

**Labor Conditions in the Costa Rican Sugar Industry
By ASEPROLA and the International Labor Rights Fund**

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Table of Contents

I.	INTRODUCTION.....	4
	1. General Aspects of the Sugar Cane Industry in Costa Rica	4
	1.1 <i>Economic Data on the Sugar Cane Industry in Costa Rica</i>	5
	1.2 <i>Percentages of Production for Domestic Consumption and For Export</i>	9
	1.3 <i>Characteristics of the Markets that Purchase Exports</i>	9
	2. Crises, Mechanization and Opening	10
	2.1 <i>The Crises</i>	10
	2.2 <i>Mechanization</i>	11
	3. Organization of the Sector: La Liga Agrícola Industrial de la Caña de Azúcar	11
	4. Description of the Companies Involved	12
	5. The Sugar Agro-Industry in Costa Rica	13
	5.1 <i>Field Production: Plantations and Small Farms</i>	13
	5.2 <i>Processing</i>	13
	6. Relationship Between Cultivators and Processors	14
	7. Working Conditions	15
	7.1 <i>Situation of the Workers at the Processing Plants</i>	15
	7.2 <i>Hiring</i>	15
	7.3 <i>Salaries</i>	16
	7.4 <i>Occupational Risks</i>	17
	7.5 <i>Labor Rights</i>	17
II.	FIELD RESEARCH WITH SUGAR CANE WORKERS.....	20
	1. Methodology	20
	2. The Northern Zone and Guanacaste	22
	2.1 <i>The Northern Zone: Production Characteristics and Labor Conditions</i>	22
	2.2 <i>Guanacaste: Production Characteristics and Labor Conditions</i>	24
	3. Working Conditions of the People Employed by Sugar Refineries	26
	3.1 <i>Social Demographic Profile of People Interviewed</i>	26
	3.2 <i>Labor Integration of Sugar Refinery Workers</i>	29
	3.3 <i>Labor Conditions</i>	31
	3.3.1 <i>Workday</i>	31
	3.3.2 <i>Length of Workweek</i>	31
	3.3.3 <i>Contract Details</i>	31
	3.3.4 <i>Daily income</i>	32
	3.3.5 <i>Insurance</i>	33
	3.3.6 <i>Supply of Work Equipment</i>	34
	3.3.7 <i>Labor Organization</i>	34
	4. Labor Conditions of Sugarcane Harvest Workers	34
	4.1 <i>Social Demographic of People Interviewed</i>	35
	4.2 <i>Labor Integration of Sugarcane Harvest Workers</i>	37
	4.2.1 <i>Years of Working in Sugarcane Harvesting</i>	37

4.2.2	<u>Tasks Realized</u>	37
4.2.3	<u>Period of the Year Working the Sugarcane Harvest</u>	37
4.3	<u>Labor Conditions</u>	38
4.3.1	<u>Workday</u>	38
4.3.2	<u>Length of Workweek</u>	38
4.3.3	<u>Contract Details and Form of Payment</u>	39
4.3.4	<u>Daily Income</u>	39
4.3.5	<u>Recognition of Overtime</u>	40
4.3.6	<u>Housing During the Sugarcane Harvest</u>	40
4.3.7	<u>Insurance</u>	40
4.3.8	<u>Affiliation with Pension Systems, Protection from Firing, etc.</u>	40
4.3.9	<u>Medical Assistance and Incidences of Illness</u>	41
4.3.10	<u>Supply of Work Equipment</u>	41
4.3.11	<u>Utilization of Chemicals</u>	42
III.	FINAL REFLECTIONS	43
	BIBLIOGRAPHY	46
	Appendix A: The Convention for Importing Labor	49
	Appendix B: Interview with Johnny Ruiz	50

I. INTRODUCTION

In recent years, various external and internal processes have modified Costa Rica's economic activities. These processes include the country's insertion into the globalized market, the opening of its market, its integration into economic and financial blocks, and changes in the internal social and economic model that have transformed essential activities in the country's development. It is in this context that we will analyze the sugar industry, in which producers, processors, and field workers have been impacted in different ways.

Sugar production is concentrated in a group of similarly-sized (about 300 hectares) sugar plantations. The productive processes, however, differ, based on access to resources, credit, and labor. There are about 7,000 independent producers who face problems related to technological development, mechanization, working conditions, and relations with contractors. On the other hand, the development and expansion of this activity has coincided with an increase in international migration to Costa Rica, especially with respect to the Nicaraguan immigrants that contribute significantly to the labor force at harvest time. This situation determines the working conditions of a large number of workers.

We have produced this report in order to go into these variables in more depth. The objective of this report is to develop a diagnostic on the sugar cane industry activity. It has been prepared by ASEPROLA (Asociación Servicios de Promoción Laboral) at the request of the International Labor Rights Fund (ILRF), as part of continuing collaboration between these organizations to promote and defend workers' rights in the region.

This study began with the gathering, systematization and analysis of secondary source information. We mapped the main web pages related to the sugar industry, including Liga Agrícola Industrial de la Caña de Azúcar (LAICA), Comercio Exterior (COMEX), Promotora de Comercio Exterior (PROCOMER), Secretaría Ejecutiva de Planificación Sectorial Agropecuaria (SEPSA), Sistema de información del Sector Agropecuario Costarricense (INFOAGRO), and journalistic information from the main national newspapers (*La Nación*, *La República*, *La Prensa Libre*, *Al Día*, and *La Extra*). We also reviewed research reports, articles, and other documents related to the issue. It is important to mention the information obtained in technical reports by the Área Técnica de Migraciones Laborales (ATML) of the Ministry of Labor and Social Security (hereafter referred to as MTSS). We conducted an interview with the head of this agency, Johnny Ruiz, which is incorporated in the appendix of this report.

1. General aspects of the sugar cane industry in Costa Rica

The sugar cane agro-industry is one of Costa Rica's main economic and productive activities. Chávez (1994) says that this activity has represented a fundamental export that has allowed Costa Rica to broaden and diversify their export products in the last 30 years, and that it is one of the most important agricultural products for domestic consumption,

because it generates jobs and financial resources for the country, and has led to the elimination of sugar imports (Chávez, 1994:1).

With respect to the generation of employment, sugar production permanently employs 20,000 workers (including independent producers and personnel from processing plants)¹ as well as an important number of temporary workers during harvest time. It has been estimated that there are about 30,000 workers linked to this industry (LAICA).

In addition, the industry generated about \$42 million in export earnings in the 2003-4 harvest, a figure that is about 10% higher than the earnings from the 2002-3 harvest, which totaled \$38 million.

About 7 million 50-kg bags of sugar are produced annually, of which 4 million are destined for internal consumption. This allows the country to depend on national production and avoid importing sugar.

The Costa Rican sugar production impacts specific localities in the country. Some zones, like Región Huetar Norte, where San Carlos and its plantations are located, provide raw material to other zones. It also forms part of the chain of productive structures in the Zona Norte and Pacífico Seco (plantations producing sugar in the Guanacaste province), where the workers primarily come from Nicaraguan border communities.

1.1 Economic Data on the Sugar Cane Industry in Costa Rica

Sugar production in Costa Rica totals about 300,000 metric tons (hereafter referred to as MT) per harvest. The harvest occurs during the first four months of the year (Shadid, 2000)².

This production has been steadily increasing. Production totaled 370,000 MT during the 2003-4 harvest, which represented an increase of about 5% from the previous year. In 2004, it is expected that production will increase 5.4% to 390,000 MT (*Prensa Libre*, April 26, 2004).

This increase in production can be attributed to two processes. On the one hand, it is the result of an increase in the planted area, which increased from 44,200 hectares in 1997 to 48,000 hectares in 2001 (*La Nación*, November 1, 2003) and which currently totals about 51,000 hectares. It is also due to the industry's insertion into open and competitive markets, which demand that a certain number of metric tons of sugar be provided each year by the Costa Rican plantations.

The sugar is produced by a total of 16 sugar plantations and about 6,000-7,000 independent producers whose property varies from 1 to 600 hectares. According to the

¹Represents 2.6% of the EAP without including the many extra workers required during the harvest period (LAICA web page). The gathered information does not give the exact number of male and female workers in each mill or plantation.

² On the next page there is a diagram explaining the production process for cane production in general.

Liga Agrícola Industrial de la Caña de Azúcar (LAICA), the tenancy structure of the land shows that 90% of the sugar cane producers have less than 7 hectares of land under sugar cane production (LAICA official web page, www.laica.co.cr).

At the beginning of this decade, sugar represented 0.5% of national exports, and was in the process of being consolidated as one of the stable products in the national food industry. It has grown at a rate of about 3% annually.

