

# PRODUCE OF EXPLOITATION

**UK SUPERMARKETS AND MIGRANT LABOUR  
IN SOUTHERN SPAIN**

**ARE SUPERMARKETS FAILING TO MEET THEIR  
ETI COMMITMENTS IN THEIR FRUIT AND  
VEGETABLE SUPPLY CHAINS?**

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**Cover photograph:**  
Barbed wire against  
an Almeria greenhouse

**Credit:**  
Rayne Laborde Ruiz

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# Contents 1/2

|           |                                                                              |    |
|-----------|------------------------------------------------------------------------------|----|
|           | <b>EXECUTIVE SUMMARY</b>                                                     | 5  |
| <b>1.</b> | <b>INTRODUCTION</b>                                                          | 11 |
| <b>2.</b> | <b>CONDITIONS IN ALMERIA AND HUELVA</b>                                      | 13 |
| 2.1       | <b>Ethical Trading Initiative</b>                                            | 14 |
| 2.2       | <b>Working conditions</b>                                                    | 18 |
| 2.2.1.    | Employment is freely chosen.                                                 | 18 |
| 2.2.2.    | Freedom of association and the right to collective bargaining are respected. | 22 |
| 2.2.3.    | Working conditions are safe and hygienic.                                    | 24 |
| 2.2.4.    | Child labour shall not be used.                                              | 28 |
| 2.2.5.    | Living wages are paid.                                                       | 28 |
| 2.2.6.    | Working hours are not excessive.                                             | 31 |
| 2.2.7.    | No discrimination is practised.                                              | 33 |
| 2.2.8.    | Regular employment is provided                                               | 36 |
| 2.2.9.    | No harsh or inhumane treatment is allowed                                    | 38 |
| 2.3       | <b>Other issues</b>                                                          | 41 |
| <b>3.</b> | <b>ROOT CAUSES OF THE VIOLATIONS</b>                                         | 45 |
| 3.1       | <b>Changing food demand</b>                                                  | 46 |
| 3.2       | <b>Business model drivers</b>                                                | 48 |
| 3.3       | <b>Failures of legislation and enforcement</b>                               | 49 |
| 3.3.1     | International legislation                                                    | 49 |
| 3.3.2     | Spanish government legislation                                               | 50 |
| 3.3.3     | Lack of labour rights enforcement by the Spanish authorities                 | 53 |
| 3.4       | <b>Hostility of the local authorities</b>                                    | 54 |

# Contents 2/2

|              |                                                                                                                           |           |
|--------------|---------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>4.</b>    | <b>THE ROLE OF UK SUPERMARKETS</b>                                                                                        | <b>55</b> |
| <b>4.1</b>   | <b>Sourcing from the regions</b>                                                                                          | <b>56</b> |
| <b>4.2</b>   | <b>Supermarkets have a responsibility to act</b>                                                                          | <b>57</b> |
| <b>4.3</b>   | <b>Inadequate monitoring and enforcement:<br/>supermarket CSR, certifications and voluntary initiatives</b>               | <b>58</b> |
| <b>4.3.1</b> | ETI Membership                                                                                                            | 58        |
| <b>4.3.2</b> | Supply chain policies                                                                                                     | 58        |
| <b>4.3.3</b> | Supermarket interventions                                                                                                 | 60        |
| <b>4.3.4</b> | Spanish Ethical Trade Forums                                                                                              | 60        |
| <b>4.3.5</b> | Global G.A.P. GRASP assessment                                                                                            | 61        |
| <b>4.3.6</b> | Other certifications and schemes                                                                                          | 62        |
| <b>5.</b>    | <b>RECOMMENDATIONS</b>                                                                                                    | <b>63</b> |
| <b>5.1</b>   | <b>Short-term recommendations</b>                                                                                         | <b>64</b> |
| <b>5.2</b>   | <b>The need for longer-term change</b>                                                                                    | <b>65</b> |
| <b>5.3</b>   | <b>Longer-term change:<br/>Worker-driven social responsibility</b>                                                        | <b>66</b> |
| <b>6</b>     | <b>CONCLUSION</b>                                                                                                         | <b>70</b> |
|              | <b>APPENDIX 1</b><br><b>Calculations for 4.1 Sourcing from the regions</b>                                                | <b>73</b> |
|              | <b>APPENDIX 2</b><br><b>Responses from the Ethical Trading Initiative,<br/>supermarkets, and other interested parties</b> | <b>75</b> |
|              | <b>ENDNOTES</b>                                                                                                           | <b>89</b> |



An aerial photograph showing a vast field of large, curved greenhouses in Almería, Spain. The greenhouses are arranged in neat rows, creating a rhythmic pattern of blue and green. A red rectangular box is superimposed over the center of the image, containing the text 'EXECUTIVE SUMMARY' in white, bold, sans-serif capital letters. The perspective is from a high angle, looking down at the structures.

# EXECUTIVE SUMMARY

Since the 1970s, greenhouses  
have spread across southern  
Spain, including in Almería

George Ruiz / Rayne Laborde Ruiz



For 20 years, migrant agricultural workers in the Almeria and Huelva regions of southern Spain have faced flagrant abuses of their basic rights.<sup>1</sup> They have been refused legal wages, fired for joining unions, forced to work in unsafe conditions, shouted at for taking toilet breaks and sexually assaulted and harassed.

As a 2022 report funded by the Spanish government says, “The miracle of Spanish food exports would not exist without labour exploitation.” This is especially pronounced in Huelva and Almeria.<sup>2</sup>

In Huelva, in 2021, workers at the seven largest red fruit producers recounted “daily humiliations” to Al Jazeera, and a team of lawyers reported “constant and flagrant violations” of labour rights across the strawberry sector.<sup>3</sup> <sup>4</sup> Reuters reports “decades of complaints of exploitation, unpaid wages and abuse.”<sup>5</sup>

In Almeria, over 45 workers from multiple farms interviewed for a 2020 investigation by the Observer and Ethical Consumer described systemic labour exploitation.<sup>6</sup> SOC-SAT, a small local union in Almeria, says that it presents between 800-1000 legal actions to court on behalf of workers every year.<sup>7</sup> In 2021 an Almeria politician said that labour exploitation and sexual assault at agricultural companies was “more common than we would like – some of us have been reporting it for years.”<sup>8</sup>

“ THE MIRACLE OF  
SPANISH FOOD EXPORTS  
WOULD NOT EXIST  
WITHOUT LABOUR  
EXPLOITATION.”

Produce on our supermarket shelves comes from these regions. During the winter months of December to February, one in every six tomatoes eaten in the UK is likely to be from Almeria. At least six out of every ten strawberries between January and March are likely to be from Huelva.<sup>9</sup>

Research suggests that all nine of the major UK supermarkets (Aldi, Asda, Co-op, Lidl, Marks & Spencer, Morrisons, Sainsbury’s, Tesco and Waitrose) source from Almeria and Huelva. Even from the limited information available on suppliers, most supermarkets have been linked to at least one accusation outlined in this report through their supply chains.<sup>10</sup> <sup>11</sup>

Supermarkets should treat the abuses as endemic and pervasive, and assume that they are present within their supply chains. They must take action to ensure workers’ rights abuses are not occurring, and work to rectify the decades of ongoing abuse.

## Endemic violations of workers’ rights

The last 30 years have seen major shifts in the ways in which we buy and consume fresh food. The market share of supermarkets has risen exponentially in Europe, driving a year-round demand for low-cost, unseasonal imported produce.<sup>12</sup>

At the same time, there have been changing trends in the migration of people around the world. Pushed by poverty, conflict and climate change more people are migrating than before. In Europe, the non-EU migrant population has grown by about 60% in the last twenty years.<sup>13</sup>

In Almeria and Huelva, the agriculture sector has been shaped around these two facts. An exploitative model of migrant labour is used to provide large quantities of cheap fruit and vegetables, grown under the plastic polytunnels.

As Section 4 demonstrates, the Spanish national and local government has failed to provide adequate legal protections to migrant workers that are filling this labour gap. Existing

legislation does not adequately address the inherent risks faced by such a precarious workforce. Even where protections are in place, they are not being adequately enforced.

## Systemic abuses of basic workers' rights

This report collects evidence from trade unions, academic and NGO reports, media investigations, and UN reports. It also collates a number of corroborating interviews with workers, conducted by Ethical Consumer during recent years.

The evidence was analysed against the nine key labour rights included in the Ethical Trade Initiative (ETI)'s Base Code. The ETI is a multi-stakeholder initiative, providing voluntary standards for businesses on workers' rights. All major UK supermarkets have ascribed to the code. The standards are founded on the International Labour Organization's fundamental conventions – international standards on workers' rights, which have been ratified by both the UK and Spain.

|    |                                                                             |
|----|-----------------------------------------------------------------------------|
| 1. | Employment is freely chosen                                                 |
| 2. | Freedom of association and the right to collective bargaining are respected |
| 3. | Working conditions are safe and hygienic                                    |
| 4. | Child labour shall not be used                                              |
| 5. | Living wages are paid                                                       |
| 6. | Working hours are not excessive                                             |
| 7. | No discrimination is practised                                              |
| 8. | Regular employment is provided                                              |
| 9. | No harsh or inhumane treatment is allowed                                   |

Ethical Consumer's analysis found that eight out of the nine fundamental standards are being violated on farms in Almeria and Huelva. Significant and widespread evidence shows that all except '4. Child labour shall not be used' are being routinely broken. Section 2 outlines this evidence.

## Almeria

In Almeria, the majority of the workforce are migrants (likely to be over 100,000 people). Around 30% are undocumented.<sup>14</sup> Work is largely seasonal, creating a transitory community. While some workers are on contracts, farms also pick up those looking for employment off the side of the road each morning – providing a disposable workforce to meet day-to-day demands.<sup>15</sup> All these factors mean that thousands of migrant workers face precarious conditions.

Farms have exacerbated this system of precarity. They have refused to provide contracts, denied workers the right to unionise, fired or otherwise penalised those who have spoken out, and even illegally forced workers to pay out of their wages for the paperwork needed to register for residency in Spain.<sup>16 17 18 19 20</sup>

According to a local union many workers are paid the equivalent of less than €5 an hour.<sup>21</sup> Workers report excessive hours, and harsh and unsafe treatment. In 2021, one worker died while spraying agricultural chemicals without protection.<sup>22</sup>

Dirty plastic in Almeria. Workers report being forced to continue working, and even eat lunch, while pesticides are sprayed inside greenhouses

Rayne Laborde Ruiz



## Huelva

In Huelva, migrant workers are recruited for the picking season, mostly from Morocco. Under an agreement between the Spanish and Moroccan governments, over 12,000 people are recruited each year.<sup>23</sup> Agencies target women with children, who are considered the most likely demographic to return after their contract ends.<sup>24 25 26</sup>

The UN Special Rapporteur on extreme poverty and human rights says that, “The complete dependence on seasonal migrant workers in the strawberry business of Huelva routinely leads to situations that amount to forced labour.”<sup>27</sup>

Women arrive to live and work on farms, which are often situated in remote locations.<sup>28</sup> Without knowing the language, and dependent on their wages, they have few options to leave. Employers sometimes confiscate their passports, or withhold pay. The women can end up indebted to their employers, who violate the terms of the contract by charging workers for rent, electricity, medicines or other basic necessities.<sup>29 30</sup>

Farms may exploit the women’s lack of protection by paying illegally low wages, forcing them to work excessive hours, or punishing them if they pick too slowly or the fruit is bruised.<sup>31 32</sup> Instances of sexual assault and harassment are likely to be chronically underreported.<sup>33 34</sup> In 2021, a worker told Al Jazeera, “If a man likes a female employee, he harasses her. That’s just how it is.”<sup>35</sup>

Without systemic changes these violations will continue.



## **Supermarkets could catalyse change**

Supermarkets have a legal and moral obligation to ensure that the rights of workers they rely on are being met. The UN Guiding Principles on Business and Human Rights provide international standards for states and businesses. They lay out the responsibility of companies to respect internationally recognised human rights, including through due diligence of high-risk supply chains.<sup>36</sup>

While the UN Principles are not legally binding, they provide the foundation for a growing number of national pieces of legislation around the world.<sup>37</sup> For example, the upcoming EU Forced Labour Ban will “prohibit products made with forced labour”, including for export, meaning that some UK supermarket products could come under its remit.

All the major supermarkets have workers’ rights commitments in the form of their Supply Chain Codes of Conduct.<sup>38</sup> As members of the Ethical Trading Initiative (ETI), they are committed to its Base Code.<sup>39 40</sup>

Yet, despite a vast body of evidence, UK supermarkets have failed to adequately act on conditions in Almeria and Huelva. Supermarket policies and enforcement mechanisms generally only apply to direct suppliers, meaning that they have no or inadequate commitments to workers’ rights at farm level.

Instead, they have relied on voluntary “management tools” like Global G.A.P. GRASP (see section 4.3), which does not ensure compliance with any specific standards.<sup>41</sup> A local union has accused farms of using the programme to “whitewash” the reality of the situation.<sup>42</sup> Existing supermarket interventions, for example the Spanish Ethical Trade Forums, have also failed to solve the endemic issues. These shortcomings are outlined in section 4. Clearly, risk assessments, certifications, multistakeholder interventions and ETI membership cannot de facto solve the issues, in the way supermarkets sometimes suggest.

This places supermarkets at significant reputational and future legal risks, as legislation on supply chain due diligence develops.

Considering their substantial buying power, supermarkets have enormous untapped potential to improve conditions for workers. As a major market for Huelva and Almeria’s products, they could, should they choose to, push for real and meaningful change.

## **Supporting worker-driven models for change**

With retailers’ support, worker-driven social responsibility (WDSR) models have transformed the situation for workers in some of the most exploitative sectors and conditions around the world.<sup>43</sup>

Under WDSR models, workers define the standards they expect on farms, and lead worker-to-work education ensuring all are informed of their rights. They are able to report violations to an independent body, which leads on monitoring and enforcement – as opposed to a retailer or the farm itself, both of which have clear conflicts of interest.

Such models have been successful in addressing insidious rights violations because they (i) focus on the experiences and knowledge of those on the ground; (ii) ensure enforcement is truly independent of both retailers and producers; and (iii) define legally-binding processes to ensure that retailers remediate any abuse in meaningful ways.<sup>44</sup>

Workers’ unions and organisations are exploring possibilities for creating a WDSR mechanism in Almeria and Huelva. It looks possible that such a model may develop in the regions in the coming years, and supermarkets should commit to supporting worker-led solutions such as this as they develop. In doing so, supermarkets may be able to use their significant buying power for good.

**“ FOR YEARS, AUTHORITIES AND EMPLOYERS IN SOUTHERN SPAIN HAVE BEEN CONTENT TO SIT BACK AND WATCH AS MIGRANT WORKERS ENDURE THE MOST HORRIFIC, INHUMANE WORKING CONDITIONS. I URGE SUPERMARKETS TO END THEIR COMPLICITY IN THIS ABUSE AND ADDRESS THE ISSUE, USING THIS REPORT AS THEIR GUIDE.”**

**OLIVIER DE SCHUTTER**  
UN SPECIAL RAPPORTEUR ON EXTREME  
POVERTY AND HUMAN RIGHTS

**“ THIS REPORT SHOWS THE SCALE OF ENDEMIC EXPLOITATION OF MIGRANT WORKERS. IT HIGHLIGHTS THE NEED FOR STRONGER CORPORATE ACTIONS AND MEANINGFUL LEGISLATION TO HOLD THEM ACCOUNTABLE.”**

**CHLOE CRANSTON**  
ANTI-SLAVERY  
INTERNATIONAL

**“ IN THE FACE OF ETHICAL CONSUMER’S SOBERING REPORT, UK SUPERMARKETS MUST TAKE URGENT REMEDIAL ACTION TO RID THEIR SUPPLY CHAIN OF MODERN SLAVERY AND FORCED LABOUR BY SUPPORTING WORKER-DRIVEN SOCIAL RESPONSIBILITY MECHANISMS.”**

**GEORGE COLLECOTT**  
LEIGH DAY SOLICITOR

**“ IT’S TIME FOR THE MAJOR RETAIL FOOD CHAINS IN THE UK TO BE DONE WITH FAILED, VOLUNTARY SOCIAL AUDITS. IT’S TIME FOR UK SUPERMARKET GIANTS TO SUPPORT WORKER-DRIVEN INITIATIVES FOR CHANGE.”**

**GREG ASBED**  
COALITION OF IMMOKALEE WORKER



# 1. INTRODUCTION

Crops grow inside an Almería greenhouse, where workers' rights violations have been documented since the early 2000s

Rayne Laborde Ruiz



This report presents evidence of flagrant abuse faced by migrant workers in the Almeria and Huelva regions of southern Spain. It details how the abuse is linked to UK supermarkets, how existing interventions are failing to address it, and suggests meaningful steps that supermarkets can take to do so.

Migrant workers in southern Spain have been facing abuses of their basic rights for over two decades. These abuses are directly linked to the UK as much of our produce comes from these regions. Violations of workers' rights have been linked back to produce sold in most of the largest UK supermarkets, all of which buy from both regions.

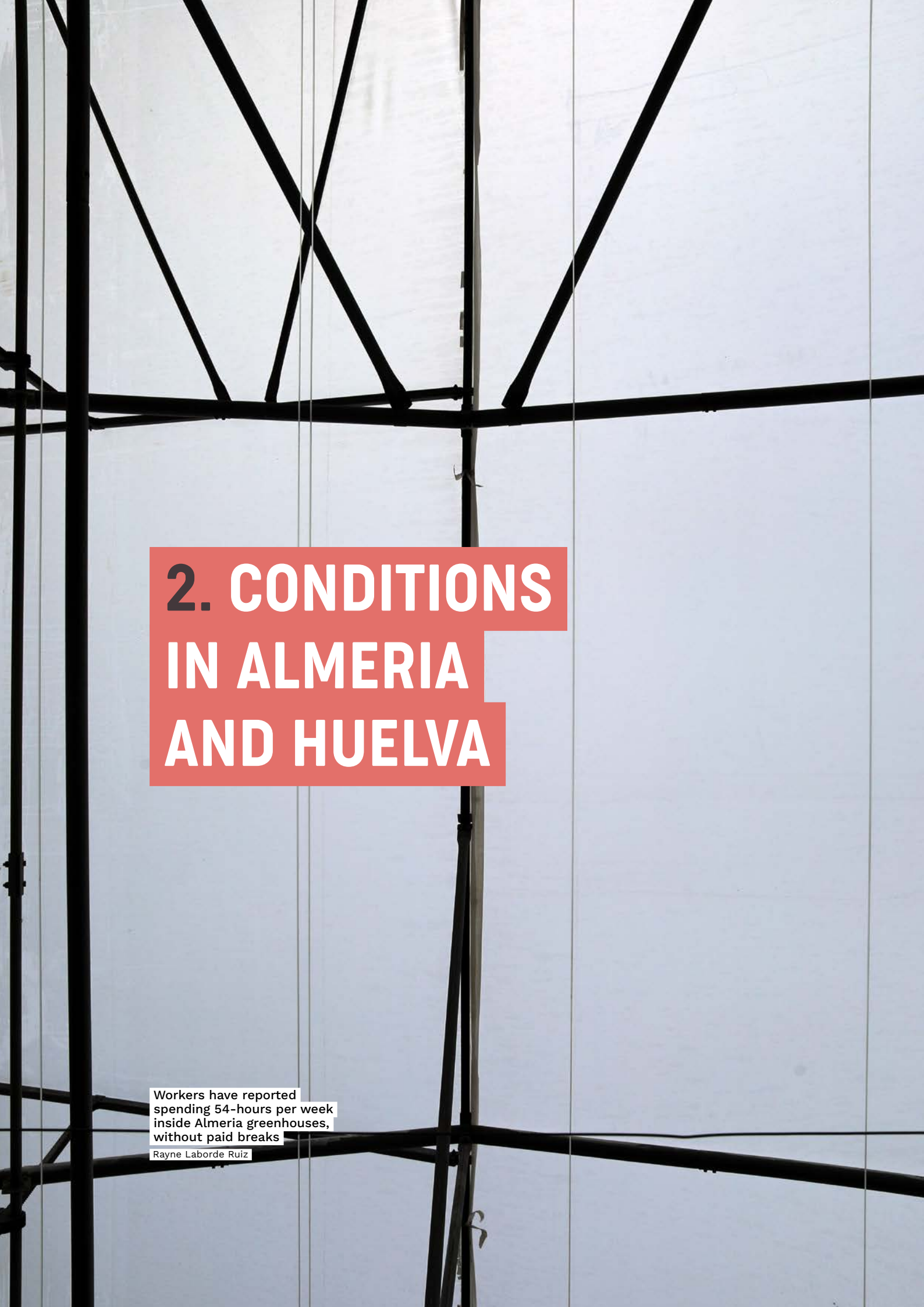
Businesses have an obligation to ensure workers' rights are respected and conduct due diligence of high risk supply chains, as recognised in international standards such as the ILO Conventions outlined in section 4.2. All nine major UK supermarkets have Supply Chain Code of Conducts containing workers' rights commitments, and are members of the Ethical Trading Initiative (ETI) – the leading UK company multi-stakeholder initiative on workers' rights, committing them to the ETI's base code.

In section two we show how fundamental workers' rights – from freedom from forced labour to freedom of association – are being routinely denied in these regions and that, as a result, eight out of nine clauses in ETI's Base Code are not being met on Spanish farms. Evidence is presented from worker interviews conducted by Ethical Consumer, trade unions, NGO and academic reports, media investigations and UN reports. The sheer quantity of the evidence shows the scale of the issues.

Section three outlines root causes of the abuses, including how the Spanish state has, at best, turned a blind eye and at worst directly sanctioned violations.

Section four discusses the role of UK supermarkets and how intrinsic flaws have meant that the measures they have taken to address the abuses have also repeatedly fallen short.

