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The vulnerability of women workers to forced labour

Evidence from the southern French agriculture sector

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Research to Action (RTA) report

September 2022

The Vulnerability of Women Workers to Forced Labour: Evidence from the Southern French Agriculture Sector

Charline Sempéré[1]

Abstract

This study explores the conditions of migrant workers in Provence, the heartland of southern France's fruit and vegetable farming sector. It examines qualitatively the parameters that collectively render migrant workers, especially women, vulnerable to various degrees of exploitation, including forced labour. The study finds that these people are compelled to navigate an industry where migrant labour is poorly protected and considered to be little more than a disposable factor of production. This vulnerability is constructed and exacerbated through the interactions of structural and contextual factors such as mobility restrictions, endemic poverty, race to the bottom pricing, cultural and social inequalities and discrimination, and the ongoing degradation of workers' rights. The combination of those constraints, oppressions, lack of protection and livelihood pressures, produces situations in which a worker enters or cannot escape exploitation or other forms of abuse. In the case of women specifically, gender inequality and gendered power relations further intensify vulnerability to abuse and violence, which altogether heightens and multiplies their exposure to coercion and forced labour. Based on the results of nine months of fieldwork, the report provides new evidence and guidance to support policy and future research regarding the multifaceted vulnerability of women workers to exploitation both in, and beyond, the most poorly regulated parts of the agriculture sector.

Introduction

There are currently an estimated 24.9 million people in situations of forced labour (FL) and trafficked labour in global supply chains. Of these, 58% are women.[2] While it is now widely accepted that women make up the bulk of the 'exploited workforce' around the globe, their distinctive vulnerability to FL is still poorly understood, particularly

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[2] International Labor Organization, '*Ending child labour, forced labour and human trafficking in global supply chains*' (Geneva: International Labour Organization, Organisation for Economic Co-operation and Development, International Organization for Migration and United Nations Children's Fund, 2019):1-16
International Labor Organization., *Global estimates of modern slavery: Forced labour and forced marriage*, (Geneva, 2017) : 9-10.

beyond the commercial sex industry and domestic spheres.[3] Indeed, data on women's experiences is sparse, and the potential effects of gender discriminative roles and norms in global supply chains are underreported.[4] Second, despite the wide variety of contemporary forms of labour exploitation[5] and its gender breakdown, much research and publicity has concentrated on the most egregious form: i.e. the trafficking of women and girls, understood as the trade in people with the aim of exploiting them for profit, primarily for sexual and domestic exploitation.[6] Although this phenomenon is evidently worthy of attention, the overriding focus on issues surrounding sex trafficking has led to an overemphasis on women workers' vulnerability to forced prostitution and domestic exploitation and to a lack of investigation of labour abuses they may face in other industries and economic sectors. In so doing, the full scope of labour exploitation and types of violence women can experience within both formal and informal sectors in the global economy are, to a significant extent, hidden from view.

Recent research confirms widely shared statistics of incidences of women's exploitation within various industries across countries, such as manufacturing[7], the clothing industry[8], agriculture and food production[9] alongside mining/construction.[10] Such research also suggests that prevailing gender norms, gendered patterns of discrimination, and gender-based inequality should be considered significant factors contributing to the vulnerability of women to labour abuses, and there is a need for further investigation into how and why these occur with respect to FL in various industries and geographical settings.

As such, this study makes an original contribution to this line of inquiry by documenting a case of widespread – but often surreptitious – labour exploitation of migrant workers in southern French agriculture, and the particular experiences of women within this group. This report presents the empirical findings of a study exploring the context, processes and relations which shape workers' vulnerability to FL within the economy, with particular attention to the effects of gender inequalities. The study is part of a PhD research project based at the University of Sheffield (2019–2023) on women and forced labour funded by the UK Economic and Social Research Council (ESRC) and ILO-IOM programme 'From Research to Action: Using Knowledge to Accelerate Progress in the Elimination of Child Labour and Forced Labour.' The project resulted in a new and first-of-its-kind primary data set that sheds light on how and why women-identified migrant workers in France are particularly vulnerable to a continuum of labour exploitation, including – but not limited to – the harshest forms of forced labour, within the formal economy.

The report unfolds as follows: Sections One and Two provide some clarification on the definitional approach adopted by this study to research labour exploitation and

[3] LeBaron, Genevieve, 'Women and unfree labour in the global political economy.' in Juanita Elias & Adrienne Roberts, eds. *Handbook on International Political Economy of Gender. (*Edward Elgar Publishing, 2018): 353-364; Walk Free, Stacked Odds: *How lifelong inequality shapes women and girls' experience of modern slavery*, (Perth, Walk Free Foundation, 2020)

[4] Gender is understood in this project as a social identity constructed on an ensemble of social norms, which are unequal and hierarchical, and reproduced through repetitious performances; See here a symposia on the issue of gender blindness and/or bias in current forced labour and modern slavery measurements: Eckstein Alice, *Symposium: The Gendered Measurements of Slavery,* (Delta 8.7, 2021).

[5] Forced labour comprises forced labour in the private economy, imposed by private individuals, groups, or companies, forced sexual exploitation of adults, and state-imposed forced labour for the purpose of labour exploitation and which products and services are sold in commercial channels in the global economy.

[6] Human trafficking was firstly defined and adopted in 2000 as part of the UN Palermo Protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

[7] Selwyn Benjamin, Musiolek Bettina and Ijarja Artemisa., 'Making a global poverty chain: export footwear production and gendered labor exploitation in Eastern and Central Europe' *Review of International Political Economy*, (2020): 377-403; Verité, *Forced Labor In The Production Of Electronic Goods In Malaysia: A Comprehensive Study of Scope and Characteristics*, (Amherst: Verité, 2014):27-28

[8] Mezzadri Alessandra, 'Class, gender and the sweatshop: on the nexus between labour commodification and exploitation' *Third World Quarterly,* 37(10), (2016): 1877-1900; SOMO and ICN, *Flawed Fabric – The abuse of girls and women workers in the South Indian textile industry,* (2014).

[9] LeBaron Genevieve and Gore Ellie, 'Gender and Forced Labour: Understanding the Links in Global Cocoa Supply Chains' *The Journal of Development Studies,* 56(6), (2019) :1095-1117. Palumbo Letizia and Sciurba Alessandra. *The vulnerability to exploitation of women migrant workers in agriculture in the EU: the need for a Human Rights and Gender based approach*, Policy Department for Citizens' Rights and Constitutional Affairs European Parliament (2018); Hellio Emmanuelle and Moreno Nieto Juana, 'Las jornaleras de la fresa en Andalucía y Marruecos. Hacia un análisis feminista de la globalización agroalimentaria'. *Revista Soberanía Alimentaria, Biodiversidad y Culturas*, (2017).

[10] Walk Free, *Stacked odds* (2020); Anti-Slavery International, *Slavery in India's Brick Kilns & the Payment System Anti-Slavery: Way forward in the fight for fair wages, decent work and eradication of slavery*, (2017); Natarajan Nithya, Katherine Brickell and Laurie Parsons. "Diffuse Drivers of Modern Slavery: From Microfinance to Unfree Labour in Cambodia." *Development and Change* 52, no. 2 (2021): 241-64

forced labour issues, followed by an explanation of methods and stages of research upon which the findings are based. These are described in Sections Three, Four and Five of the report. Section Six concludes and offers recommendations for strengthening approaches to prevent and tackle FL in supply chains.

I. Definitional approach

The study aims to examine and illuminate the context and factors that render women migrant workers vulnerable to exploitation. To comprehensively grasp the multidimensional vulnerability of workers, especially women, it adopted an extended definition of FL, anchored in the ILO's 1930 Forced Labour Convention as '*all work or services which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily*.' In this definition and more generally, coercion is understood as being perpetuated by an external act, physical, psychological and/or financial menace, onto the worker by another individual and/or an institution and which generates the statutory transition from free to unfree/forced.

Labour researchers have shown, however, that this way of defining labour violence and more specifically forced labour, obscures predominant mechanisms of oppression engendering workers' labour unfreedom, such as livelihood pressures.[11] Moreover, the binary and static conception of work relationships conveyed by such definition – free vs forced – does not account for the various degrees of labour abuses and the blurriness that often characterises their ever-evolving labour arrangement.[12] Finally, the individualisation of the phenomenon as a situation caused by a person and/or an institution does not allow one to capture the 'networks of oppression' constructing workers' vulnerability to coercion which are to be found in political, economic and social/cultural structures and regimes.[13] As such, FL is understood here as an extreme case of exploitation located within a spectrum of labour relations ranging from slavery-like conditions to what is commonly considered as free, stable, and secure employment, therefore the boundaries are hard to pin down.[14] Keeping this in mind, the present investigation and the report included a broad spectrum of labour exploitation, among which cases of human trafficking and FL have occurred.

Finally, by adopting such a definition, the study considers a multitude of systemic factors – social, economic, legislative, and political – in its analysis, which have been found to influence workers' positions on this continuum in addition to individual factors. These include: structure of the economic sector under study and of the supply and labour chains composing it, purchasing practices among actors of the supply chains and business incentives, production and commercialisation models, legal migration regimes, social power relations based on gender, race and class etc.[15] As such, the lack of choices and or limited agential capacity that the worker may have experienced in various areas of life due to structural constraints were taken into consideration to fully envisage their trajectory into coercive labour arrangements.

II. Methodology

The report is based upon findings from a nine-month fieldwork investigation undertaken as part of a doctoral research project in political economy. It aimed to explore the vulnerability of women workers within a formal

[11] LeBaron Genevieve, *Combating Modern Slavery: Why Labour Governance Is Failing and What We Can Do About It. (*Cambridge: Polity, 2020): 40-44; Philips Nicola, 'Unfree labour and adverse incorporation in the global economy: comparative perspectives on Brazil and India' *Economy and Society,* 42(2), (2013): 171-196.2013. See also LeBaron and Gore, 'Gender and Forced Labour' (2019).

[12] LeBaron Genevieve, *The Global Business of Forced Labour: report of finding, (*Sheffield: speri, 2018b): 13-4

[13] Mezzadri Alessandra, *The Sweatshop Regime: Labouring bodies, exploitation and garments made in India. (*Cambridge: Cambridge University Press, 2017): 3

[14] For a more detailed discussion of this definitional approach see: LeBaron Genevieve, *Combating Modern Slavery: Why Labour Governance Is Failing and What We Can Do About It.* Cambridge, UK: Polity, (2020); LeBaron Genevieve, *Researching Forced Labour in the Global Economy : Methodological Challenges and Advances*, First edition. (Oxford: For the British Academy by Oxford University Press, 2018). LeBaron Genevieve and Alison J. Ayers, '*The Rise of a 'New Slavery'? Understanding African unfree labour through neoliberalism*', Third World Quarterly, 34:5, (2013):873-892, DOI: 10.1080/01436597.2013.800738 See also, Zimmerman Cathy and Kiss Ligia, 'Human trafficking and exploitation: A global health concern.' *PLoS Med,* 14(11), (2017); Zimmerman Cathy and Schenker Marc B., 'Human trafficking for forced labour and occupational health', *Occupational and Environmental Medicine*, 71, (2014): 807–808.

