

## **Do you know the history of the chocolate you eat? The need for a special look at the cocoa production chain as a mechanism to combat slave labour**

Czy znasz historię czekolady, którą jesz? Przybliżenie warunków pracy w globalnych łańcuchach produkcji kakao jako mechanizm walki z pracą niewolniczą

Знаешь ли ты историю шоколада, который ты ешь? Представление условий труда в глобальных цепочках производства какао как механизма борьбы с использованием рабского труда

Чи знаєте ви історію шоколада, який ви їсте? Апроксимація умов праці в глобальних ланцюгах виробництва какао як механізм боротьби з рабською працею

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**Summary:** The text whose main objective is to arouse in the reader the need to look at chocolate production differently as a strategy that can contribute to the elimination of slave labour. Therefore, it aims to answer the following research problem: How does the cocoa production chain contribute to the maintenance of this heinous practice and how to counteract it? It is a theoretical and normative study that, through qualitative, bibliographic and documentary research, uses a deductive method to achieve the proposed objective. First, the persistence of slavery in the workplace today is analysed. Then, the study discusses the cocoa production chain and the need to control labour abuses in the chocolate industry. Finally, it points out the extremely

important role that companies have to play in combating and eliminating the exploitation of human labour by applying strict controls in their value chain, coinciding with the idea of sustainable development.

**Key words:** cocoa production chain, global value chain, child labour, slave labour, sustainable development

**Streszczenie:** Celem artykułu jest wzbudzenie w czytelniku potrzeby nowego spojrzenia na produkcję czekolady jako strategii, która może przyczynić się do eliminacji pracy niewolniczej. Tekst stara się udzielić odpowiedzi na następujący problem badawczy: w jaki sposób łańcuch produkcji kakao przyczynia się do utrzymania nielegalnego zatrudnienia i jak mu przeciwdziałać? Jest to studium teoretyczno-normatywne, które poprzez badania jakościowe, bibliograficzne i dokumentacyjne wykorzystuje metodę dedukcyjną do osiągnięcia proponowanego celu. W pierwszej kolejności autorzy omawiają zagadnienie pracy niewolniczej, następnie podejmują temat łańcucha produkcji kakao i potrzeby kontroli nad nadużyciami w pracy, które mają miejsce w przemyśle czekoladowym. Na koniec wskazują na niezwykle istotną rolę, jaką mają do odegrania przedsiębiorstwa w zwalczaniu i eliminowaniu wyzysku ludzkiej pracy poprzez stosowanie ścisłej kontroli w swoim łańcuchu wartości, zbieżnej z ideą zrównoważonego rozwoju.

**Słowa kluczowe:** łańcuch produkcji kakao, globalny łańcuch wartości, praca dzieci, praca niewolników, zrównoważony rozwój

**Резюме:** Цель статьи – побудить читателя по-новому взглянуть на производство шоколада как на стратегию, которая может способствовать искоренению рабского труда. В тексте делается попытка ответить на следующую исследовательскую проблему: как цепочка производства какао способствует поддержанию нелегальной занятости и как этому можно противостоять? Это теоретико-нормативное исследование, которое посредством качественных, библиографических и документальных исследований использует дедуктивный метод для достижения поставленной цели. Сначала авторы обсуждают проблему рабского труда, затем рассматривают цепочку производства какао и необходимость контроля над нарушениями трудовых отношений, которые имеют место в шоколадной промышленности. Наконец, они указывают на чрезвычайно важную роль, которую компании должны играть в борьбе с эксплуатацией человеческого труда и ее искоренении путем применения строгого контроля в своей цепочке ценности, что совпадает с идеей устойчивого развития.

**Ключевые слова:** цепочка производства какао, глобальная цепочка ценности, детский труд, рабский труд, устойчивое развитие

**Резюме:** Мета статті — викликати у читача потребу нового погляду на виробництво шоколаду як на стратегію, яка може сприяти ліквідації рабської праці. Текст намагається відповісти на наступну дослідницьку проблему: як ланцюг виробництва какао сприяє збереженню нелегальної праці та як цьому протидіяти? Це теоретико-нормативне дослідження, яке використовує дедуктивний метод для досягнення запропонованої мети шляхом якісного, бібліографічного та документального дослідження. Спочатку автори обговорюють проблему рабської праці, потім ланцюжок виробництва какао та необхідність контролювати трудові зловживання, які трапляються в шоколадній промисловості. Нарешті, вони вказують на надзвичайно важливу роль, яку компанії повинні відігравати в боротьбі та усуненні експлуатації людської праці, застосовуючи суворий контроль у своєму ланцюжку створення вартості, що збігається з ідеєю сталого розвитку.

