Integrating new data to assess risks of forced labour in agriculture

Guatemala Country Methodology for Pilot

Report produced for the ISEAL Alliance Innovations Fund project “Integrating new data to improve risk assessments and detection of forced labour vulnerability in agricultural supply chains”

Disclaimer: This report should be taken as only a source of information and analysis. It is not given, and should not be taken, as legal advice and the provider of the information will not be held liable for any direct or consequential loss arising from reliance on the information contained herein.
1. A new toolkit is needed to be able to better detect forced labor

This document contains a draft forced labor toolkit for the better detection of forced labour on farms in Guatemala. This effort responds to the need to use new methods to identify high-risk locations including farms and target additional detection efforts beyond the tools currently available within certification systems. This is owed to the hidden and clandestine nature of forced labour which makes it difficult to detect through audits.

The toolkit was prepared according to the project’s framework process (see figure 1) for identifying and integrating country-specific indicators on forced labour into a focused country assessment. The framework, as depicted in the graphic below sets out the broad phases involved in scoping, developing and implementing a country methodology on forced labour, and the outputs envisaged at each stage.

![Figure 1: Global framework process for detection and remediation of forced labour.](image)

This toolkit includes indicators corresponding to key root causes identified, drawing upon:

- Feedback from country partners
- Indicators identified by stakeholders who have previously undertaken research or investigations into forced labour in Guatemala (e.g. Verité)
2. About the forced labor toolkit

2.1 How the toolkit can be used to improve detection of forced labour

The aim of the toolkit is to put assessors (individuals or organizations working at field level with workers and community members) in the right place at the right time based on risk information and to equip them with the right questions they would need to ask to detect forced labour. Information collected in 4 phases narrows the focus towards higher risk locations and recruitment pathways in order to understand where – in which farms or geographic areas - follow-up assessments should be carried out in the final phase. It is difficult to predict what will be revealed at each stage of the information gathering process.

The toolkit provides useful support and guidance for field operatives but is not overly prescriptive. Information is expected to build cumulatively towards identification of higher risk locations and vulnerable groups but also depends on the judgment of experts on how to respond to reports and leads, on a case-by-case basis.

2.2 Target group for the forced labor toolkit

The toolkit is aimed at organisations such as SAN and UTZ /Rainforest Alliance and other organizations who work with food and agribusiness companies and traders, and envisages this toolkit is incorporated within certification schemes or as part of wider sustainability programmes. Therefore the toolkit is also relevant to the work of ISEAL members such as RSPO, Bonsucro, Fairtrade, BCI and others with an agricultural focus.

Ideally, organisations working in the same country – Guatemala – would collaborate to share resources and information. The tool will be more effective when multiple organizations cooperate
and collectively implement this approach, as opposed to working in parallel, as this improves the volume, handling and triangulation of information and supports greater coherence.

2.3 Within and beyond certification

This toolkit may support but is not designed to evaluate compliance to any specific standards systems. The resources and information contained within the toolkit are broader than those utilised to determine compliance within a certification context, and notably more focused on using ‘risk’ information to progressively improve where and how assessments are carried out. However, the tool also incorporates control points and information deriving from workplace assessments alongside risk information and supplementary indicators, building on the strong foundation and information channels already established through certification. While the definitive purpose is to go ‘beyond certification’, the knowledge and reach of standards organizations also presents a substantial opportunity for this exercise.

2.4 Scope of the toolkit

The focus is on forced labour in the private agricultural sector. It does not include trafficking for sexual exploitation, forced marriage or other dimensions of forced labour that do not impact upon workers engaged in export supply chains in relation to the commodities in scope (coffee, banana, palm oil, avocado, flowers, green bean, macadamia, melon and rubber, with some attention to sugarcane production, though this was not within the original scope).

The information can neither be used to estimate the scale of forced labour, even though findings will likely have some value to support national estimates.

2.5 Timeframe for using the toolkit

Forced labour monitoring should be an ongoing process, though the period of peak risk for the sectors in question is typically during the harvest season (which varies according to region in Guatemala). It is recommended that risk information be collected throughout the year and farm and field level investigations occur during the harvest period as well as other periods identified with higher risk. Annual assessment is ‘cycles’ should build upon and improve approaches used in the previous annual evaluation.

2.6 Similar pathways for a variety of crops

In Guatemala, past reports and studies suggest similar pathways into forced labour and with common root causes. Because the tool is designed to be deployed at scale and optimising resources available, a single tool covering sugarcane, coffee, palm and fruit sectors is appropriate.
2.7 Safeguarding personal information of potential victims

Data and information collection should be conducted by local experts who have (or expect to attain) the trust of vulnerable workers and communities. A defined scope of cooperation between partners responsible for implementation must include the protocol for escalating cases of forced labour and victim safeguarding. This should include requirements for safe-keeping of sensitive records and materials and an agreed process to ensure anonymization and confidentiality of workers, subject to agreement between the partners.

2.8 Steps followed in the toolkit development

The forced labor toolkit represents the outcome of a four-month research process related to agricultural commodities in Guatemala such as coffee, banana, palm oil, avocado, flowers, green bean, macadamia, melon and rubber. 4 steps were followed to develop the toolkit, with inputs derived from:

1. Desk based investigation on drivers and root causes of forced labour in key sectors in Guatemala

2. Interviews with auditors, certification bodies and individuals within the SAN network.

3. Interviews with key external stakeholders to validate desk research findings and recommend new avenues for data collection.