In section five we explore the meaningful steps that supermarkets can take. Without systemic change the violations will almost certainly continue. Yet, supermarkets have enormous untapped potential to improve conditions in the region. As a major buyer they must take responsibility in creating change. We urge them to support worker-driven solutions emerging from the region.



## 2. CONDITIONS IN ALMERIA AND HUELVA

Workers have reported  
spending 54-hours per week  
inside Almeria greenhouses,  
without paid breaks

Rayne Laborde Ruiz

Since the 1970s, greenhouses have spread across southern Spain. Nowadays, the area of Almeria in which salad vegetables are grown is known as the ‘plastic sea’ and its greenhouses are visible from space. The region exports around €650 million worth of produce to the UK each year, most of which goes to the biggest supermarkets.<sup>45</sup> The Huelva region has likewise become a centre for agricultural production of soft fruits, where as much as 100% of Spanish raspberries, 96% of blueberries and 97% of strawberries are said to be grown.<sup>46</sup>

Almeria and Huelva rely on migrant workers mainly from Morocco, Sub-Saharan Africa and Eastern Europe – although numbers from the latter have declined in recent years. Workers are employed on temporary contracts for the picking seasons. While it is difficult to find accurate figures for the number of workers in each region, it is estimated that there are around 80,000-100,000 workers in Huelva,<sup>47 48</sup> and around 80,000 documented workers in Almeria each year – though the actual number is likely to be significantly higher due to the prevalence of undocumented workers.<sup>49</sup>

In Huelva, the majority of workers are Spanish, but a significant number of migrants also work each harvest – including at least 20,000 Moroccan women every strawberry picking season.<sup>50 51</sup> A spokesperson for the union CCOO says that 90% of agricultural labour in Almeria is done by migrants.<sup>52</sup>

The majority of the migrant workers in Huelva are employed via ‘contracts in origin’: an agreement between the Spanish and Moroccan governments that allows the recruitment of workers directly from Morocco.<sup>53 54</sup> It is a form of what is known as ‘circular migration’, by which workers are required to return to their country of origin following the allotted season of work.<sup>55</sup>

The Spanish Ministry of the Interior sets the total number of contracts required and each region of Morocco is allocated a quota. The Moroccan public employment agency ANAPEC oversees the initial selection of candidates, and then they are sent to Meknes for selection by someone from the company in Spain.

While the majority of migrant workers in Huelva are recruited from Morocco, in 2021-22, 500 workers were also recruited from Ecuador and Honduras as part of a pilot agreement with these countries.<sup>56</sup>

## 2.1 Ethical Trading Initiative

The Ethical Trading Initiative was founded in 1998, at a time when companies were beginning to acknowledge their responsibility for workers’ rights throughout their supply chains. Its aim was to provide credibility and to standardise these commitments, as well as use collective bargaining to ensure they were enforced. As a multi-stakeholder initiative, its members include companies, trade unions and NGOs. The ETI convenes stakeholders throughout the supply chain to try to address workers’ rights abuses.

### ETI Base Code

The ETI’s Base Code is based on the International Labour Organisation (ILO)’s Conventions. It therefore covers fundamental rights that should be ensured for all workers globally and throughout supply chains. The nine requirements are as follows:<sup>57</sup>



- |    |                                                                             |
|----|-----------------------------------------------------------------------------|
| 1. | Employment is freely chosen                                                 |
| 2. | Freedom of association and the right to collective bargaining are respected |
| 3. | Working conditions are safe and hygienic                                    |
| 4. | Child labour shall not be used                                              |
| 5. | Living wages are paid                                                       |
| 6. | Working hours are not excessive                                             |
| 7. | No discrimination is practised                                              |
| 8. | Regular employment is provided                                              |
| 9. | No harsh or inhumane treatment is allowed                                   |

In recent years, evidence has emerged which suggests that farms in the southern Spanish regions of Almeria and Huelva have failed to uphold all but one of these fundamental rights, the exception being number 4 ('Child labour shall not be used').

Below we outline evidence which demonstrates that the ETI's standards are not being met.

Many workers live in informal settlements such as Lepe settlement, Huelva  
The Collective of African Workers



# SCALE OF THE ABUSES

The nature of employment in the regions means that it's extremely difficult to pinpoint the frequency of abuses. As this paper outlines (see section 2.2), insecure, undocumented and often dependent workers are often not in a position to speak out and face severe retaliations when they do so.

Nonetheless, both the sheer quantity and the nature of the evidence currently available shows that issues are endemic throughout the regions. Where NGOs, unions or officials have set out the extent of the violations, they have pointed to pervasive problems.

## Huelva

Working conditions in Huelva “routinely” amount to forced labour, according to the UN special rapporteur on extreme poverty and human rights.<sup>58</sup>

One union leader estimated that 80% of farms in the region are breaking the law.<sup>59</sup> A report by a team of lawyers from the Brigada de Observación Feminista claim there are constant and flagrant violations of workers’ rights in the region.<sup>60</sup>

When Al Jazeera, in collaboration with DanWatch, interviewed 16 workers in July 2021, most “recounted daily humiliations, such as penalties for taking toilet breaks, union busting and little or no protection against COVID-19. Several reported sexual harassment and being blackmailed for sex.” All interviewees had contracts with the seven largest red fruit producers who sell to well-known supermarkets in the UK, France, Belgium, Netherlands, Denmark, Germany and Sweden.<sup>61</sup>

In June 2020, 8 UN Special Rapporteurs and the Working Group on Business and Human Rights wrote to an agricultural company in southern Spain expressing major concerns about conditions in the region, stating “these conditions are widespread and well known, even to government officials.”<sup>62</sup>

## Almeria

In 2020, The Observer and Ethical Consumer published a joint investigation into conditions in Almeria. All 45 of the workers interviewed for the investigation, who worked on a number of different farms, claimed that they had been subjected to systemic labour exploitation throughout the COVID-19 pandemic, including being refused payment of wages and being employed on illegal temporary contracts.<sup>63</sup>

Anti-union violations in the region have been described as “common” by an organiser at a local union.<sup>64</sup> In 2019, SOC-SAT, one of the smaller unions in the region, says that it dealt with over 1,000 complaints from migrant workers about exploitation and working conditions.<sup>65</sup>

Such testimonies make it clear that issues persist throughout both regions and should be treated as endemic.

## NOTE ON NAMING FARMS AND SUPERMARKET LINKS

While some of the evidence in this report links back to specific farms and producers in southern Spain and some may have previously been published with names attached, we have decided not to publish names in this report. Evidence suggests that malpractice is extremely widespread in the two regions. We therefore do not think that it is useful to link accusations back to individual farms in this instance, instead arguing that a more systemic approach needs to be taken.

Likewise, we have chosen not to link supermarkets to specific abuses outlined in this report. Given the importance of these regions for UK fruit and vegetable sourcing (see section 4.1 below), we believe that all major UK supermarkets may be linked to farms on which many of the abuses below are taking place. However, due to the opacity of supply chains, identifying specific links is often extremely difficult, if not impossible, for third parties. Where we have been able to identify links in the past, it has sometimes relied on the transparency and good will of the supermarket involved.

Nonetheless, it is worth noting that existing investigations have linked the majority of the nine major UK supermarkets to at least one accusation outlined in this report.<sup>66 67</sup>

This paper focuses on the issues in the region and the existing evidence that UK supermarkets are not doing enough to ensure the safety of those in their supply chains, rather than individual instances of abuse.

While we have not sought to link abuses to specific supermarket supply chains in this report, the volume and breadth of the evidence, and the depth of supply chain links to the region, suggests that the ‘burden of proof’ must be on supermarkets to positively show that they are enforcing, monitoring and reporting on basic rights in their southern Spanish supply chains. (See section 4 for supermarket links to abuses.)

“THESE CONDITIONS ARE WIDESPREAD AND WELL KNOWN, EVEN TO GOVERNMENT OFFICIALS.”

**UN WORKING GROUP ON BUSINESS AND HUMAN RIGHTS**





A worker walks past Almeria greenhouses. The temporary nature of work contracts leaves many workers unable to unionise

Stuart Hall

## 2.2 Working conditions

Since the early 2000s, workers have reported multiple abuses including: pay below minimum wage;<sup>68</sup> unsafe and exhausting working conditions;<sup>69</sup> insecure employment, day labour and lack of contracts;<sup>70 71</sup> discrimination;<sup>72</sup> including gender-based discrimination;<sup>73</sup> inhumane housing conditions;<sup>74 75</sup> and racism,<sup>76</sup> among many others.<sup>77 78</sup> While these long-documented abuses persist, over the past two decades evidence of additional types of exploitation have become documented and shown to be routine, including violations and denials of union rights; sexual assault; pay-for-contract recruitment; and refusal of statutory sick pay.

Below we link workers' reports, news coverage and other evidence to each of the ETI's Base Code requirements. These sections also include evidence from interviews with fifteen workers and multiple union organisers conducted directly by Ethical Consumer since 2018, as well as images and video footage obtained. It also includes evidence from over 100 workers interviewed by other sources. We have changed all names of workers quoted in this report, to protect them from possible retaliation.

### 2.2.1. Employment is freely chosen.

The ETI uses the ILO definition of forced labour, which is: "forced labour is 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [or herself] voluntarily.'" <sup>79</sup>

## Contracts in origin

The way that workers are recruited creates the conditions for forced labour in Huelva.

In June 2020, the UN Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, stated: “The complete dependence on seasonal migrant workers in the strawberry business of Huelva routinely leads to situations that amount to forced labour, in complete disregard both of international human rights standards and domestic legislation.”<sup>80</sup>

The majority of migrant workers in Huelva are employed via ‘contracts in origin’ (see section 2 above). The Moroccan agency ANAPEC, which oversees the initial selection, short-lists women between 21 and 45 years of age, who have been married and have children, “attachment criteria that improve the rate of return” according to a representative from the agency.<sup>81</sup>

“Other selection criteria include poverty, living in a disadvantaged area, having experience in a rural environment and having many children,” according to peasant farmer organisation La Via Campesina. “In 2010, more than half of the contingent was composed of single women (single, widowed or divorced).”<sup>82</sup>

Unions and NGOs say that this selection criteria prioritises workers that are seen as being in greater need of money and therefore easier to exploit.<sup>83</sup>

## Promised conditions are unmet and misleading

According to the legal requirements of Contracts in Origin, certain employment conditions must be provided on arrival. For example, workers must be given at least 18 days work per month, they must be provided with accommodation and it must be free of charge.<sup>84</sup> They must also be paid the minimum wage.

However, multiple NGOs and intergovernmental organisations have described “irregularity” or even “deception” during the hiring process.<sup>85 86</sup>

A 2019 academic paper by Waldimeiry Correa da Silva and Carla Cingolani looked at human trafficking in the region.<sup>87</sup> Based on interviews and workshops with migrant female workers from Almeria and Huelva, it found:

the women (a) are not given a written contract; (b) are not aware of how many hours they will work, how many they will be given for rest, how they will be paid (per hour/daily/weekly/monthly) or the agreed rate for their completed work; (c) are not informed of the destination where they will be working; and (d) denounce that their employer does not meet their obligation to provide adequate accommodation.<sup>88</sup>

International non-profit organisation Women’s Link Worldwide confirmed similar conditions, through multiple interviews with workers.<sup>89</sup>

A UN Working Group on Business and Human Rights has in fact described the recruitment process as “deception at source”. According to the group, most of the women recruited are illiterate and are informed orally about conditions, but this “corresponds neither to the reality that they encounter upon arrival, nor to the contracts that they sign once in Spain.”<sup>90</sup>

Testimonies from workers likewise demonstrate that conditions offered during the

hiring process go unmet.<sup>91</sup> For example, if accommodation is provided (often on the farms themselves) it frequently does not meet basic living standards, and women can be charged for basic necessities like electricity (see section 2.2). Waldimeiry Correa da Silva and Carla Cingolani found that: “The majority of the women suffer from verbal and physical abuse from their supervisors. There have also been reports of sexual abuse from the people in charge.”

According to Spanish news outlet El Salto, some of the workers from Honduras and Ecuador, who arrived in December 2021, denounced their conditions within two months, stating that they did not receive the promised salary or housing, that they had no hot water or space for their food and possessions and were charged an exploitative price for water and electricity, taken from their salaries.<sup>92</sup>

## Prevention of workers from leaving

There are also multiple reports that women employed under Contracts in Origin are unable to leave their employment, due to the terms of their contracts or because they are prevented by their employers.

“Women seasonal workers do not have the right to change jobs except with the authorization of the authorities,” according to a letter from 8 UN Special Rapporteurs on conditions in Huelva. “If they are dismissed or discharged before their visa expires, they are left unprotected and it is practically impossible for them to find another job. This situation further increases their vulnerability and precariousness. It may be exploited by trafficking networks or lead to forms of abuse constitutive of contemporary forms of slavery.”<sup>93</sup>

This situation is exacerbated by the geographical and social isolation of women, who often live and work on farms. Many argue that this amounts to social isolation and “confinement”, if not to active restriction of movement.<sup>94 95 96</sup>

According to the letter from the UN Special Rapporteurs, the fact that companies provide accommodation increases “their capacity to supervise and control the mobility and private life of female employees.”<sup>97</sup> The letter continues, “These workers are completely dependent on the company for which they work and are deprived of the option to escape exploitative conditions and abusive practices.”

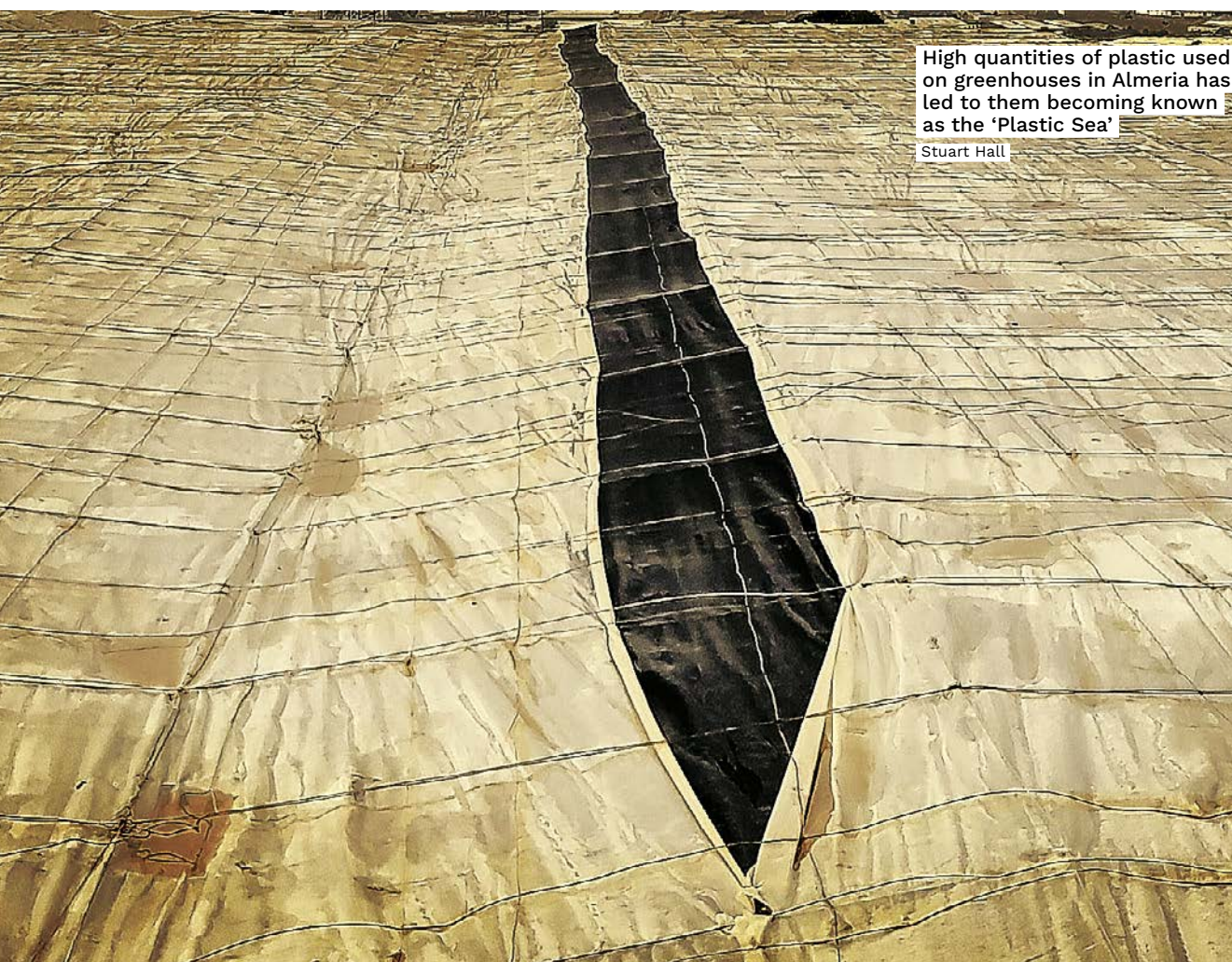
Farms have also been reported to take steps that actively prevent women from leaving.

In 2019 the European branch of La Via Campesina reported that there were, “Numerous reports of passport retention and late delivery of final salary payments, pay slips and work certificates, given only upon boarding the bus to return home, to prevent the “escape” of seasonal workers.”<sup>98</sup> Other sources have corroborated that farms can withhold identity documents and wages.<sup>99 100</sup>

Workers can also face debt entrapment. For example, employers may sell basic necessities to workers at inflated prices at employer-owned stores, according to Brigada de

“THESE WORKERS ARE COMPLETELY DEPENDENT ON THE COMPANY FOR WHICH THEY WORK AND ARE DEPRIVED OF THE OPTION TO ESCAPE EXPLOITATIVE CONDITIONS AND ABUSIVE PRACTICES.”





High quantities of plastic used on greenhouses in Almeria has led to them becoming known as the 'Plastic Sea'

Stuart Hall

Observación Feminista. This can result in their being unable to even pay for a return flight to their country of origin.<sup>101</sup>

This evidence shows clear contravention of the ETI Base Code, which specifically states: “Workers are not required to lodge “deposits” or their identity papers with their employer and are free to leave their employer after reasonable notice.”

If workers are recruited under grossly misleading contracts and then face barriers to leaving, they cannot be considered to have offered themselves voluntarily for employment. This means that in many cases Contracts in Origin may amount to breaches of the ETI and ILO standards on forced labour. Indeed, in 2019, human rights lawyers warned that the system could amount to “state-sponsored human trafficking”.<sup>102</sup>

### **Forced labour is likely to be underreported**

In recent years, several specific instances of human trafficking have been reported.

In 2019, 16 individuals were arrested for trafficking an estimated 600 plus workers who were “held captive and exploited in olive, grape and strawberry harvesting”, in regions including Huelva.<sup>103</sup>

Also in 2019, ten women in Huelva filed a lawsuit claiming they had been trafficked, assaulted and exploited while picking strawberries in Huelva. In 2020, EuroNews interviewed the ten women: “They talked about not getting paid and going hungry, to the point of searching for food in garbage bins. They spoke of forced prostitution and used the word “slaves” multiple times to describe their time on the farm, and said that coming to Spain had destroyed their lives.”<sup>104</sup>

However, the issue of forced labour is likely to be significantly underreported. According to Löning, a management consultancy working on human rights and responsible business, in 2018: “Perpetrators make use of the financial dependence and the isolated situation of the female workers. Turning to the justice system seems impossible, because the women do not speak Spanish and have a hard time proving the abuse in front of a court.”<sup>105</sup>

Women in the region also face the possibility of serious retaliation if they do speak out. In 2018, when 100 women reported conditions including human trafficking, they were put onto buses by their employers, which returned them to Morocco.<sup>106</sup> Of 10 Moroccan women who spoke out about trafficking, as well as rape and sexual assault in 2018, “Most say they have also been divorced by their husbands and disowned by their parents in Morocco after their families learnt of the allegations.”<sup>107</sup>

“THEY USED THE WORD “SLAVES” MULTIPLE TIMES, AND SAID THAT COMING TO SPAIN HAD DESTROYED THEIR LIVES.”

### **2.2.2. Freedom of association and the right to collective bargaining are respected.**

Workers in both Almeria and Huelva repeatedly report denial of their right to collective bargaining. In Almeria, reports suggest that union busting and strike breaking are common, and in Huelva workers are unable to unionise due to the nature of their employment.

#### **Intimidation and reprisals to deter union membership**

The ETI specifically states, “Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively”, and that freedom of association has been “held to cover” the right to strike.

However, seasonal and precarious workers, such as many of those in Almeria and Huelva, face inherent difficulties in accessing these rights. The fact that they are likely to move regularly means that they may not understand their union rights and makes forming and maintaining unions challenging. The temporary nature of their employment (and often of their contracts) leads employers to treat them as ‘disposable’, and leaves the workers feeling unable to demand better conditions, or considering themselves to be dependent on their employers to provide new contracts or work each year.

Representatives from the SOC-SAT agricultural trade union in Andalucia say that it is common for workers in Almeria to be punished or even fired if they join trade unions or strike.

Reports by workers also show farms using intimidation tactics and retaliations to deter union membership.

In September 2019, workers at one farm described “systematic humiliation and coercion as reprisals” for trade union membership. They told Ethical Consumer that six employees on one farm had been sacked after being involved in a strike. “The bosses have decided that we were the leaders in the last strike,” one worker said. “Immigrants who don’t have papers have been recruited to work in our place.”<sup>108</sup>

In 2021, union members at another farm reported that they’d been moved onto a single site to isolate them, with temporary agency staff hired to replace them at their previous worksites. Several of the unionised workers had been issued with warnings, and once three warnings were reached they could be fired.<sup>109</sup>

These examples demonstrate the heightened risk of anti-union behaviour in regions where there is a large precarious workforce. In each instance, employers used workers with limited rights (undocumented migrants and temporary agency workers) to undermine collective bargaining, exploiting the availability of Almeria’s migrant population who are in desperate need of employment to erode union rights.

