



AM I A VICTIM OF MODERN SLAVERY ?

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SUBSECRETARIA DE
INSPEÇÃO DO TRABALHO

SECRETARIA ESPECIAL DE
PREVIDÊNCIA E TRABALHO

MINISTÉRIO DA
ECONOMIA



1.

**WHAT IS
MODERN
SLAVERY IN
BRAZIL?**

Modern slavery¹ still exists all around the world. In Brazil, although legally forbidden, it is the reality of workers in rural areas and big cities, including migrants and refugees.



Migrant worker rescued by labor inspection officials in a sewing studio.

In the city of São Paulo, migrant workers are under degrading conditions in sewing studios, working exhausting hours to pay off a debt owed to their employers. According to Brazilian law, these people are victims of **slavery**.

1 In Brazil, modern slavery is legally qualified as **working under slavery conditions** and is considered a crime in the Brazilian Penal Code (art 149). From this moment forward, for communication simplification purposes, **working under slavery conditions** will only be referred as **slavery** throughout this document.

In Brazil, modern slavery or forced labor is called slavery and occurs when workers under degrading **conditions, exhausting working hours, debt bondage, forced labor or restriction of freedom/movement.**

In many cases the worker is a victim of **slavery even if he/she has permission to leave the workplace.** In such situations the violation of human dignity triggers the imputation of the crime of modern slavery.



LET'S SEE

THE CHARACTERISTICS OF EACH SITUATION:

DEGRADATING WORKING CONDITIONS:

When the worker is under inhumane working conditions, in which his/her health or even life is in danger. The degrading conditions comprise precarious accommodation with no adequate sanitary or electrical installations, no hygiene or potable water, and poor-quality meals. Also, there is no assistance to safety and health measures while working, such as supply of individual protection equipment to perform dangerous activities. In other words, any improper human conditions that violate the **worker's dignity.**



Inadequate accommodation.

EXHAUSTIVE WORKING HOURS:

When the worker works with no minimum workday breaks, which are relevant for physical and mental strength recovery, as legally required. This condition makes work strenuous or exhaustive. Workers are forced to work 12 or even 14 hours per day for several days non-stop. This is frequently reported in the clothing industry where migrant labor is used.

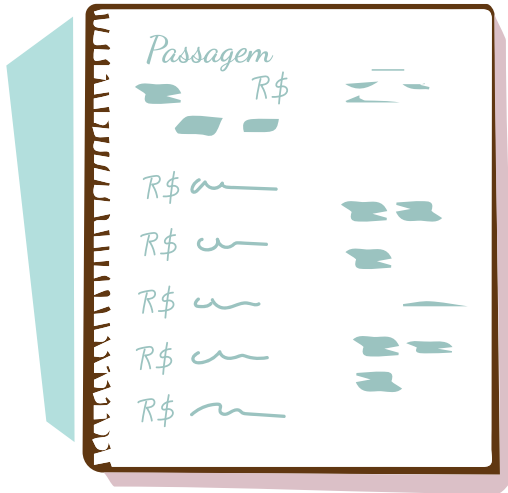


Working mother with her child at work (sewing studio).

DEBT BONDAGE:

When the worker is forbidden to resign due to debts he/she needs to pay off to the employer or boss. In Brazil, it is illegal to charge the worker for transportation or food expenses while commuting to the working place, even if an international travel is required. It is also not allowed to charge the worker for tools, materials and equipment necessary to perform his/her job duties, or even for individual protection equipment. These expenses are commonly noted in the worker's 'debt book' and are illegally charged from his/her earnings. It is illegal to prevent any worker from resigning on account of debts. When a worker cannot resign due to debts, it is considered he/she is enslaved by **debt bondage**².

² Debt bondage also occurs when the worker is forced to buy food or products from the "canteen" owned by the employer (often due to geographical isolation and a lack of options nearby), but which are charged at exorbitant prices. It is the so-called "*sistema do barracão*", which also leads to debt bondage.



Example of expense notes illegally charged as workers' debts.

FORCED LABOR:

When the worker is forced to work against his/her will under threat or punishment. The employer uses various approaches to maintain the worker under control, by retaining salaries and/or documents, violence, abuse, or physical and psychological threats, such as the threat of reporting an undocumented migrant worker to immigration authorities.



In many cases, children are found in sewing studios by labor inspection officials.

2.

**HOW DO HUMAN
TRAFFICKING
AND WORKERS'
RECRUITMENT
FOR SLAVERY
EXPLOITATION
HAPPEN?**

Every human being has the right to pursue a better life and seek opportunities to improve his/her life and career in his/her home country or abroad.