4. A review of existing forced labour detection methods and evaluation of their applicability to known patterns of forced labour in Guatemala.
2.9 How the forced labor toolkit works

The toolkit taps into available and pertinent information on forced labour risk in order to understand what the warning signs of forced labour are and where they can be found (which workplaces, communities, households). In doing so, it narrows the focus of broader risk information to enable practitioners to ask the right questions and in the right places to enable them to identify potential cases of forced labour. The flowchart below describes how different levels of information can aid in understanding risk at different levels.
1. Subnational risk scoping

- Identify which departments have the strongest migration push factors or have characteristics that suggest higher risk of labour exploitation. Within these departments, experts identify communities that are either:
  a) high risk as an origin location for internal migrants
  b) areas where labour exploitation has been known to occur

- Understand from experts which communities and subdivisions within higher risk departments should be visited to understand risks associated with labour exploitation

- Develop plan for the evaluation cycle, including protocols for incorporating and responding to information

2. Identifying vulnerable workers

- Conduct interviews in selected communities with a sample of households and experts to identify risks of vulnerability to labour abuse - focus on household members intending to migrate for seasonal work. Follow-up with higher risk households to identify potential migration channels/individual labour brokers/destination locations or specific plantations that carry risk indicators included in this toolkit.

3. Prioritising high risk workplaces

- Review stakeholder feedback and conduct high level risk analysis of longlisted farms/tenures for follow-up prioritise high risk farms for follow-up assessment

- Develop plan for farm and worker assessments at high risk locations - Consider a safe and effective means to evaluate workplaces and destination locations for incidence indicators of forced labour.

- Carry out assessment activities at high risk workplaces according to the plan. Depending on resources or available information, activities could include workplace audits, establishing worker voice/feedback mechanisms such as a hotline and awareness raising through leaflets and radio

4. Evaluation of risk factors and indicators at workplace

Note: where higher risk farming businesses are not certified or working towards certification, access to the workplace may not be granted. Responders may then need to rely on soliciting worker feedback, gain access to the workplace through supply chain actors (e.g., brands, traders), work with government labour inspectors

Information outputs/data

- High risk departments - identified based on national indicators
- List of high risk communities - residences of seasonal agricultural workers or origin locations for internal migrant workers
- Identified higher risk households prioritised for follow up
- Risk indicators and red flags
- Vulnerable workers - feedback about where they work and how they are recruited
- Known high risk recruitment channels and high-risk recruiters
- Risk indicators and red flags
- List of high risk workplaces/destination locations - farms or communities
- Workplace risk factors
- Incidence indicators and red flags
3. The toolkit in practice: Four steps

The four steps are:

1. **Subnational risk scoping**
2. **Identifying vulnerable workers**
3. **Prioritising high risk workplaces**
4. **Evaluation of risk factors and indicators**

In this chapter we will elaborate on each of the four steps in more detail.

3.1 Subnational risk scoping

### Subnational Risk Scoping

**Relevant forced labour drivers and risk factors in Guatemala**

- Poverty (as migration 'push' factor)
- Poverty (linked to seasonal employment patterns)
- Vulnerability of workers, indigenous peoples
- Lack of employment opportunities
- Structural factors: violence/ corruption

**How to use this information:**

1. Use national indicators and expert inputs to build/revise a list of locations where vulnerable workers are most likely to be based.
2. Review list of high risk areas and note areas where past abuses and labour exploitation have been known to occur.
3. Develop country research and engagement plan including the list of locations (departments, communities) where follow-up will be conducted.

3.1.1 Identify areas of higher risk in Guatemala

Guatemala is divided politically and administratively into 22 departments. The department level risk scoping uses national statistics to identify which departments are most likely to host workers who perform seasonal agricultural labour on plantations and in which departments socioeconomic and development indicators most closely resemble the known drivers and root causes of forced labour and labour trafficking.

This information is intended for use in a map or list of locations to target for follow-up engagement with communities, local experts and where found, workers. Note that engagement is based on a participatory approach - more than just answering a survey or a conducting interviews.
### 3.1.2 Indicators: Origin communities for seasonal workers

This part of the assessment draws on national statistics and other resources to determine relative vulnerabilities of prospective seasonal workers based on:

a) whether push factors for economic internal migration are present, and  
b) whether socio-economic conditions suggest a vulnerable workforce

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Measure or proxy measure</th>
<th>Data source</th>
<th>Highest risk departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income/consumption poverty</td>
<td>Percentage % of the population living below the national poverty line is a higher risk origin location for seasonal workers</td>
<td>National Statistics Institute of Guatemala. <a href="#">National Survey of Living Conditions 2014. Guatemala; 2015</a></td>
<td>Alta Verapaz, Sololá, Totonicapán, Quiche, Huehuetenango, Chiquimula</td>
</tr>
<tr>
<td>Low-skilled labour force</td>
<td>Percentage of the population falling into the bottom two statistical household wealth (riqueza) quintiles</td>
<td>Demographic and Health Survey (ENSMI) 2014-2015</td>
<td>Alta Verapaz, Quiche, Huehuetenango, Baja Verapaz, Petén, Jalapa, Chiquimula</td>
</tr>
<tr>
<td></td>
<td>Proportion of households benefiting from ‘Mi Bono Seguro’ cash transfer program</td>
<td>NSLC 2014 (above)</td>
<td>Alta Verapaz, Chiquimula, Suchitepéquez, Baja Verapaz, Quiche, Zacapa</td>
</tr>
<tr>
<td></td>
<td>Percentage of women with no education</td>
<td>ENSMI 2014-2015</td>
<td>Quiche, Chiquimula, Alta Verapaz, Baja Verapaz, Halapa, Peten</td>
</tr>
<tr>
<td></td>
<td>Percentage of men with no education</td>
<td>ENSMI 2014-2015</td>
<td>Quiche, Alta Verapaz, Huehuetenango, Baja Verapaz, Solola, Chiquimula</td>
</tr>
<tr>
<td></td>
<td>Literacy rate (men and women)</td>
<td>NSLC 2014 (above)</td>
<td>Quiche, Alta Verapaz, Chiquimula, Solola, Totonicapan, Huehuetenango, Baja Verapaz</td>
</tr>
</tbody>
</table>
### Key sending regions for migrant workers