### **Strike-breaking and union busting in Almeria**

Workers and unions have also reported aggressive and blatant strike-breaking and union busting. For example, farms have been found to use illegal workers to break strikes, and company lawyers have been accused of using verbal and physical intimidation to try and block elections of union representatives and break strikes.<sup>110 111</sup>

Specific examples of union-busting have been reported in recent years by both the major and smaller trade unions. For example, in December 2020, the largest unions in the region, UGT and CCOO stated that temporary workers had been intimidated by their employers to try to prevent them joining a strike that the unions had called. They claimed that companies had been calling on workers to return to work, with human resources departments reaching out to workers individually. Some companies were reported to the Labour Inspectorate for allegedly moving workers from one site to another in order to cover the striking workers.<sup>112</sup>

In 2019, two picketing workers from the smaller trade union SOC-SAT were even said to have been hit by the vehicle of a company manager who was driving workers employed illegally onto a farm to break a strike.<sup>113</sup> The replacement workers were said not to be registered with social security.<sup>114</sup>

### **Contractual rules can prevent unionisation**

Many workers are unable to join trade unions due to the temporary nature of their contracts.<sup>115</sup>

As reported by UN Special Rapporteurs, seasonal workers employed under Contracts in Origen in Huelva can only work for a maximum of nine months a year. According to the UN, the short-term nature of their contracts therefore results “in their de facto exclusion from the right to join a trade union” under Spanish law.<sup>116</sup>

“THE BOSSES HAVE DECIDED THAT WE WERE THE LEADERS IN THE LAST STRIKE. IMMIGRANTS WHO DON’T HAVE PAPERS HAVE BEEN RECRUITED TO WORK IN OUR PLACE.”



While individual farms are not accountable for legal restrictions on unionisation, the ETI Base Code states: “Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.”

## **Worker organisation in Huelva is also prevented through intimidation**

In May 2021, based on interviews with workers in the region, lawyers from the Brigada de Observación Feminista reported:

“use of punishments to spread fear and intimidate workers is common. As a result, workers don’t speak up when their rights are potentially being breached. Even more so, female workers who don’t have residency permits or employment can find themselves in extremely vulnerable situations in which they are blackmailed and threatened. This involves the loss of workers’ rights, and also basic dignity – which every person has a right to just through being human.”

According to the group, “These types of behaviour make it impossible for workers to exercise fundamental rights like the right to assembly or freedom of association. People are afraid that their dignity as individuals might be put at stake, they might lose their job, or they might not be called into work.”<sup>117</sup>

Where workers in Huelva do succeed in joining trade unions, they have reported repercussions such as being fired for their involvement.<sup>118</sup>

## **2.2.3. Working conditions are safe and hygienic.**

Reports of unsafe and dehumanising working conditions are widespread, as are criticisms of the accommodation that employers are legally obliged to provide under contracts in origin.

Many workers face consistently gruelling conditions, suggesting a culture of disregard for workplace health and safety.

### **Working and living in excessively high temperatures**

Alicia Navascues, from the women’s rights group Mujeres 24, says “Morocco women working as temporary workers in the field have described dehumanising and harsh working conditions they must endure, working in permanently crouched positions with a single break of 30 minutes a day in temperatures of 40 degrees under the plastic of the greenhouses.”<sup>119</sup>

Similarly in Almeria, one worker told the Observer in 2020, “Sometimes we work from sunup to sundown in extreme heat, with only a 30-minute break in the whole day.”

Workers who were stranded in farm-provided accommodation in Huelva as a result of the Covid-19 pandemic described it as “like living in hell because it’s so hot. Some women don’t have drinking water – they have to walk kilometres to buy it.”<sup>120</sup>

“IT’S LIKE BEING  
IN A CIRCUS. I HAVE  
NOTHING TO PROTECT  
ME, NO HELMET, NO  
SAFETY HARNESS,  
NO SPECIAL SHOES.”



The situation for workers in greenhouses such as these in Almeria have been described as “horrific” by UN Special Rapporteur Olivier De Schutter

Stuart Hall



Workers have also reported that some farms have rules prohibiting workers from carrying water in the greenhouses, despite the high temperatures, allegedly on the grounds of health and safety concerns.<sup>121</sup>

### **Disregard for physical safety**

In Huelva, the UN Human Rights Council says “Most of the migrants lack safety and protection measures at work”.<sup>122</sup>

A worker in Almeria, “Hosein”, told Ethical Consumer in 2019 that he was told to start cleaning the channels on the roof of the greenhouse without any protections and where wires cut and scratched his hands and wrists, leaving scars.<sup>123</sup> He says that he was sanctioned when he complained.

“It’s like being in a circus. I have nothing to protect me, no helmet, no safety harness, no special shoes,” he said.

### **Exposure to hazardous chemicals without adequate protection**

In Almeria, workers report being exposed to hazardous chemicals without protection, forced to continue working while chemicals are sprayed in the greenhouses, and even to take lunch breaks and eat in the greenhouses during spraying.<sup>124</sup>

In an interview with Ethical Consumer in September 2019, a worker for an agricultural company in Almeria, said that his companion had collapsed three times due to use of hazardous chemicals. “They told him to spray the crops with chemicals, or get out. Saying no would result in him being sanctioned.”<sup>125</sup>

These unsafe conditions have had serious consequences. In January 2019, a twenty-seven year old worker died following exposure to agricultural chemicals on one of Almeria’s farms. In November 2021, another worker died while spraying chemicals in a greenhouse. SOC-SAT Union says:

Omar was not provided with medical assistance. The manager sent a colleague to retrieve Omar’s clothes, without informing his family. They changed the clothes on the deceased body [out of his work clothes], then the manager drove it to the Las Noras Medical Office, where they left it abandoned at the entrance without identification and without sharing any facts about what had happened.<sup>126</sup>

## **Provision of inadequate and unsafe accommodation to employees in Huelva**

Spanish law dictates that in order for a company to hire someone on a contract in origin, they must provide “adequate accommodation to the worker for the duration of the contract.” There is a stringent list of requirements that the accommodation must meet including, for example, provision of drinking water, rubbish collection, air conditioning, and electricity.<sup>127</sup>

The ETI Base Code likewise states: “accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.”

However, Women’s Link Worldwide reported in 2019: “cases of unsound housing conditions have been identified. Most of the women we interviewed reported overcrowding, inadequate garbage and sewer services, or shortages of clean water for drinking, hygiene, cooking, or other consumption.”<sup>128</sup>

A 2019 academic paper on human trafficking likewise stated, “The women confirmed that they lived in overcrowded conditions, without any running water, electricity or waste management facilities (unhealthy conditions and lack of hygiene).”<sup>129</sup>

Indeed, multiple workers have testified to substandard living conditions, with one group of workers describing to The Guardian in 2019, that they were forced to live in “cramped and dirty shipping containers, with hundreds of female workers sharing a few showers and faulty toilets.”<sup>130</sup>

## **Lack of access to medical care in Huelva**

Workers in Huelva have also reported being left without medical care. A 2019 academic study on human trafficking found, “the sector fails to give their workers access to medical services. Many of the women have no doctor to go to.”<sup>131</sup>

In 2021 Al Jazeera reported, “One worker, 29-year-old Yasmine, said she was pregnant when she began working for a major strawberry supplier. After two weeks in the fields, she miscarried.<sup>132</sup> She bled and asked her supervisor to be taken to the doctor, but he said she would have to pay 20 euros (\$24) for the gas. Two weeks later, when her condition had still not improved, he eventually took her to a clinic, which immediately referred her to the hospital. ‘I was bleeding on my clothes. Everyone could see it,’ she said.”<sup>133</sup>



## Lack of COVID-19 protection

Workers in both regions also say that farms disregarded worker safety during COVID-19. They say they were provided with inadequate protections, and have been forced to congregate in crowded spaces.<sup>134</sup>

In May 2020 the Spanish labour inspectorate began visiting agricultural companies to inspect their enforcement of COVID-19 safety requirements among other issues. 1,647 companies in the Spanish agricultural sector were inspected in total, and 7 out of every 10 farms were sanctioned for violations. According to news website La Mar de Onuba, aggregate fines to the farms amounted to €7.2million. The inspectorate issued nearly 3,500 action steps to the companies “to correct proven deficiencies” in COVID-19 safety measures.<sup>135</sup>

In June 2020, the UN Special Rapporteur on Extreme Poverty confirmed: “The protection of seasonal migrant workers in Huelva has been completely neglected during the COVID-19 pandemic. While the rest of Spain was under lockdown to stem the spread of the virus, thousands of migrant labourers considered ‘essential workers’ were put to work without even basic hygiene measures being taken, without protective materials and sharing tools... when workers fell sick, their access to healthcare was not guaranteed.”<sup>136</sup>

Workers in Almeria report being made to climb greenhouse rooves without any safety equipment

Rayne Laborde Ruiz



Some workers in Huelva also said that while management was told about outbreaks of COVID-19 within the farms, workers were not informed. The story was reiterated by a local workers' organisation, which stated: "We've been contacted by workers from three of the largest red fruits companies in Huelva, frightened because businesses prohibit them from talking about coronavirus. They believed colleagues were getting infected and the business was hiding it." The organisation says that one worker reported that fines of hundreds of euros were threatened if they spoke out.<sup>137</sup>

“THEY BELIEVED COLLEAGUES WERE GETTING INFECTED AND THE BUSINESS WAS HIDING IT.”

## 2.2.4. Child labour shall not be used.

No evidence of use of child labour was found.

## 2.2.5. Living wages are paid.

Extensive evidence has emerged from both regions that living wages are not paid. In fact, many workers report that they are paid far below minimum wage, particularly those who are undocumented.

In 2023 the Spanish government increased the legal baseline minimum wage to €36 per day, not including holiday pay.<sup>138</sup> For temporary workers who are not entitled to holiday pay, this rises to €51.14 euros per day.<sup>139</sup>

In 2023 a Huelva union organiser claimed that companies regularly pay the equivalent of between €39-43 euros per day, which is significantly less than the minimum wage for temporary workers of €51.14 euros per day.<sup>140</sup>

In June 2020, a letter signed by eight UN officials confirmed that “payments have frequently been reported as being below the legal limit” in the region.<sup>141</sup>

Spanish law also says that wages must meet the minimum stipulated in any established ‘collective agreements’. These are agreements made between representative unions and industry players, which are ratified by the local government. Collective agreements can specify minimum requirements for specific industries, job contracts, and provinces, meaning that legal minimum wage requirements are actually higher than the baseline national minimum wage.

In Almeria, there is a collective agreement which stipulates that the minimum wage for ‘handling and packaging workers’ in the fruit and vegetables sector in Almeria was €7.67 per hour in 2022.<sup>142</sup>

“UNDOCUMENTED WORKERS SAY THEY RECEIVE BETWEEN 4.5 AND 5 EUROS PER HOUR, AND CONTRACTED WORKERS ALSO CLAIM THEY RECEIVE LESS THAN THE LEGAL MINIMUM.”<sup>175</sup>





Fresh produce destined for European supermarkets grows in an Almeria greenhouse  
Rayne Laborde Ruiz

However, workers report being paid significantly less.

“Lamine”, originally from Senegal, has worked in Almeria for over 20 years. He told Ethical Consumer in May 2019, “There are a few places, not many, who pay the minimum wage. But in the majority of the cases they take it from somewhere else, for example the travel costs.”<sup>143</sup>

Failure by farms to pay the legal minimum wage is an ongoing problem, and has been recognised for years. One paper for the European Parliament, by the Policy Department for Citizens’ Rights and Constitutional Affairs, stated that in Almeria in 2016 the contract wage was: “approximately 50 euros for 6 hours of working, which in reality, becomes around 30 euros for 8/9 hours working.”<sup>144</sup> This means that many workers were receiving somewhere between 45-65% of the legal minimum wage at the time.

## Fraudulent practices and undocumented workers

Unions and workers report that companies hide the abuse by falsifying time sheets, meaning that they also don’t have to pay social security that reflects workers’ true hours.

In Almeria, this has been corroborated by covert footage captured by the BBC, showing a manager at a major employer Almeria lying about hours an employee had worked.<sup>145</sup> In 2022, Ethical Consumer likewise interviewed a worker who had been regularly employed at the same company for over 10 years until 2020. He said that the company often falsified workers’ time sheets, stating for example that they worked around 11-15 days when they actually worked 28-30 days per month. He played Ethical Consumer a clandestine recording in which his employer asks him to lie about hours worked.<sup>146</sup>

In 2019 the European branch of La Via Campesina likewise found in Huelva that there was “no general correlation between the reality of the work carried out, pay slips and declarations.”<sup>147</sup>

The situation is often worse for undocumented workers. A union representative from Huelva told Ethical Consumer, “in many cases companies take advantage of the fact workers don’t have their papers in order, and don’t pay at all.”<sup>148</sup>

In July 2021, Ethical Consumer spoke to “Luisa”, an ex-employee of a company in Almeria. She claims that she was contracted to work 8 hours per day, six days per week, but that in reality she worked an average of 8 to 9 hours per day six days per week. Some days she worked 10 hours. She says she was not paid for extra hours worked, and did not receive paid breaks.

“When I began working at the company in 2016/17 I was undocumented and they paid me 4 euros per hour.” She states that in 2019 she was paid around 5.5 euros per hour, and near the end of 2019 this increased to 6 euros per hour– still significantly below minimum wage.

## **Deductions from wages and piecework in Huelva**

Workers in Huelva may systematically be denied their rightful wages, due to deductions for utilities and other items, or the covert enforcement of piecework.

According to Brigada de Observación Feminista, most workers “do not understand the language or the currency, so they do not know if they are being paid what is due or less.”<sup>149</sup>

Not only does this situation suggest that underpaid wages may as a rule go unreported, it directly contravenes the ETI’s stipulation. “All workers shall be provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.”<sup>150</sup>

While in theory workers in Huelva are employed on contracts, they are often required to collect a certain amount of fruit in a day. This means that they are de facto employed through piece work, though this is illegal in Spain, and have to work overtime that is unpaid or not paid at an overtime rate if they have not met their quota. On other farms, pay is deducted or days of work are cut if workers do not pick the required volume or any fruit is bruised.<sup>151 152</sup> Research by Women’s Link Worldwide has also found that employers may not count all days of work or may “lower daily wages paid for days spent harvesting “second-class” strawberries for industrial use.”<sup>153</sup>

A team of lawyers from the Brigada de Observación Feminista interviewed workers in Huelva in May 2021. “Multiple workers who fall under the ‘contract of origin’ framework have described in interviews what happens when the manager or person in charge of the team believes that they are being noncompliant (for example, picking less fruit than is expected). They say that they impose a “punishment”, which usually involves confining the worker to their lodgings for a few days without paid work or wages.”<sup>154</sup>

Companies can also reduce wages paid by charging workers for basic necessities. Under the Contracts in Origin system, workers are offered accommodation provided by companies free of charge. However, Women’s Link and others have found that on arrival, “companies deduct water, electricity, heating, and rent expenses from workers’ wages.”<sup>155</sup>

<sup>156</sup>

According to Women’s Link, “Deductions are taken directly and are not usually reflected on contracts or wage stubs. In other cases, workers’ hours are manipulated to cover these expenses by adding a half hour of unpaid work to the work day for housing costs.”<sup>157</sup>

This clearly contravenes the ETI’s Base Code, which states: “Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.”

## 2.2.6. Working hours are not excessive.

Reports from the regions suggest that multiple ETI requirements on working hours may be broken.

### Overwork and hours not as outlined in contracts

In both regions contracted or reasonable hours are said to be being breached routinely on some farms.

The ETI stipulates that “Working hours, excluding overtime, shall be defined by contract, and shall not exceed 48 hours per week.” It allows an increase to 60 hours a week only in “exceptional circumstances”, where all of the following criteria are met:

- 
- this is allowed by national law;
- 
- this is allowed by a collective agreement freely negotiated with a workers’ organisation representing a significant portion of the workforce;
- 
- appropriate safeguards are taken to protect the workers’ health and safety; and
- 
- the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.<sup>158</sup>
- 

In Huelva, a Collective Bargaining Agreement has been made that “establishes a working week of 39 hours distributed over six days, which may be extended by a maximum of 10 hours in certain periods, without the daily workday exceeding 9 hours.” Yet “frequent cases of non-compliance with these restrictions have also been reported,” according to a UN letter on conditions in the region.<sup>159</sup> Workers on one farm in Huelva stated that they were expected to work 18 hours without overtime pay and that 20 of them were on sick leave due to anxiety.<sup>160</sup>

Likewise in Almeria, workers report excessively long days and working weeks. Ethical Consumer spoke to one worker in Almeria in July 2021 who stated that many worked an average of 8 to 9 hours per day, 6 days a week. This would total 48-54 hours, up to 12% more than should be allowed under the Base Code. Others have reported spending 12 hours a day in the greenhouses.<sup>161</sup>

Working hours in Huelva are also often insecure, with workers either facing too many hours or underemployment. Workers employed via Contracts in Origin are entitled to at least 75% of full-time working hours, which according to the Huelva Agricultural Collective Agreement amounts to 18 days a month.<sup>162</sup> Yet, organisations say that some are left to work just 2-3 days a week and only receive payment for these days.<sup>163</sup>

The ETI also states, “Workers shall be provided with at least one day off in every 7 day period or, where allowed by national law, 2 days off in every 14 day period.”<sup>164</sup> However, workers in Huelva are also said to be sometimes denied the day of rest, “sometimes for an entire month.”<sup>165</sup> One worker in Almeria likewise told Ethical Consumer that he was expected to work up to 30 days each month.<sup>166</sup>

## Overtime not compensated at a premium rate or at all

The ETI states, “All overtime shall be voluntary. Overtime shall be used responsibly, taking into account all the following: the extent, frequency and hours worked by individual workers and the workforce as a whole. It shall not be used to replace regular employment. Overtime shall always be compensated at a premium rate, which is recommended to be not less than 125% of the regular rate of pay.”<sup>167</sup>

However, in both regions, workers and unions say that overtime is not compensated at a premium rate.<sup>168 169</sup>

In Huelva, Women’s Link Worldwide states that overtime can go entirely unpaid,<sup>170</sup> an allegation confirmed by the UN Special Rapporteur on Extreme Poverty.<sup>171</sup> In Almeria, a worker likewise told Ethical Consumer that she was expected to work one or two hours more every day than was stipulated on her contract, and was not paid for these.<sup>172</sup>

As above, although workers in Huelva are in theory employed per hour, in practice they are often forced to provide piece work, given a minimum amount of fruit they must pick. This means that “obligatory overtime” is enforced because, as Women’s Link Worldwide says, women must continue working to meet a quota of boxes of berries per day.<sup>173</sup> UN representatives report that the women are given little option but to comply. “If they are unable to meet the required yield, the migrant worker may be returned to Morocco.”<sup>174</sup>

“IF THEY ARE  
UNABLE TO MEET THE  
REQUIRED YIELD, THE  
MIGRANT WORKER  
MAY BE RETURNED  
TO MOROCCO.”



Almeria greenhouses are expansive – they can be seen from space

George Ruiz / Rayne Laborde Ruiz



## 2.2.7. No discrimination is practised.

The ETI Base Code requires that, “There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.”<sup>176</sup>

In both regions multiple accusations of discrimination have been made including racism, discriminatory recruitment and firings due to unionisation and illness.

### Contracts in Origin - hiring on the basis of discriminatory criteria in Huelva

Since 2012, the International Federation of Human Rights has argued that women working on Contracts in Origin in Huelva are “hired on the basis of discriminatory selection criteria”.<sup>177 178</sup> Terra! E(U)xploitation refers to the system, which they have named “the Huelva model”, as “intrinsically discriminatory.”<sup>179</sup>

As Women’s Link Worldwide reports, “The application of selection criteria exclude certain workers and grant contracts almost exclusively to women aged 25 to 45 with dependent minor children. The women must present their family register as proof of their family status during the selection process.”<sup>180</sup>

The Spanish government acknowledges that it is women who are predominantly hired on this contract and states that the wellbeing of the women is of primary importance. However, it does not appear to have publicly addressed accusations that it is a discriminatory recruitment model.<sup>181</sup>

While the selection criteria favours certain demographics, women’s rights organisers say that this translates into characteristics that make the workers particularly at risk of abuse. “In Morocco they are deliberately looking for those who are cheap and vulnerable to do this work, namely rural women with young children who only understand Arabic, cannot understand their contracts written in Spanish or claim their rights. It is a rigged system,” Navascues from Muejes 24 says.<sup>182</sup>

These accusations have been reiterated by workers themselves. “Aicha” was recruited to a farm in Huelva. “I saw a job advert looking for women between 20 and 45 to work for a few months in the field. I asked if my husband could get a job too but I was told they wanted women. Now I realise it was because they knew they could exploit us easily.”<sup>183</sup>

While farms themselves only take a small part in this hiring process, it is clear from the evidence presented in other sections of this report that many of them benefit from and exploit the recruitment of vulnerable workers.

For example, as stated in the section on harsh and inhumane treatment below, there have been several reports of managers or owners sexually assaulting women who cannot speak out due to fear of reprisals at home (see sections 2.1 and 2.2). As stated in the wages section many farms exploit workers’ illiteracy to mislead them on conditions and to underpay them. Women’s Link Worldwide says that the women’s position makes it “difficult or impossible for them to defend themselves.”<sup>184</sup>

“I WAS TOLD THEY WANTED WOMEN. NOW I REALISE IT WAS BECAUSE THEY KNEW THEY COULD EXPLOIT US EASILY.”

## **Racism**

Workers in both regions say that racism is an issue on farms, with workers facing abusive language and discriminatory practices.<sup>185</sup>

“Fatima”, who works in Huelva, told Ethical Consumer about discrimination between European and Moroccan workers. “Moroccan women are sent to work in the fields, whereas Spanish and Romanian women work indoors.”