[15] For a good overview of the different elements and structural forces creating a supply of highly exploitable workers and a business demand for their labour see LeBaron Genevieve, Howard Neil, Thibos Cameron & Kyritsis Penelope, *Confronting root causes: forced labour in global supply chains, (*Sheffield: openDemocracy, Sheffield Political Economy Research Institute, University of Sheffield, 2018)

industry in a European context where the presence and experiences of often-exploited workers is under-researched. Agriculture is considered by the ILO to be 'one of the [most] high-risk sectors into which workers are trafficked for forced labour' in Europe.[16]

Although France is known for its strong labour standards, scandals of 'modern slavery' in the agricultural industry, recently made headlines in the local and national press.[17] As such, the fresh fruit, vegetable, and viticulture industry in southern France was chosen as the case study. Fieldwork was located in several *departments*, namely *Bouches-Du-Rhone, Gard, and Vaucluse* which are spread across two administrative regions *Provence-Alpes-Côtes-d'Azur* and *Occitanie* in southern France. These territories are popularly referred to as the 'French granary' and are home to industrial and middle-sized fruit and vegetable farming as well as wine production. The research took place between October 2021 and June 2022 and was conducted in three parts, the stages of which are further developed below.

Mapping supply and labour chains

Part one consisted of mapping the supply and labour/recruiting chains within which incidences of FL occurred.[18] This was achieved through desk-based research of knowledge, empirical studies already available on the chosen sector, and a complementary and preliminary set of interviews. Early findings based on the literature review were explored during semi-structured interviews with experts and informants directly involved within those specific economic spheres, such as buyers, business managers, labour agencies and recruiters, auditors, and certifiers.[19]

The voices of workers and field research

Part two aimed to listen, collect, and analyse the experiences of workers, particularly women, who had directly gone through situations of labour exploitation.[20] This entailed months of fieldwork immersion and observations, notably through engagement and involvement with field associations as well as face-to-face semi-structured and in-depth interviews.[21] In addition to workers' testimonies, the project sought to gather the professional knowledge of actors engaging with those issues locally and/or who provide social and legal assistance to vulnerable workers. Professional interviewees were strategically selected for their direct reference to the case under study and their first-hand knowledge or expertise in the phenomenon. See Annex 1 for a synthesis of primary data collection and a sample of participants.

Data assemblage and analysis

Finally, the data collected for the supply chain mapping and during fieldwork (interviews and participant observation) was assembled in part three. Both supply chain and fieldwork data were organised through NVivo using thematic qualitative mapping tools to reconstruct step-by-step and trace processes from the top (e.g., legal regimes, lead firms, business models, relationships with suppliers etc) to the bottom (e.g., workers' daily experiences, recruitment agencies and/or farmers) and explore connections and relationships. The analysis of all

[16] Andrees Beate, 'Farm workers walk a fine line between exploitation and forced labour' *ILO Blog Work in Progress* (blog) (Geneva: International Labour Organisation Work In Progress, 2015); Battisti Laetitia, *Social Fieldwork Research (FRANET) Protecting migrant workers from exploitation in the EU: workers' perspectives: Country report France, (*Vienna: FRA, Institut Français des Droits et Libertés, 2017); Palumbo and Sciurba, *The vulnerability to exploitation of women migrant, (*2018).

[17] D'Ancona Laura, 'Une main d'oeuvre vulnérable au coeur d'un business en or' *La Provence*, (8 July 2020); Lana Sandrine, Besatti Éric and Servel Hélène, 'Des travailleurs étrangers peinent dans les vergers du Sud: l'envers du "manger français" *Reporterre*, (30 July 2020); Lana Sandrine, and Servel Hélène, Dans l'océan de la fraude au travail détaché' *Le monde diplomatique*, (30 November 2021).

[18] Barrientos Stephanie, 'Mapping codes through the value chain: from researcher to detective.' In: Rhys Jenkins, Ruth Pearson, Gill Seyfang, eds. Corporate Responsibility and Labour Rights : Codes of Conduct in the Global Economy (Taylor & Francis Group, 2002).

[19] See annexe 1.

[20] Worker interviewees were selected based on vulnerability criteria as developed in the ILO forced labour indicators and on Gender-Based Violence indicators based on the UN definition of GBV. Definition set out in the General Assembly's Declaration of Elimination of Violence Against Women proclaimed by General Assembly resolution 48/104 of 20 December 1993 '[A]ny act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life.' The definition was extended to include 'economic violence or exploitation occurring in the family or community and/or perpetuated or condoned by the state.' as developped in True Jacqui, *The Political Economy Of Violence Against Women. (*New York: Oxford University Press, 2012): 5-7; General Assembly resolution 48/104, *Declaration on the Elimination of Violence against Women*, A_RES_48_104-EN, (20 December 1993).

[21] Howard Neil, 'Why (and How) we need to talk to 'the Victims'. In: LeBaron, Genevieve ed. *Researching Forced Labour in The Global Economy. (*Oxford: Oxford University Press, 2018): 113-130

data shed light on the tensions between workers' constraints and motivations, business models, political contexts and associated pressures and power exerted by actors, and on the vulnerabilities resulting from such conflicts.

Limitations

The empirical results reported herein should be considered in light of some limitations. A primary one is that this a preliminary report of the study's findings thus far. Given the focus and approaches selected for this project, the conclusions must be understood within their specific context and locations and as the product of particular study emphasis and methods. The methodological approach centred on the voices and analysis of workers directly concerned by such issues and their experiential knowledge, as well as those actively engaged in the field regarding the role of social power relations and other key dynamics in the shaping of the vulnerability of workers to FL in the global economy. Workers and professionals are best placed to testify and provide insights regarding those questions, and our hope is that this exploration will encourage further gender-sensitive research and policies.

III. Industrial business models reliant upon an international precarious workforce

Bordering the Mediterranean sea, *Occitanie* and *Provence-Alpes-Côtes-D'azur* (PACA) regions, are two of the most essential French agricultural and industrial regions for viticulture and fruit and vegetable production in France.[22] The French national agri-food industry represents 18% of European agricultural production and is France's third-largest economic export sector.[23] Although horticultural production has been declining in recent decades, this traditional agricultural sector remains an important economic and employment hub in the region, especially for the workers in whom this research is interested.[24] Before detailing the working conditions and the vulnerability of workers to labour and human rights abuses, it is important to relocate those work relationships within the agri-food industry, its different modes of production and the actors along the supply and recruitment chains which, together, influence the terms under which workers are integrated into the sector.

The pictorial family farm that was the traditional business model in the mid-20th century has drastically changed. Agricultural modes of production and the agri-food supply chains structure have been gradually re-organised to adapt to political-economic developments since the 1950s, such as: liberalisation of the agri-food market first within the EU and then beyond, increased exposure to price competition as protectionist tariffs were dropped; public economic policies of modernisation of production and distribution; and 'professionalisation' of farming.[25]

Moreover, the sector saw the emergence of new actors that would become determinant players in the industry, exerting power over the rest of the domestic food chain and beyond its borders too.[26] Nowadays, the French retail market 'stands out among its European counterparts as being more concentrated'.[27] Indeed, a handful of

[22] Chambre Agriculture France, 'Cartographie des nouvelles régions françaises', *Analyses et Perspectives Économie Agricole*, 105, (Chambre d'Agriculture, 2015)

[23] Boyer Pascale and Dive Julien, 'Rapport d'information sur l'autonomie alimentaire de la France et au sein de ses territoires', *Rapport d'information numéro 4786 Assemblée Nationale*, (La Commission des Affaires Économique, 8 December 2021): 17-19.

[24] Agreste, *L'essentiel de l'agriculture régionale Memento Provence-Alpes-Côtes-d'Azur,* (Chambre Agriculture PACA Service régionale de l'information statistique et économique, Mars 2021)

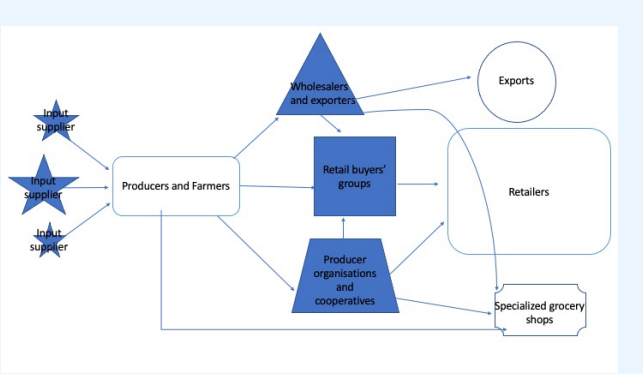
[25] Forget Vanina, Depeyrot Jean-Noël, Mahé Muriel, Midler Estelle, Hugonnet Mickaël, Beaujeu Raphaël, Grandjean Alexis and Hérault Bruno, '*Actif'Agri. Transformations des emplois et des activités en agriculture*', (Ministère de l'agriculture et de l'alimentation: Centre d'études et de prospective, la Documentation française, Paris, 2019):169-170; Lamanthe Annie and Rau Victor, 'Fruit production in France and Argentina: Globalizing standards and labour markets' in,Jörg Gerte and Sarah Ruth Sippel, eds, *Seasonal Workers in Mediterranean Agriculture : The Social Costs of Eating Fresh* (Taylor & Francis Group, 2014); Potot Swanie, 'La précarité sous toutes ses formes : concurrence entre travailleurs étrangers dans l'agriculture française' In Alain Morice éd., *De l'ouvrier immigré au travailleur sans papiers. Les étrangers dans la modernisation du salariat.* (Paris: Karthala, 2010):201-223.

[26] Gertel Jörg, and Sippel Sarah Ruth, eds. *Seasonal Workers in Mediterranean Agriculture : The Social Costs of Eating Fresh*. (London: Taylor & Francis Group, 2014): 50 ; Darpeix Aurélie and Bergeron Emeline . 'L'emploi et la compétitivité des filières de fruits et légumes: situation française et comparaison européenne.' *Notes et Etudes Socio-Economiques*, Ministère de l'agriculture et de la pêche, Service de la statistique et de la prospective, Sous-direction de la prospective et de l'évaluation, (2009): 8 ; Billows Sebastian. 'À qui profite la « concurrence » ? Modèles de concurrence et régulation de la grande distribution française (1949-1986)', *Gouvernement et action publique*, l5:4, (2016): 69-91.