Expert-reported host/sending communities for migrant workers

Note: this dataset is focused on international migration

| Data source | Zacualpa, Joyabaj, Sacapulas in El Quiché; Colotenango, Cuiico and Ixtahuacán in Huehuetenango; Rabinal, El Chol in Baja Verapaz, Chisec, Raxruhá in Alta Verapaz and San Lucas Tolimán and Santa Catarina Ixtahuacán, in Sololá, Sayaxché/ Peten (palm oil) |

### Unemployment/lack of local employment opportunities

<table>
<thead>
<tr>
<th>Measure or proxy measure</th>
<th>Expert consultations</th>
<th>Data source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unemployment rate (men and women)</td>
<td>Expert consultations</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Indigenous population

<table>
<thead>
<tr>
<th>Measure or proxy measure</th>
<th>Data source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of the population who self-identify as indigenous</td>
<td>NSLC 2014 (above)</td>
</tr>
</tbody>
</table>

### 3.1.3 Indicators: Higher risk destination or workplace locations

These indicators reflect the risk of exploitation at locations where seasonal migrants work. For internal migrant workers, these will be destinations in a migration journey. For others, especially in relation to Palm oil production in the Northern Province of Petén, workers may be permanently based near production areas.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Measure or proxy measure</th>
<th>Data source</th>
<th>Highest risk departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption</td>
<td>Locations with particular challenges related to the control of corruption in relation to law enforcement or public administration</td>
<td>Expert consultations</td>
<td>TBD</td>
</tr>
<tr>
<td>Reports or investigated labour abuses</td>
<td>Where cases of forced labour or labour trafficking have been reported or investigated in a given region</td>
<td>Verite 2016, Danwatch 2016, Verite 2017 PDH Worker representatives/ unions</td>
<td>Sayaxché/ Peten (palm oil) – Verite 2016 Huehuetenango, Retalhuleu, San Marcos, Santa Rosa, and Suchitpéquez – Verite 2016</td>
</tr>
<tr>
<td>Isolation</td>
<td>Low population density</td>
<td>Bantrab, <em>Guatemala en Cifras, 2017</em></td>
<td>Peten, Izval, Zacapa, El Progreso, Baja Verapaz, Santa Rosa, Quiche, Alta Verapaz, Jutiapa</td>
</tr>
</tbody>
</table>
3.1.4 Draw on expert inputs and past reports to select communities for follow-up

There are no statistics available on internal migration trends in Guatemala and a general lack of data available below the department level. The next step is to draw on expert information to determine in which municipalities and sub-departmental zones the risk factors are the highest and to prioritise those for follow up. Implementers can consult industry or labour experts, trade unionists, human rights practitioners and other experts to identify where these same indicators are more present in certain locations within departments and use this knowledge to focus engagement.

In addition, key information about risks in practice should be incorporated into the risk scoping, including:

- *News reports* of any of the following: forced labour, child labour, large-scale wage withholding, illegal recruitment practices, degrading living conditions, sexual or gender based violence at the workplace.
- *Past reports or findings of forced labour* (from previous assessment cycles or other studies)
- *Expert views* – reports from partner organizations or NGOs/community organizations with knowledge of the target regions
- *Company information sharing* on risk prevention (from audits or supplier engagements)
- *Audit reports* or reports from certification bodies

3.1.5 Develop focus list of high risk areas

It is recommended that implementers develop a list of areas with higher risk will be approached to understand more about forced labour risk and how it occurs. The plan should include:

- List of target locations for follow-up both home communities for seasonal workers and destination locations where this can be known. These are the prioritized highest risk areas based on a review of development metrics and qualitative feedback
3.2 Identifying vulnerable workers

Identifying vulnerable workers

Relevant forced labour drivers and risk factors
- Poverty (migration push factors)
- Prevalence of seasonal employment
- Unethical recruitment practices
- Vulnerability of indigenous peoples

How to use this information

1. Conduct interviews with community members to understand whether living conditions and recruitment practices are consistent with more exploitative patterns of seasonal work.
2. Review interview responses for evidence of vulnerability, looking for patterns and trends related to the risk indicators.
3. Follow up on any red flag issues.
4. Use worker feedback to build a list of farms, fincas or key production areas where vulnerable workers intend to work in the current cycle. Follow through with recommended next steps.

3.2.1 Indicators – vulnerable workers

This phase envisages semi-structured interviews conducted with community members as well as experts and advocates identified through the risk investigation (previous phase). In the prioritised communities where known high risk factors are present, trained assessors will ask a series of short questions aimed at determining whether key vulnerability factors are present in the community. The approach to this engagement will vary (e.g., semi-structured interview, informal discussion in a group) and could require numerous interactions with the same group or person before they open up. These factors include:

- Poverty and financial insecurity of smallholder farmers
- Intention to migrate for seasonal agricultural work as a result of poverty
- Landless households in remote communities
- Prospective seasonal workers approached by illegally operating labour recruiters
- Lack of information and certainty about the work that will be performed at destination
- Intention to migrate longer distances across the country – raising the cost and the likelihood of the worker being asked to pay for employment.

Local implementing partners should know the best approach for addressing these questions in the local circumstance. We recommend that implementers develop a protocol with instructions
related to how the information could best be sought sensitively in light of the circumstances of the community and the nature of the subject matter. The protocol should include:

- Sampling approach including which communities per department will be approached and how many people will be interviewed
- Strategy for responding to specific reports of risks in relation to certain locations
- Guidance on sensitive issues
- Interviewee data protection and information safeguarding. Assessors should be trained according to this protocol.

It is important to ensure the widest possible diversity of respondents among men, women, indigenous/non-indigenous if applicable and across different age groups.

It is not anticipated that interviews will need to be conducted with children.

