

The Wilberforce Institute at the University of Hull's modern slavery assessments on Waitrose fresh produce supply chains

Executive summary

- The John Lewis Partnership is committed to upholding the human rights of those working within our supply chains, and takes a robust approach to understanding and addressing the risk of modern slavery.
- This research was undertaken by the Wilberforce Institute at the University of Hull (Wilberforce Institute) at the request of the John Lewis Partnership between 2015 and 2018 and focuses on fresh produce supply chains.
- On-site risk assessments were conducted at 31 growers supplying the John Lewis Partnership, specifically Waitrose, initially across five countries which we identified as the highest priority. These on-site assessments represented 29,000 workers and included 280 worker interviews.
- Out of the growers assessed, approximately 51% of the workforce identified as male.
- Trade unions and NGO representatives were interviewed as part of the risk assessment processes, feeding into the overall findings.
- The research found that there was some degree of modern slavery indicators at 30 of the 31 growers assessed and a risk of forced labour highlighted at ten growers (32%). This does not mean there was modern slavery occurring at these growers, but does highlight that there are significant risk factors that need to be mitigated.
- The research provided clear recommendations regarding next steps, which led to Waitrose:
 - engaging with our direct suppliers involved in the assessment in order for them to address potential risk areas and implement safeguarding mechanisms at individual grower level;
 - sharing the anonymised findings of the assessments with the Ethical Trading Initiative (ETI) and the Food and Agriculture Organization (FAO) of the United Nations, and with other retailers so that they could review the risks in their own supply chains; and
 - engaging with industry on collaborative initiatives to work towards sustainable and systemic changes.
- The John Lewis Partnership recognises that there is more to be done, but hopes that these assessments and supply chain transparency will assist other industry actors to have open and honest conversations regarding some of the challenges that are faced. Only through collaboration will we be able to truly make headway in tackling labour exploitation and modern slavery.

Background and context

Human rights abuse in fresh produce supply chains.

5 February 2004 was a turning point in the UK's awareness of human trafficking and modern slavery within food supply chains. Twenty-three Chinese cockle pickers were killed when they were cut off

by an incoming tide at Morecambe Bay in Lancashire¹. The workers were unfamiliar with local geography, language, and customs, having been smuggled into the country in a container and hired, unlawfully, by a father and son to collect cockles that they then profited from². These victims were essentially slaves, having no option but to work illegally under the control of those who had brought them into the UK. In the aftermath of this tragedy, the UK Gangmasters (Licensing) Act 2004 was passed and this was followed by the establishment of the (now) Gangmasters and Labour Abuse Authority (GLAA) on 1 April 2005.

The establishment of the GLAA meant that labour agencies providing workers in the UK food sector needed to be licensed and it became an offence to act as an unlicensed gangmaster or use an unlicensed gangmaster. The licensing regulated the supply of labour into UK horticultural supply chains and had a great impact on the ground. The Partnership, however, sources fresh produce globally and the sector is characterised by highly seasonal labour requirements and a great need for temporary labour and subsequently a higher risk of modern slavery and trafficking.

Following the establishment of the GLAA, in 2015, the then prime minister, Theresa May, enacted ground-breaking legislation in the form of the [Modern Slavery Act](#). The legislation was designed to ensure perpetrators of modern slavery crimes receive suitably severe punishments for the appalling suffering that victims face, as well as to enhance support and protection for victims. Following feedback from businesses, the Transparency in Supply Chains (or TISC) reporting section 54 was added, which places a duty on businesses to disclose publicly the steps they are taking to tackle forced labour and human trafficking. You can view the steps the Partnership is taking in our latest Human Rights Report and Modern Slavery Statement.

In light of both our legal and moral obligations to workers within our supply chains, the Partnership set out to assess the risk of modern slavery occurring within our fresh produce supply chains.

Risk assessment of our supply chains

Stage 1 – Desk-based Research

The initial desk-based research conducted by the Wilberforce Institute focused on Waitrose own-brand fresh produce and horticulture supply chains covering over 2,000 suppliers and farms across 92 countries. The research was conducted in two parts – initially at direct supplier level of the finished and packaged products to Waitrose and then at farm level. Country-level risk was determined using the Global Slavery Index³, which provided a virtual ‘heat map’. Additional risks specifically relating to the suppliers, growers, crops and regions were then determined using an internet search. It should be noted that the lower the score with the Global Slavery Index, the higher the risk.

¹ BBC, 5 February 2014, ‘[Slavery ‘worse’ 10 years after Morecambe Bay tragedy](#)’, BBC News, accessed 9 October 2020

² The Westmorland Gazette, 4 October 2005, ‘[Cockle pickers were swimming the wrong direction](#)’, accessed 9 October 2020

³ The Walk Free Foundation (2014), ‘Global Slavery Index, 2014’, The Walk Free Foundation

At direct supplier level, the desk-based research focused on publicly available information (on the internet) for any recorded incidents of modern slavery indicators connected to a supplier name, such as recruitment fees, excessive working hours, low wages or non-payment of wages.

At farm level, the desk-based research focused on our strategic and core growers. These growers are mapped on Waitrose's fresh produce supply chain software (Muddy Boots) and were provided to the team from the Wilberforce Institute. All growers had carried out a [Waitrose Farm Assessment](#), a self-assessment and continual improvement programme which covers questions relating to environmental and biodiversity performance as well as gathering data regarding worker welfare indicators.

Using keywords such as 'labour exploitation', 'human trafficking', 'modern slavery', 'child labour' and 'debt bondage', farm and grower names were cross-referenced and any reported instances of the above were noted. Where internet results threw up links to corporate social responsibility (CSR) initiatives, union bodies, migrant associations, YouTube films and/or blogs affiliated with any of the growers or crops, this information was also noted and considered as part of the risk assessment to allow for a more holistic evaluation. Where concerns had been raised publically regarding labour and human rights violations within the cultivation and picking of specific crops (for example tomatoes in Puglia⁴) and these were in the same regions as Waitrose growers, this was noted in the risk assessment.