[27] Dewitte Adam, Billows Sebastian and Lecocq Xavier , 'Turning regulation into business opportunities: A brief history of French food mass retailing (1949–2015)' *Business History*, 60:7, (2018): 1004-1025.

distributing chains grouped in buyer alliances currently buy, distribute and sell approximately 90% of fresh fruit and vegetables to consumers and clients in France.[28] Those buyers source their fresh products from exports, wholesalers and increasingly from individual farm businesses. A simplified production supply chain for fresh fruit and vegetables is provided below.

▶ **Figure 1: Simplified Provence vegetable and fruit production supply chains**



Agri-food supply chains

The concentration of buyers and their unprecedented market power have created a phenomenon of dependency of suppliers (farmers, wholesalers, cooperatives) towards those distribution giants and an unequal and detrimental share of value among the supply chains in favour of the latter.[29] These new agri-food supply chains, together with liberalisation reforms, have had a significant impact. The sector saw its number of farmers dramatically decrease, the remaining farmers altered drastically their business models in order to stay competitive in the new market, many expanded and industrialised their production, and voluntary family workers were gradually replaced by a salaried workforce.[30] Farms have focused their efforts on remaining competitive in the face of unequal, not to say disproportionate, power relations with retailers, increasing cheap fruit and vegetable imports, unstable and aggressive buying practices, ever changing consumer demands and progressively unpredictable weather. [31] The new and ever-changing configuration of the agri-food supply chain has pushed farmers to rethink how they produce, commercialise, and valorise their products to capture a margin and manage the risks and uncertainty associated with producing fresh and perishable commodities, and to secure clients and remain competitive.

Economic and commercial pressures

Farm owners interviewed for this study reported having to resort to different strategies, depending on the size of their farms and business, to cope with these challenges such as: diversifying their production or reorienting their production in a niche market, producing organic, investing heavily to cut off intermediary costs such as transport/packaging and integrating these activities, buying and renting more land to augment the quantity produced and thus benefit from economies of scale and selling to different buyers depending on the market price performance ... [32]

> To stay competitive, I have to squeeze fixed costs (...) the role of any farmer or businessman is to contain those production costs, which means waging a constant war to negotiate better buying prices on all investments and better selling prices for your products... This includes the workforce, you have to fight to ensure rentability, optimise their performance and to maximise the return."
>
> ▶ Farmer, interview 22

[28] Levet Anne-Laure and Hutin Christian, '*Le diagramme de la distribution des fruits et légumes en 2018 / Marketing channels of the fresh fruit and vegetable sector in 2018*' Infos CTIFL, N°357 (CTIFL, December 2019) : 26 ; Casalegno Elsa, 'Grandes distribution - Faux concurrents ou vrais allies ?', *Que Choisir,* (19 November 2020); Mathieu Quentin. 'Répartition de la valeur ajoutée agricole : la France peut-elle le faire ?' In: Sébastien Abis éd., *Le Déméter 2020* (IRIS éditions, 2020): 201

[29] For a detailed analysis of the history of mutations of agro-food systems and the progressive erosion of the added value in France see Mathieu Quentin. 'Répartition de la valeur ajoutée agricole' (2020).

[30] Forget et al., Actif'Agri, (2019): 169-170.

[31] Interviews 1, 2, 5, 6, 7, 9, 13, 14, 18, 20, 21, 22, 23, 25, 27, 38, 43, 45 with farmers, farm managers, trade unions, public authorities and buyers. See also Gertel & Sippel, *Seasonal Workers in Mediterranean Agriculture (*2014): 37-94.; Potot Swanie, 'La précarité sous toutes ses formes' (Paris: Karthala, 2010):201-223.; Sylvie Bonny, 'Les systèmes de production agricole dans la chaîne agroalimentaire : position et évolution', *Économie rurale*, 288, (2005).

[32] Interviews with employers 1, 5, 7, 6, 20, 21, 22, 27, 38, 47

> As of today, I only produce organic. I try not to deal with retailers anymore. I only sell to cooperatives. We worked with supermarkets a lot in the past and (...) I do not want to fall into that trap anymore, and for them to tell me: "Now it is us who dictate prices".
>
> ▶ Farmer, interview 27

> There are no reasons to work with wholesalers anymore. We decided to do everything: we report on the traceability, we produce and put the labels and tags, we do the packaging and we even started to sell directly to consumers. We sell directly to retailers too so we keep the little margin there is to make and so that it doesn't go to intermediaries. That's why we do all those things."
>
> ▶ Farmer, interview 6

As illustrated above, most business owners interviewed used a combination of these strategies, but all farmers and farms managers interrogated had also put in place labour sourcing and labour management strategies. These were fundamental to 1) optimise production costs and stay competitive on price, 2) face the industrial scale of crop production and 3) render their business more flexible. Those are further detailed in the next section.

Labour strategies and their consequences

First, these strategies implied the creation of categories of 'just in time' jobs dedicated to 'physical labour' and paid at minimum rates as they are considered 'not-skilled'. This job category is materialised in the form of seasonal, low-paid and flexible contracts or labour migration programs overwhelmingly occupied by migrant labour as illustrated in the following quote.

> *We are used to working with a European Temporary Work Agency which supplies the workforce we need for harvesting. So it's basic labour. Not qualified. We don't rely on them for management or responsibilities. They work well but they need to be managed."*
>
> ▶ Farmer, interview 22

Indeed, each year the French agricultural sector employs approximately 276,000 seasonal workers; 80% of which are estimated to be migrant workers according to the French Office of Immigration and Integration.[33] These categories of workers are deliberately recruited and selected by employers and labour agents.

Indeed, workers' selection strategies in terms of recruitment were discussed by employers. One went as far as to clearly explain that the more precarious the workers are, for example, due to their migration status / single parenthood, the harder-working and more reliable a worker they will be.[34] Equally, vulnerable workers also confirmed they felt the pressure to intensify their work effort in order to keep their job: 'If the farm owner comes and say we need to do 300 boxes, Latino Americans will try and do 500 of them. It's also our fault we always want to prove we are the best, we damage ourselves at work to compete, to earn more money even if at the end of the day they won't pay us more for it (...) but to keep the job we do it anyway.'[35]

As such, it is important to note that the overall organisation of the workforce on farms reflects social inequalities and is marked by clear segregation based on gender, class and race. Migrant workers are recruited for what is believed to be 'basic labour' at the bottom of the farm labour hierarchy, as illustrated in the previous quote. The disparity between labour migrants' role and position on farms as opposed to those of permanent employees was described in terms of 'arm labour' vs 'brain work' by one of the employers.[36] Interviewees reported repeatedly recruiting migrant workers for specific tasks based on their origins, physical traits, and gender. This is clearly illustrated in the following interview extract:

[33] Augère-Granier, Marie-Laure '*Migrant seasonal workers in the European agricultural sector*' Briefing European Parliamentary Research Service (European Parliament, 2021); Boyer Pascale and Dive Julien, 'Rapport d'information sur l'autonomie alimentaire de la France', *Rapport d'information numéro 4786 Assemblée National* (2021) :67.

[34] Farmer, Interview 20

[35] Worker, interview 10

[36] Framer, Interview 22

> For strawberry picking, employers request only women. Also, for example, for everything that is horticulture, if one has to pollinate one flower on top of the other, women are more refined than men. Afterwards, for example, for melon harvesting, they ask us for men because the position is more physical and harder, there is more resistance ... For the pruning afterwards, it's mainly men that they ask us ... Er and in arboriculture for example they often ask us for Africans because they are bigger and taller morphologically than the South Americans who are small..."
>
> ▶ Recruiter agent, interview 4

Women are often found in activities requiring rapidity and dexterity, such as pollination and packaging. In contrast, men are more likely to be recruited for pruning/trimming trees and harvesting, or technical skills such as driving tractors, depending on their body size. Occasionally migrant workers were said to obtain better-paid positions; however, it is primarily local workers or white European workers, overwhelmingly men, occupying positions of responsibility such as team managers and supervisors.[37]

In addition to capping/constraining labour mobility of migrant farm workers to poorly-paid positions and to the bottom of the farm hierarchy, these labour strategies – optimisation of production cost, industrialisation, flexibility – imply reducing the labour time and, therefore, labour expenses strictly down to the tasks that need completing.[38] This, for example, entailed being able to mobilise and dispose of a large, productive and cheap workforce when an order comes in or because of a climatic change which moves forward harvesting time and then discharging the workers once finished so as to save unnecessary expenses. This availability and disposability of the migrant workforce is detailed below in one extract of an interview with a farmer.

> Working with EU (migrant) posted workers is a great opportunity for us. We were lucky they were there. So, for them what happened was that we would say to the agency: "*We need 10 persons. Send me 10 people.' We receive them 3 days later. Let's imagine we work and one day we finish all there is to do at that time... Then we would just call the agency back and say: " We're finished, we don't need them anymore". They would come and pick them up within the day (...) This scheme provides us a lot of flexibility which is really convenient. As soon as we have a low activity, or the activity is completed, a weather issue or anything else, a big contract, or sales that drop and too many workers, we call them and, just like that, we stop, 10, 20, 25 people or how many we need to get rid of.*
>
> ▶ Farmer, interview 22

As the quotes above highlight, the seasonal migrant labour force is used according to (and subordinated to) production needs, time, and contingencies as a way to reduce labour expenses down to the very minimum. This labour cost-effectiveness is seen as fundamental to controlling production costs and remaining competitive on price, and therefore profitable.

Labour recruitment and provision

This level of flexibilisation and optimisation of labour costs, as well as the selection of workers based on social markers, were rendered possible thanks to the development of new labour recruiting chains[39], as well as labour migration policies and sectoral labour policies enabling cheap seasonal short-term and tax-exempt contracts.[40] The notion of 'labour chains' refers to labour recruiting and contracting agents such as formal temporary staffing agencies and unregistered labour brokers, or a combination of those, who supply, supervise, and pay workers on behalf of a contracting business, i.e. farms. The sourcing and contracting methods mobilised by labour chain actors, mostly labour brokers, staffing

[37] Interviews with employers, recruiter, farm managers as well as interviews with workers

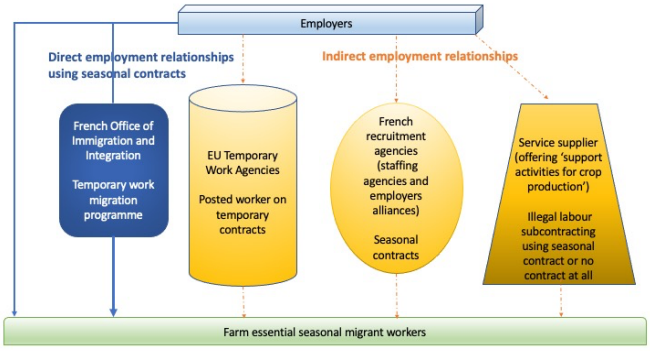
[38] See also Roux's work for a similar argument: Roux Bernard, 'Agriculture, marché du travail et immigration. Une étude dans le secteur des fruits et légumes méditerranéens' *Mondes en développement*, 134, (2006): 103-117. for a similar argument. Depending on the crop and specialisation of the business: labour expenses can represent between ⅓ and ½ of total production cost hence the imperative to squeeze those costs in an optimisation logic. See also: Darpeix Aurélie and Bergeron Emeline. 'L'emploi et la compétitivité des filières de fruits et légumes' (2009): 8.; Mesini Béatrice et Laurent Catherine, 'Concurrence des marchés de main-d'œuvre et dumping social dans l'agriculture', *Économie rurale* (2015): 349-350.

