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RESEARCH ON INDICATORS OF FORCED LABOR

in the Supply Chain of Coffee in Guatemala

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Introduction

Verité carried out research on the presence of indicators of forced labor in the production of goods in seven countries from 2009 through 2011. Research was carried out on the production of shrimp in Bangladesh; Brazil-nuts, cattle, corn, and peanuts in Bolivia; sugar in the Dominican Republic; coffee in Guatemala; fish in Indonesia; rubber in Liberia; and tuna in the Philippines. The following report is based on research on the presence of indicators of forced labor in the Guatemalan coffee sector. This research was not intended to determine the existence or scale of forced labor in the countries and sectors under study, but rather to identify the presence of indicators of forced labor and factors that increased workers' vulnerability to labor exploitation.

Objectives

The primary objectives of the project were to:

- obtain background information on Guatemala (place, people, product, policies), and programs);
- create a methodology to study the presence of indicators of forced labor in the Guatemalan coffee sector;
- identify and document indicators of forced labor among workers in the coffee sector of Guatemala;
- document the broader working and living conditions that coffee sector workers experience; and
- determine the risk factors for vulnerability to forced labor and other forms of exploitation in the coffee sector.

Context

In order to gain an understanding of the social, economic, labor market, and cultural context of Guatemala, background research was carried out through a comprehensive literature and legal review and expert consultations. Guatemala is a multi-cultural, middle-income country marked by high levels of inequality, violence, and repression. The coffee sector has seen a recent resurgence, and coffee is grown in a large number of regions, with harvest seasons and quality varying depending on altitude and climate. A large number of workers are employed in the Guatemalan coffee sector where they work on fincas as migrant workers, *voluntarios* (workers who live in communities close to fincas), and *colonos* (workers who live on the fincas year-round). Although Guatemala has recently improved its efforts to combat human trafficking, its labor enforcement systems are compromised by corruption, a weak inspections system, and legal loopholes, which increases workers' vulnerability to labor abuses.

Research Methodology and Limitations

Research was carried out in two phases from November 2009 through December 2011. Challenges faced by the researchers included the high level of violence in Guatemala, restrictions on access to coffee fincas, the death of the lead researcher, the declaration of a state of siege, and natural disasters.

Verité developed a mixed-methods research methodology to research indicators of forced labor in coffee production in Guatemala. Verité carried out both qualitative and quantitative research, with respondents being selected through non-probability sampling, including convenience and snowball sampling.

The first phase of research, which was carried out by the Guatemalan Commission for the Verification of Codes of Conduct (COVERCO), included desk research, expert consultations, a "mapping" of coffee production and the coffee supply chain, and interviews with workers, employers, and labor brokers in coffee *fincas*, cooperatives, and workers' communities of origin. The second phase, carried out by Verité, included additional desk research, a legal review, expert consultations, visits to coffee *fincas,* the design of a comprehensive questionnaire on indicators of forced labor, and extensive worker interviews. During the second phase of research, 372 workers were interviewed in the Departments of Huehuetenango, Quiche, San Marcos, Solola, and Quetzaltenango.

This study does not claim to be statistically representative at the national or sectoral level. Workers interviewed had worked in most, but not all, of the major coffee producing Departments of Guatemala. Worker interviews were carried out in their communities of origin due to security and access issues on fincas, so only migrant workers and *voluntarios* were interviewed. *Colonos* were not interviewed, so the findings are not representative of this shrinking group of coffee sector workers. Nevertheless, through the use of mixed-methods research and triangulation of data, the researchers were able to uncover valuable, in-depth information about the indicators of forced labor that exist in the Guatemalan coffee sector.

Main Findings

Verité investigated the presence of indicators of forced labor using International Labor Organization (ILO) guidance titled, "Identifying Forced Labor in Practice", which was published by the Special Action Program on Forced Labor in a 2005 report, *A Global Alliance Against Forced Labour: Global Report under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work.* Research detected evidence of the presence of the following indicators of lack of consent: physical confinement in the work location; psychological compulsion (e.g. an order to work, backed up by a penalty for noncompliance); induced indebtedness; deception or false promises about terms of work; withholding and non-payment of wages; and retention of identity documents. Research detected evidence of the presence of the following

indicators of menace of penalty (the actual presence or threat of): physical violence against workers; physical confinement; financial penalties; denunciation to authorities; dismissal from current employment; exclusion from future employment; and deprivation of food and shelter. Other issues of concern detected during research included working hours in excess of legal limits; excessively low wages; health and safety issues; discrimination; poor living conditions; dangerous transportation; and child labor. Research found that females, indigenous workers, temporary workers, workers who had obtained employment through labor brokers, and workers who had worked on larger fincas and in the Departments of Huehuetenango, Retalhuleu, San Marcos, Santa Rosa, and Suchitepéquez were more vulnerable to labor exploitation.

Background & Setting

The following section will provide background information on Guatemala through an analysis of the "5 P's" (Place, People, Product, Policies, and Programs). This information covers the economy and inequality in Guatemala (place), coffee sector workers (people), the coffee sector (product), factors that weaken government enforcement of labor law (policies), and existing programs to combat labor exploitation (programs). This section also briefly describes recent reports on working conditions in the coffee sector.

Place

Although Guatemala is a middle income country, it is marked by high levels of poverty and inequality and low levels of human development. Guatemala is ranked 81st out of 226 countries globally in terms of GDP, at approximately USD 70 billion.[1] Services constitute 61 percent of Guatemala's GDP, industry constitutes 28 percent, and agriculture constitutes 11 percent. Guatemala has the largest GDP in Central America, comprising approximately 35 percent of the GDP of the whole isthmus.[2] However, Guatemala has the largest population in Central America, so its GDP per capita is much lower in comparison, only surpassing that of Honduras. Guatemala was ranked 143 out of 226 countries in 2011, with a GDP per capita of approximately USD 5,200 per year.[3] This is compared to USD 6,000 in El Salvador, USD 10,800 in Costa Rica, and USD 46,300 in the United States.[4]

Using the GINI coefficient, a measurement of the level of equality (with a score of zero meaning complete equality and 100 meaning total inequality), Guatemala was ranked as the 135th most unequal country in the world out of a total of 147 countries, with a score of 55.1. The only countries with higher levels of inequality in Latin America and the Caribbean were Ecuador (54.4), Bolivia (57.2), Honduras (58), Colombia (58.5), and Haiti (59.5). In comparison, Nicaragua scored 43 and Costa Rica scored 48.[5]

Guatemala was ranked 131 of 187 countries in the UN Development Programs (UNDP's) Human Development Index (HDI) in 2011, down from 121 in 2008. The HDI

measures three basic components of human development: health, education, and income. The HDI for Guatemala was 0.574 compared to an average of 0.731 for Latin America and the Caribbean. Furthermore, data from the HDI report show that the average life expectancy was 71.2 years in Guatemala, compared to an average of 74.4 years for Latin American and Caribbean countries; the mean years of schooling was 4.1 compared in compared to 7.8 years; and the Gross National Income (GNI) per capita was USD 4,167 compared to USD 10,119.[6]

In 2007, 56.2 percent of Guatemalans were living under the poverty line, 50.9 percent of the population lived on less than USD 2.00 per day, and 15.2 percent of the population lived on less than USD 1.25 per day, with the poverty level failing to decrease despite yearly growth in the GDP.[7] In 2007, the National Survey on Living Conditions (ENCOVI) found that 51 percent of Guatemalans were living in poverty and 15.2 percent of the population was living in extreme poverty. Those judged to be living in extreme poverty were making less than GTQ 3,206 per year, which is the minimum required to purchase a "*canasta basica"* ("basic basket") of food, compared to the GTQ 6,754 required to purchase the necessary food, goods, and services.[8]

The Human Rights Ombudsman (PDH) found that inequality, discrimination, and an economic model dependent on agriculture contributed to elevated levels of poverty and malnutrition among indigenous peoples.[9] Indigenous Guatemalans made up approximately 40 percent of Guatemala's population, and are composed of a number of groups. The 2001 census determined that K'iche Mayans constituted 9.1 percent of Guatemala's population, Kaqchikel constituted 8.4 percent, Mam constituted 7.9 percent, Q'eqchi constituted 6.3 percent, other Mayan groups constituted 8.6 percent, and other indigenous non-Mayan groups constituted 0.2 percent. They speak 23 officially recognized languages, the most prominent of which are Quiche, Mam, Garifuna, Xinca, Cakchiquel, and Kekchi.[10] The 2007 ENCOVI found that 75 percent of indigenous Guatemalans were living in poverty and 27.4 percent were living in extreme poverty, compared to 36.5 percent of non-indigenous people living in poverty and 7.8 percent living in extreme poverty.[11] Of the 1,951,724 Guatemalans living in extreme poverty (15.2 percent of the population) in 2011, 69.5 percent were indigenous.[12]

According to a PDH report, Guatemalans living below the poverty line were plagued by hunger and malnutrition.[13] In fact, Guatemala has the fourth highest rate of malnutrition in the world and the highest rate of any Latin American or Caribbean country. Malnutrition, which affected 49.8 percent of children under the age of five, was especially prevalent in rural and indigenous communities.[14] San Juan Atitán, Huehuetenango, where Verité carried out research, registered the highest rate of malnutrition in Guatemala, with a malnutrition rate of 91.4 percent and half of children dying before they reached the age of five.[15]

According to a 2007 study, 78 percent of Guatemalans living in poverty were concentrated in rural areas, while 28 percent were concentrated in urban areas. The highest levels of poverty could be found in the Northern Departments of Alta and Baja Verapaz, where 77.1 percent of inhabitants lived in poverty and 38.8 percent of the

population lived in extreme poverty. In the Northwestern Departments of Quiche and Huehuetenango, 75.6 percent of the population lived in poverty and 23.6 percent lived in extreme poverty. In addition, poverty affected approximately half of the residents of Santa Rosa, Quetzaltenango, Sololá, San Marcos, Suchitepéquez, and Retalhuleu.[16]

Women earned lower incomes than men. According to the 2010 National Survey on Employment and Income (ENEI), Women comprised 36.3 percent of Guatemala's Economically Active Population (EAP). Women earned an average of 26 percent less than men in Guatemala City, and also registered a higher rate of under-employment. In rural areas, women earned an average of 16.7 percent less than men and in other urban areas they earned an average of 12.5 percent less than men.[17] Interestingly, 30.8 percent of families with a female head of household were living below the poverty line, while 42.7 percent of households led by men were living below the poverty line. Children were much more likely to be affected by poverty, as 60 percent of children between the ages of 0 and 14 were living below the poverty line.[18]

People

Thirty-eight percent of Guatemalans were economically active in 2011, 38 percent of whom were employed in the agricultural sector, 26 percent in services, 18 percent in commerce, and 14 percent in industry. Agricultural workers were primarily indigenous men with low levels of education who earn low salaries. Other data indicate that the percentage of workers employed in agriculture grew six percent from 2010 to 2011, from 35.32 percent to 41.42 percent, while the percentage of workers employed in commerce shrunk from 20.72 percent to 15.7 percent.[19]

A PDH report from 2012 indicated that 63.8 percent of Guatemalan workers were employed in the informal sector, in which there are fewer worker protections and wages are lower.[20] A report from 2011 indicates that the average monthly wage earned in Guatemala was nine percent lower than the minimum monthly wage. In the private sector, it was 18 percent lower, while public sector workers working for the government earned 59 percent more than the minimum wage on average.[21]

The Guatemalan coffee sector employs a large number of Guatemalan workers. One report indicates that in 2009, approximately 473,000 workers were employed in the coffee sector, representing approximately seven percent of Guatemala's EAP.[22] Another report indicates that in 2009, the coffee sector employed approximately 11 percent of Guatemala's EAP.[23] Twenty percent of people involved in coffee production in 1995 depended entirely on coffee to make a living, with the rest being workers who migrated to work in coffee for two to four months out of the year, according to the National Coffee Association (Anacafe).[24] A survey of 628 coffee workers in the Departments of Sacatepéquez, Solola, and Santa Rosa found that 64 percent of the workers were male and 36 percent were female. However, there were regional differences.[25]

In the Guatemalan coffee sector, there are three primary types of workers: *colonos*, *voluntarios,* and migrant coffee workers. *Colonos* are permanent coffee workers who live on the *fincas* (coffee plantations) year-round and engage in planting, grafting, fertilizing, clearing tree branches, and harvesting. There is little work on coffee *fincas* outside of the three-month harvest season and *colonos* bring with them increased housing, food, benefits, and educational costs year-round. *Colonos* have also increasingly claimed land rights on the *fincas* on which they and their families lived and labored for years. For these reasons, many *fincas* have begun to kick *colonos* off of the *fincas* and instead hire *voluntarios* (workers who live in communities close to the *fincas* and commute daily) for planting, grafting, fertilizing, clearing tree branches, and harvesting. Because the harvest season is so much more labor intensive, requiring up to 20 times the number of workers employed during the low season, finca owners rely on a large number of migrant workers for the harvest season.

A 2009 report indicates that the Guatemalan coffee sector was comprised of 43,800 small, medium, and large-scale producers.[26] Small-scale producers generally produce less than 40 quintales of green coffee. They generally possess small plots of land on which family members labor and earn very little, as they sell small amounts of "red cherry" coffee in its rawest stage onto middlemen (*coyotes*), who have a great deal of leverage on setting prices..[27] Because small-scale producers have little leverage in setting prices, are taken advantage of by *coyotes*, and have experienced issues with quality control and processing and directly exporting coffee, they have formed a large number of cooperatives. The cooperatives can range from small groups of local producers that gather a large amount of coffee to sell to a middleman at a higher price to large, sophisticated cooperatives that process and directly export their coffee under fair trade. In 1969, the Federation of Agricultural Cooperatives of Coffee Producers of Guatemala was established. It was originally comprised of 19 cooperatives, but the number had grown to 148 by 2004. In 2009, FEDECOCAGUA reported that it exported an average of 300,000 quintales of coffee per year.[28]

Product

This section covers the geography and seasonality of coffee production in Guatemala. For a more detailed description of the Guatemalan coffee sector, including the economic context, the supply chain, and the production process see *Appendix 3: The Guatemalan Coffee Sector.*

Anacafe has promoted the quality of Guatemalan coffee and in 1997 established five primary coffee growing regions for export quality coffee: Antigua, Atitlán, Cobán, Fraijanes, and Huehuetenango. In 1998, Quetzaltenango, San Marcos, and Café Nuevo Oriente (Zacapa and Chiquimula) were added. The coffee from each one of these regions has different qualities due to their distinct climates and altitudes.[29] Coffee is also produced in other lowlands regions with earlier harvest times, which are not included on the list below because they generally produce low grade coffee that is not promoted for export.

Coffee Growing Regions of Guatemala

Region	Anacafe Name of Coffee	Distance From Capital	Harvest time	Altitude (above sea level)	Varieties
Antigua Guatemala	Antigua Clásica	50 kilometers	January to March	1,500 to 1700 meters	Bourbón, Caturra, Catuaí, Arábica.
Atitlán	Atitlán Tradicional	150 kilometers	December to March	1,500 to 1,700 meters	Bourbón, Typica, Caturra, Catuaí, Pache, Arábica.
Fraijanes	Meseta Fraijanes	40 kilometers	December to February	1,400 to 1,800 meters	Bourbón, Caturra, Catuaí, Pache, Arábica.
Cobán	Cobán Bosque Lluvioso	300 kilometers	December to March	1,300 to 1,500 meters	Bourbón, Caturra, Catuaí, Maragogype, Pache, Arábica.
Huehuetenango	Altiplano Huehuetenango	350 kilometers	January to April	1,500 to 2,000 meters	Bourbón, Caturra, Catuaí, Maragogype, Arábica.
San Marcos	San Marcos Volcánico	240 kilometers	December to March	1,400 to 1,800 meters	Bourbón, Caturra, Catuaí, Arábica.
Zacapa y Chiquimula	Nuevo Oriente		December to March	1,300to 1,700 meters	Bourbón, Caturra, Catuaí, Pache, Arábica.

In 2008/2009, the primary coffee producing Departments by quintales of green coffee were Santa Rosa (1,227,821), Chiquimula (776,130), Huehuetenango (593,616), Suchitepéquez (246,210), Guatemala (223,290), San Marcos (213,594, Chimaltenango (211,911), Solola (201,776), Alta Verapaz (195,935), Jalapa (191,096), Sacatepéquez (135,617), Quiche (82,923), Quetzaltenango (80,785), Jutiapa (79,258), Escuintla (63m825), Zacapa (52,345), El Progreso (24,770), Retalhuleu (19,889), and Baja Verapaz (13,251).[30] In 2011, the primary coffee producing Departments in Guatemala in terms of quintales of green coffee were Santa Rosa, Chiquimula, Huehuetenango, Guatemala, and Suchitepéquez.[31]

Coffee Production by Department in 2011[32]

1. Santa Rosa	1,455,667 quintales	
2. Chiquimula	678,424 quintales	
3. Huehuetenango	632,194 quintales	
4. Guatemala	358,409 quintales	
5. Suchitepéquez	335,379 quintales	

There are a number of regional differences in coffee production. For example, in Huehuetenango, most coffee is produced by a large number of small producers that process the coffee in "wet processing plants." In Coban, there are few "wet processing plants," so the coffee is transported to other regions for processing. In some regions, processors buy the coffee from small producers, while in other regions small-scale producers sell their coffee to intermediaries, known as coyotes, who then sell this coffee to coffee processors. Small producers from Alta Verapaz sell their coffee to brokers.[33]

Coffee is generally harvested in Guatemala between the months of September and April. The harvest season varies depending on altitude. From September to December, the coffee is harvested in lowland areas of up to 1,000 meters above sea level. This coffee is generally of a lower grade and is thus usually consumed domestically rather than being exported. From November to January coffee is harvested between 1,000 and 1,400 meters above sea level, and from January to April, the harvest is carried out in areas above 1,400 meters above sea level.[34]

During the harvest season, there are usually four harvests. During the first harvest, workers harvest a few mature grains of coffee, or those that are deformed or have quality issues. This coffee is sold for a much lower price, generally for domestic consumption in the form of instant coffee. It also helps the coffee plants to become more productive in the later harvests. During the second and third harvests, only mature, higher quality grains are harvested. During the last harvest, the remaining lower quality coffee grains are generally harvested. [35]

Policies

Corruption

Guatemala registers a high level of corruption, which affects the ability of the police and the justice sector to ensure the rule of law and combat worker exploitation in the coffee sector. According to Transparency International, the scale of corruption in Guatemala grew significantly worse between 2010 and 2011. Transparency International's 2011 Corruption Perceptions Index gave Guatemala a score of 2.7 out of 10 (120 out of 180 countries), down from 3.2 (91 out of 180 countries) in 2010.[36]

According to the U.S. Department of State, although Guatemala has laws that provide sanctions for corruption, these laws are rarely enforced and government "officials frequently engaged in corrupt activities with impunity."[37] The U.S. Department of State further reported that, "credible reports from international organizations, NGOs, and several government officials continued to indicate that corrupt public officials impeded anti-trafficking law enforcement efforts and facilitated trafficking activity … The government did not report prosecuting or convicting any officials complicit in human trafficking."[38] A representative of the Guatemalan Human Rights Ombudsman (PDH) reported that inspectors' low wages made them susceptible to corruption.

Inspections

One of the biggest factors that impedes the government's ability to protect coffee sector workers from exploitation is its deficient labor inspections system. High-level representatives of the U.S. Embassy in Guatemala, the PDH, the Ministry of Labor, and the Labor Inspectorate have attested to the inability of the Labor Inspectorate to adequately enforce labor law, especially in the agricultural sector. Problems facing the Labor Inspectorate include a lack of staff and funding, the fact that inspectors sometimes have to pay for their own gas (which disincentivizes them from visiting remote locations), the inability of inspectors to set fines, and labor inspectors' fear of carrying out inspections in the agricultural sector due to the high level of violence in Guatemala. The consensus among experts interviewed is that they expected improvements under the last (Colom) administration that did not materialize, and were waiting to see what will happen under the current (Perez Molina) administration.

According to a regional representative of the Labor Inspectorate interviewed by Verité, employers are supposed to submit a report on their compliance with labor law, including payment records to the Ministry of Labor during January or February of every year. If an employer fails to do so, they are considered to be in violation of the law, and are given an additional period of time in which to submit the documents. If the employer fails to submit the documents, they can be brought to court and fined. However, according to the representative of the Labor Inspectorate, the level of fines is in many cases lower than the amount that employers would be required to pay for unpaid wages or benefits, and they therefore prefer not to submit these documents and pay the fines.

This representative of the Labor Inspectorate also reported other deficiencies. For example, labor brokers are supposed to submit a power of attorney (from the employer) to the Labor Inspectorate, which issues a permit for the labor broker to engage in recruitment activities. However, in many cases the Labor Inspectorate retains the list of authorized labor brokers in their central office in Guatemala City and does not distribute it to the regional offices of the Labor Inspectorate, loses them, or keeps incomplete lists. Therefore, it is difficult for labor inspectors to verify which labor brokers are authorized to carry out recruitment activities.

In addition, the representative of the labor inspectorate reported that there were only four labor inspectors for the Department of Huehuetenango. Huehuetenango is

comprised of 32 municipalities, with an estimated population of 1,143,887 inhabitants in 2011.[39] This means that the ratio of labor inspectors to inhabitants is approximately one inspector for every 286,000 inhabitants. This is especially troublesome given that coffee *fincas* are generally located in remote areas that take a long time to travel to, and the inspectors are not only responsible for inspections of all employers in the Department, but also for conciliations. Confidential interviews with Ministry of Labor representatives indicated that no labor law violations were registered in the coffee sector in Huehuetenango in 2010 despite the fact that research indicates that labor law violations are prevalent and easily detectable in the coffee sector.

A U.S. Embassy representative interviewed by Verité in 2012 reported that Guatemala had 240 inspectors, most of whom worked principally in conciliation. As Guatemala had an estimated population of 14,713,763 in 2011, [40] this would mean that Guatemala had a ratio of one inspector/conciliator for every 61,000 inhabitants. The embassy representative reported that although the previous (Alvaro Colom) government had promised to hire 100 new labor inspectors, this was dependent upon the availability of funds, and had not yet taken place. The U.S. embassy representative reported that many inspectors are intimidated and are thus unable to do their jobs.

A high-level representative of the Labor Inspectorate's central office reported that labor inspections in the agricultural sector were seriously hindered by the level of violence in Guatemala. She reported that a large number of labor inspectors do not carry out inspections on *fincas* because they fear that they will be threatened, hurt, or killed. In fact, she reported that a labor inspector had recently been threatened with a gun on a finca. A high-level representative of the PDH echoed this concern about a lack of security for labor inspectors on *fincas*. He reported that a large number of *fincas* employed private armed guards, and that in one case three years earlier, journalists who were visiting a finca were detained by armed guards and were not allowed to leave. He also reported that on a recent occasion when he visited a finca to speak with a worker who wanted to file a complaint for labor law violations, armed men on horses rode up to him and told him to leave. For this reason, he insisted that it was important that police officers accompany labor inspectors, which is provided for by law, but does not take place in practice.

The PDH representative also reported that the Ministry of Labor had recently distributed a list of employers in the agricultural sector that were reportedly failing to pay workers the minimum wage. However, the Labor Inspectorate did not visit these *fincas* to verify reports of noncompliance, so sanctions could not be issued. In addition, he reported that in practice it is difficult for inspectors to verify compliance with minimum wage requirements in the agricultural sector, as employers generally pay in cash and do not provide workers with records of payments. The PDH representative reported that the Constitutional Court took away inspectors' ability to issue sanctions, and that inspectors have to collect and submit evidence of violations to courts, which then issue sanctions, making the process much more cumbersome. Finally, the PDH representative reported that workers do not generally trust inspectors, who are susceptible to corruption. There

have been cases in which employers threaten workers, saying they will call labor inspectors in order to intimidate them.

Laws

There are a number of loopholes in Guatemalan labor law that increase agricultural workers' vulnerability to labor exploitation (see *Legal Review)*. Guatemala's Labor Code fails to explicitly prohibit and sanction forced labor and fails to provide special protections for agricultural workers, instead weakening their legal protections. For example, agricultural workers are provided with less vacation time than workers in other sectors; the Labor Code does not require written employment contracts for workers in the agricultural sector; and labor law allows up to 30 percent of agricultural workers' wages to be paid in food and supplies. Please see *Appendix 4: Legal Framework* for a detailed analysis of Guatemalan labor law.

Programs

Guatemalan Government

During research activities, Verité interviewed a large number of Guatemalan government institutions and NGOs about government activities to combat forced labor and labor trafficking. While the government has not undertaken efforts to explicitly combat forced labor, it has taken some limited measures to combat trafficking, most of which have focused on sex trafficking. Research indicates that while there has been increased attention to trafficking since the 2009 passage of Guatemala's anti-trafficking law, efforts have not generally focused on combating forced labor. The majority of action and prosecutions have been focused on illegal adoptions and sex trafficking, as the Secretary against Sexual Violence, Exploitation, and Human Trafficking (SVET) is inherently more focused on sex trafficking. Verité's interaction with government institutions indicates that while they exhibit a very low level of awareness on labor trafficking, they have a desire to learn more about and combat this phenomenon.

While the government has taken some steps to combat labor trafficking, additional measures are needed. With the recent advances achieved in the justice sector - due in large part to CICIG's involvement - the Guatemalan Attorney General's office, judges, and police now have an increased capacity to investigate and prosecute organized crime, sex trafficking, and illegal adoptions. However, they lack training and concrete tools to detect, investigate, and prosecute cases of labor trafficking. Although an inter-institutional Commission to Support SVET exists, it is largely focused on sex trafficking, does not meet regularly, and has carried out few trainings or concrete actions. While researchers did notice a substantial increase in government posters informing people about the risks and signs of trafficking, including labor trafficking, most of these posters were located in government offices and border posts, and no posters or other anti-trafficking materials were found in *fincas* or workers' communities of origin.

The government's efforts to prevent human trafficking improved in 2010, according to the U.S. Department of State, with increased Ministry of Education trainings on human trafficking. However, efforts and funding were still judged to be below the level necessary to achieve lasting change. The U.S. Department of State reported that the government's unit to prosecute trafficking consisted of three prosecutors and was inadequately funded, and over half of its investigations focused on illegal adoptions resulting in ten convictions for human trafficking. The U.S. Department of State further noted that some judges dismissed trafficking cases due to a lack of awareness of trafficking legislation and that enforcement efforts were impeded by corruption. The government undertook minimal efforts to protect victims of trafficking, especially for forced labor, according to the U.S. Department of State. The government inaugurated one shelter for adult victims of trafficking and referred child victims to NGOs or orphan or homeless shelters. While there were protocols for identifying and assisting victims of sex trafficking, such protocols did not exist for victims of forced labor.[41]

NGOs

The U.S. Department of State noted that the government generally relied on NGOs and international organizations for victim services.[42] However, Verité's visits to NGO's focused on victim services indicated that these NGO's, some of which received US government funds, were generally focused on child victims of sex trafficking or children exploited in trash dumps or in informal street vending or begging. Verité did not detect any victims of labor trafficking from the agricultural sector, including coffee, that were receiving victim services. Verité judged that this is very possibly due to a failure to detect and identify victims of trafficking in the agricultural sector, due to the government's deficient inspections and NGOs' decreased presence in the agricultural sector. However, some of these programs had the capacity to offer valuable services to victims of trafficking and their programs could be adapted to better serve victims of labor trafficking in the agricultural sector.

Unions and Cooperatives

While unions and cooperatives did not have programs to detect or prevent forced labor, some work to protect workers' rights in the coffee sector. For example, researchers interviewed representatives of the Movement of Peasant Workers (*Movimiento de Trabajadores Campesinos* - MTC). This confederation is active in the agricultural sector, and is comprised of workers' organizations, unions, and associations of independent workers. These organizations are grouped together under the umbrella of the MTC, which has a board and a technical working group that offers assistance to agricultural workers and helps to bring workers' complaints to government authorities. The MTC has been especially active in San Marcos, where it has built an office on land that was confiscated from an employer. The organization has consolidated various workers' organizations and has pressured the government to install a labor court in Malacatán, San Marcos. It has brought various cases to labor court and has obtained land for workers, with the help of the Archdioceses' Pastoral Social de la Tierra, another organization uniquely placed to help coffee sector workers. Peasant and agricultural

workers' unions, although they are few and far between, are positioned to protect workers in the coffee sector from exploitation and to detect, report, and refer cases of labor trafficking.

Coffee cooperatives are another institution with the potential to protect migrant coffee workers, as they have day to day contact with migrant coffee workers. Many migrant coffee workers are cooperative members who work on their small plots of land during part of the year and migrate to harvest coffee during other parts of the year. While researchers did not find indicators of forced labor among these workers when they were working for cooperatives, they did find indicators of forced labor when they migrated to work on coffee *fincas*. A number of studies indicate that in most cases, coffee cooperatives have been successful in improving the earnings of small coffee farmers in Guatemala and provide leverage in negotiating prices, training on production techniques, formalization, and benefits that small farmers may not achieve on their own. However, these cooperatives have not undertaken efforts to prevent, detect, report, or refer cases of trafficking for forced labor on coffee *fincas*. With sufficient funding and training, both unions and coffee cooperatives could serve as useful links with the government and NGOs to provide them with information about on the ground conditions and to refer victims and report cases of forced labor and labor trafficking.

Brands

The increasing focus on corporate social responsibility (CSR) by international coffee brands presents an opportunity to push for change in Guatemala. As Guatemala is known for high quality coffee, winning many awards for the best coffee in the world, large, high-profile brands such as Starbucks, Gourmet Coffee, Coffee WholesaleUSA, San Marco Coffee, New England Coffee, and Green Mountain Coffee Roasters (Newman's Own) source significant amounts of coffee from Guatemala. As many of these high-end companies have brand images to maintain, they have begun to pay an increasing amount of attention to ensuring that their supply chains are free of child labor, forced labor, and other common exploitative conditions.

