

# Risk Factors for Labor Trafficking in the Agricultural Sector of San Luis Potosí

*Bidirectional Communication Pilot Project*

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## INTRODUCTION

Workers in Mexico's agricultural sector disproportionately come from poor and marginalized communities. There is almost no oversight of the conditions in which migrant farmworkers are recruited, and in most of the cases recruitment happens under conditions of fraud. The farms they work on — and sometimes live at — tend to be in isolated, difficult to reach regions. Many of the workers do not speak Spanish or do not speak it as their first language. These factors, in combination, make the agricultural workforce in Mexico extremely vulnerable to labor trafficking. These same factors unfortunately also make it incredibly difficult to understand how labor trafficking works in this sector. To better flesh out the dynamics of trafficking in this context it is necessary to design and test theories and solutions.

## ABOUT POLARIS

Polaris is a U.S.-based nonprofit working to end sex and labor trafficking in North America. For more than 10 years, Polaris has operated the U.S. National Human Trafficking Hotline, responding to tips and connecting survivors and victims with services and support regardless of where they are located. Based on the real-time information gleaned from this work, Polaris has built out the largest known data set of human trafficking incidences in the United States. That data is made available to others in the anti-trafficking field and Polaris's researchers and program experts analyze it for insights about how traffickers operate, the factors that lead to trafficking and possible pressure points to dismantle or disable trafficking systems. For this project, Polaris connected participants with suitable resources and filled extensive knowledge gaps in the different stages of agricultural workers' story from recruitment to subjugation and exploitation. It sought to start to document the sector-wide conditions.

## THE PROJECT

The first phase of this multi-part project had two parallel objectives. We wanted to collect information about working conditions and possible trafficking vulnerabilities on farms in certain regions. We also wanted to learn more about how to gather such information directly from farmworkers in the future. Toward that end, Polaris partnered with local nongovernmental organizations in the communities near the worksites. These nonprofit workers both conducted live surveys with the workers and shared with them an SMS mobile technology platform. For workers, this facilitated a medium to reach out and communicate their experiences while still working within a system constructed to take away their voice and power and allowed us to learn more about how and whether they would use such a

communication tool. As information was gathered, Polaris and partners were able to connect respondents who needed support with valuable services and assistance.

- Location: the Huasteca and Altiplano regions of San Luis Potosí.
- Data set: 1,258 responses collected.

## KEY FINDINGS

### Treatment and Working Conditions

Poor working conditions, and other issues of labor exploitation and workplace safety do not automatically constitute labor trafficking. A situation only becomes trafficking when a scheme of force, fraud or coercion is put in place with the purpose of preventing workers from being able to leave a labor situation. The findings below paint a general picture of workers' conditions that are frequently used in these schemes in the context of San Luis Potosí agriculture such as salary structures and access to medical care.

On average, workers received a payment of \$1,144 pesos per every 50 hours worked per week. However, the maximum hours reported was almost double — 84 hours per week for work in tomatoes, 80 hours for chili peppers, and 93 hours for cucumber — the three most abundant crops in the sample.

On average, men earn more and worked less than women. Men earned almost one more peso per hour, \$22.96 pesos per hour compared with \$21.97 pesos for women, and worked about 1.7 hours less per week.

Most respondents did not receive training or information before using pesticides and agricultural machinery. There is a lack of worker safety with 79 percent of men and 65 percent of women not using safety equipment.

More than 15 percent of workers did not have access to healthcare services. There were variations in the type of medical care workers received. Spanish-speakers had more and better access to healthcare services compared to indigenous language-speakers. On average, 22.7 percent of the indigenous language speaking population did not receive any medical attention, compared to 8.3 percent of Spanish-speakers.

### The Role of Debt in Economic Control

Debt bondage can also play a role as a method of control in trafficking situations. For workers, debt structures are a common means of control used to keep them trapped. Traffickers convince victims that they have no other choice but to work for the trafficker and pay back exorbitant amounts of debt, increasing at unreasonable interest rates. Controlling another person through debt may sound less extreme than physical force, confinement, or violence, but debt bondage is a financial shackle that is just as debilitating, fraudulent, and psychologically coercive. This practice is institutionalized in the recruitment of workers in the Mexican agriculture sector. More than 40 percent of survey respondents reported having a

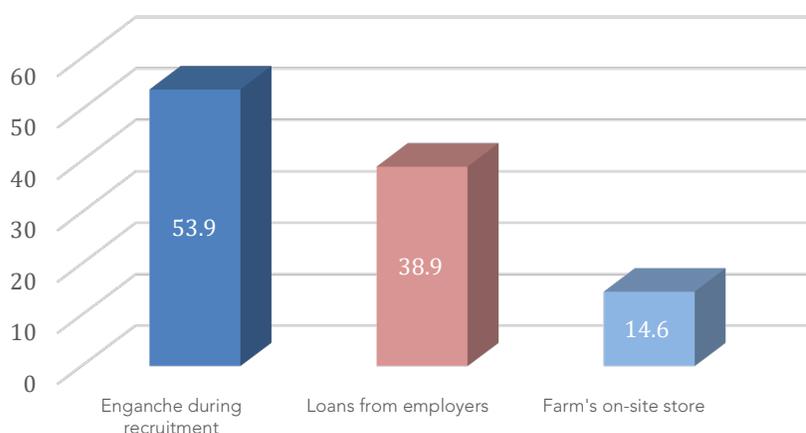
debt and indicated it came from multiple creditors — including an employer, foreman, supervisor or recruiter.