[39] 'Labour chains' was notably theorised in Professor Stephanie Barrientos' work. For example see Barrientos Stephanie, 'Labour Chains': Analysing the Role of Labour Contractors in Global Production Networks, The Journal of Development Studies, 49:8, (2013):1058-1071,

[40] Darpeix Aurélie and Bergeron Emeline. 'L'emploi et la compétitivité des filières de fruits et légumes' (2009): 259.

agencies, service suppliers and employers, illustrated in the below figure, make use of different recruitment mechanisms.

▶ **Figure 2: Different recruiting methods and actors in southern French agricultural sector**



These are facilitated by the French Immigration and Integration Office (OFII), EU Posted Workers Directive and informal community migrant networks, all involving legitimately or illegitimately recruiting foreign-born workers. Employers mentioned different channels to source and select workers for their season however data suggests the following three avenues are the main ones:

- Temporary and direct employment using fixed-term contracts or seasonal contracts
- Employment via state-sponsored labour migration programme with OFII contracts
- Indirect employment by outsourcing recruitment and management of staff to a European Temporary Work Agency (TWA)

To get an order of magnitude, a recent study reported that in the year 2018 and only in the Bouches-Du-Rhône *département*, 2,053 migrant workers were working with OFII contracts in addition to 4,219 posted workers by Spanish and Romanian European TWA for 385 different farm businesses.[41]

On the one hand, OFII contracts are seasonal, primarily agriculture-related labour migration programs arranged via the French state, enabling a French employer to recruit a nominated foreign-born worker from their country of origin.[42] Yet on the other, 'posting' is a specific European labour recruitment scheme, governed by the EU directive 97/71/EC, enabling one business from an EU member state to send its employees temporarily to another member state, technically in the context of selling a specific service for a limited period of time.[43] In practice, many TWAs act as labour intermediaries and charge farmers an hourly rate for posted workers.[44] It is important to mention that according to labour inspectorates and fieldwork findings, new forms of fraudulent labour intermediaries continue to emerge, such as agricultural service supplier companies offering illegal labour subcontracting services. Finally, many employers also rely on informal labour brokers for recruiting OFII workers and migrant workers already living in Europe. See below a figure illustrating such recruiting labour chains involving illegal and informal labour intermediaries.

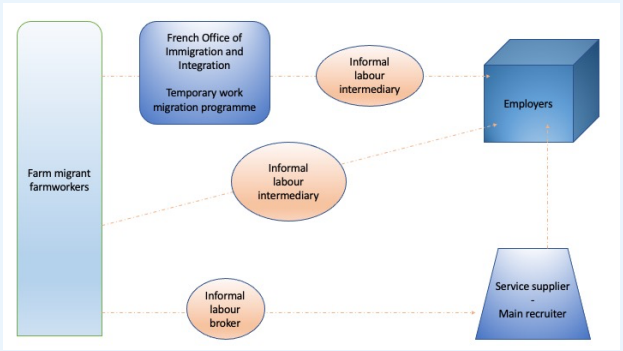
[41] Castracani Lucio, Décosse Frédéric, Hellio Emmanuelle, Mésini Béatrice and Moreno Nieto Juana , 'Salariés agricoles détachés: quelques leçons de la crise sanitaire' *Plein droit*, 127, (2020): 9-15.

[42] Potot Swanie, 'Sans Papiers: Self-censored social identities of farm workers in southern France', In Jörg Gertel and Sarah Ruth Sippel eds, *Seasonal Workers in Mediterranean Agriculture : The Social Costs of Eating Fresh*, (Taylor & Francis Group, 2014): 85.

[43] Mésini Béatrice, 'The transnational recruitment of temporary Latino workers in European agriculture' In *Seasonal Workers in Mediterranean Agriculture : The Social Costs of Eating Fresh*, edited by Jörg Gertel, and Sarah Ruth Sippel, (Taylor & Francis Group, 2014).

[44] This information was amply discussed by interviewees and confirmed in the Marseille Criminal Court's judgement of the 8th of July 2021 regarding the actions of the European TWA 'Work for All'. The company was found guilty of widespread use of fraud, dissimulated work, illegal subcontracting of labour, illegal and undignified housing of workers and wage theft.The judgement was appealed. For press coverage of this court see Le Monde et AFP , 'Procès Terra Fecundis : la société espagnole et ses dirigeants condamnés pour fraude au travail détaché' *Le Monde*, July 8, 2021; Servel Hélène, 'Procès du travail détaché : "C'est Germinal dans les exploitations agricoles", *Marsactu*, Mai 21, 2021; Lana Sandrine and Servel Hélène, 'Dans l'océan de la fraude au travail détaché: Des condamnations qui masquent mal la carence de l'État', *Le Monde Diplomatique*, November, 2021.

▶ **Figure 3: Labour chains involving informal intermediaries**



Labour chains and illegal practices

The working conditions of seasonal workers, including OFII and posted workers, are expected to conform to the core rules of French labour law regardless of the origin of the recruiter.[45] Although most employment schemes are based on legal regimes, many illegal practices occur in those contexts. Indeed, data collected for this study suggests that a range of labour abuses and illegal practices is widespread and recurrent among the three leading recruiting chains. However, the last two recruitment options, via OFII contracts and European TWAs, are the stages of the labour/supply chains where the worst forms of labour abuses, including trafficking and forced labour scenarios, happen.

The scale of illegal practices in the industry is no surprise to public authorities, so much so that numerous inter-ministerial task forces, including labour inspectorates, labour unions, fraud repression state services, and national police, have been regularly renewed for more than a decade now.[46] It is important to note that the number of labour inspectors in France has continuously decreased over the past years, rendering their work of ensuring the respect of French labour laws particularly difficult.[47] Similarly, magistrates, lawyers and clerks have been demonstrating against their working conditions and underfinanced administration, which in their words causes a 'denial of justice' due to the unreasonable backlog of cases awaiting an audience.[48]

Despite the remaining judicial risks and labour inspectorate controls, resorting to labour intermediaries is increasingly generalised as it is particularly 'convenient' for farmers. This setup establishes a distance between the farm business and workers. This distance implies less administrative work associated with drafting/declaring contracts, no team management work, easier fraud on extra hours as TWAs collect work timesheets from farmers themselves, and no direct liability for businesses. Indeed, staffing agencies are technically the employers of posted and interim workers. As a result, farmers are shielded from the possibility of action from industrial tribunal disputes regarding work time, remuneration and housing conditions. This is in addition to what this recruitment method enables as developed below: instantaneity and flexible usage of a large pool of qualified but cheap workers.

OFII contracts, as part of a labour migration program initiated by employers, grant farmers and recruiters making use of this scheme a disproportionate power over workers whose legality within French territory, a roof over their head and the renewal or continuation of their contract is entirely dependent upon their employer. This constitutes a lever which is taken advantage of by

[45] For detailed information about legal regimes surrounding posting of workers see the most recent directives: Directive 2018/957 of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. European Parliament, Council of the European Union. http://data.europa.eu/eli/dir/2018/957/oj. OFII workers work under fixed-term and seasonal contracts like other farmworkers who are directly employed by their employers, however in their case their legal migration status is conditioned by their work contract and its renewal.

[46] See for example the National Partnership and Conventions against illegal work and frauds in Temporary Work and Agriculture: Convention nationale, Délégation interministérielle à la lutte contre le travail illégal, '*Partenariat pour la lutte contre le travail illégal dans le travail temporaire*', Ministère de l'emploi, de la cohésion sociale et du logement, May 2006. Convention nationale, Ministère de l'Agriculture et de la Pêche, FNSEA, '*Convention Nationale de Partenariat relative à la Lutte Contre le Travail Illégal en Agriculture*', Ministère de l'Agriculture et de la Pêche, 2013. See also reports from Interministerial national plans against fraud and illegal work in temporary work and agricultural sectors: Borne Elisabeth, '*Communiqué : Plan national de lutte contre le travail illégal: bilan et perspectives*', Ministère du Travail, de l'Emploi et de l'Insertion.

[47] See for example: Cailhol Amandine, 'Inspection du travail : qui protège les protecteurs ?' *Libération*, July 9, 2019. Doumayrou Fanny, 'Qui défendra les inspecteurs du travail? Entre hostilité patronale et réformes gouvernementales' *Le Monde Diplomatique*, December 2012.

[48] Payan Camille and France Bleu Provence, 'Le tribunal judiciaire de Marseille au bord de l'asphyxie', *France Bleu Provence*, March 29, 2021.

intermediaries and employers to discipline labour but also to blackmail, harass and conduct wage theft.[49]

This first finding section provided information about the ways and terms under which migrant farmworkers are recruited in the agri-food industry. It detailed the different historical industry developments and the current buyer-driven structure of the supply chains, which together led farm businesses to modify the modes of production and commercialisation as well as their labour strategies as the profitability of their business is reliant (or is perceived to be reliant) on the rentability, disposability and low-cost of the labour force. As a result, we see the creation of gendered and racially segregated low-paid and particularly precarious job positions for migrant workers, where employers have excessive power over their administrative status and the terms and conditions of employment. Altogether these economic dynamics, labour and migration legal regimes create the context and conditions of vulnerability of migrant workers to exploitation. The vulnerability of workers and forms of exploitation which they find themselves under, including cases of forced labour, are further developed in the following sections.

IV. International workers in southern French agri-food supply chains: Women and migrant workers between precarity and exploitation

Overall, migrant farmworkers occupy the most precarious, physically demanding, and lowest-paid positions in the agricultural industry in southern French regions, even though their labour is all-year round essential work for those supply chains. Women, irregular migrants and racialised workers are found at the bottom of the farm hierarchy in the most precarious and unstable positions. The instability of their income, administrative precarity and social marginalisation, which mark the integration of migrant workers into the French labour market and society, are essential factors rendering these groups of workers vulnerable to exploitation, including the worst forms of abuse such as trafficking and forced labour. The resulting livelihood and economic pressure were particularly felt by workers subjected to one or multiple social discriminations (gender, race, class, and citizenship status) and women were particularly affected in those categories. All in all, our data suggest that migrant farmworkers must face financial and administrative precarity as well as social oppression, which renders them vulnerable to labour exploitation. In other words, the various constraints enumerated above restrain their choices and capacity to protect themselves. For example, by rendering it more challenging to denounce abuse, refuse or quit an abusive employment situation or to seek support, as expressed in the below quote from a worker interview. These dynamics are further detailed in the following sections.