Poor working conditions in the coffee sector prompted some of the main international coffee brands to launch important initiatives such as 'Fair Trade' for coffee certification to ensure responsible production in their supply chains. One of the root causes of labor exploitation in the coffee sector is low prices and lack of price stability for farmers. Farmers who participate in the Fair Trade program receive $1.69 per pound rather than the average market price of $1.29. Fair Trade certification also requires adherence to a number of labor standards, including the prohibition of forced and child labor.

Verité research indicates that many of these efforts have focused on cooperatives and small *fincas* where labor violations are less prevalent. In the *fincas* visited by Verité that participated in Fair Trade initiatives or that directly sourced to brands, researchers verified that working conditions were better than average and managers and owners were very aware about prohibitions on child labor, labor rights, and environmental issues. However, some small growers and cooperative members interviewed reported

sometimes earning less under the Fair Trade system than on the open market because they had to agree sell their coffee at a set price before the harvest season, and received this price for their coffee even if the market value of the coffee was higher.

While demand for Fair Trade Coffee is growing rapidly, as of 2006 only 3.3 percent of all coffee sold in the U.S. was Fair Trade.[43] Therefore, the vast majority of Guatemalan coffee is still being produced with very few protections for small farmers and seasonal coffee workers, the vast majority of whom are informally employed. Many brands buy much of their coffee through middlemen and do not know where the coffee comes from, much less the labor conditions under which the coffee is produced. Therefore, it is important for brands to understand conditions under which the coffee in their supply chains is produced and to have the information, capabilities and tools to detect labor rights violations. This can be done through increased brand training and increased in-depth audits of the *fincas* and cooperatives from which they source their coffee.

U.S. Government

In April 2008, the AFL-CIO and six Guatemalan unions filed the first public submission under the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Labor chapter, alleging that the Guatemalan government is failing to effectively enforce its labor laws with regard to freedom of association, the right to bargain collectively, and acceptable conditions of work in five separate cases. The U.S. Department of Labor (DOL) conducted a review of the submission and issued a public report on January 16, 2009. DOL found significant weaknesses in Guatemala's ability to enforce its labor laws and made specific recommendations on steps that Guatemala should take to address these matters. Based on Guatemala's apparent failure to effectively enforce its labor law and the lack of progress in addressing the U.S. Government's concerns, the United States requested consultations with the Government of Guatemala on July 30, 2010. The specific failures to effectively enforce labor laws outlined in the U.S. consultations request included Ministry of Labor failures to conduct investigations, Ministry of Labor failures to take enforcement action, and court failures to enforce labor court orders. As a result of insufficient progress during consultations, the United States invoked a meeting of the Free Trade Commission under Chapter 20 (Dispute Settlement) of the CAFTA-DR on May 16, 2011, and held the meeting on June 7, but that meeting did not resolve U.S. concerns. The United States requested the establishment of an arbitral panel on August 9, 2011. Since then, the two governments have been working to constitute that panel, while also continuing discussions to resolve the dispute. Although the Government of Guatemala has taken some positive steps, such as the hiring of additional inspectors, more work remains to achieve systemic reforms in the enforcement of labor laws in Guatemala.

Working Conditions in the Coffee Sector

Guatemala has a history of violence, repression, and forced labor in the coffee sector that makes workers vulnerable to abuse (see *Appendix 2: A History of Violence and*

Repression in Guatemala). A series of recent studies show widespread labor rights violations, including a significant incidence of child labor, among coffee workers. However, there have been no recent in-depth studies on forced labor in the Guatemalan coffee sector.

The Guatemalan NGO, the Commission for the Verification of Codes of Conduct (COVERCO) carried out studies on working conditions in the coffee sector for Starbucks in 1999 and USAID in 2002. In 2000, COVERCO published a report entitled *Trabajadores del café en Guatemala: Un estudio de condiciones laborales y de vida en las fincas del café*. The study found that while there had been past reports of forced labor among *colonos* (workers who live on coffee *fincas*), this system no longer existed. In the past, *colonos* were subjected to debt bondage to *fincas*, which would give workers loans for food that they bought at company stores, medical care, leases, and access to land. However, *fincas* have increasingly expelled *colonos* without providing them with benefits or have given them land in exchange for leaving the *fincas* as a way to reduce labor and housing costs and to get around the requirement of providing schooling to children who reside year-round on the *fincas*.[44]

Although the report did not focus on indicators of forced labor, it did find a series of labor violations. The report was based on the results of a survey of 628 coffee sector workers in the Departments of Sacatepéquez, Solola, and Santa Rosa. Of those surveyed, 8.6 percent were under the age of 18. Almost half of the workers surveyed earned less than the 1999 minimum wage of GTQ 19.65 per day. Seventy-four percent of workers reported that they were not paid legally mandated *Bono 14* bonuses, 83 percent reported that they were not paid overtime, and 61 percent reported that they worked in excess of eight hours per day. Twenty-two percent of workers surveyed had debts and 59 percent reported that they were not provided with paystubs. Eighteen percent of workers reported that they knew of cases of harassment and abuse. The study found that 67 percent of workers lived in housing with five or more inhabitants, 32 percent of workers lacked drinking water and 35 percent lacked electricity.[45]

In 2001-2002, COVERCO carried out another survey, focused on the working conditions of 544 women and 260 children between the ages of ten and 18 in Colomba, Costa Cuca, Quetzaltenango. The study found that most women in this area earned GTQ 110 to 150 every 15 days. The survey found that 74.8 percent of the women lived in housing with at least five other people. Sixty-one percent of the women reported that they had worked more than 12 hours per day on at least one occasion. Of the women surveyed, 28.5 percent did not receive any benefits and 96.1 percent were not provided with vacation. Thirteen percent of women interviewed reported discrimination in the payment of wages and 3.5 percent reported gender-based discrimination.[46] Fifty-two percent of the children and adolescents interviewed were between 12 and 14, (the minimum age for child labor) and 31.1 percent of all children had worked for three to five years in coffee *fincas*. Of the children and adolescents surveyed, over 95 percent earned less than the minimum wage, 97 percent did not receive benefits, and 12 percent lacked access to education.[47]

A 2003, ILO/UNICEF/World Bank report found that 507,000 children between the ages of seven and 14 (approximately 20 percent of children in this age group) were working in Guatemala. Approximately two-thirds of children were employed in agriculture, including 75 percent of boys and 40 percent of girls. The report found that children engaged in child labor were subjected to dangerous working conditions, including long working hours, exposure to the sun, carrying heavy loads, and working with sharp tools. Thirty-eight percent of working children did not attend school, compared to 22 percent of non-working children. Working children worked an average of 47 hours per week, with those not attending school working an average of 58 hours per week.[48]

A 2006 ILO-IPEC report detailed the situation of indigenous child and juvenile laborers in Guatemala. According to the report, a 2000 Guatemalan government survey indicated that there were 937,530 children and adolescents working in Guatemala. Of these minors, 55.4 percent were between the ages of five and 14 and 44.6 percent were between the ages of 15 and 17. The study found that the incidence of child and juvenile labor was higher among indigenous Guatemalans, as 35.3 percent of indigenous children and adolescents were working and 52.3 percent of all child and juvenile laborers in Guatemala were indigenous. Overall, 61.7 percent of child laborers worked in agriculture, with 70.5 percent of indigenous child laborers working in agriculture.[49] According to ILO-IPEC, one of the principle causes of indigenous child labor was indigenous adults' inability to find decent paying work, as well as the historic patterns of indigenous family migration to coffee *fincas*. Minors under the age of 15 were generally not formally contracted nor paid by the *fincas,* although they helped with harvesting. Children were found to work excessive hours under dangerous working conditions (including using pesticides and dangerous tools, heavy lifting, and exposure to venomous animals).[50]

An ILO case study based on a survey of 34 indigenous children and adolescents from Quiche found that all of them had migrated to work in coffee *fincas*, with 88 percent having done so in the previous year. Ninety-six percent of them had been accompanied by their families. Seventeen percent had begun working on the *fincas* between the ages of four and six, 34 percent had begun between the ages of seven and nine, another 34 percent had begun between the ages of ten and 12, and 15 percent did not know when they had begun working. Approximately 90 percent harvested coffee while the other ten percent carried out domestic work. Fifty-two percent reported that conditions in the *fincas* were very difficult and they would prefer not to work on them, while 22 percent enjoyed the work and 26 percent demonstrated indifference. Seventy-eight percent of these child and juvenile laborers reported that they received no remuneration for their work on the *fincas*. They reported working an average of 11 hours per day. Ninety percent felt they worked under dangerous conditions, with 28 percent reporting having suffered workplace accidents. Ninety percent of the boys and 77 percent of the girls interviewed reported going to school, but because the families migrated for six to ten months per year, many were unable to attend the entire school year and were thus held back or dropped out.[51]

All twelve mothers and fathers interviewed reported that contracts were made verbally between fathers and labor brokers, without meeting their employer. The average wage was GTQ 705 per month, which included payments for the amount of coffee harvested by wives and children. They also reported having to take out loans of approximately GTQ 50 from labor brokers to buy food. The mothers and fathers reported the absence of labor inspectors and union representatives in the *fincas*.[52]

Anacafé released a report, Perceptions, Knowledge and Projections on Child Labor in the Guatemalan Coffee Sector in September 2008. This report detailed the coffee producers' perspective that children living on coffee *fincas* were not necessarily working on the *fincas*. The report argued that in the case of *colonos* who live on the *fincas* year-round, the children are provided with schooling; with *voluntarios,* who live closest o the *fincas*, children usually attend school; and with migrant workers, who work on the *fincas* for three to four months per year, the whole family travels together to avoid the disintegration of the family structure and in many cases the harvest season coincides with school vacations. They argued that children only worked on the *fincas* when families found it economically necessary. Although Anacafé was in agreement with the need to eradicate child labor in the coffee sector and some progress was being made, it argued that there were various structural forces that presented its eradication and that international institutions had to recognize that it is very difficult to completely keep children off of coffee *fincas*.[53]

In 2011, the U.S. Department of State reported that that there were approximately one million child and juvenile laborers between the ages of five and 17 in Guatemala. The U.S. Department of State further reported that most child labor occurred in rural areas, especially in the informal and agricultural sectors, including coffee *fincas*. In 2011, the U.S. Department of State reported that there were reports of forced labor in the agricultural sector, but did not specify the sector.[54] However, there have been no recent in-depth studies on indicators of forced labor in the Guatemalan coffee sector. Therefore, Verité developed a methodology to study the presence of indicators of forced labor in the coffee supply chain in Guatemala.

Methodology & Limitations

Verité's research in Guatemala aimed to assess the presence of indicators of forced labor and circumstances surrounding vulnerability to forced labor in the coffee sector.

The following broad priorities guided the research:

- identifying and documenting indicators of forced labor among workers in the coffee sector of Guatemala,
- documenting the broader working and living conditions that coffee sector workers experience; and
- determining the risk factors for forced labor in the coffee sector, including the product, people, places, policies, policies

The first phase of research was carried out by the Commission for the Verification of Codes of Conduct (COVERCO), a Guatemalan NGO with experience conducting research on labor issues in the Guatemalan coffee sector.

The second phase of research was managed by Verité's Research Program Manager, with extensive experience in Guatemala and in labor research, and who was personally involved in the design of the research methodology, the creation of tools, trainings, and field research. The assembled research team was led by a female Guatemalan expert with a background in social work and a Master's Degree in Project Design and Implementation and experience gathering information from vulnerable populations. It also included two male lawyers of ethnic indigenous Guatemalan background who had served as advocates for Guatemala migrant workers exploited while working abroad. The lawyers were familiar with the remote communities of origin of migrant coffee workers both from their work as advocates and from having grown up in these communities. Thus, they were able to facilitate access to the communities and their residents. The fifth team member was a female researcher and data analyst with a Bachelor's Degree in Information Science.

The research began with a literature review, expert consultations and rapid appraisal process. Field research included worker surveys, focus group discussions, and case studies. Upon completion of the field research, data were collated, coded, and analyzed by the team and Verité's Research Program Manager.

Research Design

Verité's research methodology incorporated mixed-methods research, including both qualitative and quantitative research. For the selection of respondents, Verité used non-probability sampling due to the lack of a sample frame, including purposive and snowball sampling. Research design and implementation was carried out in two phases, due to an unanticipated transition in research teams.

The presence of forced labor was not presupposed in the research. Rather, the research probed for the presence of indicators of forced labor using International Labor Organization (ILO) guidance titled, "Identifying Forced Labor in Practice", which was published by the Special Action Program on Forced Labor in a 2005 report, *A Global Alliance Against Forced Labour: Global Report under the Follow-Up to the ILO Declaration on Fundamental Principles and Rights at Work*. Verité also researched the presence of other forms of labor exploitation and the factors that create vulnerability to exploitation.

The initial phase of research design and implementation was performed by the Guatemalan labor-monitoring NGO, COVERCO. The rapid appraisal phase included desk research on past research on labor issues in the Guatemalan coffee sector; a "mapping" of coffee production and the coffee supply chain in Guatemala; visits to coffee *fincas*, cooperatives, and workers' communities of origin; and interviews with

workers, employers, labor and coffee brokers, and labor and coffee experts. COVERCO identified regions to target for research, the key research questions, and developed a survey instrument. Nearly 250 interviews were then carried out with migrant coffee workers, who had been identified through the rapid appraisal as experiencing poorer conditions of work and a exhibiting a higher degree of vulnerability to forced labor.

However, the lead researcher suddenly and unexpectedly passed away. The team lost a valuable colleague who was intimately engaged in the project. Also, due to his death, there was no access to the data on his computer. However, COVERCO was able to provide Verité with a regional map of coffee production and the places of origin of the largest number of migrant coffee workers and the major indicators of forced labor discovered during the rapid appraisal, which allowed Verité to stage the next phase of research.

After the loss of the lead field researcher and field data, Verité's Guatemala-based Research Program Manager assumed leadership. The loss of all field data necessitated that the research begin anew. Impressionistic findings from the previous field research were used alongside a second round of expert consultations to facilitate a revamping of the survey instrument and research strategy. The rapid appraisal phase was used by Verité to determine where the next phase of research would be carried out, based on risk factors and the geography of coffee production and migration. It was also used to develop a detailed worker interview questionnaire.

Based on this reevaluation of the research strategy, the following guiding topics for the research were developed for the worker interview questionnaire:

- questions designed to solicit basic demographic data on workers involved in coffee production:
    - age
    - gender
    - marital status
    - number of children
    - language
    - ethnicity
    - type of worker
    - type of activity they carried out
    - name, size and location of *finca* at which they worked
- questions designed to solicit information on entry into the sector
    - recruitment patterns, presence of broker
    - evidence of lack of consent, deception, fees paid, loans taken
    - existence/details of contract, evidence of contract substitution
- questions designed to solicit information on existence and circumstances of debt
    - presence of debt, at beginning and end of harvest season
    - circumstances of debt – reason for and time of borrowing, interest, to whom debt is held, whether it acts as a binding agent, whether it is inherited
    - patterns of debt-taking

    - payment arrangements
- questions designed to solicit information on working conditions
    - wages and payment mechanisms
        - wage levels, by day and for total harvest season
        - frequency of payment
        - evidence of delayed payment, withholdings, deductions
        - currency of payment – in cash or in kind
        - receipts for payment; understanding of payment
    - hours of work
        - average levels and highest levels
        - evidence of compulsory/forced overtime
    - health and safety
        - use of pesticides or chemicals, carrying out of dangerous/hazardous work; use of PPE
        - incidence of sickness or injury
        - availability/accessibility of medical services for sickness or injury
    - verbal / physical harassment
    - threats and reprisals
    - discrimination
    - termination of work relationship
- questions designed to solicit information on living conditions
    - space, condition
    - cost, availability of choice
    - access to bathrooms
    - safety of location
- questions designed to solicit information on freedom of movement
    - ability/restrictions to leave *finca*
    - presence of guards, armed or unarmed
    - location of *finca* relative to towns, stores, communication
- questions designed to solicit information on presence and nature of child labor
    - demographic information on child laborers
        - school attendance
    - information from parents on decision for child to work, entry into sector
    - working tasks and conditions of child
        - hazardous work, work with pesticides and chemicals
    - incidence of verbal, physical or sexual abuse

In-depth trainings were conducted with field researchers, both in an office setting and in the field, on interview techniques, identifying indicators of forced labor, the safety of researchers and interviewees, and data security.

Research Timing

Field research was carried out from November 2009 through December 2011. Since workers were interviewed about their employment over the previous two years, the research covered the period of November 2007 through December 2011.

Coffee is generally harvested in Guatemala from September to April, with regional differences based on altitude. From September to December, coffee is harvested in lowland areas of up to 1,000 meters above sea level, while from November to January coffee is harvested between 1,000 and 1,400 meters above sea level, and from January to April, the harvest is carried out in areas above 1,400 meters above sea level. COVERCO's initial research was timed to coincide with the peak months of coffee harvesting as much as possible, given the time constraints of the study (Note that research in Guatemala was initiated later than in other countries under study). COVERCO carried out initial field interviews from November 2009 through April 2010. COVERCO's lead researcher passed away in May 2010.

A series of tropical storms and continuous rain in mid to late 2010 caused severe landslides, making many highways and roads impassable and shutting off many rural communities. This, combined with the loss of the lead researcher and all field data, made the immediate continuation of field research impossible.

In February and March 2011, the questionnaire was re-designed, new researchers were recruited, hired, and trained, desk research was conducted and the research schedule and strategy were planned. Field research resumed in April 2011 and extended through December 2011. For reasons explained below in Sampling and Access, the second round of research targeted returned migrant coffee workers, who were interviewed in their communities of origin. Thus it was desirable to conduct the research at least partially during the off-season, when migrant workers would likely be residing in their home communities. Additional interviews were conducted during the harvest season, in order to capture multiple points of the production cycle.

Location and Scope of the Research

There are three main types of workers on coffee *fincas* in Guatemala – workers who remain on the plantations year-round (*colonos*), those who live in bordering communities and commute daily to work on coffee *fincas* (*voluntarios*), and those migrating to work on the plantations during the peak harvest season. The rapid appraisal had identified migrant workers as generally experiencing worse conditions of work than permanent workers, with a higher degree of vulnerability to exploitation and forced labor. In addition, there are a small number of *colonos* compared to the number of migrant workers, with *colonos* increasingly being displaced from *fincas* due to their higher wages, benefits, and living costs. Finally, it was very hard for interviewers to reach and interview *colonos* away from *finca* supervisors, as they live on private land owned by the *fincas.* In many *fincas,* access was simply denied and researchers noted

that the conditions on the *fincas* that allowed access were notably better than average working conditions, and the researchers did not want to skew the sample by conducting interviews on better than average *fincas*. Furthermore, interviewing workers about forced labor on the *fincas* could put both the interviewers and workers at risk and could make workers fearful, thereby affecting their answers to interviewer questions. Therefore, it was determined that researchers would interview migrant workers and some *voluntarios* in their communities of origin, away from the coffee *fincas*.

Research was originally planned for the Departments of Huehuetenango, San Marcos, and Quetzaltenango (workers' communities of origin and areas of coffee production) and Suchitepéquez, Santa Rosa, and Retalhuleu (areas of coffee production). After COVERCO conducted more extensive mapping of coffee production and the communities of origin of migrant coffee workers in Guatemala, the Departments of Chiquimula and Sacatepéquez were added as coffee producing regions, and the Departments of Quiche and Solola were added as migrant coffee workers' communities of origin and areas in which coffee is produced (but on a smaller-scale). Although interviews were not conducted on *fincas,* a large number of *fincas* were visited and labor experts, labor brokers, coffee brokers, finca owners, supervisors, and community leaders were consulted in the Departments of Chiquimula, Santa Rosa, Retalhuleu, San Marcos, Suchitepéquez, and Sacatepéquez, to gain a better understanding of how working conditions vary across regions.

Huehuetenango, Quiche, the highlands of San Marcos, Solola, Quetzaltenango, and Alta Verapaz constituted the Departments with the highest number of migrant coffee workers according to COVERCO's rapid appraisal. However, as Alta Verapaz was put under a state of siege during 2011 (including a heavy military presence and curfews) due to large portions of the Department being under the control of drug traffickers, Verité decided not to carry out research in this Department. Therefore, worker interviews were conducted in the Departments of Huehuetenango, Quiche, San Marcos, Solola, and Quetzaltenango. Researchers also conducted interviews with labor brokers, coffee brokers, labor experts, government representatives, and community leaders and visited coffee *fincas* and coffee cooperatives in these Departments.

Field research included physical inspections of coffee *fincas*; in-depth interviews with migrant workers in their communities of origin, small producers, cooperative members, *finca* owners, supervisors, labor brokers, coffee buyers, and community leaders; focus group interviews; and case studies. After each visit to *fincas*, cooperatives, or workers' communities of origin, researchers submitted written reports on qualitative data collected and completed in-depth worker and stakeholder interview forms. Stakeholder interviews were conducted with the following groups:

- Government: Dozens of interviews with representatives of the Ministry of Labor, Labor Inspectorate, Migration Directorate, Secretariat on Trafficking, Human Rights Ombudsman (PDH), Ministry of Agriculture (MAGA)
- Employers etc.: Dozens of interviews with employers, labor brokers, coffee brokers (who buy coffee from individual producers), coffee processors, coffee exporters, foremen (*capatazes*)

- Worker representatives: Dozens of interviews with cooperative members and directors, non-profit coffee processing plants, labor lawyers, church group representatives that defend workers' rights (Pastoral de la Tierra), and a coffee workers' union leader
- Teachers: Over ten interviews with teachers of children who work on coffee *fincas*

A total of 372 workers were interviewed, with a response rate approaching 100 percent.

Sampling and Access

Sampling

In this study, because the total number of people involved in coffee harvesting in Guatemala was unknown, decisions about sample size were made based on the research team's informed, but ultimately subjective, appraisal of the primary sending regions for migrant coffee workers and the relative vulnerability of migrant and permanent workers to indicators of forced labor. A purposive sample was drawn from migrant sending areas and the total number of interviews conducted was determined by allocating research time and resources across target regions of research.

Snowball sampling was used in the workers' communities, in which interviewees formed contacts with community, cooperative, indigenous and religious leaders in order to establish trust; and respondents for the study were subsequently identified.

Respondents were screened to meet the requirement that they had worked on a coffee *finca* for an employer during the past two years.

Respondents were interviewed privately, either in their homes or at alternative meeting points in the villages. The vast majority of respondents were perceived to be speaking freely with interviewers.

Ninety-five percent of respondents spoke a Mayan dialect as their first language, but most were also sufficiently fluent in Spanish. Translators were used in cases where the respondent was not able to converse in Spanish.

Women and children in rural indigenous communities rarely talk to outsiders, and men are generally considered the heads of household. While it is often the case that entire families migrate together for work in coffee harvesting, the male head of household holds the contract with the *fincas* and receives the payment. In addition, talking to women and children in Guatemala can raise suspicions and the risk of "vigilante killings", especially in indigenous communities in the Departments of Huehuetenango, Quetzaltenango and Quiche. (See more information below.) Thus many more men than women and children were interviewed during the study. However, men were asked

about the work done by their wives and children, providing at least some insight into the labor experiences of these populations as well.

Demographic Information

Number of Interviewees	372	
Number of Women	14	4%
Number of Men	358	96%
Average Age	49	
Number of Minors	3	1%
Number Married	279	75%
Number with Children	75	20%
Average number of children	5	
Average number of years of schooling	3	
First Language Spanish	18	5%
First Language Mayan Dialect	354	95%
Indigenous	326	88%
Ladino	46	12%

Location of Fincas Where Respondents Worked

Huehuetenango	151	40.6%
Quiché	25	6.7%
San Marcos	48	12.9%
Quetzaltenango	69	18.5%
Retalhuleu	45	12.1%
Santa Rosa	17	4.6%
Suchitepéquez	15	4.0%
Guatemala	2	0.5%

Activities Carried Out by Respondents

Harvesting	358	96.2%
Cleaning of plants and harvesting	2	0.5%
Cleaning of plants, harvesting, and planting	1	0.3%
Preparation of soil, planting, cleaning, and harvesting	11	3.0%

Employment Status of Respondents

Temporary Workers	294	79.0%
Permanent Workers	78	21.0%

Access

The level of insecurity in Guatemala cannot be overemphasized as a research challenge. Due to an increase in narcotics trafficking and organized crime, a climate of violence and fear has returned to the country, causing individuals to become increasingly cautious about sharing information with outsiders. Guatemala has the fourth highest homicide rate of any country in the world; and the high level of everyday violence and the murders of high profile figures, labor unionists, and NGO activists raised security concerns. Furthermore, the target research Department of Huehuetenango has of the highest rate of "vigilante" killings in Guatemala; and suspicion of outsiders is high, particularly related to fears of trafficking of indigenous children for underground adoption. The research team therefore was careful to form partnerships with trusted and respected local NGOs, community and religious leaders to obtain permission to operate in particular regions, to gain the confidence of workers, and to ensure the security of the researchers. Researchers carefully explained the purpose of the research to avoid misperceptions, used the term "forced labor" sparingly, and couched questions about forced labor among questions about general conditions of work, labor relations, and other related issues.

Security concerns were also in play on *fincas* themselves: Access to *fincas* is difficult. In fact, a Verité researcher was informed by a labor inspector that inspectors have been shot at in the past when attempting to inspect *fincas* and that people trespassing on *fincas* had been killed by armed guards. In cases where Verité was successful in gaining access to *fincas*, it was not possible to interview workers privately. Supervisors were present for the interviews, and workers were in many cases uncomfortable or even fearful of being interviewed. Because of this impeded access to the *fincas* and the obvious danger to both researchers and workers of engaging in interview activity, it was decided to conduct interviews exclusively in migrant coffee workers' communities of origin.

Finally, the weather presented access challenges of a different kind: A series of tropical storms and continuous rain in mid-2010 and mid-2011 caused severe landslides, making many highways and roads impassable and shutting off many rural communities. The researchers were forced to reschedule some field visits, and eliminate others, based on inaccessibility.

Data Security and Control of Inaccuracy and Bias

In order to ensure the quality of collected data, field supervisors checked the work of field researchers at the end of each research trip, reviewed their completed questionnaires and asked them to explain or correct any anomalies and inconsistencies as necessary. At the end of each research trip, the field researchers immediately downloaded the information from their questionnaires onto an electronic spreadsheet, which was emailed to the Research Program Manager and Research Coordinator along with another document that detailed the main findings and the direct observations of the

researchers. The researchers kept the physical questionnaires in a locked safe for a maximum of one week before they were picked up by or dropped off to the Research Program Manager for safekeeping.

Data Analysis

Researchers recorded survey results on paper questionnaires. Results were input into a spreadsheet, which were submitted along with the paper questionnaires and qualitative data at the end of each research trip. At regular intervals, the data analyst would cross check the paper questionnaires with the spreadsheet to ensure against errors in data entry.

A total of 132 variables were identified, including 23 variables relating to workers' demographic characteristics and 109 variables related to their recruitment and working and living conditions. Data analysis was performed by the data analyst, under the guidance of Verité's Research Program Manager. Analysis focused on descriptive and causal factors of various correlations, with an eye toward identifying any patterns of indicators of forced labor or factors contributing to forced labor vulnerability. Qualitative data and results from desk research, expert consultations and the rapid appraisal were blended with the quantitative analysis for the final report.

Analysis and some draft report elements were completed in Spanish. The final report was written in English.

Verité also conducted a post-hoc analysis of data by applying a larger set of forced labor indicators issued by the ILO in December 2011 (*Hard to see, harder to count: Survey Guidelines to Estimate the Forced Labour of Adults and Children)*, which are intended for use in forced labor survey design and analysis but which were not available at the time the fieldwork was carried out. See *Appendix 1* for a chart reflecting this analysis.

Limitations

The ILO has recently noted the numerous difficulties associated with meaningful sampling of populations potentially involved in forced labor.[55]

As noted above, a key limitation of this study was its reliance on a non-probability sample. While efforts were made by researchers to be representative, non-random sampling methods were used in the selection of both interviewees and research sites, and sample sizes were basically arbitrary.

Women and children, in particular, were undersampled in the research due to cultural restrictions on engaging with researchers. However, data were collected from men about their families, partially offsetting this limitation. An important limitation was the

inability to conduct open, private and unhindered interviews with current *finca* workers. Therefore, the experiences and perceptions of *colonos*, who live year-round on the coffee *fincas* were not directly assessed and the study's focus was on migrant coffee workers and *voluntarios*.

The study was not designed to be nationally representative in a statistically significant sense, and no claims are made for it in this regard. However it is the opinion of the researchers that the sample obtained is reasonably geographically representative of the migrant coffee worker communities and the regions in which they tend to work. Furthermore, clear patterns emerged from the data that did not contradict any findings from desk research or expert consultations. Thus researchers are confident that the findings can be said to be more than anecdotal, and that the sample was not unduly biased in any way.

Indicators of Forced Labor

The categories for indicators of forced labor are based upon the ILO's guidance on "Identifying forced labor in practice," which are broken down into lack of consent and menace of penalty, as shown below.[56] Information about wages and hours has also been included, as wage and hour violations may constitute indicators of forced labor. Although the presence of these indicators signals an increased risk for forced labor, each case must be assessed individually to determine the interplay of indicators and the context to determine whether or not it rises to the level of forced labor. The following findings are based on worker interviews, as well as researchers' direct observations, expert consultations, and a comprehensive literature review.

Box 1: Identifying forced labour in practice

Lack of consent to work (the "route into" forced labour)	Menace of a penalty (the means of keeping someone in forced labour)
• Birth/descent into "slave" or bonded status	• Physical violence against worker or family or close associates
• Physical abduction or kidnapping	• Sexual violence
• Sale of person into the ownership of another	• (Threat of) supernatural retaliation
• Physical confinement in the work location – in prison or in private detention	• Imprisonment or other physical confinement
• Psychological compulsion, i.e. an order to work, backed up by a credible threat of a penalty for non-compliance	• Financial penalties
• Induced indebtedness (by falsification of accounts, inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)	• Denunciation to authorities (police, immigration, etc.) and deportation
• Deception or false promises about types and terms of work	• Exclusion from future employment
• Withholding and non-payment of wages	• Exclusion from community and social life
• Retention of identity documents or other valuable personal possessions	• Removal of rights or privileges
	• Deprivation of food, shelter or other necessities
	• Shift to even worse working conditions
	• Loss of social status

Lack of Consent to (Involuntary Nature of) Work (the "Route into" Forced Labor)

Birth/Descent into "Slave" or Bonded Status

None of the migrant coffee harvesters or experts interviewed reported indicators of birth or descent into slavery or debt bondage in the coffee sector.