**Ключові слова:** ланцюг виробництва какао, глобальний ланцюг вартості, дитяча праця, рабська праця, сталий розвиток

## Introduction

Chocolate is one of the most appreciated, desired and consumed foods in the world. For many people, the consumption of chocolate is associated with a moment of

pleasure and personal satisfaction. Some countries have become known for the production of chocolate, even though they do not produce cocoa, the raw material for this industry. Cocoa was introduced in Europe after the “discovery” of the American Continent, brought to Cortes by the exploration system of the colonies. Today, most of the cocoa used for chocolate production by the main companies in the industry is of African origin. The supply chain of the chocolate industry starts in the Asia-Pacific region, goes through industrialised countries and reaches supermarket counters and the homes of consumers. World’s Top Exports reports that although the largest exporters of chocolate are Germany, Belgium, the Netherlands, the United States, Italy, Poland, France, Canada, the United Kingdom, and Switzerland, accounting for 73% of world exports of this product, two-thirds of the planet’s cocoa beans, the basic component required for the production of chocolate, come from West Africa, with Ivory Coast accounting for 30% of the production.<sup>1</sup>

The information presented in this article has global relevance, given that the cocoa production chain contributes to the maintenance of slave labour. It is an example of how complex supply chains operate and the impact they have on the work and lives of those employed. The large companies and industries (veritable oligopolies and cocoa cartels) that produce chocolate source the main raw material for chocolate (cocoa) precisely from companies that exploit workers in slave-like conditions. Unfortunately, this includes children who do slave labour instead of receiving an education. Therefore, companies and industries that produce chocolate using cocoa from companies that use slave labour are reducing human beings to the role of commodities, violating human rights, as well as engaging in social dumping and unfair competition. The practice of slave labour must be completely eliminated both in the cocoa industry and in every other business. To this end, this article will demonstrate that this practice can be combated by using the new technologies of the Fourth Industrial Revolution. Companies should use the technological means available to control processes throughout the supply chain, from the planting and harvesting of the fruit or raw material to the delivery and marketing of the product. So, when a chocolate and candy company discovers that one of its suppliers is using slave labour in cocoa production, it should react and take appropriate action. It is important that the entire supply chain is transparent and the production process is carried out fairly, so that the chocolate reaches people’s homes in a sweet and healthy way.

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<sup>1</sup> <https://www.worldatlas.com/articles/top-10-cocoa-producing-countries.html#:~:text=The%20Top%20Cocoa-Producing%20Countries%20%20%20Rank,%20%20328%2C263%20%2041%20more%20rows%20> [access: 30.05.2023].

Currently, large companies in the apparel and soft drink industries are using, according to Rocha, Abaurre and Porto the technologies of the Fourth Industrial Revolution, such as cloud computing, the internet of things, big data and block-chain, to optimise and control their supply chain, allowing them, customers and workers to track the production process, offering transparency, so that everyone knows how the product is being produced, and mainly preventing the occurrence of illegal practices such as the use of slave and child labour.<sup>2</sup>

The study is of the theoretical and normative type, which, by means of the deductive method, uses eminently bibliographical and documental research with the objective of answering the proposed research problem. Structurally, the text is divided into four chapters the first of which is this introduction; the second is aimed at analysing the permanence of labour slavery as a reality. The third chapter aims to analyse the cocoa production chain and the need to control abusive labour practices that are used in the chocolate industry. The fourth and last chapter presents the final considerations of the study, pointing out that the main companies in the chocolate industry have the power to end the reality of the exploitation of human, child and slave labour by adopting strict controls of the production chain, coinciding with the idea of sustainable development.

## **1. Slavery at work as a current reality**

As a premise of this study, it must be recognised that slave labour is considered by some companies, in certain sectors of the economy, to be an acceptable way of managing business costs. These companies use slave labour as a way of obtaining competitive advantages over other companies, thus constituting the practice of economic and social dumping, which gives rise to unfair competition.<sup>3</sup>

Slave labour is part of the social dynamic, even if people are not aware of its presence or even if they consider it normal. Many products that are consumed in the most diverse cities of the world are connected to the exploitation of human labour, to a greater or lesser degree of violation, and the most perverse form of this exploitation is slave labour, incorporated in the supply chain. The lack of information and widespread awareness of people is due to the sum of invisibility of this

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<sup>2</sup> C.J. da Rocha, H.E. Abaurre, L.V. Porto, *O Mundo do Trabalho e a 4ª Revolução Industrial – Direito Coletivo do Trabalho e a 4ª Revolução Industrial*, vol. 2, São Paulo 2020.

<sup>3</sup> Ibidem.

phenomenon combined with the denialism of those who take advantage of this exploitation, which includes companies and governments. Even the legal apparatus can contribute to the propagation of slavery. This occurs when the organs of the States, through restrictive interpretations and limited decisions, confer insufficient protection to the people who are victims of slave labour. As Sakamoto points out “[...] fighting contemporary slave labor implies hurting economic interests.”<sup>4</sup> Slavery is still a reality that societies coexist with even at the beginning of the 21st century, occurring in the most secular ways and in new forms through the use of recent technologies. One might have hoped that humanity had eradicated this scourge long ago, but it seems that forced labour has been on the rise in various sectors and in various regions of the world. For centuries, the world’s most advanced economies used African slaves to pick their cotton and harvest their sugar in places like the United States and the Caribbean. Slavery was outlawed. The West now prefers to leave these workers where they must produce what the world needs. The power relations remain essentially unchanged. In fact, the crisis of the Welfare State, driven by the criticism devised in the 1980s by the Reagan and Thatcher governments, contributed to the development of an economic system driven by financial markets without control of non-productive activities, while the real economy restructured itself in search of minimising costs, including (especially) social costs.<sup>5</sup> Ademir Alves da Silva, considering the welfare state as paternalistic and profligate, identifies in it the causes that led to the crisis.<sup>6</sup> He points primarily to the lowering of social burdens, labour costs, and the making of labour relations more flexible. In other words, these are actions aimed at overcoming the crisis, under the pretext of creating economic growth and jobs. Moreover, it can be noted that with the phenomenon of relocation of industry and services outside the developed countries, labour insecurity is exacerbated, especially since one of the factors that leads to this “outsourcing” is the reduction of labour costs. These changes came under the guise of new management techniques aimed at increasing productivity, efficiency and competitiveness in a globalised world. They were inspired by modernity, at

