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**STUDY TO IDENTIFY AND COLLECT
QUALITATIVE INFORMATION ON
FORCED LABOR (FL) INDICATORS**

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ACRONYMS

BEPS	Periodic Economic Benefits (Spanish acronym)
CL	Child Labor
COP	Colombian peso
CLRISK	Child Labor Risk Identification Model
DANE	National Administrative Department of Statistics (Spanish acronym)
DCIs	Data Collection Instruments
ECLAC	Economic Commission for Latin America and the Caribbean
FEDEPALMA	National Federation of Oil Palm Growers (Spanish acronym)
FL	Forced Labor
GAV	Gross Added Value
GCC	Gulf Cooperation Council
GEIH	Great Integrated Household Survey (Spanish acronym)
GDP	Gross Domestic Product
ILO	International Labor Organization
IOM	International Organization for Migration
MOL	Colombian Ministry of Labor
POA	Partners of the Americas
RA	Rapid Assessment
UNICEF	United Nations Children's Fund



1. INTRODUCTION

Econometría has been commissioned by Partners of the Americas (POA) to conduct a labor study on the palm oil sector in the northern region of Colombia, to collect qualitative information regarding indicators of Forced Labor (FL) as defined by the International Labor Organization (ILO).¹ This study was conducted using qualitative research with a complementary quantitative analysis of secondary data for the selection of the municipalities to be targeted for the study's fieldwork, which was tailored according to the topics and objectives of the study.

To address child labor (CL) and FL in the agricultural sector, POA is implementing the *Palma Futuro* project, financed by the United States Department of Labor, with the objective of improving the implementation of social compliance systems that promote acceptable conditions of work and reduce CL and FL in palm oil supply chains.

This study was conducted in four municipalities: Pueblo Viejo (Magdalena), San Alberto, El Copey, and Agustín Codazzi (Cesar), located in the departments of Magdalena and Cesar, which correspond to the regions of Colombia where *Palma Futuro*² is implemented.³ By obtaining qualitative information regarding indicators of FL in these municipalities, this study aims to: i) understand the factors that increase the risks of FL in the target regions of the study, and (ii) enhance the availability of information regarding FL in Colombia's palm sector, given that little research has been conducted on this complex topic to date. This study is not intended to analyze the prevalence of the phenomenon, nor assess the existence or absence of FL in the sector and regions analyzed.

Palma Futuro will use the information and analysis presented in this report to inform the strategy and activities of the project and its stakeholders, with the goal of further enhancing the implementation of social compliance systems that advocate for fair working conditions and the prevention of FL within Colombia's palm oil supply chain.

The study employed an exploratory qualitative approach and analysis to identify potential indications of FL risk among palm oil producing communities of the target regions. Considering the qualitative nature of this study and the data collection instruments (DCIs) used, it relies on information obtained from participants' natural and voluntary responses. The results presented in this study are therefore not intended to generalize or extrapolate, but rather to shed light on the realities and perspectives of the people interviewed from the municipalities included in the study.

¹ The 11 indicators, or signs, of FL outlined by the ILO (explained in further detail in Chapter 2) were utilized as a basis for the establishment of categories by which the information collected was analyzed. These five categories include: 1) deception, 2) poor working conditions, 3) violence, 4) abuse of vulnerability and dependency, and 5) isolation. The study's findings (Chapter 3) are presented under these five categories.

² In Colombia, *Palma Futuro* provides support to five palm oil mills and its supply chain in the departments of Magdalena and Cesar in the northern region of Colombia.

³ Section 2.4 presents the methodology implemented for the selection of the study's municipalities.



This report contains four sections, described as follows:

1. An introduction that aims to: 1) contextualize the objective and scope of the study; 2) establish key definitions and concepts regarding FL; and 3) present a review of the literature relevant to FL.
2. The methodology applied: 1) the qualitative methodology implemented; 2) the data triangulation strategy; 3) the process for selecting the municipalities included in the study; and 4) the definition of the study's FL categories according to the ILO's FL indicators.
3. The principal findings of the study, presented under the study's FL categories: i) deception; ii) poor working conditions; 3) violence; 4) abuse of vulnerability and dependency; and 5) isolation.
4. The conclusions and recommendations of the study.

1.1 OBJECTIVE AND SCOPE OF THE STUDY

The main objective of this study is to collect qualitative information on FL in the northern zone of Colombia's palm oil sector, utilizing categories of analysis established according to the ILO's FL indicators. As mentioned in the previous section, the project and its stakeholders expect to use the information gleaned from this study to understand risk factors of FL, particularly in the palm sector, which will inform the project's strategy and the development of project activities. The study additionally seeks to enhance the availability of knowledge with regard to FL in Colombia, especially given the limited amount of research that has been conducted on this topic in the palm oil sector.

It is important to reiterate that this study does not seek to determine the existence of FL within the studied municipalities (Puebloviejo-Magdalena, San Alberto, El Copey, and Agustín Codazzi-Cesar); its findings therefore cannot be representative of these individual municipalities, nor should they be considered representative of the Colombian palm oil sector as a whole.

This study employed a predominantly qualitative methodology, which focuses on answering the "how?" and the "why?" of social dynamics and processes by centering on the experiences, words, and behaviours of people. Such information is collected through primary data sources (interviews, focus groups, forums) that best allow researchers to deepen their understanding of the topic of interest from the perspective of study participants.

Qualitative studies employ methods of analysis that are flexible and sensitive to the social context in which the data is collected. They focus on natural, situated practices and interactive, dynamic processes between the researcher and participants. Unlike quantitative studies, qualitative studies seek to delve deeper into the socio-cultural phenomenon studied based on individual experiences of participants.



1.2 DEFINITIONS AND KEY CONCEPTS WITH REGARD TO FL

To approach this research effectively, it is vital to begin with a definition of FL. The following definition, set forth by the ILO, is the most widely accepted definition of FL:

“(...) work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.”⁴

The ILO outlines three elements from this definition that are essential to the characterization of FL. These elements include:

- 1. Work or service:** refers to a wide range of situations in which there may be a risk of FL. It encompasses all types of work occurring in any activity, industry or sector, including the informal economy.
- 2. Menace of any penalty:** refers to a variety of different penalties used to force someone to work.
- 3. Involuntariness:** refers to workers’ lack of free and informed consent to both accept an employment offer and to resign from employment at any time.

Given the complex nature of identifying FL,⁵ in 2012, the ILO proposed 11 indicators to support stakeholders in identifying individuals *“who are possibly trapped in a forced labour situation, and who may require urgent assistance. The indicators represent the most common signs or “clues” that point to the possible existence of a forced labour case.”*⁶ It is important to note that the use of the term “indicator,” as explained by the ILO, refers to a sign of the existence of FL, which is not necessarily quantitative in nature. This approach therefore does not require the use of quantitative measurement for the identification of possible cases of FL. The 11 FL indicators set forth by the ILO are as follows:

- 1. Abuse of vulnerability:** this indicator is present when employers take advantage of worker’s specific vulnerabilities (such as migration status, disability, ethnicity, minority status, etc.) to impose unfavorable working conditions (e.g., excessive working hours or withholding of wages).
- 2. Deception:** this indicator refers to instances in which employers fail to provide or uphold the working conditions that have been promised to a worker, which may occur in a context where the worker has limited or no ability to decline these conditions.
- 3. Restriction of movement:** this is associated with practices in which employers lock up and guard workers to prevent them from escaping, either at work or while being transported.

⁴ Source: <https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm>.

⁵ See Annex 1, Statistical Approach to Measuring FL, for more information on challenges and approaches to measuring FL.

⁶ Source: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf.



4. **Isolation:** this indicator, also related to restriction of movement, refers to instances in which workers are not aware of the location of the workplace, are cut off from communication with the outside world, or work in remote and isolated areas.
5. **Physical and sexual violence:** this refers to instances in which workers and their families suffer physical and/or sexual violence by their employers.
6. **Intimidation and threats:** this indicator concerns employers' use of intimidation, violence, and threats against workers to prevent them from reporting poor working conditions or quitting their job.
7. **Retention of identity documents:** this involves employers retaining worker's identity documents or other valuable personal possessions to restrict their mobility and prevent them from leaving their job.
8. **Withholding of wages:** this refers to cases in which workers are forced to remain in their jobs until employers pay them their salaries.
9. **Debt bondage:** this indicator involves working in an attempt to pay off an incurred or even inherited debt. Debt bondage is related to the withholding of wages, but is broader, as it includes employers withholding various forms of compensation to the extent that they don't even provide their workers with remuneration, constituting a form of servitude.
10. **Abusive working and living conditions:** this is associated with workers performing their jobs under conditions that are degrading or hazardous and in severe violation of labor law.
11. **Excessive overtime:** this refers to employers obliging their workers to work excessive hours or days beyond the limits prescribed by national law.

In addition to introducing these 11 FL indicators, the ILO has also played a crucial role in establishing several international consensus frameworks that respond to nations' longstanding concern with FL and their commitment to recognizing and reinforcing human rights. These include the following conventions and recommendations:

- **Convention 29, 1930 (FL Convention):** promotes the adoption of specific recommendations concerning FL and obligates ratifying United Nations Members to enforce the punishment of FL as a penal offence.
- **Convention 105, 1957 (Abolition of FL):** requires effective measures to be taken for the immediate and complete abolition of FL.
- **Recommendation 35, 1930 (FL Recommendation):** recommends that each member should take specific principles into consideration to implement Convention 29.
- **Recommendation 203, 2014 (Recommendation on Supplementary Measures against FL):** seeks to address gaps in the implementation of Convention 29 and provides guidance on FL prevention, protection of victims, and ensuring their access to justice and remedies.



Both FL Conventions have been ratified by Colombia (Convention 105 on June 7, 1963, and Convention 29 on March 4, 1969 (Law 23, 1967)). In addition, FL and forms of slavery are prohibited by both the Colombian Political Constitution⁷ and its Labor Code.⁸

1.3 LITERATURE REVIEW ON FL

To better understand the nature and scope of existing research on FL, the research team conducted a literature review, which revealed that the majority of recent studies related to FL concentrate on the phenomenon of human trafficking for the purpose of sexual exploitation.⁹ Of the little research conducted on other forms of FL, the majority has focused on analyzing the relationship between excessive overtime and FL. According to Márquez (2020), 30 studies, mainly qualitative, were conducted in Latin America between 2015 – 2019 that analyzed this relationship, drawing from sources that documented workers' complaints to judicial authorities.

Moyer (2016) conducted research with the objective of understanding the “*nature of labor trafficking*” in Bolivia, Peru, and Chile, and how this phenomenon “*is not an isolated instance but embedded in labor practices.*” This study established three main causes of labor trafficking in a country: “*(i) the ineffective enforcement of labor laws, (ii) the limited ability of the law to regulate certain industries, and (iii) the employment of discriminated-against racial and ethnic groups.*” In addition, the research concluded that attempting to understand FL using only quantitative indicators is inadequate, and that qualitative techniques are necessary to capture more accurate information.

In 2023, the Global Fund to End Modern Slavery and the University of Chicago conducted a study to measure the prevalence of FL among Kenyan migrant workers that had recently returned from Gulf Cooperation Council (GCC) countries. The study team grouped the ILO's FL indicators into scaled categories of abuses based on perceived severity of infringement on human rights by employers. The authors found that: “*98.73% of the study's sample reported having experienced at least one of the four categories of workplace labor abuses or were unable to exit an abusive employment situation. Authors estimated the rate of forced labor among the Kenyan migrant labor population in GCC countries to be 98.24%. In essence, practically everyone heading to the GCC as a migrant worker from Kenya would become a victim of forced labor at some point.*”¹⁰

The majority of research on FL in the palm oil sector is concentrated in the region of Southeast Asia, where human trafficking and slavery practices in palm oil production have been identified. Li (2018), Zimmerman & Kiss (2017), Eilenberg (2012), and Pye et Al. (2012) explored the negative health consequences of human trafficking by analyzing the life stories of migrant palm oil workers. Fung (2017) utilized a United States Department of State report to analyze trafficking in persons and found that due to the isolated nature of palm oil plantations and the outsourcing of recruitment, it is often difficult to detect labor abuse in Southeast Asia.