Box #1

Sugar cane agro industry: The process

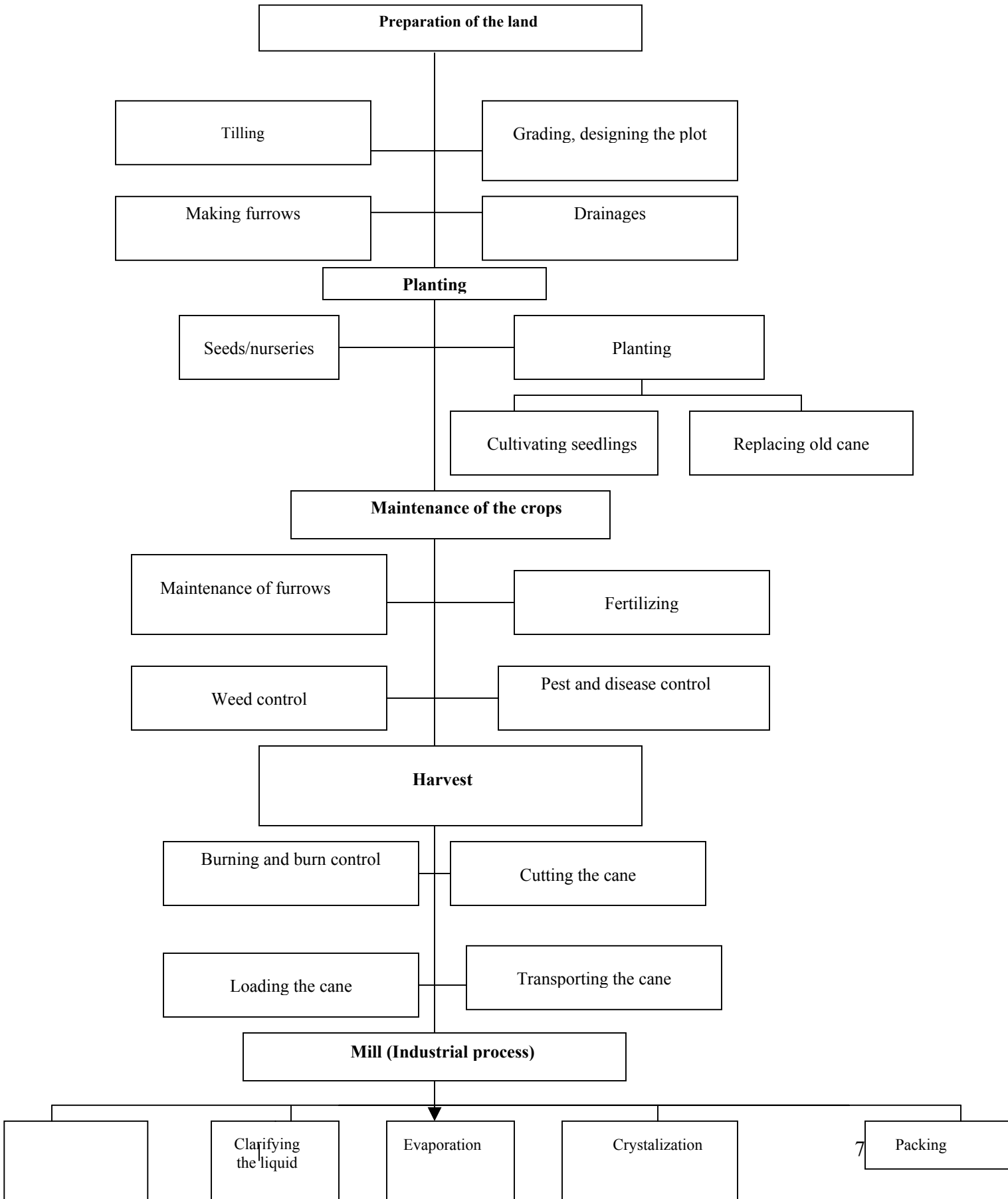
The milling of the sugar cane begins in Guanacaste in the first week of December. This process is initiated by the largest plantations, including Taboga, CATSA, El Viejo and El Palmar, followed in January by those with smaller capacity, situated in the Central Valley, Central Pacific, and Southern regions, where sugar plantations San Ramón, Costa Rica, La Argentina, El General, El Provenir, La Providencia and La Victoria are located.

The last plantations to begin milling are Cutris, Quebrada Azul and Santa Fé, which are located in the Northern region, and Atirro and Juan Viñas in the Atlantic region.

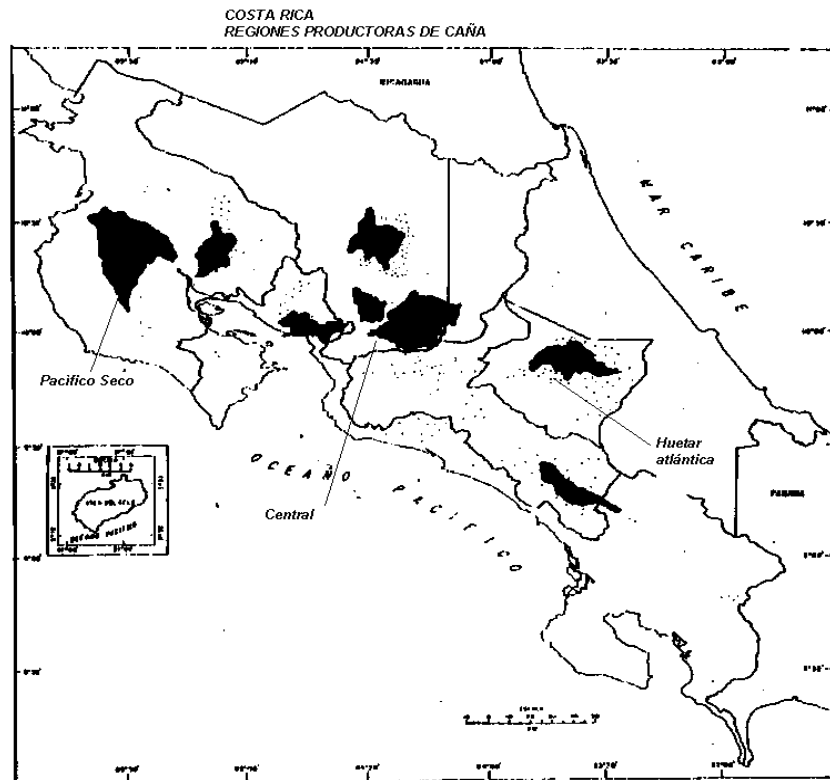
Traditionally, the producing and industrial sectors directly employ about 30,000 workers for this period, which lasts from December to May.

La República, Nov 26, 2003

Diagram 1
The production process for sugar cane in Costa Rica



There are six sugar cane zones in the country: Guanacaste, Puntarenas, San Carlos, Turrialba (Juan Viñas), the Southern Zone, and the Central Valley (LAICA www.laica.co.cr). Map 1 shows the location of the main Costa Rican sugar cane regions, which are concentrated in the dry Pacific region (Guanacaste), Central Valley (Alajuela, San José) and Huetar Atlántica (Juan Viñas de Turrialba).



3

Source: Chávez, 1994

The group of sugar mills in the dry Pacific region of Guanacaste make up 25% of the total mills in the country and represent 59% of the total metric tons of cut cane and 55% of the sugar produced. The following table summarizes the amount of hectares planted according to region, and presents the differences between the activities carried out by the sugar mills and the independent producers.

TABLE 1
Costa Rica
Hectares planted in sugar cane
Harvest 2001-2002

Region	Hectares planted (mill)	Hectares planted (independent producers)	Totals
Huetar Norte and Central Pacific	4,000	3,200	7,200
Dry Pacífico	18,050	15,000	33,050
Huetar Atlántica/1	2,105	2,970	5,075
Totals	24,200	21,170	45,370³

1/ The data in this table for the Huetar Atlántica region are for the 2000-1 harvest, because that is how the Ministry of Labor did it through the Área Técnica de Migraciones Laborales.

Source: MTSS 2002.

1.2 Percentages of Production for Domestic Consumption and For Export

The amount of sugar destined for internal consumption and for export has varied. In the 1990s, between 70% and 80% of sugar produced in Costa Rica was consumed internally, and the rest was exported to markets such as the United States. In 1993, a high percentage of the exported sugar (80%) was sent to the US, which then re-exported 60%⁴. Between 1988 and 1993, Costa Rica also exported sugar to Korea, Mexico, the USSR, and Nicaragua (*Documento políticas y prácticas comerciales por sectores*, Internet).

From 2000 to 2001, sugar exports increased by 26%. In 2000, 48% was exported and the remaining 52% was for domestic consumption (*La Republica*, August 27, 2001).

Although a significant proportion of sugar production is used to satisfy domestic demand, the percentage destined for export has been increasing considerably. One of the reasons for this change is the opening of important markets such as Canada.

1.3 Characteristics of the Markets that Purchase Exports

Costa Rica exports to markets that consume large quantities of sugar, such as the United States. In 2002 Costa Rica started to export “refined”⁵ sugar to Canada, thanks to the new Free Trade Agreement (FTA). Costa Rica also explored a new market, Japan (*La República*, Nov. 15, 2002).

³ Note that the number of planted hectares was 45,000 for this harvest. For the 2003-4 harvest, it was estimated at 51,000, which shows that production has increased in recent years.

⁴ We did not have information about the markets to which the US reexported sugar received from Costa Rica.

⁵ Sugar for mass consumption.

The following table shows sales of sugar from Costa Rica to other markets.

TABLE 2
SUGAR EXPORTS
- Metric tons-

COUNTRY	METRIC TONS
Canada	8,000
Bahamas	3,500
Chile	1,500

Source: La Prensa Libre April 26, 2004

2. Crises, Mechanization, and Opening

The sugar cane industry is an important activity in the Costa Rican economic and productive structure, and shows signs of evolution in its development. However, an analysis of this activity cannot ignore certain circumstances that have marked important tensions and that should be analyzed as the result of structural processes that impact the industry on both the local and national levels.

2.1 The Crises

The sugar cane industry is not exempt from being affected by factors outside of the Costa Rican economy that can produce crises in this sector. These factors include varying international sugar prices,⁶ climatic factors (rain and droughts), the participation in the international market of strong competitors like Brazil, the protectionist policies enacted by Europe and the US, and the closure of important sources of internal credit.