<sup>4</sup> L. Sakamoto, *O Trabalho Escravo Contemporâneo*, in: idem, *Escravidão Contemporânea*, São Paulo 2020, pp. 7–16.

<sup>5</sup> N. Chomsky notes that the business press “exults in the ‘spectacular’ and ‘astonishing’ growth of profits, applauding the extraordinary concentration of wealth in the hands of the small percentage at the top of the population pyramid, while for the majority living conditions continue to stagnate and decline”, N. Chomsky, *Profit over People. Neoliberalism and Global Order*, Rio de Janeiro 2020, p. 126.

<sup>6</sup> A.A. Silva, *The Management of Brazilian Social Security. Between Public Policy and the Market*, São Paulo 2007, p. 237.

the same time attacking social legislation, especially labour legislation, considered anachronistic and an obstacle to economic development.<sup>7</sup>

Modern slavery is a phenomenon that accompanies this movement of outsourcing production, when the company removes from its production park that which it does not consider to be essential. Furthermore, the economic segments that make up the so-called primary sector (agriculture, livestock, and extractivism) contribute to the large scale of slave labour today. In fact, slavery is preserved and reinforced precisely because of the existence of global markets, known as supply chains.<sup>8</sup>

This reality is even quantified by official data obtained by several international organisations. The data compiled by the International Labour Organization (ILO) on modern slavery are shocking, especially in view of the advances in the international normative order in terms of human rights. According to data, an estimated 40.3 million people were victims of modern slavery in 2016, including 24.9 million in forced labour and 15.4 million in forced marriage. This means that there are 5.4 victims of modern slavery for every 1.000 people in the world, further exacerbating this situation is the finding that 1 in 4 victims of modern slavery are children. Also, according to the ILO, of the 24.9 million people in forced labour, 16 million are exploited in the private sector, such as domestic work, construction, or agriculture; 4.8 million people in forced sexual exploitation; and 4 million people in forced labour imposed by state authorities. Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry and 58% in other sectors.<sup>9</sup>

What can be clearly seen is that slave labour is used at the beginning of the supply chain of transnational companies, so that, as a rule, manual labour is performed in the peripheral countries, located in the southern hemisphere – America, Asia, Africa and Oceania, where the so-called underdeveloped (or developing) countries are situated – it is the result of Eurocentric colonial exploitation, reflecting contempt and disqualification, making invisible the knowledge, feelings, and bodies of the African, South American, indigenous, and riverine peoples. Thus, it is clear that non-European groups are treated with inferiority in terms of the racial division of labour, wages, and cultural production, maintaining the centuries-old colonialism. Although some countries do not recognise the occurrence of modern slavery on

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<sup>7</sup> A. Meirinho, *Decent Trap and Social Security. The Cliquet Effect and the Construction of the Beveridgian Existential Minimum*, Curitiba 2021, p. 308.

<sup>8</sup> M. Zbucka-Gargas, *Zapobieganie pracy dzieci w globalnych łańcuchach*, Monitor Prawa Pracy 2021, no. 4 [Legalis database].

<sup>9</sup> ILO, *Forced Labour, Modern Slavery and Human Trafficking*, 2014, <https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm> [access: 9.02.2022].

their territories, which can be attributed to a kind of willful blindness and outright denialism, this crime can be connected to them from a distance. Therefore, it can be linked to the broader phenomenon of globalisation, since it is “[...] linked to the decrease in production costs at the expense of the precariousness of labor, aiming at reducing the final price and increasing profits for companies participating in the market.”<sup>10</sup> This occurs, for example, when a company located in a given country maintains a commercial relationship with another company located in a different country that uses slave labour in its production process. Modern slave labour is embedded in the global supply chain, and it seems to be a hidden part of business. These activities, even if hidden, reach consumers around the world.<sup>11</sup> For this reason, paying attention to the production and supply chains becomes relevant for companies that adopt sustainable principles in their activities. And sustainable principles are not restricted to environmental aspects. These principles must be associated with the sustainable development agenda adopted by the United Nations (Agenda 2030).<sup>12</sup> The 2030 Agenda of the United Nations is an action plan for people, planet, and prosperity that seeks to strengthen universal peace. The plan sets out 17 Sustainable Development Goals, the SDGs, and 169 targets, to eradicate poverty and promote a life of dignity for all, within the limits of the planet’s capacity. The goals should be seen as integrated and indivisible objectives, merging, in a balanced way, the three dimensions of sustainable development: the economic, the social, and the environmental. And why is this relevant? Because there is a movement that has been gaining strength, especially in more developed countries, advocating changes in people’s consumption habits. And companies, attentive to these trends, start to incorporate positive marketing and sustainable conduct in their production processes. It is worth pointing out that this movement does not originate only from the organised civil society, due to the sustainable awareness acquired, but also arises from pressure from the States themselves, often as protective mechanisms for their internal market. An example of this are the movements for the introduction of social and environmental clauses in order to combat practices identified as “social dumping”. The World Trade Organization (WTO) and the ILO are in discussions about establishing harmonisation principles for environmental and social