⁷ Article 17 of the Colombian Constitution of 1991.

⁸ Article 7 of the Labor Code, modified in 2013.

⁹ For example, see: Barner & Okech, 2014; Berman, 2003; Pajnik & Bajt, 2012 and Tomkinson, 2012.

¹⁰ Robertson, B. (2022). Prevalence Estimate: Forced Labor Among Kenyan Workers in the Gulf Cooperation Council Global Fund to End Modern Slavery (gfems.org).
<https://gfems.org/reports/prevalence-estimate-forced-labor-among-kenyan-workers-in-the-gulf-cooperation-council/>.



Ariadne (2021) asserts that human trafficking is pervasive across all provinces of Indonesia, with victims predominantly being women and children engaged in various industries, including the palm industry. The author identified several primary factors that contribute to this situation, including poverty, natural disasters, globalization, and endemic corruption among government officials. These studies, while focused on the context of Southeast Asia, provide valuable insight into the factors that contribute to labor abuses in the palm sector; the limited availability of FL research on the palm sector in South America additionally demonstrates the need to conduct further studies in this specific context.

As previously mentioned, in Colombia, research on this topic is less abundant. This research tends to focus more on socioeconomic impacts of the palm sector on communities, or indirect links between labor abuses. Gómez (2005), for instance, describes the sustainability of Colombian palm oil culture in economic, social, and environmental terms. The research concluded that due to a lack of opportunities, business bankruptcies, and limited government assistance, the rural labor force in Colombia has been forced to engage in the cultivation of illegal crops under adverse working conditions. In contrast, Castiblanco (2015) analyzed the favorable socioeconomic impacts of the expansion of palm oil plantations in Colombia, finding that municipalities involved in palm oil tend to have lower levels of unmet basic needs and higher fiscal incomes compared to municipalities where the crop is not cultivated.

A case study on the Colombian palm oil producer and extractor Palmas del Cesar (POA and J.E. Austin Associates 2021)¹¹ analyzed the decisions and actions made by this extractor plant related to sustainable labor practices. The investigation revealed that this company, often recognized for its high-quality standards, previously sourced two-thirds of its inputs from small independent producers with limited capacities to comply with good labor practices. In response to this, Palmas del Cesar offered technical assistance to a group of its suppliers, demonstrating that small producers can adopt good labor practices when they receive support and guidance.

Ultimately, this literature review serves as a basis for understanding effective approaches to studying FL, in addition to existing gaps that need to be addressed through further research, particularly in the Colombian palm sector. As seen in the literature, qualitative research methods are needed to ensure a deeper, more accurate understanding of FL. The following section provides an overview of the methodological approach to this study, which largely relies on qualitative methods to highlight the experiences and perspectives of research participants.

¹¹ Palmas del Cesar is a medium-sized producer and extractor of crude palm oil based in Bucaramanga, Colombia that has successfully emerged from two prolonged strikes. Palmas del Cesar is a private sector partner of *Palma Futuro*.



2. METHODOLOGICAL ASPECTS

2.1 METHODOLOGY

This study employs a predominantly qualitative methodology known as Rapid Assessment (RA).¹² This methodology has been broadly applied in studies of a wide range of fields and subjects, including early applications in poverty and public health. RA has gained recognition from organizations such as the ILO and the United Nations Children’s Fund (UNICEF), which have conducted over 40 studies employing the RA methodology, primarily focusing on working conditions in countries and regions across the globe (ILO – UNICEF, 2006).

The RA model is a systematic approach conducted by a team of researchers which combines multiple methods for data collection and triangulation during analysis. A key feature of the RA model which is not always present in qualitative research methodologies is the attention to feedback, clarification, and verification¹³ of data and methodology that is applied consistently throughout the research process (Cole, 2002).

The research team conducted the RA model applying a qualitative technique to investigate potential risks of FL in the palm sector of the study’s municipalities (see section 2.3 which describes the process of identification of municipalities for this study). Qualitative DCIs applied for this study included in-depth interviews with key actors in palm oil production, as well as with members of the community and local institutional stakeholders. Additionally, focus groups were conducted using participatory group work techniques to identify and understand the extent to which local attitudes could lead to FL practices.¹⁴

The fieldwork conducted for the qualitative exercises (semi-structured interviews and focus groups) began on March 17, 2023, and concluded on March 30, 2023.¹⁵ The following tables outline the use of each DCI and provide information on the participants that were interviewed for each DCI over the course of the fieldwork conducted for this study:

¹² This methodology has been widely applied in studies of various topics, such as poverty and public health, and has recently been adopted by the ILO and the United Nations International Children’s Emergency Fund (UNICEF), who have carried out more than 40 studies using the RA methodology since the late 1990s, mainly related to working conditions and FL in various countries and regions around the world (ILO – UNICEF, 2006).

¹³ In this study, feedback was provided during the design and testing of the DCIs. Clarification was also obtained as a result of the pilot test and during the training of field staff. Verification was sought out via ongoing dialogue with participants during fieldwork.

¹⁴ It has gained recognition from organizations such as the ILO and UNICEF, which have conducted over 40 studies employing this methodology since the late 1990s. These studies primarily focus on working conditions, FL, and child work in different countries and regions worldwide (ILO – UNICEF, 2006).

¹⁵ Information on the demographics and characteristics of the municipalities included in the study’s fieldwork can be found in Annex 2.



Table 1 - Data Collection Instruments coverage achieved

Department	Municipality	Qualitative Data Collection Instruments	Number of data collection activities
Cesar	Agustín Codazzi	Community leaders focus group	1
Cesar	Agustín Codazzi	Public officials interview	1
Cesar	Agustín Codazzi	Palm oil fruit producers semi-structured interview, female duo /1	1
Cesar	Agustín Codazzi	Palm oil fruit producers semi-structured interview, male duo /1	1
Cesar	Agustín Codazzi	Palm oil fruit producers workshop, mixed gender duo /1	1
Cesar	Agustín Codazzi	Extractor plants and plantations workers focus group	1
Cesar	Agustín Codazzi	Total per municipality	6
Cesar	San Alberto	Community leaders focus group	1
Cesar	San Alberto	Public officials interview	1
Cesar	San Alberto	Palm oil fruit producers semi-structured interview, female duo /1	1
Cesar	San Alberto	Palm oil fruit producers semi-structured interview, male duo /1	1
Cesar	San Alberto	Palm oil fruit producers workshop, mixed gender duo	1
Cesar	San Alberto	Extractor plants and plantations workers focus group	1
Cesar	San Alberto	Total per municipality	6
Magdalena	Puebloviejo	Community leaders focus group	1
Magdalena	Puebloviejo	Public officials interview	1
Magdalena	Puebloviejo	Palm oil fruit producers semi-structured interview, male duo /1	2
Magdalena	Puebloviejo	Palm oil fruit producers workshop, mixed duo /1	1
Magdalena	Puebloviejo	Extractor plants and plantations workers focus group	1
Magdalena	Puebloviejo	Total per municipality	6
Cesar	El Copey	Community leaders focus group	1
Cesar	El Copey	Public officials interview	1
Cesar	El Copey	Palm oil fruit producers semi-structured interview, female duo	1
Cesar	El Copey	Palm oil fruit producers semi-structured interview, male duo	1
Cesar	El Copey	Palm oil fruit producers workshop, mixed duo	1
Cesar	El Copey	Extractor plants and plantations workers focus group	1
Cesar	El Copey	Total per municipality	6

Source: Ecuometría./ 1: Female duo (two women), male duo (two men), mixed duo (one man, one woman).



Table 2 – Participants Interviewed by Data Collection Instrument

Qualitative Data Collection Instruments	Number of participants	Female	Male
Community leaders focus group	23	9	14
Public officials' interview	4	3	1
Palm oil fruit producers semi-structured interview	24	10	14
Extractor plants and plantations workers focus group	29	4	26

Source: Econometría.

It is important to note that no temporary or outsourced workers were interviewed for this study. The fieldwork focused on interviewing workers from extractor plants and farms, rather than workers hired by intermediary companies. The study's findings regarding outsourced workers were obtained from third party testimonies, and it is important to keep this limitation in mind when interpreting potential findings regarding this type of actor.

2.2 DATA TRIANGULATION STRATEGY FOR CASE STUDIES

When applying a mixed methods approach that aims to contribute to the cohesion and robustness of research results, triangulation is a means of validating findings for the verification of said results (Mejia-Perez, 2020). Ensuring high-quality data is crucial for data triangulation (Miles, Huberman, & Saldaña, 2014), as it increases the validity of results and identifies potential biases in the research design that should be addressed. For this study, triangulation was carried out for the design of the qualitative sample using multiple methods (qualitative and quantitative) and for the sources of the data collected (primary and secondary).

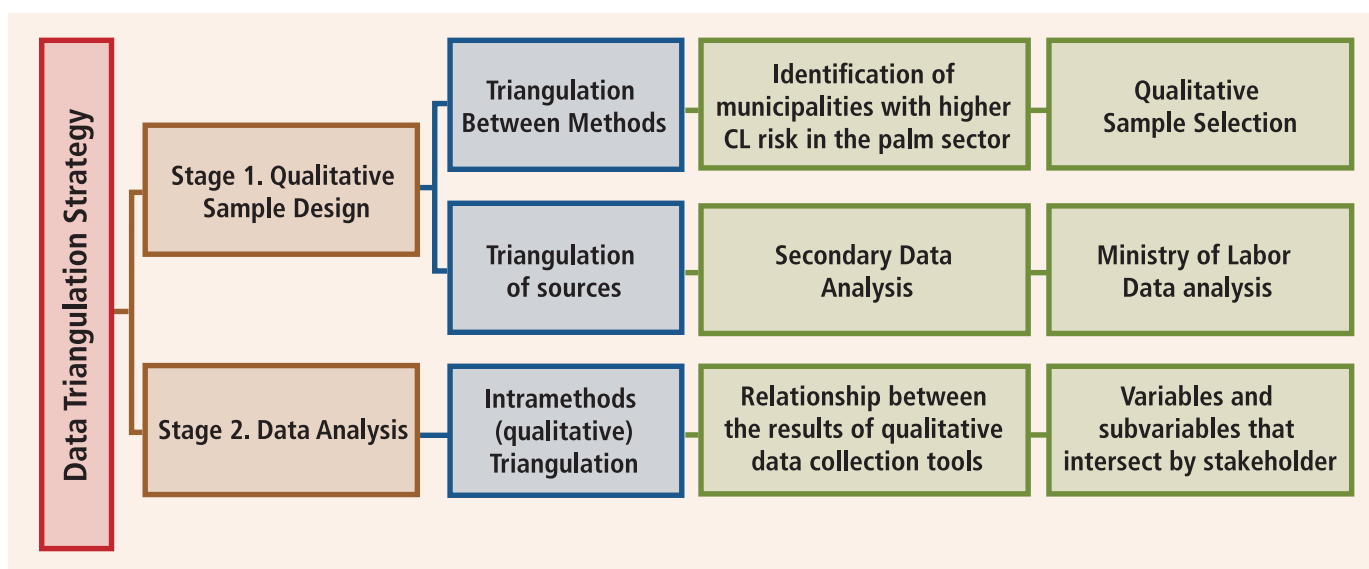
As such, this study developed and utilized a “nested” mixed methodology, in which the main research method was qualitative, complemented by an analysis of quantitative secondary sources which were used to select the fieldwork sample.

Two stages of triangulation were carried out, each of them linked to the different phases of the research: 1) the design of the qualitative sample, through triangulation between methods (qualitative and quantitative)¹⁶ and data sources (primary and secondary information); and 2.) the analysis of the data, through triangulation between the different DCIs and the diverse stakeholders interviewed (see Figure 1).

¹⁶ Quantitative methods employed for this study primarily involved desk research through the collection of secondary information obtained from the following sources: MOL, National Administrative Department of Statistics (DANE), Information System for the Registration and Eradication of Child Labor and its Worst Forms, and the National Planning Department.



Figure 1 - Data Triangulation Strategy



Source: Econometría.