Physical Abduction or Kidnapping

None of the migrant coffee harvesters or experts interviewed reported indicators of physical abduction or kidnapping of workers to force them to work in the coffee sector.

Sale of Person into the Ownership of Another

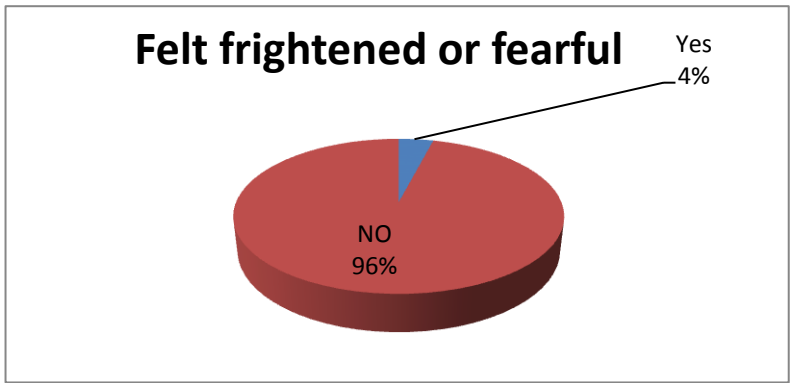
None of the migrant coffee harvesters or experts interviewed reported indicators of the sale of coffee workers.

Physical Confinement in the Work Location

All workers interviewed reported they felt free to enter and leave the *fincas* on which they worked. However, when asked whether there were restrictions on leaving during working hours, 31 of 372 workers interviewed (8.3 percent) reported there were restrictions. All workers interviewed reported the presence of guards in the *fincas*. Of these workers, 112 (30.1 percent) reported that there were armed guards and 260 (69.9 percent) reported the presence of unarmed guards. Although workers interviewed did not report that guards made explicit threats or impediments to their freedom of movement, Verité researchers indicated that their presence represented an implicit threat to workers.

Psychological Compulsion, i.e. an Order to Work, Backed up by a Credible Threat of a Penalty for Non-Compliance

Fifteen of the 372 workers interviewed (four percent) reported feeling frightened or fearful during their time working on coffee *fincas*. In total, 64 workers interviewed (17.2 percent) reported being subjected to verbal abuse or threats. Of these workers, 23 (6.2 percent) reported that they felt frightened or fearful due to threats. Five of these workers (1.3 percent) reported receiving threats that their food would be taken away (including for failing to harvest at least one quintal of coffee per day) and 18 (4.8 percent) reported that they were threatened with dismissal.

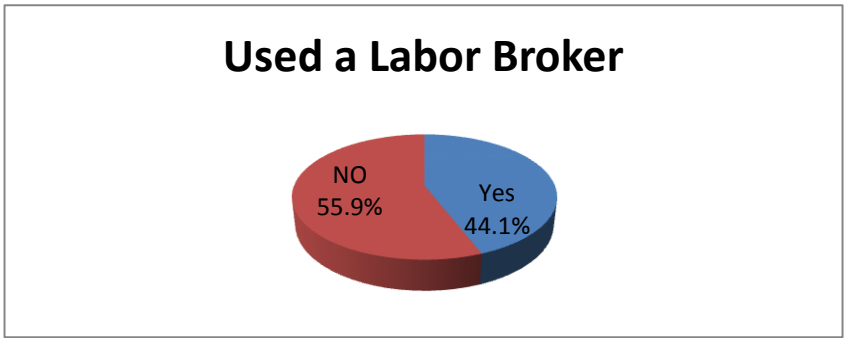


Induced Indebtedness (by Falsification of Accounts, Inflated Prices, Reduced Value of Goods or Services Produced, Excessive Interest Charges, etc.)

Labor Brokers

Of the 372 workers interviewed, 164 (44.1 percent) reported using a labor broker to obtain employment in the coffee sector. Of these workers, 14 (3.8 percent) reported receiving a contract by a labor broker. Twenty-seven workers (7.3 percent of the 372 workers interviewed) reported paying money to the labor broker in order to obtain employment. Of these workers, 22 (5.9 percent) paid GTQ 1.00, while five workers (1.3 percent) reported that they had paid GTQ 50, which is less than two days of workers' average daily earnings of GTQ 33 per day. None of the workers interviewed reported having to borrow money in order to pay these fees.

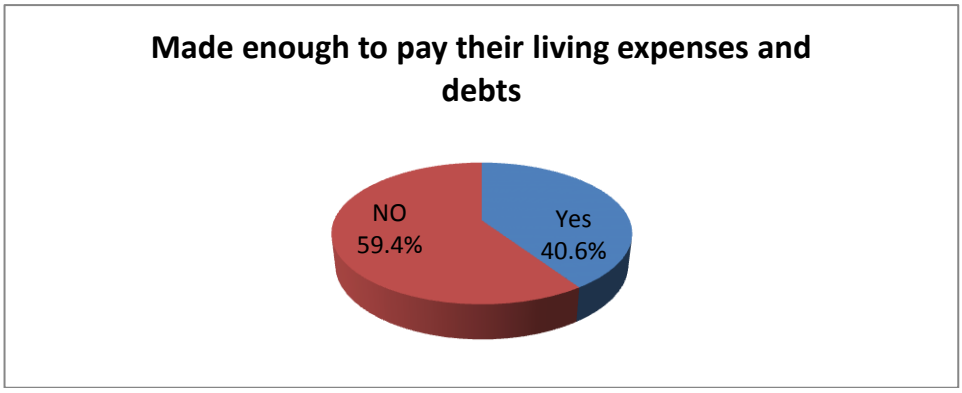
According to interviews with workers and labor experts, many labor brokers traveled to *fincas* to work alongside or supervise workers. In some cases, employers paid labor brokers the difference between the going wage for workers and the actual wage that the workers received. For example, if the going rate for a quintal of coffee was GTQ 40 at a certain finca, but a broker recruited a worker for GTQ 35 per quintal, he would receive GTQ 5 per each quintal of coffee harvested, which incentivizes labor brokers to recruit workers for the lowest wage possible.

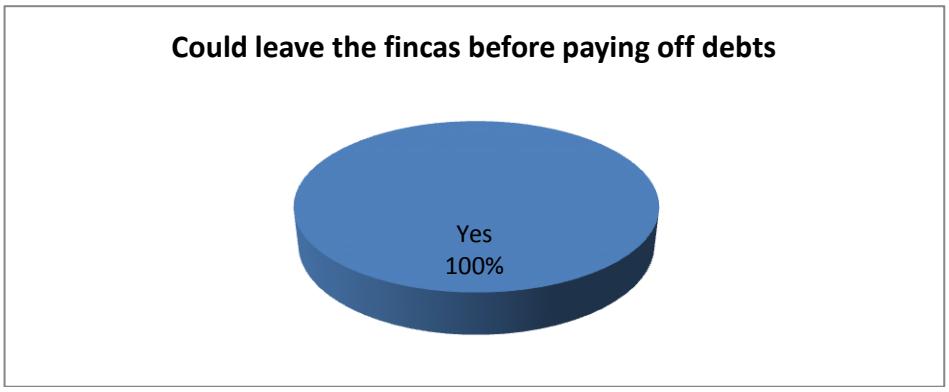


Employers

While none of the workers interviewed reported being charged by their employer for housing, 165 workers (44.4 percent of the 372 workers interviewed) reported that their employer had provided them with food, and 78 (21 percent) reported being charged for food. On average, workers were charged GTQ 15 per person per day for food. Seventeen (4.6 percent) reported feeling they were charged more than the market price for food provided by their employer, which would constitute a violation of the Constitution (see *Legal Review*). In addition, 38 (10.2 percent) reported that their employer provided them with tools, and ten of these workers (2.7 percent) reported being charged for these tools. Workers interviewed reported being charged an average of GTQ 5, which was deducted from their paychecks. In addition, two workers (0.5 percent) reported that fines were deducted from their pay (including for losing tools and coffee sacks), 50 (13.4 percent) reported that payments to the Guatemalan Institute of Social Security (IGSS) were deducted from their pay, and seven workers (1.9 percent) reported other unspecified deductions.

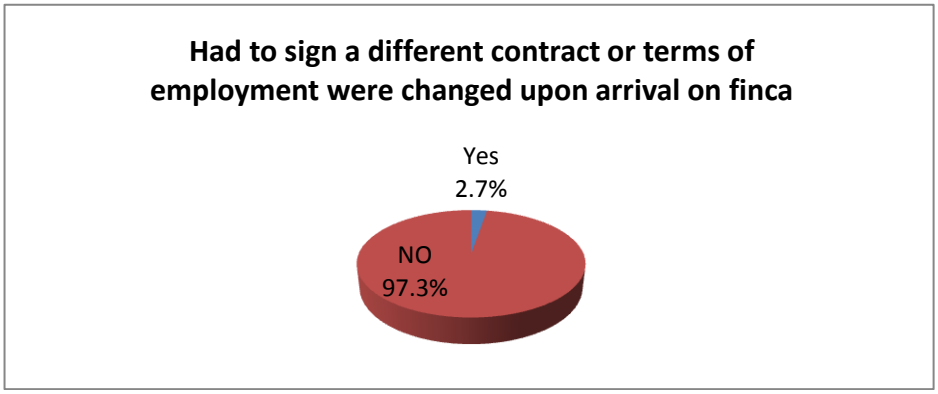
Of the 372 workers interviewed, 221 (59.4 percent) reported being unable to make enough money through their jobs in coffee *fincas* to pay their daily living expenses and debts. Fourteen workers (3.8 percent) reported having to borrow additional money during their employment on coffee *fincas* in order to cover their daily living expenses or to pay back existing debts to their employer. Five workers (1.3 percent) reported borrowing money from a labor broker, another five (1.3 percent) reported borrowing money from a family member, three (0.8 percent) reported borrowing money from another worker, and one worker interviewed (0.3 percent) reported borrowing money from the employer. The average amount of the loan was approximately GTQ 1,000.00, which is a considerable sum for Guatemalan agricultural workers. Nine workers interviewed reported being able to pay off their debts and five workers (1.3 percent) were unable to do so. On average, it took the workers who were able to pay off their debts two to three months to do so. However, none of the workers interviewed reported any type of penalty for leaving their employment in the *fincas* without first paying off their debts. Worker interviews indicated that some workers asked for wage advances from their employers, but that no interest was charged and that these advances were paid off by the end of the harvest.





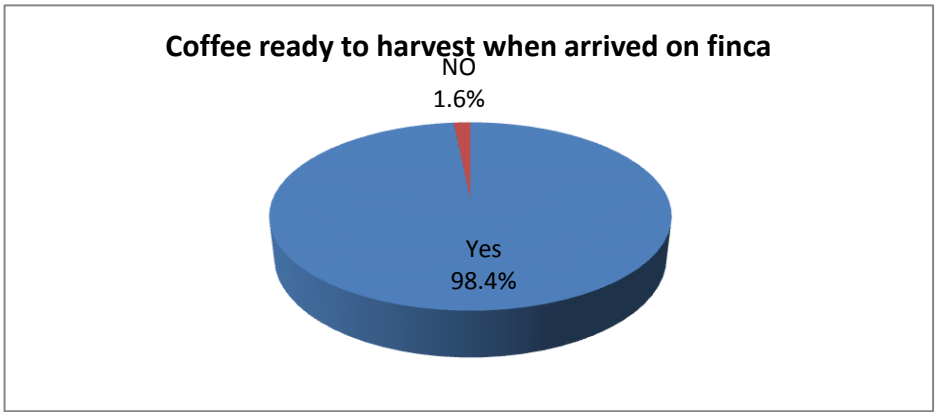
Deception or False Promises about Types and Terms of Work

Of the 372 workers interviewed, ten (2.7 percent) reported that upon arrival at the finca they had to sign a different contract with different terms of employment, or that the actual terms of employment were different from those originally promised them. In addition, when asked whether they had anything else that they wanted to tell the researchers, only five workers (1.3 percent) reported that their employers did not comply with contracts. In addition, 44.1 percent of workers obtained their job through a labor broker and only 3.8 percent of all workers interviewed were provided with a written contract by a labor broker. Therefore, 40.3 percent of workers were recruited by labor brokers and were only given verbal promises about terms of work. Interviews also indicated that many workers do not inquire about their terms of employment prior to arriving on the finca; so many workers arrive with limited knowledge about what their terms of employment will be.



Another issue of deception involves labor brokers or employer representatives recruiting workers and informing them that the coffee is ready to be harvested. As workers are almost always paid by the amount of coffee they pick, their level of productivity is greatly affected by the amount of ripe coffee on each coffee plant. Employers have the incentive to recruit workers to pick small amount of ripe coffee of plants that are not yet fully ripened, as it makes the plants more productive. However, expert and worker interviews indicate that instead of paying workers a daily rate or a higher piece rate during this time, they tend to pay the workers the same piece rate that they pay for harvesting coffee under normal conditions. When the coffee is not ready to be picked,

workers earn much less than what they earn when the coffee plant is fully ripe. This can lead to indebtedness, as workers are unable to cover their daily living expenses during this time. Of the 372 workers interviewed, six (1.6 percent) reported that coffee was not ready to be harvested when they arrived at the finca and five of these six workers reported being paid by weight, while the sixth reported being paid in another, unspecified manner (not by weight or volume or per day). In addition, when asked about the largest sources of stress in their lives, four workers (1.1 percent) reported that it was that the coffee was not ready to harvest when they arrived on the finca.



In total, 357 workers (96 percent) reported being paid by weight or volume of coffee harvested, as opposed to a daily rate, 303 workers (81.5 percent) reported that they were not provided with a paystub, and 127 (34.1 percent) reported not understanding how their wages and deductions were calculated. Thirty-nine workers (10.5 percent of workers interviewed) reported feeling they were deceived in the payment of their wages, and that they felt the deception involved the weighing/measuring of the coffee they harvested, as well as extra deductions for food provided by their employer. In Guatemala, “red cherry” coffee is generally weighed at the finca on old scales that are easily miscalibrated or are measured in rustic “boxes” (*cajas*) that do not necessarily accurately measure the quantity of coffee measured. Coffee sector workers are unorganized for the most part and lack leverage over employers. The Labor Inspectorate does not inspect *fincas* to ensure that coffee is accurately weighed and measured, or that workers are accurately paid. Therefore, it is easy for employers to deceive workers in the weighing/measuring of their coffee, as well as in their payment. Also, workers have no recourse for issuing grievances.

Withholding and Non-Payment of Wages

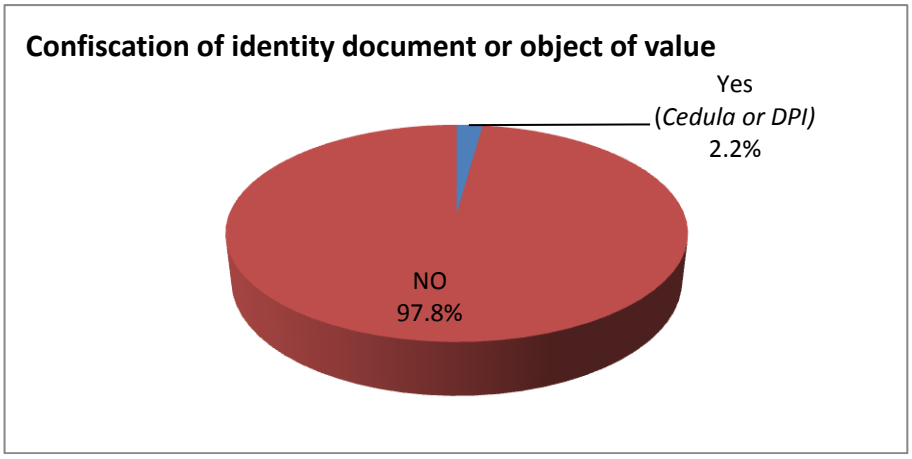
The Labor Code stipulates that manual workers must be paid at least every 15 days. Of the 372 workers interviewed, 180 (48.4 percent) reported being paid monthly, and 35 (9.4 percent) reported that they were not paid until the end of the harvest. This represents a significant deterrence for workers to leave the *fincas* before the end of the harvest.

Four workers (1.1 percent of the 372 workers interviewed) reported being paid partly in food or supplies. These workers reported that they were given food or supplies in place of an average of GTQ 15 per day (which constitutes almost 50 percent of the average daily wages of workers interviewed). However, it is very possible that workers were not aware that deductions were being made for food, as 81.5 percent of workers were not provided with a paystub, 48.4 percent were paid each month and 9.4 percent were paid at the end of the harvest. Therefore long periods of time elapsed between the times that workers were paid, making it difficult for them to calculate wages owed to them.

Of the 372 workers interviewed, 303 (81.5 percent) reported not being provided with a pay stub or any other type of written document detailing their payments and deductions. In addition, 127 workers (34.1 percent of the 372 workers interviewed) reported not understanding how their wages and deductions were calculated, demonstrating a high lack of awareness of payment mechanisms. Finally, 39 workers (10.5 percent) reported feeling they had been deceived in their payment, with these workers reporting feeling the deception involved weighing of coffee and extra deductions for employer-provided food.

Retention of Identity Documents or Other Valuable Personal Possessions

Of the 372 workers interviewed, 8 (2.2 percent) reported their national identity documents (*cedula* or the new *Documento Personal de Identificación -DPI*) had been confiscated upon their arrival at the *fincas*. Generally, Guatemalan agricultural workers possess one of these two documents. The *cedula and DPI* constitute most workers' only personal identity documents, and are required for bank transactions, loans, to obtain drivers' licenses, and to carry out transactions or file paperwork in public offices. As the vast majority coffee sector workers are from rural areas without public offices that issue these documents, the confiscation of these documents can constitute a significant disincentive for workers to leave the *fincas*.



Menace of a Penalty (the Means of Keeping Someone in Forced Labor) Actual Presence or Credible Threat:

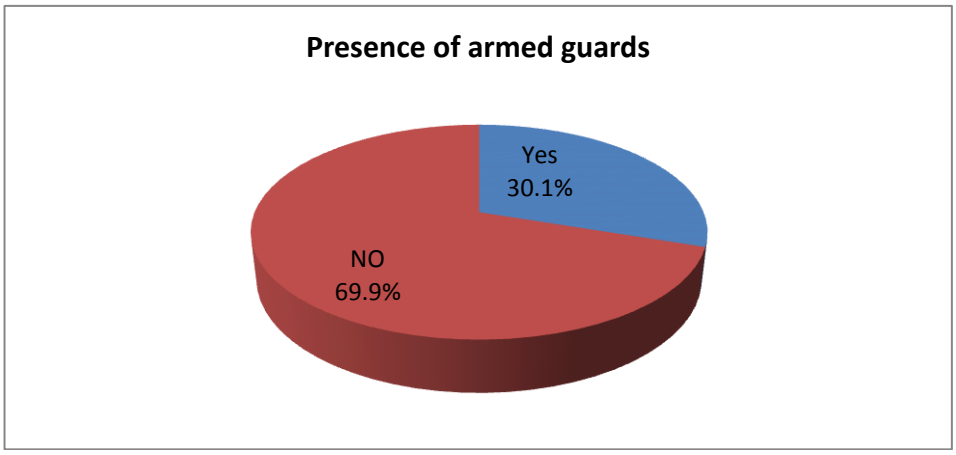
General

Eighty-one (21.8 percent of the 372 workers interviewed) reported wanting to leave their jobs on the coffee *fincas* and 36 (9.7 percent) reported that they could not leave their jobs on the *fincas* when they wanted due to fear of losing their jobs. Of the 372 workers interviewed, ten (1.6 percent) reported that they had been explicitly threatened during their last stint of employment on a coffee finca. Seven workers (1.9 percent of all workers interviewed) reported there was a moment that they felt that they could not leave the coffee finca due to threats. In addition, there were reports in San Marcos that workers who were dismissed from coffee *fincas* were threatened not to go to the Labor Inspectorate to make claims for benefits,

Additionally, 53 (14.2 percent of the 372 workers interviewed) reported being subjected to verbal abuse. Eighteen workers (4.8 percent of all workers interviewed) reported being verbally abused by a *capataz* (foreman or overseer), 17 (4.6 percent) reported being verbally abused by another worker, 15 (four percent) reported that their employer (patron) had been verbally abusive with them, and three (0.8 percent) reported being verbally abused by a labor broker (*contratista*).

Physical Violence against Worker or Family or Close Associates

Workers interviewed did not report explicit threats of violence or acts of violence carried out against them, their family members, or close associates. However, 15 of the 372 workers interviewed (four percent) reported feeling frightened or fearful during their time working on coffee *fincas*. All 372 workers interviewed reported the presence of guards on the coffee *fincas* where they last worked, 112 (30.1 percent) of whom reported the presence of armed guards.



Many of the workers interviewed came from areas that were heavily victimized during the civil war, when merely criticizing the military could result in torture or death. This

resulted in mass trauma and what has been termed as a "survival strategy of silence" in which many Guatemalans endure abuse rather than risking reprisals for reporting it.[57] Therefore, although workers may not have reported that they were threatened by guards controlling the entrances/exits to the *fincas*, they may have in fact been threatened or intimidated but were reluctant to report it.

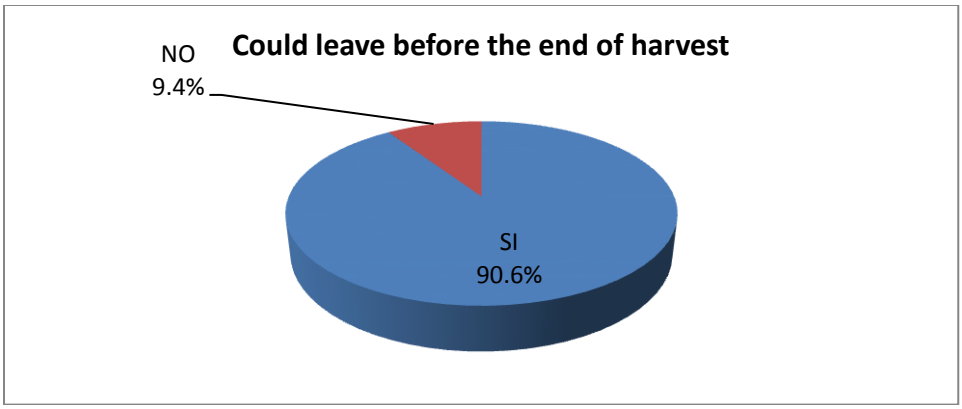
In addition, the high level of violence in Guatemala, including on coffee *fincas*, may have affected workers' decisions even if explicit threats were absent. The historical misbalance of power between wealthy landowners and peasant coffee harvesters, as well as the history of repression, violence, and impunity lend real weight to implicit threats or offhand comments. Guatemala had a murder rate eight times that of Mexico in 2010, with only five percent of murders resolved and the price for hit men as low as GTQ 120. Peasant farmers have been killed by armed guards on coffee *fincas* for minimal reasons such as gathering firewood without permission. Guatemala has the second highest number of unionist murders in the world. For all of these reasons, coffee finca workers have real reason to be scared about violence to themselves or family members if they complain about working conditions or payment, try to unionize, or leave their jobs before the end of the harvest season (see *Appendix 2).*

Sexual Violence

None of the workers interviewed reported that they had been subjected to or threatened with sexual violence.

Imprisonment or Other Physical Confinement

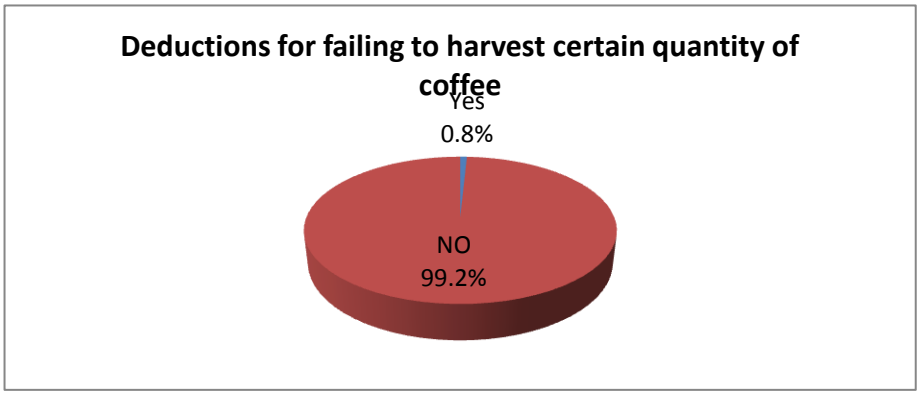
While no workers interviewed reported that physical confinement was used as a punishment or as a threat, 36 (9.7 percent of all workers interviewed) reported that they could not leave their jobs on the *fincas* when they wanted and 35 workers (9.4 percent of workers interviewed) reported that they could not leave their jobs before the end of the harvest season. While all workers interviewed reported being able to walk off the coffee finca and get to a populated area, the presence of guards, especially armed guards, who control the entrances/exits of the *fincas* can be a strong dissuasive factor to do so without the permission of the employer. In addition, 31 of 372 workers interviewed (8.3 percent) reported that there were restrictions on leaving the finca during working hours.



Financial Penalties

Thirty-five workers (9.4 percent of the workers interviewed) reported being unable to leave their jobs on the coffee *fincas* before the harvest was over. When asked why they could not leave, the workers reported that they would not be paid if they left before the end of the harvest season. This is especially troublesome, because 35 workers (9.4 percent) reported being paid only at the end of the harvest. Losing approximately three months of wages for leaving one's job early constitutes an extremely strong menace of penalty for poor rural workers, many of whom are indebted.

In addition, workers reported punitive deductions from their pay for a number of reasons. Fifty workers (13.4 percent of the 372 workers interviewed) reported fines and punitive deductions from their pay. Of these workers, 15 workers (4 percent) reported fines or punitive deductions for errors, ten workers (2.7 percent) reported fines or punitive deductions for damaging tools, and 25 (6.7 percent) reported fines or punitive deductions for other undefined reasons. These workers reported the average fine for errors was GTQ 40, which is higher than the average daily wage of GTQ 33 reported by workers interviewed. The average fine for damaging tools was GTQ 5-10 and the average fine for other deductions was GTQ 5-25. An additional three workers (0.8 percent of all workers interviewed) reported being subjected to deductions for failing to harvest a certain amount of coffee.

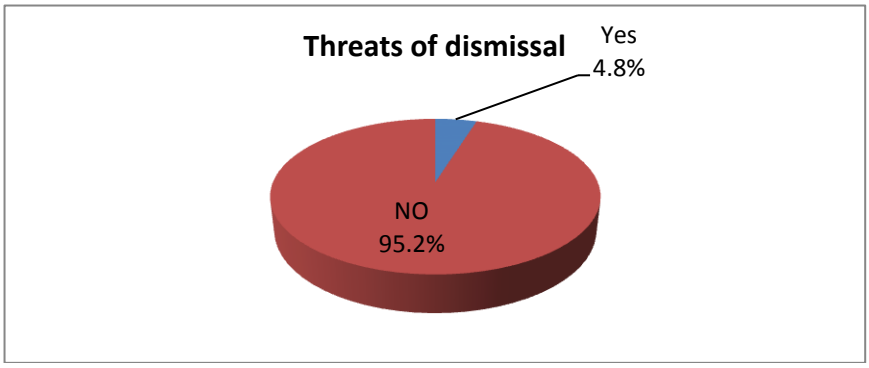


Denunciation to Authorities (Police, Immigration, etc.) and Deportation

None of the workers interviewed reported the threat of denunciation of authorities when asked about explicit threats made against them. There were no questions on the survey that asked about workers being threatened with breach of contract, as this was not an anticipated issue of concern. However, when asked if they had any other information to share, a number of workers interviewed reported being forced to sign contracts that provided them with no guarantees about their terms of employment or working conditions, but rather simply stipulated that they had to work on the coffee *fincas* until the end of the harvest. They informed the interviewers of being told they would be reported to authorities or sued if they failed to comply with this contract. Workers interviewed had no knowledge that a labor contract must legally provide workers with guarantees and may not require them to stay at a finca until the end of the harvest season. In addition, the workers' lack of awareness of labor law, as well as their perception of the imbalance of power between themselves (poor, coffee harvesters with little power or political connections), and their employers (rich, well-connected coffee finca owners) led these workers to believe that if they left the *fincas* before the harvest ended, in violation of their "contracts," they could be arrested and convicted.

Dismissal from Current Employment

Eighty-one (21.8 percent of the 372 workers interviewed) reported wanting to leave their jobs on the coffee *fincas*. Of these workers, 36 (9.7 percent of all workers interviewed) reported being unable to leave their jobs when they wanted. When asked why they could not leave, workers responded that it was due to the fear of losing their jobs. In addition, eighteen workers (4.8 percent of all workers interviewed) reported that they had been explicitly threatened with dismissal.



Exclusion from Future Employment

None of the workers interviewed reported that the exclusion from future employment was used as a threat or punishment. However, blacklisting is a common practice in Guatemala. According to labor experts interviewed by Verité, there are a number of blacklists circulating in Guatemala, including three private firms that monitor labor court proceedings and provide private businesses that pay a subscription fee with the names of any workers who have filed suits for labor law violations.

Exclusion from Community and Social Life

None of the workers interviewed reported that the exclusion from community and social life was used as a threat or punishment.

Removal of Rights or Privileges

None of the workers interviewed reported that the removal of rights or privileges was used as a threat or punishment.

Deprivation of Food, Shelter or Other Necessities

Five of the 372 workers interviewed (1.3 percent) reported being subjected to threats that their food would be taken away (including for failure to harvest at least one quintal of coffee per day). While none of the workers interviewed reported being threatened with deprivation of shelter, 36 (9.7 percent) reported being unable to leave the *fincas* when they wanted because they feared losing their jobs, and 18 workers (4.8 percent) reported being explicitly threatened with dismissal from their current employment on coffee *fincas*. As 241 workers (64.8 percent of workers interviewed) depended upon their employer for housing, dismissal from their jobs would inherently mean the loss of shelter, even if it was not explicitly threatened.