To complete the desk-based research, a risk assessment plan for the highest-risk countries, covering the higher-risk suppliers and products, was developed. This included a plan for on-site visits and interviews with local trade unions and NGOs. The initial countries identified as higher-risk were Italy, Spain, UK, Peru and Chile.

Italy

According to the Global Slavery Index⁵, with a score of 149 out of 167, the risk of modern slavery in Italy is lower than in many other countries, however, the online research in some regions where Waitrose sources own-brand products found a number of instances regarding wages and living and working conditions where standards fell well below our expectations^{6,7}. Public awareness of these issues is increasing. The agricultural industry in Italy has historically employed a large number of illegal migrants⁸ and Italy's submerged (informal) economy is estimated to be 23% of total GDP⁹. This part of a country's economic activity is unrecorded and untaxed by its government.

⁴ Eurozine (25 September 2014) '[I was a slave in Puglia](#)', accessed 22 October 2020

⁵ The Walk Free Foundation (2014) 'Global Slavery Index, 2014', The Walk Free Foundation

⁶ La Repubblica, 18 December 2012, '[Caporalato, una piaga che dilaga tra paghe da fame per una vita indecente](#)', accessed 9 October 2020

⁷ Il caleidofono, 19 June 2013, 'Sullo "[sgombero](#)" dei lavoratori migranti di Saluzzo. Braccianti al Nord,' accessed 9 October 2020

⁸ The Ecologist, 4 January 2013, '[Migrant workers face 'severe exploitation' in Italy's farm sector](#)', accessed 9 October 2020

⁹ Schneider, F., Buehn, A., and Montenegro, C.E., 6 September 2010: '[New Estimates for the Shadow Economies all over the World](#)', International Economic Journal 24 (4): 443–461, December 2010

Spain

According to the Global Slavery Index, Spain, with a score of 150 out of 167, also scores as at a lower risk of modern slavery. However, our online research returned a wide range of articles from the regions Waitrose sources own-brand products from, including allegations relating to the mistreatment of workers, low pay, debt bondage, poor living conditions and dismissal following the reporting of a grievance^{10,11,12}.

In 2015, there were demonstrations by the migrant community in the south of Spain in protest of living and working conditions and the role of recruitment agencies. As with Italy, the agricultural industry in Spain employs high numbers of illegal migrants and ranks highly in terms of its submerged economy, in this case estimated to be 27% of total GDP¹³.

UK

Like Italy and Spain, the Global Slavery Index scores the UK as low-risk with a score of 149 out of 167, but the online research painted a different picture with reports of exploitation, harsh working conditions and discrimination against union members/representatives^{14, 15, 16, 17}. In May 2015, around the time that our desk research was being conducted, the UK introduced legislation on modern slavery and it was identified that there was a great need to start addressing risks closer to home.

Peru

According to the Global Slavery Index, with a score of 113 out of 167, Peru scores as medium-risk. In recent years, Peru has become an important source country for fresh produce for the majority of UK supermarkets, including Waitrose. Peru has a large indigenous population and several high-profile cases of violence against indigenous and farming communities, trafficking and illegal drugs smuggling¹⁸.¹⁹. The ITUC has reported violations of trade union rights to be common practice²⁰.

¹⁰ The Ecologist, 16 April 2015, '[Salad days? Semi-slavery on the 'sweating fields' of southern Spain](#)', accessed 9 October 2020

¹¹ The Guardian, 3 April 2013, '[The faces of modern-day slavery – in pictures](#)', accessed 9 October 2020

¹² The Guardian (film), 20 August 2012, '[Salad slaves: Who really provides our vegetables](#)', accessed 9 October 2020

¹³ Schneider, F., Buehn, A., and Montenegro, C.E., 6 September 2010: [New Estimates for the Shadow Economies all over the World](#), International Economic Journal 24 (4): 443–461, December 2010

¹⁴ The Ecologist, 10 October 2011, '[Bitter harvest: how exploitation and abuse stalks migrant workers on UK farms](#)', accessed 9 October 2020

¹⁵ BBC, 8 June 2011, '[Report says modern day slavery exists in NI](#)', accessed 9 October 2020.

¹⁶ Scott, S., Craig, G. and Geddes, A., May 2012, 'Experiences of forced labour in the UK food industry?', Joseph Rowntree Foundation

¹⁷ The Guardian, 8 October 2014, '[Wisbech: the end of the road for migrant workers](#)', accessed 9 October 2020

¹⁸ U.S. Department of State (2013), '2013 Country Reports on Human Rights Practices', U.S. Department of State

¹⁹ Van der Wal, S. and Rácz, K. (March 2011), '[Socio-economic Issues in the Peruvian Mango Supply Chain of EU Supermarkets](#)', AAI and SOMO

²⁰ International Trade Union Confederation, 2012 Annual Survey of Violations of Trade Union Rights – Peru, 6 June 2012, available at: www.refworld.org/docid/4fd8892d2d.html, accessed 9 October 2020

Chile

According to the Global Slavery Index, Chile also scores as a medium risk with a score of 121 out of 167. However, the desk-based research revealed a historic blog which made unsubstantiated allegations against one of Waitrose's main suppliers in Chile, alleging that one of the companies was in crisis due to a lack of local labour. It is notable that the risks of modern slavery occurring in a country or region are exacerbated when there is a labour shortage, and Chile is dependent on both foreign migrant labour and internal migrants – particularly women, who often undertake seasonal work and under poor working conditions²¹.

Stage 2 – On-site visits

Between 2015 and 2018, on-site consultations were undertaken with growers, NGOs, authorities and industry bodies in the high-risk countries identified (Italy, Spain, UK, Peru and Chile). These consultations used a best practice methodology developed by the team of the Wilberforce Institute's supply chain experts.