> ‘We have no power to talk. We are exploited, we know full well, but that is all we can do and we keep silent.’
>
> ▶ Worker interview 9

Trajectories of migrant workers and women’s involvement

There is no single profile of the migrant farmworker. Seasonal workers in the regions under study originated from as many as ten different countries. European, African, and Latin American communities were most represented. The presence of those migrant communities is explained by historical institutionalised migration flows and new private recruiting chains as mentioned previously.

Although the French government, via the Immigration and Integration Office (OFII), has control over the number of work permits delivered via the state labour migration programme, the overall flow of labour migration is very

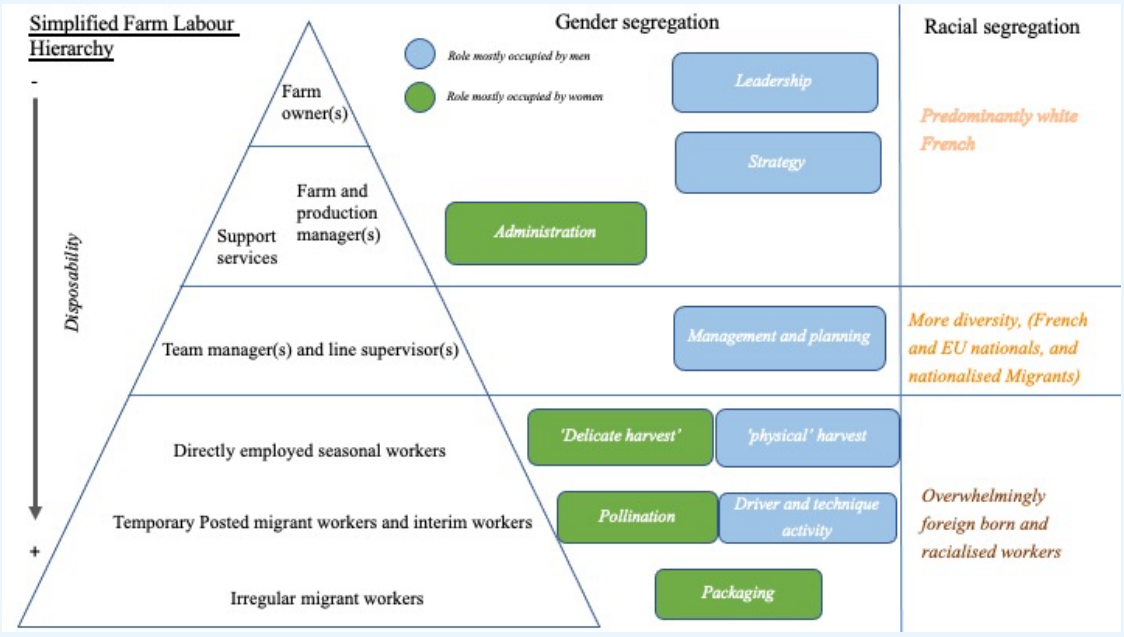
[49] For a detailed account of the recruiting and working conditions of OFII workers see works by Décosse such asd Décosse Frédéric., ‘Wanted but not welcome. Les programmes de migration temporaire à l’épreuve du temps’ In Baby-Collin Virginie, Mazzella Sylvie, Mourlane Stéphane, Regnard Céline, and Sintès Pierre eds, *Migrations et temporalités en Méditerranée : les migrations à l'épreuve du temps, XIXe-XXIe siècle*, (Paris: Karthala L’atelier Méditerrannéen, 2017) :131-144.

much driven by the market: i.e., by the demand of business for these labour groups and by the development of new labour recruiting chains which fulfil that need. Based on workers' testimonies, migrating to Europe and France was principally motivated by work and the hope of bettering their life and the lives of their families through work opportunities. Women interviewees were more likely to express their need for independence and economic autonomy or their responsibility towards their children as important motives for labour migration. In addition, a considerable number of women interviewees perceived labour migration as a way to escape bad family situations, domestic violence and 'patriarchal' norms and societies.[50]

Most workers interviewed had at least a primary or secondary level of education with some exceptions. Some hold tertiary-level degrees or professional training in another vocation. Although most workers interviewed had previous experiences in varied farming work, many had previously exercised a different occupation in their home country or last transit countries. Finally, most workers interviewed either had obtained European citizenship or had secured regular temporary or permanent rights to stay. However, local experts as well as our fieldwork observations, confirmed that there is a significant number of undocumented workers.

Although believed to be an overwhelmingly male workforce, this present study found that there is a significant presence of women, of all ages, among seasonal worker groups today in southern France.[51] Indeed while women's labour migration and their involvement in the agricultural sector in France has been historically low, notably due to discriminatory immigration and administrative control,[52] nowadays, women migrant workers are being recruited for all seasonal work roles and in the segments which had traditionally been attributed to male workers. Interviewees all reported that seasonal workers, including women, undertake the bulk of essential agricultural seasonal work, such as harvesting crops, hybriding and pollinating plants, pruning and treating trees and conditioning and packaging products for national markets and export.

Although we can observe a feminisation of labour migration and the workforce in the sector in France, it bears to say that their integration into the industry is still marked by segregation, discrimination and inequality, as this was mentioned earlier in the report and as it is schematised in the figure below.



▶ **Figure 4: Diagram of labour hierarchy in farms and gender and racial segregations**

[50] Worker interview 2, 3, 4, 9, 11, 13. The term 'machismo' was used by several interviewees women to explain the reasons why they decided to migrate.

[51] This was also observed in neighbouring countries see: Palumbo and Sciurba, *The vulnerability to exploitation of women migrant, (*2018)

[52] Guerry Linda. 'Main-d'œuvre étrangère et marché du travail dans la région de Marseille (1918-1939). La question du genre' In: *Hommes et Migrations*, Immigration et marché du travail. Un siècle d'histoire, 1263, (2006): 26-34.; Forget et al., *Actif'Agri*, (2019):78-9; Dahache Sabrina, 'L'évolution de la place des femmes en agriculture au prisme des rapports familiaux de production'. In Gasselin Pierre , Choisis Jean-Philippe , Petit Sandrine and Purseigle François*, L'agriculture en famille : travailler, réinventer, transmettre,* (Les Ulis: EDP Sciences, 2015) : 165-182. See also Bénézit Maud and Les Paysannes en Polaire, '*Il est où le patron ? Chroniques de Paysannes*' (Marabulles, 2021).

Indeed, women workers expressed having to negotiate, convince and then prove to employers and recruiters their ability to perform 'physical' and demanding work.[53] They explained being constantly reminded that farm work is better suited for men and, as a result, felt the need to work at a higher intensity to prove their worth and to keep the position as illustrated in the following quote:

> Women and men work the same and do the same work on farms, but often women have to carry more or as many boxes as men just to prove their strength
>
> ▶ Worker, worker interview 16

As the worker mentions, women farmworkers are performing all seasonal activities; our data suggests nonetheless that they seem to be mainly recruited for specific roles or in teams where their perceived 'natural skills' are needed. Women are the majority in packaging and pollination warehouses or certain crop production such as strawberries. Employers admitted preferring recruiting women workers because of their 'better tempered' and/or 'docile' personality and/or because they are perceived as more rigorous, attentive to detail and precise.[54] However, whilst many of those skills seem to be appreciated by employers, they are not a source of financial recognition or work promotion out of the seasonal low-paid positions or to managerial positions. In fact, according to our data, women migrant workers are found at the bottom of the farm hierarchy and are being overseen by primarily white and male team supervisors, farm managers and farm owners as is illustrated in figure 4.

Gender segregation was also found to intersect with racial discrimination. Several workers complained and observed racial injustices :

> The treatment white workers with Spanish nationality gets is different than how a black Spanish worker is being treated."
>
> ▶ Worker, worker interview 17

> There is racism because I have clearly seen where the people with brown skin are in comparison to the ones with white skin. At the end of the day, it is always black people who get given the worst jobs and who have to work the hardest jobs."
>
> ▶ Worker, worker interview 9

> In that farm we, the Latino American women, didn't have the right to take a 15min break. (...) My friend who is white had the right to eat and take a break. So I started to say: 'if she gets the right to go on a break I will too', and they replied to me that the break would be deducted from my wage."
>
> ▶ Worker, worker interview 15

Those discriminative gender and racial structures were not solely implemented on farms but are also prevalent in recruiting agencies. For example, one of the most prominent Spanish TWA had a similar labour organisation based on gender segregation whereby migrant workers were supervised by '*encargados*' (team supervisors) and '*corredores*' (TWA drivers), former men farm workers themselves acting as head managers over different domain such as transports, accommodation and work placements to a team of workers. Those supervisors were themselves overseen by white Spanish and French nationals higher up in the company hierarchy.[55]

It is fundamental to understand that these segregations, based on gender and race inequality, constitute yet another layer of power to already unequal imbalance of powers between workers and their employers. The latter

[53] Worker interview 2, 3, 11, 19, 20

[54] Interview 4, 7, 20, 21

[55] The organisation and hierarchy structure of the European TWA 'Work for All' was discussed at The Marseille Criminal Court case and the judgement of 8 July 2021. The judgement was appealed. See note 44.

act as strong labour disciplining structures where deprivileged workers feel the need to continuously intensify their work efforts and productivity to prove their value hence considerably increasing their exploitation in the workplace. Finally, those discriminations imply further difficulties for disadvantaged groups of workers, especially women workers, racialised and irregular migrants, to access work, obtain a contract, and secure a permanent or better-paid position which together further reduce the possibilities of work alternative to keep an income, therefore increasing their economic pressure and dependency to their employers to make a living.

Harsh living and working conditions

Migrant farmworkers of all genders work in a context marked by poverty, instability, and uncertainty. They either work under short-term, part-time or flexible conditions with little job security and social security coverage, with no prospect of promotion and no pay increase, for the legal minimum pay, which even when it is respected, does not guarantee them financial stability all year round.[56]

None of the workers interviewed received a living wage, several explained working under a piece-rate system or for less than minimum wage. Finally, all complained about recurrent and significant wage theft in the industry.[57] Because of the nature of those temporary, flexible and inadequately remunerated work arrangements, most workers feel compelled to work for long and irregular working hours, many decide to cumulate work contracts with farms and missions with staffing agencies during the year in an attempt to meet their material needs all year round. Some work two jobs simultaneously: one in the day and another in the evenings.