She stated that indoor work is easier, implying that Moroccan women are given more difficult jobs on the basis of their nationality. “There is a lot of inequality between the different workers,” she continues. “The fact that the Moroccan women cannot speak the language means that they are at the bottom of the heap.”<sup>186</sup>

## **Discriminatory dismissals**

Multiple workers we spoke to said that they had been fired from or sanctioned in their job for discriminatory reasons, from illness to unionisation.<sup>187</sup>

In a 2019 investigation by The Observer and Ethical Consumer, workers reported that they were fired after testing positive for COVID-19. One worker claims that management told her not to tell any of the other workers she had COVID-19 symptoms and instead to say she was off work with depression. When she returned to work after self-isolating, they called her into the office and fired her, she thinks to stop her telling the other workers that she had had COVID-19 symptoms.<sup>188</sup>

In July 2021 “Maria” told Ethical Consumer that she had a fixed contract with a company in Almeria, but that the farm changed this to a temporary contract once they found out that she had a serious illness. Maria says that this meant she wasn’t entitled to the social security needed to deal with her illness or get paid sick leave. She didn’t earn any money for over half a year until she managed to find another job.

In July 2021 Ethical Consumer also spoke to “Omar” who claims that he was fired from his job in Almeria for refusing to sign a falsified timesheet, which had been requested by the Spanish Labour Inspectorate.

Ethical Consumer listened to a concealed audio recording of a conversation allegedly between the employer and Omar, in which the employer repeatedly asks the worker to sign a timesheet which says Omar worked from 8.30am-11pm. In the recording, Omar responds to state that those hours were false– he actually worked until at least 1am. Omar says he cannot lie before God by signing the falsified timesheet, especially during Ramadan. His employer says that it’s not a matter of lying before God – it’s just a matter of lying on paper. The employer then says their relationship is “broken” and walks away.

In Huelva, La Via Campesina has also suggested that employees in the region have been dismissed and repatriated to Morocco upon becoming pregnant.<sup>189</sup>

Many others say that workers who speak out, strike or join unions are routinely dismissed, sanctioned or face reprisals, as outlined in section 2.2.

## **Discrimination against undocumented workers**

Authorities suggest that around 30% of migrants working in Almeria and around 25% of workers in Huelva are undocumented.<sup>190 191 192</sup> The local union, SOC-SAT, says that of around 800-1000 legal actions that it presents to the Court of Justice in Almeria per year, 30-40% concern undocumented workers.<sup>193</sup>

The union claims that in Almeria undocumented workers are routinely paid less than documented workers for the same work.<sup>194</sup>

In July 2021 one worker told Ethical Consumer that they had been paid just 4 euros when undocumented. This was later increased to €5.5, and then to €6 once they received documented status, still below the minimum wage in the region.

Undocumented workers can also be forced to pay for necessary documentation. In order to receive settled status in Spain, undocumented migrants are required to have a written offer of a full-time year-long contract. But there are instances of employers withholding this even when they are obliged to provide it by law (see section 2.2, points 1 and 8).

Salah, a worker in Almeria, spoke to media outlet DW in 2019. “I remained undocumented for 10 years because my boss didn’t want to give me a work contract. During all this time, I couldn’t go back to see my family in Morocco.”<sup>195</sup>

In both Almeria and Huelva, some workers are subject to ‘contract blackmail’ – illegally forced by their employer to pay for the necessary one year contract. The Ministry of Labor in Spain does not class this as a “frequent phenomenon” in Spain as a whole.<sup>196</sup>

However, others state that in Huelva, “Residents are regularly forced to pay for a work contract in order to gain access to coveted residency permits.”<sup>197</sup> They are said to be forced to pay from €3,000 to €6,000 in return for the contract.<sup>198</sup>

Likewise, in Almeria, SOC-SAT says that undocumented migrants can be illegally forced by their employers to pay up to €6,000 in total, in order to pay for the documents they need for residency permits. SOC-SAT is currently fighting legal cases for several workers.<sup>199</sup>

In 2021, El País reported on the story of Lamin, a 38-year-old from The Gambia, picking vegetables in the greenhouses of Almería:

In 2017 a man claiming to be a lawyer offered me a contract for picking tomatoes. It cost me 1,500 euros.” He was then told that his application for the contract had been rejected, and that “The money’s gone. If you’ve got a problem with that, call the police.”<sup>200</sup>

“I REMAINED  
UNDOCUMENTED FOR  
10 YEARS BECAUSE MY  
BOSS DIDN’T WANT  
TO GIVE ME A WORK  
CONTRACT. DURING  
ALL THIS TIME, I  
COULDN’T GO BACK  
TO SEE MY FAMILY IN  
MOROCCO.”

## 2.2.8. Regular employment is provided

The ETI Base Code states: “To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice.”<sup>201</sup>

### Absence of permanent or fixed contracts

In both Almeria and Huelva many workers report that regular employment is not granted.

Many workers remain on temporary contracts, with reports suggesting workers “do not know if they will be working 8 days or 3 days, they can be dismissed from one day to the other.”<sup>202</sup>

In Almeria, multiple workers interviewed stated that they were not given permanent contracts, even after multiple years working for the same company. According to the Collective Agreement in Almeria, if a temporary worker works for the same company for three consecutive fruit or vegetable harvests, the company is obliged to provide them with a ‘fixed discontinuous’ contract for the next season. (Fixed continuous means they are employed for set periods of time such as harvests when there is work.)<sup>203</sup>

In July 2021 “Pablo” told Ethical Consumer that he worked for the same company in Almeria for eight hours per day, six days per week but did not receive the fixed contract. “They never gave me a fixed contract, even after three years. I don’t know why they haven’t called me back to work this year.”

This directly contravenes the ETI’s Code, which says that obligations for regular employed should not “be avoided through the excessive use of fixed-term contracts of employment.”



In fact, many of those working in the region have no regular contract or employer at all, but look for employment each morning.<sup>204</sup> As one worker called “Mussa” told EL Pais in 2016. Every morning at half past seven he waited at the roundabout of San Isidro de Níjar for the “boss” of one of the greenhouses to stop and offer him a day’s work.<sup>205</sup>

“Abderrazak”, a 47-year-old migrant from Morocco, was interviewed by media outlet DW in 2019. “It is the fifth day in a row that I’ve come here and no employer has shown up. It’s very difficult to find work. We wait here every day from 6 am. to 9 am. and then go home.”<sup>206</sup>

“Saikou”, a worker filmed for a documentary in 2022, likewise said, “So many people working on the farms are good. They have lived here more than seven years, and they are here still suffering: no job, no work, no papers.”<sup>207</sup>

In 2019, Le Monde reported that union calculations found that 40% of wages paid to workers were undeclared.<sup>208</sup>

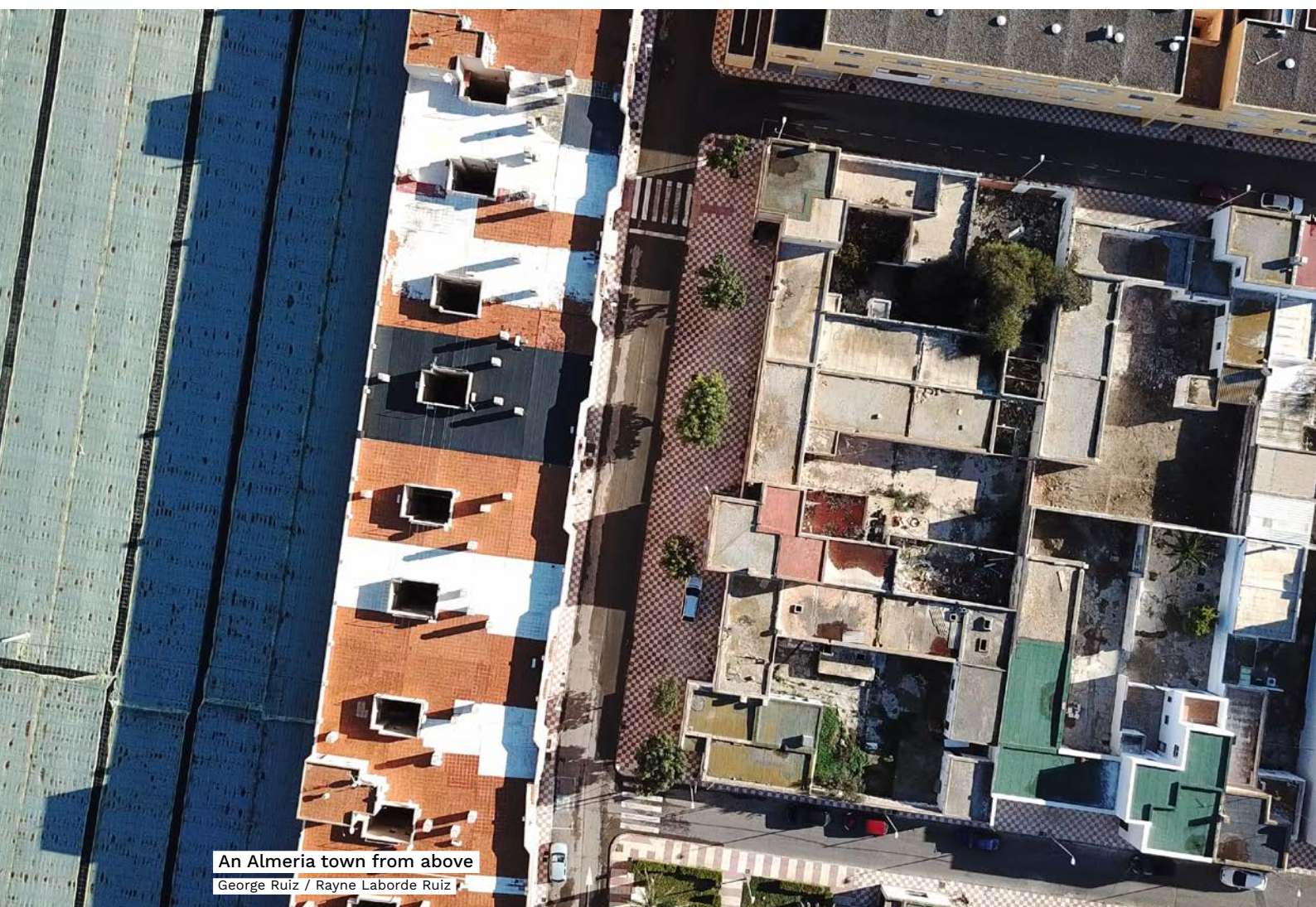


## Violation of Contracts of Origin requirements

There have been many allegations that Contracts in Origin requirements in relation to hours and regularity of employment are violated (see section 2.2). In 2019, the European branch of La Via Campesina reported that farms often established “a supplementary reserve of workers, allowing for very flexible use of available labour.”<sup>209</sup>

A letter on conditions in Huelva signed by eight UN Special Rapporteurs in 2020, including the Special Rapporteur on extreme poverty and human rights and on the human rights of migrants, likewise stated that, “seasonal workers do not know when the work will start or end, as contracts are generally for “specific work and service” instead of being categorised as “temporary” or “eventual” as required by the applicable regulations, and in practice the working relationship ends with the declaration of the end of the harvesting season by the employer.”<sup>210</sup>

As above, piecework is also said to be common. Those who are in theory employed by the hour are forced to meet a quota and continue picking until this is met, or may face punishments if they don’t pick fast enough within the hours given.<sup>211</sup> Some say that employers will punish workers by sending them home without work or pay for several days if they do not meet demands.<sup>212</sup>



An Almería town from above  
George Ruiz / Rayne Laborde Ruiz

## 2.2.9. No harsh or inhumane treatment is allowed

The ETI defines harsh or inhumane treatment as “Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation.”

This paper has outlined multiple instances of such abuses in both Almeria and Huelva, with further examples described below.

### Physical and verbal abuse and intimidation

In Almeria, some workers have described being shouted at and verbally abused.<sup>213</sup> Footage has emerged from several greenhouses of verbal and physical intimidation and threatening behaviour.<sup>214 215</sup>

In Huelva, degradation and abuse appears to be widespread. Reports amount to a culture of punishment and control on some farms.

According to Women’s Link Worldwide, “workers are shoved, insulted, not allowed to use the bathroom or lift their head, or have their boxes of strawberries knocked to the ground when they are not packed properly.”<sup>216</sup>

Even basic necessities like going to the toilet might be denied. Workers in Huelva talk of being penalised for taking toilet breaks.<sup>217</sup> In 2019, Spanish anthropologist, engineer, academic and activist Yayo Herrero reported that some workers wore diapers to avoid having to use the toilet.<sup>218</sup>

The same year, in Almeria, a female worker told Ethical Consumer that they were “told to go at the side of the greenhouse or among the plants”, because supervisors didn’t want them taking the time to walk to the toilets.<sup>219</sup>

In February 2019, a migrant woman in Almeria, who works packing salad vegetables into punnets for a local farm, made a clandestine recording of her boss haranguing female employees about visits to the bathroom.<sup>220</sup> The wife of the farm owner was recorded telling workers that they were allowed just 6 minutes per eight hour shift, 3 in the morning and 3 in the afternoon to use toilet facilities. They had to clock in and out to prove they stayed within the time limits, and if it was exceeded they would be out of a job and she would “see them in court”.<sup>221</sup>

Workers may face serious punishment if they don’t meet their employers’ demands. “Michaela”, who has worked picking fruit for 25 years, and is currently a trade union representative in Huelva told Ethical Consumer in 2019, “In the packing plant, each box of fruit has a number that identifies the picker. If the fruit is damaged, over or under-ripe, the packer registers a mark against the name of that picker. Any fruit on the ground also earns a black mark. Five of these are a ‘slight fault’ but once one has accumulated two ‘slight faults’ they are sent home for three days with no pay.”<sup>222</sup>

Workers can even be fired if they are seen as too slow. A worker and organiser in Huelva told OpenDemocracy in July 2021, “The first thing they explain to us are the rules, and

“EACH DAY,  
SUPERVISORS POINT  
OUT THE NAMES OF  
THE PEOPLE WHO  
HAVE PICKED THE  
LEAST, WHO MAY  
THEN BE FIRED ON  
THE SPOT.”

that if you are marked on the ‘list’, you can say goodbye.’ The ‘list’ is a daily record, in kilos, of the amount of produce each worker has picked. Each day, supervisors point out the names of the people who have picked the least, who may then be fired on the spot. [The worker] says this is legal because the workers are hired on a temporary basis.”<sup>223</sup>

## **Sexual assault and sexual harassment in Huelva**

In Huelva, farm owners and managers have been accused of gender-based harassment, sexual harassment, and in some instances of sexual assault.

Women’s Link Worldwide says that gender-based harassment is widespread. “Almost all the women we interviewed reported having experienced sexist language and behavior such as insults, degrading attitudes, and in some cases, physical violence. This behavior usually comes from farm managers and foremen.”

Women’s Link Worldwide also reported that, “interviewees reported two cases on one farm of quid pro quo sexual harassment or coercion using promises of reward or threats of punishment. When one of the women refused the foreman’s advances, he had her fired and the company tried to have her sent back to Morocco early.”

In recent years some specific reports of sexual violence have also emerged in mainstream media. For example, in 2019, The Observer interviewed ten Moroccan women who travelled to Spain on seasonal visas the previous year. “The women alleged that they were sexually assaulted and harassed; some said they were raped and others pressured into having sex in exchange for food and water. They said that some women were also ordered to work as prostitutes for local men who waited outside the farm in their cars every night.”<sup>224</sup>

While formal reports of sexual assault are not very widespread, academics and NGOs suggest that it is likely to be chronically underreported. A lack of official data makes it difficult to quantify the scale of the problem, and “places serious limitations on efforts to address these issues,” according to Women’s Link Worldwide. “This lack of information hides the scope of the problem, and employer organizations take advantage of this to argue that these are isolated cases.”<sup>225</sup>

In fact, Dr Waldimeiry Correa da Silva of Loyola University in Granada, Spain, and Carla Cingolani of the Women in Conflict Zones Association, state: “It is suspected that “sexual favors” are a common practice, to obtain improvements in working conditions or in exchange for food.”<sup>226</sup>

This has been corroborated by workers. In July 2021, Al Jazeera interviewed sixteen Moroccan women working in Huelva. One worker, “Hadiya”, stated: “If a man likes a female employee, he harasses her. That’s just how it is.” She also testified that managers had repeatedly asked her for sex in two farms where she picked strawberries.<sup>227</sup>

Another worker, “Saeeda”, stated when asked whether she’d witnessed sexual harassment: “When the manager hires a woman, he demands something in return.” A third worker, “Jadida” stated that many of her colleagues did not dare to reject their supervisor’s sexual advances, a suggestion that has been reiterated in other studies about conditions in the region.<sup>228</sup>

“WHEN THE  
MANAGER HIRES  
A WOMAN,  
HE DEMANDS  
SOMETHING IN  
RETURN.”



Women face serious repercussions for speaking out, further suggesting that the issues could be significantly underreported. Women's Link Worldwide states:

The main explanations offered for the prevalence of sexual abuse and the small number of complaints made are the women's poverty and their dependence on the contract; pressure exerted on them by holding their passports or refusing them work; the fear that people in Morocco will find out and their honor or reputation will suffer, particularly if they are married; and the existence of "black lists" for women who complain that keep them from getting new contracts for future seasons.<sup>229</sup>

Moroccan workers who report sexual abuse may also face shame and ostracisation at home, with some saying that they have been divorced by their husbands and denounced by their families.<sup>230</sup>

One report says that some women are too afraid to return to Morocco to face the stigmatization of having been a victim of sexual assault and so end up staying and working in Huelva out of fear.<sup>231</sup> In 2019, The Observer reported of one worker who reported her sexual assault, "She says her biggest mistake – other than coming to Spain – was going to the authorities."<sup>232</sup>

Women's Link Worldwide goes on to state:

In addition, some interviewees pointed to complicity between local growers and government agencies to discourage workers from reporting abuses, citing cases in which the Civil Guard helped illegally remove seasonal workers from the country or the Labor Inspectorate was unwilling to provide neutral oversight. The problem of impunity affects the judicial system as well, where many claims have been dismissed and few growers have been sanctioned.

This explains why when cases of abuse are taken to court, the chances of achieving justice and correcting the situation are limited. These cases, which are usually filed at season end, are usually resolved by returning workers to Morocco early, an illegal practice if done without the workers' consent. There may also be other consequences for the women workers. Besides the fact that very few petitioners win their cases, they may lose their contracts, be passed over for the next season, or be shunned in their communities when they return home.<sup>233</sup>



Workers build makeshift huts to live in in Lepe settlement, Huelva

The Collective of African Workers



## 2.3 Other issues

### Inadequate accommodation

In both Almeria and Huelva, the failure of employers and the government to provide basic rights has resulted in thousands of workers and their families living in informal make-shift chabolas (shacks in local shanty towns).<sup>234</sup>

In Almeria there are estimated to be 92 chabola settlements, surrounding the local farms, which are home to an estimated 7,000-10,000 people. This amounts to 9-13% of the workforce in the region.<sup>235</sup> One union leader believes up to 5,000 people live in shanty towns in Huelva.<sup>236</sup>

“A large proportion of our fruit and vegetables is picked by workers living in these substandard conditions,” according to Reuters.<sup>237</sup>

The inhabitants live in settlements made of cardboard, plastic from the greenhouses and metal sheets. They are often several kilometres away from piped water and have no electricity or adequate sanitation.<sup>238</sup>

“I MET WITH WORKERS LIVING IN A MIGRANT SETTLEMENT IN CONDITIONS THAT RIVAL THE WORST I HAVE SEEN ANYWHERE IN THE WORLD.”

Workers often have to walk kilometres to collect water each day. “This place is too difficult. There is sickness. When you arrive from work, you have to take a bath and rest a little before going for water and food,” “Magdassa”, from Mali, told El País in 2020.<sup>239</sup> Power is sourced from loose gas canisters or stolen from power lines – both unsafe sources.<sup>240</sup>

UN Special Rapporteur on extreme poverty and human rights, Philip Alston, has condemned conditions in Huelva. “I met with workers living in a migrant settlement in conditions that rival the worst I have seen anywhere in the world,” he stated in 2020.<sup>241</sup>

The reasons for workers living in these shanty towns are complex. Factors often include: lack of documentation; lack of income for rent; a lack of available housing; and/or local landlords being unwilling to rent to migrants.<sup>242</sup>

Fires are common in the shantytowns, with makeshift homes built from flammable materials

The Collective of African Workers



## **The dangerous conditions in the shanty towns**

Multiple incidents in recent years have demonstrated how dangerous these conditions can be.

In 2020, at the outbreak of the COVID-19 pandemic, workers in both Almeria and Huelva were restricted to the shanty-towns without access to water, PPE or basic sanitation.<sup>243</sup>

In recent years, there have also been multiple fires in the shanty towns. In February 2021, over 500 workers in Nijar, Almeria lost their homes after the shanty town set alight. It was the fourth fire in the region in eighteen months.<sup>244</sup> Blazes are often caused by the need to use fuel cylinders and candles due to the lack of electricity. Police say that some have been started deliberately.<sup>245</sup>

Residents state that they live in permanent fear of losing everything. one representative of the SAT union in Huelva says, “Many workers carry their papers everywhere they go, in case the shacks burn, not to lose their documentation.”<sup>246</sup>

Living in the shanty towns can also make it hard for workers to receive settled status in Spain, for which migrants have to prove that they have been in the country for three years.<sup>247</sup> Rental statements are often required for the municipal registration certificates needed to demonstrate length of stay, but those who live in shanty towns do not have access to this kind of paperwork.<sup>248</sup>

## **Lack of access to medical support**

In Huelva, accessing medical support can be difficult for migrant workers.

In June 2020, the UN Special Rapporteurs’ Working Group on Business and Human Rights reported with regards to Huelva:

**Precarious living conditions, lack of rest, difficulties in obtaining food supplies, as well as lack of access to basic resources can affect the health status of workers.**

The combination of these circumstances, in the event of falling ill, must be added to the difficulties of accessing adequate medical care. According to the information received, in the case of seasonal workers, different obstacles have been detected when it comes to exercising the right to health: lack of knowledge of how the health system works, physical distance from health centres, difficulties in travelling or problems in processing their health cards, and language barriers, among others.