2.3 IDENTIFICATION OF THE STUDY MUNICIPALITIES

To define the study's municipalities in the departments of Magdalena and Cesar, where *Palma Futuro* is implemented, the research team explored the possibility of using data from complaints filed by workers with the Colombian Ministry of Labor (MOL) related to the ILO's FL indicators. However, according to the information provided by the MOL, between January 2016 and April 2022, only two complaints were recorded in the department of Cesar, and no complaints were reported in the department of Magdalena. Consequently, the official data available proved to be insufficient for use in this study.¹⁷

Given that sufficient statistics on FL were unavailable in the study's target regions, the research team explored alternative options for the identification of municipalities with higher potential FL risk for their inclusion in the study. The International Trade Union Confederation argues that FL is closely linked to CL, given that they tend to occur in the same geographical areas and within the same industries, often stemming from poverty and discrimination.¹⁸

Other organizations such as ILO, the International Organization for Migration (IOM), UNICEF and the Organization for Economic Co-operation and Development, have also identified a close link between FL and CL. According to these organizations, FL and CL are intertwined and influenced by three key dimensions: (i) gaps in statutory regulations, (ii) vulnerable socio-economic conditions, and (iii) business practices and the overall business environment. Socioeconomic factors such as poverty, informal work, and exposure to violence can limit opportunities for sustainable livelihoods, thereby increasing the risk of both CL and FL. These pressures can lead families to become more vulnerable, increasing their reliance on CL to meet

¹⁷ The response provided by MOL highlights the absence of the "Forced Labor" classification concept in its information system, with complaints typically categorized as "poor labor practices." This lack of specific categorization poses a challenge to identifying the legal and real prevalence of the phenomenon.

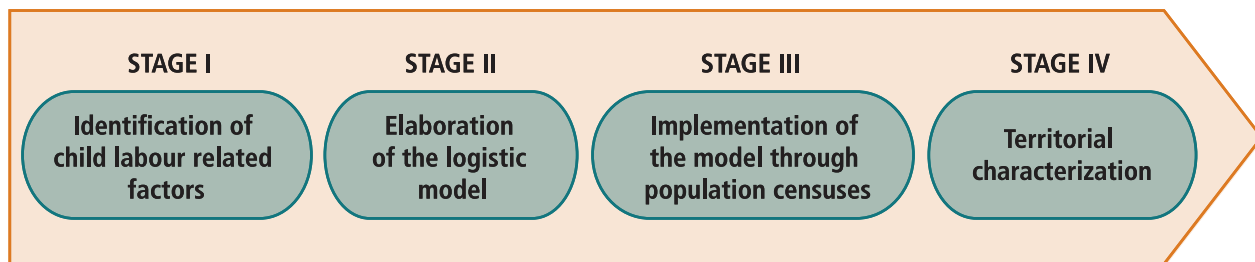
¹⁸ Source: <https://www.ituc-csi.org/forcedlabour?lang=en>.



their basic needs. Additionally, these conditions may drive families to enter into coercive forms of credit, further increasing the likelihood of FL. Based on this information, the research team ultimately chose to analyze data on CL, which is more readily available, as an alternative for the identification of the municipalities to be included in the study.

The specific methodology employed by the research team for the identification of the study's municipalities was the Child Labor Risk Identification (CLRISK) model, which was developed by the ILO and the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) (2018). This model consists of four stages, as detailed below:

Figure 2 - Stages of the Child Labor Risk Identification Model



Source: ILO and ECLAC- CLRISK model, 2018.

The first stage is the identification of risk factors associated with CL. Both national and regional sources were consulted by the research team to increase the relevance and precision of the target selection, considering the effective variation of individual, family, and contextual features (development environment).

The second stage consists of estimating a binary choice econometric model with logistic distribution, where the dependent variable takes either the value of 1, if the child engages in CL, or 0 otherwise:

$$y_i = \begin{cases} 1 & \text{if the child is engaged in CL } (p) \\ 0 & \text{otherwise } (1-p) \end{cases} \quad (1)$$

The risk of CL (p_i) is explained by a vector of independent variables X that are related through the vector of parameters or estimators β . Within this vector is the set of determinants that correspond to the factors identified in the first stage of the methodology, following the estimate model below:

$$p_i = Pr[Y_i = 1 | x] = F(x_i' \beta) \quad (2)$$



Where $F(\cdot)$ is a cumulative distribution function that ensures that the probability is between 0 and 1. As the methodology proposed by ILO & ECLAC (2018) assumes a logistic distribution $\Lambda(\cdot)$, the model takes the following form:

$$p = Pr[y = 1 | x] = \Lambda(x'\beta) = \frac{e^{x'\beta}}{1 + e^{x'\beta}} \quad (3)$$

The marginal effects¹⁹ are estimated as follows:

$$\partial p / \partial x_j = \Lambda(x'\beta)[1 - \Lambda(x'\beta)]\beta_j \quad (4)$$

The estimation is made both at the national level and for the departments of Magdalena and Cesar. In this regard, it should be clarified that, when considering the data sample of the Great Integrated Household Survey, (GEIH)²⁰ from the whole year, statistical representativeness can be obtained at the departmental (regional) level. However, the “CL module” is only applied in the fourth quarter of each year; as such, four sample years were appended to maximize statistical sampling.

In the third stage, the estimators obtained during the second stage are used to extend the estimations to municipalities by using the available information from the most recent population census. In Colombia, the most recent census is the 2018 National Population and Housing Census, which is available in the form of anonymized microdata on the National Administrative Department of Statistics (DANE) website.²¹

Finally, in the fourth stage, a territorial characterization is carried out to detect the higher or lower presence of the factors associated with the risk of CL at the municipal level, allowing for the identification of municipalities where the qualitative information will be collected.

It's important to mention that only those municipalities involved in palm oil production were considered for this analysis. In Colombia, the National Association of Oil Palm Growers (FEDEPALMA) divides the palm oil sector into four zones (north, central, east and southeast). In total, these regions include 21 out of Colombia's 32 departments, containing 160 municipalities. The targeted geographical zone for this study is the northern region, specifically the departments of Cesar and Magdalena.

The following illustration shows the score received by each municipality, based on the CLRISK model:

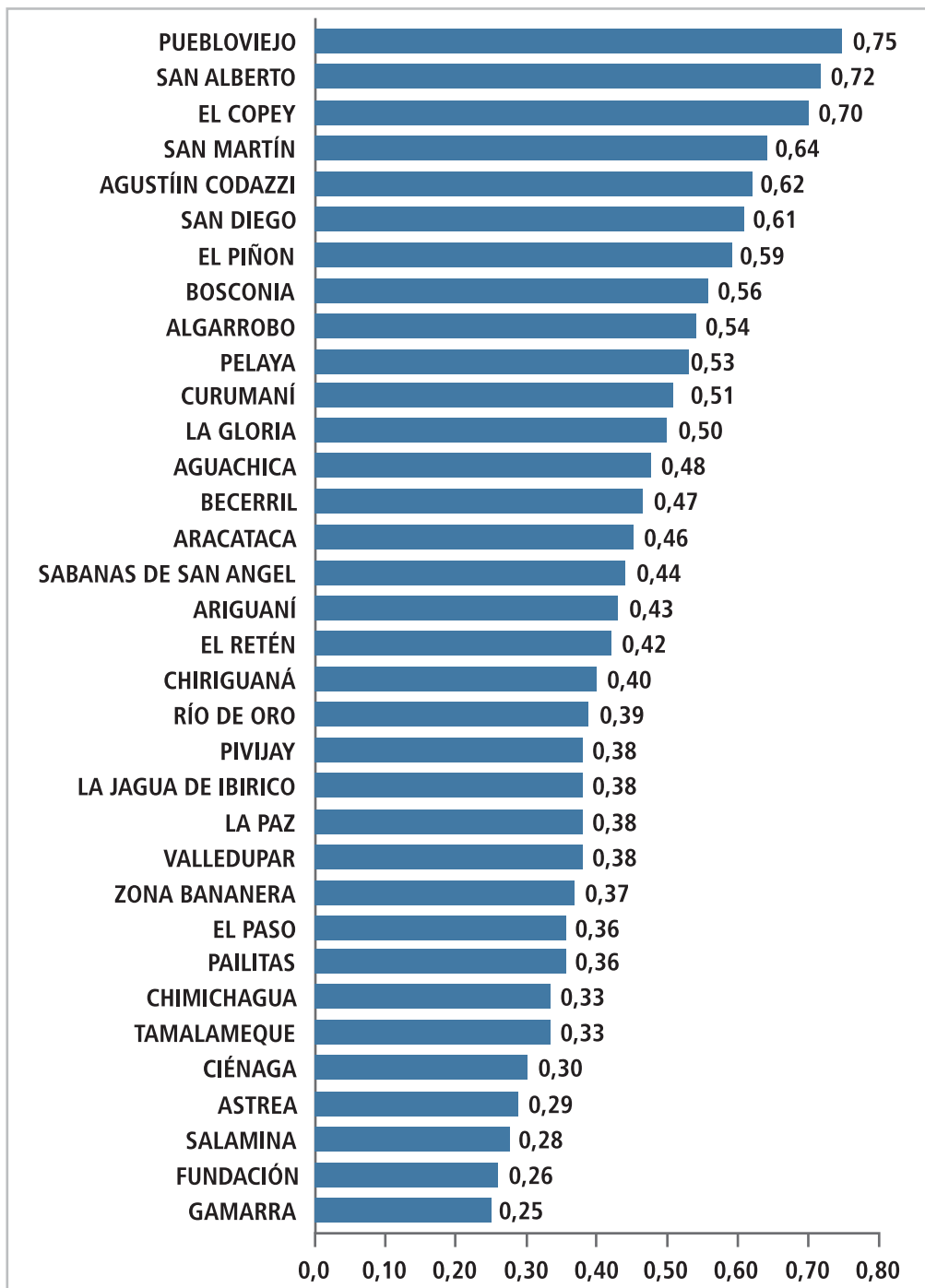
¹⁹ Marginal effects explain how a dependent variable changes when a specific independent variable changes. Binary variables measure discrete change, while continuous variables measure the instantaneous rate of change.

²⁰ For the purposes of follow-up and monitoring of CL, the Colombian National Administrative Department of Statistics (DANE) has applied a special module as part of its labor market survey (the Great Integrated Household Survey, or GEIH) during the fourth quarter of each year since 2012.

²¹ Source: https://microdatos.dane.gov.co/catalog/643/get_microdata



Figure 3 – Selection score



Source: Econometría, using 2017-2020 GEIH and 2018 Census data from DANE.

As seen in the graph above, the four municipalities that have the highest presence of factors associated with the risk of CL are: Puebloviejo (Magdalena), San Alberto, El Copey and San Martín (Cesar). The research team selected the municipalities of Pueblo Viejo (Magdalena), San Alberto, El Copey, and Agustín Codazzi (Cesar) for the conduction of the study. San Martín was replaced by Agustín Codazzi because this municipality has a greater presence of palm crops and is more representative of palm-producing communities.



2.4 DEFINITION OF FL CATEGORIES ACCORDING TO ILO INDICATORS OR SIGNS.

Given the complexity of the characterization of FL, its definition and its indicators, the research team created a simplified framework for the analysis of the data collected for this study. To accomplish this, the research team, in consultation with local labor market experts in Colombia, reviewed the 11 ILO indicators and subsequently placed them into one of five categories, as seen in the following table:

Table 3 – Study FL categories and their relationship with ILO FL indicators or signs

Study Category	ILO Indicator
I. Deception	Deception
II. Poor working conditions	Abusive working and living conditions
II. Poor working conditions	Excessive overtime
III. Violence	Physical and sexual violence
III. Violence	Intimidation and threats
IV. Abuse of vulnerability and dependency	Abuse of vulnerability
IV. Abuse of vulnerability and dependency	Withholding of wages
IV. Abuse of vulnerability and dependency	Debt bondage
V. Isolation	Restriction of movement
V. Isolation	Isolation
V. Isolation	Retention of identity documents

Source: Econometría, based on ILO, 2012.

These five categories were utilized for the organization and presentation of the study's findings in accordance with the ILO's FL indicators. A brief description of each category is presented as follows:

1. Deception

This category corresponds to the ILO deception indicator which, as previously mentioned, analyzes the potential failure to deliver what has been promised to a worker regarding wages, labor conditions and other benefits. The research team approached the concept of deception by asking the study's participants about potential situations in which specific working conditions offered during the recruitment process (i.e., payment of social security contributions by employers; and duties or functions of the job) had not been fulfilled.