Shift to Even Worse Working Conditions

None of the workers interviewed reported that a shift to even worse working conditions was used as a threat or punishment.

Loss of Social Status

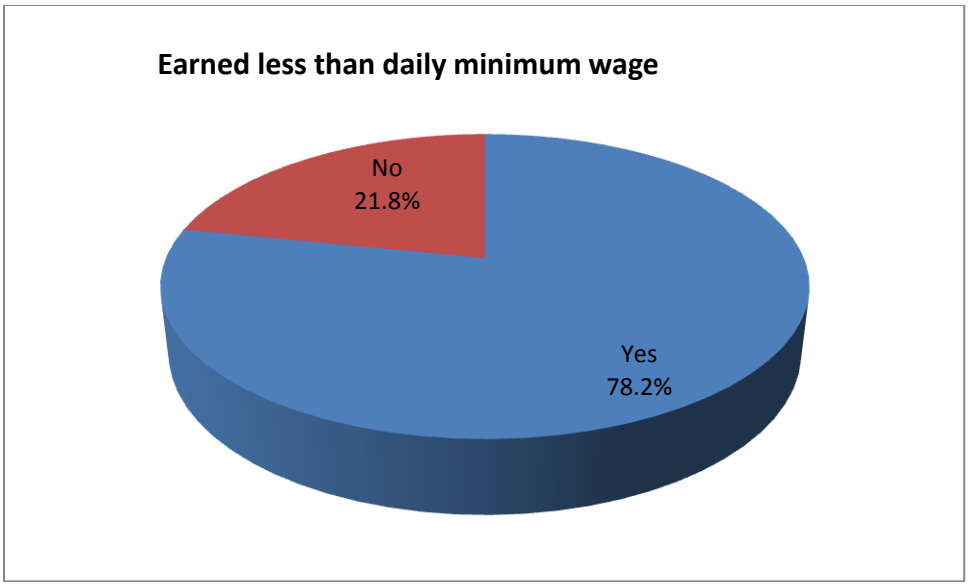
None of the workers interviewed reported that the loss of social status was used as a threat or punishment.

Wages and Hours

Wages

Of the 372 workers interviewed, 205 (55.1 percent) reported being paid by weight, 152 (40.9 percent) reported being paid by volume, 14 (3.8 percent) reported being paid a daily rate, and one reported that they were paid in another way. Workers reported earning an average of GTQ 33 per day, well below the 2011 minimum wage of GTQ 63.70 per day. In fact, 291 (78.2 percent) earned less than the minimum wage. During the harvest, which runs approximately two to three months, workers interviewed earned an average of GTQ 1,491.31. The base minimum monthly wage is GTQ 1,937.54, plus an additional GTQ 250 per month for bonuses, for a total of GTQ 2,187.54. While the labor code allows for workers to be paid a piece rate, it stipulates that they must earn at

least the minimum wage. Of the 372 workers interviewed, 221 (59.4 percent) reported that the amount that they earned during the harvest season was not enough to meet their basic living expenses and 294 workers (79 percent) reported not having enough food to eat.



Another issue was the frequency of payment. Of the 372 workers interviewed, 23 (6.2 percent) reported being paid daily, 25 (6.7 percent) reported being paid weekly, 109 (29.3 percent) reported being paid biweekly, 180 (48.4 percent) reported being paid monthly, and 35 (9.4 percent) reported that they were not paid until the end of the harvest. The Labor Code requires that manual laborers be paid at least every 15 days.

Of the 372 workers interviewed, 326 (87.6 percent) reported that someone helped them to harvest coffee. Of these workers, 296 (78.8 percent) reported that their spouse and children helped them harvest coffee, 16 workers (4.3 percent) reported that their children helped them, ten workers (2.7 percent) reported that their siblings and children helped them, and seven workers (1.9 percent) reported that their spouses helped them. None of the workers interviewed reported that these “helpers” earned at least the minimum daily wage. Two hundred ninety one workers interviewed (78.2 percent of all workers interviewed) reported that the “helpers” did not earn anything, 16 workers (4.3 percent) reported earning GTQ 35 per day, 12 workers (3.2 percent) reported earning GTQ 40 per day, and seven workers (1.9 percent) reported that they earned GTQ 30 per day. Given that labor law stipulates that these helpers should be considered employees and be given a labor contract, they are legally entitled to be paid the minimum wage. The fact that more than three-quarters of workers reported that someone helped them for no pay also significantly reduced the actual amount that each worker earned in practice.

When asked about the amount of coffee they harvested per day, 270 workers (72.6 percent of the 372 workers interviewed) reported harvesting about one quintal per day, 23 workers (6.2 percent) reported harvesting about one and a half quintals per day, 34

workers (9.1 percent) reported harvesting one to two quintals per day, 13 workers (3.5 percent) reported harvesting two quintals per day, and five workers (1.3 percent) reported that they harvested two to three quintals per day. In addition, 26 workers (seven percent of all workers interviewed) reported that they harvested one *caja* (a standardized "box" used to measure coffee harvested) of coffee per day, and one worker (0.3 percent) reported that he harvested two *cajas* per day.

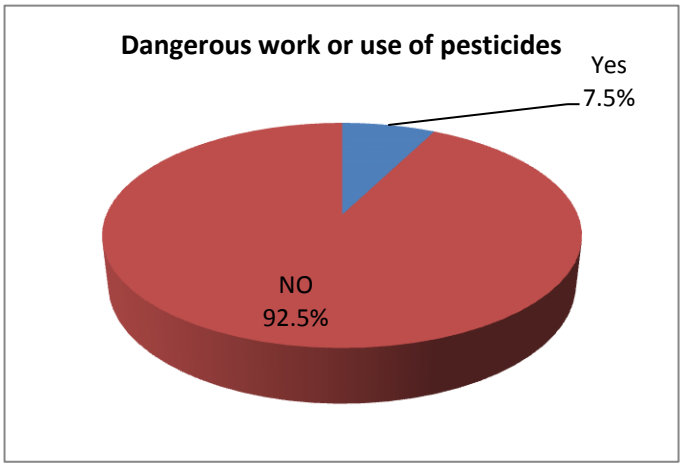
Working Hours

On average, the 372 workers interviewed worked 7.73 hours per day for 6.04 days per week, or a total of 46.7 hours per week. This is in excess of the legal limit on regular working hours of 44 hours per week. In addition, three workers (0.8 percent of all workers interviewed) reported regularly working in excess of the eight hour daily limit on regular working hours.

Other Issues of Concern

Health and Safety

When asked whether they worked with pesticides or carried out a dangerous job, 28 workers (7.5 percent of the 372 workers interviewed) reported that they had. Of these workers, 11 (three percent of all workers interviewed) reported they worked in fumigation, seven workers (1.9 percent) reported cutting grass or tree branches to reduce shade, and ten workers (2.7 percent) reported engaging in other types of undefined dangerous work. The researchers noted that many workers interviewed had a low level of awareness of what pesticides were and had varying ideas about what constituted dangerous work. For example, when asked if he had worked with pesticides or carried out dangerous work, one worker replied that he had not. However, upon further inquiry he said, "for other people the chemicals are dangerous because they make them throw up, but they are not dangerous for me because I am used to them."

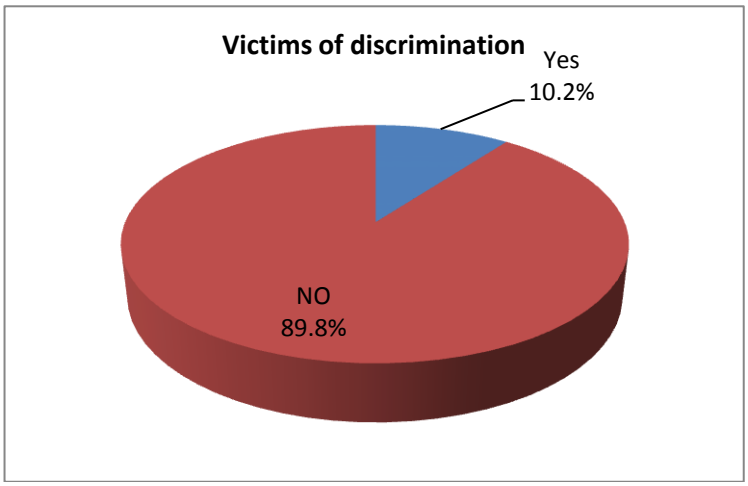


Thirty-nine (10.5 percent of the 372 workers interviewed) reported getting sick or hurt during their work on the coffee finca. This included 17 workers (4.6 percent) who reported having a fever, ten workers (2.7 percent) who reported having a chronic illness, eight (2.2 percent) reporting having a cold or flu with fever, two (0.5 percent) who reported having a stomach illness, one (0.3 percent) who reported that they had been "intoxicated" (*intoxicado* – which can mean being poisoned or suffering from food poisoning), and one (0.3 percent) who had suffered from a fracture. Ten workers (2.7 percent of all workers interviewed) reported receiving medical attention, and four workers (1.1 percent) reported being charged for this medical attention. Two of these workers reported not remembering how much they were charged, while the other two reported that they were charged GTQ 1 per pill received.

Discrimination

Thirty-eight of the 372 workers interviewed (10.2 percent) reported being discriminated against during their last job on a coffee finca. Of these workers, 17 workers (4.6 percent) reported they were discriminated against based on language, 16 (4.3 percent) reported the discrimination was based on race, and five workers (1.3 percent) reported being discriminated against due to the quality of their work. In addition, 95 workers (25.5 percent of workers interviewed) reported differential treatment of indigenous workers, 16 (4.3 percent) reported differential treatment of women, and eight (2.2 percent) reported differential treatment of peasant (*campesino*) workers. According to 83 workers interviewed (22.3 percent of the 372 workers interviewed), this differential treatment involved verbal abuse, 11 workers (three percent) reported that it involved payment, and eight (2.2 percent) reported that it involved housing.

Workers from San Juan Atitán, Huehuetenango reported high levels of discrimination at their places of employment based on the type of indigenous clothing they wore and their low level of Spanish proficiency. In some *fincas* in San Marcos, *colonos* were paid GTQ 50 per quintal of coffee harvested, *voluntarios* were paid GTQ 40 per quintal, and indigenous migrant workers from the highlands of San Marcos and Huehuetenango were paid GTQ 35 per quintal.



Living Conditions

Of the 372 workers interviewed, 241 (64.8 percent) lived in employer-provided housing, with none of the interviewed workers reporting being charged for this housing. Of the workers interviewed, 170 (45.7 percent) reported their housing did not provide them with enough space, 127 (34.1 percent) reported the housing was unclean, 261 (60.2 percent) reported their housing was unsafe, and 256 (95.7 percent) reported their housing lacked a kitchen. Only one worker out of the 372 interviewed (0.3 percent) reported having alternative housing options. The researchers observed that most workers lived in *galeras,* which are long buildings that generally have roofs but have dirt floors and sometimes lack doors.

Of the 372 workers interviewed, 165 (44.4 percent) reported their employer provided them with food. Seventy-eight (21 percent) reported being charged for this food. On average, workers were charged GTQ 15 per person, per day for food. Seventeen (4.6 percent) reported feeling they were charged more than the market price for food provided by their employer. Additionally, 294 (79 percent) reported not having enough to eat. When asked whether they had anything else that they wanted to tell the researchers, 11 workers (three percent) reported their employers did not give food to the children of workers and ten workers (2.7 percent) said they were provided with little food, and it was of poor quality.

Transport

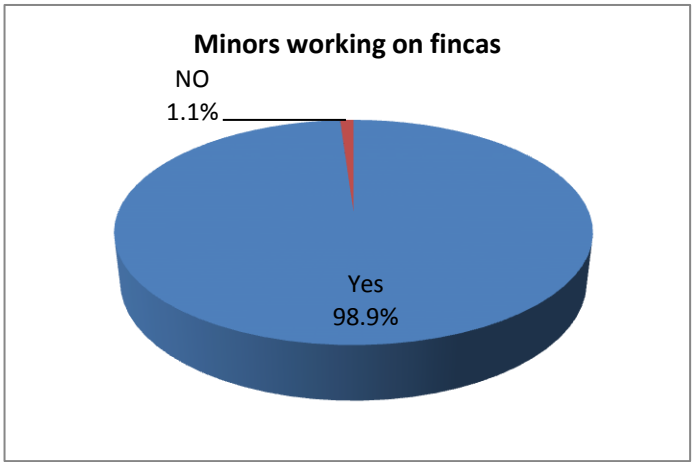
Of the 372 workers interviewed, 12 (3.2 percent) reported that the transportation to and from the coffee *fincas* to their homes was unsafe. Press reports indicate a number of accidents involving trucks carrying large numbers of migrant coffee workers, which resulted in a high number of deaths of men, women, and children (see *Background and Setting*)

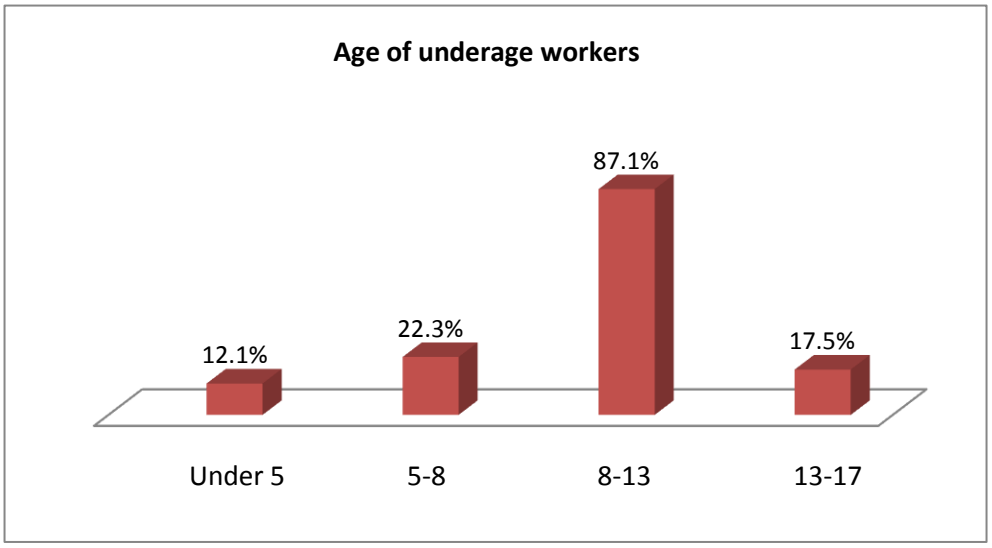
Child Labor

Of the 372 workers interviewed, 319 (85.8 percent) reported that their children helped them to harvest coffee. Of these workers, 293 (78.8 percent) reported that their spouses and children helped them to harvest coffee, 16 workers (4.3 percent) reported that only their children helped them, and ten workers (2.7 percent) reported that their siblings and children helped them. In addition, 291 workers interviewed (78.2 percent of all workers interviewed) reported that the “helpers” did not earn anything, 16 workers (4.3 percent) reported that they earned GTQ 35 per day, 12 workers (3.2 percent) reported that they earned GTQ 40 per day, and seven workers (1.9 percent) reported that they earned GTQ 30 per day.

Of the 372 workers interviewed, 368 (98.9 percent) reported that there were minors working on the last coffee finca that they worked on. Forty-five workers (12.1 percent of

all workers interviewed) reported that children under the age of five were working on the *fincas*, 83 workers (22.3 percent) report that there were children between the ages of five and eight, 324 (87.1 percent) reported that there were children between the ages of eight and 13, and 65 workers (17.5 percent) report that there were minors between the ages of 13 and 17.





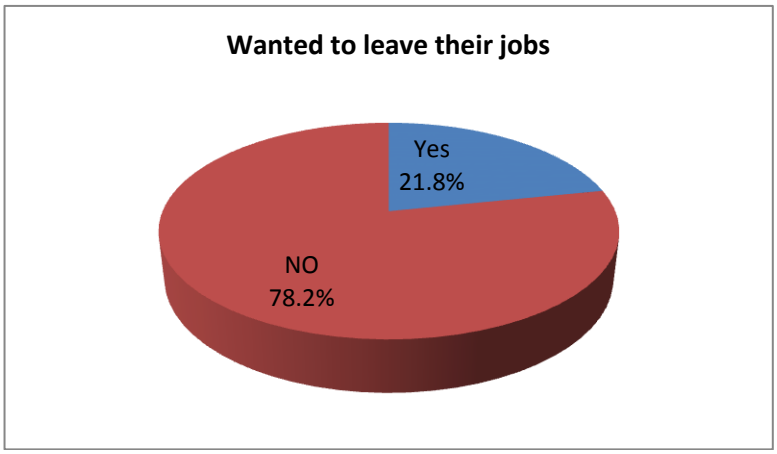
All workers interviewed reported that minors harvested coffee and 11 workers (3 percent) reported that minors worked in dangerous activities, specifically stating that the danger was related to venomous animals. None of the workers interviewed reported that minors working on the coffee *fincas* were victims of physical, mental, or sexual abuse.

Of the 372 workers interviewed, 113 workers (30.4 percent) reported minors working on the *fincas* missed school due to their jobs. Verité researchers interviewed teachers who work with children involved in coffee harvesting both in their communities of origin and in their places of work. The teachers asserted that the education of children working in the coffee sector is interrupted by the harvest because they leave school before the

school year ends and begin classes late. In many cases, the children fail to pass their grade, and when they do, they fall behind their non-working peers. The teachers interviewed reported that while some children are made to work on the *fincas* by their fathers, others see this as a cultural custom and prefer harvesting coffee over attending school. In general, children worked the same hours as their fathers and received no payment for their work. Teachers asserted that they and school administrators had talked to parents during meetings about the effects of bringing their children to harvest coffee, but most parents responded by saying that economic necessity forced them to do so.

Worker Satisfaction

Of the 372 workers interviewed, 81 (21.8 percent) reported wanting to leave their jobs on the coffee *fincas*. In addition, 67 workers (18 percent) reported being dissatisfied with their jobs in the coffee sector. When asked why, 62 workers (16.7 percent) reported it was due to low wages and five (1.3 percent) reported that it was due to a lack of assistance from their employer. When asked about the largest sources of stress in their lives, 287 workers (77.2 percent of workers interviewed) reported that they did not experience stress, 29 (7.8 percent) reported that the largest source of stress was sickness, 15 (four percent) reported that it was work, 15 (four percent) reported that it was a lack of money, ten (2.7 percent) reported that it was debts, six (1.6 percent) reported that it was low wages, five (1.3 percent) reported that it was excessive heat, four (1.1 percent) reported that it was that the coffee was not ready to harvest, and one (0.3 percent) reported that it was a lack of food.



When asked whether they had anything else that they wanted to tell the researchers, 43 workers (11.6 percent of the 372 workers interviewed) mentioned being paid a low salary, 11 workers (three percent) reported that their employers did not give food to the children of workers on the *fincas*, ten workers (2.7 percent) reported being provided with a small quantity of poor quality food, seven workers (1.9 percent) reported feeling like they had been marginalized, five workers (1.3 percent) reported their employers did not comply with contracts, three workers (0.8 percent) reported feeling their job in the coffee

sector was a good work opportunity, and one worker (0.3 percent) reported that he had established a friendly relationship with his employer.

Risk Factors

Verité carried out an analysis of risk factors for indicators of forced labor and other forms of exploitation based on an in-depth literature review, expert consultations, and workers interviews. Research indicates a higher degree of vulnerability to exploitation among females, indigenous workers, temporary workers, workers who used labor brokers, workers who worked on larger *fincas*, and workers who worked in the Departments of Huehuetenango, Retalhuleu, San Marcos, Santa Rosa, and Suchitepéquez.

Female Workers

Of the workers interviewed for this study, 96.2 percent were male and 3.8 percent were female. Fewer females than males were interviewed for this study because men represent the majority of coffee sector workers and are generally the workers who are registered with and paid by the *fincas* (while women and children help them harvest coffee but do not receive payment from the finca), and therefore have more information about payments and terms of employment. In addition, it is culturally more difficult to speak with women, who are less free to speak with outsiders. The fact that women are not direct employees and are not directly paid for their work means that they lack access to the money earned through their labor as well as awareness about the terms of employment. This, in addition to the fact that women are more socially isolated, increases their vulnerability to labor exploitation.

In fact, worker interviews indicate that women demonstrated a very low level of awareness on payment mechanisms, earned significantly less than men, suffered higher levels of discrimination, and were much more likely to want to leave their jobs on coffee *fincas*. Of the women interviewed 92.9 percent of women interviewed reported that they did not understand how their payments were calculated, compared to 30.1 percent of men. On average, women interviewed reported that they earned 71.6 percent of the wages of their male counterparts during the harvest season (GTQ 929 for women, compared to GTQ 1,297 for men). Half of women interviewed reported experiencing discrimination on the coffee *fincas*, compared to 8.7 percent of men. Consequently, 57.1 percent of women interviewed reported wanting to leave their jobs on the *fincas*, compared to 25.6 percent of men.

Indigenous Workers

Guatemala is a diverse country, comprised of Ladinos (Guatemalans of mixed Spanish and indigenous blood) and a number of indigenous groups, speaking 23 officially

recognized Mayan dialects. Indigenous Guatemalans make up approximately 40 percent of the population and 50 percent of the agricultural workforce.[58] Indigenous Guatemalans have historically been repressed and subjected to forced labor in coffee *fincas*. Although their situation has improved over the years, they still register higher levels of poverty, illiteracy, malnutrition, child labor, and discrimination (See *Background and Setting)*. Our study shows that indigenous workers continue to comprise the majority of workers in the coffee sector and earn less and suffer higher levels of discrimination than their Ladino counterparts.

Of the workers interviewed, 12.4 percent identified themselves as Ladino and 87.6 percent identified themselves as indigenous. On average, indigenous workers interviewed reported earning 57.3 percent of the wages of their Ladino counterparts during the harvest season (GTQ 1,129 compared to GTQ 1,972). While 47.8 percent of Ladino workers reported that they did not earn enough to pay their expenses and debts, 61 percent of indigenous workers interviewed reported that they did not earn enough. In addition, 11.3 percent of indigenous workers interviewed reported having suffered discrimination, compared to 2.2 percent of Ladino workers.

Another measure of whether a person is indigenous is whether they speak a Mayan dialect as their first language. Of the workers interviewed, 13.7 percent reported Spanish as their first language, while 86.3 percent reported a Mayan dialect as their first language, roughly corresponding to the percentage of workers who identified themselves as being indigenous. The researchers judged that these workers' ethnicity, rather than an inability to speak Spanish, was the cause of their higher levels of exploitation, as the vast majority of these workers spoke Spanish fluently enough to understand and respond to researchers' questions (those who did not were interviewed through translators).

Workers who spoke Mayan dialects as their first language reported lower earnings and higher levels of hunger. Workers who spoke a Mayan dialect as their first language reported earning an average of 59.1 percent of the earnings of workers who spoke Spanish as their first language during the harvest (GTQ 1,108 compared to GTQ 1,876). Of workers who spoke a Mayan dialect as their first language, 61.7 percent reported not earning enough to pay their expenses and debts, compared to 45 percent of workers who spoke Spanish as their first language. As a result, 80.1 percent of these workers reported that they did not have enough to eat, while 66.7 percent of workers who spoke Spanish as their first language reported that they did not have enough to eat.

Workers who spoke a Mayan dialect as their first language also exhibited a lower level of awareness of payment mechanisms and a higher rate of changes in employment conditions and discrimination. About a quarter of workers who spoke Spanish as their first language reported that they did not understand how their payments were calculated, compared to 34.7 percent of workers who spoke a Mayan dialect as their first language. None of the workers who spoke Spanish as their first language reported having to sign a new contract or that their conditions of employment were changed upon arrival at the finca, compared to 31.2 percent of workers who spoke a Mayan dialect as

their first language. Finally, while only one (1.2 percent) of the workers who spoke Spanish as their first language reported suffering discrimination, while 88.5 percent of workers who spoke a Mayan dialect as their first language reported being discriminated against.

Temporary Workers

There are three primary types of workers in the Guatemalan coffee sector: *colonos*, *voluntarios,* and migrant workers. *Colonos* are permanent coffee workers who live on the *fincas* and engage in the year-round activities of planting, grafting, fertilizing, clearing tree branches, and harvesting. *Voluntarios* consist of both permanent and temporary workers who live in communities close by and commute daily to the *fincas* for planting, grafting, fertilizing, clearing tree branches, and harvesting. Migrant workers come from far away areas and work temporarily in the labor intensive harvest season. The number of *colonos* has shrunk, as they have been pushed off the *fincas* due to their higher wages and benefits, and attempts to make claims to land rights. It is very difficult to interview *colonos*, as interviewers must ask for permission to enter the *fincas* where they live. Therefore, interviews were carried out in workers' communities, and only *voluntarios* and migrant workers were interviewed, meaning that interviewees who reported being permanent workers were *voluntarios.*

Of the 372 workers interviewed, 79 percent identified themselves as temporary workers and 21 percent identified themselves as permanent workers (*voluntarios).* Temporary workers interviewed reported a higher incidence of indicators of lack of consent and menace of penalty, worse working conditions, and a higher rate of discrimination.

Temporary workers presented a higher incidence of indicators of lack of consent, including a lack of understanding of payment mechanisms, a belief of employer fraud in the payment of their wages, and illegal deductions. Of the permanent workers interviewed, 1.3 percent reported not understanding how their payments were calculated, compared to 42.9 percent of temporary workers. No permanent workers interviewed reported having their identity documents confiscated or thinking they were deceived in the payment of their wages or that deductions for food exceeded the market value of the food, in violation of labor law. However, among temporary workers interviewed, 2.7 percent reported that their identity documents were confiscated, 13.3 percent reported thinking they had been deceived in the payment of their wages, and 5.8 percent reported that deductions for food exceeded the market price of the food.

Temporary workers also reported receiving less pay than permanent workers, resulting in higher levels of indebtedness. Temporary workers interviewed reported receiving 79.2 percent of the wages of permanent workers, on average (GTQ 1,203 compared to GTQ 1,518). Of temporary workers interviewed, 60.2 percent reported being unable to make enough money to pay their expenses and debts, compared to 56.4 percent of permanent workers. While none of the permanent workers interviewed reported having

to borrow money during their employment in the coffee sector to cover their expenses, 4.8 percent of temporary workers reported having to do so.

While permanent workers did not report indicators of menace of penalty, temporary workers did. None of the permanent workers interviewed reported feeling dissatisfied with their jobs, that they could not leave their jobs when they wanted, that they were frightened or fearful, or that they had been threatened. However, of the temporary workers interviewed, 22.8 reported feeling dissatisfied with their jobs, 12.2 percent reported that they could not leave their jobs when they wanted, 5.1 percent felt frightened or fearful, and 7.8 percent reported that they had been threatened.

Temporary workers also reported higher rates of dangerous work and discrimination. Of the permanent workers interviewed, 1.3 percent reported carrying out dangerous work or using pesticides, compared to 9.2 percent of temporary workers. While none of the permanent workers interviewed reported suffering discrimination, 6.8 percent of temporary workers reported being discriminated against.

Workers Recruited by Labor Brokers

A large number of *fincas*, especially larger ones, use labor brokers to recruit workers for the harvest season. Labor brokers must obtain a permit from the Ministry of Labor to carry out recruitment activities, but expert interviews indicate that monitoring of their activities is minimal. In some cases, workers pay labor brokers, but their fees are not substantial enough to cause workers to become indebted. However, some brokers are paid ten percent of the wages of each worker that they recruit and in other cases employers pay labor brokers the difference between the going rate for workers and the actual wage that the workers received. This incentivizes labor brokers to recruit as many workers as possible for the lowest wage possible, which can lead them to deceive workers about their conditions of employment and push down wages. Many labor brokers also travel to *fincas* to work alongside or supervise workers, and have an incentive to make them stay so that they can continue earning a percentage of their wages, which can lead to a coercive working environment.

Of the 372 workers interviewed, 44.1 percent reported using a labor broker to obtain employment in the coffee sector. Workers interviewed who used a broker reported a higher incidence of indicators of lack of consent and menace of penalty and decreased earnings compared to workers who did not use brokers.

Research indicated that workers who used labor brokers reported a higher incidence of indicators of lack of consent. Half of the workers who used a labor broker reported not knowing how their payments were calculated, indicating that brokers did not properly inform workers about payment mechanisms. Three percent of the workers who used labor brokers reported that the coffee was not ready to be harvested or that they had to sign a new contract/their conditions of employment were changed upon arrival at the finca. However, of those who did not use a broker, 0.5 percent reported that the coffee

was not ready to be harvested and 2.4 percent reported a change in conditions of employment. None of the workers who did not use a broker reported that their identity documents were confiscated compared to 4.9 percent of workers who used a labor broker.

Workers who used labor brokers reported earning lower wages and a higher rate of fraud and deductions in the payment of their wages, resulting in an inability to pay their expenses and an increased rate of indebtedness. Workers who used labor brokers indicated that they earned 75.8 percent of the wages of workers who did not use a labor broker (GTQ 1,047 compared to GTQ 1,382), indicating that it is possible that labor brokers in fact pushed down workers' wages or that a labor brokerage fee was deducted from their wages. Of the workers who used labor brokers, 13.4 percent reported that they felt that they were deceived in the payment of their wages, compared to 8.2 percent of workers who did not use brokers. While 74.4 percent of workers who used labor brokers reported that they did not earn enough to pay their expenses and debts, leading 7.9 percent of them to have to borrow money; but only 47.5 percent of workers who did not use a broker reported not making enough, leading less than 0.5 percent to have to borrow money.