<sup>10</sup> A.E.N. Reymão, L. de Fátima Amaral Esteves, K.A. Cebolão, *Globalização e Precarização do Trabalho do the “Pecunheiro” na Economia do Açaí*, in: *O Açaí na Amazônia Brasileira. Aspectos socioeconômicos e jurídicos da cadeia de valor*, eds. A.E.N. Reymão, J.C.M. de Brito Filho, S.E.C. Koury, Rio de Janeiro 2020, p. 9.

<sup>11</sup> H. Melo, *Slave Labor as a Management Practice. Human Rights and Regulation in Brazil*, Rio de Janeiro 2020, p. 14.

<sup>12</sup> <https://sdgs.un.org/2030agenda> [access: 20.01.2022].

rights. One of the most sensitive issues is that of international competition and the question of a just basis for the development of nations. These issues have traditionally stayed in the realm of domestic politics, within the sovereignty of states. The relationship between environment, competition, and social rights is discussed in order to harmonise environmental and labour standards to achieve a more equitable baseline.<sup>13</sup> Cançado points out that the idea of using seals with social criteria to identify a product is not new, as it was proposed at the 85th session of the International Labour Conference in 1997.<sup>14</sup> On the other hand, regardless of the introduction of these rules that would act as seals of compliance, there is a global movement to provide consumers with the necessary information about the history of the product offered to them, such as the eco-labels of the United Nations Environment Programme (UNEP). With eco-labels, we can select products and services according to specific environmental and social criteria and thus, as consumers, show our purchasing decisions. It can be considered that the labeling system, as an instrument of compliance with the principles and rules of sustainable development, becomes an important mechanism in the supply chain. It seems that the use of slave labour is not viable either as an acceptable business management practice or as a means of reducing production costs. Social and economic dumping, besides creating unfair competition, also causes racial segregation, preventing people from achieving socio-economic improvements in their living conditions. It keeps them where they are, threatening their socio-economic development. One point to consider when analysing the supply chain in an economic segment such as the chocolate industry is that the raw material is generally not located in the territory where the final production takes place.

Leissle reminds us that the chocolate we consume starts on a tree.<sup>15</sup> We would add that it starts on a tree growing in a poor country lacking equality, located in Africa, Latin America or the Caribbean. According to the International Cocoa Organization, a record global cocoa production of 5.024 million tons is forecast for the 2020/2021 season.<sup>16</sup> This is the first time the 5 million mark has been surpassed. Record harvests are expected in Côte d'Ivoire (1st global producer) and Ecuador (3rd global producer), due to favourable weather conditions in cocoa producing areas. In terms of contribution to total global production, Africa is expected to remain by far the largest cocoa producing region, accounting for 77% of global cocoa

<sup>13</sup> J.M. Zanolchi, *A Proteção do Meio Ambiente no Comércio Internacional*, Rio de Janeiro 2020, pp. 149–150.

<sup>14</sup> F.B. Cançado, *Social Stamps in the Beef Production Chain. An Alternative Mechanism to Combat Contemporary Slave Labor in Mato Grosso*, Rio de Janeiro 2021.

<sup>15</sup> K. Leissle, *Cocoa*, Cambridge 2018, p. 18.

<sup>16</sup> ICCO, <https://www.icco.org/who-we-are/> [access: 29.05.2021].



production. Africa is the largest producer of cocoa, followed by Latin America, with Ecuador and Brazil taking the top spots. In Brazil, the state of Pará is the largest producer of cocoa. Another very clear example of this reality is the coffee industry, especially the big coffee brands. As an agricultural product, grown in specific regions of the world, it undergoes initial processing in these countries, even if the final processing takes place, for example, in a country located in Europe. In the case of the chocolate industry, a correlation between cocoa sourcing and child and slave labour has already been identified, and there is no doubt that the exploitation of human labour is a reality in several producing regions. In recent years, a number of organisations and journalists have exposed the widespread use of child labour, and in some cases slavery, on cocoa farms in West Africa. Since then, the industry has become increasingly secretive, making it difficult for reporters not only to access farms where human rights violations still occur, but also to release this information to the public. In 2010, government authorities in Ivory Coast arrested three newspaper journalists after they published an article exposing government corruption in the cocoa sector. West African farms supply cocoa to international giants like Hershey's, Mars, and Nestle – revealing the industry's direct connection to the worst forms of child labour, human trafficking, and slavery.<sup>17</sup> Years pass, themes change, but history repeats itself: transnational companies based in developed countries source natural resources and exploit the labour of people from underdeveloped countries, leaving them with the evils of production and social exclusion. After revealing the existence of child and slave labour in the global supply chains of companies selling chocolate, it can be said that these companies are selling dreams, while workers in the same supply chain live a nightmarish reality. It should be noted, however, that these are not straightforward legal proceedings. The complexity of the issue, the multiplicity of actors involved in global supply chains, the lack of adequate legal regulations and the cross-border elements make it difficult for victims to pursue claims. This can unfortunately also result in the dismissal of claims in this area.<sup>18</sup> Behind the packages of chocolate that end up in our homes, there is a lot of sadness and bitterness, destroyed dreams and frustrated desires. Hence, it becomes necessary to analyse the need for control in global supply chains.