Many migrants come to work in Brazil attracted by misleading promises. Refugees come to Brazil to escape from wars, conflicts, persecution, or severe/generalized violation of human rights in their home countries.

Human trafficking starts by the **recruitment**. The victim is approached by someone making work proposals with good salaries and life improvement.

The recruiter provides transport, shelter, accommodation and advances part of the salary. Soon after, the victim realizes all expenses for commuting turned into a debt the recruiter or employer will charge. Travel tickets, housing and food expenses are charged.

This debt is illegal. In Brazil, nobody can be forced to work to pay any debt, nor to work for a determined employer, nor to be kept working anywhere. The worker can resign at any time.

When someone is recruited to work in his/her home country or elsewhere and ends up in such situations, it is considered there has been a case of human trafficking for slavery exploitation.



Undocumented migrant worker in a sewing studio.

3.

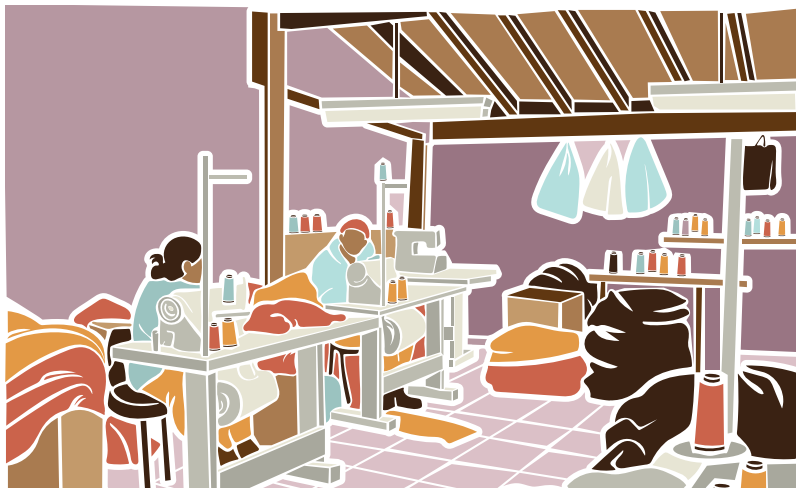
**HOW CAN
MIGRANTS
AND REFUGEES
BECOME SLAVERY
VICTIMS?**

Often, migrant or refugee workers are not aware when they are victims of human trafficking or slavery.

If the migrant or refugee worker has had illegal debts discounted from his/her salary, if his/her personal documents have been seized by the employer or by the debt collector, be aware these practices are forbidden in Brazil and can be considered a way to enslave people.

If the worker complains or intends to resign, the employer can threaten him/her saying he/she will report the worker to the Brazilian authorities. In this case, there is no risk of expulsion from the country, because the employer is the one committing a crime, not the worker.

Assuming the worker has come to Brazil by misleading promises, if his/her salary is not being paid accordingly and the work conditions are miserable, he/she can look for the Brazilian authorities' support, even if he/she is not in a regular situation in Brazil.



Sewing workshops are often improvised in homes.

4.

**WHICH ARE
THE MIGRANT
AND REFUGEE
WORKERS' MAIN
LABOR RIGHTS?**

The Brazilian law guarantees the same labor rights to Brazilian and migrant/refugee workers, which must be respected by all employers.



DIGITAL WORK PERMIT: the Digital Work Permit is a mobile and computer application equivalent to the former printed Work Permit and Social Security (CTPS). This document has no equivalent out of Brazil and it registers all the worker's professional records and guarantees access to labor rights stipulated by the law.

Learn more about the Digital Work Permit on the page of the *Proteja o Trabalho* campaign:



<https://www.gov.br/trabalho/pt-br/acao-a-informacao/acoes-e-programas/proteja/estrangeiro/english>



NATIONAL MINIMUM WAGE: in Brazil, the national minimum wage is defined every year and it is valid for all the national territory. In 2021, the value established of R\$ 1.100,00 per month. The monthly wage must be paid until the 5th working day of the following month.



WORKING HOURS: it is the amount of time the employee works. The limit is of 8 hours a day and 44 hours a week. If this amount of working hours is exceeded, the remuneration due to overtime is of at least 50% more than the normal hour. The extra pay can be eliminated if both parties sign a Written Individual Agreement, or if a Collective Labor Convention or Collective Bargaining Agreement is signed and declares that the overtime worked in a day will be compensated by working less hours in another day.



REMUNERATED WEEKLY REST: it is mandatory to provide a minimum of 1-day remunerated rest per week, normally on Sundays.