Workers who used labor brokers exhibited an increased incidence of indicators of menace of penalty. Of those who used brokers, 12.2 percent reported that they could not leave their jobs when they wanted, compared to 7.7 percent of workers who did not use brokers. Additionally, 5.5 percent of workers who used brokers reported that they felt frightened or fearful during their employment on the *fincas*, compared to 2.9 percent of those who did not use brokers. While none of the workers who did not use brokers reported punitive deductions for failing to harvest a certain amount of coffee, 1.8 percent of workers who used a broker reported these deductions.

Size of Fincas

A cross-analysis of the data from worker interviews reveals an increased incidence of indicators of forced labor and inferior conditions of work on larger *fincas,* possibly due to their increased use of labor brokers. For this study, workers were asked the size of the finca that they worked on. Small *fincas* were defined as comprising less than 20 *cuerdas*, medium-sized *fincas* were defined as those comprising between 20 and 100 *cuerdas*, and large *fincas* were defined as those comprising over 100 *cuerdas*. Of the workers interviewed, four percent reported that they worked on small *fincas*, 20.4 percent reported that they worked on medium-sized *fincas*, and 75.5 percent) reported that they worked on large *fincas*.

An increased incidence of indicators of lack of consent was found on medium-sized and large *fincas*. No small *fincas* workers interviewed reported having to sign a new contract or that their terms of employment were changed when they arrived at the finca, compared to 6.6 percent of medium-sized finca workers and 1.8 percent of large finca workers. While no small or medium-sized finca workers reported that the coffee was not

ready to harvest when they arrived on the *fincas* (generally meaning that they earned less money when they arrived), 2.1 percent of large finca workers interviewed reported that the coffee was not ready to be harvested. No small or medium-sized finca workers reported that their identity documents were confiscated; however, 2.8 percent of large finca workers interviewed reported that their identity documents were confiscated.

Workers on large *fincas* showed a lower level of awareness about payment mechanisms and a higher incidence of wage deductions and indebtedness. While all small finca workers interviewed reported that they understood how their payments were calculated, 9.2 percent of medium-finca workers and 42.7 percent of large finca workers reported that they did not know how their payments were calculated. In addition, while no small or medium-sized finca workers reported that they thought that they had been deceived in the payment of their wages or that deductions were made for failing to harvest a certain amount of coffee, 13.9 percent of large finca workers interviewed reported that they thought that they had been deceived and 1.1 percent reported that deductions were made for failing to harvest a certain amount of coffee. While no small or medium-sized finca workers reported that part of their salary was paid in food or that money was deducted from their salary to pay for food, 1.4 percent of large finca workers interviewed reporting that part of their salary was paid in food, and six percent reported that deductions for food exceeded the market price for this food. While no small or medium-sized finca workers reported having to borrow money during their employment to cover their expenses, five percent of large finca workers interviewed reporting having to borrow money.

Workers on larger *fincas* exhibited a greater desire to leave their jobs and a higher incidence of indicators of menace of penalty for leaving their jobs. While none of the small finca workers interviewed reported that they were unsatisfied with their jobs, 7.9 percent of medium-sized finca workers and 18.2 percent of large finca workers reported that they were unsatisfied with their jobs. Of the large finca workers interviewed, 28.5 percent reported that they wanted to leave their job, compared to 1.3 percent of medium-sized finca workers and zero percent of small finca workers. Of the workers interviewed who worked in large *fincas*, 11 percent reported that they were unable to leave their job when they wanted, compared to 6.6 percent of workers in medium-sized *fincas*, and zero percent of workers in small *fincas*. Additionally, 35.6 percent of large finca workers interviewed reported that there were armed guards on the *fincas*, compared to 9.2 percent of medium-sized finca workers and 33.3 percent of small finca workers. While no workers who had worked in small or medium-sized *fincas* reported feeling frightened or fearful or being threatened, 5.3 percent of workers who had worked in large *fincas* reported feeling frightened or fearful and 8.2 percent reported being threatened.

Workers on larger *fincas* also reported a higher incidence of hazardous work, discrimination, and lack of food. Ten percent of large finca workers interviewed reported working with pesticides or carrying out dangerous work, 13.9 percent reported getting sick or injured on the job and 13.5 percent reported having suffered discrimination; while none of the small or medium-sized finca workers reported having done so. While all

small finca workers reported having enough to eat, 7.9 percent of medium-sized finca workers and 25.6 percent of large finca workers reported that they did not have enough to eat on the *fincas*.

Department of Employment

Worker interviews were carried out in workers' communities. While samples were not drawn depending upon workers' places of employment, workers interviewed had worked in most of the primary coffee producing Departments of Guatemala. Of the workers interviewed, 40.6 percent had worked in Huehuetenango, 18.5 percent had worked in Quetzaltenango, 16.7 percent worked in Quiche, 12.9 percent had worked in San Marcos, 4.6 percent had worked in Santa Rosa, 2.1 percent had worked in Retalhuleu, four percent had worked in Suchitepéquez, and 0.5 percent had worked in the Department of Guatemala. The researchers found a higher level of risk factors for both lack of consent and menace of penalty amongst workers who had worked in Huehuetenango, Retalhuleu, San Marcos, Santa Rosa, and Suchitepéquez.

Lack of Consent

Indicators of confiscation of identity documents, deception about conditions of employment, fraud in the payment of workers' wages, and indebtedness were not found amongst workers who had worked in the Departments of Quiche, Suchitepéquez, and Guatemala. While none of the workers interviewed who had worked in other departments reported having their identity document confiscated, 18.4 percent of workers who had worked in Retalhuleu and 5.9 percent of those who had worked in Santa Rosa reported that their documents were confiscated.

Workers from Suchitepéquez reported a higher incidence of deceit in conditions of employment, while workers from Huehuetenango reported a lower incidence. Five workers interviewed who had worked in Suchitepéquez reported that, upon arrival on the *fincas*, their conditions of employment had been changed/that they had to sign new contracts and that the coffee was not ready to harvest. Of the workers interviewed who had worked in Huehuetenango, 3.3 percent reported that their conditions of work or contracts had been changed and 0.7 percent reported that the coffee was not ready to be harvested. None of the workers from other Departments reported these indicators of deceit.

Higher levels of indicators of fraud in workers' payment of wages were found among workers who had worked in San Marcos, Santa Rosa, and Suchitepéquez. None of the workers who had worked in Quiche or Guatemala reported that they did not understand how their payments were calculated, that they believed that they were deceived in the payment of their wages, or that deductions made from their wages for food exceeded the market price for the food. However, 56.3 percent of workers who had worked in San Marcos, 82.4 percent of workers who had worked in Santa Rosa, and two-thirds of workers who had worked in Suchitepéquez reported that they did not understand how

their payments were calculated. In addition, 27 percent of workers who worked in San Marcos, 29.4 percent of workers who worked in Santa Rosa, and one-third of workers who worked in Suchitepéquez reported thinking they had been deceived in the payment of their wages. Of the workers interviewed who had worked in Santa Rosa, 15.6 percent reported that deductions for food exceeded the market price. Finally, 17.6 percent of workers who worked in Santa Rosa and 33 percent of workers who worked in Suchitepéquez reported having to borrow money to pay their expenses and debts.

Menace of Penalty

Indicators of menace of penalty were not reported by workers who had worked in Quiche, Quetzaltenango, and Guatemala. However, 12.5 percent of those who had worked in San Marcos, 13.2 percent of workers who had worked in Huehuetenango, 29.4 percent of those who had worked in Santa Rosa, and one-third of those who had worked in Suchitepéquez reported that they could not leave their jobs when they wanted. Additionally, 2.6 percent of workers who had worked in Huehuetenango, 12.5 percent of those who had worked in San Marcos, and another third of workers who had worked in Suchitepéquez reported feeling frightened or fearful during their employment on coffee *fincas*. Finally, 27.1 percent of workers who had worked in San Marcos, 11.1 percent of those who had worked in Retalhuleu and 33 percent of those who had worked in Suchitepéquez reported having been threatened. The Departments in which the highest percentage of workers reported that there were armed guards on the *fincas* were Suchitepéquez (66 percent) and San Marcos (43.8 percent).

Wages and Hours

Workers interviewed who had worked in Suchitepéquez reported working an average of 6.8 days per week and those who had worked in Retalhuleu reported working an average of 6.3 days per week. All workers interviewed, who had worked in other Departments, reported working six days per week.

Other Issues of Concern

One-third of the workers interviewed who worked in Suchitepéquez reported having been subjected to discrimination, compared to 7.3 percent for Huehuetenango, 17.4 percent for Quetzaltenango, 15.6 percent for Retalhuleu, and 17.6 percent for Santa Rosa. One-hundred percent of workers interviewed who had worked in Quiche and Guatemala reported not having enough to eat, compared to 97.9 percent for San Marcos, 90.7 percent for Huehuetenango, 88.9 percent for Retalhuleu, 82.3 percent for San Marcos, 66 percent for Suchitepéquez, and 27.5 percent for Quetzaltenango.

Conclusions

This report has covered background information on Guatemala and the coffee sector; the methodology that was developed to study the presence of indicators of forced labor in the Guatemalan coffee sector; findings on the presence of indicators of forced labor and other labor violations; and the factors that increase workers' vulnerability to labor exploitation. These findings are not statistically representative of Guatemala or the coffee sector and this report does not claim to determine the existence or scale of forced labor in Guatemala. However, the report does provide an overview of the indicators of forced labor and other forms of labor exploitation uncovered amongst migrant coffee workers in certain Departments of Guatemala, as well as factors that increase workers' vulnerability to labor exploitation.

Main Findings

Using ILO guidance on "Identifying forced labor in practice," research detected evidence of the presence of the following indicators of lack of consent and menace of penalty, as well as other issues of concern.

Lack of consent:

- physical confinement in the work location,
- psychological compulsion,
- induced indebtedness,
- deception or false promises about terms of work,
- withholding and non-payment of wages, and
- retention of identity documents.

Menace of penalty (the actual presence or threat of):

- physical violence against workers,
- physical confinement,
- financial penalties,
- denunciation to authorities,
- dismissal from current employment,
- exclusion from future employment, and
- deprivation of food and shelter.

Other issues of concern:

- working hours in excess of legal limits,
- sub-minimum wages,
- health and safety issues,
- discrimination,
- poor living conditions,
- dangerous transportation, and
- child labor.

Risk Factors

Research found increased vulnerability to labor exploitation amongst women, indigenous Guatemalans, temporary workers, workers who used labor brokers, workers employed in larger fincas, and workers employed in certain Departments.

Female workers reported:

- lower levels of awareness of payment mechanisms,
- decreased earnings,
- increased discrimination, and
- lower job satisfaction.

Indigenous workers reported:

- lower levels of awareness of payment mechanisms,
- decreased earnings,
- increased discrimination, and
- increased rates of deception about terms of employment.

Temporary workers reported:

- a higher incidence of indicators of lack of consent,
- a higher incidence of indicators of menace of penalty
- lower pay,
- a higher rate of indebtedness,
- increased involvement in dangerous work, and
- a higher level of discrimination.

Workers who used labor brokers reported:

- a higher incidence of indicators of lack of consent,
- a higher incidence of indicators of menace of penalty
- lower pay,
- increased deductions, and
- a higher rate of indebtedness.

Workers employed on larger fincas reported:

- a higher incidence of indicators of lack of consent,
- a higher incidence of indicators of menace of penalty
- a lower level of awareness about payment mechanisms;
- a higher incidence of wage deductions
- a higher rate of indebtedness,
- increased involvement in dangerous work, and
- a higher level of discrimination.

Workers employed in the Departments of Huehuetenango, Retalhuleu, San Marcos, Santa Rosa, and Suchitepéquez reported:

- a higher incidence of indicators of lack of consent and
- a higher incidence of indicators of menace of penalty

Lessons Learned

This research exposed some of the challenges of conducting research on hidden populations and vulnerable workers. These challenges include the lack of a sample frame; restrictions on access to workers' places of employment; and danger to researchers and workers due to the high level of violence and sensitive nature of forced labor.

The challenges encountered in this research provided researchers with valuable lessons on conducting research in difficult environments and on hidden populations. Verité learned that preconceptions can often be wrong and that it is therefore necessary to carry out an initial appraisal before designing the final research plan in order to ensure that all relevant information is captured. The researchers also found that some of the same factors that make workers more vulnerable to exploitation also make it difficult to obtain information from them. For example, workers with lower levels of education sometimes found it harder to understand questions about payments or were unable to provide interviewers with information due to their lack of understanding of payment mechanisms. The social isolation of women and children made it harder to interview them and obtain their perspectives. Workers' fear of reprisals made it harder to obtain information from them about threats or acts of violence carried out against them.

Therefore, Verité found that multiple sources of information were needed to triangulate findings and provide an accurate, nuanced view. This includes literature review, expert consultations with a wide variety of stakeholders, and interviews with workers, employers, labor brokers, and other actors. Research findings were also strengthened by the use of both qualitative and quantitative research techniques.

Appendix 1: Presence of ILO Indicators of Forced Labor

As discussed in the Methodology section, after data collection and analysis was completed using the 2005 ILO indicators "Forced Labor in Practice", Verité undertook a post-hoc analysis of the research findings with respect to a broader spectrum of indicators of forced labor presented in the ILO's 2011 publication, *Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labor of Adults and Children*. A chart of these indicators follows.

		Present
Indicators of unfree recruitment of adults	**Strong Indicators of Involuntariness**	
	Tradition, birth (birth/descent into 'slave' or bonded status)	
	Coercive recruitment (abduction, confinement during the recruitment process)	
	Sale of the worker	
	Recruitment linked to debt (advance or loan)	
	Deception about the nature of the work	
	Medium Indicators of Involuntariness	
	Deceptive recruitment (regarding working conditions, content, or legality of employment contract, housing and living conditions, legal documentation or acquisition of legal migrant status, job location or employer, wages/earnings)	Some workers reported that when they arrived on the *fincas*, they had to sign a new contract or the terms of employment that were promised to them were changed. In addition, some workers reported that when being recruited they were told that the coffee was ready to harvest, but when they got to the *fincas* it was not ready to harvest, which significantly reduced their earnings.

	Deceptive recruitment through promises of marriage	
	Strong Indicators of Menace of Penalty	
	Denunciation to authorities	
	Confiscation of identity papers or travel documents	
	Sexual violence	
	Physical violence	
	Other forms of punishment	
	Removal of rights or privileges (including promotion)	
	Religious retribution	
	Withholding of assets (cash or other)	
	Threats against family members	
	Medium Indicators of Menace of Penalty	
	Exclusion from future employment	
	Exclusion from community and social life	
	Financial penalties	
	Informing family, community, or public about worker's current	

	situation (blackmail)	

Indicators of work and life under duress of adults	**Strong indicators of involuntariness**	
	Forced overtime (beyond legal limits)	
	Forced to work on call (day and night)	
	Limited freedom of movement and communication	Some workers reported that there were restrictions on leaving the *fincas*. All workers reported that there were guards at the *fincas*, with some workers reporting that there were armed guards at the *fincas*.
	Degrading living conditions	Most workers lived in employer-provided housing. Some workers reported that their housing lacked sufficient space and a kitchen and was unclean and unsafe. In addition, many workers reported that they did not have enough to eat.
	Medium indicators of involuntariness	
	Forced engagement in illegal activities	
	Forced to work for employer's private home or family	
	Induced addiction to illegal substances	
	Induced or inflated indebtedness (by falsification of accounts, inflated prices for goods/services purchased, reduced value of goods/services produced, excessive interest rates on loans,	Many workers reported that they did not make enough money during the harvest season to pay their debts and living expenses. Some workers had to borrow money to cover these expenses and some workers reported being unable to pay back the loans by the end of the harvest season, but no workers reported that they were unable to leave the *fincas* before paying off their loans. Some workers interviewed reported that they were charged more than the market price for food provided by their employer. Some workers reported that they believed that they were deceived in the

	etc.)	weighing/measurement of the coffee the harvested and in payment of their wages and deductions. Some workers were unaware of how their wages were calculated.
	Multiple dependency on employer (jobs for relatives, housing, etc.)	Many workers depended upon their employer for housing and food for themselves and their family members during the harvest season, both of which were dependent upon the workers' employment at the *fincas*. Workers reported threats of deprivation of food.
	Pre-existence of dependency relationship with employer	
	Being under the influence of employer or people related to employer for non-work life.	
	Strong indicators of penalty (or menace of penalty)	
	Denunciation to authorities	
	Confiscation of identity papers or travel documents	Some workers reported having their identity documents confiscated upon arrival at the *fincas*.
	Confiscation of mobile phones	
	Further deterioration in working conditions	
	Isolation	
	Locked in workplace or living quarters	
	Sexual violence	
	Physical violence	Workers did not report explicit threats of violence made against them. However, some workers reported being frightened or fearful during their employment on the *fincas*.

		The researchers reported that there was a high level of violence, impunity, and fear in Guatemala. All workers reported that there were guards at the *fincas*, some of whom were armed.
	Other forms of punishment (deprivation of food, water, sleep, etc.)	Some workers reported feeling unable to leave the *fincas* when they wanted due to threats. Some workers reported being threatened with deprivation of food if they failed to harvest a certain amount of coffee per day.
	Violence against worker in front of other worker	
	Removal or rights or privileges (including promotion)	
	Religious retribution	
	Constant surveillance	All workers interviewed reported the presence of guards on the *fincas*, some of whom were armed.
	Withholding of assets (cash or other)	
	Withholding of wages	Some workers reported that they were not paid until the end of the harvest season.
	Threats against family members	
	Medium indicators of penalty (or menace of penalty)	
	Dismissal	Some workers reported that they were threatened with dismissal.
	Exclusion from future employment	
	Exclusion from community and social life	
	Extra work for breaching labor discipline	

	Financial penalties	Some workers reported that they could not leave the coffee *fincas* before the end of the harvest because they would not be paid the wages owed to them. Some workers reported punitive deductions from their pay for errors, damaging tools, and for failing to harvest a certain amount of coffee per day.
	Informing family, community or public about worker's current situation (blackmail)	

Indicators of impossibility of leaving employer for adults	**Strong indicators of involuntariness**	
	Reduced freedom to terminate labor contract after training or other benefit paid by employer	
	No freedom to resign in accordance with legal requirements	Some workers interviewed reported having to sign contracts stating that they would stay until the end of the harvest season but providing the workers with no rights or terms of employment, in contravention with labor law.
	Forced to stay longer than agreed while waiting for wages due	Some workers interviewed reported that they were unable to leave the *fincas* before the end of the harvest season because their employer withheld their wages until the harvest season was over.
	Forced to work for indeterminate period to repay outstanding debt or wage advance	
	Strong indicators of penalty (or menace of penalty)	
	Denunciation to authorities	Some workers reported that they had to sign contracts stating that they would work until the end of the harvest season as a condition of employment and that they were threatened with denunciation to authorities if they failed to comply with the contracts.
	confiscation of identify paper or travel	Some workers reported that their identity documents were

	documents	retained upon arrival at the *fincas*
	imposition of worse working conditions	
	Locked in work or living quarters	
	Sexual violence	
	Physical violence	
	Other forms of punishment (deprivation of food, water, sleep, etc.)	
	Removal of rights or benefits (including promotion)	
	Religious retribution	
	Under constant surveillance	All workers reported the presence of guards on the *fincas*, some of whom were armed.
	Violence imposed on other workers in front of all workers	
	Withholding of assets (cash or other)	
	Withholding of wages	Some workers interviewed reported that they were unable to leave the *fincas* before the end of the harvest season because their employer withheld their wages until the harvest season was over.
	Threats against family members (violence or loss of jobs)	
	Medium indicators of penalty or menace or penalty	
	Dismissal	Some workers reported that they were unable to leave their jobs on the *fincas* when they wanted due to threats of

		dismissal.
	Exclusion from future employment	
	Exclusion from community and social life	
	Extra work for breaching discipline	
	Financial penalties	
	Informing family, community or public about worker's current situation (blackmail)	

Appendix 2: A History of Violence and Exploitation in Guatemala

Guatemalan history has been marked by high levels of repression and violence. During the conquista, indigenous Guatemalans' land was taken away and they were forced to work for the *conquistadores.* After independence, the Guatemalan government used repressive laws to force indigenous Guatemalans to work on coffee *fincas*. These laws were overturned during the ten years of democracy that lasted from 1944-1954, when a democratically-led president was overthrown in a military coup. This led to continued repression which resulted in a 36 year-long civil war that lasted from 1960-1996 and resulted in hundreds of thousands of deaths and displacements and ushered in migration and a cycle of violence that continues today. This history of repression and violence has created a culture of fear in Guatemala, especially among poor, disempowered, indigenous agricultural workers who are afraid to speak out against abuses committed against them

According to the Association for the Advancement of the Social Sciences in Guatemala (AVANCSO), Guatemala, more than any other Central American country, used forced labor to build up its agricultural export-based economy. Guatemala began with indigo, and moved on to cotton, then coffee, sugar, and bananas. Indigenous *campesinos* were robbed of their historic lands, marginalized, and forced to work on large-scale coffee and sugar *fincas*.[59]

During the *conquista,* many indigenous Mayas were killed and their land was taken away and was given to the loyal servants of the Spanish king.[60] According to *Migration laboral: del trabajo forzado a la migración indocumentada*, beginning in the mid-1600s, the Spanish conquistadors began to depend on an indigenous Guatemalan labor force after easily accessible sources of gold and silver began to run out. Therefore, they forced indigenous Guatemalans off of their communal lands to work on haciendas and *fincas*. This system of indigenous exploitation and servitude continued through the mid-1900s under different manifestations by which generations of indigenous Guatemalans and *campesinos* were forced to work on cotton, sugar, banana, and coffee *fincas*.[61]

The first grains of coffee were brought into Guatemala when it was still a colony of Spain, probably from Cuba or Puerto Rico.[62] The production of coffee in Guatemala began in 1810 when Guatemala was looking for profitable export goods that it could produce. However, it did not become a commercial crop until 1853.[63] In 1860, Guatemalans became skeptical about depending on coffee as an export crop when the price of coffee decreased significantly.[64] It was not until 1870 that coffee became an important export crop in Guatemala, surpassing the export of pigs. Cultivation began in the Southern Coast of Guatemala and the *Boca Costa* region of San Marcos and Retalhuleu and expanded into Coban and Alta and Baja Verapaz, as well as Amatitlan (close to Guatemala City), Western Guatemala, and Antigua.[65]

After independence, in order to ensure that there would be a large, stable workforce to harvest Guatemala's growing coffee crop, a series of Guatemalan presidents enacted repressive laws that forced indigenous workers to work on coffee *fincas*. Beginning in

1871, a series of "liberal" dictatorships took power in Guatemala, and their reign continued until 1944. Under these liberal dictatorships, especially under President Justo Rufino Barrios, indigenous and church lands were confiscated and sold off to private entities and indigenous *campesinos* were forced to work on *fincas* and plantations controlled by private companies on what used to be their communal lands.[66]

President Justo Rufino Barrios introduced "liberal" reforms, including the introduction of advanced technology, a professional army, and the suppression of communal land rights in favor of a system by which indigenous workers were forced to work on coffee *fincas*, especially in the *boca costa* region of Quetzaltenango, San Marcos, and Alta Verapaz.[67] Justo Rufino Barrios issued a series of laws between 1871 and 1879 that declared as "unused" indigenous pueblos' communal lands and land belonging to the church, and therefore subject to expropriation.[68] The deeds to communal lands owned by indigenous communities, which were previously leased to coffee *fincas*, were acquired by these *fincas*, which needed a stable workforce to produce the coffee.[69] The government began to offer titles of unexploited land that belonged to indigenous communities to German immigrants. Many German families came to Guatemala and began to produce coffee in large scale *fincas* that employed up to 300 workers each.[70] In 1876, the liberal government issued a letter to the Departmental authorities stating that "indigenous pueblos will provide finca owners with the number of young men (*mozos*) necessary."[71] In April 1877, Justo Rufino Barrios issued Decree 117, known as rule on day laborers (*reglamento de jornaleros*). Under this Decree finca owners could request that Departmental political bosses issue orders for community members to work on their properties.[72] In 1878 the Law against Vagrancy (*la Ley contra la Vagancia*) was passed, which obligated indigenous adults to work 100 to 150 days per year on *fincas*.[73] This had the effect of depressing wages, with men earning one real per day and women earning half a real per day. During this time, some 100,000 indigenous workers migrated from the highlands to coastal *fincas*.[74]

When the "liberal" Guatemalan president and coffee baron, José María Reina Barrios, came to power in 1893, he did away with the *reglamento de jornaleros*. However, he instituted a new system by which indigenous workers who could not make a payment to the government or show that they had worked for at least three months in a coffee, sugar, cacao, or banana finca, would have to carry out forced labor for the state in the so-called *Batallón de Zapadores.*[75] In 1894, Reina Barrios, issued Decree 243. This Decree stated that employers were permitted to keep deposits from peasant workers and to pursue workers who had left without fulfilling their responsibilities. Authorities were obligated to issue arrest warrants and to help capture the escaped workers.[76] The number of forced migrant laborers in the coffee sector grew from 70,000 in 1880 to 250,000 in 1921.[77]

President Jorge Ubico, who ruled from 1931 until he was overthrown in 1944, issued Decree 1996 on May 10, 1934, also known as the law against vagrancy (*la ley contra la vagancia*). Under this law, indigenous *campesinos* who did not possess a letter of employment could be considered "vagrants" and be forced to carry out work for the State or private companies.[78] This law required that *campesinos* carry out a certain

number of hours of work on different *fincas* to ensure an equal distribution of workers. He also passed Decree 1816, which legally permitted the killing of indigenous *campesinos* who did not follow the law.[79]

Between 1870 and 1945, instead of paying workers in Guatemalan currency, many coffee *fincas* and some sugar *fincas* produced their own currency or *fichas de fincas*. These *fichas*, which were originally used due to a lack of availability of Guatemalan currency, *became* a tool to control the workforce, as workers could only redeem the *fichas* at the *fincas* on which they worked.[80]

In 1944, after Ubico was overthrown and Juan Jose Arevalo was elected president of Guatemala, Arevalo instituted a number of reforms that went against the old systems of forced labor in Guatemala. He overturned the law on vagrancy in 1945, did away with *fichas de fincas*, and reformed the Constitution to extend voting rights to women and illiterate Guatemalans.[81] After Jacobo Arbenz attempted to redistribute unused lands to *campesinos*, he was overthrown and replaced by a military dictatorship led by Colonel Carlos Castillo, which was not dedicated to protecting workers' rights and the interests of *campesinos*. [82] Although the old system of state-sponsored forced labor did not return, Guatemalan *campesinos* continued to migrate to coffee *fincas* due to a lack of other employment options and continued to be exploited by powerful coffee finca owners, as the State failed to protect their rights.

The overthrow of Arbenz, coupled with continued inequality and repression of indigenous peoples, labor groups, reformists, and women brought about a violent uprising that developed into a full-blown civil war in 1960.[83] The military government responded with a coordinated campaign of assassinations and "disappearances." By the end of the 1970s, under the rule of general Fernando Romeo Lucas García, the level of repression increased dramatically, with increased targeted assassinations, as well as the extensive use of death squads to assassinate students, activists, academics, journalists, and indigenous leaders.[84] In addition, the government carried out a scorched earth campaign, principally in indigenous villages, where tens of thousands of men, women, and children were massacred.[85]

The 36 year-long civil war finally ended in 1996 with the Peace Accords.[86] The UN backed Historical Clarification Commission found that over 200,000 people were killed and more than one million were displaced. It also determined that while guerrilla groups were responsible for numerous kidnappings and killings, the military and government-backed paramilitary groups were responsible for the vast majority of killings.[87] During the civil war, 83 percent of victims were indigenous Mayans.[88] The Commission called these acts genocide targeted at rural indigenous communities.[89] This created what has been termed a "survival strategy of silence" in which many Guatemalans are afraid to raise their voices about abuses committed against them.[90]

The violence of the civil war, combined with an economic downturn caused the forced displacement of over a million Guatemalans.[91] Many displaced individuals left Guatemala in search of work. In the United States, they often found themselves in poor neighborhoods where they became members of gangs such as Mara Salvatrucha (M-13) and the Eighteenth Street Gang (Mara 18 or M-18). Many of these gang members were deported and Guatemala was ill-equipped to deal with these gangs.[92] Some gangs also formed links with the growing organized crime and narcotics trafficker syndicates in Guatemala.[93] In 2010, the U.S. Department of State reported that "entire regions of Guatemala [were] essentially under the control" of organized crime syndicates and narcotics traffickers. It was reported that seven of Guatemala's 22 Departments were under the control of these criminal groups, which had been aided by active and former military personnel.[94]

As a result of gang activity, infighting between drug cartels, and an increase in common crime, homicide rates in Guatemala have spiked. In 2004, the Inter-American Commission on Human Rights placed the Guatemalan homicide rate at 70 per 100,000, compared to the rate of six homicides per 100,000 residents in the United States.[95] In 2011, homicide rates fell to 39 per 100,000 residents (15 murders per day). However, the murder rate was still roughly twice as high as Mexico's. Statistics show that in January 2012, the average number of murders per day rose again to the 2009 average of 17 per day.[96] Violence has also permeated the electoral process, resulting in 43 deaths, 39 injuries, 65 threats, and 14 other types of aggressions carried out against politicians, party officials, and their family members from January to October 2011.[97] Many of the killings in Guatemala are carried out by contract killers (*sicarios*), who can charge as little as USD 15 to carry out a murder.[98]

A factor that has contributed to elevated levels of criminality and violence in Guatemala is the high level of impunity. Government statistics reveal that there was a 95 percent impunity rate in 2010, which is an improvement from previous years, only five percent of murders are resolved.[99] The UN-backed International Commission to Combat Impunity in Guatemala (CICIG) has been effective in reforming the justice system, including by establishing a system to protect witnesses and criminals who turn state's evidence. CICIG has been involved in the prosecution of high-level criminals, including ex-President Alfonso Portillo.[100] While CICIG has made strides in prosecuting corrupt officials, solving high-profile cases, and reforming the judicial sector, it has failed to

assist in the prosecution of crimes against union members, which was one of its original goals.

