

# Work Practices in Coffee Farming

A Learning Dialogue with the Coffee Farmer!



**Dear coffee farmer,**

We provide a booklet prepared by the FAEMG SENAR SYSTEM in collaboration with the OCEMG SYSTEM, which addresses the working practices related to coffee harvesting and provides important information about the regulatory standards that guide the activities of seasonal workers.

To reinforce the subject, we will replicate the topics and bring the main observations.

If you are not familiar with this material yet, do not waste time and access the full content through the link <https://encr.pw/Hu15n> or download the file via the QR code next to it.



## 1 Hiring Seasonal Workers

**The first aspect to be considered is the formalization of the seasonal work contract.**

- It is necessary to register in the Carteira de Trabalho Digital, in the Employee Annotation Book, and to make the necessary communications in E-Social before starting work;

- Night work, hazardous, or unhealthy work is prohibited for individuals under 18 years of age. Any work for individuals under 16 years of age is prohibited, except as an apprentice, starting from 14 years of age;
- The hiring of migrant workers must be done directly by the employer, **in the city of origin**, without the use of labor intermediaries (middlemen/brokers), and workers must leave the city of origin already hired, with pre-employment medical examination, employment contract, and signed Carteira de Trabalho, as well as having access to all information regarding their working conditions;
- Ensure safe transportation, food, and accommodation for migrants workers in accordance with NR 31;
- It is mandatory to carry out occupational health examinations, such as pre-employment, periodic, dismissal, return-to-work after 30 days of absence due to illness/accident, and job change or risk.

## 2

### **Obligation to provide living areas in suitable conditions for use**

**It will be necessary to provide places for workers to rest, stay overnight, eat, sanitize, wash their clothes, relax, and in general have a peaceful, healthy stay that does not in any way put them in precarious conditions.**

- The accommodations must be separated by gender, have good structural and hygiene conditions; adequate bedding must also be provided for climatic conditions;
- The use of stoves, cookers, or similar appliances inside the dormitories in the accommodations is not allowed;
- Sanitary facilities may be movable or fixed, provided they meet legal requirements, such as: being kept in conditions of conservation, cleanliness, and hygiene; being

separated by gender; being located in easily and safely accessible places; having clean water, soap, and paper towels; being connected to a sewage system, septic tank, or equivalent system; having toilet paper and a waste collection container;

- The dining rooms must have hygiene and comfort conditions; capacity to serve workers with sufficient seating, observing meal schedules; having tables with smooth, washable, or disposable surfaces or covers; having potable water in hygienic conditions, with the use of a collective cup prohibited; having a garbage container with a lid; having a place or container for storing and preserving meals in hygienic conditions;

- Laundries must be installed in a covered and ventilated place so that housed workers can wash their personal clothes; be equipped with individual or collective tanks and clean water/soap;

- Provide a place for socializing or leisure for housed workers, the dining area can be used for this purpose;

- Work fronts must have adequate sanitary facilities, fixed or movable, and places for meals and rest that offer protection against the weather.

### 3

## **Possibility of using accommodations outside the property or hotel network**

**The locations must comply with the rules established in the legislation.**

- The employer may choose to use external services for lodging, laundry, meal provision, and restaurants, provided they are duly authorized to provide these services by the government and that they remain in compliance with regulatory standards;

- In cases where the employer resorts to third-party locations, it is necessary to supervise the maintenance of adequate hygiene conditions.

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## **Mandatory Provision of Tools for Work and Personal Protective Equipment**

**Means must be provided for the worker to carry out harvesting work and protect themselves against accidents and illnesses.**

- The employer must provide, free of charge, tools and work accessories, such as pickers and fuels, as well as perform necessary maintenance for their proper functioning and proceed with replacement whenever necessary;
- Renting or charging for the use of equipment, tools, and accessories necessary for work is not allowed;
- The employer must provide suitable Personal Protective Equipment (PPE) free of charge for the tasks performed, and upon delivery, collect a receipt detailing the quantity, registration/serial number, date of receipt, and the employee's signature.

5

## **Mandatory Provision of Drinking Water and Bottles/Jugs for Storage and Consumption During Daily Harvesting**

**Throughout the coffee harvest, it is essential to ensure workers' access to drinking water.**

- Potable and fresh water must be provided in sufficient quantity and hygienic conditions, in all workplaces (including work fronts), with the use of communal cups prohibited;
- A potability certificate must be obtained to ensure that the water meets appropriate hygienic conditions;

**6****Duty of Safety for Transporting Seasonal Workers**

**Worker transportation must be carried out safely and in suitable vehicles.**

- Worker transportation must be conducted safely, with workers seated and using only appropriate and authorized vehicles;
- Transporting workers in trailers, dump trucks, truck beds, trucks, and tractors is prohibited, even within the property, even for short distances.