We should also mention the effect of the reduction of the quota offered by the United States as a result of the substitution of sugar by sweeteners made from corn. This reduction has been systematic: In 1999, the US allowed the importation of 20,000 metric tons of sugar; this decreased to 15,000 MT in 2003.

Finally, the sector has also been shaken by strong credit restrictions (which primarily hurt independent producers) as the result of changes in the financing policies of the state bank.

Box #2

The mechanization of sugar production: Hope for salvation?

According to its representatives, the Santa Fé sugar refinery will close its doors in 5-8 years despite the fact that they have mechanized 40% of their cultivation. Their land will be urbanized, implying an agricultural loss for the country, because these lands are highly productive. It will also mean the loss of 100 permanent and 160 temporary jobs. They reject any suggestion of changing the crops, because they have already done so (they have cultivated heart of palm, macadamia nuts, and coffee), and it has not given them the results they hoped for given the growing instability of international prices for agricultural products.
(MTSS 2002)

⁶ Sugar prices at the international level have been static for several years, and the devaluation has only partially covered the internal inflation index, because a high percentage of production goes to the national market, which means that internal prices are greatly influenced by international prices to remain the same.

2.2 Mechanization

As part of the strategy to lower costs and compete in the international markets, mechanization has been identified as a way to save operating costs and speed up the collection of cane and factors related to cutting and quality.

This process has been defined as irreversible, as the result of governmental guidelines that indicate that burning cane will not be allowed in 2005. This means that the cutting must be done when the cane is green, which requires the use of machinery.

Mechanization requires a significant amount of capital, which is found only in the large sugar refineries. The cost of acquiring harvesting machines is burdensome in the short term (the cost of one machine is about \$250,000, and the associated equipment, including spare parts and maintenance tools, costs an additional \$125,000) but in the long term it can reduce costs by about 61% per metric ton harvested⁷ (MTSS 2002).

It therefore appears that mechanization will determine the survival of the sugar refineries, given the decrease in international prices, which necessitates a reduction in production costs. But, at the same time, it implies the elimination of jobs, because the machines are used instead of human labor. This can be observed today in the Guanacaste region, where mechanization has been incorporated into cane production due to the topographic conditions⁸. The harvesting machines are very heavy, and require dry, compact, and uniform land, which are conditions only found in Guanacaste.

In this region, mechanization has led to a decrease in personnel at the sugar refineries. These refineries hired about 1,100 workers for the 1998-99 harvest, but only 700 for the 1999-2000 harvest. By 2003, they were hiring only 400 workers. The following table shows the evolution of the immigrant labor force in this region, and shows the impact of mechanization on employment opportunities.

3. Organization of the Sector: La Liga Agrícola Industrial de la Caña de Azúcar.

The Liga Agrícola Industrial de la Caña de Azúcar (LAICA), a non-profit public institution, was created in 1965. It brings together the Federación de Cámaras de Productores de la Caña and the Cámara de Azucareros and is funded by their members. Its board of directors is comprised of 2 representatives from each chamber, as well as by the Ministry of Agricultura and Cattle raising (MAG) and the Ministry of Economy, Industry, and Commerce (MEIC) (*Documento políticas y prácticas comerciales por sectores*, Internet). Its organizational structure has two divisions:

- Corporate division, governed by public law (represented by a board of directors).
- Commerce division, governed by private law (Controlled by a council in charge of the commerce activities and their financing) (LAICA website).

⁷ One manually cut ton costs a total of 1,272 colones (\$2.50), including social security costs. One machine-cut ton costs only 500 colones (\$1.25).

⁸ Extensive and flat land, where a machine can easily operate.

Its objective is to guarantee fair and equitable relations between producers and the industry. To accomplish this, it intervenes in all activities related to sugar: purchasing, imports, exports, storage, distribution, and commercialization of the sugar and sub products produced in the country. As of January 1995, anyone can engage in the importation or exportation of sugar (*Documento políticas y prácticas comerciales por sectores*, internet)

The Federación de Cámaras de Productores de Caña was founded on January 10, 1972. It represents the sugar sector in general, and particularly before the Liga Agrícola e Industrial de la Caña de Azúcar, appointing a number of its members to it. The Federation's affiliates are: the Cámara de Productores de Caña del Atlántico, the Cámara de Productores de Caña de Esparza (Pacific), the Cámara de Productores de Caña de Guanacaste, the Cámara de Productores de Caña del Pacífico, the Cámara de Productores de Caña de San Carlos (Northern region) and the Cámara de Productores de Caña de la Zona Sur.

The Cámara de Azucareros is the organization comprised of 16 sugar producers in Costa Rica. It was created on November 21, 1949, in order to promote the growth of the industry, cooperate in resolving problems, promote good relations between sugar and sweets producers, recommend measures to improve the well-being of workers, and promote initiatives contribute to the development of the country. The sugar mills that make up the Cámara are located in four zones: the Pacific, Guanacaste, San Carlos, and Turrialba.

Until May 1994, the Ministry of Economy, Industry and Commerce (MEIC) was in charge of setting the price of sugar for consumers. Currently, LAICA calculates the prices based on the costs of production. The producers and sugar mills receive a specific proportion of the total, keeping in mind the income from the sales of sugar and its sub products in the external and internal markets, after subtracting the costs of operating the organization.

4. Description of the Companies Involved

As indicated earlier, the national sugar industry includes 7,000 independent producers and 16 mills located all over the country. In Costa Rica, there are about 51,000 hectares producing 6.8 million 50-kg bags of sugar.

There are 3 mills that function as cooperatives: Coopecañera de San Ramón, Coopeagri de San Isidro de El General and Coopevictoria de Grecia. The rest of the mills are corporations (*La República*, May 14, 2001).

5. The Sugar Agro-Industry in Costa Rica

5.1 *Field Production: Plantations and Small Farms*

The cane is cultivated in six of the country's seven provinces, but cultivation is concentrated in Guanacaste and the northern part of Puntarenas, where 55.25% of the national sugar is produced and 56.15% of the raw material is processed. The Central Valley (Alajuela, Heredia, San José) and the cantons of Turrialba and Jiménez (Juan Viñas) are the most traditional regions of sugar production (Chávez, 1994:4).

According to authorities from the sector, sugar production is guided by democratic principles, including the encouragement of participation by small and medium-sized producers through technical support and the defense of their rights. The landholding structure shows that 90% of the cane producers have less than 7 hectares of land (LAICA website).

In the regions of Huétar Norte and the Central Pacific, 10% of the small and medium-sized producers are considered very small, because they produce less than 3 tons daily. In these cases, the producers harvest the cane themselves, or with the help of family members,⁹ and do not need to use salaried workers (MTSS 2002).

5.2 *Processing*

There are 16 sugar mills in the country, located in 4 regions: Pacific Central region, Dry Pacific region, Huetar Norte and Huetar Atlántica..

TABLE 3
COSTA RICA
Active sugar mills

Region and mill	Location
Central Pacific	
Argentina	Grecia, Alajuela
Costa Rica	Grecia, Alajuela
Coopeagri	San Isidro, Pérez Zeledón
Porvenir	Grecia, Alajuela
Providencia	Grecia, Alajuela
Coopecañera	San Ramón, Alajuela
Coopevictoria	Grecia, Alajuela

⁹ The information gathered did not give details about gender. But we infer that much of this “family activity” is provided by women, workers’ wives, and also child labor.

Dry Pacific	
El Palmar	Puntarenas, Puntarenas
Taboga	Cañas, Guanacaste
Catsa /1	Liberia, Guanacaste
El Viejo	Carrilo, Guanacaste
Huetar Norte	
Cutris	San Carlos, Alajuela
Quebrada azul	San Carlos, Alajuela
Santa Fe	San Carlos, Alajuela
Huetar atlántico	
Atirro	Turrialba, Cartago
Juan Viñas	Jiménez, Cartago

1/ Central Azucarera del Tempisque. Source: MTSS 2002

Although we do not have detailed information about the owners of the sugar mills, and their participation in the political life of the country and internationally, we are aware of the participation of the Arias Sánchez brothers (Oscar and Rodrigo) who are the owners of mills in Taboga, Guanacaste. These brothers, and particularly Oscar Arias, have had significant influence in the development of the country as political figures and recognized defenders of globalization.

We are also aware that the Jiménez de La Guardia and Ortuño families, which own the Juan Viñas mill, are also large shareholders of the *La Nación* newspaper, which has great political and economic influence in the country.

6. Relationship Between Cultivators and Processors

The relationship established between sugar mill producers and independent producers varies greatly from region to region. Some mills, such as Juan Viñas, El Porvenir and Providencia, primarily process sugar that they cultivate themselves. Others, such as El General, San Ramón and Cooperativa Victoria, process sugar provided by independent producers.

In some regions, the participation of independent producers is more important, because they provide most of the raw material used for industrial processing. This is true in the Central Valley and Southern regions. The quality of the raw material is often different from that produced by the large mills.

7. Working Conditions

7.1 Situation of the Workers at the Processing Plants

There are solidarity organizations in four processing plants, as shown in the following table:

TABLE 3
Registered social organizations in the sugar industry

Organization	Place	Number of affiliates
ASAEVSA Solidarity association of employees of El Viejo sugar company and affiliated companies.	Guanacaste	305 affiliates
ASECATSA Solidarity association of employees and workers of Tempisque.	Guanacaste	263 affiliates
ASECATUSA Solidarity association of employees of Central Azucarera Turrialba	Cartago	40 affiliates
ASOAP Solidarity association of employees at the office of El Palmar sugar company.	San José	14 affiliates
Total		822

Source: Departamento de Organizaciones Sociales. MTSS 2004.