Conditions in this sector are particularly difficult and demanding physically: doing repetitive tasks, using chemicals and pesticides, spending long hours and sometimes long weeks in the cold or in the heat, quite often in awkward or dangerous positions etc. Workers continuously report being denied their rights and compensation in the event of a work accident or illness. To illustrate the danger of work-related or instigated illnesses and accidents in the industry, in 2011, a 32 year old Latino American worker died of dehydration at the hospital four days after being left unconscious for several hours in his workplace.[58] In addition to this, several workers explained having been penalised by recruiters for not being able to finish a mission due to health reasons.[59]

In addition to harsh and exploitative working conditions, many workers suffered from the 'undignified housing conditions' in accommodations provided by employers and recruiters, as illustrated in the below quotes:

> For workers that come on their own, men and women, they have a very hard time. They are completely imprisoned in those accommodations like sardines in a tin. In the campsite where we were staying, there was sometime 8 or maybe 10 people in one bedroom, people were sleeping everywhere, in the bathroom, on the floor without mattresses... It's terrible. It's a disgrace."
>
> ▶ Worker, worker interview 9 and 10

> It was horrible. There was kitchen, very dirty, and there were like seven beds. I don't even know where the bathroom was or if there was one. That was not a house... It was like a chicken coop. So I moved into an abandoned ruined house next to the collective accommodation. I couldn't stay in there."
>
> ▶ Worker, worker interview 17

Many seasonal workers live directly on a worksite or nearby, away from their families, and in isolated rural areas. For workers recruited via OFII and TWA, accommodation should be provided by employers and/or TWA. However, workers are quite often illegally charged for it. Labour inspectors repeatedly reported violations of seasonal farm workers' rights regarding housing

[56] Interviews 3, 5, 6, 10, 14, 43. See also Forget et al., *Actif'Agri*, (2019): 69-77.

[57] For a detailed discussion on the risk and vulnerability to severe labour exploitation resulting from poor wages see LeBaron Genevieve, 'Wages: An Overlooked Dimension of Business and Human Rights in Global Supply Chains' *Business and Human Rights Journal, 6*(1), (2021):1-20

[58] France 2 & Envoyé Special, 'Parce qu'ils ont refusé de lui donner un verre d'eau, ils ont laissé mourir mon frère" : la famille d'un saisonnier dénonce les conditions de sa mort' *France Info,* June 22, 2022; J.– X.P, ' La famille d'Elio, mort dans les champs, espère toujours justice' *Le dauphiné,* June , 2022.; Servel Hélène, 'Procès du travail détaché: une fraude à 112 millions et des milliers d'ouvriers sans droits' *Marsactu*, May 17, 2021.

[59] Interview 26; worker interview 4, 9, 10, 11, 12, 14, 19. Fieldwork notes: Case workers appointments, fieldwork associations weekly meetings, and labour inspectors observations notes.

conditions, which are often overcrowded, rudimentary, unsuitable and at times without running water, electricity, or appropriate sanitation. [60] Workers also explained that when they depend on their employer or recruiter for their accommodation, they were often awakened in the middle of the night or very early in the morning to attend to work emergencies or sent to other farms at the convenience of employers. It results that when the accommodation is part of the work arrangement, it can become another area of exploitation and/or vulnerability for workers.

Finally, in addition to difficult, unstable, and poorly remunerated work, illegal and fraudulent recruitment practices, labour abuses are widespread in the sector. To be sure, not all workers interviewed had experienced the worst forms of labour exploitation such as trafficking or FL. Yet all of them, without exception, had experienced some degree of labour rights abuse as illustrated in the below quotes:

> The team supervisor made us work, but at full speed... So much so that for a while they wouldn't even let us carry a bottle of water.'
>
> ▶ Worker, worker interview 3

> My wife and I, one year we worked more or less 80 hours per week from Monday to Sunday. It was like this during the entire harvesting season. We used to work more than 10 hours a day. And if you can't keep up, you're out. No because if you get tired well there are 10 people waiting to take your place.'
>
> ▶ Worker, worker interview 8

> They threaten you that if you do not accept to work weekends, they put you on a bus back to Spain'
>
> ▶ Worker, worker interview 12

The main abuses reported were: exploitative working conditions, wage theft, undignified housing, dissimulated and unpaid overtime, dissimulated work and no payment of social contributions, harassment, and denial of work accidents.

In the following illustrative extract, a participant explained a practice that is recurrent when workers are recruited via European TWA, that is that many illegal charges are deducted from their monthly wages:

> This was the worse that happened to me. I worked all month, all month but at the end of the month they asked me to reimburse the company 300 euros. I... I worked the whole month more than 200 hours but I still owed them money.'
>
> ▶ Worker, worker interview 8

In this one, another worker explains the recurrent bad treatment migrant workers are subjected to by team supervisors and management, and about which almost all interviewees complained:

> They shout, shout, shout at us to the point where ... sometime you can't help yourself but react ... and say: ' Guy... it's the 21st century now... it's not a cotton plantation!" So I went to complain to him. The day after I had gone to see him, he sent me to another farm which was worse than the first one, to pick up onions. I asked him why had he changed me and that I wanted to return to the other job. To that he said: 'No, no, no .. you, you do as you are told, it's me who decide where people work here.'
>
> ▶ Worker, worker interview 10

Given the flexible nature of work arrangements, poverty wages and the physical requirements for the work, one can easily apprehend how these labour abuses can quickly

[60] See also press coverage reporting the state of migrant labour accommodation in the region: Coquille David, 'Dans les « Guantanamo » locaux de Terra Fecundis :Les infrastructures occultes de la société d'intérim espagnole en France révèlent la réalité crue des camps de misère pour travailleurs sud-américains.' *La Marseillaise,* May 19, 2021; Lana Sandrine and Servel Hélène, 'Après la crise du Covid, des travailleurs saisonniers coincés dans un habitat insalubre' *Marsactu*, July 20, 2020; D.T 'Marseille Affaire Terra Fecundis : le jugement sera rendu le 8 juillet' *La Provence,* May 21, 2021; and in Tanguy Delphine, 'Les latinos, nouveaux esclaves des champs provençaux', *La Provence*, July 23, 2018.

jeopardise these people's livelihoods and render workers disproportionately dependent on employers to secure their financial situation.

Women's experiences of vulnerability

The overall unreliability of economic income and abusive labour environments were felt acutely by single parents, carers, victims of gender violence and undocumented workers. Women represented the bulk of these categories of workers. Interviewees testified to the unequal share of reproductive responsibilities within households and shared accommodations, and of the extra costs implied in terms of time, resources, and energy that this represented. For example, almost all surveyed women workers dedicated a significant portion of their income for day-care, education or to send money to their family in their home country, especially when their children had stayed there, which resulted in increased livelihood and economic pressure. Labour unions and labour inspectorates also reported regular instances of pregnancy discrimination such as unfair dismissal and denial of maternal paid leave.

Moreover, numerous accounts and testimonies of domestic violence and widespread violence against women were reported throughout the time of the study. Many women interviewees had migrated and were working to gain their independence and safety from 'patriarchal norms', violence and abuse at home, as well as that of their children. Several interviewees also expressed having to put up with sexual harassment and sexual blackmailing in the workplace from men colleagues, labour brokers and hierarchies. Indeed, many workers explained that women were sexually blackmailed in the industry in exchange for maintaining a position on a specific farm or for better-paid jobs and better working conditions.

Women interviewees who agreed to discuss those events explained that, in those situations, acquiring economic independence was paramount to securing their own safety and that of their children. The inadequate housing conditions of workers living on worksites or in accommodation provided by recruiters also fostered situations of vulnerability for women workers. Indeed, women workers were also exposed to violence and harassment in those spaces. Several interviewees expressed feeling unsafe in their shared accommodation, being forced to share their room and the bathrooms, and being subjected to harassment and blackmailing from other workers and staffing agency managers in exchange for protection, better housing conditions and other improvements. Overall, women expressed that these systematic gendered inequalities and violence constituted additional needs and constraints, yet another erosion of their ability to leave coercive arrangements and negotiate or enter decent work.

The hyper-precarity of migrants [61]

Finally, the distinctive patterns of vulnerability faced by migrant workers of all genders are reinforced by their often-insecure migration status and precarious access to rights in French society. Recent reports by the official French Human Rights Defender and Parliamentary study urged public authorities to take ambitious measures to tackle 'alarming' widespread origin-based discrimination in French society, affecting the trajectories and daily lives of foreign nationals, as well as racialised EU and French nationals.[62] All labour migrants with regular status and EU citizenship encountered during this study, alongside labour unions and migrant rights association members, clearly stated that foreign-born workers experience multiple difficulties and discrimination in accessing housing,[63] health and social services,[64] legal advice and

[61] The 'hyper-precarity' of migrant workers in the 'Global North' is conceptualised in the following article: Lewis Hannah, Peter Dwyer, Stuart Hodkinson, and Louise Waite. 'Hyper-Precarious Lives: Migrants, Work and Forced Labour in the Global North.' *Progress in Human Geography* 39, no. 5 (2015): 580–600.

[62] Nadot Sébastien and Krimi Sonia, 'Rapport fait au nom de la Commission d'Enquête sur les migrations, les déplacements de populations et les conditions de vie et d'accès au droit des migrants, réfugiés et apatrides en regard des engagements nationaux, européens et internationaux de la France', *Rapport d'information numéro 4665 Assemblée Nationale*, (10 November 2021); Défenseur des Droits République Française, '*Discriminations et Origines: l'Urgence d'Agir*' (Défenseur des Droits République Française, 2020)

[63] For an account of persisting ethnic and racial discrimination in the access of house rental see studies carried out by the French Observatory of Inequalities: Observatoire des Inégalité, 'Les discriminations dans l'accès au logement persistent en France', Observatoire des Inégalité, November 23, 2021.

[64] Nadot S., and Krimi S., 'Rapport fait au nom de la Commission d'Enquête sur les migrations'(2021):103-106, for the various difficulties entitled migrants encounter when accessing Aide Médicale d'Etat, (basic health services in France) see also Hachimi Alaoui Myriam and Nacu Alexandra, 'Soigner les étrangers en situation irrégulière', *Hommes & migrations*,1284 (2010):163-173.

police protection.[65] In addition to instances of direct discrimination, many workers do not speak French fluently, and most public institutions are not accessible in another language, which further limits access to information and support.