The methodology covers a standard set of 20 key questions, which reflect the provisions of the John Lewis Partnership's [Responsible Sourcing Code of Practice](#) (RSCOP), and in particular assesses whether forced labour indicators may be present. For example:

- Loans and worker debts are properly managed – Loans can be a lifeline to workers to tide them over, but can put people in debt bondage if they are poorly managed. Loans must be legal in the country, and where available to employees, the conditions of the terms of repayment and interest must be clearly explained before the employee accepts the loan. Written agreements stating these conditions must be signed by both the borrower and lender and be kept on file. The loan amount must not be more than can be reasonably paid back, creating debt bondage, and should not prevent a worker leaving their employment.
- The provision of transport and accommodation and under what terms and conditions – Providing accommodation is not in itself a concern but it must be clean, safe and well maintained and meet the needs of workers. Any charges must be minimal and legal. Workers must be free to leave their employment with a reasonable notice period, which is often high-risk where accommodation is connected to employment due to a worker's dependency on their employer.
- The effectiveness of communication between workers and management – Freedom of association and the right to collective bargaining are a basic human right and form a key part of the Partnership's RSCOP. Effective communication is particularly important to the Partnership as it reflects our own ethos of co-ownership where all employees (Partners) are encouraged to have a say in how the business operates. The Partnership Council is elected through a democratic process and we strive to mirror this through our supply chains as we believe that only with effective communication can it be ensured that working conditions are satisfactory for workers.

²¹ Inter Press Service, 23 May 2014, '[Seasonal agricultural workers left out of Chilean boom](#)', accessed 12 October 2020.

- Workers' understanding of their terms and conditions – All employers should ensure that there is a recognised employment agreement (contract) between themselves and all employees that is compliant with the law and that is understood by both parties. At a minimum, workers should be made aware of:
 - the hours they are expected to work;
 - where they are expected to work;
 - how much and how often they will be paid;
 - holiday entitlement and other benefits;
 - notice periods; and
 - details of the grievance and disciplinary procedures.

- Health and safety – One of the most basic assumptions a worker should be able to make is that they are able to leave a place of work in the same state of health that they entered. No one wants to go to work to receive an injury or other harm. A full risk assessment must have been undertaken to identify any hazards and mitigations put in place which are upheld and regularly monitored.

- Minimum working ages – Children under the age of 15, or under the minimum age for work or completion of compulsory education (whichever is highest), must not be employed. A robust system should be in place to check age at the time of recruitment. The grower or farm needs to ensure they are meeting all local laws regarding the employment of young and vulnerable employees, including complying with restrictions regarding working hours, pay rates, access to schooling or education, medical treatment, registration with local labour offices and ensuring that only permitted tasks are carried out.

- Right to work – Workers who have precarious immigration statuses are more vulnerable to exploitation as they will often not want to speak out for fear of deportation. Employers who use illegal labourers are therefore more likely to treat workers badly and not be challenged.

- Working hours and rest times – Excessive working hours are a risk to both health and safety, as tiredness can lead to increasing accident levels, and to workers' right to a life outside of work. In order to verify that working hours are not excessive, accurate and robust working hour records must be maintained. These must show where overtime has been conducted and that workers have had at least one day off in seven or two days in 14, where allowed by local law.

- No discrimination – All humans are born free and equal as is laid out in the Universal Declaration of Human Rights. However, prejudice and discrimination fuel inequality and the poor treatment and exploitation of some humans over others.

- No harsh or inhumane treatment – Employers should have a clear policy regarding behaviour and personal conduct expected in the workplace to ensure there is no abuse or harassment at any time, including verbal, non-verbal, physical or sexual. Workers must have access to a

clear grievance or complaints mechanism, which ensures all complaints are dealt with in line with the UN Guiding Principles²².

ON-SITE VISITS – PROCESS

Interviews

The researchers interviewed growers and farm managers to assess their knowledge of the local situation, as migration levels, availability of legal agency labour provision, and availability of infrastructure for housing and transport will vary in different regions. This allows the researcher to evaluate whether the grower has effective processes in place to mitigate specific risks to the region.

Recruitment practices are widely recognised as the most important due diligence stage in order to reduce the risk of modern slavery being found within a business. The grower's recruitment practices are reviewed, with a particular focus on the method of recruitment (direct or indirect) and the process for recruitment during peak periods. Recruitment is an expensive process and these fees must not be passed on to the workers²³.

Whilst the use of labour recruitment agencies is not a concern in itself, there is an increased level of risk where workers are not directly employed by a site, as the recruitment and employment conditions are determined by the labour agency.

Most importantly, workers were interviewed to confirm whether their opinions and experiences matched management's versions of events. Researchers undertook a risk assessment of the situation before carrying out the worker interviews on the farms. If there was deemed to be a risk to workers' safety – for example, if a 'controller' appeared to be on the farm and watching, worker interviews would not be conducted and this would be noted on the report.

Farm/site tour

A farm/site tour is undertaken by the researcher to visually inspect and observe the working conditions and any accommodation provided as well as current practices. The researcher will form a view of how it compares with applicable standards and codes as well as checking performance against the grower's own policies and procedures.

Document checks

Documentation is fundamental for triangulating information. Particular emphasis is placed on workers' contracts and personnel files to ensure they are complete, up to date and accurate. The researchers also verify records to ensure that working hours are properly recorded, with clocking in and out times as well as any legal breaks and rest days, and that the pay records match up to the hours worked.

²² United Nations (2011), '[Guiding Principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" Framework](#)', United Nations

²³ International Labour Organization (2019), '[General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#)', International Labour Organization

Engagement with NGOs, trade unions and industry bodies

In order to triangulate the risk assessments, the Wilberforce Institute engages with NGOs, trade unions and industry bodies to understand what the risks are in the local regions and, where known, specific risks associated with growers supplying Waitrose.

In Spain, the Wilberforce Institute engaged with the NGO [Murcia Acoge](#) and trade union [Comisiones Obreras](#).

In the UK, the Wilberforce Institute engaged with the NGO [Migrant Help](#) and trade union [NICICTU](#).

In Italy, the Wilberforce Institute engaged with the NGO [IOM](#) and trade union [CGIL](#).

In Peru, the Wilberforce Institute engaged with the industry body [AGAP](#) and labour NGOs [AIDER](#), [CESEPAS](#) and [PLADES](#).