<sup>17</sup> Food Empowerment Project, *Child Labor and Slavery in the Chocolate Industry*, <https://foodispower.org/human-labor-slavery/slavery-chocolate/> [access: 3.01.2022].

<sup>18</sup> M. Zbucka-Gargas, *O prawach pracowników w globalnych łańcuchach dostaw*, *Praca i Zabezpieczenie Społeczne* 2020, no. 12.

## 2. The chocolate industry and the need for control of the cocoa supply chain

As stated in the introduction to this study, chocolate is one of the most appreciated, desired and consumed foods in the world. The range of production goes from popular products, including home-made products, to sophisticated chocolates with production centres in Europe. In Brazil, cocoa is a predominant fruit of the Amazon Region, with the State of Pará as the main Brazilian producer. The main producing regions in the world are concentrated in areas with similar climates, which allows us to recognise that the environmental and social conditions are consistent with what is observed in Brazil. The Rainforest Alliance Organization highlights that the cocoa sector faces severe and profound social and environmental challenges, from deforestation and poverty to child labour.<sup>19</sup> In some countries in West Africa, which produces most of the world's cocoa, up to two-thirds of cocoa farmers live in poverty. The value chain is divided between chains that focus on certified production practices (organic products, free from child or slave labour) and chains that focus on creating high value products, but are concerned purely with product characteristics.<sup>20</sup> Poverty often leads to the expansion of farms into critical habitats, resulting in large-scale biodiversity loss. In Ivory Coast and Ghana, cocoa production is a major driver of tropical deforestation. Analysing the supply chain of the chocolate food industry becomes fundamental so that action can be taken to eliminate the use of child and slave labour. Many transnational companies implement CSR as a tool to shape conditions in their value chains and communicate it with internal and external participant in the supply chain. Ollendorf describes a programme for the implementation of proactive CSR strategy in Ghana's cocoa sector and its social results at the local level.<sup>21</sup> What can be seen in this setting is the existential divide in chocolate production, with one world in the northern hemisphere and another in

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<sup>19</sup> Rainforest Alliance, [https://www.rainforest-alliance.org/sites/default/files/2020-05/Rainforest-Alliance\\_impacts\\_report\\_2019\\_4.pdf](https://www.rainforest-alliance.org/sites/default/files/2020-05/Rainforest-Alliance_impacts_report_2019_4.pdf) [access: 2.01.2022].

<sup>20</sup> K. Ricketts, *What Is the 'Value' in the Value Chain Approach? Smallholder Risk Assessment, Mitigation, and Coping Behavior Among High Value and Conventional Cocoa Chains in Ghana*, A Thesis Presented to the Faculty of the Graduate School of Cornell University in Partial Fulfillment of the Requirements for the Degree of Masters of Science, 2012, [https://www.researchgate.net/publication/262372561\\_What\\_Is\\_The\\_Value\\_In\\_The\\_Value\\_Chain\\_Approach\\_Smallholder\\_Risk\\_Assessment\\_Mitigation\\_And\\_Coping\\_Behavior\\_Among\\_High\\_Value\\_And\\_Conventional\\_Cocoa\\_Chains\\_In\\_Ghana](https://www.researchgate.net/publication/262372561_What_Is_The_Value_In_The_Value_Chain_Approach_Smallholder_Risk_Assessment_Mitigation_And_Coping_Behavior_Among_High_Value_And_Conventional_Cocoa_Chains_In_Ghana) [access: 30.05.2023].

<sup>21</sup> F. Ollendorf, *Corporate Social Responsibility in the Global Cocoa Chocolate Chain. Insights from Sustainability Certification in Ghana's Cocoa Communities*, in: *Global Commodity Chains and Labor Relations*, eds. A. Komolossy, G. Musić, Leiden 2019, <https://brill.com/display/book/9789004448049/BP000018.xml> [access: 30.05.2023], pp. 316–337.

the southern hemisphere. A lawsuit has been filed in the United States against the world's largest chocolate food companies for alleged slave labour in cocoa production.<sup>22</sup> Eight children claim they were used as slave workers on cocoa plantations in Ivory Coast. They accuse corporations of aiding and abetting the illegal slavery of “thousands” of children on cocoa farms in their supply chains. Nestle, Cargill, Barry Callebaut, Mars, Olam, Hershey and Mondelēz are named as defendants in a lawsuit filed in Washington by International Rights Advocates, a human rights group, on behalf of child slaves who claim they were forced to work without pay on cocoa plantations in West Africa. The plaintiffs, all from Mali, are seeking compensation for forced labour and additional damages for unjust enrichment, negligent supervision and intentional infliction of emotional distress. This is the first time such a class action lawsuit has been filed against the cocoa industry in a U.S. court.<sup>23</sup>