<table>
<thead>
<tr>
<th>Risk indicators</th>
<th>Measure</th>
<th>Source</th>
<th>Data/ information outputs</th>
<th>Method</th>
</tr>
</thead>
</table>
| Household migrates for seasonal farm work through a labour broker - because of debts or low income. | Number and proportion of household members in a community stating an intention to migrate and because of debts or low income based on:  
- Debt history of household members  
- Migration history of household members  
- Level of education of household members  
- Total household income  
- Land ownership status | Household members                                                                 | Prevalence of vulnerability factors within a community  
Identification of vulnerable households  
Reported destination locations | Household interviews in migrant sending communities. Interview questions aimed first at whether the household intends to or has previously migrated for seasonal work. The interview should also establish as far as possible whether the household's material conditions suggest they have few if any options to improve their circumstances other than through seasonal harvest work |
<table>
<thead>
<tr>
<th>Risk indicators</th>
<th>Measure</th>
<th>Source</th>
<th>Data/ information outputs</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household members regularly migrate or intend to migrate a long distance outside of the zone they live in - e.g. from Verapaz to San Marcos</td>
<td>Number and proportion of household members regularly migrating or intending to migrate a long distance for seasonal harvest work. Threshold for ‘long’ distance to be determined by implementer – based on distance to expected destination location (in kilometres). Distance measured point to point on a map.</td>
<td>Household members&lt;br&gt;Expert/ advocate interviews&lt;br&gt;Assessors (distance measurement)</td>
<td>Prevalence of vulnerability factors within a community&lt;br&gt;Identification of vulnerable households&lt;br&gt;Distance to expected location</td>
<td>Expert/ advocate interviews, household interviews in sending communities: &quot;To which areas or fincas do you [or do migrant workers] in a community [expect to or tend to go] to find work? In which crops?&quot;</td>
</tr>
<tr>
<td>Migrant workers are recruited by labour brokers that are not legally registered or established</td>
<td>Binary (Yes/No) - Whether recruiter (if applicable) is operating within the scope of the law. Triangulated with official data regarding the legal status of employers [information held by the Ministry of Labor]: Labour broker identified as having not submitted a power of attorney from an employer to the labour inspectorate, or is not on the list of authorized labour brokers Requires workers to report the names or any other details needed to identify the recruiter</td>
<td>Worker&lt;br&gt;Assessors (review of official records from Ministry of Labor of Guatemala)</td>
<td>Prevalence of vulnerability factors within a community&lt;br&gt;Identification of illicit recruitment pathways&lt;br&gt;Names and locations of farms that use unregistered labour agencies/Brokers</td>
<td>Interviews with prospective and prior migrant workers in sending communities. Triangulated with Public records</td>
</tr>
<tr>
<td>Reports that all or most of the payment owed to workers will be paid at the end of a seasonal work contract</td>
<td>Binary (Yes/No) – workers confirm or do not confirm that this practice is relevant to them.</td>
<td>Workers</td>
<td>Red flag concerning potential forced labour at destination Names and locations of high risk farms associated with this practice Contact details for follow-up at destination</td>
<td>Worker interviews (in ‘home’ communities, pre-harvest)</td>
</tr>
<tr>
<td>One or more workers intending to migrate for seasonal farm</td>
<td>Number and proportion of workers intending to migrate for seasonal farm</td>
<td>Workers</td>
<td>Red flag concerning potential forced labour at destination</td>
<td></td>
</tr>
<tr>
<td>workers indicate not knowing where exactly they will work, what they will be doing, who they will work for OR how they will travel</td>
<td>work who indicate not knowing where exactly they will work, what they will be doing, who they will work for OR how they will travel</td>
<td>Community members (families of workers)</td>
<td>labour at destination Prevalence of vulnerability factors within a community Contact details for follow-up at destination</td>
<td>migrant workers in sending communities.</td>
</tr>
<tr>
<td>Seasonal workers come from landless communities near production areas</td>
<td>Number and proportion of community members who are landless due to a commercial land acquisition. Triangulate with official land/cadastral records to understand whether the community overlaps with a large-scale commercial land acquisition</td>
<td>Workers Assessors (review of official records)</td>
<td>Prevalence of vulnerability factors within a community</td>
<td>Expert/ advocate interviews and household interviews – indication that Seasonal agricultural workers come from households who used to live on land which has since been acquired under a land purchase for commercial agriculture</td>
</tr>
</tbody>
</table>
Recruitment agencies operating in a community do not come from the same region or ethnic group as indigenous workers.

<table>
<thead>
<tr>
<th>Recruitment agencies operating in a community do not come from the same region or ethnic group as indigenous workers</th>
<th>Binary (Yes/No) – assessors evaluate whether or not this is applicable based on observation and feedback from interviews</th>
<th>Assessors (observation) Expert/advocate</th>
<th>Prevalence of vulnerability factors within a community Names and locations of farms associated with this practice Identification of illicit recruitment pathways</th>
<th>Observation by assessors Expert/advocate interviews</th>
</tr>
</thead>
</table>

Reports that workers expect to pay an employer, a third party or someone connected to their prospective place of employment for their placement in a job or transportation to that job.

<table>
<thead>
<tr>
<th>Reports that workers expect to pay an employer, a third party or someone connected to their prospective place of employment for their placement in a job or transportation to that job</th>
<th>Binary (Yes/No) – workers confirm whether this is relevant to them [capturing any details of ]</th>
<th>Workers</th>
<th>Red flag concerning potential forced labour at destination Prevalence of vulnerability factors within a community Identification of illicit recruitment pathways Names and locations of high risk farms associated with this practice</th>
<th>Worker interviews (in ‘home’ communities’, pre-harvest)</th>
</tr>
</thead>
</table>

3.2.2 Triangulating findings and identifying high risk recruitment channels

Based on interview feedback, assessors should look for patterns and trends of higher risk, noting the number, characteristics and prevalence of households and prospective workers whose answers suggest they may be more vulnerable to poor labour recruitment practices. At a basic level, higher risk recruitment channels include:

- Concentration of poorer and/or more vulnerable workers in certain farms and locations within the country, compared to the wider population.
• Migration to farms and locations that are the furthest away from home, and therefore more expensive to get to.
• Recruitment of workers who are expecting placement in work but do not exactly know who they will work for and/or where it will be.
• Recruitment practices involving asking workers to pay a fee or accept terms that would force them to pay back recruitment costs to an employer.
• Presence of any recruiters with indication they are not operating within the law.