This table allows us to identify some interesting elements. It shows the importance of the companies located in Guanacaste, in terms of production, job generation, and the number of workers affiliated to solidarity organizations. But it also shows the absence of other types of organizations, like unions, which could do distinctly different work to defend the rights of the workers.

7.2 Hiring

According to Johnny Ruiz, head of the Área Técnica de Migraciones Laborales, the use of contracts is recent, and occurs as a result of controls exercised by the MTSS after it detected abuses against workers and particularly against immigrants.

In recent times we have...started to see some process of creating contracts in companies that had already had documents with the contractors. Many of these mills sign contracts with contractors to set a basis for responsibility; this used to be unregulated (May 3, 2004 interview).

In effect, independent producers who do not receive the cutting services of the mills hire workers, generally through small intermediaries or directly. These hiring practices happen especially with undocumented immigrant workers, because there is a cost advantage. Social security payments are made partially or not at all (although many times the workers' salaries are reduced as if the payments were being made)¹⁰.

Workers' rights are violated because in most cases they are not paid for vacations, or given Christmas bonuses or redundancy payments. The absolute availability of these workers is an advantage for the employers, because they can be used at the moment and for the shift and duration (ranging from days to months) that the employers desire (MTSS 2002).

7.3 Salaries

The salaries paid to cane cutters vary by region and depending on the profits that the intermediary hopes to obtain.

The Huetar Norte region, for example, prefers to pay cutters by linear meter instead of by ton¹¹. The pay calculated by the intermediaries is not based on cut tons of cane, because it is imprecise to weigh them in the field. Based on the density of the sugar cane, a worker can be paid from 4 colones (\$0.009) for thin cane to 15 colones (\$0.034) for dense cane, and averaging 8 colones (\$0.018). Workers cut about 525 linear meters of burned cane 340 linear meters of raw cane in Grecia, and 400 linear meters of burned cane in San Carlos, according to the mills; using this information we can calculate an average daily salary of 3,800 colones per worker (about \$8) which is equivalent to 5.5 tons per worker per day. This is 2 tons more than the national average and 33% more than the minimum wage for agricultural activities (MTSS 2002).

The following table shows the changes in minimum wages for an unskilled farm laborer over the past few years, which would include cane cutters.

¹⁰ This is solicited from the intermediaries by the mills, but we don't know if they apply it to the workers they hire, especially when the intermediaries are using undocumented foreign labor.

¹¹ Loría (2002) says that cane production is an activity where women are not directly hired. That is to say, their husbands are paid for the work that they do.

Table 4
Minimum wages (monthly salaries)
Unskilled farm laborers

Job	Ordinary shift				
	I sem 2002	II SEM 2002	I SEM 2003	II SEM 2003	I SEM 2004
Unskilled	2.859	2.984	3.136	3.283	3.438
farm laborer	\$6.55	\$6.84	\$7.16	\$7.52	\$7.88

Source: List of jobs and minimum wages. MTSS web page: www.ministrabaj.go.cr

In Guanacaste, the mills pay the contractor based on tons of cut cane, and the contractor then pays the workers.¹²

7.4 Occupational Risks

A study by the International Labor Organization (ILO) as part of the “Promotion of health and safety in agricultural work in Central America” project (Chinchilla 1998) showed that the labor risks in the sugar sector should be analyzed according to the work and operations of each stage of production.

In each of these stages, there are risks for the workers. During harvesting, workers are exposed to noises, vibrations, and radiation heat from the machinery. Contact with agrochemicals exposes them to dust, vapors, and gases. The natural environment presents risks such as heat, ultraviolet radiation from the sun, rain, and wind. Workers are also affected by long working hours, strict supervision, repetitive work, and a payment system based on minimum wage plus incentives based on quantity and quality.

Cane cutters suffer from illnesses such as *chistate* (painful inflammation of the urinary tract as a result of exposure to high temperatures during the burning of the cane) and diarrhea (as a result of eating food with dirty hands).

7.5 Labor Rights

According to information from the MTSS, small and medium-sized sugar producers commit the worst labor rights violations, where Costa Ricans and Nicaraguans work without receiving social security benefits¹³.

When we talk about incompliance with labor rights, we talk about the payment of low salaries, the price per amount cut is not optimal, many employers change the name of their company to avoid paying social

¹³With respect to labor conditions in general, the Defensoría de los Habitantes registered about 130 workers’ complaints during the first month after it was installed in the Huetar Norte region. These complaints refer to labor problems and include lack of compliance with social security regulations, which generates competition between nationals and foreigners, as well as problems with safety and hygiene norms. In some cases, workers are fired if they stand up for their labor rights. (ATML 2002)

security quotas, because in the studies we found that today they are called one thing, tomorrow another, and the Costa Rican Social Security agency can not establish the proper controls (Interview with Johnny Ruiz, Área Técnica Migraciones Laborales).

There are numerous foreigners who receive emergency attention in hospitals and clinics who say that they do paid work for plantations in the region, but who have not been reported to the Social Security agency (CCSS) (MTSS 2002).

There are also workers who work in exchange for food and housing, which violates the minimum wage laws of the country. This has been the case for many migrant workers who become the labor reserve and who need work in periods when other sectors do not need them.

Despite these conditions, only 2% of the complaints filed by immigrants against employers deal with failure to provide social security coverage. This is attributable to the fact that foreigners, especially undocumented immigrants, believe that they do not have the right to social security because of their immigration status, or because they fear that the CCSS will report them to the regional migration office (Johnny Ruiz, Área Técnica Migraciones Laborales, May 2004).

Finally, institutional records regarding complaints filed by workers do not allow us to find the specific data for the sugar industry. According to the National Labor Inspectorate, the data is not categorized by product, but rather by economic sector (agriculture, industry, commerce, and services). The lack of resources for inspection and weak instruments for gathering data are the main obstacles that they mentioned to categorizing this information by specific activity.

TABLE 5
COSTA RICA
Population of 12+ years in sugar cane
By age according to occupational group¹⁴

Job	Gender		
	Male	Female	Total
Managerial level, public administration or private companies	21	-	21
Professional, scientist, or intellectual	8	1	9
Technical level, middle level	105	3	108
Administrative support	24	9	33
Sales, providing direct services	38	-	38
Skilled agricultural work	636	4	640
Crafts, construction, graphic arts, industrial arts, manufacturing	47	-	47
Assembling and operating machines and other equipment	188	-	188
Non-classified jobs	2,284	57	2,341
Total	3,351	74	3,425

Source: INEC. Census 2000.

This information shows some interesting characteristics of female participation in the cane industry:

- **Invisibility of female workforce.** Note the difference in the total number of men and women, even though, as noted before, women participate significantly in harvesting the product.
- **Division of labor based on gender.** The men occupy managerial and decision-making positions, while women are at the base of the labor structure, in unskilled jobs.
- **Deterioration in women's living conditions.** Since women generally have unskilled positions and jobs of administrative support, they tend to receive different salaries from men, and face disadvantages in entering the workforce in the sugar sector.

As Loría says, women participate in the harvesting and peeling (preparing the cane), receiving 600 to 900 colones per MT burned (about \$1-2), under temporary subcontracts (generally hired through their husbands) and with no labor protections. In the sugar industry, women are not hired directly, even when they do the same work as men. We also see a division of labor: men cut the cane, and women peel it (Loría, 2002:85).

¹⁴ The job groups that appear in the table are used by the Instituto Nacional de Estadística y Censo (INEC) in its processes for gathering and processing information. To make this table focusing on the cane industry, the same categories were used to show the differences in jobs held by men and women.

II. FIELD RESEARCH WITH SUGAR CANE WORKERS

1. Methodology

The fieldwork for this study was carried out between the months of January and April 2005 in two sugar zones where the sugarcane harvest was underway. The object of the investigation was to use the collection of information from primary sources (interviews) to document the reality of workers engaged in sugarcane harvesting and refinement.

In both cases, the initial strategy consisted of establishing contacts with informants or key actors near sugarcane companies, and also with workers and institutions connected to the sugarcane industry.

It is worth noting that several factors impeded the collection of information in the field. Interviews were difficult to carry out in the workplace (plantations and refineries) for the following reasons:

- The sugarcane harvest season is a period of great productivity in which workers are very concentrated on their work and, in general, work long days. This makes contacting these individuals for interviews difficult;
- Many companies are distrusting, making them unwilling to provide information or to permit their workers to become involved in an information-gathering activity;
- In cases where there existed the possibility of relying on the support of sugarcane workers' organizations, these organizations were not able to help due to their fear that such coordination would endanger their objectives and their relationship with the authorities of the company.

Given these challenges, the research strategy was customized for each geographic zone where the study was realized.

NORTHERN ZONE

The researchers made contact with the regional headquarters of the Office of the Public Advocate whose functionaries reviewed several sugar farms located in the Los Chiles y Boca Arenal zone in order to determine potential field sites.

Subsequently, the researchers conducted interviews with regional functionaries of institutions such as the Ministry of Labor and the Department of Inspection of the Costa Rican Social Security Bank (CCSS) of Ciudad Quesada. These individuals were interviewed about the challenges facing the sugarcane industry and the distinctive positive and problematic aspects of this activity.

Additionally, the researchers interviewed the following people: a businessman who rents his farm to one of the refineries located in the zone; a priest in the community of Boca

Arenal, near Cutris Refinery (“Ingenio”), and with priests of the religious Franciscan congregation located in Pavón de Los Chiles.