In fact, Guatemala has the second-highest rate of unionist killings in the world. In 2009, 16 trade unionists were killed, one was “disappearance”, and there were numerous acts of violence and intimidation against unionists and their family members.[101] In 2010, the number of trade unionist murders fell to ten.[102] Two of the ten unionists killed in 2011 were members of SITRABI, which is one of the only strong unions in the agricultural sector.[103] In 2011, the ILO Commission of Experts on the Application of Conventions and Recommendations (ILO-CEACR) reported that violence against unionists, as well as the functioning of the justice system and levels of impunity for unionist killings were worsening, as there was no effective prosecution of those responsible for the killings. Although the government claimed that the killings were not politically motivated, the high number of killings and the failure to clarify the motives or prosecute those responsible creates fear among workers and labor activists and a lack of trust in the authorities’ ability to protect them.[104]

Murders of workers with impunity have spread fear and mistrust of the authorities among agricultural workers. The decapitation of 27 contract workers on *fincas* in Los Cocos, Petén merely for unknowingly working on the finca of a drug trafficker demonstrated the value of a farm worker’s life.[105] Individuals have also been murdered by armed guards on coffee *fincas*. For example, in 2011, a 63 year-old campesino trespassed on a coffee finca in the Department of Quetzaltenango to collect firewood and was shot to death. When family members came onto the finca to look for him, they too were received with gunfire by an armed guard at the finca, resulting in the death of another family member. Instead of turning to the authorities, community members took the guard hostage and threatened to lynch him due to their lack of trust in the authorities.[106]

The public’s mistrust of authorities has resulted in a resurgence of *linchamientos* (“lynchings” - the beating, killing or burning of suspected criminals by mobs or vigilante groups) in Guatemala to levels not seen since the 1990s. From 2006 to 2011, 913 people were lynched, 737 of whom were injured and 176 of whom were killed. In 2011, a total of 294 individuals were lynched, 243 of whom were injured and 51 of whom were killed. Quetzaltenango registered 34 lynchings, none of which was fatal (the highest number of lynchings in Guatemala), while Huehuetenango registered 29 lynchings, 21 of which were fatal (the highest number of fatal lynchings in Guatemala).[107] In Santa Barbara, Huehuetenango, the police were kicked out in March 2002, and the community has dealt with crimes through community justice and lynchings ever since.[108]

The high level of violence, impunity, and inequality in Guatemala leads to a system in which very little value is placed on the lives of poor, uneducated indigenous *campesinos*. Workers know that their lives are cheap and that they lack the political connections and economic power to get their voices heard or their concerns addressed. They know that workers who have organized or complained have been killed and they know that most killers have not been brought to justice. Therefore, even if workers owe

small amounts of money, even if they hear an implicit threat, even if there are merely armed guards on a finca, they may be frightened for their lives.

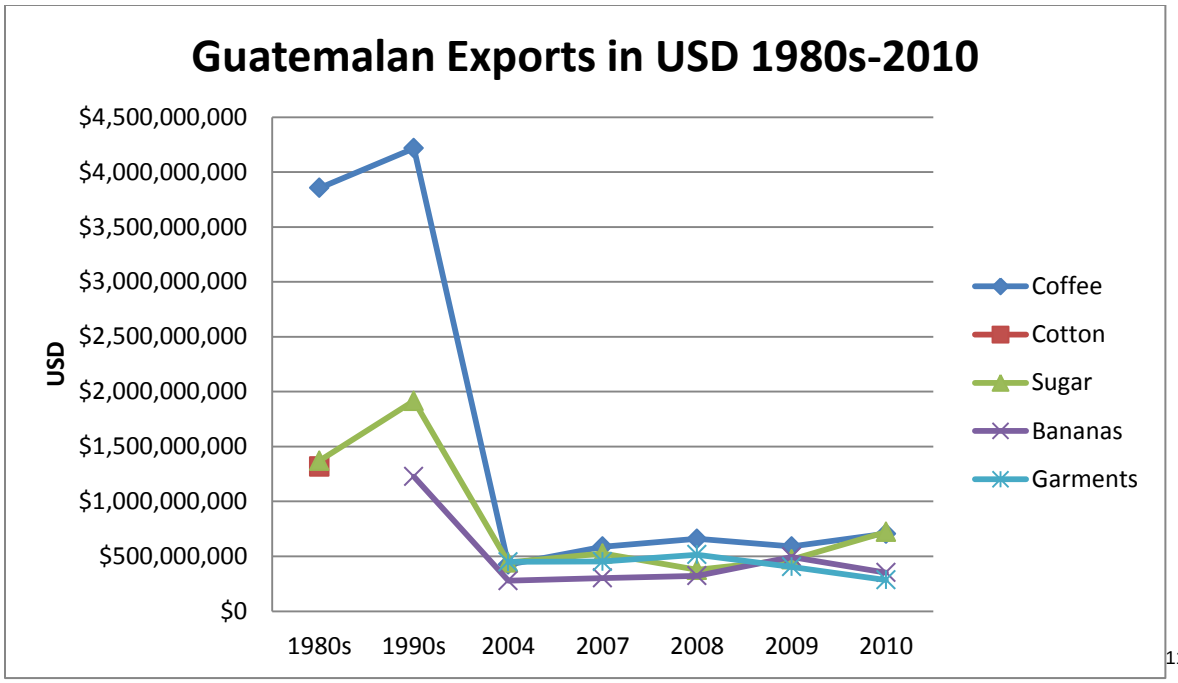
Appendix 3: The Guatemalan Coffee Sector

Economic Context of the Coffee Sector

After years of decline, the Guatemalan coffee sector has seen a recent resurgence due to increases in international coffee prices and Guatemala receiving recognition for its high quality and wide variety of coffee.

In 1960, the Law on Coffee (*Ley del Café*) was passed, setting up the legal framework for the creation of the National Coffee Association (Anacafe). Anacafe was established as a public, non-profit entity made up of Guatemalan coffee producers and operating with private funds. It became the primary institution that worked in cooperation with the State to promote the production and export of coffee, setting prices and protecting the interest of coffee producers.[109] At the end of the 1990s there was a large drop in the international price of coffee. This was coupled with the effects of Hurricane Mitch in 1998, which caused enormous agricultural losses, crippling the coffee sector and resulting in huge economic losses for small and large-scale coffee producers alike and thousands of lost jobs in the coffee sector. In 2002, the coffee sector launched the Coffee growers' Competitiveness Plan (*Plan de Competitividad de la Caficultura*), which included six strategic goals for sustainable development, market intelligence, marketing, crop diversification, financing, and the strengthening of key institutions.[110]

While coffee exports have decreased, coffee continues to constitute one of Guatemala's primary exports. In 1960, coffee exports represented 60 percent of Guatemala's exports in terms of value, despite the fact that the value of a quintal of green coffee was only valued at USD 46 due to an increase in supply.[111] By 2010, coffee represented nine percent of Guatemala's total exports.[112] While coffee exports have dropped considerably since the 1980s, both in terms of value and in relation to other exports, they have seen a resurgence since 2004.[113]



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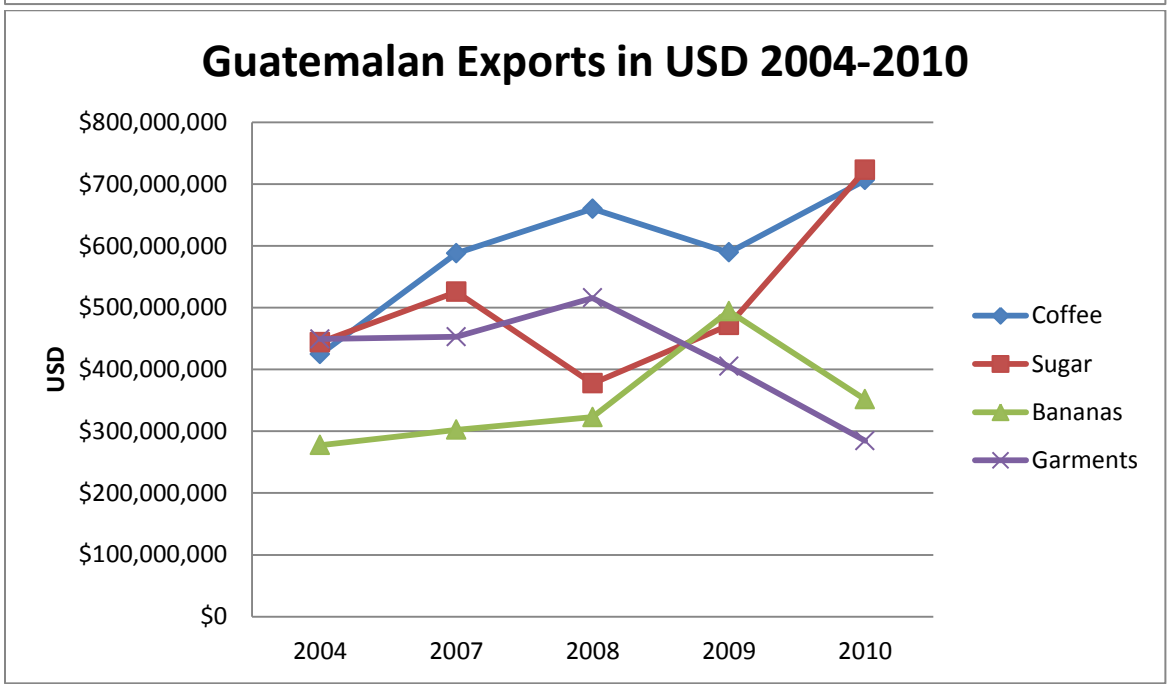
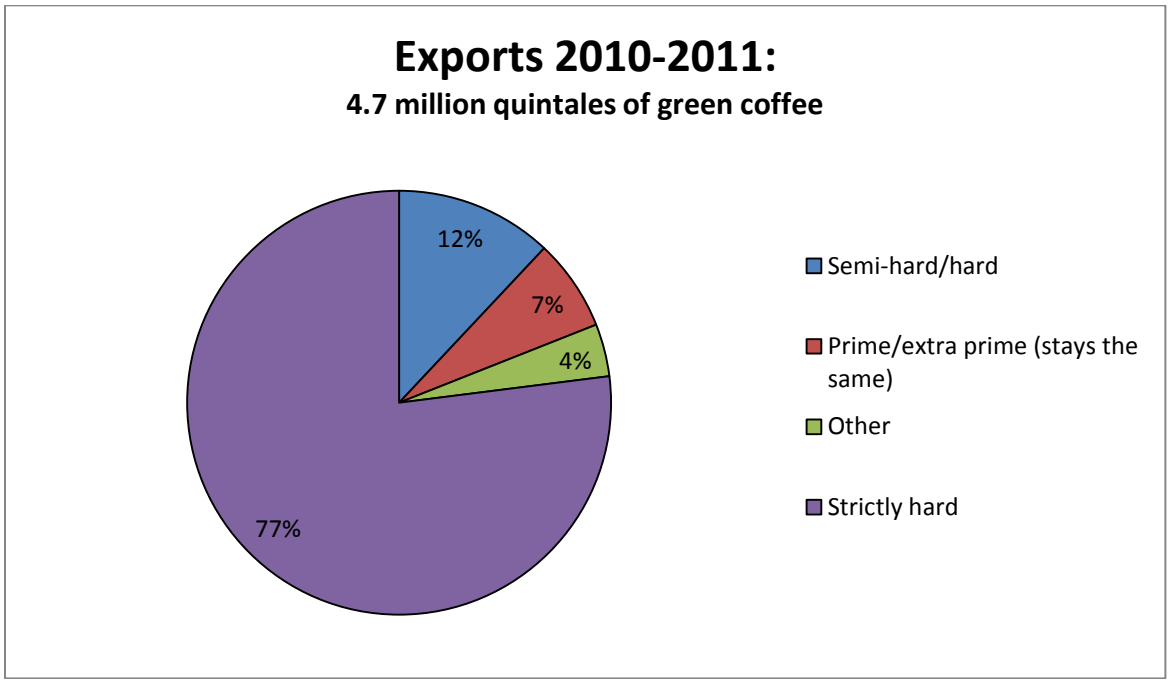


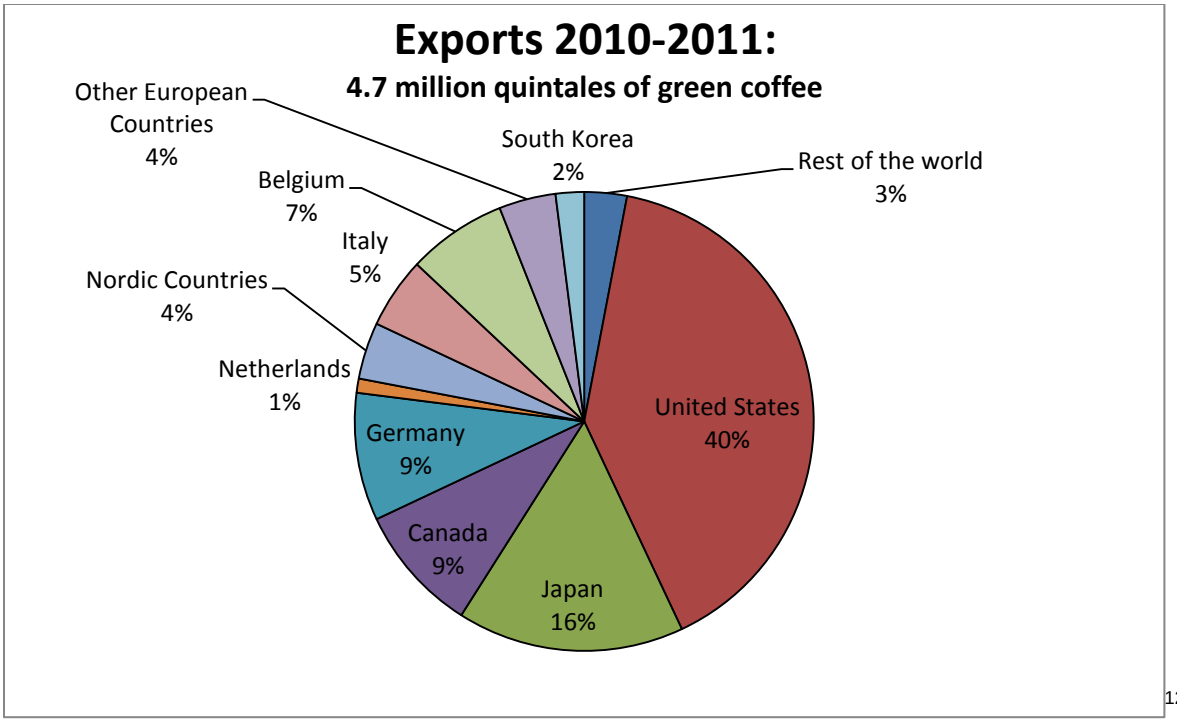
Guatemala is one of the largest exporters of coffee in the world. The Guatemalan government's Department Economic Analysis and Supervision Standards reported that Guatemala was the ninth largest producer of coffee in the world, producing three percent of the world's coffee, compared to 26.1 percent for Brazil, 13.9 percent for Vietnam, and 6.9 percent for Colombia.[115] According to Anacafe, Guatemala was the fifth largest exporter of coffee for the 2010/2011 harvest out of a group of 11 major coffee producers: Brazil, Vietnam, Colombia, Guatemala, Honduras, Peru, Mexico, Mexico, El Salvador, Nicaragua, Costa Rica, and the Dominican Republic. Out of these 11 countries, Guatemala produced 2.5 percent of these countries' total exports in

2010/2011, compared to 33.3 percent for Brazil, 16.3 percent for Vietnam, 7.8 percent for Colombia, 3.8 percent for Honduras, 3.4 percent for Peru, 2.6 percent for Mexico, 1.8 percent for El Salvador, 1.5 percent for Nicaragua, 1.2 percent for Costa Rica, and 0.1 percent for the Dominican Republic.[116]

According to the Ministry of Agriculture, Livestock, and Food (MAGA), coffee was harvested on 247,756 hectareas in 2004/2005, 248,990 hectareas in 2007/2008, and 249,200 hectareas in 2010/2011. MAGA also found that 248,277 metric tons of coffee were harvested in 2004/2005, with an increase to 248,614 in 2007/2008 and 254,149 in 2009/2010, but a decrease to 243,984 in 2010/2011.[117] In 2010/2011, the vast majority of Guatemala's coffee exports of 4.7 million quintales of export quality coffee beans were of high quality, strictly hard coffee.[118]

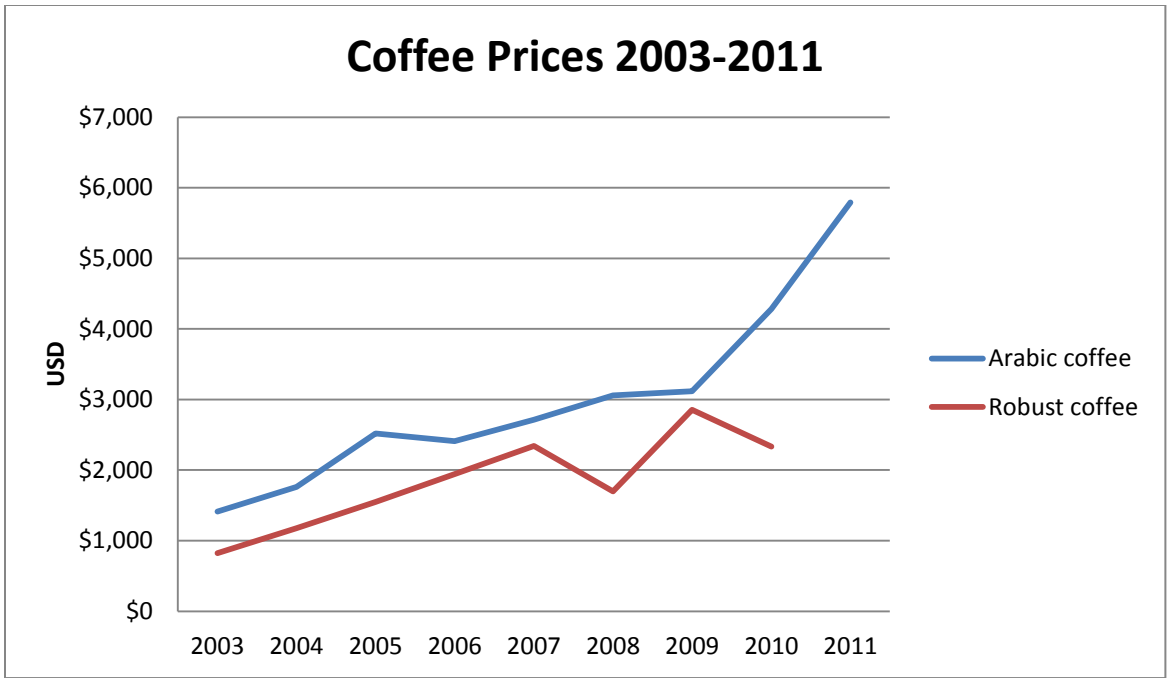


At the beginning of the 20th century, Germany and England purchased much of Guatemala's coffee exports. However, during the Second World War, Guatemala began to export all of its coffee to the United States. By 2010, 48 percent of exports went to the United States, 16 percent went to Japan, and most of the rest went to Germany, Canada, the Netherlands, and Nordic countries.[119] For 2010/2011, Guatemala's exports were more diversified.[120]



[121]

According to MAGA, the international price of both Arabic and robust coffee has grown significantly from 2003 to 2011.[122] After years of low prices for coffee, the Guatemalan coffee sector again began to grow in the late 2000s. By July 2010, the international price for a sack of coffee reached USD 160, more than three times the price at the beginning of the decade.[123] Guatemala saw a record-breaking coffee harvest from October 2010 to September 2011. During this period, 4.7 million quintales of green coffee was harvested. This coffee was valued at USD 1.1 billion; almost double the USD 596 million from the previous year, according to Anacafe.[124] This was partially due to the increase of the international price for a sack of coffee to historic highs. From February 2010 to February 2011, the international price of a sack of coffee on the New York exchange rose 30 percent from USD 205 to USD 267.[125]



Guatemala's Central Bank, Banguat, projected that, despite increased security costs, the amount of money generated by Guatemala's coffee exports would continue to grow by 4.4 percent from USD 1,136,000,000 to 1,186,000,000 in 2011. Banguat projected that this would be partially due to an increase in the average price of a sack of coffee from USD 185 to USD 189 due to a drop in production in Brazil, Colombia, and Central America.[126] However, producers asserted that their earnings had been hurt by increased security expenses along the supply chain in Guatemala due to the increase of robberies of coffee. In 2010, coffee exporters reported the robbery of 12,000 to 15,000 sacks of coffee, the highest level in the previous ten years.[127]

The advantage that Guatemala has in the international market is that it has a number of microclimates and in general is known for the high quality of its highlands coffee. It began to take advantage of this in 1989.[128] The flavor of coffee depends to a great extent on the soil, climate, and water, as well as the cultivation process. Guatemala has a great variety soils and climates, as well as microclimates, with a large number of areas high above sea level where high quality coffee can be grown.

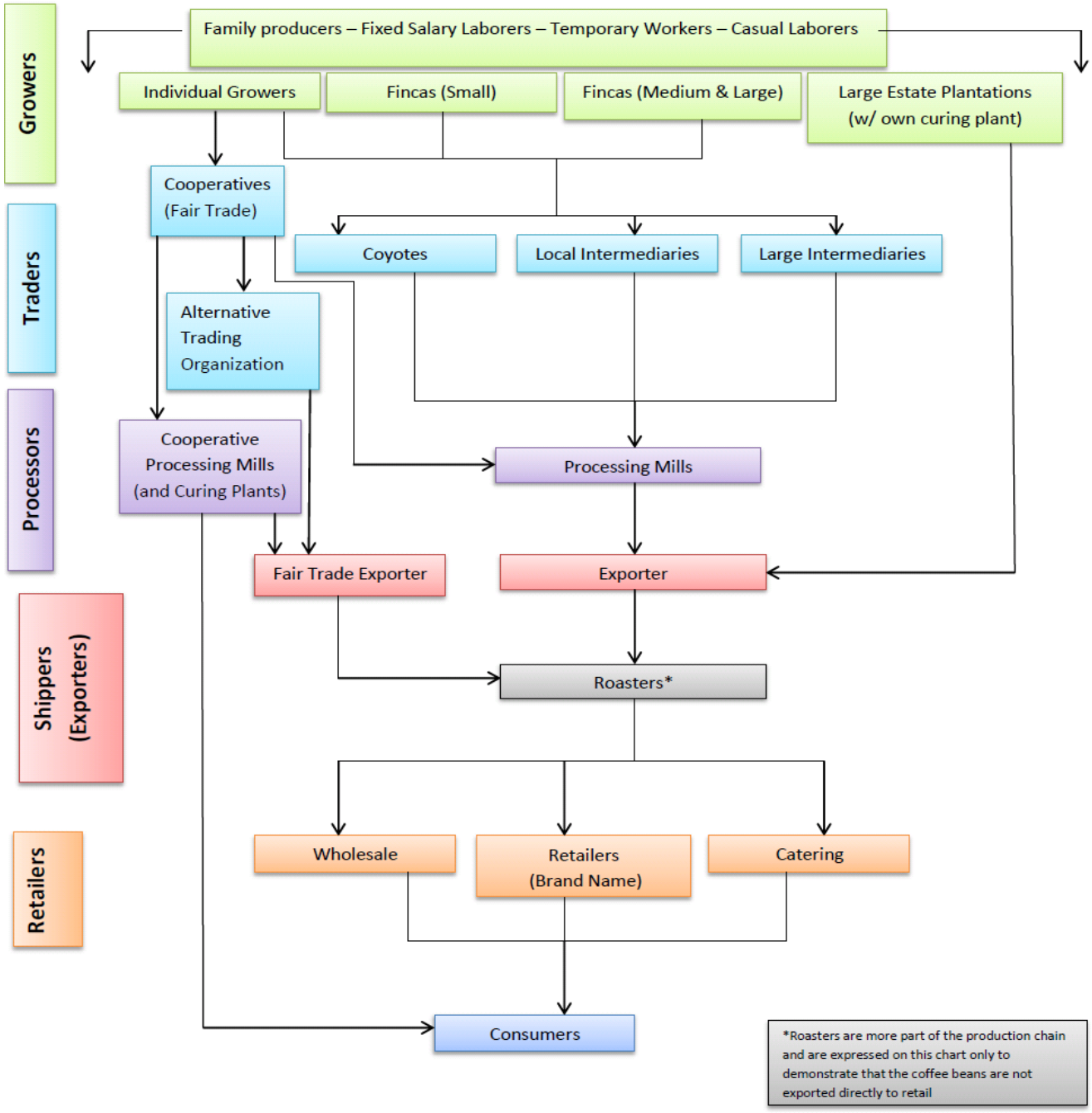
The Coffee Supply Chain

The Guatemalan coffee supply chain begins with the seasonal picking of the coffee "fruit", also known as "red cherry" coffee. Generally, medium and large *fincas* have their own processing plants and transportation infrastructure. This allows them to process and transport their coffee in relatively short periods of time. Due to the fact that they sell cleaned, processed "green" or "parchment" coffee and that they sell large quantities of coffee, they generally get much higher prices for their coffee.[129] These *fincas* require large numbers of migrant workers to harvest their coffee.

With non-fair trade coffee, the fruit is harvested by large and small local growers, *fincas*, and estates, but is sold to intermediaries before being sold to a processing mill and then eventually exported. These intermediaries are *coyotes* (local intermediaries) or large intermediaries. These intermediaries act as buying and selling agents. Once intermediaries have purchased the “red cherry” coffee, it is then sent to the processing mills to be processed into the “green” coffee beans, and the bean is then purchased by exporters (note in non-fair trade the exporter is not held to a minimum rate of compensation for their supplier) before being shipped and bought by roasters. Once the coffee has been roasted (and if not sold directly to the consumer for home-roasting) the coffee beans are then bought by wholesale, brand-name, and catering retailers. For consumers in the major American and European coffee retail markets, the global giants of Philip Morris, Nestle, and Procter & Gamble make up the main purchasing power of coffee within these markets. Consumers then purchase this coffee from retailers directly via supermarkets, or indirectly through retail intermediaries such as coffee houses or shops.

In the case of fair trade coffee, individual growers sell their harvest to cooperatives, or organizations that ensure workers receive fair compensation for their labor. Cooperatives then sell the processed coffee to cooperative processing mills, who then either directly market and sell this fair trade (“clean”) coffee to consumers, or they may sell the “red cherry” coffee to an alternative trade organization (ATO) , whose mission is also to act as a fair intermediary between grower and final retailer. From ATOs (and in some cases also from a fair trade processing mill), “red cherry” coffee is then sold to a fair trade exporter who again ensures that through the export process a standard of minimum compensation for the original grower is met. The next stage for the coffee fruit (which has now been processed down to the more familiar coffee bean) to be sent to roasters, whose job it is to sort for quality and flavor.

Coffee Supply Chain



Production Process

The coffee grain goes through several steps of production before it is ready for traditional consumption. In Guatemala this process begins with the harvesting of the

coffee cherries between the months of September and April. The coffee cherries are picked by either a harvest of the entire crop, a technique called strip picking, or through workers using the selectively picked method, which entails hand picking only the cherries that are at the ideal stage of ripeness.

Once the cherries have been collected through one of these two methods, they must be processed from cherry down to the coffee grain. The consumable part of the coffee cherries is the coffee grain (the seed), so the outer pulp must be removed. The processing of the cherries occurs either through the dry or the wet processing methods. In the wet method the cherries go through a pulping machine that separates the pulp from the grain and washes the pulp away with water. A natural sorting process occurs when the grains get filtered through water channels and lighter beans float to the top, while heavier, riper beans sink. Then, again by machine, the grains are sorted by size. Next, the grains again soak, in large fermentation tanks, in order to remove an unwanted layer of the fruit known as the parenchyma. Once the natural soaking process has removed this layer the beans are ready for the next stage of drying.

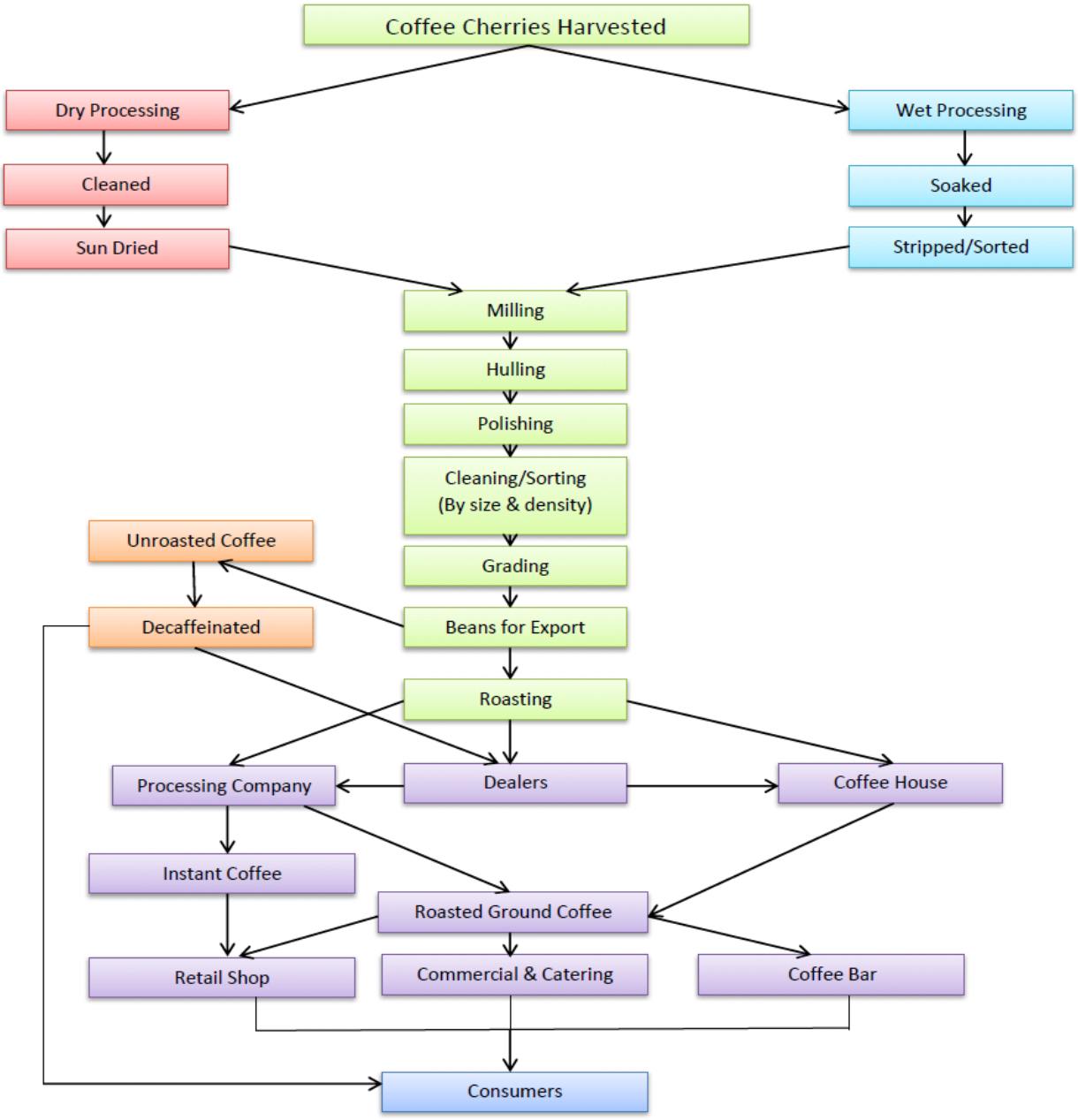
Conversely, cherries that are harvested and then processed with the dry method are not soaked in order to remove the unnecessary pulp. In the dry method the harvested cherries are spread out in thin layers along large, flat surfaces to dry in the sun. To prevent spoilage, the grains are raked and turned continuously. Workers must wait until the moisture content of the grain drops to 11 percent before they can then store the dried cherries.