Behind cocoa production lies a trail of poverty and inequality. Labour analogous to slavery and exploitation of children and adolescents have become commonplace in the harvesting of cocoa, the raw material of chocolate, according to the Public Ministry of Labor, as the documentary “Slavery in the XXI Century” points out. Over the course of 18 days, Câmera Record reporters visited the main producing areas along the Transamazônica highway in Pará, and in the region known as Costa do Cacau, in southern Bahia. The wealth of the market that generates R\$14 billion per year in Brazil (and \$110 billion, about R\$458 billion in the world) and which has led the country to become the seventh largest cocoa producer, is very far away from these places.<sup>24</sup> This wealth does not reach the workers. The largest cocoa producer in the country, the city of Medicilândia in Pará, has 63.5% of its population struggling with poverty; 37.9% of the households have access to a toilet and piped water; the city's per capita income is R\$345.44, the lowest among the four largest cocoa producers in the state. The educational data are also alarming. Only 37.57% of adolescents aged 15 to 17 have graduated from primary school.<sup>25</sup> On 30 November 2018, the Public Ministry of Labor presented the report on working conditions in the cocoa and chocolate production chain. The report “Cocoa Productive Chain: advances and challenges towards the promotion of decent work – situational analysis,” which is the result of a field and production research, concluded that there are

<sup>22</sup> <https://www.theguardian.com/global-development/2021/feb/12/mars-nestle-and-hershey-to-face-landmark-child-slavery-lawsuit-in-us> [access: 24.01.2022].

<sup>23</sup> Ibidem.

<sup>24</sup> Atlas Brasil, 2017, <http://www.atlasbrasil.org.br/> [access: 21.01.2022].

<sup>25</sup> FNPETI, Documentário denuncia trabalho infantil e escravo na colheita do cacau, 1.10.2019, <https://fnpeti.org.br/noticias/2019/10/01/documentario-denuncia-trabalho-infantil-e-escravo-na-colheita-do-cacau/> [access: 4.01.2022].

a number of problems related to working conditions in cocoa production in Brazil, including the occurrence of child labour in the sector. According to the report, in order to understand the positioning of the companies that are part of the cocoa chain, an analysis of their public documents was made, especially of the chain monitoring protocols and the strategies to avoid connections with situations of disregard for human and labour rights. It was conducted in three stages:

1. Collection of documents and public positions of the companies involved in the chain;
2. Analysis of the documents;
3. Comparison of the analysed documents with what was pointed out in the on-site measurements.

These actions were aimed at gathering information to find out if the actions described in these documents are in fact undertaken, when compared to the reality encountered on site by the research team.<sup>26</sup> This work revealed the following as the main characteristics common to the public reports of the companies that participate in the cocoa production chain:

- there are no details of how the chain is monitored,
- the geographical delimitation of the proposed CSR measures is vague,
- there is no indication of how results are measured,
- there is no historical data to track the desired changes,
- the goals presented are ambitious, but the initiatives to achieve them are vague,
- the advances in the fight against child and slave labour are reported in a generic way, without effective actions with results that can be followed up,
- they do not inform where the public can access the systematised results.

New technologies, especially cloud computing, internet of things, artificial intelligence, big data, blockchain, digital platforms and applications can be helpful in eliminating slave labour. These should be used by companies in social audits, eliminating child labour and labour analogous to slavery, and introducing the use of hyper-renewable energy (solar, wind, hydro and biomass).<sup>27</sup> The technologies of the Fourth Industrial Revolution should contribute to a global protection network that promotes decent work, sustainable development, environmental protection and carbon reduction. It should be noted that a very important part of the production processes in the global supply chain is the verification of the working conditions in

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<sup>26</sup> MPT, *Cadeia produtiva do cacau avanços e desafios rumo à promoção do trabalho decente: análise situacional*, 2018, [https://mpt.mp.br/pgt/noticias/publicacao\\_cacau\\_web.pdf](https://mpt.mp.br/pgt/noticias/publicacao_cacau_web.pdf) [access: 28.12.2021].

<sup>27</sup> C.J. da Rocha, H.E. Abaurre, L.V. Porto, *The World of Work and the 4th Industrial Revolution – Collective Labor Law and the 4th Industrial Revolution*, vol. 2, Sao Paulo 2020.

a country. This is relevant to the adoption of public policies by countries to address social inequalities.

According to the Digital Observatory of Slave Labor in Brazil, 91% of workers rescued from slavery between 2003 and 2017 were born in the early 1990s in municipalities whose urban human development index was considered very low by United Nations standards.<sup>28</sup> It is clear that there is a direct relationship between social inequality and the occurrence of slave labour and this reality should be considered as a basis for developing sustainable strategies for companies that source their raw materials from these regions at the risk of ending up on the slave labour map due to their carelessness with the supply chain. In the same way that the Fourth Industrial Revolution is being used to create new products and optimise the media by chocolate food companies, they should also use the new technological tools to control their supply chain, improving the traceability and management of the labour used in the production of chocolate, including generating and publishing performance indicators. It can be acknowledged that some efforts are being made in Brazil to improve the conditions in cocoa production, especially with regard to working conditions and respect for the environment. One such initiative is Cocoa Action Brazil, linked to the World Cocoa Foundation (WCF). Cocoa Action Brazil is a pre-competitive, broad public-private initiative in the cocoa sector that aims to foster sustainability, with a focus on the cocoa farmer. Started in Brazil in January 2018 and officially launched in October of the same year, it is a unique initiative in the sector, based on collaboration to equalise and develop the cocoa chain in the country, promoting knowledge exchange and synergies with existing work, in order to improve the productivity and profitability of producers, with a special focus on sustainability.<sup>29</sup> Sustainable development requires from the chocolate food industry a profound change in its supply chain, involving both the eradication of child and slave labour, as well as the use of hyper-renewable energy, so that the carbon footprint can be reduced or even zeroed.