### *Institutionalizing Debt Bondage*

The ability of an employer to control a worker through debt has become deeply embedded in the system of recruiting agriculture workers through the *enganche* — a cash advance recruiters offer potential workers to entice them to take the job and provide some money to their families while they are away.

Other sources of debt include money owed to recruiters for transportation or other made-up fees. The most vulnerable communities tend to be hit the hardest. The average *enganche* amount is significantly higher for Indigenous-speakers (\$928 pesos) than Spanish-speakers (\$441 pesos).

#### Sources of Debt



Sixty-seven percent of surveyed participants indicated they had never received a written contract. Analysis of data shows that the existence or absence of a written contract was a significant factor in determining whether farmworkers received their promised salaries. The way in which workers learned about the job, and the conditions under which they accept that job were likely to connect to their vulnerability to exploitation and trafficking. Almost half of respondents (45 percent) found their employment through someone they knew. Seventy-one percent of respondents recruited by someone they knew reported not receiving a written contract. Yet, receiving a written contract showed a higher likelihood of earning the agreed-upon wage. Fifty-six percent of those without a written contract received their promised salaries.

**67%**

*of respondents reported they never received a written contract.*

## Getting Paid: Salary Practices and Economic Control

While the *enganche* is extremely common, individual workers are also manipulated and controlled in specific ways that are connected to their own vulnerability. For example, workers whose families live near the place of employment are vulnerable in different ways than workers who have to travel far from home to earn a living.

Practices like withholding pay; restrictions on access to housing, healthcare or education for children; restrictions on movement; threats of termination or blacklisting are all real risk factors of agricultural work in Mexico and may enable employers or intermediaries to hold on to labor that would otherwise quit in hopes of finding better working conditions.

### Salary Retention and Freedom of Movement

At what point in the course of employment the farmworker gets paid is a major factor in their vulnerability to coercion and control. The inability to receive earned wages until the end of a contract has a direct effect on work conditions. Farmworkers employed under this type of payment arrangement are much more likely to be controlled by their employer or supervisor.

- More than 35 percent of respondents reported that salaries were retained until the end of the contract. Quitting before employment ended meant they were at risk of losing all the wages they were owed.
- 71.7 percent of respondents paid upon completion of their contract reported needing permission to leave work property and that someone monitored their movements.
- The practice of withholding salaries until the completion of the contract is more common for those that speak an indigenous language (55 percent) compared with Spanish-speaking workers (15 percent).

For farmworkers that were paid with higher frequency, this type of control was significantly lower. Frequency of pay determines workers' ability to leave work property and whether employers monitor them.

Pay frequency	Must ask permission to leave farm	Supervisor monitors entry and exit
End of contract	71.7%	72.6%
Biweekly	22.2%	22.2%
Per day	17.3%	13.5%

# 22%

*of respondents reported not knowing the name or location of their worksite.*

Spoken language is also important in determining farmworkers' ability to move. Indigenous language-speakers were less likely to know the name or location of their worksite: 64.3 percent of those that answered that they did not know the location of their employment were indigenous language-speakers. In contrast, 33.6 percent of Spanish-speakers reported not knowing their employment location.

## Threats and Retaliation

Twenty percent responded affirmatively to the question if they had witnessed someone being punished for not obeying orders. The individual being fired and blacklisting the worker or their family were the most prevalent practices. Ten percent of respondents via SMS indicated that their employer, supervisor or recruiter had threatened their families if they left employment.

## Considerations

The bidirectional communication project piloted in the San Luis Potosí agricultural sector identified normalized labor practices that contribute to and increase farmworkers' vulnerabilities to labor trafficking.

To mitigate the risk of labor trafficking in this sector, it is necessary to intervene and improve farmworkers' labor conditions on the farm before any exploitation or trafficking occurs. The practice and use of advances and *enganches* enable recruiters and employers to exploit the existing vulnerabilities of farmworkers in Mexico (poverty, marginalization, lack of opportunities, social and economic exclusion, etc.). The absence of work contracts removes guarantees of employment period completion and upholding conditions of employment. Such schemes diminish farmworkers' rights and, when examined through a human trafficking lens, help us understand how recruitment conditions can increase exploitation, including the risk for forced labor and human trafficking.

It is important to examine the schemes used by employers to hold on to workers to determine when they function as a means of coercion and abuse of power over existing vulnerabilities, and, when combined with certain recruitment conditions, they increase the risk of trafficking.