Both beans processed through the wet and dry methods must go through the stages of milling and hulling, where there is slight variation. In the hulling of wet processed coffee, machines remove the unwanted outer layer of the grain known as the parchment layer. Hulling dry processed coffee involves removing the dried exterior of the bean. After hulling, coffee beans are collectively referred to as “green coffee”.

The beans are then polished, sorted, and graded. During the next stage of polishing the beans pass through a machine that removes any skin left on the bean from the milling process. Once this is complete the beans are ready for sorting. Workers pass the beans through different sized screens which sort the beans based on their diameter. Through an air jet process, beans are also sorted by density and weight. Once sorting is complete the beans go through the grading process, which is either done by hand or machine. During grading, defective beans are removed due to their color, size, over-fermentation, or insect damage.

At this stage the beans are finally ready to be exported for decaffeination and roasting. The decaffeination process involves steaming or soaking the raw beans in water to remove the caffeine. The roasting stage involves using a heating technique called pyrolysis, to transforming the plain coffee bean into a variety of familiar, flavorfully roasted beans. Once roasting is complete the coffee beans are ready to be sold and consumed.

Coffee Production process



Appendix 4: Legal Framework

This review of Guatemala's legal framework analyzes national and international law on recruitment, transport, hiring, housing, wages, working hours, discrimination, child labor, women's work, coercion, and threats, among other issues.

International Legal Framework

Guatemala has ratified a number of international treaties and conventions on workers' rights, including United Nations (UN) and International Labor Organization (ILO) treaties and conventions.

The Congress of the Republic of Guatemala has ratified 71 ILO Conventions,[130] which establish the fundamental rights of workers. The Core ILO Conventions and other relevant ILO Conventions ratified by Guatemala are detailed below:

ILO Conventions Ratified by Guatemala

Fundamental Principles or Rights	Conventions	Date of Ratification
Freedom of Association and Collective Bargaining	Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	January 28, 1952
	Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	January 22, 1952
	Right of Association (Agriculture), 1988 (No. 11)	May 3, 1988
Elimination of Forced or Compulsory Labor	Forced Labor Convention, 1930 (No. 29)	February 7, 1989
	Abolition of Forced Labor Convention, 1957 (No. 105)	November 10, 1959
Elimination of Discrimination	Equal Remuneration Convention, 1951 (No. 100)	June 28, 1961
	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	September 20, 1960
Elimination of Child Labor	Minimum Age Convention, 1973 (No. 138)	May 3,1938
	Worst Forms of Child Labor Convention, 1999 (No. 182)	July 23, 2001
Minimum Wages	Minimum Wage Fixing Convention 1970 (No.. 131)	June 22, 1961
	Protection of Wages Convention 1952 (No. 95)	January 28, 1952
Indigenous Workers	Recruiting Indigenous Workers Convention 1936 (num. 50)	February 7, 1989
	Indigenous and Tribal Peoples Convention 1989 (num. 169)	June 5, 1996
Health Services	Occupational Health Services Convention 1985 (num. 161)	February 7, 1989

It is important to note that Guatemala did not ratify ILO Convention 82 on the Worst Forms of Child Labor until 2001, ILO Convention 169 on Indigenous and Tribal Peoples until 1996, or ILO Convention 11 on the Right to Associate in Agriculture until 1989.

Most relevant to this study are ILO Conventions 29 and 105 on forced labor. ILO Convention 111, ratified by Guatemala on September 20, 1960, prohibits workplace

discrimination. Guatemala, which has a large indigenous population, has ratified ILO Conventions 50 and 169 on indigenous workers.

Guatemala has also ratified other UN and Organization for American States (OAS) instruments on human rights, including on workers' rights and non-discrimination. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, ratified by Congress through Decree 9-92 in February 1992. The International Covenant on Economic, Social and Cultural Rights was ratified by Congress in 1996. Congress approved the Inter-American Convention on Human Rights on March 30, 1978 and is also party to the Convention on the Elimination of all Forms of Racial Discrimination.

The United Nations Convention against Transnational Organized Crime of 2000 was ratified by Guatemala on December 12, 2000 and was approved by Congress through Decree 36 of 2003. This Convention includes a Protocol against the Smuggling of Migrants by Land, Sea and Air and a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Palermo Protocol).

Guatemalan Legal Framework

Labor rights in Guatemala are protected by the Constitution, the Labor Code, and other laws and regulations.

The Constitution of the Republic of Guatemala, approved by the National Constituent Assembly on May 1, 1985, establishes in Article 101 that "Work is a right and a social obligation. The country's labor regime should be organized in conformance with principles of social justice." Article 12 includes a list of labor rights, including:

- the right to freely-chosen employment;
- the right to equal remuneration for all workers;
- equal wages for equal work; and
- the obligation to pay workers in a legal currency.

The current Labor Code was approved through Decree 1441 on April 29, 1961 by the Guatemalan Congress. This Code has been subject to various reforms through Decrees, 64-91, 35-98, 13-2001, and 18-2001, each of which were approved by Congress.

The following section will cover Guatemala's legal framework regarding freedom of association, forced labor, child labor, discrimination, conditions of work, and hiring and recruitment.

Freedom of Association

Guatemalan labor law protects workers' right to freedom of association. Guatemala has ratified ILO Conventions 87 and 98 on freedom of association and collective bargaining, and much of Guatemala's legislation is in compliance with their requirements. Workers have the right to unionize without being subject to discrimination and without prior authorization. The dismissal of workers for union organizing is prohibited once union members have advised the Labor Inspectorate of their intention to unionize. Article 104 of the Constitution protects workers' right to strike.

Forced Labor

Guatemala's Labor Code fails to explicitly prohibit and sanction forced labor. However, Article 202 of the Labor Code, Decree 17-73, defines and prohibits trafficking, including for forced labor. Article 202 defines human trafficking as the capture, transport, retention, harboring, or reception of people with the purpose of exploitation. Exploitation includes prostitution or sexual exploitation, forced labor, labor exploitation, begging, slavery, servitude, the sale of people, the extraction and trafficking of organs, the recruitment of minors for organized criminal organizations, irregular adoptions, pornography, forced pregnancy, or forced or servile marriage. People found guilty of trafficking are subject to prison sentences of eight to 18 years and fines of GTQ 300,000-500,000. The consent of the victim or their representative shall not be taken into account during sentencing. In addition, Article 10 of the Labor Code prohibits any form of reprisals against workers that are intended to completely or partially restrict them from exercising their legally protected rights. In 2009, Guatemalan Congress approved the Law Against Sexual Violence, Exploitation and Human Trafficking (*Ley Contra la Violencia Sexual, Explotación y Trata de Personas*) through Decree 9-2009. This Law, which was passed in order to ensure Guatemala's compliance with conventions that it had ratified, including the Palermo Protocol and ILO Convention 182, explicitly defines and sanctions human trafficking, including for forced labor.

Child Labor

On April 27, 1990, Guatemala ratified ILO Convention 138, which establishes in Article 2 that the minimum age for child labor must not be lower than the maximum age requirement for obligatory schooling or below 15 years of age. However, it also states that in the case in which member country economies or educational systems are not sufficiently developed, the minimum age may be set at 14 through consultations between employer and worker organizations, if such organizations exist. Guatemalan labor law sets the minimum age for child labor at 14.

The Labor Code establishes a "Special Work Regime" for minors under the age of 18. This Regime regulates the minimum age for employment, conditions of work, and activities that may damage minors' physical, mental, or moral development. Article 148 of the Labor Code prohibits minors from working in unsafe or unhealthy workplace, work

at night or overtime work, work in bars or other work expending alcoholic beverages, and work for children under the age of 14, except in certain circumstances.

Article 150 of the Labor Code sets requirements for child laborers under the age of 14. The Labor Inspectorate may issue, in cases of qualified exemptions, authorizations for minors under the age of 14 to work during normal daytime working hours, as established by the Labor Code. In order to obtain authorization to work, minors must be working as an apprentice or contributing to their family's economic wellbeing due to extreme poverty; they must be carrying out light work (both in terms of working hours and type of work) that does not affect their physical, mental, or moral wellbeing; and they must continue to comply with mandatory education requirements.

Discrimination

Article 202 of Guatemala's Penal Code defines discrimination as any distinction, exclusion, restriction, or preference based on gender, race, ethnicity, language, age, religion, economic status, sickness, disability, marriage status, or any other characteristic that would impede a person, group of persons, or association from exercising their legally established rights, as established by the Constitution and international treaties on human rights. Individuals, who engage in discrimination, as defined in the Penal Code, are subject to legal sanctions of one to three years in prison and fines of GTQ 500-3,000. Article 14 of the Labor Code prohibits discrimination based on race, religion, political beliefs, and economic status in social assistance, educational, cultural, recreational, or commercial establishments that benefit workers or in private or public enterprises. Article 151 of the Labor Code prohibits employers from including requirements on gender, ethnicity, or marriage status in their job advertisements, unless the nature of the job necessitates certain characteristics.

Protections for Female Workers

The law includes specific protections for female workers. Differential treatment between married and single female workers is prohibited. The law also establishes protections for pregnant and lactating workers. Employers are not allowed to require pregnant women to carry out physically demanding jobs for three months prior to the expected date of delivery. Further, employers are prohibited from dismissing pregnant or lactating workers. Pregnant workers are also entitled to 30 days of paid rest time prior to delivery and 45 days following delivery. This rest time may be extended according to the physical wellbeing of the worker or by doctors' orders. For breast feeding, women are provided with two extra breaks during each shift.

Agricultural Workers

The Labor Code regulates agricultural work as a "Special Regime," alongside work carried out by women and minors. However, the Labor Code fails to provide special protections for agricultural workers, and instead includes legislation that discriminates against them. The Constitution only authorizes ten days of vacation for agricultural

workers, compared to 15 days for workers in other sectors. In addition, it was not until 2011 that the minimum wage for agricultural workers was set at the same level as the minimum wage for workers in other sectors.

Conditions of Work

Wage Payment

Article 90 of the Labor Code establishes that wages must be paid in legal currency and may not be paid in merchandise or coupons. However, peasant agricultural workers may receive up to 30 percent of their wages in food and other articles destined for immediate consumption by the worker or his or her family members, as long as it is provided to the worker at or below cost.

Article 92 of the Labor Code states that workers and employers may come to agreement on the frequency of salary payments, as long as wages are not paid less often than every 15 days for manual workers and less than every month for intellectual and domestic workers.

Article 88 of the Labor Code establishes that wages may be paid on a piece rate. Article 91 of the Labor Code establishes that workers' salaries may be reached by agreement between workers and employers, but may not be set at less than the minimum wage.

Minimum Wages

Government Accord No. 388-2010 (*Acuerdo Gubernativo número 388-2010*), emitted by the President of Guatemala through the Ministry of Labor and Social Provision, set the minimum wage for 2011 at:

Minimum Wages 2011

Minimum wage by Activity	Per Hour	Per Day	Per Month
Agricultural Work	GTQ 7.9	GTQ 63.70	GTQ 1,937.54 (+bonus) GTQ 250.00 Total GTQ 2,187.54
Non-Agricultural Work	GTQ 7.96	GTQ 63.70	GTQ 1,937.54 (+bonus) GTQ 250.00 Total GTQ 2,187.54
Maquila Sector	GTQ 7.43	GTQ 59.45	GTQ 1,808.27 (+bonus) GTQ 250.00 Total GTQ 2,058.27

On December 30, 2011, Government Accord No. 520-2011 was published, setting new minimum wages that were valid as of January 1, 2012.

Minimum Wages 2012

Minimum wage by Activity	Per Hour	Per Day	Per Month
Agricultural Work	GTQ 8.50	GTQ 68.00	GTQ 2,074.00 (+bonus) GTQ 250.00 Total GTQ 2,324.00
Non-Agricultural Work	GTQ 8.50	GTQ 68.00	GTQ 2,074.00 (+bonus) GTQ 250.00 Total GTQ 2,324.00
Maquila Sector	GTQ 7.81	GTQ 62.50	GTQ 1,906.25 (+bonus) GTQ 250.00 Total GTQ 2,156.25

Bonuses

Workers who have worked for at least one continuous year are entitled to yearly bonuses of not less than 100 percent of monthly wages. Workers who have worked for less than a year are entitled to a bonus proportional to their time of service.

Deductions

The Constitution allows field workers to be paid up to 30 percent of their salaries in food and supplies for immediate consumption by the worker and their family members if the workers agree to this arrangement. If this is the case, the employer is required to provide workers with the food at a price not higher than cost. Article 90 of the Labor Code also allows for a similar practice, permitting up to 30 percent of wages to be paid in food. However, it makes clear that this only applies to *campesino* workers in agriculture and ranching. Article 138 of the Labor Code defines *campesino* workers as *"*peasants, young men, laborers, ranchers, squadrons of workers and other similar workers who work in agricultural and ranching businesses."

The Labor Code includes a prohibition on deductions from workers' wages. However, it allows wages to be garnished to "protect a worker's family" or by judicial order in order to pay off debts to creditors. Wages may also be garnished in order to pay for food. Article 96 establishes that wages may be garnished to pay off debts to employers,

which may create a menace of penalty and a cycle of debt for workers who borrow money from their employers. Up to 65 percent of their wages may be withheld from workers who earn GTQ 300 or more per month. Article 97 of the Labor Code establishes that deductions of up to 50 percent may be made from the wages of workers who earn any amount of money in order to meet obligations to pay for food or to pay off debts that are more than six months-old. This creates a system by which employers may legally deduct money from workers' wages, which creates an inherent menace of penalty for workers who are unable to pay off debts.

Social Security

Article 100 of the Constitution states that all employers and workers covered by social security (except for exemptions covered by Article 88) are required to contribute to and have the right to participate in the social security system. Article 27 of the Law on the Guatemalan Social Security Institute *(ley del Instituto Guatemalteco de Seguridad Social)* states that all inhabitants of Guatemala that are active in producing goods and services are obligated to contribute to the social security system and have the right to receive benefits for themselves and family members who are economically dependent upon them.

The Labor Code establishes employer responsibilities in cases of workplace sicknesses or accidents and in cases of pre- and post-natal rest periods. If workers are covered by social security, the employer must pay the amount required by the Guatemalan Institute of Social Security's (IGSS) rules. For workers not covered by social security, employers are required to provide them with paid leave. If workers have worked continuously for more than two months but less than six months, the employer must pay them half of their regular salary for one month. For workers who have worked for more than six months, but less than nine months, the employer must pay them half of their normal pay for two months. For workers who have worked continuously for more than three months, the employer must pay them half of their normal pay for three months.

Working Hours

The normal workday for daytime work cannot exceed eight hours per day, or 44 hours per week (equivalent to 48 hours for the effect of the payment of wages). The normal workday for night work cannot exceed six hours per day, or 36 hours per week. The normal workday for mixed daytime and night work cannot exceed seven hours per day, or 42 hours per week. All work carried out outside of the normal workday constitutes overtime and must be remunerated as such. The law establishes qualifying exceptions under which these provisions on working hours do not apply.

Rest Time

Guatemala ratified ILO Convention 14 on Weekly Rest (Industry) on May 3, 1998 and ILO Convention on 106 on Weekly Rest (Commerce and Offices) on November 10, 1959. In Guatemala, every worker has the right to one paid day of rest per each normal

workweek or for each six consecutive days of work. The Labor Code establishes workers' right to paid holidays. It also establishes cases in which days off may be denied in essential services that cannot be disrupted, such as public transport and electricity. Articles 126 and 127 of the Labor Code establishes the following legal holidays: January 1; the Thursday, Friday, and Saturday of Holy Week; May 1; May 10 (for female workers for Mother's Day); June 30; September 15; October 20; November 1; December 12 starting at noon; December 25; December 31; and local holidays.

Workers also have the right to fifteen working days of paid vacation per year after each year of continuous service, except in the case of agricultural workers, who only have the right to ten working days of vacation per year. Vacation time must be taken and employers are not permitted to compensate workers for vacation time by other means, unless the employment relationship is terminated.

Transport

Article 33 of the Labor Code states that if a Guatemalan worker lives more than 15 kilometers from his or her home, the employer is obligated to pay "reasonable expenses" (for transport and food) for the worker's first trip from his or her home to the worksite and from the worksite to his or her home upon conclusion of the work contract. If the contract is for 60 days or less, the employer is only obligated to pay for the workers' travel expenses; but if the contract is for more than 60 days, the employer must also pay for the travel expenses of workers' wives and family members who live with them, depend on them economically, and live with them at the worksite.

Housing

Article 105 of the Constitution mandates that employers provide workers with adequate housing and sets requirements for this housing. Article 61 of the Labor Code states that *fincas* must provide peasant workers living on the *fincas* with firewood for domestic consumption as long as these *fincas* produce more firewood than is needed for the business. Article 145 of the Labor Code states that agricultural workers have the right to hygienic living conditions that meet health requirements.

Food

There are no laws that require employers to provide workers with food. However, it is customary for employers to provide food to workers and to make deductions from their salaries for this food. During labor conflicts, judges take this custom into account when making rulings as a kind of case law.

Hiring and Recruitment

Consent and Contracts

Article 101 of the Constitution establishes that work is a right and a social obligation. Article 18 establishes that individual work contracts can only be made with the consent and will of both parties. Article 22 of the Labor Code states that work contracts must include, at a minimum, the guarantees and rights authorized by the Constitution, the Labor Code, and other laws on labor and social provision.

Recruitment

Article 141 of the Labor Code establishes that "employer representatives" that are dedicated to recruiting peasant workers must have legal authorization, as well as power of attorney (*carta-poder*) from the employer authorizing them to conduct recruitment activities. A copy of the letter should be sent to the Administrative Department and another copy should be kept by the employer representative, who is only allowed to carry out recruitment activities upon approval by the Labor Inspectorate. This *carta-poder* must be renewed annually. Article 143 of the Labor Code states that it is the responsibility of the Labor Inspectorate to inform peasant workers that they should demand to see the *carta-poder* before going through a recruiter. Recruiters should be paid a fixed salary by the employer. The Labor Code prohibits the payment of bonuses to recruiters. Therefore, the common practice of workers paying recruitment fees to recruiters or of employers paying recruiters per the number of workers that they recruit is prohibited.

Hiring

Article 27 of the Labor Code states that labor contracts may be made verbally in the agricultural sector. Therefore, the law fails to provide agriculture workers with the legal safeguard of the requirement of a written contract. Article 139 of the Labor Code states that all women and children who work in the agricultural sector shall be considered as having a work contract with the employer, even if they are considered as the "helpers" of the head of the household.

Migration

In 1999, the Guatemalan Congress approved the Law on Migration (*Ley de* Migracion) through Decree 529-99. However, this law only regulates the flow of Guatemalans to foreign countries and foreigners in Guatemala, and Guatemala lacks legal regulations on internal migration.

Appendix 5: Worker Interview Questionnaire

	Cuestionario para Trabajadores sobre Trabajo Forzado en el Sector de Café									
1	Nombre del entrevistador/a:									
2	Fecha de la entrevista:									
3	Nombre de la aldea:									
4	Numero de entrevistados:									
5	**¿Suficiente privacidad?**	Si		No						
	Información Personal									
6	Masculino		Femenino							
7	Edad									
8	**¿Casado?**	Si		No						
9	**¿Cuántos hijos/as?**									
10	**¿Cuántos años de escolaridad?**									
11	**Lugar de origen:**									
12	**Cual es su primer idioma:**	Español		Otro						
13	**Etnicidad:**	Ladino		Maya		Cual?				
14	**¿Ha trabajado en la cosecha de café en los últimos dos años?**									
	Si		No		¿En Donde?					
15	**¿Por cuánto tiempo ha trabajado en la cosecha de café?**									
16	**¿Que actividades hace?**									
	Preparación del terreno		Siembra		Limpieza		Cosecha			
	Clasificación de café		Secado		Transporte		Supervisión			
	Otra									
17	**Es usted un trabajador:**	permanente		temporal						
18	**¿Durante que meses trabaja en café en su comunidad?**			Meses (1-12)						
19	**¿Durante qué meses trabaja en café en otros aéreas?**			Meses (1-12)						
20	**¿De qué tamaño es la finca donde trabaja como trabajador migrante?**									
	pequeña(< 20 cuerdas)		mediana (20 - 100 cuerdas)			Grande (> 100 cuerdas)				
	Reclutamiento y Contratación									
21	**¿Consiguió usted este trabajo a través de un intermediario o un contratista?**					Si		No		
22	**¿Firmó usted un contrato con él?**	Si		No						
23	**¿Pagó usted algo para conseguir el empleo?**	Si		No		¿Cuanto?				
24	**¿A quién le pagó?**									
	Intermediario/contratista		Patrón		Trabajador		Capataz			
	Otro									
25	**¿Que cubría el pagó?**									
	Pago al Reclutador		Transporte		Garantía		Otro			
26	**¿Tuvo usted que prestar dinero para pagarlo**	Si		No						
27	**¿Qué cantidad?**									
28	**¿A quién?**									
	Familia		Amigo		Prestamista		Intermediario			
	Otro									
29	**¿Le cobraron intereses?**									
	Si		No		Cuanto					
30	**¿Usted o alguien de su familia tuvo que ponerse como fiador o dar algo en garantía para obtener este trabajo?**									
	Si		No		¿A quien?					
31	**¿Qué tenía que dar?**									
	Título de una Propiedad		Objeto		Otro					
32	**¿Por cuánto tiempo fue/será retenida la garantía?**									
33	**¿Bajo cuales circunstancias no le devolverían?**									
34	**¿Le devolvieron la garantía?**	Si		No						
35	**¿Ha escuchado que a otros trabajadores a quienes no les han devuelto el depósito?**					Si		No		
	El Trabajo									
36	**¿Cómo llegó a la finca?**									
	Transporte Privado		Bus Publico		Bus de finca		Otro			
37	**Fue seguro el transporte?**									
	Si		No							

38	**Cuando llegó al lugar de trabajo, ¿Tuvo que firmar un contrato diferente o los términos de trabajo fueron cambiados?**									
	Si		No							
	Lugar de trabajo		tareas		Sueldo		Horas		Duración	
	Vivienda y comida		Beneficios		Otros					
39	**¿El café estuvo listo para cosechar cuando llego?**				Si		No			
40	**Cuando llegó a la finca, ¿le quitaron algún documento de identificación u otro objeto?**									
	Cedula o DPI		Objeto de valor			Otro				
41	**¿Cuantas horas trabajó en un día normal?**									
42	**¿Cuantas días trabajaba por semana?**									
43	**¿Cuantas horas trabajaba por día?**									
	Pagos									
44	**¿Cómo le pagaban?**									
	Por medida		hora		peso		día		semana	
45	**¿Cuánto le pagaron?**									
46	**¿Con que frecuencia le pagaron?**									
	Cada día		semana		Quincena		mes			
	Al terminar la cosecha			otro						
47	**¿Recibió parte de su pago en víveres o productos (en especie)?**									
	Si		no		cuanto					
48	**¿Hubo alguna parte de su dinero que no le pagaron?**									
	Si		no		cuanto					
49	**¿Le dieron algún un recibo con una explicación de los pagos y deducciones?**						Si		no	
50	**¿Entiende como calcularon sus pagos?**			Si		no				
51	**¿Piensa que hicieron alguna forma de engaño en los pagos?**									
	Si		no		Explique, por favor					
52	**¿Cuanto café cosechaba en un día normal?**									
53	**¿Tienen que cosechar cierta cantidad de café para cumplir con una cuota o evitar castigos?**									
	Si		no		Explique, por favor					
54	**¿Alguien le ayudó a cosechar café?**									
	Hijo		Esposa		Otros					
	¿Cuanto recibía esta persona por su trabajo?									
	Deducciones									
55	**¿Su vivienda fue proporcionada por el patrón?**				Si		No			
56	**¿Le cobraron por la vivienda?**									
	Si		no		Cuánto?					
57	**¿Su patrón le dio comida?**		Si		No					
58	**¿Tuvo suficiente para comer?**		Si		No					
59	**¿Le cobraron por la comida?**		Si		No					
60	**¿Cuánto?**									
61	**Si pagó a la finca por comida, suministros, o servicios, ¿fue más de lo que hubiera tenido que pagar en el mercado?**									
	Si		no							
62	**Si es así, ¿porque no salió a comprarlos a otro lado?**									
	No se permitía			El transporte caro			No tenia tiempo libre			
	fue mas fácil			otro						
63	**¿Su patrón le proporcionó con otros productos o servicios?**					Si		No		
64	**Cuales?**									
	Herramientas		Suministros		Alcohol		Medicinas			
	Servicios médicos			Otros						
65	**¿Le cobraron por estos productos y servicios?**				Si		No			
66	**¿Cuanto cobraron?**									
67	**¿Cómo pago por estas?**									
	Con dinero ahorrado			con sueldo		Descuentos		Favores		
	Otro									
68	**¿Le descontaron algo mas de su pago?**									
	Medicinas		IGSS		IRTRA		cuota sindical			
	deudas		Multas		Otro					

69	**Si quitaron dinero de su sueldo por multas, ¿para que eran las multas?**									
	Falta de producción		Quejarse		Errores		Daño a herramientas			
	Daño a la vivienda		Otros							
70	**¿Cuanto quitaron de su pago?**									
	Ganancias y deudas									
71	**¿Después de las deducciones, cuanto ganaba?**									
	Al día		A la semana		Al mes		Durante la cosecha			
72	**¿Pudo ganar lo que necesitaba para poder pagar sus gastos y deudas?**					Si		No		
73	**Si no, ¿tuvo que prestar dinero adicional?**			Si		No				
74	**¿De quién?**									
	Familiar		Trabajador		Contratista		Capataz		Patrón	
	Otro				**¿Cuánto?**					
75	**¿Pudo pagar todas las deudas relacionadas con el trabajo?**									
	Si		No		¿En cuánto tiempo?					
76	**¿Podía salir de su trabajo antes de pagar la deuda?**									
	Si		No							
77	**¿Si saliera antes de pagar la deuda que le podría pasar?**									
	Libertad de movimiento									
78	**¿Usted se sentía libre de entrar y salir de la finca?**				Si		No			
79	**¿Hubo alguna restricción para salir de la finca durante horas de trabajo?**						Si		No	
80	**¿Hubo guardias que controlaban las entradas y salidas a la finca?**									
	Si		No		Armados		No Armados			
81	**¿Sabían donde estaban ubicados y pudo llegar caminando a:**									
	Tiendas/mercados		Carreteras		Pueblos		Otras Fincas		Policía	
82	**¿Quiso salir de su trabajo?**		Si		No					
83	**¿Lo pudo hacer cuando quiso?**		Si		No		¿Por que no?			
84	**¿Era posible salir de su trabajo antes de pagar su deuda, o terminar su contrato o la cosecha?**									
	Si		No		¿Por que no?					
	Amenazas y represalias									
85	**¿Alguna vez se sintió asustado o temeroso en su trabajo?**									
	Si		No		Explique					
86	**¿Alguien relacionado con el trabajo lo amenazó?**				Si		No			
	Contratista		Capataz		Patrón		Trabajador		Otro	
87	**¿Que tipo de amenaza?**									
	Ponerlo en una lista negra			Muerte		Despido		No darle trabajo de nuevo		
	Reportarlo a las autoridades			Violencia		Quitarle algo		Lastimar a alguien		
	trabajo mas difícil/peligroso			Multas		Daño a la propiedad			Otro	
	Por favor, explique									
88	**¿Alguna vez alguien fue abusivo con usted u otra persona que conoce?**									
	Contratista		Capataz		Prestamista		Patrón		Trabajador	
	Otro									
89	**El abuso fue**									
	Verbal		Físico		Sexual		Otro			
	Terminación del trabajo									
90	**¿Cómo salió de su trabajo?**									
	Despido		Baja		Renuncia		Terminación del contrato			
	Salió huyendo		Terminación de la cosecha			otro				
91	**Cuando salió, ¿hubo alguna amenaza o represalia?**									
	Si		No		Por favor, ¿explique?					
92	**¿Sintió usted que no pudo salir de su trabajo por algún motivo?**					Si		No		
93	**¿Porque?**	Amenaza		Deuda		No pudo escapar				
	No podría encontrar otro trabajo			Otro						
	Si es así, por favor explique:									
	Salud y seguridad									
94	**¿Usó pesticidas o trabajo en alguna tarea peligrosa?**									
	Si		No		¿Cuales?					