The right to health of Moroccan workers hired in their country of origin is in principle comparable to that of any foreigner legally residing in Spain. However, health centres reportedly require people seeking access to non-urgent medical care to present their national identity card or foreigner’s identity card, and proof of residence by means of a census certificate.

Seasonal workers do not have any of these documents, as they are exempt from receiving the foreigner’s identity card and are not registered on the census either. Nor do undocumented migrants living in settlements have these documents.<sup>249</sup>



These issues are sometimes compounded by the failure of employers to support the right to healthcare, even where legally required. As noted above, Moroccan workers hired under ‘country in origin’ contracts have a legal right to healthcare. Yet, living on isolated farms, they often rely on their employers for medical check-ups, which some report are not provided.<sup>250</sup> A 2019 academic study on human trafficking found, “the sector fails to give their workers access to medical services. Many of the women have no doctor to go to.”<sup>251</sup>

**Lepe settlement, Huelva, lacks adequate access to government services such as litter collection**

The Collective of African Workers





### 3. ROOT CAUSES OF THE VIOLATIONS

Greenhouses along the  
Almeria coast are known  
as the 'Plastic Sea'

Stuart Hall

The abuses described in this report are not a spontaneous or random phenomenon. They are the result of multiple key drivers. Changing food demand, business model drivers, failures of legislation and enforcement, and hostility towards migrants from the local authorities, have:

- 
- A.** Created an agricultural industry in Almeria and Huelva that is based around low-cost, high quantity fruit and vegetable production, for which a cheap, seasonal, and highly flexible workforce is required.
  - B.** Contributed to and reinforced the precarious situation of many migrant workers, who are exploited as a transitory and disposable workforce by the sector.
- 

We explore each of these key drivers in more detail below.

## 3.1 Changing food demand

Over the last thirty years, ways of buying and consuming food in the Global North have drastically changed, favouring more ingredients that cannot be grown in the UK and access to out-of-season fresh fruit and vegetables all year round, at a low price.<sup>252</sup> As section 4.1 shows, producers in Spanish regions such as Almeria and Huelva play a key role in meeting the demand of UK consumers for cheap, out-of-season produce.

Supermarkets have helped drive these changes, championing low-cost, year-round supply.<sup>253</sup> Food is considerably cheaper now than it was four decades ago, including for key produce like cucumbers grown in southern Spain – which have fallen in price from £1.44 in 1988 (in today's money equivalent) to £0.59 in 2019.<sup>254</sup>

Producers in Almeria and Huelva have developed new ways to meet the increased demand for their produce from countries including the UK. For example, producers in Almeria have boosted production through expansion of greenhouses as a high production growing method.<sup>255</sup> The scale of production in both regions requires a massive expansion of the workforce every picking season. For example, strawberry farms in Huelva rely on an additional 50,000 seasonal workers each year.<sup>256</sup>

Seasonal workers are particularly vulnerable to exploitation. The transitory nature of the community makes organising or unionising extremely difficult. Workers are unlikely to be able to make demands, due to the short-term nature of their employment. As a result, they may be refused fair pay, stable contracts or other employment rights, further contributing to their precarity. Informal employment (work without a contract, social security or other legal protections or employment benefits) is more common across Europe in agriculture than other sectors, and is particularly common amongst migrant seasonal workers.<sup>257</sup> The ILO estimates that over 60% of the EU agricultural workforce could be involved in this kind of work.<sup>258</sup>

In order to meet demand, producers in these regions have also relied on particularly high-risk forms of employment. The Spanish government has introduced new migration models such as the 'Contract in Origin' in Huelva (explored in more detail under 'Failures of Legislation and Enforcement' below).<sup>259</sup> In Almeria, the industry relies on the 30% of the workforce who are undocumented, and who therefore often have little choice but to accept the extremely flexible, irregular employment on offer.<sup>260 261 262</sup>

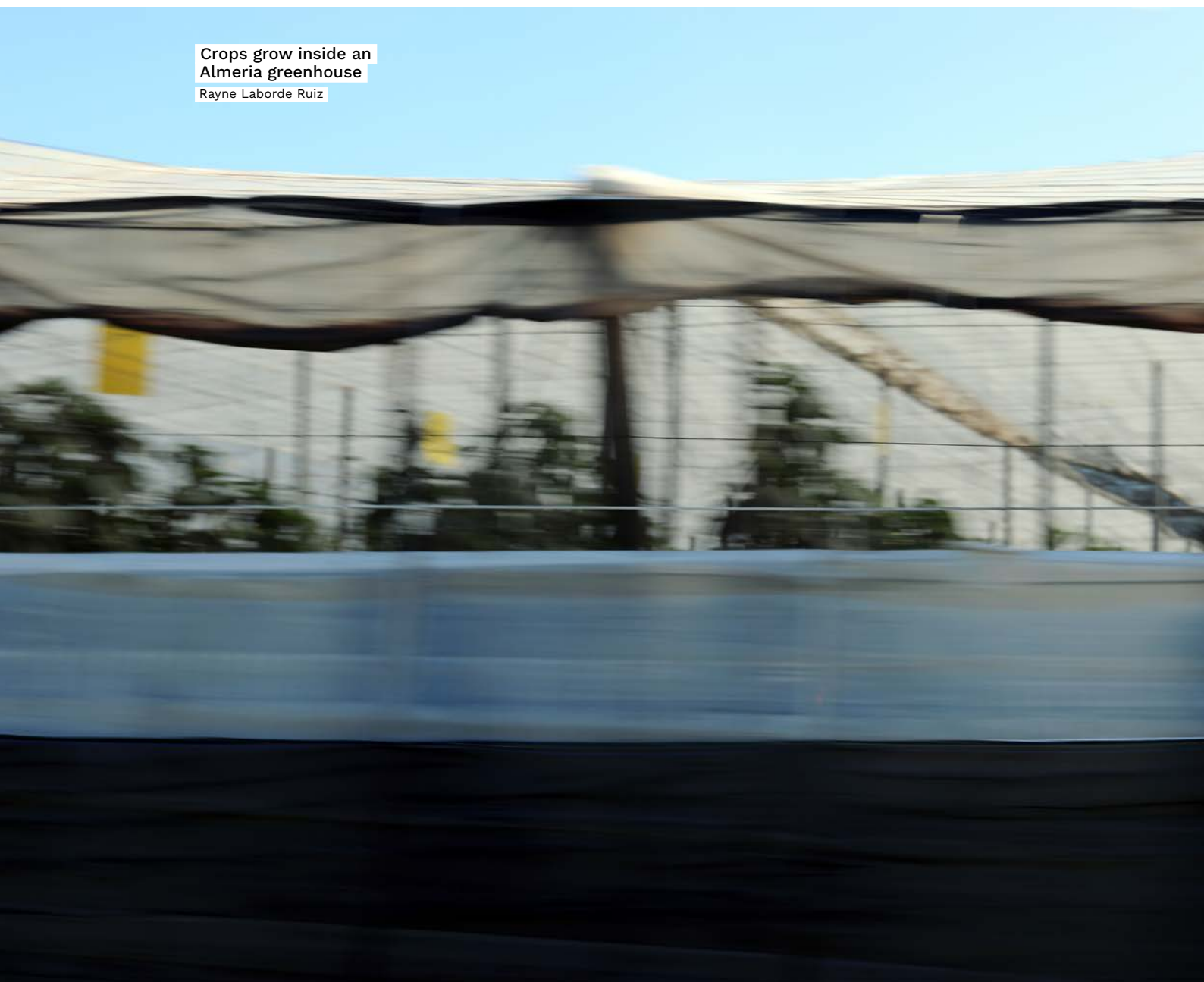


Eating cheap produce that is out of season has become a way of life in many European countries and in the UK, and therefore so has the relationship of interdependence between consumers and purchasers in one country, and producers and exporters in another.

As we will go on to discuss, supermarkets and legislation have failed to address the risks posed by changing food demands, including increased pressure on both producers and buyers to minimise costs and the effects that this has on workers. Supermarkets have (sometimes wilfully) overlooked the particular needs of a resulting workforce that is at high risk of exploitation (see section 3.2).

Crops grow inside an  
Almeria greenhouse

Rayne Laborde Ruiz



## 3.2 Business model drivers

These shifts in food demand have been driven in part by supermarket buying practices, which are often to the detriment of producers.

Buyer power describes the ability of a buyer to obtain more favourable buying terms than would be possible in a fully-competitive market.<sup>263</sup> Supermarkets have significant buying power because they purchase larger quantities of produce than smaller retailers, and are therefore a more important customer to the supplier. A 2018 report by Oxfam found that just 10 supermarkets accounted for over half of all food sales in the EU (then including the UK).<sup>264</sup> Tesco and Sainsbury's hold 43% of the market in the UK.<sup>265</sup> As Oxfam says, this gives supermarkets "huge power to shape food production around the world through the management of their supply chains."<sup>266</sup>

While suppliers may have only a handful of supermarkets to sell to, supermarkets may have thousands of suppliers to choose from. If a supplier is able to offer better terms to a supermarket (in relation to cost), the supermarket is likely to buy larger quantities from them. Supermarkets may also buy from intermediary companies, which similarly wield buying power when choosing which individual farms to source from. This places pressure on the supplier to cut costs wherever possible, often to the detriment of workers' rights.

Supermarkets are also involved in what are known as "unfair trading practices", contractual and pricing terms that continually reduce costs and pass economic risks on to producers.<sup>267</sup> Oxfam accuses big brands of being involved in "constant cost cutting and focus on maximising profits to the detriment of their supply chain".<sup>268</sup> European brands have also been accused of putting pressure on producers to reduce sales prices for items like bananas and tea.<sup>269 270</sup>

In 2018, Oxfam reported on a number of buying practices, including:

|   |                                                                                                                                                                                          |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ● | Absence of written contracts                                                                                                                                                             |
| ● | Short-term contracts                                                                                                                                                                     |
| ● | Unilateral or retrospective changes to contracts                                                                                                                                         |
| ● | Insufficient lead times on orders                                                                                                                                                        |
| ● | Loss leaders and penetration pricing (i.e. selling things at a lower price than the cost or production, or initially selling at a lower price to encourage consumers to switch retailer) |
| ● | Unwillingness to increase prices to account for minimum wage considerations                                                                                                              |
| ● | Delays in payments to suppliers to increase margins                                                                                                                                      |
| ● | Deductions or unexpected charges faced by supplier                                                                                                                                       |
| ● | Demanding fees from suppliers, e.g. payment as a condition of supplying a supermarket                                                                                                    |
| ● | Costs of meeting social or quality standards passed to suppliers <sup>271</sup>                                                                                                          |



It says that such practices are especially relevant to “fresh fruit and vegetables and where supermarkets’ own private labels have gained an increasing market share at the expense of more established brands.” These cost cutting measures have been recognised as a major issue in European fruit and vegetable supply chains.<sup>272</sup> A 2014 survey by the EU found that 96% of European suppliers in the food chain had been subjected to at least one unfair trade practice.<sup>273</sup>

As a result, in part, of such practices, profits from food sales are not equally distributed across the supply chain. Between 1995 and 2011, the profit share of supermarkets increased by 11.5%, meaning that supermarkets captured the biggest proportion of profits from global food supply chains at 30.1%. In contrast, the profit share for farmers decreased by 13.1%, meaning that they received just 13.9% of the total.<sup>274</sup>

Such practices make human rights violations more likely.<sup>275</sup> As suppliers increasingly work to reduce costs in order to be more appealing to purchasers or meet their contractual or pricing terms, it is workers who often pay the price. Local people may refuse to work for the low pay and poor working conditions that emerge as a result of this, and people who are willing to work for less might emerge to fill the gap, including migrants. In order to keep costs low, farms may also deny other rights like social security payments, adequate breaks and protective equipment, or decent housing.

On the basis of research currently available, supermarkets should be alert to the risk that their buying practices may be driving or exacerbating poor conditions.

As Oxfam points out such practices are “facilitated” by the lack of transparency about complex supermarket supply chains. While some major UK supermarkets publish the names of direct suppliers in Spain, much of the produce seen on supermarkets shelves is likely to be sourced from intermediaries. No UK supermarket has committed to outlining links back to producers in Spain throughout their entire supply chains.

## 3.3 Failures of legislation and enforcement

### 3.3.1 International legislation

As local people prove unwilling to take the precarious, low-wage and often labour-intensive jobs that are offered by companies trying to minimise costs, migrant labour is one way to fill the gap and sustain labour-intensive crop production in high-income countries.<sup>276 277</sup>

As migration of workers to meet demand for labour is a global phenomenon, it calls for a global solution. UN bodies such as the “Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families” have been created to protect the rights of millions of migrant workers worldwide.<sup>278</sup>

Migrant workers in the EU are covered by the Season Workers Directive of 2014, which grants them equal treatment to nationals in terms of employment and some social security benefits.<sup>279</sup>

However, this is clearly not adequate: migrant workers continue to work in disproportionately precarious and vulnerable working conditions.<sup>280</sup> Seasonal workers in the agricultural sector in Europe continue to experience generally poor working and living conditions.<sup>281</sup>

These failures have been widely recognised. For example, in September 2020, an MEP asked the European Parliament, “will the EU launch an investigation into the treatment of these workers and the failure of the Spanish Government to protect them from exploitation?”<sup>282</sup>

In December 2020 the European Commission responded to state that it was “aware of the challenging situations of seasonal workers in the Almeria region” and that several measures had been taken in relation to the issue of seasonal workers’ rights in the EU (for example, publishing guidance for relevant national authorities and labour inspectorates).<sup>283</sup> It did not commit to conducting an investigation in Almeria.

International bodies have therefore taken insufficient measures to ensure the specific vulnerabilities of migrant workers are addressed through legislation. As outlined above, the particular role of migrant workers in places such as Almeria and Huelva requires targeted forms of protection, to acknowledge specific risks such as difficulties in unionising or the chance of penalisation if they do speak out.

### 3.3.2 Spanish government legislation

While migrant workers are legally expected to receive the same workers’ rights as Spanish nationals, existing labour laws do not adequately protect them.

Examples of government failures on the national and local level to take action to address causes of exploitation are numerous. Some notable examples are listed below which demonstrate that the Spanish government is unwilling or otherwise failing to take action despite plenty of evidence that there is a need for effective government intervention.

Examples demonstrating how migrant workers are not adequately protected by existing labour laws include:

#### De facto exclusion from permanent contracts

The way that specific work contracts are structured can result in rendering workers vulnerable to exploitation.

For example, the Huelva Collective Agricultural Agreement defines the different agricultural employment contracts as follows:

- 
- **Permanent:** The worker has permanent and ongoing employment at the company.
  - **Permanent discontinuous:** The worker has a permanent contract but will only work during specified periods of the year on specified activities. The company contacts the worker when the activity they are contracted to do is happening, for example when it is strawberry harvesting season.
  - **Seasonal:** Workers hired by the same employer to complete one or multiple specified agricultural tasks, or to work for specified periods of time.
  - **Substitute:** Workers hired temporarily to replace a permanent worker during absences, such as sickness.
  - **Casual:** These workers are hired according to the circumstances. No length of employment has been specified, nor are they expected to work on any specific task.<sup>284</sup>
-

If a person has worked at the same business for 11 months, without a break longer than 15 consecutive days, they should receive permanent or permanent discontinuous contracts.

Contracts in Origin can only be offered to agricultural workers for “a maximum duration of 9 months in a period of 12 consecutive months”.<sup>285</sup> This means that such workers are de facto excluded from access to permanent contracts. For other workers, the length of the season is also likely to be less than 11 months, meaning that they are also excluded.

Ultimately, the temporary nature of these contracts means that workers employed on such contracts are unable to organise amongst themselves in the same way as permanent employees can.

Many large unions are formed of workers who have been employed at the same company or in the same industry for many years. One challenge limiting access of seasonal workers or those on Contracts in Origin to unionisation is that they are not employed for a long enough period to become meaningfully involved in union activity, much of which is long-term.

According to a UN report, “the rules on trade union representation contained in the Workers’ Statute require at least 6 months’ seniority to stand for election to a trade union.”<sup>286</sup>

The fact that employees on Contracts in Origin have significantly different needs and circumstances to permanent workers means that collective bargaining to reflect their specific circumstances is vital, for example through a specialised worker organisation. Yet, being obliged to return to their country of origin after 9 months makes the long-term organising which that would require near impossible.

It does not appear that the Spanish government has made efforts to develop parallel forms of worker organisation that meet the needs of workers on this type of contract.

In Almeria, workers similarly face obstacles to accessing permanent contracts.

A 2021 Almeria Collective Agreement lists the different contract types in the region as follows:<sup>287</sup>

- 
- **Permanent:** The worker has permanent and ongoing employment at the company.
  - **Permanent discontinuous:** The worker has a permanent contract, and works intermittently according to whether it is the harvesting season / when work is available according to the time of year that workers are needed.
  - **Casual:** These are workers called upon to work according to market demands, the build up of work or high orders, as needed by the company.
  - **Substitute:** Workers hired temporarily to stand in for permanent workers.
- 

As in Huelva, the Almeria agreement also stipulates that casual workers should not work more than 9 months in a period of 12 months.

Due to the seasonal nature of work available in the agricultural sector, casual workers are unlikely to work for 9 months of the year at a single company. This lack of a route for workers to find permanent employment can put them in a state of permanent job insecurity.

## **Contracts in Origin linked to discriminatory hiring and increased risk of forced labour**

Since 2001, the Spanish Government has had a bilateral agreement on Contracts in Origin with the Moroccan government. The agreement allows the recruitment of Moroccan workers to Spain. Between 2000-2010, 90% of Contracts in Origin were for work in the agricultural sector.<sup>288</sup>

As early as 2012, the International Federation of Human Rights argued that women were “hired on the basis of discriminatory selection criteria”.<sup>289</sup> This includes the marital and maternal profile of female workers, leading to the arrival of a disadvantaged and therefore particularly vulnerable group (see section 2.2).

Ample evidence, including testimonies by UN officials, has linked Contracts in Origin to serious risks of forced labour. The prevalence of occupation- and sector-specific visas can tie workers to specific employers, leaving employees in extended contracts legally trapped.<sup>290</sup> This situation can lead to exploitation and abuse, as is well documented.<sup>291</sup>

Moroccan women employed in the strawberry fields generally do not speak Spanish, and are sometimes illiterate, which means they are entirely dependent on their employers. As workers may be housed on farms, their mobility outside of the workplace is effectively controlled. See section 2.2 for more detail.

These agreements have repeatedly been criticised, yet the Spanish government has failed to take meaningful action on the inherent risks involved in this kind of contracting. More needs to be done, for example, to ensure that the Moroccan workers are adequately informed of their rights in their own language before arrival and have access to free, independent grievance mechanisms.

## **Failure to adequately acknowledge and address the needs of undocumented workers**

Authorities suggest that around 30% of migrants working in Almeria and around 25% of workers in Huelva are undocumented (meaning that they are in Spain without any immigration status, or have overstayed their visa).<sup>292 293 294</sup> Local unions claim this figure could be higher.

Despite the dependence of the agriculture sector on these workers, obstacles continue to exist for undocumented workers who are seeking to achieve documented settled status.

For example, living in the shanty towns can make it hard for workers to receive settled status in Spain. Migrants have to prove that they have been in the country for three years, but may lack the paperwork to demonstrate residency, which for example includes rental agreements.<sup>295</sup> Migrants also have to provide contracts to prove employment, but face the possibility of “contract blackmail” from employers, which involves farms charging them from their wages for the necessary paperwork.<sup>296</sup> This limits the possibility for documentation, leaving migrant workers in a continued precarious situation.

As outlined above, the precarious position of these workers can be abused by farms in the regions. In 2000, Spain attempted to restrict the right of undocumented workers to organise and strike.<sup>297</sup> Although a ruling by Spain’s Constitutional Court 2007 forced a reversal of the legislation, and reinstatement of their freedom of association, undocumented workers may feel unable to organise. They may risk losing work, due to their job insecurity, feel dependent on their employer for the necessary paperwork to receive settled status, or fear deportation if they report transgressions of their union rights to authorities.

The above all points to the fact that undocumented workers need targeted legislation and interventions that recognise their particular needs as highly vulnerable workers.



### 3.3.3 Lack of labour rights enforcement by the Spanish authorities

It is also clear that the Spanish government has failed to take adequate action to enforce migrant workers' rights, in response to evidence.

Issues in the region have been well documented, and reported for the last 20 years (see section 2.2). SOC-SAT Union in Almeria says that it has been campaigning on and reporting workers' rights issues since 2000. Despite being a small regional trade union, it says that it files 800-1000 legal claims by workers every year.<sup>298</sup>

According to a UN letter signed by 8 Special Rapporteurs: "These conditions are widespread and well known, even to government officials."

UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston said that government authorities in Spain refuse to take responsibility.

"What is unusual in this case is not just the terrible conditions they are living in, but the lack of response from the authorities." Alston says that he spoke to multiple officials about conditions in Huelva, but that every time "they blamed someone else. It was not their responsibility. Basically, everyone looked the other way."<sup>299</sup>

Even when workers report exploitation directly to local authorities, they have been accused of failing to launch adequate investigations.

One campaign group in Huelva says that workers in one company logged their hours in notebooks and on their mobile phones.<sup>300</sup> The documentation showed that they were working far above the 6.5 hours per day recorded on the company timesheets. This information was presented to the Huelva Labour Inspectorate, showing that workers were actually working significantly longer hours than companies claimed. The campaign group says that the Labour Inspectorate refused to accept the information workers had collected as evidence. Such practices have been widely reported in the regions, as ways for companies to avoid paying the minimum wage and social security, as well as enforcing overwork.

