

ABR PROGRAM TECHNICAL COMPLIANCE GUIDE



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Volume I

LABOR RELATIONS AND LABOR RIGHTS

In recent years, the demand for sustainable and socially responsible agricultural practices has grown significantly, driven by more conscious consumers and stricter environmental legislation. In this context, social responsibility emerges as an essential element for the ABR Program, aiming not only for environmental sustainability but also for the well-being of workers and the communities involved in production. Its Social and Community Development pillar covers best business practices for respecting and promoting human rights, ensuring dignified working conditions, and contributing to the social and economic development of local communities..

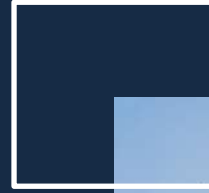
In the cotton sector, this means implementing measures ranging from the elimination of child and forced labor to the promotion of fair wages, workplace safety, and access to basic social benefits such as education and health. The ABR certification standard establishes rigorous criteria to ensure that cotton production occurs under ethical conditions in alignment with the International Labour Organization (ILO) conventions and the current regulatory norms in the country.





CRITERION 3

PROHIBITION OF WORK ANALOGOUS TO SLAVERY



3.1

When hiring workers in other States, does the PU/PBA take measures to ensure that hiring and transportation procedures comply with the standards established in MTP Ordinance No. 671/2021 and MTP IN No. 2/2021, without the intermediation of third-party recruiters or agents? Does the PU/PBA not use deceit, false promises, serious threats, violence, coercion, fraud or abuse, illusions, simulation or inducement to error about the real working conditions, farm location, provision of utilities without salary deductions and compensatory values that already include overtime?

LEGAL BASIS:

MTP Ordinance No. 671/2021 Art. 210: Trafficking in persons for the purpose of labor exploitation in conditions analogous to slavery is considered the recruitment, transportation, transfer, harboring, or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of authority or a situation of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another.

MTP IN No. 2/2021 Art. 121: The Labor Tax Auditor, when identifying migrant workers recruited to work in a location different from their origin, being transported or already active, shall verify, among others, the following conditions:

- I - date of hiring, whether it was formalized with a start date corresponding to the day of departure from the worker's place of origin or an earlier date;
- II - regularity of transportation with the competent bodies;
- III - correspondence between the working conditions offered upon hiring and those provided; and
- IV - the regularity of compliance with labor rights, especially those related to occupational safety and health.

Interviews: With the UP/UBA representative, the professional responsible for the HR sector, and employees.

Physical Verification: In the HR department, if workers are hired from other states, verify if they meet labor recruitment standards.

Documentary Analysis: Request the payroll, employee files, employment contract or agreement, and internal rules or regulations.

Comments:

The UP/UBA must take precautions when hiring workers from other states to avoid the classification of previously adjusted but unfulfilled contractual conditions and irregular means of transportation as work analogous to slavery. Hiring must be done directly by the company, without the intermediation of third parties, enticers, or "gatos" (unlicensed labor brokers), observing the standards established in MTP Ordinance No. 671/2021 and MTP IN No. 2/2021.

3.2

Does the PU/PBA not practice any type of restriction on the right to come and go of employees or third parties, nor keep them at the workplace through actions of moral, physical or psychological coercion or ostensive surveillance, retention of documents or personal objects of the worker or by servitude through illegal loans or debts, with the intention of denying the worker the exercise of their right to voluntarily leave the workplace or accommodation, to resign, change jobs or return to their city of origin?

LEGAL BASIS:

MTP IN No. 2/2021 Art. 23: A worker is considered to be in a condition analogous to slavery when subjected, isolated or jointly, to:

- I - forced labor;
- II - exhaustive workdays;
- III - degrading working conditions;
- IV - restriction, by any means, of movement due to debt contracted with the employer or agent, at the time of hiring or during the employment contract; or
- V - retention at the workplace due to:
 - a) restriction of the use of any means of transportation;
 - b) maintenance of ostensible surveillance; or
 - c) seizure of documents or personal objects.

Interviews: With the UP/UBA representative, the professional responsible for the HR sector, and employees.

Physical Verification: In the HR department, if workers from other states who have not worked in previous harvests are hired, verify if they meet labor recruitment standards.

Documentary Analysis: Request the payroll, employee files, employment contract or agreement, notices, and internal rules or regulations.

Comments:

The UP/UBA must take precautions when hiring workers from other states to avoid the classification of previously adjusted but unfulfilled contractual conditions and irregular means of transportation as work analogous to slavery. Hiring must be done directly by the company, without the intermediation of third parties, enticers, or "gatos" (unlicensed labor brokers), observing the standards established in MTP Ordinance No. 671/2021 and MTP IN No. 2/2021.

3.3

Does the PU/PBA not subject its employees or third parties to forced labor, exhausting workdays, undignified or degrading working conditions, provision of low-quality food, housing in precarious accommodations without hygiene and sanitation conditions, non-provision of drinking water at the workplace or in the living area and work under risk conditions, without PPE training or without qualification for performing their work activities?

LEGAL BASIS:

Federal Constitution (CF) Art. 5: Everyone is equal before the law, without distinction of any nature, guaranteeing to Brazilians and foreigners residing in the Country the inviolability of the right to life, liberty, equality, security, and property, in the following terms: (...)

III – no one shall be subjected to torture or to inhuman or degrading treatment; (...)

XXIII – property shall meet its social function;

MTP IN No. 2/2021 Art. 23: A worker is considered to be in a condition analogous to slavery when subjected, isolated or jointly, to:

I - forced labor;

II - exhaustive workdays;

III - degrading working conditions;

IV - restriction, by any means, of movement due to debt contracted with the employer or agent, at the time of hiring or during the employment contract; or

V - retention at the workplace due to:

- a) restriction of the use of any means of transportation;
- b) maintenance of ostensible surveillance; or
- c) seizure of documents or personal objects.

Interviews: With the UP/UBA representative, the professional responsible for the HR sector, and employees.

Physical Verification: Verify at the workplaces and living areas whether the UP/UBA does not subject its employees to forced labor, exhaustive workdays, undignified or degrading working conditions, provision of low-quality food, housing in precarious accommodations without hygiene and sanitation conditions, failure to provide potable water at the workplace or in the living area, and work in hazardous conditions without training for the use of PPE or without qualification to perform their labor activities, and whether **it performs regular cleaning of the water tank.**

Documentary Analysis: Request employee files, employment contract or agreement, list of courses/training, PPE delivery declarations, notices, and internal rules or regulations.

Comments:

Slave labor, also called work analogous to slavery or forced labor, is classified as a violation of human rights as it restricts personal freedom and attacks dignity. It is a crime expressly stated in the Penal Code (Article 149), with serious criminal sanctions and imprisonment from 2 to 8 years.

In addition to criminal sanctions, anyone practicing slave labor or committing labor infractions classified as such who is administratively convicted may be included in the "Dirty List" (lista suja)—the national registry of employers who have subjected workers to conditions analogous to slavery—and will be barred from obtaining financing from public banks.