95	**¿Alguna vez se enfermó o se lastimó fuerte?**										
	Si		No		Como?						
96	**¿Recibió atención médica?**										
	Si		No		¿Le cobraron?		Cuanto?				
	Discriminación										
97	**¿Sufrió discriminación en el trabajo?**										
	Si		No		Explique						
98	**Tratan diferente a los:**										
	Indígenas		Campesinos		Mujeres		Embarazadas		Migrantes		
	Discapacitados		Temporales		Extranjeros		Otro				
99	**¿Cómo?:**										
	Pagos		Tareas		Horas		Abuso Verbal		Abuso Físico		
	Despido		Vivienda		Comida		Otro				
	Trabajo infantil										
100	**¿Hubo menores de edad que trabajan en la finca?**				Si		No				
101	**¿Cuantos?**										
	< de 5 años		5 a 8 años		8 a 13 años		13 a 17 años				
102	**¿Cuales actividades llevaron a cabo?**										
	Preparan tierra		Siembra		Limpieza		Cosecha		Clasificación		
	Secado		Transporte		Otra						
103	**¿Trabajaban en actividades peligrosas o con pesticidas?**										
	Si		No		Cuales?						
104	**¿Faltaban a la escuela para trabajar?**										
	Si		No								
105	**¿Sufrieron algún tipo de abuso?**										
	Si		No		Cuales?						
	Condiciones de vivienda										
106	**¿Cada persona tiene suficiente espacio?**			Si		No					
107	**La vivienda es**										
	Limpia		segura		buena temperatura			agua potable			
	con cocina		con duchas								
108	**¿Tenia otras opciones de vivienda?**			Si		No					
	Bienestar										
109	**¿Cuáles fueron las fuentes de estrés en su trabajo?**										
110	**¿Cuáles son las mayores fuentes de estrés en su vida?**										
111	**¿En general se sintió satisfecho con el trabajo en la finca?**										
	Si		No		Si no, ¿por qué?						
	Seguimiento:										
112	**¿Tiene algo más que contar sobre su experiencia o la experiencia de alguna otra persona en fincas de café en los últimos 5 años?**										
113	**¿Conoce a alguna persona que no pudo salir de su trabajo en café por algún motivo o que siguió trabajando aunque no quiso?**										
	Si		No								
114	**Por favor, explique.**										
115	**¿Tiene como contactarlo?**										
	IV. Comentarios del entrevistador										
116	**¿Cómo calificaría el comportamiento del trabajador/a?:**										
	Cómodo/a y sincero/a			Precavido/a (pero información útil)				Influenciado/a y bajo presión			
	Intimidado/a o con miedo de hablar										
117	**¿Cómo calificaría la <u>credibilidad</u> del trabajador/a?:**										
	Alta		Difícil de juzgar		Baja						
	Comentarios:										

Appendix 6: In-Depth Worker Interview Guide

Guía de Entrevista Profunda-Trabajadores

Fecha:
Nombre de aldea:
Idiomas:
Género:
Etnicidad:

Preguntas Generales-Sobre la Persona:

1. Cuénteme un poco sobre usted mismo/a –
    a. ¿De dónde es?
    b. ¿Cuántos años tiene?
    c. ¿Tiene hijos y/o esposa? ¿cuántos hijos?
    d. ¿Qué trabajos ha realizado y en cuales lugares?
    e. ¿Tiene algunos estudios? ¿Qué nivel escolar?
    f. ¿De dónde es?
    g. ¿Puede hablar y leer bien el español? ¿Cuáles otros idiomas

2. ¿De qué tamaño es la finca donde trabaja?
    a. Pequeña (menos de 20 cuerdas)
    b. Mediana (entre 20 y 100 cuerdas)
    c. Grande (más de 100 cuerdas)

3. ¿En cuales temporadas trabaja en la finca? ¿Ha trabajado todo el año en la misma finca?

4. ¿Cuántos años lleva viajando para trabajar en las *fincas* de café?

5. ¿Ha regresado a la misma finca varias veces?

6. ¿Conoce usted sus derechos laborales, de acuerdo al código de trabajo existente?
    a. Si
    b. No

7. En el caso de que sus derechos sean violados, ¿Sabe usted a donde ir para denunciarlo?
    a. Si
    b. No

Reclutamiento, Contratación, y Transportación: Caminos hacia el cautiverio y el trabajo forzado

Preguntas Generales- Sobre el Trabajo:

8. ¿Por qué decidió obtener un trabajo en la cosecha de café?

9. ¿Hay varias personas de su aldea, pueblo o ciudad que trabajan en la cosecha de café?
    a. Si es así, ¿en qué lugares?
    b. ¿Qué tipo de trabajo hacen?
    c. ¿Como encuentran el trabajo?
    d. ¿Como deciden las personas donde van a trabajar y qué tipo de trabajo harán?

10. ¿Hay ciertas temporadas o años en los que muchas personas van a la cosecha de café? Si es así, ¿porque?

11. ¿Hay ciertas temporadas o años en los que intermediarios/empleadores llegan a las aldeas, pueblos o ciudades a reclutar personas para trabajar en la cosecha de café? Si es así, ¿por qué?

Intermediarios-Selección del Trabajador

12. Cuénteme ¿como usted consiguió el trabajo en la cosecha de café?

13. ¿Alguien lo ayudó a encontrarlo?
    a. Si es así, ¿como conoció a esa/esas persona/s?
    b. ¿Como escucho sobre esta/estas persona/s por primera vez?

14. ¿Quién lo contrato?
    a. Contratista que es empleado del finquero
    b. El propio finquero
    c. Contratista que trabaja por su cuenta
    d. Otro trabajador
    e. Otro

15. 12.- ¿Como escogió a esta persona o personas para que lo ayudaran?

16. 13.- ¿Le tuvo confianza a su intermediario? ¿Por qué? ¿Por qué no?
    a. ¿Hizo algo para averiguar o estar seguro en que el intermediario era alguien de confiar?

Intermediarios/Contratistas – Cobros

17. ¿Tuvo Usted que pagar a la persona que le consiguió el trabajo? ¿Cuánto?

18. 22.- ¿Que gastos se suponía que cubriría el dinero que usted pago? ¿Fueron los gastos cubiertos? (indicar cantidades cuando sea posible)
    a. Pago al intermediario por su servicio
    b. Transporte
    c. Una garantía (un pago para asegurar el cumplimiento de su trabajo o el pago de una deuda)

19. ¿Le tuvo que pedir dinero prestado a alguien para pagar al intermediario o gastos relacionados con el trabajo?
    a. Si es así, ¿a quién le pidió dinero prestado?
    b. ¿Cobraron intereses? ¿Cual fue la tasa de interés de este préstamo?
    c. ¿Pudieron pagar el préstamo?

Intermediarios – Antes de salir

20. ¿Le explicó su intermediario con anticipación que tipo de trabajo usted haría?

21. ¿La explicación que recibió de su intermediario antes de salir coincide con el trabajo actual que usted hizo?

22. ¿Firmo un contrato antes de salir de su pueblo?
    a. Si es asi, ¿podrías explicar el contrato?
    b. ¿Usted tiene una copia de su contrato?
    c. e.-¿Su contrato estuvo escrito en un idioma que Usted podía entender

23. Traslado/transporte a Lugar de Trabajo

24. ¿Cómo llego de su aldea, pueblo o ciudad hasta su lugar de trabajo?
    a. ¿Como fueron las condiciones durante tu viaje?
    b. ¿Estuviste cómodo?
    c. ¿Te sentías seguro?
    d. ¿Habían demasiadas personas? ¿Estuviste apretado o limitado de espacio?
    e. ¿Pasó algo que te hizo preocuparte o asustarte? Si es así, por favor describe lo que pasó

En el trabajo: Mecanismos de Coacción y Cautiverio

Recepción y Asignación del Trabajo

25. ¿Llegó al sitio de trabajo que pensaba que seria, o a otro sitio de trabajo diferente?

26. ¿El trabajo que le dieron fue el mismo que tu intermediario le había ofrecido antes de salir de su pueblo?

27. ¿Ya estaba listo el café para la cosecha?

28. ¿Como fue la vivienda/casa a donde vino a dar?
    a. ¿Fue como lo esperaba?
    b. ¿Tuvo que pagar por la vivienda?
        i. Si fue así, ¿el costo que tenías que pagar fue el que esperabas?
        ii. ¿Que tan grande fue el lugar en donde vivía?
        iii. ¿Cuantas personas estaban viviendo allí?
        iv. ¿Cada uno tenía su propia cama?
        v. ¿Tenia la vivienda un inodoro y un lavamanos? ¿Estaban limpios y funcionaban?

29. Cuando llegó al lugar de trabajo, ¿Tuvo que firmar un contrato diferente al que había firmado antes de salir de su pueblo o los términos de trabajo que le explicaron fueron diferentes a los originales?
    a. Si fue así, ¿Qué diferencias habían entre los términos originales y los nuevos?

Estructura de Supervisión

30. ¿Quien fue su jefe/a?

31. ¿Quien supervisó su trabajo?

32. ¿Quien fue el jefe de tu jefe?

33. ¿Alguna vez conoció a su padrón?

Libertad de Movimiento

34. Me gustaría saber si Usted se sentía libre de movilizarse y salir a donde deseara con el trabajo que tenía.

35. ¿Donde estaba ubicada su casa/vivienda? ¿Cómo se trasladaba del trabajo para su vivienda y viceversa?

36. ¿Tenía la libertad de salir del lugar de trabajo cuando no estaba en horas de trabajo?

37. ¿Podía salir a la tienda, ir a un teléfono para llamar a su familia, ir a la iglesia, salir a restaurantes, o hacer lo que necesitaba hacer?

38. ¿Como obtenía su comida?

39. ¿Usted tenía alguna hora establecida a la que tenía que regresar a su casa en la noche?

40. ¿Usted tenía que pedir permiso para salir de su vivienda/casa, o lugar de trabajo? Si fue así, ¿Cuáles eran los pasos que tenía que seguir para conseguir el permiso?

41. 56.¿Había alguien quien lo vigilaba cuando estaba trabajando, y/o cuando estaba en su vivienda/casa?
    a. ¿Alguien lo acompañaba cuando iba a comprar comida u otras cosas?
    b. ¿Había un guardia o guardias en el lugar de trabajo y/o en la vivienda/casa?
    c. ¿Alguna vez vio a alguien llevando un arma durante su tiempo en el trabajo?

42. 57.- ¿Alguna vez fue usted encerrado bajo llave o dejado afuera de su vivienda/casa?

43. 58.-¿Alguna vez fue obligado a dormir en el lugar de trabajo?

44. 59.- ¿Tenía autorización para tener invitados en su vivienda/casa?

45. 60.- ¿Sintió que tenía privacidad en su vivienda/hogar?

Aislamiento

Nota para el entrevistador: El meta es evaluar la locación geográfica de los sitios de trabajo con respecto al aislamiento físico, social y/o cultural de los trabajadores.

46. ¿Podría describir para mí el lugar donde trabajo?
    a. ¿Como se veía el paisaje o alrededores del lugar de trabajo?

b. ¿En qué parte estaba el lugar de trabajo? ¿Qué tan lejos era de su aldea?
c. ¿Que tan lejos estaba el lugar de trabajo de carreteras principales?
d. ¿Que tan lejos estaba el lugar de trabajo del pueblo o centro de la ciudad?

47. ¿Había forma de que pudiera encontrar ayuda en el caso de que la necesitara, de servicios medico o legales?

Esclavitud por Deuda-Penalidades Financieras

48. ¿Que le podría haber pasado a alguien que quería cambiar su trabajo en lugar de terminar y cumplir con su contrato y/o pagar su deuda?- ¿era posible?
    a. a.-¿Se tenía que pagar una multa/penalidad? Si fue así, ¿de cuánto?

49. ¿Que pasaría con alguien quien fue despedido del trabajo¿ – ¿Podría conseguir otro trabajo en la cosecha de café?
    a. ¿Tenían ellos que pagar una multa/penalidad?
    b. ¿El empleador les pagaba a los trabajadores todo el salario y prestaciones que correspondían?

50. ¿Alguna vez su intermediario o empleador le obligó a pagar una multa/penalidad por que según ellos Usted no hizo lo que ellos querían que hiciera, o porque usted cometió un error en el trabajo? Si es así, por favor cuénteme que fue lo que pasó

51. ¿Usted tenía miedo de perder su trabajo por algún motivo?
    a. a.-Si fue así, ¿hizo usted cosas en el trabajo que no quería hacer, porque temía perder su trabajo? ¿Podría describir algunas de las cosas que tuvo que hacer?

Esclavitud por Deudas – Métodos de Pago

Nota para el entrevistador – Explore aquí formas en las cuales la estructura de pago en si creaba riesgo de trabajo forzado.

52. ¿Como le pagaban?
    a. ¿Por hora, tarea, o medida?
    b. Si fue por medida, piensan que median bien el café?

53. ¿Cuánto le pagaban?

54. ¿Le pagaban todo en efectivo?

55. ¿Le pagaban parte o todo de su salario en vales, beneficios, comida, tickets canjeables en ciertas tiendas, o en otra forma?

56. 75.-Si le pagaban con cheque, como lo cambiaba?
    a. ¿Tenía que pagar algo para cambiar su cheque?

57. -¿Entendió como su intermediario/empleador decidía cuanto pagarle?

58. ¿Le pagaron conforme el registro de corte de café?

59. ¿Cuando le pagaban por su trabajo, ¿le daban un codo de cheque u otro documento que mostrara la cantidad que ganaba?
    a. Si fue así, ¿Estaba este documento escrito en un idioma que usted podía entender?
    b. ¿Usted podía guardar esta constancia de pago o tenía que devolverla a su intermediario/empleador?

60. ¿Explicaron claramente como fue calculado su pago, incluyendo horas extras, deducciones obligatorias de impuestos, seguridad social, etc.?

Esclavitud por Deudas -

61. ¿Hubo alguna parte de su dinero que no le pagaron?

62. ¿Su empleador le cobro gastos de vivienda, entretenimiento, comida, IGSS. IRTRA, o alguna otra cosa? Si fue así, ¿Cuánto?

63. ¿Alguna vez su intermediario/empleador "guardó" algo de su pago, un documento de identificación, o un objeto para dárselo cuando terminara su contrato?
    a. Si fue así, ¿lo recibió cuando salió del trabajo?
    b. ¿Su intermediario/empleador le pidió permiso/autorización para guardarlo?

64. Que tipos de descuentos se le realizan al trabajador al momento de pagar el salario.
    i. Transporte
    ii. Alimentos
    iii. Vivienda
    iv. Anticipos
    v. Servicios médicos
    vi. IGGS
    vii. Otros

65. Si hubo algún descuento de su pago, ¿entendió para que fue?

66. ¿Usted tiene algún registro o prueba de estos descuentos?

67. ¿Fueron todos los ahorros obligatorios, descuentos, multas, etc. incluidos en el contrato original o en los términos de trabajo que le explicaron?

68. Después de todas los y descuentos, ¿Cuánto dinero recibía?

69. ¿Cumple el contratista o el patrón con los beneficios ofrecidos a los trabajadores?
    a. Si
    b. No

70. ¿Pudo pagar las deudas relacionadas con el trabajo? ¿En cuánto tiempo?
    a. ¿Podía salir de su trabajo antes de pagar la deuda?
    b. ¿Si saliera antes de pagar la deuda que le podría pasar?

Habilidad para Ganar

71. ¿Pudo ganar lo que necesitaba para poder pagar sus gastos y sus deudas?

72. ¿Pudo ganar lo que esperara o pensaba que iba a ganar?
    a. Si no, ¿tuvo que prestar dinero al patrón o a otra persona? ¿De quién? ¿Cuánto? ¿Para qué?

73. ¿Hubieron temporadas en las cuales no podían ganar lo que esperaba o quería?

74. ¿El tiempo o cosecha afectó su habilidad de ganar lo que necesitaba o hubiera querido haber ganado?

Miedo y Violencia – Hechos y Amenazas

Me gustaría hablar un poco sobre cosas que usted podría haber sufrido en las *fincas* de café que lo pudieron haber hecho sentir asustado o incomodo.

Nota para el Entrevistador: Buscar información sobre abuso, por quien, y como este hizo sentir al trabajador en términos de seguridad y bienestar.

75. ¿Puede contarme de alguna/s experiencia/s que le hizo sentir asustado/a o temeroso/a?
    a. ¿Alguna veza alguien lo amenazo de alguna manera?
    b. ¿Alguna vez, alguien hizo algo que lo hizo sentir asustado/a o temeroso/a?

Ahora le preguntare algunas cosas sobre algunos tipos específicos de amenazas o abuso que usted pudo haber sufrido.

76. ¿Alguna vez su intermediario/empleador lo amenazó con denunciarlo a las autoridades?

77. ¿Alguna vez alguien lo amenazó con lastimarlo físicamente o lo atacó físicamente? Si fue así, por favor explique.

78. ¿Alguna vez alguien amenazó de lastimar a su familia? Si fue así, por favor explique.

79. ¿Alguna vez alguien fue abusivo verbalmente con Usted? Si es así, por favor explique.

80. ¿Alguna vez alguien le hizo proposiciones sexuales no bienvenidas?

81. ¿Alguna vez alguien le pidió favores sexuales?

82. ¿Alguna vez alguien cometió algún tipo de violencia sexual contra usted o alguien que conoce?

83. ¿Alguna vez alguien le dijo que si Usted no hacia algo que esta persona quería, entonces se vengaría con Usted o su familia?

84. ¿Alguna vez su intermediario o patrón empleador le pidió o le forzó a usar alcohol/drogas?

85. ¿Alguna vez alguien trató le extorsionó?

<u>Otras Prácticas de Explotación</u>

86. ¿Como fue su día de trabajo regular? – ¿Cuando comenzaba y terminaba?
    a. ¿Hubieron veces en que trabajó jornadas bien largas? ¿Podría describirlas?
    b. ¿De cuantas horas eran su día promedio de trabajo?
    c. ¿De cuántas horas fue un día largo de trabajo?
    d. ¿Pudo elegir si quería trabajar jornadas tan largas de trabajo? ¿le pagaban extra por trabajar horas extras?
    e. ¿Tenía alguna forma de regresar a su casa/vivienda cuando no quería seguir trabajando después de finalizado su horario normal de trabajo?
    f. ¿Hubo alguna multa o penalidad si no trabajaba las horas extras?

87. ¿Le continuaron pagando cuando estuvo enfermo?

88. ¿Tenía algún día libre?

89. ¿Tenía descanso en los días feriados?

90. -¿Que pasaba cuando se enfermaba o lastimaba? ¿Tuvo acceso a servicio médico?

91. ¿Que pasaba si se lastimaba en el trabajo? – ¿Su empleador le pagaba el cuidado médico?

92. ¿Trabajaron niños en la finca?
    a. ¿Durante cuales épocas?
    b. ¿Cuáles actividades llevaron a cabo?
    c. ¿Trabajaron con pesticidas o en algún trabajo peligroso?
    d. ¿Les secaron de la escuela para trabajar?
    e. ¿Cuántas horas al día?
    f. ¿De qué edades?
    g. ¿Trabajaron directamente para el patrón o con sus padres?
    h. ¿Les pagaron directamente o a los papas?

93. ¿Sufrió discriminación en el trabajo?
    c. ¿Tratan diferente a los indígenas, mujeres, o trabajadores migrantes?
    d. ¿Qué actividades realizan los hombres, mujeres, indígenas, trabajadores migrantes?

94. ¿Quiso salir de su trabajo? ¿Lo pudo hacer? Si, no ¿por qué?

95. ¿Era posible salir de su trabajo antes de terminar su contrato o la cosecha? Si no, ¿por qué?

96. ¿Cómo salió de su trabajo?
    a. ¿Fue despedido?

b. ¿Renuncio?
c. ¿Termino el contrato o la cosecha?
d. ¿Salió huyendo?

97. Cuando salió, ¿hubo alguna amenaza o represalia?

98. Si hubiera alguna garantía o documento retenido, ¿se lo devolvieron?

99. Cuándo salió, ¿todavía debía dinero a alguien?

100. Cuando salió, ¿hubo alguna amenaza o represalia?

101. ¿Hubo o ha escuchado de alguna amenaza que si se cumplió?

102. ¿Cuales son las quejas más frecuentes que hacen los trabajadores?
a. Porque el salario recibido no fue el acordado
b. Por transporte
c. Por alimentación
d. Por deducciones no acordadas
e. Por condiciones de trabajo no acordadas en productividad.
f. Otros

Preguntas finales

103. ¿Tiene algo más que contar sobre su experiencia o la experiencia de alguna otra persona que trabajó en *fincas* de café en los últimos 5 anos?

104. ¿Qué otras personas nos podrían dar información o ayudar con el estudio?

Appendix 7: Employer Interview Guide

Guía de Entrevista-Propietario de finca

Es toda aquella persona que es propietaria de una porción de tierra en cualquiera de las formas reconocida por la ley guatemalteca y que es explotada para la producción y comercialización de café.

Lugar y fecha de la entrevista_____

Nombre del entrevistado_____

1) Cual es la característica de la finca de la cual es propietario
   a) Pequeña (menos de una manzana)
   b) Mediana (menos de 20 manzanas)
   c) Grande (mas de 20 manzanas)

2) Cual es la forma en que realiza la contratación de los trabajadores en temporada de corte
   a) La realiza el mismo
   b) Utiliza un contratista que es su empleado
   c) Utiliza un contratista externo
   d) Otros (descríbalo)

3) Cual es la estacionalidad del corte.
   a) Oct./marzo
   b) Nov/marzo
   c) Dic/marzo
   d) Enero/marzo

4) En que etapa de la producción se involucran la mayor cantidad de trabajadores:
   a) Siembra
   b) Crecimiento
   c) Cosecha/corte
   d) Comercialización
   Otras (describa

5) Muestra alguna preferencia por el estado étnico o racial de los trabajadores al momento de negociar la contratación.
   a) Si
   b) No

6) Que tipo de preferencia étnico o racial muestra al momento de negociar la contratación de los trabajadores:

7) Muestra alguna preferencia por el estado del núcleo familiar de los trabajadores al momento de negociar la contratación.
   a) Si
   b) No

8) Que tipo de preferencia del núcleo familiar muestra al momento de negociar la contratación de los trabajadores:
   a) Solteros
   b) Casados
   c) Con hijos mayores de edad
   d) Con hijos menores de edad
   e) Sin hijos
   f) Otros

9) Cuales son los beneficios que les ofrece a los trabajadores al momento de su contratación
   a) Transporte
   b) Alimentos
   c) Vivienda
   d) Ambos

e) Adelantos de dinero
f) Otro (descríbalo)

10) Se le informa al trabajador antes de ser contratado que estos beneficios serán deducidos de su salario.
a) Si
b) No

11) Existen algunos requisitos monetarios que se les exige a los trabajadores que serán contratados.
a) Si
b) No

12) Cual es la forma en que el trabajador paga su derecho a ser contratado
a) Se le cobra algún derecho al trabajador en forma anticipada
b) Se deduce del salario pagado al trabajador
c) Otros (describa)

13) El finquero también se involucra en algún proceso durante el corte
a) Si
b) No

14) Cual es la forma en que se les paga su salario:
a) Por día, Valor del día en Q._____
b) Por jornal Valor del jornal en Q._____
c) Por productividad Valor en Q.____Tipo de tarea_____
d) Por cosecha levantada, Valor en Q.____Tipo de tarea_____
e) Otro (descríbalo)

15) Además del monetario, existe otra forma de pago de salario al trabajador.
a) En especie
b) Por vivienda
c) Por alimentos
d) Otros (descríbalo)

16) Que tipos de de deducciones se le realizan al trabajador al momento de pagar el salario.
a) Transporte
b) Alimentos
c) Vivienda
d) Anticipos
e) Ambos

17) Cumple el finquero con los beneficios ofrecidos a los trabajadores
a) Si
b) No

18) Cuales son las quejas mas frecuentes que hacen los trabajadores. (en la cual es trabajador se considera engañado)

a) Porque el salario recibido no fue el acordado
b) Por transporte
c) Por alimentación
d) Por deducciones no acordadas
e) Por condiciones de trabajo no acordadas en productividad.
f) Otros

19) El trabajador conoce sus derechos laborales de acuerdo al código de trabajo existente.
a) Si
b) No

20) El trabajador conoce donde formular sus denuncias cuando sus derechos son violados.
a) Si
b) No

21) El acceso de los trabajadores al área de trabajo es de difíciles condiciones para llegar o salir
    a) Si
    b) No

22) Cuales son las mayores dificultades que hacen de esta zona difícil llegar o salir?
    a) Transporte
    b) Caminos
    c) Otro

23) Las barreras del idioma hace que sea más difícil para los trabajadores la negociación con el contratista
    a) Si
    b) No

24) Cuales son los problemas de seguridad que enfrentan los trabajadores
    a) Conflictos armados
    b) Actividad criminal
    c) Conflictos étnicos
    d) Otros

25) Tienen los empleadores (contratista o finquero) alguna conexión política
    a) Si (describa)
    b) No

26) Existen algún vínculo entre el empleador (empresario, finquero o terrateniente) y el poder político dominante.
    a) Pertenece al gobierno local o nacional
    b) Pertenece a algún partido político
    c) Otro (descríbalo)

27) Existen en la finca de trabajo tiendas o distribución de bienes para a los trabajadores a cambio de deducciones a los salarios?
    a) Si (describa)
    b) No

28) Están los trabajadores autorizados para que los visiten en la vivienda.
    a) Si (Describa)
    b) No

29) Existen algunos cambios en la tecnología de la producción, que están provocando expansión o contracción de los esfuerzos del trabajador durante el proceso productivo
    a) Mecanización
    b) Automatización
    c) Otro (descríbalo)

30) Hay alguna relación entre la edad del trabajador y las diferentes responsabilidades de trabajo.
    a) Si (describa)
    b) No

Appendix 8: Labor Broker Interview Guide

Guía de Entrevista-Intermediario

Es toda aquella persona que se dedica al reclutamiento de personas, para realizar trabajo en *fincas* cafetaleras, específicamente en temporada de corte, realizando la contratación de los mismos, bajo la modalidad del pago en salario, en sus diversas modalidades reconocidas legalmente por el código de trabajo guatemalteco.

Lugar y fecha de la entrevista_____

1) Cuál es la característica del contratista:
   a) Es empleado del finquero
   b) Trabaja por su cuenta
   c) Otro

2) Cual es el origen de los trabajadores que contrata para corte en finca
   a) De la localidad
   b) De otro municipio
   c) De otro departamento
   d) Otro (descríbalo)

3) Cual es la estacionalidad de la cosecha.
   a) Fecha de inicio _____
   b) Fecha que concluye_____

4) El contratista muestra alguna preferencia por el estado étnico o racial de los trabajadores al momento de negociar la contratación.
   a) Si
   b) No

5) Que tipo de preferencia étnico o racial muestra el contratista al momento de negociar la contratación de los trabajadores:

6) El contratista muestra alguna preferencia por el estado del núcleo familiar de los trabajadores al momento de negociar la contratación.
   a) Si
   b) No

7) Que tipo de preferencia del núcleo familiar muestra el contratista al momento de negociar la contratación de los trabajadores:
   a) Solteros
   b) Casados
   c) Con hijos mayores de edad
   d) Con hijos menores de edad
   e) Sin hijos
   f) Otros

8) Cuales son los beneficios que les ofrece a los trabajadores al momento de su contratación
   a) Transporte
   b) Alimentos
   c) Vivienda
   d) Ambos
   e) Adelantos de dinero
   f) Otro (descríbalo)

9) Se le informa al trabajador antes de ser contratado que estos beneficios serán deducidos de su salario.
   a) Si
   b) No

10) Existen algunos requisitos monetarios que se les exige a los trabajadores que serán contratados.
   a) Si

b) No

11) Cual es la forma en que el trabajador paga su derecho a ser contratado
   a) Se le cobra algún derecho al trabajador en forma anticipada
   b) Se deduce del salario pagado al trabajador
   c) Otros (describa)

12) El contratista también se involucra en el corte
   a) Si
   b) No

13) Cual es la forma en la que se les paga a los trabajadores su salario:
   a) Por día, Valor del día en Q._____
   b) Por jornal Valor del jornal en Q._____
   c) Por productividad Valor en Q.____Tipo de tarea_____
   d) Por cosecha levantada, Valor en Q.____Tipo de tarea_____
   e) Otro (descríbalo)

14) Además del monetario, existe otra forma de pago de salario al trabajador.
   a) En especie
   b) Por vivienda
   c) Por alimentos
   d) Otros (descríbalo)

15) Que tipos de de deducciones se le realizan al trabajador al momento de pagar el salario.
   a) Transporte
   b) Alimentos
   c) Vivienda
   d) Anticipos
   e) Ambos

16) Cumple el contratista con los beneficios ofrecidos a los trabajadores
   a) Si
   b) No

17) Cuales son las quejas mas frecuentes que recibe el contratista por parte de los trabajadores. (en la cual es trabajador se considera engañado)

   a) Porque el salario recibido no fue el acordado
   b) Por transporte
   c) Por alimentación
   d) Por deducciones no acordadas
   e) Por condiciones de trabajo no acordadas en productividad.
   f) Otros

18) El trabajador conoce sus derechos laborales de acuerdo al código de trabajo existente.
   a) Si
   b) No

19) El trabajador conoce donde formular sus denuncias cuando sus derechos son violados.
   a) Si
   b) No

20) El acceso de los trabajadores al área de trabajo es de difíciles condiciones para llegar o salir
   a) Si
   b) No

21) ¿Cuales son las mayores dificultades que hacen de esta zona difícil llegar o salir?
   a) Transporte
   b) Caminos
   c) Otro

22) Las barreras del idioma hace que sea más difícil para los trabajadores la negociación con el contratista
    a) Si
    b) No

23) Cuales son los problemas de seguridad que enfrentan los trabajadores
    a) Conflictos armados
    b) Actividad criminal
    c) Conflictos étnicos
    d) Amenazas de guardias de seguridad del empleador
    e) Otros

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