In Chile, the Wilberforce Institute engaged with the industry body [Fedefruta](#), but was unable to engage with NGOs or a trade union due to time constraints.

Findings

These findings cover:

31 sites in five countries	Over 29,000 workers 51% male and 49% female
280 worker interviews 53% female and 47% male	Over 15,000 unionised workers 50% male and 50% female

Access to workers

The research team would only interview workers if it was deemed safe for the workers, or if they were available – which, for a short harvest or on a smaller farm, was not always possible. As a result, at nearly 20% of the growers, the information provided was through interviews with management, document reviews and, where given, feedback from NGOs or trade unions.

Workers were not interviewed for three growers in Italy and one in Peru. At one of these growers, access to workers was denied.

In Italy, at two growers, the research was conducted out of season. Workers were represented by a local trade union representative and a document review was conducted on the farm. In Peru, due to time constraints, the researchers were unable to tour the premises but they were able to interview the health and safety representative who was freely elected by the workers.

Management of labour agencies

According to our RSCOP, “Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, sub-contracting, or home-working arrangements”. Recruitment is the most important stage in ensuring workers are not being exploited whilst working. Robust recruitment processes involve verification of workers’ identities, ages and immigration status, including the legal right to work in the country.

Where workers are not directly employed, the recruitment process is often the role of the labour agency but this does not mean that, in these cases, the growers can ignore their obligations to workers. Across the 31 growers visited, seven (23%) of them demonstrated that they were not conducting effective checks on recruitment agencies' management of workers. These growers were based in Italy, Peru, Spain and the UK.

ITALY

In Italy, there is currently no registration system for labour agencies and an illegal gangmaster system known as *caporalato* has developed to close the gap. Media attention in the UK and overseas has highlighted labour recruitment issues within Italian tomato fields and a number of NGO reports shine a spotlight on the use of illegal migrants to pick tomatoes. The first major step to outlawing *caporalato* was introduced in 2016, after the assessments in Italy took place, though questions over how well this legislation is being implemented:

- It was reported by the trade union in Salerno that gangmasters controlled workers from their registration at the local ministry of agriculture through to establishing their contracts with local employers and organising labour on site. In 2015, when our research was conducted, migrant workers could buy contracts with an employer for €6,000–€7,000 to legitimise their right to remain in Italy. One grower in the region was not able to provide any contact details or register for any of the workers working that day as they had used an independent consultant to hire, recruit and register workers. In total, four out of seven growers were unable to provide complete personnel files with details of the workers' ages and IDs.

- Trade unions in Modena confirmed that gangmasters were known to be operating on farms in the region and interviews with growers in the region confirmed that there had been police activity in the area the year before our assessments took place to search for a Polish gangmaster.

Since 2017, Waitrose has been part of a tripartite working group with the Ethical Trading Initiative (ETI), whose aim is to improve working conditions for migrant workers within the Italian tomato industry and to identify solutions to concerns surrounding the *caporalato*. Since its launch, the working group has conducted significant stakeholder engagement with local and international parties, raised awareness of the issues, identified root causes and raised awareness of international labour standards. The working group has advocated for change at government level, and continues to work towards improving the situation from the ground up through local interventions.

UK

In the UK, labour agencies are legally required to have a GLAA licence, which is essentially a permit to supply workers to the food and agriculture sectors. However, the industry is subject to a number of challenges which make it open to infiltration by criminals. Modern slavery is a lucrative crime as one victim can be repeatedly exploited for financial gain. Both the trade union and NGO representatives interviewed as part of our research highlighted that there was an industry-wide risk of trafficking and smuggling within fresh food imports. This was confirmed by management at one of

the growers who said that, at the time, they received approximately one truck a week from Spain with clandestine migrants on board.

One of the growers assessed had reported a case of human trafficking and forced labour within their operations which had been remediated and new processes put in place to combat the risk. We are aware that labour agencies prey in particular on those whose first language is not English and who lack literacy skills. In the UK, Roma, Romanian, Lithuanian and Bulgarian workers are particularly vulnerable to exploitation.

Waitrose works closely with the GLAA to tackle modern slavery within our supply chains and to support the wider industry with the fight against this crime. Through the sharing of information, we are better able to identify where there are potential risks and work together to investigate concerns within our supply chains. In 2018, we signed up to a joint [Retailer Protocol for Handling Reported Cases of Modern Slavery](#) within UK supply chains with the GLAA, Stronger Together and the British Retail Consortium (BRC). In 2019, we worked with the GLAA to create a [training video](#) focused on raising awareness of modern slavery and worker welfare for our UK farmers, and to promote what actions should be taken if farmers and workers have concerns.

SPAIN

In Spain, trade union representatives reported that approximately a third of the 65,000 people working in agriculture in Murcia were employed through a group of labour agencies known as Empresas de Trabajo Temporal (ETT). Trade union representatives explained that these labour agencies had become increasingly relied on over the last 20 years and their emergence had been a key driver in labour exploitation. Workers interviewed at one of the growers reported that they had paid the agency recruitment fees of approximately €100 and were charged for their transport to and from work every day. As the sector is unregulated, trade unions believe that employers are also often using agencies to save costs, rather than planning role requirements in advance and recruiting workers directly.

Waitrose are sponsors of the Spanish Ethical Trade Forums, alongside some of our key importers and other retailers. These forums were established in 2015 and provide a safe space for growers and suppliers to come together and share information specific to human rights in Spain with local working groups who can focus on local risks. In 2020, the Murcia working group produced training guides regarding the Responsible use of Temporary Labour Providers (*empresas de trabajo temporal*, or ETT), which has allowed local businesses to understand and create best practice processes for both the labour providers and agency workers to be able to perform their duties properly.