In 2019, The Guardian reported that 10 women reporting sexual assault and human trafficking had not been interviewed by the Guardia Civil or National Police ten months after speaking out. Belén Luján Sáez, a Spanish attorney representing the group, said the national police had a legal obligation to investigate the women's claims but had refused to activate the national anti-trafficking protocols that would have offered them support and assistance while their claims were investigated.<sup>301</sup>

The article stated, "Sáez also claims that the provincial courts in Andalucía have been obstructive, failing to launch a proper investigation, not allowing the women enough time to travel to a courtroom in Huelva to give evidence in front of a judge last June and then leaving them in legal limbo for a further eight months."<sup>302</sup>

The local court disputed these claims. It stated that the women had failed to attend court dates and blamed their lawyers for the lack of progress. The national police also told The Guardian that it would not interview the women because they had already filed charges in a provincial court.

This lack of accountability drives a culture of impunity, whereby farms and employers are able to repeatedly violate basic rights with little risk of repercussions.

“WHAT IS UNUSUAL IN THIS CASE IS NOT JUST THE TERRIBLE CONDITIONS THEY ARE LIVING IN, BUT THE LACK OF RESPONSE FROM THE AUTHORITIES.”

## 3.4 Hostility of the local authorities

At a local level, these failures may in part reflect the influence of the far right in government and broader hostile environment approach to migration. Local governments have demonstrated hostility to migrant workers and trade unions.

In Almeria, right wing (PP) and far right (Vox, and Ciudadanos which Open Democracy describes as “hand in hand with the far right”) parties hold government in several local authorities, including in the state’s capital.<sup>303 304</sup> According to the Spanish paper El País regarding Vox:

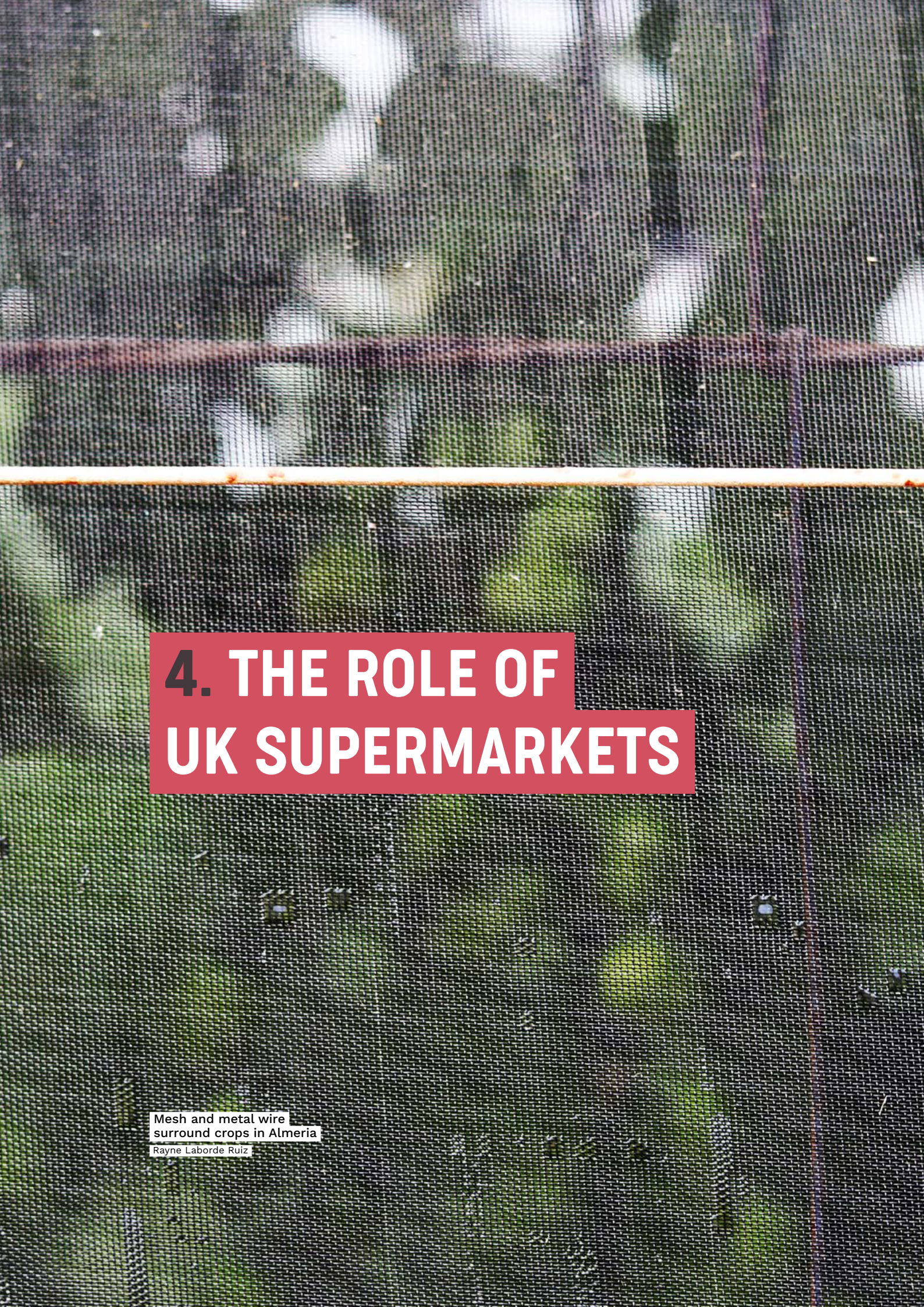
The party plans to ‘control immigration flows depending on the needs of our national economy and of the new arrivals’ ability to integrate into Spanish society and accept our values. There will be country quotas with favourable treatment for nationalities who share our language and who have significant cultural and friendship ties with Spain.’

As for illegal [sic] immigrants, Vox wants to deport them all and to go after non-profit groups that help them get to Spain. If a migrant still manages to enter the country illegally, he or she will ‘be permanently ineligible for legal status, and thus ineligible for any form of state aid.’ Years of residency will not be considered an acceptable cause for naturalization.<sup>305</sup>

Examples of active hostility from the local authorities include refusal to rehouse migrants left homeless from fires in local shanty towns, demolition of shanty towns without any resettlement plans, and posting photos of local union members on social media captioned “shameless”, as they protested outside the town hall over the confiscation of solar panels by local authorities.<sup>306</sup>

In February 2021, a fire in a shanty town in Huelva left over 400 residents homeless. More than fifty groups and organisations from Huelva and Andalusia issued a joint statement condemning the local council for its response to the fire.<sup>307</sup> They stated that the City Council’s inaction could only be explained by “ignorance of its legal responsibilities and obligations; total dehumanisation and lack of empathy; institutionalised racism; or all of these combined.”





## 4. THE ROLE OF UK SUPERMARKETS

Mesh and metal wire  
surround crops in Almeria  
Rayne Laborde Ruiz



## 4.1 Sourcing from the regions

In 2020 Germany received 23% of Spanish vegetable exports, France 17%, and the UK 11.2%, making the UK the third largest importer of Spanish produce.<sup>308</sup> The UK sources a significant proportion of its fresh fruit and vegetables from Spain, as the statistics below show.

### Spain to UK exports:

- The UK imports more fruit and vegetables from Spain than from any other country.<sup>309</sup>
- 8% of vegetables imported to the UK in 2021 came from Spain, and 33% in 2020.<sup>310 311</sup>
- 25% of the fruit imported to the UK in both 2021 and 2020 came from Spain.<sup>312 313</sup>

### Almeria to UK exports:

- In 2021, the UK was the second largest destination (after Germany) for produce from Almeria, with 531.5 million euros worth – 15.3% of the total exports.<sup>314</sup>
- Around 25% of the UK's pepper imports come from Almeria.<sup>315</sup>
- Around 12.5% of imported tomatoes come from Almeria.<sup>316</sup>
- In the winter months of December-February, around one in every six tomatoes eaten in the UK is likely to come from Almeria.<sup>317</sup>

### Huelva to UK exports:

- The UK is the second largest market for Andalucia's red fruits (importing 310 million euros worth, 25.7% of the total in 2020) , 91% of which are grown in Huelva.<sup>318</sup>
- Roughly half of the UK's raspberries, blackberries, mulberries and loganberries imports are from Huelva.<sup>319</sup>
- Around half of strawberry imports to the UK come from Huelva.<sup>320</sup>
- In March, the highest import month for Spanish strawberries to the UK, around 8 out of every 10 strawberries imported to the UK are from Huelva.<sup>321</sup>
- Over the winter and spring months of January – March, when strawberries largely cannot be grown in the UK, at least six out of ten strawberries sold here are estimated to come from Huelva.<sup>322</sup>

These figures show how closely UK imports are linked to both regions and, therefore, the responsibility and power that UK retailers have to push for change.

Our research suggests that all nine of the major supermarkets source from the regions. Despite extremely limited information on supply chains being publicly available, most have been linked to at least one accusation outlined in this report. All supermarkets were asked whether they currently source from the regions. No further information was provided. (See Appendix 2 for full responses.)

Supermarkets should treat the abuses outlined in this report as endemic and pervasive, and assume that they are present within their supply chains.



## 4.2 Supermarkets have a responsibility to act

Supermarkets have a legal and moral obligation to workers they rely on, which has been outlined in widely recognised international standards, emerging legislation and supermarkets' own supply chain management commitments.

The UN Guiding Principles on Business and Human Rights provide international standards for states and businesses. They lay out the responsibility of companies to respect internationally recognised human rights, including through due diligence of high risk supply chains.<sup>323</sup>

Likewise, the OECD Due Diligence Guidance for Responsible Business Conduct outlines recommendations for companies to assess risks in their supply chains, including human rights abuses such as discrimination and forced labour. It suggests, for example, that risk assessments should account for the sourcing location of the product and evidence of “pervasive” human rights issues in the region – as found in Almeria and Huelva.<sup>324</sup>

While these standards are not legally binding, they provide the foundation for a growing number of pieces of national legislation around the world.<sup>325</sup> For example, the upcoming EU Forced Labour Ban will “prohibit products made with forced labour”, including for export, meaning that some UK supermarket products could come under its remit.<sup>326</sup> It complements the EU's proposal for a Corporate Sustainability Due Diligence Directive, which sets out the obligations for larger companies to identify, prevent, mitigate and account for actual and potential labour rights risks in their global supply chains.<sup>327</sup>

All the major supermarkets have workers' rights commitments in the form of their Supply Chain Codes of Conduct.<sup>328</sup> As members of the Ethical Trading Initiative (ETI), they are committed to its Base Code.<sup>329</sup>

However, the ongoing nature of reports from Almeria and Huelva suggests that supermarkets risk violations of these commitments in their supply chains. It is in supermarkets' own interest to address these risks. Potential harms from inaction could include: damage to brand perception; loss of confidence amongst investors; and overdependence on unsustainable business models dependent on squeezing suppliers and workers. In the future, they may also find themselves in breach of new regulatory frameworks that put more responsibility on companies to ensure transparency and adequate due diligence.

Supermarkets have faced criticism for shifting responsibility for violations in the region to the government. Olivier De Schutter, Special Rapporteur on Extreme Poverty and Human Rights reports, “Governments tend to blame companies for violations of workers' rights, and companies tend to see the enforcement of labour rights as a duty of the authorities, not theirs. This habit of passing the ball must end.”<sup>330</sup>

Governments have rightly faced significant criticism for failing to address abuse, and it is crucial that local and national authorities legislate and enforce change. Nonetheless, supermarkets also have a responsibility to act.

As well as addressing their own supply chain risks and harms from buying practices, supermarkets can mobilise to place collective pressure on the government. In 2020 the British Retail Consortium called on the Spanish Government to launch an inquiry into conditions for migrant workers in Almeria on behalf of UK supermarkets after a joint investigation by Ethical Consumer and The Observer.<sup>331</sup>

All nine major UK supermarkets were asked for comment on the findings of this report. See Appendix 2 for full comment.

## 4.3 Inadequate monitoring and enforcement: supermarket CSR, certifications and voluntary initiatives

In recent years, all major UK supermarkets have recognised responsibility for their supply chains through the publication of supplier code of conducts, auditing protocols and other workers' rights measures.

### 4.3.1 ETI Membership

All of the nine major UK supermarkets (Aldi, Asda, Co-op, Lidl, M&S, Morrisons, Sainsbury's, Tesco, and John Lewis Partnership, owner of Waitrose) are members of the Ethical Trading Initiative (ETI)<sup>332</sup> – the leading multi-stakeholder initiative on workers' rights for companies in the UK. While Lidl is not listed as a full member on the ETI website, it is currently listed as a foundation stage member.

Membership of the ETI is intended to demonstrate a company's commitment to driving responsible business practices in its supply chain. It also commits companies to follow the ETI Base Code, founded on the Conventions of the International Labour Organisation (ILO), as an internationally recognised code of labour practice, as outlined in section 2.

Where major violations are found, a complaint can be raised with the ETI, which will convene its business members to try and resolve the issue.

In 2015, when The Daily Mail and Channel4 published a major investigation into conditions for workers on salad farms in Almeria, ETI stated, "We have spoken to our member supermarkets named in this story, who informed us that they are taking urgent action in response to these allegations."<sup>333</sup> Nonetheless, allegations of malpractice continue to this day.

The Ethical Trading Initiative responded to findings in the report that while retailers had taken some positive steps to address abuses, "clearly not enough has been done to eliminate abusive practices, assess the root causes and consider how business practices are affecting workers' rights and wellbeing.

"Wherever credible evidence of abuse is found, responsible companies should investigate allegations and take action to address and remedy adverse impacts on human rights. Given this report has found evidence of endemic and pervasive abuse, steps should also be taken to investigate the systemic nature of these issues to address them at the root.

"We will be working with ETI company members to establish whether they import produce from the regions of Almeria and Huelva and ensure those concerned establish the facts and take action in line with the UN Guiding Principles on Business and Human Rights."

See Appendix 2 for full responses.

### 4.3.2 Supply chain policies

Every two years, Ethical Consumer rates and ranks supermarkets on their supply chain management measures. In the last decade we have seen supermarkets make increasingly strong claims and promises when it comes to due diligence and ensuring their supply chains are managed responsibly.



No UK supermarkets provide a helpline that all supply chain workers, including those inside the greenhouses of Almeria, can access

Rayne Laborde Ruiz

Yet, it is clear that the claims supermarkets are making when it comes to supply chain conduct are not reflected in the reality of employment for too many workers in Almeria and Huelva.

When asked in 2019 about their approach to sourcing from southern Spain, multiple companies referred to their auditing processes and complaints helplines.<sup>334</sup>

### **The limitations of focusing on direct suppliers**

All nine major UK supermarkets have supply chain code of conduct policies in place outlining requirements for suppliers, including workers' rights requirements.

While the supermarkets' policies largely align with ETI commitments, they predominantly focus on direct suppliers.

Supermarkets are most likely to buy produce from Almeria and Huelva from an intermediary company. The intermediary company buys the produce from farms.

Asda, M&S, Morrisons, Sainsbury's and Waitrose all explicitly state that they expect their suppliers to apply their code of conduct throughout the supply chain. However, they all say that enforcement is the responsibility of the intermediary supplier for their own upstream suppliers.<sup>335 336 337 338 339</sup>

Tesco is the only company clearly found to be committing to audit companies beyond direct suppliers.<sup>340</sup>

No companies had a complaints helpline that was explicitly available to all supply chain workers, beyond direct suppliers, in their own language, anonymous, and free of charge.<sup>341</sup>



All supermarkets were asked about their supply chain management commitments for indirect suppliers. No further information was provided.

Since the abuses outlined in this report demonstrate that workers' rights abuses mainly occur at the level of the producer farm, if supermarkets want to address the issues then it is imperative that they look beyond direct suppliers and focus upon growers.

Clearly supermarkets' supply chain commitments are not adequately addressing risks further up their supply chains.

### **4.3.3 Supermarket interventions**

Some companies have taken positive steps in addressing specific difficult issues, relevant to the abuses in Almeria and Huelva.<sup>342</sup>

Co-op recognises Modern Slavery and Vulnerable Workers in Spain as one of its top eight identified high risk areas.<sup>343</sup> Measures to address the situation include: working with Stronger Together and other retailers (which include M&S and Waitrose) on a toolkit for suppliers in Spain to reduce the risk of modern slavery;<sup>344</sup> and supporting the ETI human rights due diligence pilot project on agricultural supply chains in Spain.<sup>345</sup> Aldi also recognises Spanish produce as a high-risk, priority area, which may lead to enhanced supply chain monitoring.<sup>346 347</sup>

Other supermarkets discuss mechanisms targeting specific issues, including those present in Almeria and Huelva. For example, Morrisons is working to identify living wage benchmarks;<sup>348</sup> and Lidl has "implemented programs in four high-risk supply chains aimed at working towards living wages and living incomes for workers", one of which was fruit and vegetables.<sup>349</sup> M&S says that "where piece work is used, suppliers must be able to demonstrate that the minimum wage is always met."<sup>350</sup>

These interventions are steps to recognise the power and responsibility of supermarkets to address specific supply chain issues. However, such steps clearly have not yet gone far enough in addressing conditions in Almeria or Huelva.

### **4.3.4 Spanish Ethical Trade Forums**

When asked about conditions in the region in 2019, multiple supermarkets cited membership of the Spanish Ethical Trade Forums (SETF, a multi-stakeholder initiative founded in 2015 to promote better working conditions in the Spanish agri-food sector).<sup>351</sup> Aldi, Asda, Co-op, Lidl, M&S, Morrisons, Sainsbury's, Tesco and Waitrose all sponsor the forums in Spain, which aim to "improve understanding of human rights abuses and to raise standards" and hold meetings in Almeria every year.<sup>352</sup>

The SEFT's associate members include many of the largest fruit and vegetable producers in the region. The initiative organises an annual conference, seminars and working groups, to share challenges facing the sector and best practice responses. It states that it works with experts and that "workers have always been represented in our meetings".<sup>353</sup>

However, SEFT is a voluntary initiative. It "represents" the sector, and its members do not include any NGOs or labour unions.<sup>354 355</sup> Whilst it may provide a forum for discussing options to create change, members do not have any obligation to act on best practice guidance shared.

In response to the report's findings, SETF commented that while "working conditions at companies participating at the Forums are not better or worse than others", participants had a "commitment to improve". See Appendix 2 for its full response.

### 4.3.5 Global G.A.P. GRASP assessment

Asda, Lidl, Sainsbury's and Waitrose also explained that they work with Global G.A.P. – an international standard for 'good agricultural practice' that often involves auditing by independent third parties – as well as other initiatives.<sup>356</sup>

Both Lidl and Sainsbury's stated that they use Global G.A.P.'s Risk Assessment on Social Practice (GRASP), which is a voluntary audit "addressing specific aspects of workers' health, safety and welfare", including "the payment of wages according to legal requirements", according to the initiative.<sup>357</sup>

Global G.A.P. is clear that GRASP is a "management tool" as opposed to a certification. While it can be used by companies to monitor compliance against a number of factors, retailers and farms are not obliged to take action based on the outcome of Global G.A.P. findings. As such, working with Global G.A.P. GRASP in itself may increase a company's awareness of issues present in its suppliers but does not necessitate action.

The nature of the audit required depends on Global G.A.P.'s risk assessment of the country.<sup>358</sup> Spain is considered to be 'medium' risk by the organisation, meaning that auditors must interview a group of workers but do not have to interview individuals.<sup>359</sup>

In 2019 a leader of SOC-SAT trade union accused farms of using Global G.A.P.'s GRASP risk assessment to "whitewash the exploitation in Almeria". He stated that companies provide auditors with "false information showing the payment of national insurance for workers and, in this way, avoid paying the minimum wage".<sup>360</sup>

See Appendix 2 for Global G.A.P.'s response.



### 4.3.6 Other certifications and schemes

#### Voluntary farm schemes

Both regions also have a number of ‘voluntary schemes’, which farms can subscribe to. Some schemes involve on-site monitoring. However, civil society members and unions have described some such schemes as a ‘pantomime’.<sup>361</sup>

For example, InterFresa, the Andalusian association of berry producers, has created a voluntary ethics plan for employers, known as PRELSI, which includes a system for monitoring standards in migrant workers’ accommodation. However, OpenDemocracy reports that the scheme is “managed by the same companies that violate labour laws.”<sup>362 363</sup>

The organisation responded to the findings of the report, “As of today, Interfresa, an organisation made up of 1,300 local companies and 150,000 workers, is not aware of any inappropriate practices on the part of employers.”<sup>364</sup> See Appendix 2 for its full response.

#### Organic

Organic certification, similarly, has not protected workers, with a number of the allegations in this report emerging from organic-certified farms. Organic production has grown in Almeria over the last decade, amounting to 10.3 percent of the total in 2019, compared to 1.4% in 2009. 80% of this is for export.<sup>365</sup>

In September 2019, Le Monde reported that those in Almeria describe a growing number of labour conflicts with organic companies. It stated that:

...disputes under investigation at the labour inspectorate, like the testimonies we have collected, tell the same stories. Days that never end (“302 hours in March picking tomatoes”, counted Mohammed, a worker). Infernal speeds (“130 pallets of tomatoes to be cleaned and sorted in half an hour, like machines”, says Fatima). Remuneration below the legal minimum (6.93 euros per hour for agricultural workers). Overtime and unpaid leave...

...the use of sulphur – authorised in organic farming – is massive in greenhouses. A worker shows us spots on his body. Some complain of allergies, others of irritation. Most of the time, they don’t wear protective masks or goggles when sulphating...

...Everyone draws the same conclusion: working conditions in organic farming are “no better” than in so-called conventional farms.<sup>366</sup>

Ethical Consumer’s own investigations corroborated these claims.



## 5. RECOMMENDATIONS

Greenhouses in a valley in Almeria,  
surrounded by mountains

Stuart Hall

## 5.1 Short-term recommendations

As outlined in section 4, supermarket supply chain mechanisms have a number of immediate failings. In particular, none of the supermarkets adequately require and take steps to try to implement basic workers' rights beyond direct suppliers. As outlined in section 3, their commercial practices may also contribute to the root causes of abuse in the regions, for example if those practices pressure suppliers into continually cutting costs.