These difficulties are exponentially multiplied for undocumented workers and OFII workers whose social-legal status is bound to their work arrangements and, therefore to the goodwill of their employer. It is important to note that OFII work permits do not open residency and citizenship rights to migrant workers. Legal migration routes to France, access to residency permits and citizenship have been increasingly tightened over the last decade.[66] As written in a recent parliamentary study report, these restrictions have had the counter effect of compelling migrants to stay in France illegally due to fear of not being able to return in the future and pushed migrants into years of forced clandestinity or to misuse asylum or other regulatory avenues for a hypothetical regularisation.[67]

As other researchers have shown, clandestinity is internalised by workers. The fear of detection and deportation prevents them from seeking information and support and compels them to accept inferior, underpaid, dangerous and irregular work without access to social security.[68] This administrative precarity significantly increases the vulnerability of workers to forced labour by rendering them dependent upon informal labour brokers and irregular or illegal employment for securing the means of life and rendering them powerless vis-à-vis abusive practices.[69]

This second section provided information to understand who the seasonal workers are, in what condition they are integrated into the agri-industry labour market and how their vulnerability is constructed. It was shown that migrant workers work in short-term, uncertain, and unstable positions for poor wages, are often dependent upon their recruiters and/or employer for their accommodation and legal status and navigate an environment where labour abuses are common and where they are segregated based on social markers.

These conditions proliferate unequal power relations between workers and their employers/recruiters and create a context where their vulnerability may be abused. Hence causing a situation where workers might find themselves compelled to stay or enter exploitative work relationships to keep their legal status, to maintain an income or to stay safe. Certain categories of workers, especially women and undocumented workers, are subjected to additional livelihood pressures and a range of violence which further heightens their precarity and vulnerability to exploitation and violence as their discriminated social position is abused by more socially privileged individuals. The following section describes the situations and forms of forced labour observed during the study in more detail.

V. Experiences and forms of Forced Labour

All previous sections of this report highlighted the different political, economic, and social elements leading to the construction of a context where in-work poverty and exploitation are an outcome of a business and supply chain model treating migrant workers' labour as a mere production factor, and where their labour rights are not protected. All in all, these dynamics enable the demand for 'exploitable' workers in this industry to proliferate. In parallel, the report also outlined the different elements vulnerabilizing migrant workers' integration into the agri-food industry, notably based on their citizenship status, precarious work contracts and social discrimination like gender and race. Altogether the report explains how those dynamics work as a system in which recurrent incidence of 1) labour abuses, gender violence and reinforcement of gender inequality and 2) severe

[65] Improving the access to rights for migrant farmworkers was the main mission of a recent initiative, called Derechos Sin Frontera, led by an association of Latino-American, researchers, civil servants and activists workers where I volunteered for several months. Dozens of workers attended weekly sessions to present issues, discriminations and abuses they had experienced in the workplace and when trying to access their rights with public institutions.

[66] Nadot S., and Krimi S., 'Rapport fait au nom de la Commission d'Enquête sur les migrations'(2021): 65-66.; see also Lochak Danièle,'Immigration choisie, immigration subie : rien de nouveau sous le soleil ?' *Écarts d'identité*, 109, (2006).

[67] Ibid

[68] See Potot Swanie, 'Sans Papiers: Self-censored social identities of farm workers in southern France', In Jörg Gertel and Sarah Ruth Sippel eds, *Seasonal Workers in Mediterranean Agriculture : The Social Costs of Eating Fresh*, (Taylor & Francis Group, 2014).

[69] Lewis, et al.,. 'Hyper-Precarious Lives' (2015): 591.

exploitation such as forced labour is rendered possible. Although criminal behaviour, unscrupulous recruitment, illegal employment, and management practices do exist, all range of human rights and labour abuses observed during this study are very much the result of a system creating conditions of disproportionately unequal power relations between migrant workers and employers/recruiters.

Women's forced labour

As mentioned previously, identifying as a woman significantly aggravated these imbalanced power relations by exposing women to additional pressures/constraints and multifaceted violence and abuse. This project finds that gendered social norms, unequal family relations, gender-based discrimination in a male-dominated industry and violence against women in both the household and workplace significantly shape and determine the way women both migrate and enter or stay in a labour arrangement in the agri-industry in southern France, including coercive ones.

Gender power relations: 1) exacerbate women's livelihood pressures, rendering them more dependent on others; as well as 2) significantly constraining their freedom and opportunities within the labour market; and 3) exposing them to numerous types of violence, which altogether increases their vulnerability to labour coercion compared to other workers. These systematic gendered inequalities and violence materialised as an overpowering imperative to earn money, causing greater dependence upon recruiters, employers, and labour intermediaries, as well as a compulsion to accept bad treatment, harassment, and abuse. All of this to secure and maintain an income and a safe living place, significantly increasing women's multifaceted vulnerability to exploitation and forced labour.

Indeed, the realm of social reproduction – the household, family relations, and domestic responsibilities – can be a source of precarity, sacrifice, unfreedom, and violence for women and mothers and force them to migrate and seek financial gains to support their families or to seek their own physical/financial security abroad. This reality is well explained in the below interviews' extracts:

> I remember this worker who use to eat just a little bit of rice and avocado during the day every day from Monday to Saturday. One day I went to see her, I was worried, she was really old, approximately 70 years old. I told her she needed to eat more because we were working very long hours, maybe 13 hours a day at the time with a 5 min break in the day that's all. She told me that she needed to keep all her money to pay for her children university bills and who did not work in Ecuador. So all the money had to go to them. It saddened me. Sending money to children that's why many women come here.'
>
> ▶ Worker, worker interview 9

> For me... for me the first thing has been the future of my children, that they study, that is what I have worked my hardest for and the reason why I have come here, is to see my children progress in life. I asked my husband to go to work and I told him: 'please help me to look after the house and my children, for the food I go to work.' He didn't go to work. He said no, that this was not his job, that this is the work of the underling. So all my children depended on me, even for a bag of salt, my children depended on me. So, to see my children well, and to see that my children didn't go down a bad path, I mean, I sent everything I worked for there.'
>
> ▶ Worker, worker interview 3

Once in France, women encounter numerous obstacles to obtaining stable and viable jobs and securing the autonomy they need, as discussed throughout the report. Given their migration status, few industries recruit their service and the opportunities available are poorly paid and very demanding physically and timewise. In addition

to that, employers and recruiters do not hesitate to remind workers of their interchangeability which works as a strong incentive for workers to do as much as possible to keep one employment/job when they have one. Social norms, such as the idea that women cannot perform physical work required for farm work, and unequal family responsibilities and status – for example, childcare and child custody, responsibility for domestic work such as cleaning, cooking, and the idea that a woman's place is at home, and that their partner or family can control their finance – further impede their freedom on the labour market and time invested in financial autonomy.

Once women workers find work, in this case within the agri-food industry, they become exposed to a unique set of discriminations and power relations given their deprivileged social positions as women, mothers, single parents, victims of domestic violence and migrant and/or racialised worker. Women interviewees evoked, as previously written, being discriminated against and having to constantly prove their worth in farm work, being subjected to racial injustices and insults, and not having possibilities of promotion on farms. They also expressed feeling in danger at work from sexual harassment and abuses, blackmailing, and violence from male colleagues, male supervisors, managers, recruiters and employers, who given their dominant position in the industry, offer women workers in exchange 'safety', better pay, better work, more free time and better accommodation as illustrated in the following quote from a worker interview:

> Men with most power in the workplace are the ones who took advantage of their position to abuse women the most.'
>
> ▶ Worker, worker interview 10

Abusive employers, recruiters and colleagues did not need to exercise any physical force overtly; sexual exploitation was a possible effect of an overall exploitative context in which women felt they had few other possibilities to make a living for themselves and their families.

In such situations, many women admitted to keeping silent, not rebelling, and working as many hours as possible, accepting overtime (when they could given their numerous family responsibilities), dangerous working conditions and demands of higher work intensity to keep their work and earn as much money as possible. Women workers responsible for their children and women victims of domestic abuse, harassment, and sexual abuse were particularly keen to earn money 'at all costs' in order to be able to pay for childcare or for the education of their children or to stay financially autonomous to guarantee their own physical safety. To protect themselves from sexual abuses in the workplace, certain women decide to isolate themselves by leaving the collective worker accommodation and sleeping rough or seeking another job elsewhere with the hope of finding better and safer work conditions. Others described strategically partnering up with other male workers and trusted friends who could protect them from abuses and harassment during work missions. Some women decided to denounce their abusers and as a result, lost their job, were penalised financially or were wrongly accused of having instigated/caused those situations of abuse, which further incentivised other women to keep silent about such things if they wanted to keep their position.[70]

All in all, women encountered during this research work in a context marked by isolation, poverty/strong livelihood pressure and situations of strong dependency in which many cases of abuse and violence, both physical and psychological, can remain hidden. Gender power relations and patriarchal hegemony in the industry and the household render women more isolated and more dependent, with fewer alternatives to make a living, and further constrains them economically to work harder, enter and/or stay in a coercive labour arrangement and accept abuses and exploitation in order to maintain an income and an accommodation. Together the extra responsibilities, constraints and exposure to violence and coercion associated with identifying as a woman in our economy have produced a setting for labour exploitation accompanied by sexual abuse towards women workers.

[70] Worker interviews, 2, 3, 4, 8, 9, 10, 11, 15, 18, 20.

Abusive and exploitative conditions may range from arbitrary wage thefts, excessive overtime, violations of health and safety norms, non-payment of sick leave, illegal dismissal, strong mobility constraints and verbal, physical or sexual violence as a consequence of the position of subjugation in which they found themselves. In the worst cases, women migrant workers experience situations of forced labour and/or labour trafficking. Understanding how these gender power relations, discriminations, and additional constraints with economic compulsions of poverty compound to a unique pattern of vulnerability and exposure to abuse is important to effectively tackle forced labour and trafficking of women in the global economy.

As previously mentioned, not all women and workers more generally encountered during the study had experienced situations of forced labour or labour trafficking; however, those who did presented important commonalities. Worker interviewees who had experienced problems of severe exploitation were more likely to:

- have been recruited via intermediaries such as through European TWA, service suppliers, informal labour brokers or a combination of those;
- be reliant on their employer or recruiter for accommodation;
- present one or several vulnerability factors as detailed previously (for example: being exposed to violence/harassment because of identifying as a woman, having legal status bound to an employer or recruiter, or for example, being a single parent and undocumented, being subjected to domestic violence and being in charge of one or more children).

The different forms and indicators of exploitation and freedom restrictions undergone by workers in situations of labour trafficking and forced labour are further developed in the next section.