In Brazil, the Criminal Code defines the crime of reduction to a state analogous to slavery in Article 149, stipulating that reducing someone to a state analogous to slavery, whether by subjecting him to forced or gruelling labour, or to degrading working conditions, or by restricting his mobility in any way as a result of a debt to an employer or representative, provides for imprisonment of two to eight years and a fine, in

<sup>28</sup> ILO, *Global Estimates of Modern Slavery. Forced Labour and Forced Marriage*, 2017, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf) [access: 20.01.2022].

<sup>29</sup> Cocoa Action Brazil, <https://www.worldcocoaoundation.org/initiative/cocoaaction-brasil-por/> [access: 3.01.2022].

addition to a penalty corresponding to violence. Paragraph 1 stipulates that the same penalties apply to those who restrict an employee's use of any means of transportation in order to keep him or her at the workplace; or who maintain overt surveillance at the workplace or come into possession of an employee's documents or personal effects in order to keep him or her at the workplace. Paragraph 2 stipulates that the penalty is increased by half if the offense is committed against a child or adolescent; or on the basis of race, color, ethnicity, religion or background prejudice.

The federal Constitution stipulates in Article 243 that rural and urban properties in any region of the country found to be illegally cultivating psychotropic plants or using slave labour, according to the law, shall be expropriated and allocated for land reform and public housing programmes, without compensation to the owner and without prejudice to other penalties provided by law, subject, if necessary, to the provisions of Article 5. The regulation further stipulates that any goods of economic value seized as a result of illegal trafficking of drugs and related narcotics and the use of slave labour shall be confiscated and placed in a special fund with a specific purpose.

In the doctrine of labour law, there is a principle of interchangeability established by Mauricio Godinho Delgado, who defends the existence of a minimum level that ensures for the working person a level of dignified functioning, which is provided for, "basically in three converging groups of heteronomous labor norms: 1) constitutional norms in general; 2) norms of international treaties and conventions in force in the Brazilian internal plan, and 3) infra-constitutional norms."<sup>30</sup> Therefore, international norms, especially those established by the International Labor Organization, in addition to being implemented into the Brazilian legal system, integrate the framework of civilization's minimum. To date, Brazil has ratified 80 International Labor Organization conventions. It should be noted that this year, ILO Convention 182 (Elimination of the Worst Forms of Child Labour), achieved universal status, becoming the first to be ratified by all member states.

It is also worth mentioning that it is recognised that decent work is the result of the implementation of ILO international conventions: 29 (forced labour), 87 (freedom of association), 98 (right to organise and bargain collectively), 100 (equal pay), 105 (abolition of forced labour), 111 (discrimination in terms of employment and occupation), 138 (minimum age for admission to employment) and 182 (elimination of the worst forms of child labour). Therefore, given the Brazilian normative plan and its compliance with international law, there are norms in place to combat slave labour in Brazil, as there is a real model to apply.

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<sup>30</sup> M.G. Delgado, *Direito Coletivo do Trabalho*, 5th ed., São Paulo 2003, p. 30.

## Final considerations

In light of all that has been exposed in this study, we realise that, unfortunately, slave labour, despite being illegal, is still a reality in the various global supply chains even after centuries of struggle for the eradication of human labour exploitation. Embedded in the social and economic dynamics of companies, several factors contribute to its maintenance, since the inadequate protection of victims, the disregard for human beings, and the social invisibility of this phenomenon are present in today's society. It is increasingly noticeable that forced labour has been on the rise, and in addition to still being present in the most primary production chains, it also gained a new guise, with new forms of work. A dialogue between national and international legal systems is necessary to ensure that the chocolate consumed by people all over the planet is healthy and tasty, and that no person is harmed in the production of the food that is supposed to bring joy and sweetness to people's homes. Let it be a sweet product for everyone, not just some of us.