2. Poor working conditions

This category encompasses the ILO indicators of abusive working and living conditions²² and excessive overtime. To analyze working conditions, the research team asked participants to share their opinions and experiences on aspects such as wages, social security coverage, job stability, and working hours, considering that these are aspects that have been commonly analyzed in similar studies for Latin America.²³ The research team also analyzed other aspects including: 1) production goals; 2) opportunities for career advancement and 3) extra-legal benefits.

3. Violence

This category is linked to the ILO indicators of physical and sexual violence, as well as intimidation and threats. The research team explored the potential existence of situations involving any form of violence or mistreatment in the workplace. Additionally, the research team explored participants' perceptions of their work environment,²⁴ and inquired about workers' ability to form unions.

4. Abuse of vulnerability and dependency

This category corresponds to the ILO indicators of abuse of vulnerability, withholding of wages, and debt bondage. In the context of this study, this category examined potential situations of worker dependency on the employer and wage deductions for loan repayment under unclear and non-negotiated conditions (i.e., unlawful wage garnishment).

5. Isolation

This category is linked to the ILO indicators of restriction of movement, isolation, and retention of identity documents. The research team explored potential situations of restricted communication, exclusion from community and social activities, and the withholding of identity documents.

As mentioned before, the objective of this study is to conduct an analysis of FL indicators in the study's target municipalities, within the framework of the five analytical categories. The aim was to collect qualitative data, from the perspective of the study participants, on the presence of indicators included in these categories, rather than to determine whether participants were victims of FL on a case-by-case basis.

²² None of the workers interviewed lived in employer-provided housing, nor did any of the employers interviewed provide housing for their workers. As such, the research team only asked participants to provide information regarding working conditions.

²³ See: Oviedo-Gil & Cala, 2023; Sehnbruch, González, Apablaza, Méndez, & Arriagada, 2020.

²⁴ Understood as workers' subjective evaluation of the quality of their workplace environment. The question in DCI was: "¿How likely is it that the following situations could occur or be allowed in your current workplace, on a scale of 1 to 5 (with 5 representing very likely to occur or be allowed): Be shouted at and/or insulted at work and be struck and/or physically punished at work".



3. FINDINGS FROM THE QUALITATIVE ANALYSIS

The findings presented below are derived from the qualitative data collection methodology described in Chapter 2. An analysis regarding the presence of potential risks of FL was conducted using the information that was obtained from the study participants interviewed (see Table 2), and focuses on their understandings, experiences, and perspectives. This chapter is organized, as described in section 2.1, according to the following FL categories that were developed in accordance with the ILO's 11 FL indicators:

1. Deception.
2. Poor working conditions.
3. Violence.
4. Abuse of vulnerability and dependency.
5. Isolation.

3.1 DECEPTION

As mentioned in Chapter 1, victims of FL are often lured into jobs through use of deception, characterized by the promise of favorable working conditions that are not met upon job acceptance. For the purposes of the study, this category's analysis focused on participants' experiences and opinions that might indicate the presence of situations of deception. The research team approached the concept of deception by asking participants about their knowledge of or experience with situations in which specific working conditions were falsely offered to job seekers during the recruitment process, such as 1) the payment of social security contributions by employers; and 2) the description of the job's duties or functions.

In both cases, the research team inquired among the palm workers²⁵ and producers interviewed whether they had experienced instances in which there were differences between the working conditions offered during the recruitment process and the actual conditions of the job. The research team also interviewed public officials and community leaders about their opinions or experiences regarding these situations.

KEY FINDING 1

The participants interviewed perceived that workers hired directly by palm oil extractor plants and plantations are not exposed to the risk of deception regarding their employers' payment of social security contributions. In contrast, community leaders interviewed mentioned hearing of instances in which workers were deceived when they were hired through outsourcing. Most of the participants agreed that it is uncommon for workers to experience instances of deception regarding the duties or functions of the job.

²⁵ The workers interviewed were asked about the conditions of their current job.



3.1.1 DECEPTION IN THE PAYMENT OF SOCIAL SECURITY CONTRIBUTIONS

Given the importance of social security coverage for workers' well-being and overall social welfare, the research team asked participants about potential risk of deception regarding this benefit. As seen in the Colombian Constitution, social security is considered to be an inherent right for all inhabitants of the country:

“Social Security is a compulsory public service provided under the State’s direction, coordination, and control. It operates based on the principles of efficiency, universality, and solidarity as defined by law. Every inhabitant has an inalienable right to Social Security (...)” (Colombian Political Constitution, 1991, article 48).

In Colombia, the social security system provides insurance coverage under three separate programs: health, occupational risks, and pensions. Generally, access to these benefits requires the payment of contributions by both the employee²⁶ and employer,²⁷ with the exception of the subsidized health regime.²⁸ While almost all citizens have health coverage, the rate of access to the other benefits provided by social security is alarmingly low, at less than 50%.²⁹

In general, study participants agreed that in extractor plants and large-sized palm plantations, it is standard for employers to hire workers through a formal labor contract that includes contributions to all social security benefits. The majority of the workers interviewed³⁰ stated that they are affiliated to health, pension, and occupational-risk benefits, as seen in the following testimonies:

“[...] we set up affiliation [to social security] the day before the worker starts, so that they are covered on their first day... This approach ensures that a worker will be covered even if an incident occurs on the first day of work [given that workers’ coverage beings the day after they are affiliated]” (Interview, Female Adolescents, 2023).

“[For] companies, [being officially registered in the National Social Security System] is 100% an obligation (...) automatically, as soon as they are hired” (Interview, Workers, 2023).

²⁶ Predominantly through payroll deductions.

²⁷ The distribution of employer contributions is as follows: (i) for healthcare, the employer contributes 8.5% of the workers’ salary, while the worker contributes 4%; (ii) for pensions, the employer contributes 12% of the worker’s salary, and the worker contributes 4%; (iii) for occupational risks, the rates vary based on the specific risk level of the worker’s occupation and the contribution is fully paid by the employer; and (iv) for family subsidies, the contribution is solely paid by the employer, and consists of 4% of the workers’ salary.

²⁸ The Colombian government provides health coverage to vulnerable individuals who, due to their circumstances, are unable to contribute to the contributory health system.

²⁹ According to calculations derived from GEIH-DANE from the first quarter of 2023, the rate of contribution to social security benefits is as follows: pension at 40.6%, labor risk at 40.3%, and family subsidy at 32.8%. As mentioned, the rate of contribution to health coverage is much higher, at 94.4%.

³⁰ No temporary/outsourced workers were interviewed in the study. As previously explained, for this study, workers in small, medium and large farms were contacted, but not those in intermediary companies. This is a limitation of the study since there are indications that they have different work dynamics. Actually, this could be an indication of different institutional relationship arrangements, as it was not possible to identify intermediary companies through the contact channels available for the study.



In contrast, the producers interviewed from small-sized plantations mentioned that they do not have access to social security benefits, and that their access to health services is provided through the subsidized health regime:³¹

“Oh, yes, this is serious, [labor informality] is beyond our control...”³² (Interview, Small producers, 2023).

The workers of small-sized plantations also viewed this situation as undesirable; however, they noted that they were aware of these conditions at the time they were hired, thus indicating this did not constitute a risk of deception.³³ Employers’ failure to affiliate workers to social security is a common issue in Colombia’s agricultural sector and is associated with labor informality.

Finally, according to workers and community leaders interviewed, situations constituting risk of deception have occurred when employers used outsourcing³⁴ to hire workers³⁵. Some participants reported hearing of instances in which payments of social security contributions were not made by these intermediary companies, despite having deducted these contributions from the workers’ paychecks. Workers only became aware of this after attempting to access health services.

“Those who are directly employed by the company receive the benefits, but there are issues for those working through intermediaries or SAS [Sociedades por Acciones Simplificadas].³⁶ There are deductions from their wages, yet they are not affiliated. When incidents occur, it becomes evident that although money is deducted from their pay, they lack the necessary coverage.” (Focus Group, Community Leaders, 2023).

“It appears that deductions are made from [workers’] pay, but upon verification, they are not affiliated (...). Although deductions are made from their payroll, they wouldn’t be able to receive benefits if they were to suffer an accident” (Focus Group, Community Leaders, 2023).

³¹ According to DANE, during the third quarter of 2023, the percentage of Colombian workers categorized as informal was 56.1%. According to the Society of Farmers of Colombia, labor informality in the agricultural sector reached 86% in 2019.

³² This is a common situation that has been observed by Palma Futuro project staff; although small producers are the owners of their plantations and theoretically have the power to affiliate themselves and their workers to social security, there is a persisting mentality among small producers that they do not have the resources as small business owners to do this; it is commonly viewed as too challenging to achieve.

³³ Additional findings regarding the issue of labor informality can be found under the study category of poor working conditions.

³⁴ Outsourcing mechanisms such as Simplified Stock Companies (Sociedades por Acciones Simplificadas), temporary Services Companies (Empresas de Servicios Temporales), Associated Work Cooperatives (Cooperativas de Trabajo Asociado), Union Contracts (Contratos Sindicales), and Collective Pacts (Pactos Colectivos).

³⁵ It is important to bear in mind that the study did not interview outsourced workers. These findings are based on the testimonies of participants.

³⁶ See previous footnote.



3.1.2 DECEPTION IN THE JOB DUTIES

Deception can also be characterized by instances in which the activities performed by workers differ drastically from those agreed upon with their employers during the recruitment process. In general, the workers interviewed agreed that their duties corresponded to those agreed upon when they were hired, and that they typically are not asked to perform activities that differ from these duties. It is important to note, however, that several of the workers interviewed mentioned cases in which their employers changed their tasks as part of a “sanction” resulting from poor performance.

Most of the palm producers interviewed explained that they usually don’t make significant changes to the designated work that was originally agreed upon with the worker. If a worker is hired for a particular task, they predominantly carry out that specific role.³⁷ The small producers interviewed agreed that they do not assign tasks to their workers other than those for which they were hired, disapproving of this practice and mentioning that their workers would not agree to it either.

“No, you can’t do that, because he [the worker] only comes here to do his job, and if I tell him to do another task he won’t do it, for sure” (Interview, Small Producers, 2023).

The medium and large – sized producers interviewed noted that they hire workers to perform a variety of different tasks, but that this is clear from the beginning of the recruitment process. This finding coincides with the testimonies of community leaders:

“Well, in the case of the person responsible for cutting [the fruit] ...for example, if there will be no cutting today, he might be assigned to cleaning duties. They [the employers] change their tasks, it’s very likely to happen” (Focus Group, Community leaders, 2023).

The public officials interviewed noted that in large palm oil companies, workers are not assigned tasks that differ from their designated roles, given that these companies prioritize legal compliance.

3.2 POOR WORKING CONDITIONS

Workers subjected to FL often endure conditions that breach labor regulations, including being required to work excessive overtime beyond established limits. To assess this risk, the research team asked study participants to share their experiences and opinions regarding working conditions and overtime practices.

³⁷ Some of the medium and large - sized producers interviewed mentioned that they occasionally ask workers to perform duties that are different from the ones they were originally assigned.



KEY FINDING 2

The study participants considered that general, in both the extractor plants and the small, medium and large-sized plantations, workers enjoy good quality jobs in terms of wages and working hours that comply with labor regulations. They also mentioned, however, that the use of written employment contracts is not common in small-sized plantations.

3.2.1 JOB QUALITY

As mentioned in the methodology section, the research team approached the category of working conditions by analyzing aspects related to “job quality,” including 1) wages; 2) job stability; 3) social security coverage (analyzed in previous section); and 4) working hours. The research team also asked participants to share their opinions and experiences regarding additional “job quality” aspects, including: 1) production goals; 2) opportunities for career advancement and 3) extra-legal benefits. These findings are discussed in more detail below.

3.2.2.1 WAGES**KEY FINDING 3**

In general, all study participants agreed that wages in plantations and extractor plants are higher than the legal minimum wage, even in small-sized plantations. However, the community leaders interviewed revealed hearing of cases of workers hired through an outsourcing company that were paid below the minimum wage due to withholdings made by these companies.