Any key patterns or migration/recruitment pathways can be documented and used to prioritise destination areas and farms for follow-up investigation.

3.3.3 Linking evidence of vulnerability with destination locations for vulnerable migrants

It is important to understand as much as possible from vulnerable workers, community members and local experts and advocates with information about high risk recruitment channels to provide details of the farms or production regions where workers intend to work. This is especially important where red flag issues are identified in the course of the assessment.

Red flag issues are situations or indicators considered to be strongly associated with forced labour practices based on country research. Where red flags are identified, it is recommended to gather as much information as possible regarding the destination workplace and the other actors involved (recruiter) and as appropriate, request to follow-up with worker at destination.
3.3 Prioritising high risk workplaces

Prioritising high risk workplaces

Relevant forced labour drivers and risk factors
- Workplace isolation
- Indigenous vulnerability
- Accommodation and sanitary conditions

How to use this information:
- Use feedback from community level interviews to consolidate long list of possible locations vulnerable workers may be travelling to.
- Use indicator framework to identify larger, more isolated farms high risk farms and those with majority indigenous workforce populations in non-indigenous areas.
- Draft farm level assessment plan indicating which farms will be prioritised for follow-up and which data collection methods will be deployed.

3.3.1 Indicators

<table>
<thead>
<tr>
<th>Risk indicators</th>
<th>Measure</th>
<th>Source</th>
<th>Data/ information outputs</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct reports and references to farms from vulnerable workers in communities</td>
<td>[Long list] high risk farms indicated by stakeholders</td>
<td>Workers</td>
<td>Long list of higher risk farms compiled during previous phases</td>
<td>Collected from interview feedback and reports of risk in practice</td>
</tr>
<tr>
<td></td>
<td>Red flag: known high risk farms or positive identification of forced labour automatically results in shortlisting</td>
<td>Household members, Experts/advocates, Past reports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distance of farm/ workplace from nearest population centre</td>
<td>Travel time (hours, minutes) or distance (in kilometers)</td>
<td>Assessors (distance measurement)</td>
<td>Relative labour risk at farm level</td>
<td>Record travel time or distance from workplace to nearest population centre either by road or measure distance on a map from</td>
</tr>
<tr>
<td>Risk indicators</td>
<td>Measure</td>
<td>Source</td>
<td>Data/ information outputs</td>
<td>Method</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>--------</td>
<td>---------------------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Size of farm/finca (in Ha)</strong></td>
<td>Size of finca/farm (in Hectares)</td>
<td>Assessors (farm size measurement)</td>
<td>Relative labour risk (involunariness?) at farm level</td>
<td>the nearest population centre. Define appropriate threshold with local partner.</td>
</tr>
<tr>
<td><strong>COFFEE AND PALM OIL ONLY</strong></td>
<td>Estimated proportion of the workforce in Spanish speaking areas who do not speak Spanish</td>
<td>Assessors (observation)</td>
<td>Relative labour risk at farm level</td>
<td>Interview, Land records, Garmin measurement device/ smartphone High resolution satellite imagery</td>
</tr>
<tr>
<td><strong>Indigenous migrant workers in a production area do not speak the same language as their employers or supervisors, resulting in a language gap</strong></td>
<td></td>
<td>Observation / local knowledge (in destination locations) – Where high-risk farms and destination locations for indigenous workers are identified in the previous phase</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: farm size is only appropriate for use as a risk indicator in relation to coffee and palm oil. In some regions and in crops like sugarcane, it may be appropriate to ensure a range of farm sizes are captured in the workplace assessments.

### 3.3.2 Prioritise farms for follow-up

The next step is to narrow the long list of higher risk farms/fincas to a list of priority farms for a follow-up assessment to look for signs of forced labour. The long list is built on references collected through interviews with community members, feedback from experts and risk indications from past studies and assessments. These need to be further narrowed towards a short list of prioritised farms for follow-up.

There is evidence from desk research that larger and more isolated farms, as well those with majority indigenous workforce in non-indigenous areas are associated with forced labour. These relatively simple indicators can be used to further narrow Thus, the farms prioritised for follow-up could be any of the following:
• High risk farms more than 20km from the nearest town [threshold to be determined by local partner]
• High risk farms greater than 20 Ha [threshold to be determined by local partner]
• High risk farms in majority Spanish speaking areas where the working population are largely [threshold to be determined by local partner]
• Any combination of the above

Thresholds and limits should be set according to the advice of local experts and preferably implementing partners.

Note: farm size is only appropriate for use as a risk indicator in relation to coffee and palm oil. In some regions and in crops like sugarcane, it may be appropriate to ensure a range of farm sizes are captured in the workplace assessments.
3.4 Assessment of forced labour indicators at workplace

Assessment of forced labour indicators at workplace

Relevant forced labour indicators

- Worker indebtedness
- Use of unpaid family labour
- Unethical recruitment practices
- Forced overtime
- Wage withholding
- Poor living and sanitary conditions
- Document retention
- Threats
- Abuse

How to use this information:

**Preparation**
- Arrange farm visits
- Raise awareness about hotline/feedback mechanism if this approach is used
- Surveyors trained and briefed on security and safeguarding

**Gather information**
- Conduct farm visits
- Receive worker feedback, complaints and risk information
- Follow-up on leads received in the field
- Follow-up on any red flag issues

**Post-assessment evaluation**
- Review findings and worker feedback
determine whether there is evidence that forced labour is evident on the farm
- Follow-through on next steps and remediation as appropriate