**7****Duty of Salary Payment – Possibility of Payment by Production – Deductions for Legal Advances**

**Work performed during harvesting must be adequately compensated.**

- Salaries or measures harvested, when paid by production, must be paid periodically and upon proof, with each payment individually detailed in a receipt;
- Deductions from the worker's salary are allowed, provided they are authorized by law or collective bargaining agreements, and provided they are authorized in advance.
- Deducting payments from workers for the use of machinery, tools, fuels, among others, is not allowed;
- It is prohibited to offset salary payments with the opening of accounts or credit in own or third-party commercial establishments (supermarkets, pharmacies, butchers, grocery stores, repair shops, etc.), and it is equally prohibited to make credit purchases that result in the worker's indebtedness.

**8**

## **Duty to Define the Work Schedule**

**The start, break, and end times of work must be determined.**

- The permitted workday is 8 hours per day or 44 hours per week, with the right to a rest and meal break of at least 1 hour for workdays exceeding 6 hours. Up to 2 hours of overtime per day are allowed, with legal additions of at least 50% more than the normal hour.

**9**

## **Duty to Prevent Risks and Ensure Equipment and Machinery Safety**

**It is necessary to calculate and evaluate, through qualified professionals, the risks involved and the procedures that can be adopted to minimize and prevent the occurrence of illnesses/accidents.**

- Agricultural machines and implements must be in suitable conditions for use and safety;
- The elaboration and implementation of the Rural Work Risk Management Program (PGRTR) is mandatory, aiming at preventing accidents and occupational illnesses. Additionally, the program should generally be reviewed every 3 years.

**10**

## **Duty of Regular Storage of Agricultural Pesticides**

**It is essential to avoid any inadequate exposure of seasonal workers to agricultural pesticides.**

- Reuse of packaging or storage of pesticides, full or empty, in dormitories, living areas, or any places with people/workers' circulation is not allowed;
- Working with pesticides is prohibited for individuals under 18 years of age, over 60 years of age, breastfeeding women, and pregnant women.

## **11 Dues at the End of the Coffee Harvest**

**Upon completion of the harvest, it is necessary to make the payment of severance pay for the period worked during the harvest.**

- Typically, upon termination, proportional vacations plus 1/3, proportional 13th salary, FGTS and INSS contributions, as well as the payment of the salary balance and/or quantity of coffee harvested, along with the seasonal worker's compensation, are paid.
- Payment must be made within ten consecutive days after termination.

## **12 Duty to Prevent Any Form of Harassment**

**Throughout the entire harvest period, it is important to note that any form of harassment in the workplace is prohibited.**

- Any form of harassment, whether through verbal or physical conduct, involving humiliation, coercion, or direct threats to seasonal workers in the workplace, is expressly prohibited.
- Forms of harassment that should be rejected in the workplace include: Psychological harassment; and Sexual harassment.

## **13 Non-compliance with Labor Obligations and Subsequent Risk of Inspections**

**The Ministry of Labor and Employment is the agency that carries out routine inspections or inspections resulting from complaints.**

- In case of non-compliance with labor standards, the employer is subject to inspections, which may result in administrative and judicial penalties, and may also lead to civil, labor, and even criminal proceedings;
- If irregularities are identified, inspectors penalize the enterprise,

and if necessary, carry out the rescue and liberation of workers in precarious conditions and/or conditions considered analogous to slavery, ensuring payment of corresponding labor dues;

- The main objectives of inspections are to identify: Forced labor; Exhausting working hours; Degrading working conditions; Restriction of movement due to debt; Retention of worker's documents or personal belongings; Restriction of the use of any means of transportation; Maintenance of overt surveillance.

## 14 Triple Responsibility

**In addition to inspections, other administrative and judicial procedures may occur, especially when precarious working conditions are identified.**

- In the administrative field, at the end of the infringement proceedings, the producer may be sentenced to pay fines, which are calculated according to the nature of the offense and multiplied by the number of identified employees in the irregular situation;

- In the civil field, the producer will respond to an investigative procedure with the Labor Public Prosecutor's Office, usually a civil inquiry, which may determine compliance with a series of documentary and structural requirements, as well as compensation for moral damages to the seasonal workers involved in the inspection.

- In the criminal field, the producer will respond to an investigative procedure with the Federal Public Prosecutor's Office, which will investigate the nuances and occurrence of any crime related to slavery-like labor, which may ultimately result in restrictive measures and, depending on the case, even imprisonment.

Stay tuned to our social media channels for more tips! Count on us to learn more about the subject.