According to Colombian labor law, the legal minimum wage is considered “*that which workers are entitled to receive to support their individual and their family’s basic material, moral, and cultural needs.*”³⁸ This wage³⁹ is determined annually through negotiations involving worker representatives, employers, and the national government.⁴⁰

According to their interviews, all the participants from plantations and extractor plants are paid more than the monthly minimum wage. “*Even for new recruits, they earn at least 5% above the minimum wage*” (Focus group, Workers, 2023). All the workers interviewed also confirmed that they receive more than the monthly minimum wage. The lowest monthly salary reported by workers during their interviews was Colombian Pesos (COP) \$1,400,000 (slightly higher than the legal monthly minimum wage); as expected, these salaries varied according to the worker’s position.

³⁸ Substantive Labor Code, 1950, art. 145

³⁹ For 2023, the monthly minimum wage was Colombian Pesos (COP) \$1,160,000.

⁴⁰ These negotiations take place at the Permanent Commission for the Agreement of Wages and Labor Policies. If an agreement is not reached, the government sets the wage by decree.



All workers from small plantations interviewed indicated that they are typically paid on a daily or per diem basis,⁴¹ and reported receiving more than the equivalent value of a minimum daily wage. The small-sized producers interviewed explained that labor is scarce, so they must “compete” for it with the medium and large-sized producers by offering a salary that is higher than the minimum wage.⁴²

In contrast, some community leaders interviewed mentioned hearing of cases where workers hired through an outsourcing company⁴³ received a salary that fell below the minimum wage due to withholdings made by these companies:

“They [the employers] don’t pay the person who’s actually doing the work because the contractor [outsourcing company] is the one who is earning the money. [As a result], there are workers [in the company] who don’t [receive] the minimum wage” (Focus Group, Community leaders, 2023).

3.2.2.2 JOB STABILITY

KEY FINDING 4

According to the employers and workers interviewed, the extractor plants and large and medium-sized plantations use written contracts (fixed-term, indefinite-term and service contracts) to hire workers or contractors. The employers interviewed from small-sized plantations mentioned using verbal contracts, typically on a daily or task-oriented basis.

Given that job stability⁴⁴ is strongly linked to the use of written employment contracts, the research team inquired about employers’ use of contracts to analyze this job quality attribute. In Colombia, employment contract types are categorized by 1) verbal contracts and 2) written contracts, with written contracts including the following:⁴⁵ 1) fixed-term contract;⁴⁶ 2) indefinite-term contract;⁴⁷ and 3) contract for the provision of services.⁴⁸

⁴¹ Payment that is determined on a daily basis is referred to as a daily wage, while payment set for longer periods is commonly known as a salary. For a more information, see (Troncoso, 2017).

⁴² The small producers interviewed reported usually paying their workers between COP \$50,000 and COP \$60,000 per day (in 2023), translating to monthly values between COP \$1,200,000 and COP \$1,440,000 and indicating compliance with minimum wage standards.

⁴³ See footnote 35.

⁴⁴ Understood as being able to keep the same job for a long period of time.

⁴⁵ Other types of written contracts include: 1) work or labor contract; 2) apprenticeship contract; and 3) occasional or temporary employment contract.

⁴⁶ The fixed-term contract, regulated by Article 46 of the Colombian Substantive Labor Code, is an employment agreement with a defined termination date.

⁴⁷ In this type of contract, no end date is agreed upon, therefore, it can be extended if the parties consider it necessary and is regulated by Article 46 of the Colombian Substantive Labor Code.

⁴⁸ In this type of contract, the duration and remuneration of the work is agreed between the parties and does not generate an employment relationship, nor does it oblige the company to pay social benefits.



The information obtained from interviews with study participants revealed a correlation between the size of the company and the type of employment contract used. The employers interviewed from extractor plants and large and medium-sized plantations stated that they use written contracts, including fixed-term, indefinite-term and service contracts.⁴⁹ The employers interviewed from the small-sized plantations explained that they use verbal contracts, typically on a daily or task-oriented basis. This was expected, considering the Colombian agricultural context.⁵⁰

Some of the employers interviewed from the large and medium-sized plantations explained that they use service contracts for the beginning of workers' employment. According to their testimonies, this type of labor relationship allows them to confirm that the worker has a sufficient level of competency, after which they change to a fixed-term contract. These fixed-term contracts may be renewed multiple times before transitioning to an indefinite-term contract.

According to community leaders interviewed, some companies have consistently refrained from offering indefinite term contracts, even when employing permanent workers. These actors also mentioned one case of a particular plantation that, according to them, only uses service contracts:

"[I have] a service contract (...) all of us that work for that company [have a service contract]. In fact, [this amounts to] almost 700 people" (Focus group, community leaders, 2023).

According to some of the community leaders interviewed, there are instances in which plantations resort to outsourcing⁵¹ to avoid providing extra-legal benefits that are afforded to individuals employed directly by the company.⁵²

Finally, study participants' testimonies revealed an interesting finding regarding their perception of job stability: Almost all of the workers interviewed had been working at their companies for multiple years (ranging from three to 24).⁵³ They viewed the length of their employment as an indication of job stability, and a factor that contributed to increased job quality.

⁴⁹ Service contracts are typically used to formalize a legal understanding between a company and a freelancer for service provision.

⁵⁰ According to the Labor Observatory of El Rosario University (Colombia), in 2019, the labor informality rate in the rural sector was 82%. Rural women workers were most affected by this labor informality, at a rate of 86%.

⁵¹ Participants mentioned that these companies are hired for specific tasks. So, a plantation outsources either pruning, spraying, cutting, or any task that it does not want to perform directly.

⁵² See footnote 35.

⁵³ Of all the workers interviewed, only one had been working in their company for less than a year.



3.2.2.3 WORKING HOURS

KEY FINDING 5

All the workers interviewed from extractor plants and plantations, regardless of size, reported working a 48-hour week, in accordance with regulations.

At the time of the conduction of this study, the official Colombian workday was 48 hours per week; this was recently reduced to 47 hours as of July 15, 2023. According to Colombian labor regulations, the arrangement of these hours can be mutually agreed upon by the company and the workers, provided it does not exceed 12 hours per day (Substantive Labor Code, 1950, Art. 161).

All the workers interviewed from plantations and extractor plants, both from administrative and operative roles, reported engaging in a 48-hour workweek in accordance with regulations. The most commonly cited workday was from 6:00 a.m. to 2:00 p.m., indicating compliance with the labor laws.⁵⁴

"(...) we have a 48-hour work week; in the event of unusual circumstances that require extended hours, the company ensures legal compliance with additional compensation, and [working overtime] is voluntary" (Focus Group, Workers, 2023).

According to the small producers interviewed, the standard workday in small plantations spans eight hours, particularly for those employed on a daily basis. For workers engaged in specific activities or tasks,⁵⁵ they determine their work pace to enhance productivity, aiming to accomplish tasks within the shortest possible duration:

"They set up their own tasks (...) many work for four to six hours, starting to cut [palm fruit] at six in the morning and finishing around ten or eleven o'clock" (Interview, Small producers, 2023).

3.2.2.4 OTHER JOB CONDITIONS

Aside from the primary aspects frequently studied in job quality analyses, other aspects of interest analyzed in this study included, production targets, opportunities for job advancement, and additional extra-legal benefits. Below is a brief overview of the findings regarding these aspects.

⁵⁴ It is important to note that due to the companies being located in very rural areas, workers have to travel long distances to and from their homes and workplaces. Some study participants mentioned that this challenge could be minimized if companies provided transportation services for their workers.

⁵⁵ Such as pruning or cutting.



i) Production goals

KEY FINDING 6

According to some of the workers interviewed, they must meet a production goal to avoid their employer imposing penalties in the form of reductions in extra-legal benefits.

A noteworthy phenomenon that was frequently mentioned by study participants was the requirement for workers to meet certain production goals, which are linked to various tasks according to the harvest phase. Failure to meet these targets may result in certain deductions, as explained in the following worker testimony:

“We have some quotas we must complete, two thousand eight hundred or three thousand kilos [of fruit], and if we do not meet this goal, they deduct [COP] \$43,000 [from my food allowance]”⁵⁶ (Focus group, Workers, 2023).

Additionally, according to the public officials interviewed, failure to meet these goals may lead to dismissals:

“When they demand workers meet the goals, they must meet X or Y amount of palm harvesting, ... if they fail to meet this goal, their contract is terminated” (Interview, Public officials, 2023).

ii) Opportunities for career advancement

KEY FINDING 7

In general, the workers interviewed from large-sized plantations and extractor plants considered that there are opportunities for career advancement in their companies. Many of them started with lower-level positions and have since received promotions.

Another important aspect that contributes to job quality is the potential for career advancement. The workers interviewed from extractor plants mentioned that they commonly begin their tenure in entry-level positions or partake in internships, particularly in administrative, laboratory, or engineering capacities. Some of them initially worked in general services and then progressed to positions in other areas. Moreover, several participants from large-sized plantations mentioned cases of workers that started as operators and were subsequently promoted to a supervisory role.

⁵⁶ Given that the food allowance is an extra benefit, this cannot be considered as illegal.



"I started as a harvester, cutting palm. As I progressed in that role, I was given chances to fill in for supervisors when they were unavailable due to appointments or vacations. I received training for those roles. When one of the supervisors retired, the vacant position was opened for applications. I [applied for the job] along with 18 other [candidates] and was fortunate to secure the position" (Focus group, Workers, 2023).

In contrast, one community leader interviewed noted that there is limited opportunity for upward mobility on the plantations. According to this participant, most "peperos" (workers responsible for collecting the fruit that has fallen to the ground) are aware that they will be "peperos" their entire lives.

iii) Other benefits associated with the job

The researchers collected testimonies regarding the advantages of working in the extractor plants and medium and large-sized plantations. These testimonies mentioned benefits such as: (i) transportation to and from work; (ii) access to top-tier schools for their children; (iii) discounted food; (iv) job training; (v) assistance for workers interested in pursuing education; (vi) loans to renovate or upgrade their homes; and (vii) support in securing bank loans at interest rates below the market rate.

"(...) [The] company, or plantation, lent him [the worker] funds for home renovations or repairs.... If a worker intends to take out a bank loan, they offer a work-related letter and all necessary documentation to facilitate loan applications, such as for purchasing a motorcycle, or buying a bed, or buying something for their children" (Interview, Small producers, 2023).

3.2.2 FORCED OVERTIME

KEY FINDING 8

According to workers interviewed from extractor plants and large-sized plantations, there is overtime in larger companies during harvest or peak production periods. Overtime is, in general, voluntary and in accordance with regulations.

Given that the ILO points to forced overtime beyond legal limits as a potential sign of FL, this study gathered participants' testimonies to analyze their perceptions and experiences regarding non-consensual or uncompensated overtime.

According to the workers interviewed, their extractor plants and plantations comply with legal working hours; nevertheless, testimonies from some workers suggested instances of overtime in larger companies. Some workers mentioned that overtime is voluntary, and that they work additional hours in accordance with the company's needs. Usually, overtime is mutually agreed upon with the worker, except in extenuating circumstances where company



requirements might override workers' regular schedules.⁵⁷ In general, however, participants considered that this is carried out in compliance with regulations.

"They tell us that we have to come and perform additional activities, they ask the worker (...) the worker can choose to accept or decline, and the company complies with the agreed upon payment" (Focus group, Workers, 2023).

Some of the workers interviewed from plantations highlighted the need to work overtime during increased production periods or due to unforeseen circumstances. Additionally, some testimonies mentioned how established transportation schedules for workers entering and leaving the plantation might be altered when overtime work is required.

Alternatively, workers interviewed from small-sized plantations mentioned that they are usually hired on a daily or task-specific basis, granting them control over their work hours. Typically, those employed in small production dedicate only a few hours a day to completing their tasks and are compensated based on productivity or for a full day's work. As a result, working overtime is uncommon. This finding is consistent with testimonies from the small producers interviewed, who mentioned that they generally do not require overtime from their workers.