In this zone only sugarcane harvest workers were interviewed. These workers were contacted in places designated as settlement areas, located near the Ingenio Cutris in the community of Boca Arenal, Ciudad Quesada.

GUANACASTE

In this zone contact was first made with representatives of the sugarcane workers union, a locally operating subgroup of the Central Movement of Costa Rican Workers CMTC organization. After explaining the objectives and range of the study, this organization decided not to support the study due to the possibility that participation might endanger their relationship with the sugarcane owners. This relationship allows them to further their goals of defending positive labor conditions and the health of workers.

Subsequently, the goals of the study were shared with the coordinators of the Committee of Reference for the SALTRA Project of the Universidad Nacional y del Laboratorio de Sustancias Tóxicas (IRET) in order to encourage collaboration. The coordinators expressed reluctance to support the fieldwork owing to differences in the respective goals and objectives.

A third attempt resulted through the contacts provided by the director of the Social Pastoral of Liberia. With these contacts, the researchers were able to reach people close to the refineries and workers in the zone. In none of these cases however, was the response positive as the busy harvest season had begun and workers were afforded little rest.

Finally, the researchers toured Ingenio Taboga where they interviewed the finance manager of the company. In the same manner, a community close to Ingenio Taboga (Bebedero) was visited. In this community there exist settlements where the sugarcane workers reside while working for the company during the season.

In this zone, collection of information from refinement workers resulted from interviews held in the company Taboga and with sugarcane harvest workers who were contacted in one of the settlements that the company has in the community of Bebedero.

GENERAL FACTS

- In total, 83 interviews were conducted, of which 50 were with refinery workers and the remaining 33 with sugarcane harvest workers.
- In the region of Guanacaste we conducted 63 interviews (50 with refinery workers and 13 with sugarcane harvest workers). In the northern zone, 20 interviews were realized, all with sugarcane harvest workers.
- The following table presents the distribution of people interviewed according to sex and activity:

Sex	Men	Women	Total
Refinery	46	4	50
Sugarcane Harvest	32	1	33
Total	78	5	83

- It is important to note that the overrepresentation of male workers can be explained by the fact that the sugarcane industry is predominantly comprised of men.
- In the case of sugarcane harvesting, for example, field observation in the settlements where the study was carried out verified the presence of women as companions of the male workers, but not as workers themselves. In the case of the refineries, women were engaged in jobs not directly related to the productive process; women worked as administrative secretaries or receptionists for example.

2. The Northern Zone and Guanacaste: *General characteristics and an examination of some of some aspects of labor conditions sugarcane industry workers*

2.1 The Northern Zone: Productive Characteristics and Labor Conditions

The northern zone of Costa Rica has experienced economic, geographic and demographic transformations more than most other regions of the country in recent years. This has come as a result of consolidations of a series of productive activities with the end goal of better incorporating Costa Rica into world markets. Activities such as traditional production for exportation (the production of milk, coffee, sugarcane¹⁵, and cattle) and non-traditional products, which have been especially dynamic in recent years (the cultivation of palm hearts, oranges, roots and tubers—cassava, yam, *tiquisque*, *malanga*, *ñampi*, ginger, pineapples, and ornamental plants). The demand for these products has helped the northern zone become one of the areas of greatest expansion and economic development in recent years.

Without a doubt this development is based on the appearance and behavior of a confluence of dynamic national and international companies, whose utilization of technology and productive resources has been put to the test.

Nevertheless, what makes the activities described above possible is the participation of a large agricultural workforce that works seasonally in critical aspects of the sugarcane harvest and other harvests.¹⁶ Thus there exists a high level of human mobility in the region, particularly for migrant workers who move in a circular manner (they return cyclically for seasonal cultivations in the northern zone) and a high turnover rate (workers rarely stay longer than three months).

¹⁵ In the northern zone there are three refineries: Santa Fé, Cutris and Quebrada Azul, which does not include the small and medium producers who deliver their harvests to these refineries.

¹⁶ During the harvest season, the northern region experiences an intense mobilization of workers in the seasonal cultivations, such as sugarcane, beans and oranges. The salaries of these workers lends implies a level of stability for the region.

The nature of the region as a frontier space allows for a large population of Nicaraguan workers that is mobile. One must also consider historical, cultural and ethnic factors that have facilitated the constant interaction between the two populations located along the border. In both countries, these factors have allowed the formation of intense economic, productive, commercial and socio-cultural relations, resulting in the creation of a lively and dynamic region—a bi-national regional.

In the study conducted by Loría (2002) the northern frontier zone (ZNF) is defined as a social and cultural corridor with the following characteristics:

- It is a wide territory that meets the needs of the populations situated in the frontier zone and especially for the people who cross the limits of the frontier.
- It functions as a cushion zone for the impact of socio-economic and migratory activities that occur along the frontier strip.
- It sustains historical and cultural bonds between the people living in the frontier regions of Nicaragua and Costa Rica and facilitates communication and the interchange of available resources.
- It allows for the construction and consolidation of survival strategies and for the ongoing search for opportunities.

From an economic point of view, a primordial characteristic of the processes of the northern region during the nineties was the proliferation of agro-export activities oriented towards capturing external markets and made possible by a vast migrant labor force from Nicaragua (Acuña y Olivares, 2000).

The productive dynamism experienced by the region, however, is anchored in the deepening of labor conditions that are counterproductive for migrant workers:

To the extent that the labor force that has access to this sub-regional labor market is constituted in its majority by undocumented migrants¹⁷, the labor reality established in the northern zone by the companies and employers is created by means of the appropriation of surpluses, by taking advantage of various forms of labor instability (such as low levels of pay, subcontracting and instability in labor positions), and not by means of increases in the productivity owing to the introduction of better technologies. Working conditions then become one of the principal components of dynamic productivity of the sub-regional economy of the northern zone. (Morales, 35:1997)

The presence of these workers overwhelms the available institutional and social capacity in the region, due partly to the disorganized manner in which workers enter the country and partly to the peremptory nature of the harvest activities that complicate institutional

¹⁷ The lack of documents creates a state of mind that induces the immigrants, men and women alike, to comport themselves as “illegals”, which generates fear, insecurity, and other traumas. This situation is aggravated further for those most at risk: women, children and adolescents (Varela y González, 2003).

oversights such as inspection of working conditions by the Ministry of Labor or the possibilities of insurance from the Costa Rican Social Security Bank.

In general, the majority of the migrant laborers that arrive to work the sugarcane harvest are not familiar with Costa Rican labor legislation and are exploited by contractors. Nevertheless, these contractors are not as prevalent in the northern zone, as the requirements for physical labor are less than in other regions such as Guanacaste.

Another problem for migrant laborers is direct contracts that are made by independent producers, which use small intermediaries in order to hire inexpensive labor. The problems begin when contracts are made with foreigners who have immigration issues. These contracts are often broken or only partially fulfilled with respect to the workers and employer quotas of the CCSS and the work risk policy of the INS. In the majority of cases, workers rights are also violated through failure to pay or provide vacations, unemployment, and year-end bonuses.

2.2 Guanacaste: Production Characteristics and Labor Conditions

Within the realm of sugarcane production in Costa Rica, the zone of Guanacaste is the most significant due to the fact that its refineries¹⁸ contribute the most to the overall production. Taken together, the Guanacaste region contains 25% of the nation's refineries, supplies nearly 59% of the total metric tonnage of cut sugarcane, and contributes 55% of the total sugar produced by Costa Rica.

In comparison with the independent producers who contribute 45%, the refineries contribute 55%. The lower productive performance comes as a result of the independent producers' harvesting techniques, which rely on a great deal of manual labor. In addition to these factors, they face production problems resulting from the use of inadequate soil, the lack of fertilizer, inefficient drainage, inefficient or absent irrigation—all of which creates clear differences between the productive systems of both economic agents (refineries and independent producers).

These differences are seen in the working conditions of the seasonal sugarcane harvest laborers, who work during the season when the pace and performance of work are at their maximum.¹⁹ Other factors exist, however, that should be considered in the analysis of the situation of sugarcane workers. Additional factors such as the tendency towards mechanization, the acknowledgement of the importance of migrant physical labor, and the role of the contractor should also be considered.

¹⁸ Refineries: El Palmar, Taboga, CATSA (Central Azucarera del Tempisque) and El Viejo.

¹⁹ In the region, the Taboga refinery has the highest levels of productivity as measured by produce per hectare. Taboga produces 98 tons per hectare as compared to 97 at El Viejo, 63 at El Palmar, and 55 at CATSA. The refinery uses a range of activities to gain earnings in addition to sugarcane. Beyond sugarcane cultivation and processing, Taboga also uses sugars sub-products to produce alcohol and electricity, which are both primarily exported. Taboga also uses its land to grow rice and to keep the earth fertile for future sugarcane harvests.

As was mentioned in the case of the northern zone, the productive dynamism of the sugarcane industry is based on the intense utilization of a large migrant labor force that crosses the border legally or illegally. This is especially true of cases where physical labor is needed. Whatever the nature of their migratory status, there are three processes that complicate labor conditions for migrant workers.

Firstly, the region has experienced a gradual mechanization of harvesting techniques in an attempt to increase productive performance, existing environmental controls and to minimize the costs incurred by covering labor and social requirements. This process has decreased demand for physical labor, since the productivity contributions of each worker have greatly increased beyond the levels previously enjoyed when all work was done manually. For example, a harvesting machine can cut up to 50 metric tons of cane per hour. If it operates for 10 hours, it produces the same amount as approximately 140 manual laborers in one day.