3.4.1 Assessment plan

It is recommended that the prioritised list of farms for follow-up and the methods/means of data collection are integrated into a farm-level assessment plan which also includes

- A questionnaire - Implementers should develop a farm-level questionnaire appropriate to the farm in question, the level of risk indicated in previous phases and any other relevant circumstances.
- The sampling approach to be employed for worker interviews
- Protocol for worker interviews including specification when workers should be interviewed in Spanish or another language.
- Protocol for management interviews
- Communication with other actors (brands, supply chain actors, government) who may have assisted with securing assessors’ access to farms
- Security for assessors
3.4.2 Indicators

The indicators below document workplace-level risk factors and incidence indicators based on how forced labour occurs in Guatemala specifically. Some of the indicators are adapted from global frameworks and others are crafted to respond to specific forced labour drivers reported in Guatemala. The information they convey is largely in relation to:

- workplace risk
- incidence of forced labour – involuntariness
- incidence of forced labour - coercion (‘penalty or menace of penalty’)

This is broadly in line with the International Labour Organization’s methodology for measuring forced labour where forced labour is qualified as a situation where BOTH indicators of involuntariness and coercion are present. These are indicated under the output column.

Recommendations on how to process the information are included below in section 7.2.

<table>
<thead>
<tr>
<th>Forced labour indicators for Guatemala</th>
<th>Measure</th>
<th>Source</th>
<th>Output</th>
<th>Method of information gathering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports of threats, intimidation, sexual abuse or harassment, verbal, physical or psychological mistreatment by managers, supervisors or labour brokers</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Workers</td>
<td>Potential FL incidence – coercion</td>
<td>Reports from local experts (at workplace or sending communities) on different kinds of debt mechanisms workers are exposed to. Worker interviews (at workplace or off-site residence) Worker complaints (at workplace) Reports from worker advocates (e.g. trade unions) (at workplace)</td>
</tr>
</tbody>
</table>
### Forcibly Retained Identification Papers

**Reports of confiscation or withholding of identity papers or travel documents - cédula or Documento Personal de Identificación - DPI - (where workers do not have access to the location where their documents are kept)**

- **Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce whose identity documents are reportedly kept by management)**
  - **Managers**
  - **Auditors**
  - **Worker advocates**
  - **Level of workplace risk (based on estimated prevalence)**
  - **Potential FL incidence - involuntariness**

- **Management interviews (at workplace) Reports from worker advocates Report from auditor or third party that they found document retention as a noncompliance.**

### Forcibly Retained Overtime

**Reports of forced overtime to meet quotas**

- **Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)**
  - **Workers**
  - **Level of workplace risk (based on estimated prevalence)**

- **Worker interviews (off-site residence) Worker complaints (at workplace)**

### Worksite Quality

**Worker accommodation for certain workers lacks basic features such as privacy, sanitary facilities, protection from the weather or is noticeably overcrowded**

- **Documented existence of reports (Y/N)**
  - **Assessors**
  - **Workers**
  - **Level of workplace risk (based on estimated prevalence)**
  - **Potential FL incidence - involuntariness (where certain workers have poorer standard of housing)**

- **Observation/ site walk through Photographs Worker interviews (at workplace or off-site residence)**

### Forcibly Retained Identification Papers

<table>
<thead>
<tr>
<th>Forced labour indicators for Guatemala</th>
<th>Measure</th>
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<th>Output</th>
<th>Method of information gathering</th>
</tr>
</thead>
</table>

23
| Reports of coercive threats from management in relation to any of the following:  
| - Blacklisting or preventing future employment  
| - Blackmailing  
| - Withholding of wages or wage non-payment  
| - Violence against workers or their families  
| - Material deprivation or removal of rights and benefits  
| - Imposition of worse working conditions | Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected) + type of complaint | Workers  
| Worker advocates | Forced labour incidence – coercion | Red flag: all reported cases are forced labour incidence |

| Number of workers or family members who report feeling afraid to speak about working conditions (out of total sampled) | Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected) | Workers  
| Worker advocates | Level of workplace risk based on frequency of reports | OFFSITE Worker + household interviews (in local villages or nonemployer provided worker accommodation) |