The public officials interviewed highlighted that companies often request overtime work more frequently during specific phases of the production cycle, notably during harvest periods and times of increased production. Additionally, they cited instances of such requests due to contingencies such as rainfall and degradation of roads used for transporting palm fruit, as pointed out in the following testimony:

"... when there's increased production, the workers are asked to stay until late at night. They collect the palm in full sunlight, they store it and at a specified time, they must remove it. However, rain or road damage hinders this process, so more workers are called in, and the supervisors insist that the workers stay longer to remove the palm, as it must be delivered to the processing plant the same day" (Interview, Public officials, 2023).

3.3 VIOLENCE

Victims of FL are often compelled to carry out tasks through use of violence, intimidation, threats, or mistreatment. To examine the potential existence of these situations, the research team asked workers if they had experienced or witnessed any form of violence or mistreatment in their jobs. Additionally, the research team explored participants' perceptions of their work environment,⁵⁸ and the degree of freedom workers have to establish unions and organizations. These findings are discussed in more detail below.

⁵⁷ The Colombian Substantive Labor Code establishes three scenarios in which the employer may require the employee to work overtime: 1) When there is authorization from the MOL; 2) when there is force majeure, or an urgent operational need for the company; and 3) when the activities are of such nature that they must be completed without interruption.

⁵⁸ Understood as workers' subjective evaluation of the quality of their workplace environment. The question in DCI was: ¿How likely is it that the following situations could occur or be allowed in your current workplace, on a scale of 1 to 5 (with 5 representing very likely to occur or be allowed): Be shouted at and/or insulted at work and be struck and/or physically punished at work.



KEY FINDING 9

According to the workers interviewed, there is a generally pleasant work environment in their plantations and extractor plants, with isolated incidents of disrespect promptly addressed upon discovery. In general, the workers and employers interviewed held negative perceptions of unionization. Some workers interviewed mentioned that in their companies, alternative channels exist to resolve work-related issues with their employers, such as meetings.

3.3.1 VIOLENCE OR MISTREATMENT AGAINST THE WORKER

Most of the workers interviewed from plantations expressed having a positive work environment; they often described the atmosphere as familial, emphasizing respect, camaraderie, and equality in the treatment of all employees, regardless of their position:

Excellent [referring to employer's treatment] (...) here in this company, neither bosses nor workers have the need to say: "I am the boss," "I am the engineer," no! Here everyone treats each other equally. (...) this is our second home, our family (...) (Focus group, Workers, 2023).

Participants' responses indicated that the most cherished aspect of their work environment is the willingness of everyone to assist one another: "*(...) when you see someone having trouble with a task, there is always someone there to lend support, and I've experienced that*" (Focus group, Workers, 2023). Additionally, participants mentioned a culture of ongoing improvement: most workers aim for the company to achieve positive outcomes and increased productivity, indicating their strong appreciation for the company. Among small-sized plantations, the workers interviewed highlighted that they are typically employed by family members, neighbors, or acquaintances. This dynamic helps employers to foster concern for their workers' well-being, ensuring they are treated well.

When asked about the likelihood of being shouted at or insulted at work, workers' answers suggested that these occurrences are highly improbable, particularly in small-sized plantations, due to the family ties or personal connections between workers and employers.

The workers interviewed from extractor plants and large-sized plantations also mentioned that there are policies and committees⁵⁹ in place aimed at preventing or addressing such incidents should they arise:

⁵⁹ In Colombia, companies are required by law to have a "coexistence committee" - *Comité de Convivencia Laboral* (COCOL), responsible for monitoring and addressing concerns and managing complaints regarding harassment in the workplace.



“Here, there is compliance [regarding workplace harassment policies] when the workplace coexistence committee is involved. Usually, in the companies where I’ve worked, [these committees weren’t operational]. Here, when conflicts arise between colleagues, they’re directly addressed and resolved through the workplace coexistence committee. This is strictly adhered to here, [workplace harassment policies]” (Focus group, Workers, 2023).

These workers also mentioned that in rare instances when middle or supervisory-level bosses verbally mistreated workers, senior managers intervened to rectify the situation:

“(…) at times, [the engineers] are the ones who mistreat [workers], but if that happens, if they mistreat the workers and the boss becomes aware of it, management is informed that workers are being mistreated, and the company owner is very sensitive to this issue” (Focus group, Community leaders, 2023).

Despite these overall positive perceptions regarding low incidence of violence in the workplace, it is important to note that some of the community leaders mentioned hearing stories of companies within the palm sector where freedom of expression was not honored:

“Someone on the bus mentioned Petro [president of Colombia], stating he could be our president because his proposals are good, and the next day, he was fired” (Focus group, Community leaders, 2023).

Additionally, one of the public officials interviewed mentioned reports of humiliation, disrespect, and workplace harassment, characterized by employers imposing heavier workloads on their workers; these issues, however, were explained to be mainly personal disputes. According to the public official’s testimony, these are not systematic problems, but rather isolated incidents.

3.3.2 INABILITY TO CREATE LABOR UNIONS AND WORKERS’ ORGANIZATIONS

In general, participants’ testimonies indicated a negative perception of unions, both for workers and employers. According to the participants, joining a union is perceived to be associated with causing problems:

“The union is seen as an enemy of the company, as a body that stands against them [...] That word cannot be [spoken], not even as a joke” (Focus group, Community leaders, 2023).

Despite acknowledging that the law allows unionization, several of the workers interviewed expressed their preference to not be involved in unions. Additionally, they voiced concerns that joining a union might lead to potential sanctions, dismissal, or being “blacklisted” by their company or the sector as a whole. When asked for specific examples of incidents where this occurred, however, none of the workers were able to provide this. Given the negative



perception of unionization, workers have sought alternative opportunities for dialogue to express their disagreements or suggest their ideas through meetings with bosses, managers, or owners of the companies.

Among the workers interviewed, there was one case in which the company had a collective bargaining agreement and a worker union:

“Some of us here once joined the union, and many are still part of it. The majority of us, however, are affiliated with the collective bargaining agreement (...) Not all, but the vast majority of us are part of the collective bargaining agreement, which is an agreement between workers and the employer. We currently have an active collective bargaining agreement supported by 100% of the company’s workers”
(Focus group, Workers, 2023).

The public officials interviewed mentioned that union members are allowed to conduct their activities and hold their meetings. They also noted an instance in which one union achieved notable benefits for workers: this included covering 100% of university fees for workers’ children and allowing them to replace their parents upon retirement; providing financial support for medical appointments in Bogota, including travel and per diem expenses; and offering loans from the company.

3.4 ABUSE OF VULNERABILITY AND DEPENDENCY

Under the FL category abuse of vulnerability and dependency, the research team focused on analyzing participants’ responses regarding worker dependencies and wage deductions associated with loans. These findings are discussed in more detail below.

KEY FINDING 10

None of the workers or community leaders interviewed mentioned cases of companies forcing their employees to procure services or take out loans that are deducted from their salaries. They indicated that loans are a voluntary benefit chosen by the workers.

According to the participants interviewed, although the recruitment of foreign workers is infrequent, some cases have been reported in small or medium-sized plantations in which workers with irregular migration status are offered less favorable working conditions compared to others, even failing to comply with labor legislation.

3.4.1. DEPENDENCY ON THE EMPLOYER DUE TO DEBTS

FL can occur when employers require their workers to obtain essential goods and services exclusively through them. To analyze this indicator, the research team asked participants whether they were aware of companies pressuring or compelling workers to purchase food or



accommodation directly through their employer. The workers interviewed explained that their companies typically don't provide housing services; some companies offer food services, but it is not mandatory for workers to purchase food through their employer.

The workers interviewed also mentioned that providing housing isn't necessary as they usually live nearby or within the same municipality (close enough to commute). When asked how they pay for employer-provided food services, the participants explained that they can be paid for directly or through salary deductions, depending on the preference of the worker. One worker shared that he opted out of this service as the deduction affected him financially, choosing instead to bring his own food.

3.4.2 ABUSE OF VULNERABILITY

Abuse of vulnerability occurs when employers take advantage of worker's specific vulnerabilities to impose unfavorable conditions. Among the migrant population, employers may take advantage of workers who are not well-informed about local regulations, leading to challenges in asserting their rights. The research team analyzed participants' testimonies to determine whether foreign workers were at higher risk for potential differential treatment, leading to disadvantages in their working conditions.

According to the study participants, employment of foreign workers is generally not common in their companies; nevertheless, the research team did identify several cases in which participants reported companies hiring foreign workers. Additionally, some of the small producers interviewed mentioned cases, although uncommon, of foreign workers being subjected to less favorable conditions compared to the local workers. Although these cases constituted breach of national labor legislation, the migrant workers were unable to report these violations to the authorities due to their irregular migration status and lack of full work documentation:

"... [Foreign workers] are paid less and besides, they lack social security coverage, so this is quite a big problem, sometimes the owners of palm plantations look for the cheapest...but sometimes the cheapest turns out to be very expensive"
(Interview, Small producers, 2023).

These small producers highlighted that in some cases, irregular migrants, primarily of Venezuelan nationality, have accepted lower wages out of necessity. Although their salaries are meager, when sending remittances to their home country, the value of that money is higher, enabling them to assist their families. Their employers often provide them with three meals a day, a condition seen as beneficial to them.

3.4.3. PAYROLL DEDUCTION FOR LOANS

Many victims of FL are coerced to work as a means to repay debts that are either inherited or incurred against their will; these loan repayments are deducted from their salaries. The workers interviewed from extractor plants mentioned that they have the option to take out loans from



their employers, but that this process is entirely voluntary. Employees typically compare these loans to other options, and often find that opting for loans or formal credit provided by their companies is more financially viable.

The workers that reported voluntarily requesting these loans explained that they needed the money to deal with an emergency or, had decided to invest in something for themselves or their families. Interviewees considered that access to these loans was a benefit rather than an imposition:

“For that [a salary deduction to repay loans], you need authorization. (...) It is agreed upon with the worker (...), for example, if I need one million pesos and I earn a fortnightly salary, I contribute fifty or one hundred thousand [pesos], depending on [the amount I am able to afford per paycheck]. (...) They don’t charge [the employer] an interest [rate]” (Focus group, Workers, 2023).

Workers interviewed from medium and large-sized plantations mentioned that they are able to request formal loans in accordance with their income levels. These loans can be directly provided by the company, often without interest rate charges. The payment terms are agreed upon mutually between the worker and the employer, including the frequency and the amount to be deducted from their salary. Alternatively, cooperatives within companies also offer loans, albeit with low and affordable interest rates. Some larger companies prefer to assist workers in securing loans from banks and specialized financial institutions to ensure the most favorable conditions:

“Before, the company itself lent money, they would lend me one million pesos and they would deduct fifty [thousand pesos] from my paycheck ... but there was no interest at that time, that is why they have formed a cooperative within the company, so that it is no longer the company that lends but the cooperative” (Focus group, Workers, 2023).

Some of the workers interviewed from small-sized plantations also mentioned that they received loans for emergencies or unexpected hardships, which are later deducted from their paychecks. These loans are generally granted informally through verbal agreements. The specific payment method, amounts, and schedule are negotiated and mutually agreed upon by the employer and the worker, much like the practices in larger plantations.

3.5 ISOLATION

The analytical category of isolation refers to various practices aimed at alienating workers, thereby preventing them from speaking out or seeking assistance if they are subjected to labor abuses. To analyze the potential presence of indicators related to isolation, the research team asked participants to share their experiences and opinions regarding instances of restricted communication, exclusion from community and social activities, and the withholding of identity documents.



KEY FINDING 11

According to the testimonies of participants, companies do not restrict or impede workers from communicating. Workers have the freedom to use their cell phones throughout the workday, while commuting to and from work, and can even leave the workplace with permission from their company. Furthermore, all participants mentioned that in the palm sector, irrespective of a worker's origin or gender, their documents are not retained.

3.5.1. LIMITED COMMUNICATION AND EXCLUSION FROM COMMUNITY AND SOCIAL LIFE

Workers interviewed from extractor plants and plantations agreed that in general, their employers don't obstruct communication; workers are allowed to use their cell phones to stay in touch with family, friends, and acquaintances during their working hours. Several participants highlighted that due to the vast size of plantations and the potential for emergencies, it is crucial for workers to have means of communication.

"We bring our cell phones but leave them in our bags (...) if I need to take a call or something, I keep my cell phone in my bag" (Focus group, Workers, 2023).