Given this, the region has born witness to the establishment of groups of workers that alternate between sugarcane production and other agricultural work, and activities such as construction and hotel services, which are less-skilled jobs that do not pay as well.

Second, the refineries in the zone agree on the importance of the migrant work force, and are backed in this by the Ministry of Labor and the immigration officials of Costa Rica and Nicaragua. This agreement permits these companies to bring foreign laborers to Costa Rica and provide them with contracts promising good working conditions, including social security coverage, respective payments at the end of the sugarcane harvest season, and the paperwork necessary to cross the border at Peñas Blancas.²⁰ The number of people who are brought is determined by technical studies that estimate the labor force requirements for the season.

In spite of the agreement guaranteeing working conditions for foreign workers, mostly Nicaraguans, it has been observed that in many cases these workers end up leaving the refineries where they were hired and end up in the hands of the contractors or intermediaries who exploit them. In any case, a large proportion of migrant laborers come to Costa Rica under this agreement, then leave the place where they were contracted, making it impossible to know whether they then will return to their place of origin or stay in the country to work.

The third aspect is related to the contractors who prey on migrant laborers compromised by their unstable immigration status. In order to earn the greatest profits, the contractors do not provide basic labor compensations and exploit workers in other ways as well.²¹ Generally, many of these intermediate companies and subcontractors change their legal identifications each year in order to not be detected by institutional controls.

²⁰ Both immigration officials and authorities at the Ministry of Labor have recognized the good experiences associated with this agreement for the Taboga refinery.

²¹ For example, it has been reported that some contractors in the Guanacaste zone fire migrant workers who do not get their meals in the boarding houses where their families are housed.

Contractors and related companies earn their money by acting as intermediaries between companies (refineries) and workers. The refinery directly pays the contractor for the tonnage cut and then in turn, the contractor pays the workers. The refineries provide the contractors with the financial backing to provide the required social/labor guarantees for each worker—coverage for sickness, maternity and disability, old age and death, as well as social security contributions. Nevertheless, the contractors often do not pass these funds on to the workers, destroying an important link in the chain of labor and social conditions for workers.

The principal labor infractions committed by labor intermediaries include failure to pay minimum wage, failure to provide acceptable labor and occupational health conditions, failure to pay social security benefits,²² excessively long workdays, inadequate housing and services, the use of child laborers, and overly short rest periods. The poor conditions provided for contractors laborers is in evidence when workers are denied their basic labor rights such as yearly bonuses and vacations.

3. Working Conditions of the People Employed by Sugar Refineries

The interviews were realized during April 2005 on the grounds of Ingenio Taboga. Fifty workers were interviewed, whose personal characteristics and conditions will be examined herein. It is important to note that the company has close to 2,500 employees, including cutters and industrial, agricultural, and mechanical workers. Given the size of the work force the narrow breadth of this study and the subsequent analysis is partial and limited. The results should not be taken as a generalization for the entirety of the work force employed by Ingenio Taboga.

3.1 Social Demographic Profile of People Interviewed

Sex

We interviewed forty-six men and four women, which is representative of how sugarcane production is male-dominated. This finding coincides with existing statistical information that shows that the productive sector of the sugarcane industry is primarily male, with little participation by females.

²² The sugarcane harvest season lasts approximately five months. According to figures supplied by the Ministry of Labor, when they reviewed the payroll information of CCSS, they found that the contractor companies only reported a harvest season lasting two months.

Age

The average age of the people interviewed in the refinery is 34 years, which shows that sugarcane production is a physically intense job that is more apt for younger workers. The following chart lists the distribution of ages, showing that more than 50% of the people interviewed are between 20 and 40 years of age, the ages of greatest physical abilities. Nevertheless, the presence of people between the ages of 40 and 49 should not be ignored and is related to the need to have workers who are experienced in the details of sugarcane processing.

Age Range	Frequency	Average
10 – 19	1	19
20 – 29	13	24.23
30 – 39	22	30.31
40 – 49	10	43.2
50 – 59	3	53.6
60 – 69	1	60

Educational Level

The people interviewed had a very low level of education. Most had only completed primary school. Of all the people interviewed, not a single person had finished secondary school. Only one person had partially completed university training. The low level of academic training of the interview group shows that the physical demands of sugarcane processing do not rely on trained skills, but rather on workers who can learn new tasks quickly, workers who have experience in similar jobs, and workers who are able to rotate between tasks that do not require high levels of skill and education.

Primary incomplete	8
Primary complete	22
Secondary incomplete	17
Secondary complete	
Technical Training	1
University incomplete	1
University complete	
No schooling	1

Birthplace

More than half of the people interviewed indicated that they had been born in Costa Rica (32 in total) and the rest pointed to different places in Nicaragua (Managua and Rivas) as their place of birth.

Thus, contrary to popular belief, many Nicaraguans find work in the sugarcane industry in areas other than collection and harvesting.

Several of the Nicaraguans interviewed in the refinery indicated that they had been working there for a number of years. The work had only been seasonal and occurred during the harvest period. They mostly worked in agricultural maintenance, assisting in the repair shop, and machinery maintenance. This relationship was made possible through direct contracts with the company who hired them seasonally to engage in the jobs listed above.

Conversely, it can be seen that the majority of workers at the refinery are from various places in Guanacaste. As such, sugarcane production work is an important source of seasonal and permanent employment for a large number of people in the region. In the words of Jorge Chacón, Finance Manager of the refinery, “the company provides work to a large number of families in areas where work is scarce. The employment is direct and indirect.”

Birthplace	Region	Country	Frequency
Managua – Capital	West	Nicaragua	1
Rivas ²³	West	Nicaragua	8
		Nicaragua	8
La Cruz	Guanacaste	Costa Rica	1
Cañas	Guanacaste	Costa Rica	12
Liberia	Guanacaste	Costa Rica	11
Abanguares	Guanacaste	Costa Rica	1
Puntarenas	Central Pacific	Costa Rica	3
Upala	Huetar Norte	Costa Rica	1
San José (Capital)	Central Valley	Costa Rica	1
Alajuela	Central Valley	Costa Rica	1
San Ramón	Central Valley	Costa Rica	1
Grecia	Central Valley	Costa Rica	1

In addition to offering direct employment, the refinery also creates indirect employment in nearby Bebedero, the community located four kilometers from the refinery where the company houses its workers. Local businesses in Bebedero, such as cheap restaurants and local stores, benefit from the presence of these workers. Other indirect activities

²³ Rivas is the principal sugarcane zone of Nicaragua.

associated with the refinery include public transportation, tractor rentals, and varied commerce.

Forty-eight people said that they live in Cañas, and of these, the majority lives in Bebedero [sic], which allows one to assert that during the sugarcane harvest, the local economy of the towns neighboring the refinery experience a surge that subsequently dies down when the harvest season is over.

3.2 Labor Integration of Sugar Refinery Workers

This section discusses the experience of working in this industry and the various labors that are assigned and carried out as soon as the collection season comes to an end, generally at the end of April.

Years of work in the sugarcane harvesting

The chart below points to several aspects of this industry that are worth considering. In general, people who work in the refinery are relatively experienced: a good number of workers who were interviewed (20) indicated that they had between one and five years of experience working in the same place, which suggests a relative level of stability that only increases with time. Eighteen people had 6-15 years of experience with the company, which indicates a low level of job turnover, at least in the processing plant.

Number of years with company	Number of people
1 – 5	20
6 – 10	9
11 – 15	9
15 – 20	4
21 – 25	4
26 – 30	2
31 - 36	2

Tasks realized

The various interviews revealed a great degree of diversity in the tasks and positions that exist during the period of greatest activity known as the “active sugarcane harvest.”

It is worth noting, however, that as a result of conducting the interviews inside of the refinery, a range of people were interviewed who participated in diverse activities. Given that the company has its own plantations, a wider range of laborers is required.

Task	Number of employees interviewed
Maintenance	6
Sugarcane sampler	1
Irrigation, Fumigation	3
Planting by machine	1
Planting	1
In-charge of cutting	7
Agricultural laborer	10
Miscellaneous	5
Driver	1
Support Driver	2
Irrigation Ditch Digger	1
Transport Manager	1
School Cook	1
Payroll Assistant	1
Assistant Mechanic	1
Agricultural Mechanic	1
Repair Shop Assistant	6
Electrician	1

Period of the year working for the refinery

Long-term employment is dependent on the seasonal nature of the sugarcane industry. Given that the sugarcane harvest occurs during a short amount of time, close to half of the workers only work during this period (24 people) and the remaining people work year-round.

According to information obtained with the help of Jorge Chacón, the manager of the company, during the “dead” sugarcane harvest, the number of permanent workers is close to 490, of which 400 people are seasonal employees. During the active sugarcane harvest, the requirements for labor climb, requiring up to 2,500 employees to engage in cutting activities, maintenance, and industrial and agricultural processes. The active harvest is the most critical and important in terms of productivity and physical demands.

Of the people who stated that they only work during the sugarcane harvest, the majority spend the rest of the year engaged in agricultural labors (14), occasional work (3), construction (3), studying (1), one person who does nothing, and two people who did not respond to this field of inquiry.

3.3 Labor Conditions

This section provides a review of the aspects of the study related to the labor conditions of workers at the refinery. The aspects under review include length of workday, contract conditions, insurance, occupational health and provision of work equipment.