PERU

In Peru, there is a misconception that labour agencies are not used to recruit workers on farms, though the unions and NGOs confirmed that in reality this was not the case. Growers will often use a variety of recruitment methods at the same time to ensure that they can meet the needs of the dynamic sector they work in. Whilst there is a regulated sector for outsourcing labour for cleaning, security and for replacing workers, there is also a growing market for illegal gangmasters – or *enganchadores* – who can bring in a team of 30–50 people for a specific task at a specific time. The

risk of this happening is particularly high during harvest seasons where farms are unable to recruit enough workers directly. It was noted that, at two of the growers who were part of our assessment, there were incomplete worker files, suggesting that onboarding and HR processes were lacking.

Waitrose has worked with our direct suppliers sourcing products from Peru to highlight and ensure they are aware of the risk of using labour providers in this country. Of the growers interviewed for our assessments, over half of them already had a good awareness of the risks of using labour agencies and were able to cite them.

CHILE

In Chile, all of the growers had a good degree of awareness of the risk of labour exploitation, with the most commonly cited relating to the use of labour agencies, where workers were declared as paid the minimum wage on their payslips and received the remaining “picking rate bonuses” in cash. In 2017, there had been an increase in the numbers of migrant workers and the media estimated that 105,000 Haitians entered Chile, an increase of nearly 138% compared with in 2016²⁴. Many of these workers spoke little Spanish, arriving on tourist visas and then allegedly falling into an irregular situation which made them vulnerable to labour exploitation.

Working hours

Demonstrating compliance with the Partnership’s policy on working hours requires robust record keeping, not only to ensure that the working hours are not excessive, but also that wages are paid correctly for each and every hour worked.

According to our RSCOP, working hours must:

- comply with national laws and collective agreements;
- be defined by contract;
- not exceed 48 hours a week as standard;
- be voluntary where overtime is required;
- not exceed 60 hours in any seven-day period; and
- ensure at least one day off in every seven-day period or, where allowed by national law, two days off in every 14-day period.

Inaccurate recording of working hours

It was noted that, in 19 out of the 31 sites visited (61%), working hours were not accurately or properly recorded. The biggest concern was in Chile, where none of the three growers were accurately recording working hours, followed by Peru, where only 25% of growers accurately recorded working hours, and Italy, where only 43% accurately recorded working hours. Spain and the UK performed better, with 60% of Spanish growers and 75% of UK growers ensuring that they maintained detailed and correct working hours records.

In Chile, workers sign ‘presence’ sheets at the end of the month, which is allowed under Chilean law, but is not permitted under the requirements of our Responsible Sourcing Code of Practice. With

²⁴ Chile Today (9 April 2018) ‘ [Increase in Haitian immigration raises concerns in Chilean society](#)’, accessed 22 October 2020

this system, supervisors sign workers in and out on a daily basis, which makes it difficult to know how much overtime is being worked on site and whether working hours are being properly recorded.

In Peru, workers on six out of 12 farms were also made to sign a 'presence' sheet with supervisors then filling in the start and finish times. This is illegal in Peru and makes it difficult to know how much overtime is being worked on the site and whether hours are being properly recorded. On one of the other farms, there was an automatic time recording machine in place, but the supervisors were inputting the time manually as eight hours each day.

In Italy, it was noted by the trade union representative in Salerno that migrant workers in the region were working one or two days that were not recorded for every day recorded on their 'work slip', which meant they were, on average, being paid €20–€25 a day, although the exact amount was not confirmed in the Waitrose risk assessments. It was noted on one farm that an Excel sheet was used to complete working hours and that there was an "indiscriminate ticking of days", one farm had no time records to show, one had "days worked" ticked but no start and finish times and one had time records which didn't match what the workers said they had worked.

Supporting suppliers to understand the importance of properly recording working hours is one of the principal ways in which Waitrose is able to help improve compliance in this area. Since undertaking these assessments, and to support our other suppliers, Waitrose has produced a guidance document to sit alongside our RSCOP. This guidance gives examples and practical instruction on how the code should be implemented in different contexts, including at farm level, and we work with suppliers to educate them on an individual level as to why this is so important.

Excessive working hours and working days

Excessive working hours were a particular problem in Peru, with 42% (five) of Peruvian growers displaying this trait. A third of the assessments also highlighted that workers were on duty for an excessive number of days without a day off.

In Peru, it is not uncommon for workers to be brought to work from other villages (sometimes two or three hours' driving distance, which means that workers could be travelling and working for up to 16 hours a day. The farming of certain crops during peak periods means workers are expected to work every day without a day off, which could be up to four months. In the packhouses, most sites expected workers to finish their working day, when production is over, with one packhouse reporting that, during peak periods, workers start at 8am and finish as late as 10pm.

A number of our suppliers in Peru have been considering building accommodation to support those who live a long way from the workplace; some have already built a couple of units as a trial to see how well this works. We have also worked with our suppliers to look at how they can ensure working hours are maintained at a reasonable and safe level, even during the peak periods.

Spain was the only other country where excessive working hours were noted, and this was only at one grower. Trade union representatives in the region suggested that working hours were one of the

general risks in the region but not specifically to farms supplying Waitrose. We are working with our suppliers and our growers through forums such as the Spanish Ethical Trade Forum to raise awareness about the importance of ensuring working hours are not excessive and that they are recorded properly.

Wages

According to our RSCOP, “wages and benefits paid for a standard working week must meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event, wages should always be enough to meet basic needs and to provide some discretionary income.” All workers must also receive written details of their pay and there should be no illegal, or disciplinary, deductions made from workers’ pay.

The risk assessments highlighted non-payment of wages at five out of the 31 growers, of which three were in Italy and two in Spain. However, there were unclear systems for remuneration and bonuses at ten growers across Italy (three), Peru (three), the UK (two) and Chile (two). As noted on page 12, the trade union representative in Salerno, Italy, believed that workers were, on average, being paid €20–€25 a day in the wider region, and – not specific to Waitrose supply chains – there was a risk highlighted in that workers interviewed at two growers were unable to actually articulate their contracted rate of pay:

- At one grower, workers were given a €200 advance and then paid on the job completion, which could last between three weeks and two months.
- At one grower, workers on the same pay scale reported earning different amounts (between €5.50 and €10 an hour) and their contracts did not include pay rates and there was no written pay information.