"If you receive a call and you are near your backpack, well, you answer the phone" (Focus group, Workers, 2023).

Although the workers interviewed explained that they can use their cell phones during working hours, some of them mentioned that extended cell phone use is inappropriate as it can disrupt production and overall performance. Others highlighted the potential risks of cell phone use, particularly when engaged in tasks involving machinery and hazardous tools.

All employers interviewed from plantations and extractor plants confirmed that workers are permitted to use their cell phones and communicate with whomever they need to during their workday:

"(...) They [workers] have their phone [with them during the workday]. (...) we have no restrictions" (Interview, Small producers, 2023).

Regarding workers' potential exclusion from community and social life, none of the workers interviewed from extractor plants and plantations reported living in employer-provided accommodations. Given that they return home every day after work, their risk of isolation is low.

In general, the workers interviewed mentioned that they are often allowed to leave work, using employer-approved permits,⁶⁰ to attend their children's school events or medical appointments:

⁶⁰ According to the workers interviewed from large-sized plantations; these companies have established protocols for managing leave requests.



“(...) It must be a requested permit, (...) [when] I need permission for the whole day, (...) it must be requested a few days in advance (...)” (Interview, Workers, 2023).

Additionally, some workers mentioned that they have been granted leave to pursue personal studies:

“Yes, that is normal [to give leave of absence to workers], (...) for example, there is a nationwide program [for those who want to obtain their high school diploma] (...) those who want to study (...) are going to school here (...) so they give them time off to study” (Interview, Workers, 2023).

Most of the small producers interviewed mentioned that they usually allow their workers to leave work to attend special events:

“Yes, when they need to attend something—a medical appointment or something—they ask and are given time [off]...” (Interview, Small producers, 2023).

3.5.2. WITHHOLDING IDENTITY DOCUMENTS

A prevalent indicator of FL involves the confiscation of identity documents. According to all participants interviewed, identity document retention does not occur in the companies included in the study. Some stated that this practice is prohibited and illegal; many expressed that they could not imagine this occurring in their work environment. One of the public officials interviewed confirmed that they had never received any reports of this practice occurring. Additionally, several participants highlighted that the standard procedure involves workers providing a copy of their identity documents for employment and affiliation purposes:

“(...) as part of the contract documents, the first thing that the employer must receive is the resume and that is added to the photocopy of the worker’s ID card, but they don’t withhold documents, not that” (Focus group, Community leaders, 2023).



4. CONCLUSIONS AND RECOMMENDATIONS

REGARDING DECEPTION

- In the *deception* category, the research explored potential deception during recruitment regarding payment of social security contributions and the description of job duties. The participants interviewed perceived that workers hired directly by palm oil extractor plants and plantations are not exposed to the risk of deception regarding their employers' payment of social security contributions. In contrast, some of the participants interviewed mentioned hearing of instances in which workers were deceived when they were hired through outsourcing, and deductions were taken from their paycheck without being contributed to social security, ultimately resulting in consequences regarding their health insurance coverage. Regarding deception related to workers' assigned job duties, the findings of the study did not indicate this to be a common occurrence among the participants interviewed; in general, the workers interviewed agreed that their duties corresponded to those agreed upon when they were hired, and that they typically are not asked to perform activities that differ from these duties. The employers interviewed explained that they did not make significant changes to the designated work that was originally agreed upon with the worker.
- Although workers of small-sized plantations mentioned not being affiliated to social security by their employers, these cases cannot be considered deception given that both parties were aware of these conditions when they entered into the employment agreement. Most of the participants agreed that it is uncommon for workers to experience instances of deception regarding the duties or functions of the job.

REGARDING POOR WORKING CONDITIONS

- Within the category of poor working conditions, the research team investigated potential non-compliance with labor laws regarding various aspects of job quality, including wages, job stability, social security coverage, and working hours. To complement this analysis, the research team additionally asked participants to provide insight on their experiences and opinions regarding additional job quality aspects, including production goals, opportunities for career advancement and extra-legal benefits. The responses of participants did not indicate a widespread risk of poor working conditions linked to indicators of FL. In contrast, the findings suggested that overall, plantations offer jobs with good working conditions. Despite evidence that companies offered jobs with generally favorable working conditions, it is important to highlight that labor informality was commonly observed among the responses of participants from small-sized plantations.
- Regarding the specific job quality aspects that the research team analyzed, several findings emerged:



- » In general, all study participants agreed that wages in plantations and extractor plants are higher than the legal minimum wage, even in small-sized plantations. However, the community leaders interviewed revealed cases of workers hired through an outsourcing company that were paid below the minimum wage due to withholdings made by these companies. This indicates the potential for higher risk of labor violations when working with outsourcing companies.
- » According to the employers and workers interviewed, the extractor plants and large and medium-sized plantations use written contracts (fixed-term, indefinite-term and service contracts) to hire workers. The employers interviewed from small-sized plantations mentioned using verbal contracts, typically on a daily or task-oriented basis. This points to labor informality among small-sized plantations, which is linked to higher risk of poor working conditions.
- » All of the workers interviewed from extractor plants and plantations, regardless of size, reported working a 48-hour week, in accordance with regulations. When overtime is used, it tends to be in compliance with regulations, typically agreed upon by both employers and workers. Usually, overtime is mutually agreed upon with the worker, except in extenuating circumstances where company requirements might override workers' regular schedules. In general, however, participants considered that this is carried out in compliance with regulations.
- » Few cases were found among those interviewed of workers who must meet a production goal to avoid their employer imposing penalties in the form of reductions in extra-legal benefits.
- » In general, the workers interviewed considered that there are opportunities for career advancement in their companies. Many of them started in lower-level positions and have since received promotions.
- Regarding other work conditions, study participants indicated that their plantations and extractor plants offer avenues for job advancement and supplementary work benefits, encompassing transportation, subsidized food, training, improved educational opportunities for workers' children, and home remodeling loans. These benefits illustrate the high quality of these jobs.

REGARDING VIOLENCE

- Regarding the violence category, the research team inquired whether workers had experienced or witnessed any form of violence or mistreatment. The responses of study participants did not indicate a high prevalence of mistreatment in their workplaces. The information gathered highlighted a positive work environment, both on the plantations and in extractor plants. In small-sized plantations, this positive environment is attributed to the close relationship between small producers and their workers. In mid and large-sized plantations and extractor plants, the presence of coexistence committees



contributed to this positive environment. While there was mention of potential cases of disrespect from certain middle-level managers, it was noted that such incidents are sporadic and swiftly rectified by senior management upon recognition.

- Regarding the aspect of intimidation within the category of violence, the research team explored the work environment and the degree of freedom that workers had to establish unions and organizations. The responses of participants indicated a generalized negative attitude towards unionization, both for workers and employers. The study showed that while some formal union activity exists, it is more common for workers and employers to resolve issues through discussions in meeting spaces. This prevailing negative perception of unionism among workers and employers contributes to an unspoken societal norm that either dissuades or restricts its adoption.

REGARDING ABUSE OF VULNERABILITY AND DEPENDENCE

- Concerning the abuse of vulnerability and dependency category, the research team focused on examining instances of worker dependencies and wage deductions associated with loans. Participants' responses didn't reveal any evidence of companies requiring their employees to acquire services or loans that will be deducted from their salaries. On the contrary, services like food or loans provided by companies are viewed as a benefit and a voluntary choice by workers. They have the autonomy to stop acquiring them at any time, and typically, these services are more cost-effective than obtaining them on the open market.
- It is nevertheless important to note that research participants shared accounts of abuse of vulnerability experienced by foreign workers with irregular migratory status. While their responses did not indicate that recruitment of foreign workers is a common practice, participants pointed to instances in which small or medium-sized plantations provided inferior working conditions to these individuals in comparison to other workers, and in some cases, did not adhere to the established legislation.

OVERALL CONCLUSIONS

- Overall, the findings of the study indicated low levels of perceived risk of FL among the interviewees and participants in focus groups. The data collected indicates that of the situations of FL risk identified, these appear to be linked to companies utilizing outsourced labor; however, it is important to keep in mind that these findings are based on third-party testimonies, given that the study did not interview outsourced workers.
- Additionally, participants mentioned situations of FL risk that appear to occur among vulnerable groups of workers, specifically migrants with irregular migrant status. These specific situations, although infrequently reported in this study, allow for deeper insight into the factors that may contribute to higher risks of labor violations linked to FL, and important strategies within the social compliance system that should be employed to mitigate these risks.



RECOMMENDATIONS

- Considering that the data collected indicates potential risk of FL associated with deception and payment below the minimum wage, specifically for workers hired by outsourcing companies, it is crucial for employers who use the services of these companies to ensure that they fully comply with current labor regulations. It is important for employers to understand that subcontracting workers does not exempt them from liability for potential labor rights violations committed by outsourcing companies. Ensuring compliance with labor regulations, both within their companies and throughout their supply chain, is a key component of social responsibility, and is an increasing requirement of the markets that buy their products. Employers should commit to the implementation of methodologies such as the SCS promoted by Palma Futuro, which entails developing a management system based on policies and procedures that guarantee labor standards. The SCS is not only limited to ensuring compliance with labor standards for directly hired workers or contractors, but also includes guidelines for outsourced workers, and even for workers throughout the company's supply chain.
- Given that participants' responses indicated a generalized negative attitude towards unionization for both workers and employers, contributing to an unspoken societal norm that either dissuades or restricts its adoption, awareness-raising on the benefits of union activity should be prioritized by government entities, civil society, and social programs. The MOL, NGOs, and programs that promote fair labor conditions could support the dissemination of information to reduce negative perceptions of unions. Workers and employers should receive training on social dialogue and agreement strategies that reduce unfavorable opinions of unions and improve workplace dynamics. The SCS methodology provides evidence on the advantages of respecting freedom of association for workers and tools to guarantee it.
- Based on testimonies indicating that foreign workers with irregular migratory status have been subject to abuse of vulnerability, local and national government entities should increase their efforts to raise awareness on regularization strategies and access to services for the migrant population. This would reduce migrant workers' vulnerability to poor labor conditions and FL.
- Participants' testimonies pointed to the existence of informality, particularly for workers of small-sized farms. It is important for the national government to strengthen its efforts to promote labor formalization in the rural sector through the design and implementation of actions and strategies that encourage the formalization of rural workers. Mechanisms such as Periodic Economic Benefits, (BEPS -Spanish acronym), a voluntary savings program for people who are unable to make pension contributions, or for those who cannot contribute sufficiently by the time they reach retirement age, can support the protection of rural workers.



- Given that study participants' testimonies indicated potential risks of FL for outsourced workers, it is crucial that additional studies focused on FL in Colombia pay particular attention to exploring labor conditions and risks associated with outsourcing firms. As previously mentioned, one of the limitations of this study is that no interviews or focus groups were conducted with workers hired by outsourcing companies. Given this, further studies should prioritize the inclusion of outsourced workers as study participants to ensure that their voices are heard and that information on their experiences is taken directly from their testimonies.



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ANNEX 1. STATISTICAL APPROACH TO MEASURING FL

The phenomenon of FL is not statistically detectable through standard labor market surveys for two main reasons. First, survey questionnaires usually do not inquire about the voluntary or involuntary nature of employment.⁶¹ Second, since FL is a criminal offense, it is unlikely to be reported in surveys, especially in employer surveys.⁶²

The most recent approach to measuring FL involved a study carried out in 2022 by ILO, Walk Free, and the IOM. This study presented the global estimates of modern slavery, based on cases recorded from 2017 to 2021, according to two categories: FL and forced marriage. According to the findings of the study: *"there are 27.6 million people in situations of forced labor on any given day [...] women and girls make up 11.8 million of this total. More than 3.3 million of all those in forced labour are children."*

The ILO has produced some guidelines to estimate FL, acknowledging that conventional survey instruments are often ill-equipped to identify this phenomenon (ILO, 2018). Per these guidelines, the ILO suggests: 1) reviewing regulations and FL literature; 2) consulting stakeholders on FL phenomena; and 3) using both quantitative and qualitative instruments to approximate a measurement of FL. Additionally, methodologies such as the one proposed by Verité (2012) encourage designing and implementing specialized surveys targeting specific subgroups of the population where FL has been identified. Triangulating qualitative findings through mixed methods is usually considered the best way to assess FL.