In the short-term, there are a number of immediate steps supermarkets should take to address these short-comings:

- 
- Amend supply chain policies to apply workers' rights requirements to all suppliers rather than only direct suppliers.
- 
- Publish names and addresses of all supplier farms, including those beyond direct suppliers.
- 
- Extend audits (however, see below on the caveat of broader ineffectiveness of audits) to suppliers throughout the supply chain for agricultural produce originating in these regions of Spain, including off-site worker interviews, ensuring that no management is present.
- 
- Publicly report on the results of all audits (again, see below on the caveat of broader ineffectiveness of audits) conducted in the regions, including linking back to farm level.
- 
- Publicly commit to eliminating any commercial or trading practices that could place pressure to cut costs on suppliers or transfer risks to them. For example, contracts should be long-term, predictable and transparent and pricing should be set at an appropriate level for sustainable production costs.
- 
- Publicly commit to factor living wage into price negotiations, as well as contract terms, and set a timeline towards this.
-

## 5.2 The need for longer-term change

However, such steps will not be sufficient alone to address the endemic issues in the region.

For two decades, supermarkets' social responsibility mechanisms have failed to meaningfully improve conditions in the region. Social responsibility auditing and multi-stakeholder initiatives (MSIs) like the Spanish Ethical Trade Forums are not addressing the root causes of violations.

The structural issues with both corporate-led audits and MSIs are well-known. Influential reports, including those by MSI Integrity and the Clean Clothes Campaign, have highlighted fundamental flaws with the predominant corporate-led social responsibility system, including.<sup>367 368</sup>

- **Corporate interests define “best practice”.** Corporate-led auditing and MSIs both largely fail to meaningfully engage with workers. Corporations or the MSIs themselves are able to define often weak standards, sometimes weaker than international laws.
- **Incomplete, biased and inaccurate monitoring.** Audits can only provide “incomplete, biased and often inaccurate” depictions of conditions on the ground,<sup>369</sup> due to structural issues with the way they are conducted, e.g. announced audits allowing suppliers to ensure compliance on the day. “Auditors should take into account specific sector and country risks, and the assessments should correspond to these risks.”<sup>370</sup> However, this rarely happens. A lack of understanding by auditors means that health and safety violations and violations of the right to association often go unnoticed.
- **Lack of transparency.** Violations identified in audits are often not publicly reported, including to workers. Likewise, MSIs largely fail to report on impact, including to key stakeholders, meaning that both are marred by a lack of transparency and accountability.
- **No access to remedy.** MSIs are not designed to provide workers with access to an effective remedy. Remedial action is not obligatory if violations are found via corporate-led audits.

As MSI Integrity found in the ‘Not Fit-For-Purpose’ report, a paradigm shift is therefore needed if we are to address workers’ rights abuses of the kind seen in southern Spain. Our responsibility mechanisms must shift from “endlessly responding to corporate abuses, to instead changing the incentives and decision-making structures that cause those abuses” in the first place.<sup>371</sup>

A redesign of social responsibility mechanisms in the region is required to tackle the deep-rooted and ubiquitous nature of the issues at hand.



## 5.3 Longer-term change: Worker-driven social responsibility

In recent years, worker-driven social responsibility (WSR) mechanisms have been recognised as the “gold-standard” for ensuring labour rights.<sup>372</sup>

WSR “centers on the use of legally-binding agreements between workers and companies at the top of supply chains that require those companies to ensure their suppliers respect workers’ rights — and stop doing business with those that do not.”

As the Workers’ Rights Consortium explains, “Under WSR programs, it is workers who determine the labor standards under which they work and who design the systems necessary to enforce those standards, including genuinely independent investigations and mechanisms to resolve complaints.”<sup>373</sup>

Workers would define a code of conduct on farms, which will reflect industry-specific issues, such as the particular forms of gender and racial discrimination. They would also help to determine monitoring and enforcement mechanisms, which must include worker education, effective complaints mechanisms and comprehensive audits in order to be effective.<sup>374</sup>

Retailers in turn make a legally binding commitment to source from companies respecting the code, and pay for the costs of the monitoring and enforcement mechanisms.

In practice, a WRS may look like:

1. Worker-to-worker on-farm rights education (in their first language) during working hours.
2. Fully independent monitoring on a continual ongoing basis, and involving off-site worker interviews.
3. An independent body established to directly manage worker complaints, independent of the company or retailer.
4. The ability of workers to report violations without any risk of reprisal or retaliation.
5. Retailers making legally binding agreements to suspend purchasing from suppliers in the case of major violations or if continual improvement plans agreed with the independent body are not enacted, until the issue is resolved.

This mechanism transforms traditional approaches to corporate responsibility by: i) centering the experiences and knowledge of those on the ground; ii) ensuring enforcement is truly independent of both retailers and producers; iii) and defining legally-binding processes to ensure that retailers take an active role in remedying violations in their supply chains.<sup>375</sup>

“IT IS POSSIBLE  
TO END LONG  
STANDING ABUSES  
AND HOLISTICALLY  
ELEVATE THE DECENCY  
OF WORK.”

As a result, WSR models have already seen enormous success around the world. Academics from the International Food Policy Research Institute and Friedman School of Nutrition Science and Policy at Tufts University in Boston, alongside those from the Worker-driven Social Responsibility Network, write that programmes in the US show “it is possible to end longstanding abuses, ranging from forced labour to sexual harassment and assault; improve health and safety; raise wages; ensure decent housing; provide protection from employer intimidation and retaliation; and holistically elevate the decency of work.”<sup>376</sup>

Worker organisations have begun discussions about possibilities for a WSR mechanism in southern Spain. If this approach develops further, it could create meaningful large-scale change across the sector.

UK supermarkets must support this model as it develops and begins to be implemented in Huelva and Almeria. Supermarkets that sign up to the worker-driven code of conduct commit to its implementation throughout their agricultural supply chains in this region, and recognise the binding enforcement mechanisms designated by the programme. In doing so, they may be able to use their significant buying power for good.

Ethical Consumer and Landworkers’ Alliance will continue writing about the progress of worker-driven social responsibility in Almeria and Huelva, and invite supermarkets to enter into conversation with us about how they can support the process.

## WHAT CAN A SUCCESSFUL WORKER-DRIVEN SOCIAL RESPONSIBILITY PROGRAMME LOOK LIKE?

For two decades, farm workers in Immokalee, Florida faced conditions similar to those seen to Almeria and Huelva, including forced labour, anti-union violence, discrimination, sexual assault and endemic violations of wage laws. As in Almeria and Huelva, the majority of workers were seasonal migrant labourers, constituting a transitory and highly vulnerable population.

From 2001 onwards, the Coalition of Immokalee Workers (a Florida-based farmworkers organisation) launched a programme for transformative change in the region. The programme “encourages retail food companies to reverse the impact of their enormous economic leverage by agreeing to only purchase from suppliers who meet fundamental human rights standards and to pay a small premium to help improve farmworkers’ falling incomes.”<sup>377</sup>

In 2011, it launched the Fair Food Program (FFP), the first comprehensive, fully functional model of Worker-driven Social Responsibility, in the 30,000-acre, \$650 million Florida tomato industry. More than a dozen of the world’s largest food companies have committed:

- 
- To only buy Florida tomatoes from growers that participate in the scheme;
- 
- To pay a small premium for their produce, which is passed directly on to workers in order to reverse decades of farmer poverty.<sup>378</sup>
- 

Participating growers commit to:

- 
- Comply with a worker-drafted, human rights-based Code of Conduct, which includes zero tolerance of forced labour, violence and sexual assault;
- 
- Allow worker-to-worker education sessions conducted by the Coalition of Immokalee Workers on farms on company time to ensure that workers understand their rights.<sup>379</sup> This includes education at the point of hire via booklets, videos and audio recordings for low-literacy workers;<sup>380</sup>
- 
- A complaint resolution mechanism, which is triggered by workers, and leads to investigation and a staged corrective action plan, with the possibility that Participating Grower status will be suspended. The mechanism includes a 24/7 toll-free hotline, available in Spanish, Haitian Creole and English;<sup>381</sup>
- 

CONTINUES OVER



## CONTINUED

- Ongoing comprehensive audits by the independent Fair Foods Council, which include interviews with at least 50% of workers present at farm locations;<sup>382</sup>
- Concrete changes in harvesting operations, designed to address abuses specific to the region, for example an end to the common practice of forcing workers to overfill harvesting buckets – which effectively denied workers pay for up to 10% of tomatoes harvested;
- Health and safety committees on every farm.

Now in its eleventh year, the programme has drastically improved day-to-day conditions and has a clear role in preventing violations from taking place.

Rates of sexual harassment in the agricultural sector, especially among immigrant women, are high. One study of Mexican women working in California (an area currently outside the FFP programme) found that 80% had experienced some form of sexual harassment.<sup>383</sup> In comparison, FFP identified and remediated just four cases of sexual harassment on FFP farms in the 2021 season. The programme reports that “cases of rape or attempted rape have disappeared from FFP farms”.<sup>384</sup>

“You have prevented many things,” a harvester who works with his daughter told FFP representatives.<sup>385</sup>

The programme has tailored its requirements to issues specific for the region. For example, previously, workers could be fired on the spot or simply not allowed to board the labour bus the next day if a supervisor was displeased with them. As of 2021, 100% of FFP farms have instead committed to establishing progressive discipline policies, whereby if the employer has complaints about a worker a staged disciplinary process is enacted.<sup>386</sup>

It has also targeted the underlying causes of worker disenfranchisement. Participating buyers have paid over \$36 million in premiums. 87% of this is directly distributed to workers in paycheck bonuses, with 13% being allowed for growers to cover increased payroll taxes and administrative costs.<sup>387</sup>

The programme has been widely recognised for its achievements. It has received a US Presidential medal for its “extraordinary effectiveness combatting human trafficking” and in 2016, the United Nations Special Rapporteur on Trafficking in Persons described it as an “international benchmark” in tackling modern slavery.<sup>388 389</sup>

Harvard Business Review has called it “one of the most important social-impact stories of the past century”.<sup>390</sup> The MacArthur Foundation has said that it has the “potential to transform workplace environments across the global supply chain.”<sup>391</sup>

“CASES OF RAPE  
OR ATTEMPTED RAPE  
HAVE DISAPPEARED  
FROM FAIR FOOD  
PROGRAM FARMS.”

## **6. CONCLUSION**

**Metal wiring in Almeria**

Rayne Laborde Ruiz



For many years workers in both Almeria and Huelva have been subjected to severe and flagrant human and workers' rights violations. The volume and seriousness of the evidence collected in this paper shows that these problems are widespread and systematic. It seems beyond doubt that UK supermarkets are connected to these issues through their fruit and vegetable supply chains.

No measures have adequately or viably addressed these problems, as their ongoing nature shows. Local and national governments and upstream retailers have all been criticised repeatedly for failing to take responsibility.

Yet supermarkets also have enormous untapped potential to improve conditions in the region. The figures on their purchasing links show their buying power. As a major market for Huelva and Almeria's products, they could, should they choose to, push for real and meaningful change.

Workers in southern Spain are already exploring the development of a worker-driven social responsibility model. With retailers' support, such models have been transformative<sup>392</sup> across the world in addressing serious and insidious workers' rights violations. They have helped to address forced labour and ensure fair wages for farm workers in Florida; tackle sexual harassment and gender-based violence faced by garment workers in Lesotho; and push for proper health and safety for sweatshop workers following the Rana Plaza disaster in Bangladesh.<sup>393</sup>

We believe that a worker-driven solution offers supermarkets the opportunity to fulfil their own supply chain promises and obligations. This paper is therefore an open invite for supermarkets to engage with us and our colleagues in Spain towards building this long-term systemic change.



Greenhouses are often in isolated locations in Almeria  
Stuart Hall





Workers have described being made to clean rooves in Almeria without safety equipment as “like being in a circus”

Rayne Laborde Ruiz



## APPENDIX 1

# Calculations for 4.1 Sourcing from the regions

### 1. Around 25% of the UK's pepper imports are likely to come from Almeria.

36.3% of the UK's imported peppers came from Spain in 2020 (the most recent figure found), according to OEC.<sup>394</sup> Almeria exported 584,418 tons of peppers in 2021, from a total of 853,582 tons across the country, according to Freshplaza – amounting to 68% of Spain's pepper exports.<sup>395</sup>

### 2. Around 12.5% of imported tomatoes come from Almeria.

The UK imports between 80 and 85% of its tomatoes.<sup>396 397</sup> By value, \$137.4 million came from Spain in 2021, from a total of \$622.4 million in tomato imports. This accounts for around 22% of imports – or 18% of all tomatoes consumed in the UK.<sup>398</sup> Of the 662,487 tons of tomatoes exported from Spain in 2021, 385,009 tons came from Almeria, meaning that the region is responsible for around 58% of the country's total tomato exports.<sup>399</sup>

### 3. In the winter months of December-February, around one in every six tomatoes eaten in the UK is likely to come from Almeria.

In December 2020 – February 2021, Spain accounted for 115,000 of 325,000 tons, 90,000 of 265,000 tons, and 105,000 of 280,000 tons of tomatoes imported to the UK – or 310,000 out of 870,000 tons. This is equivalent to just over 35%.<sup>400</sup> Of the 662,487 tons of tomatoes exported from Spain in 2021, 385,009 tons came from Almeria, meaning that the region is responsible for around 58% of the country's total tomato exports.<sup>401</sup> In the UK winter months, the UK produced between 5 and 20% of tomatoes.<sup>402</sup> Imports therefore account for between 80-95% of tomatoes consumed in the UK, depending on UK production levels.

### 4. Roughly half of the UK's raspberries, blackberries, mulberries and loganberries imports are from Huelva.

In 2020, 64.6% of raspberries, blackberries, mulberries and loganberries imported to the UK came from Spain.<sup>403</sup> 85% of Spain's red fruit exports come from Andalusia, with 91% of this grown in Huelva.<sup>404</sup> Huelva is therefore responsible for around 77% of the country's total red fruit exports.

### 5. Around half of strawberry imports to the UK come from Huelva.

In 2021, Spain accounted for 55% of UK fresh strawberry imports.<sup>405</sup> 96.9% of strawberries grown in Spain are produced in Andalusia, with 95% of these grown in Huelva (equivalent to 92% of the total).<sup>406</sup> This means that the region accounts for around 50% of UK strawberry imports.

**6. In March, the highest import month for Spanish strawberries to the UK, 8 out of every 10 strawberries imported to the UK are from Huelva.**

Of the \$33.54million of strawberries imported to the UK in March 2020 from its top 10 export countries, \$29.28 million came from Spain – equivalent to 87%.<sup>407</sup> 96.9% of strawberries grown in Spain are produced in Andalusia, with 95% of these grown in Huelva (equivalent to 92% of the total).<sup>408</sup>

**7. Over the winter and spring months of January - March at least six out of ten strawberries sold here are estimated to come from Huelva.**

Of the \$85.4million of strawberries imported to the UK in January-March 2020, \$64.2million came from Spain - equivalent to 75% of the total.<sup>409</sup> 96.9% of strawberries grown in Spain are produced in Andalusia, with 95% of these grown in Huelva (equivalent to 92% of the total).<sup>410</sup>

## APPENDIX 2

# Responses from the Ethical Trading Initiative, supermarkets, and other interested parties

All parties named in “Produce of exploitation” were emailed to provide the opportunity to respond to findings in the report.

A number of key sources were provided as links, shown here as footnotes. However, all sources could not be provided due to the quantity of evidence cited in this report.

The Spanish Government, and the local governments in Huelva and Almeria did not respond to requests for comment. All other comments are included below. Where relevant, analysis was amended in response to new information or clarifications from parties.

Information shared with parties is outlined in the boxes below, with replies shared beneath.

### Ethical Trading Initiative (ETI)

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1. Our research suggests that UK supermarkets, including eight members of the ETI, are likely to sell fruit and/or vegetables grown in the regions of Almeria and Huelva in southern Spain, and/or have done so in the past. The report finds evidence that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>411 412</sup> Freedom of association and the right to collective bargaining are respected,<sup>413 414</sup> Working conditions are safe and hygienic,<sup>415 416</sup> Living wages are paid,<sup>417 418 419</sup> Working hours are not excessive,<sup>420</sup> No discrimination is practiced,<sup>421</sup> Regular employment is provided,<sup>422 423</sup> No harsh or inhumane treatment is allowed.<sup>424</sup> **Are you aware of violations on farms in Almeria and Huelva? Would you like to comment on these findings?**
- 

We understand that the Almeria and Huelva regions of Spain are key sourcing areas for fruit and vegetables among European retailers and food suppliers. While ETI itself has not undertaken recent work in these regions, the findings you indicate align with previous reports, including those from UN special rapporteur on extreme poverty,<sup>425</sup> and are a cause for grave concern.

We understand that some action has been taken by retailers and local Spanish suppliers by way of the Spanish Ethical Trade Forums.<sup>426</sup> For example, through their social dialogue working group which encourages engagement with unions and the proposed piloting of a centralised grievance mechanism accessible to and available in multiple languages. While this is a good starting point, clearly not enough has been done to eliminate abusive practices, assess the roots causes and consider how business practices are affecting workers’ rights and wellbeing. The prices consumers pay for fresh produce should not be at the expense of exploiting workers.



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2. The report suggests that supermarkets, including ETI members “should treat the abuses outlined in this report as endemic and pervasive and assume that they are present within their supply chains.” It finds that it is highly likely that UK supermarkets are connected to these issues through their fruit and vegetable supply chains, given the widespread<sup>427</sup> and endemic<sup>428</sup> nature of the abuses identified and the importance of both regions for UK supply chains.<sup>429 430</sup> **Would you like to comment on these findings?**
- 

It is well documented that workers, particularly migrant workers, in agriculture are often vulnerable and at higher risk of exploitation. This has been attributed to various reasons, including the informality, seasonality and precarity of agricultural work. There is evidence that this has worsened in recent years with the Covid pandemic, Russia’s invasion of Ukraine and rising inflation, constricting access to essential resources and disrupting global supply chains.

Wherever credible evidence of abuse is found, responsible companies should investigate allegations and take action to address and remedy adverse impacts on human rights. Given this report has found evidence of endemic and pervasive abuse, steps should also be taken to investigate the systemic nature of these issues to address them at the root.

Recognising that workers, and particularly migrant workers, can fear speaking up due to risks of reprisals - which may jeopardise their safety, livelihood and right to remain - any approach should work with workers’ representatives and local experts to ensure that workers are able to give a true account of their experience without any fear.

We will be working with ETI company members to establish whether they import produce from the regions of Almeria and Huelva and ensure those concerned establish the facts and take action in line with the UN Guiding Principles on Business and Human Rights.

## UK Supermarkets

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A number of points were put to all nine major UK supermarkets:

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1. Our research suggests [supermarket] is likely to sell fruit and/or vegetables grown in the regions of Almeria and Huelva in southern Spain, and has done so in the past. **Do you source from Almeria and/or Huelva, either directly or via intermediary suppliers?**
- 
2. Evidence shows that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>431 432</sup> Freedom of association and the right to collective bargaining are respected,<sup>433 434</sup> Working conditions are safe and hygienic,<sup>435 436</sup> Living wages are paid,<sup>437 438 439</sup> Working hours are not excessive,<sup>440</sup> No discrimination is practiced,<sup>441</sup> Regular employment is provided,<sup>442 443</sup> No harsh or inhumane treatment is allowed.<sup>444</sup> **Are you aware of violations of the ETI Base Code on farms in Almeria and Huelva? Would you like to comment on these findings? Have you identified violations on farms from which you source either directly or via intermediaries?**
- 
3. The report suggests that “Supermarkets should treat the abuses outlined in this report as endemic and pervasive and assume that they are present within their supply chains.” It finds that it is highly likely that UK supermarkets are connected to these issues through their fruit and vegetable supply chains, given the widespread<sup>445</sup> and endemic<sup>446</sup> nature of the abuses identified and the importance of both regions for UK supply chains.<sup>447 448</sup> **Would you like to comment on these findings?**
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Some supermarkets were provided with additional information and asked additional questions, where relevant. These are outlined below.

## British Retail Consortium (BRC)

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The British Retail Consortium was not contacted for comment, but emailed Ethical Consumer on behalf of UK supermarket members. During a phone call, further information was provided to the BRC, including statistics on the quantity of imports from Huelva and Almeria to the UK and specific evidence of forced labour from the UN Special Rapporteur on Extreme Poverty and Forced Labour.

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Disappointingly, Ethical Consumer denied requests from supermarkets to see the report, or provide any information linking them to allegations made. As a result, we are not currently in a position to comment on the claims made.

## Aldi

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In addition to the above questions:

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1. The report notes that Aldi has been linked, through their supply chains, to at least one accusation outlined in this report.<sup>449</sup> **Would you like to comment?**
  2. The report notes that Aldi does not publicly state that its Code of Conduct applies to suppliers beyond tier 1.<sup>450</sup> Yet, we note that you consider Spanish produce amongst the “product groups which present a high risk of adverse impacts on the enjoyment of human rights and are considered most important to the ALDI SOUTH Group.”<sup>451</sup> **Would you like to comment? Does your Code of Conduct apply to Spanish produce as a high risk product?**
  3. The report notes that Aldi does not publicly commit to routine auditing of all suppliers beyond the first tier of its supply chain.<sup>452</sup> **Do you routinely audit all suppliers beyond tier one? Do you audit all suppliers for Spanish produce, as a high risk product?**
  4. The report notes that Aldi does not have a complaints helpline that is available to all supply chain workers, in their own language, anonymous and free of charge.<sup>453</sup> **Would you like to comment?**
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Referred to the BRC comment.