| Workers report that postmigration, conditions are less favourable than promised or expected during recruitment | Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected).  
Details on any discrepancies between promised and actual conditions –  
- living conditions  
- legal status of job  
- nature of the job  
- location of the job  
- employer's name/business  
- wages  
- social security payments  
- hours of work | Workers | Potential Forced labour incidence - involuntariness | Worker interviews (at workplace or sending communities)  
Interview question: “as compared to the information received beforehand..., was the job you arrived to any different in relation to…”  
Worker complaints (at workplace)  
Reports from worker advocates (e.g. trade unions) (at workplace)  
Reports from local experts (at workplace or sending communities) |
<table>
<thead>
<tr>
<th>Forced labour indicators for Guatemala</th>
<th>Measure</th>
<th>Source</th>
<th>Output</th>
<th>Method of information gathering</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Red flag = follow-up with worker to look for evidence of coercion</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number, age and gender of any family members accompanying a migrant worker discovered in a situation of forced labour.</td>
<td>Documented existence (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Assessors</td>
<td>Potential Forced labour incidence - involuntariness</td>
<td>Observation/ site walk through Review of payment records</td>
</tr>
<tr>
<td>[Unpaid family members supporting a family member in a situation of forced labour are also considered in forced labour]</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Workers</td>
<td>Potential Forced labour incidence - involuntariness</td>
<td>Payroll records Worker complaints (at workplace)</td>
</tr>
<tr>
<td>Reports that wages are paid by an intermediary and not workers’ end employer</td>
<td>Counted number of vulnerable workers / % of the workplace</td>
<td>Workers</td>
<td>Potential Forced labour incidence – involuntariness</td>
<td>Payroll records Worker complaints (at workplace)</td>
</tr>
<tr>
<td>Forced labour indicators for Guatemala</td>
<td>Measure</td>
<td>Source</td>
<td>Output</td>
<td>Method of information gathering</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------</td>
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<td>--------</td>
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</tr>
<tr>
<td>Reports that contract workers/ casual workers who report not being paid regularly or on time</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Workers</td>
<td>Potential Forced labour incidence - involuntariness</td>
<td>Payroll records Worker complaints (at workplace)</td>
</tr>
<tr>
<td>Existence of a workplace policy on loans and advances to prevent worker indebtedness to the employer. The policy is known to workers</td>
<td>Binary (Yes/No) - there is a policy and it has been communicated to workers</td>
<td>Farm management</td>
<td>Level of workplace risk Potential Forced labour incidence - involuntariness</td>
<td>Employer/ management interviews and interviews with workers (at workplace/destination) establishing: Does the employee have a policy on wage advances/ loans to workers? What controls are in place to prevent worker indebtedness? Is the policy known to workers?</td>
</tr>
<tr>
<td>Households where the primary earner's wage is less than the cost of a standard basket of goods - higher risk of indebtedness</td>
<td>Binary (Yes/No) - worker's wage is lower than the cost of meeting basic needs for a household (see Global Living Wage benchmark for Guatemala)</td>
<td>Assessors (calculation)</td>
<td>Workers (reported income)</td>
<td>Level of workplace risk</td>
</tr>
<tr>
<td>Forced labour indicators for Guatemala</td>
<td>Measure</td>
<td>Source</td>
<td>Output</td>
<td>Method of information gathering</td>
</tr>
<tr>
<td>---------------------------------------</td>
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</tr>
<tr>
<td>A worker experiences induced or inflated indebtedness (by falsification of accounts, inflated prices for goods/services purchased, reduced value of goods/services produced, excessive interest rate on loans, etc.))</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected) AND Assessment - whether worker incurs debt due to any of the following: - falsification of accounts - inflated prices for goods/services purchased - reduced value of goods/services - excessive interest rate on loans</td>
<td>Workers</td>
<td>Potential Forced labour incidence - involuntariness</td>
<td>Reports from local experts (at workplace or sending communities) on different kinds of debt mechanisms workers are exposed to. Worker interviews (at workplace or sending communities) Worker complaints (at workplace) Reports from worker advocates (e.g. trade unions) (at workplace)</td>
</tr>
<tr>
<td>Reports that one or more worker has become indebted to a primary employer, labour recruiter or company store</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Workers</td>
<td>Forced labour incidence - involuntariness</td>
<td>Worker interviews (at workplace): Do you owe any money to the company store?</td>
</tr>
<tr>
<td>Reports that workers are physically prevented from leaving the workplace by security guards</td>
<td>Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)</td>
<td>Workers Assessor</td>
<td>Forced labour incidence – coercion</td>
<td>Observation/ Site walkthrough</td>
</tr>
</tbody>
</table>
**Reports that operations subject workers that use the grievance mechanisms to employment termination, retribution penalties nor threats.**  
Documented existence of reports (Y/N) And Estimation of Prevalence (est. % of the workforce affected)  
Workers Assessor  
Forced labour incidence – coercion  
Reports from local experts (at workplace or sending communities) on different kinds of debt mechanisms workers are exposed to. Worker interviews (at workplace or sending communities)  
Worker complaints (at workplace)  
Worker advocates (e.g. trade unions) (at workplace)  

<table>
<thead>
<tr>
<th>Forced labour indicators for Guatemala</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

### 4.4.3 Data collection methods

The table below is a summary of the information and data collection methods recommended for use, above.

<table>
<thead>
<tr>
<th>Method</th>
<th>Where?</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL-enhanced worksite assessment - trained assessors review evidence of forced labour on the basis of known risks.</td>
<td>Farm</td>
</tr>
<tr>
<td>Management interviews (as part of enhanced FL assessment)</td>
<td>Farm</td>
</tr>
<tr>
<td>Payroll/ hours records (as part of enhanced FL assessment)</td>
<td>Farm</td>
</tr>
<tr>
<td>Report from auditor or third party</td>
<td>Report/interview</td>
</tr>
<tr>
<td>Reports from local experts and communities – gathered either through additional interviews or based on findings from previous phases</td>
<td>Report/interview</td>
</tr>
<tr>
<td>Reports from worker advocates (e.g. trade unions)</td>
<td>Report/interview</td>
</tr>
<tr>
<td>Review of management policies and processes (as part of enhanced FL assessment)</td>
<td>Farm</td>
</tr>
<tr>
<td>Worker complaints</td>
<td>Anonymous Offsite SMS platform – feedback (less relevant to Guatemala context – see below worker voice)</td>
</tr>
<tr>
<td>Worker interviews</td>
<td>Farm Offsite</td>
</tr>
<tr>
<td>Photographs</td>
<td>Farm Drones/UaV (depends of civil aviation rules)</td>
</tr>
<tr>
<td>Satellite imagery (med and high resolution)</td>
<td>Desk based</td>
</tr>
</tbody>
</table>
Other potential sources of information, where available, can be integrated to support an assessment based on the above indicators.

3.4.4 Role of ‘worker voice’

Many of the indicators above include ‘worker complaints’ as a potential source of information. Establishing a safe and anonymous means for workers to submit complaints regarding their situation can be an invaluable source of information.

Many notable examples use mobile phone or technology-based platforms designed to enable workers to report labour abuse complaints to credible third-party intermediaries. Workers can call, text or send evidence about working conditions via mobile phones or through calling hotlines. A key advantage is that complaints can be securely delivered to a trusted third party in cases where there isn’t a viable workplace grievance mechanism or where workers do not trust it.

The most significant challenge when establishing these mechanisms is securing the trust of workers who may fear reprisals for using the mechanism. Implementers and assessors should take special care to ensure that workers are able to feel comfortable using the system and that the system operates in accordance with ethical safeguards. See for example, the WEST Principles.