Forms and indicators of forced labour

Based on interview data from workers and experts, the different indicators and forms of forced labour experienced by workers are listed in the below table:

▶ **Table of forced labour indicators experienced by interviews**

Indicators of FL	Prevalence among interviewee sample	Descriptions
1.Abuse of vulnerability	Concerned 76% of interviewee sample (19/25)	The forms of abuse of vulnerability are multiple and are based on citizenship status and administrative precarity, lack of knowledge of the local language and laws, illiteracy, unequal gender power relationships, economic desperation, isolation of migrant workers and lack of alternative livelihood options in the regions under study.
2.Deception	48% (12/25)	Workers express deception based on false promises regarding regularity of their contract and the employer's payment of social contributions, as well as failures to respect terms regarding work time, availability, regularity, and levels of payment. For example, many workers expressed never wanting to accept work arrangements from certain employers and European TWA now that they knew the actual terms and working conditions they are demanding.
3. Abusive working and living conditions	72% (18/25)	All workers interviewed had experienced various degrees of abusive working and living conditions. It was especially workers recruited via OFII and via formal and informal recruitment intermediaries which were concerned by the most severe abuses. Workers, trade unions, and labour inspectorates explained posted and OFII worker work way above the ILO 48 hours limit of the normal working week in difficult and hazardous conditions. Most workers received wages that were or are not proportional to hours worked. Payment seems in many cases totally arbitrary and, on many occasions, under French minimum wage notably due to illegal charges that were taken off of monthly wages. Many workers had experienced denial of maternity leave, sick leave, and paid holidays or a denial of recognition of a work accident and unfair dismissal. Workers complained of pains and disease due to having worked with pesticides or next to chemicals unprotected. Most mention several restrictive working rules such as, no eating, no drinking, no chatting to colleagues, no mobile phone and no toilet breaks during work hours on top of racial and gender harassment and discriminations, and physical abuses. Workers who rebelled were exposed to retribution in the form of dismissal, wage theft and/or physical violence. Finally, many OFII and posted workers complain about the 'inhumane state' of their accommodation. Overcrowded, inadequate and substandard if not rudimentary, where privacy was not possible and water and sanitation facilities not functioning. Women particularly complained about being forced to share their rooms and bathroom facilities with men. Many workers expressed feeling degraded by the state of accommodations and treatment to which they were subjected.

4.Debt bondage	N/A Concerned 1 interviewee.	Undocumented workers and workers reliant on their work permits to obtain a legal status, like OFII workers, often have to pay for their contract or a recruitment fee to a middlemen or employer in advance of migrating or through wage advances. Many workers encountered during fieldwork had experienced debt bondage because of illegal migration and employment fees, however only one of those workers accepted to be interviewed.
5.Excessive overtime	72% (18/25)	An overwhelming majority of workers interviewed had experienced excessive overtime, it was especially OFII and posted workers which were concerned by the most severe abuses. Several workers used the expression working 'from sunrise to sunset' to quantify their working hours. Many worked six days a week, and sometimes Sundays too, for more than 10 hours a day. Several interviewees mentioned being regularly awakened at night and very early in the morning to attend to emergencies, for example to put in place preventive measures against freezing temperatures.
6. Intimidation and threats	68% (17/25)	In numerous cases workers reported being blackmailed and threatened, themselves or their relatives, of denunciation to immigration authorities and deportation, dismissal, wage withholding, false denunciation for defrauding French social services, being sent by recruiters to farms which are known for particularly bad working conditions and of physical and sexual abuses.
7. Restriction of movement	40% (10/25)	Workers who were reliant on their employer or recruiter for their accommodation experienced multiple mobility restrictions such as: curfew hours or total prevention from leaving the living site or worksite, and/or no rights to own a car, and/or not allowed to go shopping by themselves and whenever they want to, and/or interdictions to speak to local residents and nationals, and/or the constant presence of an employee in charge of monitoring workers on the worksites and accommodations.
8. Isolation	48% (12/25)	Most workers who were housed by their employer/recruiter were significantly isolated: living in remote and unpopulated rural areas, and/or gated campsites and buildings and/or unregistered/informal premises. Their isolation was compounded by all the rules surrounding their accommodation and working conditions, i.e. no means of transportation, interdiction to speak to local population, constant surveillance, and lack of knowledge of local language and laws.
9. Retention of documents	N/A Concerned only one interviewee	All workers interviewed but one were able to keep their identity documents. However, it is important to note that most workers were not able to keep or were not allowed to retrieve their work contract or pay slips.
10. Violence	36% (9/25) Corresponds to 1/3 of all women interviewees	Workers were subjected to harassment, blackmail, physical abuses and sexual abuses from hierarchies on farms or from staffing agencies, as well as from male colleagues in the case of women both on worksites and accommodations. Women workers particularly expressed feeling unsafe. Among women interviewee five women accepted to talk about sexual abuses they had been subjected too. However, all women interviewees mentioned that sexual harassment, abuses and blackmail is very common in the industry but still very much stigmatised. As such, we believe those estimations may not represent the scale of sexual abuses women face and therefore, are to be taken with precautions.

11. Withholding of wages	64% (16/25)	Many workers recruited via European TWA could not access their bank and retrieve money directly in France. Accessing and even checking that they did receive their salaries was not a possibility and this vulnerability was taken advantage of as they were often threatened with wage withholding if they did not finish the work mission they were given. Several interviewees had to wait until the end of their OFII contract each year, between 6 and 8 months, before receiving their wage.

Conclusions

This report documents the different mechanisms enabling labour exploitation, including forced labour, to thrive in the agri-food supply chain in southern France. Migrant workers are recruited for uncertain, flexible, and short-term jobs for severely low wages that are insufficient to secure the basic necessities of life all year round. In addition to harsh working conditions, chronic uncertainty about income and low-paid work, workers are routinely subjected to abuse and exploitation, including: wage theft, denial of labour rights such as maternity leave, sick leave, work accidents compensation, forced unpaid overtime, illegal work hours, the under-provision of legally-mandated goods and services (including housing, sanitation, drinkable water), regular violations of health and safety measures, threats and physical violence; sexual blackmail; sexual violence; discriminations based on gender and race, verbal abuse; and threats of dismissal. The threat of deportation, starvation and homelessness is crippling migrant workers' freedom and access to rights in the French labour market.

Women, carers, single parents, victims of domestic violence, and racialised and undocumented workers face additional vulnerabilities and violence and hence even more difficulties in leaving coercive arrangements and negotiating or entering decent work. Overall, migrant workers and especially women, face severe social, economic, and administrative constraints on their ability to exit their worksites. As such, it is imperative that coercion and labour exploitation's analysis and alleviation initiatives take into consideration the intersectional dynamics at play in labour relations which significantly constrain the agency of vulnerable workers in our economy.

The report also outlines how and why these instances of abuse are widespread and continue to occur. The exploitation of migrant labour has become part of an industry business strategy affected by unequal shares of added value along the supply chains. Large retail and distribution companies at the top of supply chains are capturing a disproportionate share of profits created. In comparison, the share going to producers and even more so for workers is dangerously low. As farmers struggle to make a margin, in a context of rising production costs, aggressive price competition and purchasing practices, unpredictable markets and climate change, new labour strategies were implemented to offload risks and loss and to remain profitable and flexible. These strategies implied outsourcing recruitment and or recruiting migrant workers for specific precarious roles which could be subordinated to production needs and timing with little consideration for the viability of those work arrangements for workers. Cascade recruitments and employment of foreign-born workers via labour migration programs, are labour sourcing mechanisms which do not guarantee enough labour rights protection for workers and give disproportionate powers to employers and recruiters over the worker's income, legal status and accommodation.

These unequal work relationships set the conditions for labour and human rights abuses. These behaviours and situations have to be understood within the context of severe labour mobility restrictions; mobilisation of gender violence, inequalities and racial discrimination; disproportionately unequal value distribution along French agri-food supply chains and the business models put in place as a response to the challenges associated with the competitive and volatile market, and the relative failure of the French state to protect workers and govern agricultural supply chains.

Recommendations

The challenges highlighted in the French agri-food industry are widespread, profound, and urgent and will require sectoral, national, and European-wide reforms, as well as political and cultural substantial change to obtain meaningful results. This section of the report sketches some key recommendations for addressing the problems uncovered by the research.

- Creating safe and legal industry-wide entry channels for labour migrants with strengthened labour standards and work permits. This will entail reforming national agricultural labour migration programmes and ensuring adequate housing and transport whilst paying attention to gender-related needs and inequalities. These programmes will necessitate a non-private monitoring system to survey the lawfulness of the working and living conditions of workers enrolled. As well as to ensure migrant workers can denounce abusive employers and violence against women without fear of retribution. Migration programmes needs provide opportunities for workers to change employers and to facilitate the obtaining of permanent employment contracts and payment of living wages.

- Retailers and employers are currently shielded from legal responsibility regarding abuses perpetrated in their supply and labour chains. Enacting legally binding mandatory Human Rights Due Diligence (mHRDD) and joint liability for lead firms and business relationships, including labour intermediaries, to strengthen accountability and strongly encourage buyers at the top of the supply chain as well as employers and recruiters to address the human rights impacts of their commercial and recruitment/employment practices.[71]

- For the above legislations to be effective and for ensuring the respect of current labour laws, as well as trafficking and forced labour laws; state-based labour inspectorates and judicial systems will imperatively need to be adequately financed and strengthened to identify and act on situations of labour exploitation, trafficking and gender connected abuses.

- In addition to that, supporting the role of trade unions, NGOs and worker-driven initiatives in monitoring fair employment and working conditions and informing and sustaining workers in claiming their rights will be essential.

- A provision of up-to-date training is to be envisaged for labour inspectors, lawyers and judicial agents, law enforcement agencies, and trade unions regarding the current forms of coercion for labour exploitation, trafficking, and the gendered and intersectional features of labour exploitation.

- The unequal share of reproductive duties and how this may undermine women's workers autonomy and progression needs to be addressed. The social and economic value of women's domestic, care and reproductive work imperatively need to be recognised and better supported with more public provisions such as inclusive and affordable childcare, education, health care, paternity leave etc.

- Finally, enacting European-wide as well as concerted national measures aimed at regulating, licensing, and monitoring the activities of lawful and unlawful European TWA, employment agencies and agricultural service suppliers will be fundamental.

[71] For a detailed explanation of an effective mHRDD see: Re:Structure Lab. *Forced Labour Evidence Brief: Due Diligence and Transparency Legislation* (Sheffield: Sheffield, Stanford, and Yale Universities, 2021) and Re:Structure Lab. *Forced Labour Evidence Brief: Worker Debt and Inequality* (Sheffield: Sheffield, Stanford, and Yale Universities, 2021).

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Annex

Type of data collected	Participants	Number	Gender
Semi-structured in-depth interviews (between 45min and 3hours long)	Migrant Workers	25	Women: 15 Men: 10
	Employers (farmers, farm managers and recruiters)	13	Women: 1 Men: 12
	Retail buyers	1	Women: 0 Men: 1
	Certification and auditors	2	Women: 0 Men: 2
	Trade unions, NGOs and social services	11	Women: 5 Men: 6
	Public and law authorities (lawyers, inspectors, mayors, politicians)	7	Women 5 Men: 2
Fieldwork encounters and observations: involving informal conversations, and	Migrant workers: Informal conversations during social events, legal and social assistance, attendance to weekly worker-led rights associations, observations of working and living conditions while shadowing labour inspectors	Approximately 200 workers	N/A
	Professionals: observed labour inspectors, social workers, trade unionists, police officers, farmers in their workplace and during controls in the field	Approximately 50	N/A

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