## Asda

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In addition to the above questions:

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1. The report notes that Asda has been linked, through their supply chains, to at least one accusation outlined in this report.<sup>454</sup> **Would you like to comment?**
  2. The report notes that Asda does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>455</sup> **Do you audit beyond tier 1 suppliers?**
  3. The report notes that Asda does not have a complaints helpline that is clearly available to all supply chain workers, in their own language, anonymous and free of charge. **Would you like to comment?**
  4. The report notes that in 2019 Asda stated that it worked with Global G.A.P.. **Is this still accurate? Do you use Global G.A.P.'s GRASP social risk assessment?**
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Referred to the BRC comment.

## Co-op

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In addition to the above questions:

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1. The report notes that Coop does not publicly state that its Code of Conduct applies to suppliers beyond tier 1.<sup>456</sup> **Does your Code of Conduct apply beyond tier 1 suppliers?**
  2. The report notes that Coop does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>457</sup> **Would you like to comment?**
  3. The report notes that Coop does not have a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge. **Would you like to comment?**
- 

Referred to the BRC comment.



## Lidl

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In addition to the above questions:

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1. The report notes that Lidl has been linked, through their supply chains, to at least one accusation outlined in this report.<sup>458</sup> **Would you like to comment?**
  2. The report notes that Lidl has not joined the ETI. **Would you like to comment?**
  3. The report notes that Lidl does not publicly state that its Code of Conduct applies to suppliers beyond tier 1.<sup>459 460</sup> **Does your Code of Conduct apply beyond tier 1 of your supply chains?**
  4. The report notes that Lidl does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>461</sup> **Would you like to comment?**
  5. The report notes that Lidl does not have a complaints helpline guaranteed to be available to all supply chain workers, in their own language, anonymous and free of charge.<sup>462</sup> **Would you like to comment?**
  6. The report notes that in 2019 Lidl stated that it worked with Global G.A.P., and that it used Global G.A.P.'s GRASP social risk assessment.<sup>463</sup> **Is this still accurate? Do you continue to use Global G.A.P.'s GRASP social risk assessment?**
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Referred to the BRC comment.

Lidl has since joined the ETI as a Foundation Stage member, and this has been duly amended in the report.

## Morrisons

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In addition to the above questions:

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1. The report notes that Morrisons does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>464</sup> **Would you like to comment?**
  2. The report notes that Morrisons does not state that it has a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge.<sup>465</sup> **Is your 'Tell us' line available to all supply chain workers, in their own language, anonymous and free of charge?**
- 

Referred to the BRC comment.

## Sainsbury's

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1. The report notes that Sainsbury's has been linked, through their supply chains, to at least one accusation outlined in this report.<sup>466</sup> **Would you like to comment?**
  2. The report notes that Sainsbury's does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>467</sup> **Would you like to comment?**
  3. The report notes that Sainsbury's does not have a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge.<sup>468</sup> **Would you like to comment?**
  4. The report notes that in 2019, Sainsbury's stated that it worked with Global G.A.P. and used Global G.A.P.'s GRASP social risk assessment. **Is this still accurate? Do you use Global G.A.P.'s GRASP social risk assessment?**
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Referred to the BRC comment.

## Marks & Spencer

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In addition to the above questions:

- 
1. The report notes that M&S has been linked, through their supply chains, to at least one accusation outlined in this report. **Would you like to comment?**
  2. The report notes that M&S does not publicly commit to auditing suppliers beyond the first tier of its supply chain.<sup>469</sup> **Would you like to comment?**
  3. The report notes that M&S does not publicly state to have a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge. **Is your Safecall line available to all supply chain workers, in their own language, anonymous and free of charge?**<sup>470</sup>
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While we have not seen the report and so cannot respond to any specific allegations, our position is very clear. All our suppliers must uphold workers' rights and we will never tolerate abuse – any allegations are urgently investigated and, if proven, then we will take decisive action. We are a founding member of the Spanish Ethical Trade Forum and work closely with the wider industry to protect workers' rights in Spain.

## Tesco

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In addition to the above questions:

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1. The report notes that Tesco has been linked, through their supply chains, to at least one accusation outlined in this report.<sup>471</sup> **Would you like to comment?**
  2. The report notes that Tesco does not publicly state that its Human Rights requirements for food and grocery non-food suppliers applies to suppliers beyond tier 1.<sup>472</sup> **Does your Human Rights requirements for food and grocery non-food suppliers apply to suppliers beyond tier 1?**
  3. The report notes that Tesco does not have a complaints helpline available to all supply chain workers (including beyond tier 1), in their own language, anonymous and free of charge. **Would you like to comment?**
- 

We are committed to ensuring that workers throughout our supply chain are treated fairly. We are aware of the potential risks surrounding the employment of migrant workers in Southern Spain and so we work closely with our growers, suppliers and the Spanish ethical trade forums to ensure good standards in our supply chain and to help improve industry-wide practices. This also allows us to work collaboratively with other retailers in the UK, Spain and across Europe to continue supporting these efforts.

## Waitrose

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In addition to the above questions:

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1. The report notes that Waitrose does not publicly commit to auditing suppliers beyond the first tier of its supply chain. **Would you like to comment?**
  2. The report notes that Waitrose does not have a complaints helpline available to all supply chain workers, in their own language, anonymous and free of charge. **Would you like to comment?**
  3. The report notes that in 2019 Waitrose stated that it worked with Global G.A.P.. Is this still accurate? **Do you use Global G.A.P.'s GRASP social risk assessment?**
- 

In order for us to answer your questions, we would need to see the specific aspects of the report that you're planning to publish which reference Waitrose.

You mention the eight of nine ETI base codes where there have been violations, but we would need to see the specifics of this for us to investigate this further, and the farms which you're referring to in order for us to verify this.

We'd be very happy to investigate this further and come back to your questions once you've provided us with specific allegations and the farms that they refer to.

# Other named or relevant parties

## Global G.A.P.

1. Evidence shows that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>473 474</sup> Freedom of association and the right to collective bargaining are respected,<sup>475 476</sup> Working conditions are safe and hygienic,<sup>477 478</sup> Living wages are paid,<sup>479 480 481</sup> Working hours are not excessive,<sup>482</sup> No discrimination is practiced,<sup>483</sup> Regular employment is provided,<sup>484 485</sup> No harsh or inhumane treatment is allowed.<sup>486</sup> **Are you aware of these violations on farms in Almeria and Huelva? Would you like to comment on these findings?**
2. The report notes that in 2019 a local union leader accused companies of providing Global G.A.P. GRASP auditors with “false information showing the payment of national insurance for workers and, in this way, avoid paying the minimum wage”.<sup>487</sup> **Would you like to comment?**

First, the GLOBALG.A.P. Secretariat strongly condemns any abuse of workers’ rights and any social abuse as mentioned in your enquiry.

At the same time, please allow us to share with you one of our approaches for social aspects in farming namely the GLOBALG.A.P. Risk Assessment on Social Practice (GRASP).

GRASP<sup>488</sup> is a voluntary add-on for producers, when required from their commercial relationships. With it, producers show their commitment to social responsibility. The purpose of a GRASP evaluation is to record valid information on indicators of workers’ rights on farms so that operators can use this information to identify risks. According to the checkpoints and compliance criteria,<sup>489</sup> the GRASP add-on evaluates, among others, the following aspects: self-declaration on good social practices regarding human rights, working contracts and hours, wages, no employment of minors. In contrast to GLOBALG.A.P. IFA, the GRASP add-on is not a certificate, but an evaluation. Each GRASP evaluation results in an overall assessment score (on a scale from fully compliant to non-compliant).

A GLOBALG.A.P. approved certification body for the GRASP add-on independently conducts GRASP assessments annually on farms. Implementation of GRASP requirements is checked through document reviews, farm visits and especially worker interviews. GLOBALG.A.P. ensures that assessments by the approved certification bodies are carried out annually and the certification bodies themselves are monitored and controlled by our own integrity program CIPRO.<sup>490</sup>

In addition to assessments carried out by certification bodies, each producer and producer group must conduct self-assessments at least once a year.

Further, GRASP is compliant with the conventions and recommendations of the International Labour Organization (ILO). The eight fundamental conventions such as the Abolition of Forced Labour Convention and Equal Remuneration Convention are part of the GRASP criteria. GRASP additionally requires that the management and the employees’ representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. The compliance with the ILO core labour conventions together with the policy on human rights complete the framework required from each GRASP assessed producer.



Another pillar of the approach of GLOBALG.A.P. certifications is transparency. All products deriving from a GLOBALG.A.P. certified process are labelled with unique 13-digit numbers (GGNs) that are linked to the production site that the sourced product originates from. This method ensures full transparency of the origin and sourcing of each certified good.

## Interfresa

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1. The report notes evidence that farms in the regions of Almeria and Huelva are involved in major labour rights violations and are breaking eight out of nine Ethical Trade Initiative Base Codes on: Employment is freely chosen,<sup>491 492</sup> Freedom of association and the right to collective bargaining are respected,<sup>493 494</sup> Working conditions are safe and hygienic,<sup>495 496</sup> Living wages are paid,<sup>497 498 499</sup> Working hours are not excessive,<sup>500</sup> No discrimination is practiced,<sup>501</sup> Regular employment is provided,<sup>502 503</sup> No harsh or inhumane treatment is allowed.<sup>504</sup> **Are you aware of violations of the ETI Base Code on farms in Almeria and Huelva? Would you like to comment on these findings?**
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As of today, Interfresa, an organisation made up of 1,300 local companies and 150,000 workers, is not aware of any inappropriate practices on the part of employers. If the organisation were aware of any case of abuse, it would proceed to act in accordance with the Spanish Penal Code, reporting any offence to the authorities and acting to resolve the conflict.

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2. The report notes that InterFresa has established a voluntary ethics plan for employers, known as PRELSI. It also notes OpenDemocracy's report that the scheme is "managed by the same companies that violate labour laws."<sup>505</sup> **How is PRELSI managed? Are measures taken to ensure its independence from companies under the scheme?**
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PRELSI is Interfresa's Ethical, Labour, Social and Equality Responsibility Plan, which was created and launched in 2018 to respond to the need for understanding, assistance and promotion of good practices to promote the socio-labour welfare of all the agents involved in the soft fruit campaign, establishing and promoting the relationship between public institutions, companies and workers, regardless of their nationality. It is an innovative and pioneering tool in Europe, as it is the first project of this type and degree of complexity to be successfully implemented and consolidated after four years of development. Joining PRELSI is a free and voluntary decision by companies, a demonstration of their maturity and commitment to socio-occupational well-being in their workplaces. It is important to note that, since its inception, PRELSI has been adopted by practically the entire sector with home-based or migrant workers and has proven its effectiveness in improving both the working and coexistence climate. It has also served as a reference for other countries, which have shown their interest in the plan.

In terms of its application, PRELSI has a series of consultants who carry out routine or extraordinary visits, if necessary or required by the workers or employers, to the facilities of the member companies. A report is drawn up on each of the visits, recording the incidents detected, their seriousness and the measures implemented to correct and resolve them. The consultants are mostly people of Moroccan origin (with a perfect command of Spanish and the Darija dialect), but also of other nationalities (Bulgarian, Romanian or Polish) to attend to workers of different origins. Among the functions of the integration consultants is to provide information to the workers on the applicable labour regulations, social, welfare and health services in the municipalities near the camps; the transport timetable; supervise the conditions of the accommodation within the framework of the Gecco Order; and promote knowledge of the different cultures, customs and languages for a better integration of all the groups.

According to the latest available data (2021-22 season), the consultants have assisted 47,000 users in 10,488 visits to companies. In terms of health mediation, PRELSI has carried out 210 monthly procedures, 85% of which were routine. The housing inspection before the workers occupy it is one of the most important issues. The consultants carry out several inspections. The results were very satisfactory, with 82% of the employers and 94% of the workers being highly satisfied. Since its implementation, we are not aware of any inappropriate practices by member companies.”

## Spanish Ethical Trade Forum

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1. Evidence shows that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>506 507</sup> Freedom of association and the right to collective bargaining are respected,<sup>508 509</sup> Working conditions are safe and hygienic,<sup>510 511</sup> Living wages are paid,<sup>512 513 514</sup> Working hours are not excessive,<sup>515</sup> No discrimination is practiced,<sup>516</sup> Regular employment is provided,<sup>517 518</sup> No harsh or inhumane treatment is allowed.<sup>519</sup> **Are you aware of these violations on farms in Almeria and Huelva? Would you like to comment on these findings?**
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2. The report notes that Ethical Consumer reported in 2019 that since the Ethical Trade Initiative had been launched in 2012, eight union members had attended, compared to 500 plus producing, packaging and exporting companies and the 57 importers and supermarkets that have participated. **Would you like to comment?**
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You don't state really some issue or situation, since you mention issues related to the ETI Base Code clauses in a general way so it is difficult to comment. As you may know the ETI Base Code clauses cover many areas and severities and of course at any sector in any country of the World you will find breaches over these clauses. Unfortunately, there is a lot to be done everywhere.

If you have a case or a specific topic you wish me to talk about, I will be very pleased to do it, but in a general question like this, my only possible answer is yes, of course most of those situations happen every day in higher or lower degree (called major or minor non-conformities in social audits) and unfortunately in some cases there are companies which practices are completely unacceptable.

The good news is that, in my opinion, during the last years, working conditions are very slowly being improved in certain companies and in general, it is valid to say that workers' rights are better protected than 10-15 years ago. The pressure coming from the retailers and importers, especially after the launch of the Modern Slavery Act, the constant denounces coming from local unions, CSO and media like yours, plus the collaborative work that is being done by different actors, including a growing number of committed local growers, is being key to make it happen.

From our side, as Forums, we work to move the sector to a positive change and we firmly believe that dialogue to build trust, trust to build transparency and transparency to solve issues in a collaborative way is the only path to change mindsets and address root causes in a sustainable way.

As an example of one of those root causes, that you could mention, the lack of updating of the Collective Bargaining Agreements for the farms that should have been done several years ago and is frozen is one of the root causes we identify as a risk for the sector. We believe that both parts, unions and growers associations, should negotiate and sign better and updated CBA.

Regarding your second question, let me will clarify your data because it sounds not too correct.

Firstly, I cannot tell you how many union members have come to our events, because I am aware that many of the usual attendees are union members. Being a member of a union is a personal decision and we do not ask this to anyone about this personal decision.

However I understand that you may be asking about union representatives. In this sector, in Spain, compared to the thousands of companies and growers that there are, there may be around 12 really active and relevant unions, and a number a little bit higher of grower associations. Maybe that is what drove you to ask the question.

The Ethical Trade Forums is a collaborative initiative that tries to bring the opinion of all parts and we are very proud to have a diverse attendance in most of our meetings. Additionally, we have a number of working groups where the different stakeholders work together.

Obviously more than 8 union representatives have participated in our activities since 2012...many more. In fact, there are some union representatives that try to attend, if they have room in their agendas, to all the events that take place at their province. Not to talk about the few union representatives that participate in our work streams who are even more involved.

As I say, some union members and representatives have participated developing some of them and that is one of our successes, that every stakeholder adds their part to build these solutions for all the sector.

As an example, in our international event in Granada in June 2022, along with retailers, growers associations, importers, growers and 2 representatives from two different Ministries of the Spanish Government, there were 5 union representatives. As another example, before the pandemic we delivered 3 events in Murcia-Almeria-Huelva and invited 3 different unions (UGT-CCOO-Redes) to share with the attendees, at each location, their interpretation on the changes implemented by the Government over the minimum wage.

As another similar example, last year, I think it was during the March events, we invited representatives from growers associations and unions to our 3 events (again Murcia-Huelva-Almeria) to discuss about the impact on companies and workers of the changes in the Labor Law around permanent contracts after its reform. Again UGT and CCOO, the two main unions in the sector, sent their representatives to enrich this debate. But we have had also small unions representatives; I remember some years ago a representative from a union formed by migrant workers in Murcia who came to talk about their living and working conditions and share the day with us. This union, unfortunately no longer exist.

So if you add the above figures as examples, you can see more than 8 union representatives already in only 8 events....and we have done almost 50 events already!!

We always invite union representatives to come and normally enjoy their participation. If needed I can put you in contact with some of them or, if you prefer, just ask about us to unions that have attended or participated in our activities.

I will not tell you that unions always participate when we invite them. As an example, last year we delivered two workshops in a company in order to improve the dialogue between workers and company representatives.

The 4 unions represented at the Workers Committees of the company were invited to both workshops. 3 unions accepted and their representatives shared some time with us, while one union refused to participate in both workshops. There is always room to improve, I guess.

In fact, workers have always been represented in our meetings since listening to workers voice is clearly a must in an initiative like the Forums. During the past years, since we detected a need in the sector to improve workers and management representatives dialogue inside the companies (that is why we launched the social dialogue working group) we try to increase the number worker representatives attending and presenting their experiences at the Forums.

Finally, please understand that working conditions at companies participating at the Forums are not better or worse than others. Our participants are just companies that have the commitment to improve and this does not mean that everything is done correctly at their sites, but at least that they commit to work for it. They invest time and resources to listen to their workers and collaborate with others in order to improve the sector workers labour conditions and the results are available to you anytime.

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Analysis was amended to reflect information provided regarding attendance by union representatives. Reference to the earlier Ethical Consumer analysis was removed.

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## Spanish Ministry for Labour and Social Economy

1. The report finds evidence that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>520 521</sup> Freedom of association and the right to collective bargaining are respected,<sup>522</sup> <sup>523</sup> Working conditions are safe and hygienic,<sup>524 525</sup> Living wages are paid,<sup>526 527 528</sup> Working hours are not excessive,<sup>529</sup> No discrimination is practiced,<sup>530</sup> Regular employment is provided,<sup>531 532</sup> No harsh or inhumane treatment is allowed.<sup>533</sup> It notes that some of the abuses outlined above demonstrate breaches in Spanish laws (such as the local collective agreements between local councils and trade unions). **Are you aware of violations on farms in Almeria and Huelva? Would you like to comment on these findings?**
2. We note that the Spanish Government has had a bilateral agreement on Contracts in Origin with the Moroccan government. NGOs and rights organisations have argued since 2012 that women “hired on the basis of discriminatory selection criteria”, through the Contracts in Origin process.<sup>534 535</sup> **Are you aware of discriminatory selection criteria in the hiring process used for Contracts in Origin? Would you like to comment?**
3. The report notes that the UN Special Rapporteur on extreme poverty and human rights has condemned the lack of the response from the Spanish government to conditions of migrant workers in Huelva.<sup>536</sup> **Would you like to comment?**

No response was received.

## Huelva local authorities

1. The report finds evidence that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>537 538</sup> Freedom of association and the right to collective bargaining are respected,<sup>539</sup> <sup>540</sup> Working conditions are safe and hygienic,<sup>541 542</sup> Living wages are paid,<sup>543 544</sup> <sup>545</sup> Working hours are not excessive,<sup>546</sup> No discrimination is practiced,<sup>547</sup> Regular employment is provided,<sup>548 549</sup> No harsh or inhumane treatment is allowed.<sup>550</sup> It



notes that some of the abuses outlined above demonstrate breaches in Spanish laws (such as the local collective agreements between local councils and trade unions). **Are you aware of violations on farms in Huelva? Would you like to comment on these findings?**

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2. The report notes that in 2021, the Huelva local government confiscated solar panels used in a local shanty town in Huelva for electricity. We note that the local government did not provide alternative safe accommodation and power sources. **Would you like to comment?**
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3. We note that in August 2021 the local council in Huelva posted a video of a demonstration outside of the town hall on its Facebook page. The demonstration protested the removal of solar panels, and was captioned calling the protestors “shameless”. It has since been removed from the Facebook page. **Would you like to comment?**
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4. We note that the local government in Huelva has been accused of failing to provide emergency assistance following fires in local shanty towns. For example, we note that more than fifty groups and organisations from Huelva and Andalusia issued a joint statement condemning the local Palos de la Frontera City Council for their response to the fire in San Jorge industrial estate in February 2021.<sup>551</sup> **Would you like to comment?**
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No response was received.

## Almeria local authorities

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1. The report finds evidence that farms in the regions of Almeria and Huelva are breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>552 553</sup> Freedom of association and the right to collective bargaining are respected,<sup>554</sup> <sup>555</sup> Working conditions are safe and hygienic,<sup>556 557</sup> Living wages are paid,<sup>558 559</sup> <sup>560</sup> Working hours are not excessive,<sup>561</sup> No discrimination is practiced,<sup>562</sup> Regular employment is provided,<sup>563 564</sup> No harsh or inhumane treatment is allowed.<sup>565</sup> It notes that some of the abuses outlined above demonstrate breaches in Spanish laws (such as the local collective agreements between local councils and trade unions). **Are you aware of violations on farms in Almeria? Would you like to comment on these findings?**
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2. The report notes that in February 2021, local authorities in Almeria were accused of failing to adequately respond to a fire, which destroyed the shanty town of Don Domingo in Atochares. Níjar City Council was said to have “only offered housing to three families with minors”, although over 200 being made homeless by the fire.<sup>566</sup> **Would you like to comment?**
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No response was received.

## Soil Association

### Ecocert

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1. The report finds evidence that farms in the regions of Almeria and Huelva are involved in major labour rights violations and breaking eight out of nine ETI Base Codes on: Employment is freely chosen,<sup>567 568</sup> Freedom of association and the right to collective bargaining are respected,<sup>569 570</sup> Working conditions are safe and hygienic,<sup>571 572</sup> Living wages are paid,<sup>573 574 575</sup> Working hours are not excessive,<sup>576</sup> No discrimination is practiced,<sup>577</sup> Regular employment is provided,<sup>578 579</sup> No harsh or inhumane treatment is allowed.<sup>580</sup> **Are you aware of violations of the ETI Base Code on organic farms in Almeria and Huelva? Would you like to comment on these findings?**
  2. The report notes that organic accounts for 10.3 percent of the total production in Almeria. It notes that multiple accusations of labour rights violations have been made with regards to organic production.<sup>581</sup> **Would you like to comment?**
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No response was received from either organisation.

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