In many contexts it can be a challenge to reach workers at risk of trafficking or forced labour to inform them of the platform before they are engaged in exploitative work. In Guatemala, the target population is often rural and remote and therefore significant efforts may be required to raise awareness of the complaints mechanism. Stakeholders have identified radio announcements as a possible means of raising awareness of the risks associated with exploitative recruitment, but it can also serve as a way to disseminate information about a complaints hotline or mechanism.

5. Post assessment evaluation

The indicator framework above draws on different sources of information to uncover evidence of forced labour or the risks of forced labour, relying on multiple data sources. To consolidate findings and target appropriate next steps, implementers should triangulate and compare findings, using judgment to determine the overall risk level at the workplace, whether evidence suggests either involuntariness, coercion, or both.

The steps envisaged in the post assessment evaluation include:

1. Building a profile of findings from the workplace assessment for each farm
2. Reviewing the findings to judge the level of certainty
3. Reviewing evidence from individual workers and establishing whether finding is evidence of wider coercive practices
4. Comparing findings among farms in the same area to identify any wider patterns and trends beyond the workplace
5. Determining quality of evidence and level of certainty around positively identified forced labour cases

6. Scope appropriate next steps in conjunction with experts/authorities as appropriate (See: Understanding Remediation)

5.1 Post assessment evaluation – farm profile of assessment findings

It is recommended that assessors build a profile from the workplace assessment allowing for findings to be compared and analysed for evidence of forced labour. A sample of how this might be done is included in the figure below.

<table>
<thead>
<tr>
<th>Workplace risk</th>
<th>Indicators of involuntariness</th>
<th>Indicators of coercion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workers afraid to speak out</td>
<td>Wages paid by third party recruiter</td>
<td>Reported threats of blacklisting</td>
</tr>
<tr>
<td>Poor living and sanitary conditions for some of the workforce</td>
<td>Workers report high levels of debt to recruiter</td>
<td>Denial of freedom of movement</td>
</tr>
<tr>
<td>Wages too low to support family/ pay off debt</td>
<td>Poor living and sanitary conditions</td>
<td>Wage withholding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multiple red flagged - cases in relation to individual workers</td>
</tr>
</tbody>
</table>

5.2 Evaluating profiles and determining next steps

The table below contains some guidance and examples that demonstrates how findings can be reviewed and evidence weighed and how implementers could follow-up on inconclusive cases.

<table>
<thead>
<tr>
<th>Finding</th>
<th>Evidence</th>
<th>Example</th>
<th>Next steps</th>
</tr>
</thead>
</table>
| Strong positive - Widespread indicators of forced labour across a growing area | Forced labour involuntariness and coercion indicators attributed to a wider production area, beyond a single farm | Illegal recruiter supplying labour to multiple farms in a growing area - reports of wage withholding and threats/blackmailing | Consolidate and secure all documentation
Notify appropriate parties (experts/authorities)
Scope appropriate next steps with authorities/ supply chain actors |
<table>
<thead>
<tr>
<th>Finding</th>
<th>Evidence</th>
<th>Example</th>
<th>Next steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong positive determination of forced labour – group</td>
<td>Red flags identified in relation to a class of workers</td>
<td>Evidence of involuntariness AND coercion</td>
<td>Consolidate and secure all documentation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Casual workers not being paid AND Evidence of violence and threats of physical violence</td>
<td>Notify appropriate parties (experts/authorities)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Identify any workers in potentially immediate personal risk</td>
</tr>
<tr>
<td>Strong positive determination of forced labour – individual</td>
<td>Red flags identified in relation to individual workers</td>
<td>A worker (and accompanying family) are paid by a third-party recruiter and has reported indebtedness to the company store with a large proportion of wages withheld to service the debt</td>
<td>Begin first steps to remediate case in conjunction with authorities or expert partners</td>
</tr>
<tr>
<td>Weaker positive determination – group</td>
<td>Multiple reports of a specific practice of involuntariness with weaker evidence of coercion</td>
<td>Workers report passport retention is practiced AND vague, unconfirmed or inconsistent reports of threats</td>
<td>Review assessment findings to identify any wider trends or corroborating evidence to suggest working relationships are coercive.</td>
</tr>
<tr>
<td>Inconclusive / potential forced labour case</td>
<td>A single report of involuntariness AND coercion in a workplace where no other evidence of risk exists</td>
<td>Worker reports forced overtime and coercive threats</td>
<td>Make contact with the worker to determine whether this is an isolated case or part of a wider pattern</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Understand from worker their preferred next steps for addressing their situation.</td>
</tr>
</tbody>
</table>
| Inconclusive / potential forced labour case | General and unconfirmed reports of forced labour situations | Anonymous hotline call reporting trafficked labour, insufficient detail needed to corroborate | Make note of any reports and complaints and take note of report in relation to farm for future assessment cycles
Review labour management practices to understand whether safeguards are in place to prevent a similar situation from arising in future. |
| Indication of high forced labour risk/ no reports in practice | Multiple standards non-conformances revealed in a FLenhanced workplace assessment | Employer uses labour contractors who are not legally registered and employs non-Spanish speaking indigenous workers | Develop program of corrective actions aimed at removing or mitigating the risk
Involve other parties with influence or stake in the outcome of risk mitigation. |

<table>
<thead>
<tr>
<th>Finding</th>
<th>Evidence</th>
<th>Example</th>
<th>Next steps</th>
</tr>
</thead>
</table>
| General risk indication | Indicators of workplace risk – though not specifically related to forced labour - expressed through worker complaints | Living conditions are poor and workers feel afraid to speak out about them. | Continue to develop/ establish a credible means of worker complaints reporting
Use risk information to gauge the most appropriate next steps given the context – what risks would workers face if action were taken over expressed concerns? |