PAID LEAVE: after working for a company for a full year, you earn the right of paid holidays (+ holiday bonus). It means, your vacation can be enjoyed in 30 calendar days or divided up to three periods, earning your monthly wage plus a holiday bonus of 1/3 of the regular wage.



FGTS (Government Severance Indemnity Fund): it is a financial reserve to which the employer contributes monthly. This financial resource aims to protect the employee who has been terminated without cause.



MATERNITY LEAVE: it is a social security benefit that provides to female employees a mandatory maternity leave of four months (120 days) after childbirth paid by the Social Security Agency.



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PREGNANT EMPLOYEE TENURE: the pregnant employee cannot be terminated without cause from the confirmation of her pregnancy up to 5 months after childbirth.



EQUIPMENT AND TOOLS: individual protection equipment (such as face mask, goggles and helmet) and working tools (such as sickle, grinder, scissors and sewing machine) must be provided by the employer with no charge.



HYGIENE AND MEALS: the employer must provide the workers potable water, adequate place to prepare meals, store food, and eat in the place of work, as well as clean sanitary installations.



SHELTER: if workers need to stay in the place of work after finishing their working hours, the employer must provide safe and clean housing in good conditions.



MEDICAL EXAMINATION: the pre-employment medical examination costs are under the employer's responsibility.

Learn more about the migrant and refugee workers' rights at:



ACNUR:

<https://www.acnur.org/portugues/wp-content/uploads/2020/03/Cartilha-Web.pdf>

OIM:

https://brazil.iom.int/sites/default/files/Publications/Cartilha_web.pdf

WHAT ARE THE DOMESTIC WORKERS' RIGHTS?

Domestic workers are employed in private households continuously or for more than 2 days a week. These workers have labor rights granted by law. Besides the rights described above, domestic workers who sleep in their workplace, which means, in their employer's residence, must not have food, shelter, clothing, hygiene and cleaning products charged from their wages.

Learn more about the domestic workers' rights at:



<https://www.gov.br/esocial/pt-br/empregador-domestico/orientacoes/direitos-do-trabalhador-domestico>

5.

**HOW AND WHO
TO REPORT TO?**

T here are public authorities responsible for fighting slavery. If you, migrant or refugee worker, consider you are being a victim of slavery or human trafficking, seek support and report it.



REPORT CHANNELS:



General Labor Report:

denuncia.sit.trabalho.gov.br



Modern Slavery Report:

ipe.sit.trabalho.gov.br

Regional Labor Superintendency:

present in all states. For addresses and phone numbers



[CLICK HERE](#)



DISQUE 100 – HUMAN RIGHTS HOTLINE:

Ministry of Women, Family and Human Rights hotline where you can report any human rights violation.



Auditors-Labor Officials inspecting migrant and refugee workers' working conditions in a sewing workshop.

6.

**WHAT HAPPENS
WHEN THE
INSPECTION
GOES TO YOUR
PLACE OF WORK
AND CONFIRMS A
SLAVERY CASE?**

Labor Inspection responds to reports of slavery. When you are freed from slavery you will have the right to:

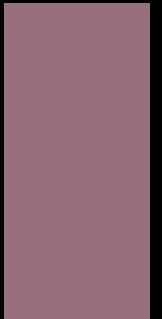
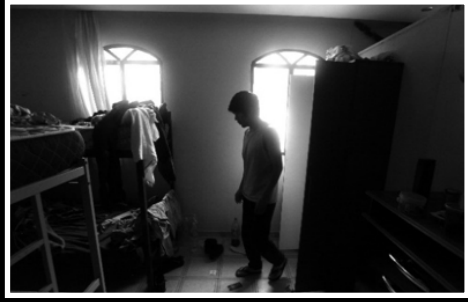
- » Immediate interruption of your work in the exploitation place.
- » Payment of unpaid wages and of contract termination fees.
- » Employment contract legalization.
- » FGTS contribution (Government Severance Indemnity Fund).
- » Record of the employment contract on the Digital Work Permit.

Learn more about the Digital Work Permit in:



<https://www.gov.br/trabalho/pt-br/aceso-a-informacao/aco-es-e-programas/proteja/estrangeiro/english>

- » Severance Payments for up to 3 months.
- » Return to place of origin, at will, or referral to a hotel, public shelter or similar, when appropriate.
- » Migratory Regulation: if you do not have documents and intend to continue in Brazil, the inspection officials will forward your concession request for a permanent residence permit in Brazil.
- » Personal protection in case of safety and/or health risk.
- » Opening of a bank account.
- » Orientation from social assistance institution concerning social benefits and programs for professional training and qualification.





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