3.3.1 Workday

The responses to the questions about workday length should be understood within the context of the harvest season in which the interviews were conducted. During the sugarcane harvest, the level and rhythm of production increases, as does the length of the workday, which is usually around 12 hours per day. In the cases in which workers said that they did not work 12 hours, an allusion was made to the fact that normal working hours are paid differently than overtime hours. This is not to say, as you will see below, that those who mentioned working 12 hours are not paid.

Between 1 and 3 hours	
Between 4 and 6 hours	1
Between 7 and 9 hours	6
Between 10 and 12 hours	43
Between 13 and 15 hours	
More than 15 hours	

3.3.2 Length of Workweek

During the height of the sugarcane harvest when constant participation of workers is required, the 50 people interviewed oscillate between six- and seven-day workweeks. Every 15 days, but not necessarily on a Sunday, the workers are granted a day off. The day of the week that workers get off depends on the labor rotation in their respective area of work.

3.3.3 Contract Details

One element that shapes the working conditions inside of the refinery, where the interviews were conducted, is that fact that workers' contracts are directly provided by the company. This is true for both seasonal and year-round employees.

Of the people interviewed, 48 indicated that they were directly contracted by the company. Only in two cases was there mention of having been contracted by means of an intermediary figure such as those discussed previously.

The way in which contracts are managed at this refinery has an impact on other working conditions and helps to establish profound differences for sugarcane workers, as will be discussed later.

3.3.4 Daily income

Salary in colones / response of those interviewed²⁴	Frequency
2.800 (US \$5.88)	1
4.000 (US \$8.39)	4
5.000 (US \$10.49)	3
5.500 (US \$11.54)	1
6.000 (US \$12.59)	15
7.000 (US \$14.69)	2
8.800 (US \$18.47)	9
11.000 (US \$23.09)	3
Variable, depending on the tonnage and the quality of sugarcane	1
Colones 487 (US \$1.02) / hr + 4 hours overtime (double pay)	3
Colones 527 (US \$1.11) / hr + 4 hours overtime (double pay)	4
Colones 600 (US \$1.26) / hr + 4 hours overtime (double pay)	1
Colones 670 (US \$1.41) / hr + 4 hours overtime (double pay)	1
Colones 685 (US \$1.44) / hr + 4 hours overtime (double pay)	1

There is great variability in terms of salary in the refinery. The salary varies based on the type of task realized, the contract agreement, whether the employee is seasonal or permanent, etc. For example, the person interviewed who earns 2,800 colones (US \$5.88) per day is the school cook who works in inside the refinery. The people interviewed who earn 4,000 colones (US \$8.39) per day have a variety of work circumstances: one has a contract through an intermediary; another is a welder's assistant; another is a mechanic's assistant; and the last is the transportation manager.

Above these levels, salaries are established in another way. Amounts over 5,000 colones per day are paid for positions at the refinery or in the field, such as agricultural laborers and plantation maintenance staff. Frequently, overtime figures into this calculation.

²⁴ Exchange rate as of 5/21/05: 476.5 Colones equals one US dollar.

Almost all of the people interviewed said that part of their compensation during the sugarcane harvest consisted of overtime pay.

In short, it can be said that workers' salaries in the refinery are set according to occupation and the specific demands of the position.

3.3.5 Insurance

All of the people interviewed that said they had been hired directly by the company also were on the payroll and were covered by social security. In the case of those contracted through intermediaries, it is important to note that although the workers said that they were insured, logic indicates that in reality the intermediaries do not provide these social guarantees in order to maximize their earnings.

Affiliation with pension systems, protection from firing, etc.

There were differences in the responses of the people interviewed with respect to this issue, possibly caused by the lack of understanding of the meaning of each of the aspects evaluated and because they do not receive adequate information about the conditions under which they're being hired.²⁵ This is important given that close to half of the people interviewed work seasonally. For this group, it is always necessary to insist that they do have labor rights even though their period of employment is short.

A large proportion of those interviewed (43 people) indicated that, by way of the company, they were affiliated with the pension system of the popular bank. Many of the people interviewed indicated that they had unemployment insurance (35), despite the fact that in Costa Rica legal statutes do not establish this as a formal right. Nevertheless, it has been acknowledged that when the contracts are liquidated, unemployment and other labor rights will be recognized.

Medical assistance and incidences of illness

All of the people interviewed have access to medical assistance provided by the company. Medical services are made available through a clinic that, in addition to daily attention for emergencies and health related problems, functions as a department of occupational health, working to implement preventative norms to avoid labor accidents.²⁶

²⁵ To gain an understanding of the work that the union groups do within the company, without which one is at a disadvantage, it is recommended that one get details about the information in this area.

²⁶ This department has an occupational health advisory board that is in charge of, among other things, creating emergency plans and evaluating internal and external risks. The external risks are those that are outside of the company, such as climate (floods, hurricanes, earthquakes, avalanches). The internal are the risks that are present at the company, such as gasoline, risk of fire, availability of machinery to generate energy, etc. The plan attempts to cover risk of the largest proportion as well as those that cannot be controlled by the company and require external assistance (firemen, INS, Red Cross).

When asked about possible work-related illnesses, only two people mentioned suffering such illnesses, one a kidney infection (an illness that is common among people who work in the sugarcane industry) and the other a pain in his arm.

It is important to mention that the questions, as they were formulated, did not definitely allow for the establishment of the rate of incidences of illness and work-related accidents. There is an informal understanding in the area around the refinery and in neighboring communities that there has been an increase in kidney infections caused by high temperatures.

3.3.6 Supply of Work Equipment

The interviewees indicated that the company supplies them with equipment and work tools. The use of certain work implements is in some cases obligatory on account of the occupational health programs being carried out by the refinery. Among other things and in accordance with the tasks performed, workers are supplied with aprons, hats, gloves, masks, glasses, and rubber boots.

3.3.7 Labor Organization

There exist several distinct worker organizations in the company such as a cooperative, a solidarity association, and a union. Those interviewed indicated that they knew of the existence of these organizations, despite the fact that an important number (23) stated that they did not belong to or participate in any form of labor organization for the following reasons:

- The majority of respondents stated that they were not affiliated to any organization due to their seasonal employment status (18).
- Two people indicated that they did not like being part of such groups.
- One person identified “different reasons” as his rationale.
- One person said he had not yet joined a group.
- One person had withdrawn from one of these organizations but did not wish to say which one.

Of the people that indicated that they participated in some organized labor group, five said that they held leadership positions. On the other hand, the levels of participation are interesting as the majority of people stated that they attended labor meetings and participated in the decision making at these meetings.

4. Labor Conditions of Sugarcane Harvest Workers

The material discussed in this section comes from fieldwork in two areas: the northern zone and Guanacaste. In the first case, 20 sugarcane workers employed by independent producers were interviewed in their living quarters or housing settlements. In Guanacaste, 13 people were interviewed in the housing settlement provided by Ingenio Taboga. Sugarcane workers who were contract directly by the company experience

markedly different working conditions than people who work for independent producers, regardless of size.²⁷

4.1 Social Demographic Profile of People Interviewed

Age

In general, people employed in the sugarcane industry are relatively young and in the height of their physical abilities. The average age for both zones (North and Guanacaste) is 31-32 years, which shows two things: 1) sugarcane work is done by relatively young adults who have experience in the agricultural work world and in particular, in sugarcane work; 2) people younger than 20 and older than 40 are seen to be weaker or less productive and therefore are not involved in this work.

The previous characteristics are shown in the following chart. Note the large number of people in the age range of 20 to 40. This age bracket also coincides with the age of Nicaraguan migrants who come to Costa Rica to work in agricultural positions.

Age Range	Frequency	Average
20 – 29	16	24.4
30 – 39	10	32.5
40 – 49	5	41.8
50 – 59	1	50
60 – 69	1	68

Sex

The sugarcane industry is predominantly comprised of men. In fact, only one woman was interviewed who was involved with cutting, in comparison with 32 men. This further demonstrates the limited presence of women in the agricultural activity.

Educational Level

The data presented in the chart below shows the low level of academic training and trained skill that is required in agricultural work. Again, the figures on education levels represent another small example of the general characteristics expressed by the presence of the large Nicaraguan migrant worker population.

²⁷ The first 20 interviews were conducted in Boca de Arenal in the Región Norte, specifically in two places: in the Hacienda La Olga, which according to those interviewed covers 5,000 hectares and belongs to Ingenio Cutris, and another estate that belongs to an independent producer (who will remain anonymous as requested) and that covers 60-70 blocks of land according to those interviewed. The other 13 interviews were realized at the Ingenio Taboga of Guanacaste that owns some 5,000 hectares according to Jorge Chacón.

Primary incomplete	13
Primary complete	9
Secondary incomplete	6
Secondary complete	1
No schooling	4

Birthplace

Sugarcane work is one of the most segmented industries in terms of ethnicity. All of the people interviewed in the areas of study were from Nicaragua. People come from nearly all parts of Nicaragua to work in this seasonal activity.

It should be said that several geographic zones in Nicaragua are more highly represented than others, for which there are two possible reasons: 1) There are several places in Nicaragua where sugarcane activity is an important activity, such as in the case of Rivas (the chart below shows that the greatest number of people come from Rivas), which suggests the existence of a migratory networks that are characterized by birthplace and a certain level of specialization in physical labor activities in these places; 2) Many of these people come to Costa Rica as part of a physical labor importation agreement (particularly those contracted by the Ingenio Taboga in Guanacaste). It is possible that relationships have formed around these agreements with certain areas receiving preferential treatment based on past experiences, the nature of the physical activities, etc.