In 2018, attendees of the 20th International Conference of Labor Statisticians discussed the current state of FL and challenges faced in its measurement. The conference document recommends that *"for statistical purposes, a person is classified as being in forced labor if engaged during a specified reference period in any work that is both under the threat of menace of a penalty and involuntary"* (ILO, 2018). It also suggests considering the following components when collecting data for the measurement of FL: 1) a reference period; 2) work, as defined in international standards; 3) the threat of any sanction such as coercive means used to impose work on workers against their will; 4) involuntary work, defined as any work taking place without the free and informed consent of the worker; and 5) taking care not to limit the measurement of FL to the employer-employee context.

⁶¹ Examples of this include the labor surveys of Colombia, Brazil and Argentina, as can be seen in their methodological manuals (DANE, 2021; National Institute of Statistics and Census of Argentina, 2003; Brazilian Institute of Geography and Statistics, 2018).

⁶² It is common for countries to grant individuals with the right to avoid self-incrimination. For deeper analyses see: Langbein, 1994; Rosenberg & Rosenberg, 1988; Trainor, 1994 and Zuluaga & Zuluaga, 2012.



ANNEX 2. CHARACTERIZATION OF FIELD WORK MUNICIPALITIES

Based on 2022 data, Colombia has approximately 1,472,060 acres of palm oil plantations. This sector accounts for 17% of Colombia's Gross Domestic Product (GDP)⁶³ and 0.83% of total national employment, with 191,000 jobs directly or indirectly associated with its production. Informal employment in this sector is about 15%. Due to its production features, the geographical reach of palm oil production extends to 155 municipalities and 20 departments (states) across the country, which can be further categorized into four primary production regions: the Eastern Region (47%, 691,868 acres), Central Region (31%, 456,339 acres), Northern Region (19%, 279,691 acres), and Southwest Region (3%, 44,162 acres).

Fieldwork municipalities were chosen from a shortlist generated as a result of the estimation of a priority score model⁶⁴ (Section 2.3). This model brought together intensiveness of oil-palm production and CL risk, and the top eight scores of this estimation brought the following list of municipalities to be the stage of qualitative field work:

Table A2-1 – Fieldwork municipalities

Municipality	Department
San Alberto	Cesar
Puebloviejo	Magdalena
El Copey	Cesar
San Martin	Cesar
Agustín Codazzi	Cesar
San Diego	Cesar
Bosconia	Cesar
El Piñon	Magdalena

Source: Econometría

Demographic data comes from the 2018 National Population Census, and for more recent information, its population projections. Economic data comes from DANE's Subnational GDP estimations. In this regard, it is important to point out that our subnational economic aggregate account system only allows for GDP to be calculated at a department level, not at municipality level. However, Gross Added Value (GAV) statistics are available, and given the

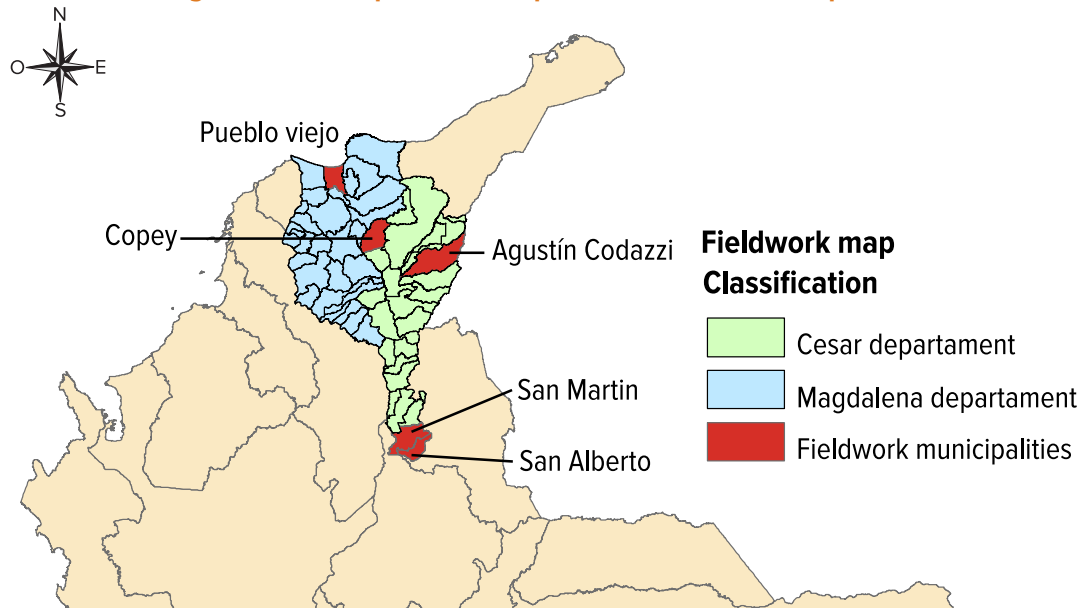
⁶³ La República, "La palma de aceite, un sector agroindustrial que aporta 17% al PIB agrícola nacional", available at: <https://www.larepublica.co/especiales/la-palma-que-transforma-el-agro/la-palma-de-aceite-un-sector-agroindustrial-que-aporta-17-al-pib-agricola-nacional-3631992>.

⁶⁴ The following score was proposed to rank municipalities: $Score_m = \alpha \% Palm\ oil\ production_m + \beta CL\ risk\ ECO_m + \theta CL\ risk\ DNP_m$, where $\% Palm\ oil\ production_m$ is the share of palm oil production from all agricultural production (EVA), $CL\ risk\ ECO_m$ is the CL risk measure proposed by Econometría, and $CL\ risk\ DNP_m$ is the CL risk measure. Resulting parameters α , β , and θ add up to the unit, i.e., they weigh the share of the three concepts in the municipality score. These parameters were found using principal components analysis.



conceptual consistency of GDP / GAV accounting definitions,⁶⁵ municipality GAV levels and its decompositions are accurate depictions of the economic activity of the selected municipalities.

Figure A2-1 – Department maps and fieldwork municipalities.



Source: Econometría

Codazzi (Cesar)

According to the 2018 National Population Census 2018, this municipality, formally known as Agustín Codazzi, had a total population of 60,768 persons, which amounts to 5% of the department's total population (1,200,574). It is composed of 48,157 urban inhabitants (79.2%) and 12,611 rural inhabitants (20.8%). Its demographic structure shows a male-to-female ratio of 50.2% to 49.8%, with 39.8% of the population reported as 20 years of age or younger, and an average of 2.1 children per household.

The economic structure of Codazzi's production is highly dependent on primary activities,⁶⁶ which includes palm oil production: in 2020, 71.64% (approximately COP \$1.01 trillion) of the municipality's total GAV (approximately COP \$1.4 trillion) came from primary activities. This dependency has recently resulted in economic downturn; the economic profile of Codazzi shows a dramatic reduction in economic activity between 2020 and 2021, with GAV falling by 47.44%. This can all be explained by a reduction of primary activities, which fell to COP \$273.57 billion, implying a lower share of 36.88% of the total GAV. Despite this reduction, palm oil continued to account for a large share of total agricultural production in Codazzi for 2021, at 64.9%.

⁶⁵ From the production perspective GDP is equal to the value of production minus intermediate consumption plus taxes minus subsidies on products. Gross value added is defined as the value of production minus the value of intermediate consumption and is a measure of the contribution to GDP made by a unit of production, industry or sector (DANE 2021).

⁶⁶ According to DANE, primary activities are: Agriculture, livestock, hunting, forestry, and fishing; Extraction of mines and quarries. Secondary Activities are: Manufacturing industries and Construction. Tertiary Activities are: Electric power, gas, and water generation; Trade, transportation, storage, accommodation and food services; Information and communications; Financial and insurance activities; Real estate activities; Professional, scientific and technical activities; Public administration, education and health; Artistic and entertainment activities.



El Copey (Cesar)

This municipality's population (30,159 inhabitants) represents 2.5% of the population of the department of Cesar. Of these inhabitants, 25.5% live in rural regions (7,690 people) and 74.5% are concentrated in urban areas (22,469 people). El Copey has a male-to-female ratio that is similar to Codazzi, at 50.1% to 49.9%. The percentage of the total population under 20 years of age is 41.5%, and the average household has 2.2 children.

In 2021, primary economic activities in El Copey (COP \$192.76 billion) represented 41.2% of the total municipality's GAV (COP \$467.76 billion). This share implied an increase from the previous year, which was reported at 36.7%. Between 2020 and 2021, total GAV for El Copey grew by 30.4%. Palm Oil production accounted for 72.7% of El Copey's total agricultural production in 2021.

San Alberto (Cesar)

This municipality has 26,247 inhabitants and a male-to-female ration of 49.9% to 50.1%. The percentage of its inhabitants living in rural areas is 20.5% (5,390 people), while 79.5% (20,857 people) reside in urban areas. Its share of the population age 20 or younger is 37.9%, and the average number of children per household is 1.67.

In 2021, primary economic activities in San Alberto (COP \$152.19 billion) represented 27.4% of the GAV, while secondary activities represented 32.6% of the GAV and tertiary activities corresponded to 40% of the GAV. From 2020 to 2021, San Alberto's GAV grew by 30.3% (from COP \$426.32 billion to COP \$555.64 billion). Palm Oil production accounted for 89.1% of San Alberto's total agricultural production in 2021.

Puebloviejo (Magdalena)

According to the 2018 National Population Census, this municipality's population (29,824 people) represents 2.3% of the total population of the department of Magdalena. This municipality has a higher concentration of rural inhabitants at 68% (20,281 people), with a lower percentage of inhabitants residing in urban areas, at 32% (9,543 people). The male-to-female ratio is 51% to 49%. Regarding its young population, 41% of the total population is age 20 or younger. The average household has 1.92 children.

In 2021, primary economic activities in Puebloviejo (COP \$34.94 billion) represented 18.7% of the GAV. Puebloviejo's GAV has a higher dependency on tertiary activities, at 75.3%. In terms of economic value, its 2021, the GAV was COP \$187.01 billion, which represents a growth rate of 30% when compared with 2020 (COP \$143.77 billion).



Table A2-2 – Fieldwork Municipalities Demographic and Economic Indicators

Indicators	Agustín Codazzi	El Copey	San Alberto	Puebloviejo
Total Population	60,768	30,159	26,247	29,824
Male Population Ratio	50.2%	50.1%	49.9%	51%
Population aged 20 and less	39.8%	41.5%	37.9%	41%
Rural Population	20.8%	25.5%	20.5%	68%
Urban Population	79.2%	74.5%	79.5%	32%
Average Number of Children per Household	2.1	2.2	1.7	1.9
GAV Primary Activities Share	36.9	41.2	27.4	18.7
GAV Secondary Activities Share	9.1	19.3	32.6	6.0
GAV Tertiary Activities Share	54.0	39.5	40.0	75.3
GAV 2021	741,738	467,761	555,64	187,01
Palm Production as share of Agricultural Activities	64.90%	72.70%	89.10%	79.10%

Source: DANE and DNP (2021).

Note: Total GAV measured in billions of Colombian pesos (current prices).

Location of Fieldwork Municipalities in Palm Oil Nucleus

Within the palm oil production chain, a Palm Oil Nucleus is defined as the combination of a palm oil extraction plant and the plantations which provide it with palm fruit.⁶⁷ In line with this definition, the extraction plants most closely located to the fieldwork municipalities are presented in the table below:

Table A2-3 – Extraction Plants and Fieldwork Municipalities

Fieldwork municipality	Extraction plant
Codazzi	Extractora San Fernando S.A.
El Copey	Extractora Grupalma S.A.S., Extractora Vizcaya S.A.S.
Puebloviejo	Grasas y Derivados S.A. (Gradesa),
San Alberto	Agroindustrias del Sur del Cesar Ltda. y Cía. S.C.A. Agroince

Source: Econometría, based on Fedepalma (2019)

⁶⁷ Source: Infografía Núcleos palmeros 2019_Baja (fedepalma.org).
<https://repositorio.fedepalma.org/bitstream/handle/123456789/141256/infografia-nucleospalmeros-2019.pdf?sequence=1>