Waitrose and our direct suppliers worked with these farms on an individual basis to resolve these issues, but Waitrose is also working more broadly to raise awareness with suppliers and farms about why documentation such as pay slips are so important as they ensure workers understand the full breakdown of their pay.

Accommodation and transport

Our RSCOP states that “accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers”. Providing accommodation is not in itself a concern, but we stipulate that workers are free to leave their employment with a reasonable notice period and must not be required to lodge deposits, both of which can be high-risk where accommodation is connected to employment.

Where transport is provided it should be safe and appropriate. Where employers provide transport, “adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment”. It is also important to note that charges for transport are not usually provided for by national law, so there must be “the expressed permission of the worker concerned”.

In our assessments, accommodation was only highlighted as a risk at three growers – all in Italy – and two of these were because the packhouse did not check whether accommodation was provided at their sub-suppliers. The other grower provided caravans but no sanitary facilities or potable water. Through our work with the Ethical Trading Initiative, we are hoping to build the capability of growers in Italy to understand their responsibilities as employers and to ensure that migrant workers are treated fairly and have safe working and living conditions.

In Peru, no accommodation was provided on ten out of 12 sites, and the sites that did provide accommodation only did so for security and technical staff. However, eight growers (75%) did transport workers over very long distances, resulting in very long days, as noted above.

In Spain, accommodation was provided to security staff and technical staff at two out of five growers, though one of these also sometimes housed workers, who were slightly higher-risk. The accommodation was noted to be of a good standard and well managed. The other three growers did not provide accommodation. There were two growers who transported workers over long distances and, according to the local collective bargaining agreement, the workers were not entitled to be paid for this travel time as the working day starts when workers reach the farm.

In the UK, there were no concerns raised with the state of accommodation or long transport times. One grower provided 21 houses on-site but these were all clean and spacious with hot water, heating and furniture. One grower had previously provided accommodation but had stopped a few years before the assessment and two didn't provide accommodation at all. Of those who didn't provide accommodation, one grower's agency had a process in place for checking local accommodation and would provide workers with the details of places they deemed acceptable so workers could arrange their own private rental.

There were no concerns raised over accommodation or transport for any Chilean farms, though NGOs and the farm management reported that Haitian workers in the country were often vulnerable to rogue landlords, who charged exorbitant prices for one-room lodgings, ie the same price a Chilean national would pay for a two- or three-bedroom house.

Loans

Our RSCOP states that workers must not be required to lodge "deposits" and must be free to leave their employer after providing reasonable notice.

Loans to workers can be highly beneficial to tide them over in the case of unpredicted costs, and may offer a much-needed lifeline to those with very low incomes, however, they need to be managed well. The risk that they may not be able to be repaid needs to lie with the employer.

Loans must be legal in the country and, where available to employees, the conditions of the terms of repayment and interest must be clearly explained before the employee accepts the loan. Written agreements stating these conditions must be signed by both the borrower and lender and be kept on file. The loan amount must not be more than can be reasonably paid back, creating debt bondage, and should not prevent a worker leaving their employment.

Loans were offered to workers at approximately 30% of the growers, with the highest percentage in Peru (75%/nine growers), followed by Italy (29%/two growers), Spain (20%/one grower) and the UK (25%/one grower).

In Peru, the practice of offering loans to workers is, in the main, heavily regulated and enshrined by law. Best practice for offering loans in Peru includes ensuring an economic assessment is conducted before loans are offered, which covers an assessment of length of service, a credit check, a cap on the amount that can be borrowed and a repayment plan that is interest-free. The amount and time frame are negotiated between the employee and the grower.

In Italy, the loans offered were small cash advances, up to a couple of hundred euros, however, there was no systematic recording of the loans or repayment agreements. In Spain, the grower reported that they provided occasional loans to workers who had been there a long time, and one worker had been loaned €7,000. The grower in the UK who offered loans as part of a formal process, also offered discretionary loans. Like the growers in Italy, neither of the growers in Spain or the UK had a policy in place regarding loans or an agreement to regulate repayments. Since our assessments have been undertaken, in order to support our suppliers with understanding of RSCOP and the importance of managing loans properly, we have issued a supporting guidance document, which clearly lays out how loans should be managed in order to ensure that suppliers are in compliance with our requirements.

Worker voice

Effective 'worker voice' is particularly important to the John Lewis Partnership, reflecting our own ethos. As a co-owned business, all our employees (Partners) are encouraged to have a say in how the business operates. Our Partnership Council is elected through a democratic process and we strive to mirror this democratic process through our supply chains. It is also the policy, under our Responsible Sourcing Code of Practice, that "freedom of association and the right to collective bargaining are respected".

ITALY

In Italy, it was particularly difficult for workers to be able to provide feedback to management: there were no trade union representatives at any of the growers and six of the seven growers had ineffective channels for workers to raise complaints – either directly or anonymously. The ITUC worker rights index 2015²⁵ rates Italy as a 1, which means there are irregular violations of workers' rights. The trade union Italian Confederazione Generale Italiana del Lavoro (CGIL), specifically the Federazione Lavoratori Agroindustria (FLAI) division, confirmed that generally packhouse workers had no problems but this was not the same at farm level. Gangmasters operating on the farms employing illegal labour were not likely to have any kind of representation for workers in place.

PERU

²⁵ International Trade Union Congress (2015), ' [The 2015 ITUC global rights index: The world's worst countries for workers](#)', ITUC

In Peru, the absence of trade unions and union representatives was also particularly notable – there was only one grower with a trade union representative, and through interviews with AGAP (Association of Peruvian Agrarian Producers Guild), it was noted that there is a feeling that unions in the region are highly politicised and not always constructive. The ITUC Global Rights Index 2015²⁶ rated Peru as a 4, which means there is a systematic violation of workers' rights and reports cases of union leaders being harassed and intimidated. This rating was downgraded to a 3 in 2016, indicating regular violation of rights²⁷, but returned to a 4 in 2017²⁸. It is worth noting, however, that at eight growers there were effective channels for workers to raise complaints, which included workers' committees with elected representatives, satisfaction surveys and suggestion boxes for anonymous communications.

