes Magazine, the wealth increase of D. Schwarz in 2020–21 was USD 17.1 billion (www.forbes.com/billionaires). The wages of a farmworker with a permanent job on a plantation in Costa Rica averaged about 6 500 Colones (9.80 Euros) per day, with 25 working days per month. The wages for temporary workers engaged via a labor broker can be much lower (2 000–3 000 Colones per day)! Source: On-site research commissioned by Oxfam Germany; also the recent survey by Voorend and Gatica López (2021): https://cicde.uned.ac.cr/images/educacion/Notas_de_Coyuntura_Migratoria_No._3_A%C3%B1o_1_Diciembre_2021.pdf.
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- 4 Prices based on test purchases made in January 2021.
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- 12 OECD/ILO: Cómo los inmigrantes contribuyen a la economía de Costa Rica (2018), p.28, URL: https://read.oecd-ilibrary.org/development/como-los-inmigrantes-contribuyen-a-la-economia-de-costa-rica_9789264303867-es (figures are based on the last publicly available census data in Costa Rica, dating from 2011).
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Oxfam Deutschland e.V.
Am Köllnischen Park 1
10179 Berlin

Tel. +49 30 - 45 30 69-0
E-Mail info@oxfam.de
www.oxfam.de

V.I.S.D.P.

Marion Lieser

AUTHORS

Tim Zahn, Steffen Vogel,
Franziska Röttsch, Julian Knapp

EDITOR

Franziska Humbert

ENGLISH TRANSLATION

Darrell Wilkins

DESIGN

Judith Fehlau, Malte Herok

COVER PHOTOGRAPH

Oxfam / Andres Mora

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Adam Álvarez-Calderón,
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Mauricio Castro Méndez,
Vanessa Dubois Cisneros,
Veronika Däges

Oxfam is an international confederation of 21 organizations, working with its partners and allies, reaching out to millions of people around the world. Together, we tackle inequalities to end poverty and injustice, now and in the long term—for an equal future.



Starvation wages, pesticides, discrimination: workers on banana and pineapple plantations in Costa Rica and on vineyards and table grape farms in South Africa work under catastrophic conditions. Migrant workers are particularly affected.

With the help of its local partner organizations and its supporters in Germany, Oxfam researched supply links from the plantations and growing areas to German supermarkets. The result: We found violations of labor- and human rights at suppliers of all major German supermarket chains.

The supermarkets have a duty to respect human rights in their supply chains and to pay fair prices to suppliers, so that workers can earn enough to feed themselves and their families. But also the German government and the European Union must take action and create the necessary legal conditions so that our food is no longer based on exploitation.



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