The use of slave and child labour in the cocoa supply chain, the raw material for the chocolate industry, is a common practice, which also contributes to unfair competition, since it allows economic advantages to be obtained by reducing the final cost of the product (social dumping). It is essential that the reality of these workers and the social impacts caused by the cocoa production chain be widely disseminated, so that society is aware of the various violations that occur, ranging from the exploitation of human labour to deforestation. Moreover, it is essential that companies in this economic sector invest in the use of new technologies of the Fourth Industrial Revolution to monitor and control the entire supply chain, since such technologies can contribute to the emergence of a global protection network, capable of promoting decent work and sustainable development. Those responsible for the exploitation of child labour are not only their direct employers, but all entrepreneurs who benefit from the low costs brought about by the employment of children and those who have remained passive in the face of probable suspicions that human rights abuses may be used for profit.<sup>31</sup> It is also important to highlight the fundamental role that society and the Public Power play in the fight against slave labour in this production chain, both in the inspection and reporting of violations, and in the condemnation of companies that exploit slave and child labour, since the enrichment of companies cannot be allowed to come at the expense of human

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<sup>31</sup> J. Dymowski, *Praca dzieci w świetle koncepcji społecznej odpowiedzialności biznesu, norm ją regulujących oraz wytycznych sprawozdawczości pozafinansowej*, Dziecko Krzywdzone. Teoria, Badania, Praktyka 2015, vol. 14, no. 2, pp. 23–43.

overexploitation. Therefore, it is clear that the cocoa sector faces many social and environmental challenges, making it extremely necessary to analyse this production chain so that effective measures to eradicate the use of child and slave labour are taken within the chocolate food industry. Otherwise, the non-compliance with the norms regarding the prohibition of slave labour will continue in this branch of production.

## Bibliography

- Cançado F.B., *Social Stamps in the Beef Production Chain. An Alternative Mechanism to Combat Contemporary Slave Labor in Mato Grosso*, Rio de Janeiro 2021.
- Chomsky N., *Profit over People. Neoliberalism and Global Order*, Rio de Janeiro 2020.
- Delgado M.G., *Direito Coletivo do Trabalho*, 5th ed., São Paulo 2003.
- Dymowski J., *Praca dzieci w świetle koncepcji społecznej odpowiedzialności biznesu, norm ją regulujących oraz wytycznych sprawozdawczości pozafinansowej*, Dziecko Krzywdzone. Teoria, Badania, Praktyka 2015, vol. 14, no. 2.
- Food Empowerment Project, *Child Labor and Slavery in the Chocolate Industry*, <https://food-ispower.org/human-labor-slavery/slavery-chocolate/> [access: 3.01.2022].
- Leissle K., *Cocoa*, Cambridge 2018.
- Meirinho A., *Decent Trap and Social Security. The Cliquet Effect and the Construction of the Beveridgian Existential Minimum*, Curitiba 2021.
- Melo H., *Slave Labor as a Management Practice. Human Rights and Regulation in Brazil*, Rio de Janeiro 2020.
- Ollendorf F., *Corporate Social Responsibility in the Global Cocoa Chocolate Chain. Insights from Sustainability Certification in Ghana's Cocoa Communities*, in: *Global Commodity Chains and Labor Relations*, eds. A. Komolosi, G. Musić, Leiden 2019, <https://brill.com/display/book/9789004448049/BP000018.xml> [access: 30.05.2023].
- Reymão A.E.N., de Fátima Amaral Esteves L., Cebolão K.A., *Globalização e Precarização do Trabalho do the "Peconheiro" na Economia do Açaí*, in: *O Açaí na Amazônia Brasileira. Aspectos socioeconômicos e jurídicos da cadeia de valor*, eds. A.E.N. Reymão, J.C.M. de Brito Filho, S.E.C. Koury, Rio de Janeiro 2020.
- Ricketts K., *What Is the 'Value' in the Value Chain Approach? Smallholder Risk Assessment, Mitigation, and Coping Behavior Among High Value and Conventional Cocoa Chains in Ghana*, A Thesis Presented to the Faculty of the Graduate School of Cornell University in Partial Fulfillment of the Requirements for the Degree of Masters of Science, 2012, [https://www.researchgate.net/publication/262372561\\_What\\_Is\\_The\\_%27Value%27\\_In\\_The\\_Value\\_Chain\\_Approach\\_Smallholder\\_Risk\\_Assessment\\_Mitigation\\_And\\_Coping\\_Behavior\\_Among\\_High\\_Value\\_And\\_Conventional\\_Cocoa\\_Chains\\_In\\_Ghana](https://www.researchgate.net/publication/262372561_What_Is_The_%27Value%27_In_The_Value_Chain_Approach_Smallholder_Risk_Assessment_Mitigation_And_Coping_Behavior_Among_High_Value_And_Conventional_Cocoa_Chains_In_Ghana) [access: 30.05.2023].



- da Rocha C.J., Abaurre H.E., Porto L.V., *The World of Work and the 4th Industrial Revolution – Collective Labor Law and the 4th Industrial Revolution*, vol. 2, Sao Paulo 2020.
- Sakamoto L., *O Trabalho Escravo Contemporâneo*, in: L. Sakamoto, *Escravidão Contemporânea*, São Paulo 2020.
- Silva A.A., *The Management of Brazilian Social Security. Between Public Policy and the Market*, São Paulo 2007.
- Zanocchi J.M., *A Proteção do Meio Ambiente no Comércio Internacional*, Rio de Janeiro 2020.
- Zbucka-Gargas M., *O prawach pracowników w globalnych łańcuchach dostaw*, *Praca i Zabezpieczenie Społeczne* 2020, no. 12.
- Zbucka-Gargas M., *Zapobieganie pracy dzieci w globalnych łańcuchach*, *Monitor Prawa Pracy* 2021, no. 4.