UK

In the UK, only one of the growers had trade union representation on their farm, and this was the only farm where the communication channels were deemed to be effective. At the other growers, communication channels included suggestion boxes, though these were not used, and direct communication with supervisors. The ITUC rated the UK as a 3 in both 2015 and 2016, but this was raised to a 4 in 2017.

SPAIN

In Spain, working conditions in agriculture are regulated through regional collective bargaining agreements (CBA) and only one grower did not have a union representative on site. In Spain, the researchers met with Comisiones Obreras (CC.OO), a confederation trade union with roots in the Spanish Communist Party. It has an agroalimentary department which specifically deals with labour issues for the agricultural industry. Over 80% of the CC.OO's members in Murcia and Almeria are migrants from Morocco, North Africa. CC.OO reported that lower prices for products are leading to the increased use of labour agencies (ETT) where workers were not unionised, and it is through this employment model that the most precarious working conditions are seen. The ITUC rated Spain as a 3 in both 2015 and 2016, but this was reduced to a 2 (repeated violation of rights) in 2017.

CHILE

In Chile, traditionally there have been restrictions on the principle of free bargaining, including that the right to collective bargaining was only guaranteed at the company level. In 2017, the ITUC reported that there have been noteworthy improvements in the law, though the country remains at 3, as per 2015 and 2016. All of the growers in the research were unionised, and at only one grower, a concern was raised that there was a lack of effective anonymous feedback channels because the only option available was a suggestion box.

Our RSCOP lays out our expectations of suppliers with regard to freedom of association and the right to collective bargaining, though we recognise that some countries are more open to trade

²⁶ International Trade Union Congress (2015), '[The 2015 ITUC global rights index: The world's worst countries for workers](#)', ITUC

²⁷ International Trade Union Congress (2016), '[The 2016 ITUC global rights index: The world's worst countries for workers](#)', ITUC CSI IGB

²⁸ International Trade Union Congress (2017), '[The 2017 ITUC global rights index: The world's worst countries for workers](#)', ITUC

unions than others. We work with our suppliers to ensure that they are aware of the 'right to organise', as laid out in the Universal Declaration of Human Rights.

Through our work with the ETI and the Italian tomatoes working group, we hope to be able to support workers in Italy by giving them a mechanism to raise grievances and ensure that their voice is heard. This is being done through work with local growers and co-operatives but also by ensuring that these workers' needs are being represented at local and national government level. We are also working with the ETI to help improve social dialogue in Peru. We have been supporting this work since 2017 and most recently the working group has joined forces with Federatie Nederlandse Vakbeweging (FNV), the largest trade union in the Netherlands, to support their direct engagement with growers in Peru. Waitrose suppliers were invited to join the launch event and we will continue to promote their involvement with FNV.

Discrimination and harsh treatment

Our RSCOP states that there must be "no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation". "Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation" are also prohibited under our RSCOP.

PERU

Discrimination was only noted at two sites in Peru, though this does not categorically mean there was no discrimination at other sites. At one of the growers, it was noted that supervisors demonstrated favouritism towards family members often giving them the easier tasks. One of the supervisors was also alleged to treat certain workers more harshly and deliberately give them "hard" tasks. As no training was provided to workers and supervisor positions were not advertised, the chances of a promotion for workers were very limited. At the other grower, it was noted that the agency workers were treated differently from directly employed workers, and were not given personal protective equipment (PPE) or free meals.

Harsh treatment of workers was also reported at other growers. At one grower, workers reported they were comfortable speaking to supervisors, but said that the medical attention they received when falling ill was inadequate; the doctor sometimes refused the workers medicine or signed them off as fit to work, despite illness.

We have addressed these issues with the growers themselves, but we believe we can support much more systemic change through programmes such as the ETI 'social dialogue programme'.

SPAIN

In Spain, management at one grower reported that they had problems with unauthorised absence and leave, so had clamped down on this by telling workers that they would lose their jobs if unauthorised leave was taken and would ask workers to sign a paper stating that they were leaving of their own free will. In a region where there is high unemployment, this could be considered a form of coercion and could lead to further problems for workers who are then unable to claim benefits.

Through our sponsorship of the Spanish Ethical Trade Forums, we have supported a working group on 'Prevention of Harassment in the Workplace' who have developed a 'Protocol on Prevention and Action against Harassment in the Workplace', which has been shared with our Spanish growers.

CHILE

In Chile, at one grower, harsh treatment by one supervisor in the form of insults to workers and humiliation was reported by over 60% of workers. Disciplinary procedures were already under way with this supervisor and the grower had invested significantly in an external training programme for supervisors to improve their team leadership and conflict resolution skills. This, on the whole, has improved the treatment of workers.

Limitations and next steps

Following industry best practice research methods, it is important to highlight the limitations with this research and what could be done to further this work in the future. With regard to scope, we recognise that there is a risk of modern slavery and worker exploitation outside of our core and strategic growers, but for the scope of this research contingency growers were not explicitly included. This was because the number of suppliers globally was too large and contingency suppliers also may not regularly supply Waitrose. These suppliers would, however, have been captured where they were core or strategic growers of other fresh products.

Due to the range of languages spoken and understood in the Wilberforce Institute's research team, it should be noted that it was not possible to conduct desk research in Flemish, Dutch, Chinese or Arabic, which meant some articles may not have been included in our research. It is also important to note that internet searches have the potential to return out-of-date information. Since publication, mitigation actions may have been put in place, however, risks do not inherently disappear completely with time. If there are no reports of corrective action having been taken, then the potential for risks to still be present is very real.

Follow-up

Since these assessments began, we have reviewed how we engage with suppliers and the wider industry in order to work towards addressing some of the more serious and systemic issues highlighted. We shared the findings of the assessments with our direct suppliers and followed up with individual growers regarding corrective actions taken, but are aware that often these individual growers represent wider risks and concerns across the sector. In our most recent modern slavery statement, we include the highest risks highlighted by these assessments as some of our Partnership salient human rights risks. We have also shared the anonymised assessment findings with the ETI and with other retailers where industry-wide concerns were highlighted.

