

Is berry picking forced labor?

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Are migrant berry pickers forced labourers? Their situation actually meets several of the criteria in international conventions on forced labour claims REMESO researcher Charles Woolfson and his colleagues, who have also criticised Swedish legislation in that it is ineffective.

Berry pickers from [Asia](#) and [Eastern Europe](#) who are brought to the Swedish forests each year may be subjected to forced [labour](#). Charles Woolfson is a researcher at REMESO – The Institute for Research on Migration, Ethnicity and Society, at Linköping university.

In conjunction with two colleagues, Woolfson has reviewed the events of the summer of 2010, when 4,000 Asian berry pickers came to Sweden on a contract that guaranteed them a fixed salary and working conditions in accordance with existing collective agreements. This contract was broken, though, by a company simply withholding money from their employees. In September it became apparent that the company's owners had emptied its accounts and disappeared.

Woolfson et al have reviewed the criteria that are typical of forced labour according to the International Labour Organisation's (ILO) definition. Threats of punishment and workers not offering their services voluntarily are two of these criteria. Refusing to pay wages and threatening to hand workers over to the police can be characterised as threats of punishment, the researchers assert.

They associate the issue of voluntarism with the information that the

pickers received in their native countries when they were recruited. If the working conditions that they accepted voluntarily are not consistent with the real conditions, then the question arises of how unforced the agreement becomes.

Sweden has ratified both the ILO convention No. 29 on forced labour and the Council of Europe's Convention on Human Rights, which forbids slavery, servitude and forced labour.

"However Swedish laws and institutions are not equipped for events like these," says Woolfson. "Sweden is watchful of trafficking but has been less alert when it comes to forced labour. The legislation is unclear and there is a lack of guiding precedents"

The famous Swedish model is relatively ineffective when faced with the new globalised labour market that is emerging, claims Woolfson.

"It is based on two strong and well-organised parties that negotiate on a relatively unregulated labour market, and who honour agreements entered into with honest intentions."

More stringent requirements slowed the influx of berry pickers from countries outside the EU in 2011. Instead the forests were filled with berry pickers from EU countries in central and Eastern Europe, for whom no work permits are necessary, and once again there were complaints about non-payment of wages and inhuman work demands.

More information: The original article has also been published in the current issue of the *International Journal of Comparative Labour Law and Industrial Relations*.

Provided by Linköping University

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