In Peru, the challenges regarding union membership and the treatment of union leaders has been the subject of further research, with one report commissioned by the ETI²⁹ and which Waitrose jointly funded as part of a tripartite working group. The working group continues to engage with the

²⁹ Adam, C. and Jones, E. (2019), '[Study of good practices in the horticulture sector for export, Columbia, Mexico and Peru](#)', commissioned by the Ethical Trading Initiative.

Peruvian agricultural sector and collectively try to address the role of trade unions. We have engaged with the Food and Agriculture Organization of the United Nations (FAO), sharing the anonymised findings from the assessments and working with them to try and support their work to improve in-country conditions, however, we are aware that there is still much more to be done.

As noted in this report, and as remains well publicised in news reports and the media^{30, 31}, the issues in Italy are both systemic and complex and cannot be tackled by one retailer alone. Waitrose believes that the best way retailers can work together to improve conditions for migrant workers in Italy is through advocacy work, and ensuring that the infrastructure is in place to support good working and living conditions and allow workers to have grievances raised and addressed effectively.

It is imperative that, in Italy, there is a robust and sustainable way for tomato farmers to be able to access short-term labour for the harvests. Waitrose is part of the ETI working group looking at these challenges which is promoting a two-pronged approach with advocacy work at the top level and supporting the establishment of growers' working groups to push for industry change within Italy at the lower level.

Spain is one of our more important sourcing countries for fresh produce and we work closely with our suppliers in Spain to review working conditions at the sites we source from, however, it remains widely reported that there are challenges within the Spanish fresh produce sector, particularly relating to harassment³², long working hours and poor worker and management dialogue^{33, 34}. It is important to note that the issues in Spain tend to manifest themselves in different ways in different regions, based on the specific employment models required by product, season and the availability of workers. We strongly believe that sustainable change needs to come with a willingness by those in the country to change. For this reason, we actively support the Spanish Ethical Trade Network, which is grower-led and works collaboratively to raise standards and address issues in Spain.

Alongside other retailers and brands, we have also supported the Stronger Together team to develop a toolkit for Spanish suppliers to further support them with training and policy development for their businesses. Following delays due to Covid-19, the first training programme will be run in October 2020, and there are plans to engage Spanish-based businesses in the ongoing programme.

The UK remains our single most important sourcing country and we always buy British where we can. We recognise that, while the UK has frameworks in place to tackle modern slavery including the Modern Slavery Act 2015 and the Modern Slavery Helpline, there remains a high risk of labour

³⁰ Financial Times (8 November 2018), '[How the mafia got into our food](#)', accessed 22 October 2020

³¹ The Guardian (20 June 2019), '[The Guardian long read – are your tinned tomatoes picked by slave labour](#)', accessed 22 October 2020

³² The Guardian (14 April 2019), '[Rape and abuse: the price of a job in Spain's strawberry industry?](#)', accessed 22 October 2020

³³ BBC film (19 April 2020), '[Fruit labourers: "If you don't want to work like a slave, you're out"](#)', accessed 22 October 2020

³⁴ Aljazeera (16 October 2019), '[Consumers are not aware we are slaves inside the greenhouses](#)', accessed 22 October 2020

exploitation and modern slavery within the country, particularly within the horticultural sector due to its reliance on low-paid migrant workers. Labour shortages remain an increasing challenge: the departure from the EU under the Withdrawal Agreement and most recently Covid-19 have put even more pressure on labour availability in the UK. As a result, there will remain a heavy reliance on agency labour, with heightened risks of modern slavery.

We have been supporters of the UK Stronger Together programme since its inception; this multi-stakeholder, business-led initiative aims to reduce modern slavery through the provision of guidance, training, and resources. Through our support for this programme, all of our supply chain workers are able to access this training for free, which in turn supports building a strong network of employers, labour providers, workers and their representatives. More than 1,200 individuals from over 500 Waitrose supplier sites have completed the Tackling Modern Slavery in UK Businesses workshop.

Waitrose also sponsors the Responsible Recruitment Toolkit (RRT), an online tool providing recruiters in our supply chain with practical responsible recruitment guidance and use the self-assessments to track their progress and share their achievements with us.

We are active members of the FNET, and our Ethical Sourcing Manager sits on the Board. This supplier-led, UK-based forum brings together growers, processors and retailers to share information and collectively develop ways to address complex issues (such as how to ensure food businesses can survive when there are severe shortages of people to pick, pack, or produce products). We are actively involved in their working groups which we consider most relevant for our salient risks, such as the recruitment fees workstream. Most recently, Waitrose, alongside other retailers, has supported webinars and communications to help food businesses introduce health and safety measures and social distancing during the Covid-19 pandemic using practical examples and best practice case studies.

While none of the growers visited as part of this assessment provided accommodation to workers, which was considered a risk, we recognise that inflated costs for accommodation, unsafe housing, and a requirement for workers to be housed in a certain place to retain 'control' over them remain a risk in the UK. As part of a collaborative effort with other retailers, the Partnership created an online UK caravan accommodation training course, which launched in 2019. More than 100 suppliers and labour providers that house workers in caravans have used the training to help to ensure that this accommodation is legally compliant and does not pose a risk to workers' health, safety or welfare.

Based on the findings from the Chilean assessments, Waitrose has not categorised our supply chains here as being high-risk, but continues to work closely with our suppliers to review conditions at growers supplying Waitrose.

For further information about our work to tackle modern slavery, please visit our [website](#).

The John Lewis Partnership recognises that there is more to be done, but addressing systemic issues is not something that we can do on our own. We really hope that the transparency in this report will be met in the spirit that it is meant, and will assist other industry actors to have open and honest conversations regarding some of the challenges that are faced. We truly believe that only through collaboration will we be able to make headway with tackling labour exploitation and modern slavery.