Birthplace	Region	Frequency
Rivas	Occidente	12
Chinandega	Occidente	1
León	Occidente	1
Managua	Occidente - Capital	1
Granada	Occidente	2
Nandaime - Granada	Occidente	1
Chontales (Juigalpa)	Central	2
Matagalpa	North	1
El Castillo	Southeast	1
Bluefields	RAAS	1
Rama	RAAS	4
Muelle de Los Bueyes	RAAS	1
Nueva Guinea	RAAS	5
Puerto Cabezas	RAAN	1

Permanent place of residence

Of the 33 people interviewed, 23 said that they permanently resided in Costa Rica while the rest, 10, said that they lived in Nicaragua. This is explained by the seasonal nature of the sugarcane harvest; when the harvest is over, workers move on to other areas that provide seasonal work opportunities in areas such as agriculture (coffee and banana harvesting), construction and services. This situation is indicative of the mobility and frequent displacements experienced by a large portion of the migrant working population in the country.

4.2 Labor Integration of Sugarcane Harvest Workers

4.2.1 Years of Work in Sugarcane Harvesting

The sugarcane industry is comprised of young adults, most of whom have several years of experience working in the sugarcane industry. It is important to mention that 18 people had between 1 and 5 years of experience in the sugarcane industry, which also reflects the continuing need for physical labor despite increasing mechanization, tightening immigration regulations, and the increasing incorporation of migrant physical laborers in other labor activities that are better paid and offer better labor conditions.

Number of years working in the sugarcane industry	Frequency
1 – 5	18
6 – 10	9
11 – 15	3
15 – 20	2
21 – 25	1

4.2.2 Tasks Realized

All of the 20 people interviewed in the Región Norte worked cutting sugarcane. Of the 13 interviews done in Guanacaste, 12 interviewees were involved in cutting while 1 interviewee worked in management.

4.2.3 Period of the Year Working the Sugarcane Harvest

The tendency among the workers interviewed in the Región Norte is to work for five months a year between January and May. Those who work in Guanacaste also said that they worked five months per year, but generally between December and April.

After the sugarcane season ends, workers engage in varied activities, some unrelated to sugarcane. For example, in the case of the northern zone, people mentioned working in traditional (coffee, bananas) and nontraditional agriculture jobs (pineapple, oranges, cassava), construction industries and domestic services (in the case of the women interviewed). In Guanacaste, the majority of workers dedicate their labors to agricultural work, construction and services, in this order. The following chart shows range of activities in which workers engage themselves following the conclusion of the sugarcane season:

Work Sector	Frequency
Agriculture	23
Services	2
Construction	6
Total	33

4.3 Labor Conditions

This section examines issues related to the working conditions of sugarcane industry employees. The aspects under review include length of workday, contract conditions, insurance, occupational health and provision of work equipment.

4.3.1 Workday

Between 4 and 6 hours	3
Between 7 and 9 hours	20
Between 10 and 12 hours	10

Most sugarcane industry workers have a 8 to 9 hour workday. A portion of workers does engage in longer workdays. Answers to the question of workday length depended on the time at which the interviews were conducted. When the season is nearing completion, production increases as everyone races to cut as much sugarcane as possible before the season ends, resulting in longer workdays.

4.3.2 Length of Workweek

Those interviewed in the Región Norte work between 6 and 7 days per week. Generally Sunday is an optional workday in the northern zone, but in Guanacaste everyone works a 7-day workweek. Of this last group in Guanacaste, only one person interviewed mentioned that they had the option of taking a Sunday off every 15 days.

4.3.3 Contract Details and Form of Payment

All 20 people interviewed in the Región Norte were directly contracted by the company or by an independent producer; there were no intermediaries. Conversely, in Guanacaste, two of the 13 people interviewed were hired by an intermediary.²⁸

The 20 people interviewed in the Región Norte and the 13 people interviewed in Guanacaste were all paid in cash.

4.3.4 Daily Income

Región Norte

Salary in colones	Frequency
2.000 (US\$4.19)	3
3.000 (US\$6.30)	10
4.000 (US \$8.39)	6
5.000 (US \$10.49)	1

In this region salary is based on performance and number of meters of sugarcane harvested during the workday. The people who stated that they earned more than 4,000 colones said that they do not earn these larger sums on a routine basis.

Guanacaste

Salary in colone / response of those interviewed	Frequency
5.000 (US \$10.49)	9
Variable, depending on the tonnage and the quality of sugarcane	3
629 per hour (US\$1.32)	1

Salaries in Guanacaste also are variable and depend on the performance and tonnage cut by each worker. The price paid per ton is 1,100 colones (US\$2.31).²⁹

²⁸ Despite the fact that the housing settlement that the researchers visited is owned by the company, a section of the living quarters is occupied by contractors who rent the space to house their contract workers there during the season.

²⁹ There are sugarcane workers who experience different labor conditions and receive different salaries. They receive 629 colones (US\$1.32) per hour. If the 629 colones are multiplied by the eight hours that they work, they receive 5,032 colones (US\$10.57), plus three hours of overtime (they receive double pay for this), which amounts to 3,774 colones (US\$7.93) more. Taken together, they would receive 8,806 colones (US\$18.48) for a day of work.

4.3.5 Recognition of Overtime

All 20 people interviewed in the Huetar Norte region stated that they did not receive overtime pay. Their salary was solely determined by the amount of sugarcane that they were able to gather by the end of the day. In the case of Guanacaste one person interviewed received an hourly wage, resulting in a daily income around 8,000 colones (US\$16.79). The other 12 who were interviewed received a salary based on the tonnage collected and their performance during the workday. Salaries here averaged 5,000 colones (US \$10.49) per day, higher than the average in the Región Norte.

4.3.6 Housing During the Sugarcane Harvest

All interviews were conducted in housing settlements provided by the refinery (in the case of the Guanacaste zone) or private estates (in the case of the northern zone). Regardless of location, field observation revealed living spaces that were highly overcrowded.

In general, people are required to share bathrooms, showers, and common space used for resting. These conditions become more critical however, when whole families were found to be living in spaces meant for only two or three individuals, as was observed in several instances in the northern zone at one of the housing settlements visited.

4.3.7 Insurance

In both regions a large percentage of the people consulted said that they were insured, which is an anomaly given that the sugarcane sector is one of the industries with the most violations of labor rights. As was discussed in the initial sections of this paper, the sugarcane industry is usually where issues of insurance are disregarded. Nonetheless, this investigation did not gain access to direct information regarding the contractors, who generally are responsible for the worst labor violations.

4.3.8 Affiliation with pension systems, protection from firing, etc.

A considerable number of people interviewed had some affiliation with a pension system. It is possible that the positive responses to this question came from stipulations in workers' contracts recognizing this right, even though it is widely seen as unusual in the sugarcane industry for this type of right to be contractually recognized.

In the case of unemployment insurance and protection from firing, the same problem existed that was seen in the case of the refineries. Under normal conditions, protection from firing is based on the recognition of unemployment; however, many workers interviewed did not know if they were protected in the case of a mass firing of employees.

4.3.9 Medical assistance and incidences of illness

Región Huetar Norte

<i>Yes</i>	16
<i>No</i>	4

The four cases in which people stated that they did not have medical coverage can be explained by the fact that these people had recently arrived and were not yet completely aware of their work environment.

Guanacaste

<i>Yes</i>	12
<i>No</i>	1

In the one case in Guanacaste where someone reported that they did not have medical coverage, this person was hired by an intermediary, or in other words, a subcontractor.

Those interviewed listed a range of illnesses and injuries that they had suffered as a result of participating in the sugarcane work, including: problems with the kidneys, swelling of the arm, exhaustion, abdominal pain, head pain, spinal pain, and colds. As can be seen in the chart below, the cures for the proceeding illnesses or injuries were also discussed:

Sickness	Treatment at Huetar Norte	Treatment at Guanacaste
Kidney Problems	Nothing	Pills
Swelling Arm	Nothing	-
Exhaustion	Nothing	-
Chistate	Natural Medicine (handfuls of salt)	Pills
Abdominal pain	Pills	-
Headaches and fevers	Clinical treatment at EBAIS	Serums and pills at the clinic
Spinal pains, colds	Nothing	-

4.3.10 Supply of Work Equipment

In the case of the Región Huetar Norte, all of those interviewed responded that they were not supplied with tools but had to buy them on their own. In Guanacaste, nearly all said the same thing. There were only two cases where the interviewee stated that the company had provided the required tools. These workers were overseers of the cutting process and received vouchers for the purchase of tools.

4.3.11 Utilization of Chemicals

One of the goals of this study was to examine the degree to which sugarcane workers are exposed to chemicals. The responses that we received only allow a partial analysis, owing mainly to the lack of knowledge that the workers had about their exposure. In the Región Norte, one person mentioned the use of fertilizers, another mentioned Malation (used to burn the leaves) that is used 22 days before harvest. In Guanacaste, one person stated that part of their job was to use an agrochemical to kill the scrub while another said that he used various fertilizers.

III. FINAL REFLECTIONS

Sugarcane activities in Costa Rica can be divided into two productive blocks. The first is the active sugarcane harvest (approximately December through April of each year) that consists of cutting and collection, a dual process that requires a great amount of physical labor. The level of activity is intense during this period in both the fields and in the refinery, where the final product is processed before being handed over to the Industrial Agriculture League of Sugar from Sugarcane (LAICA). LAICA is the entity in charge of commercial processing, distribution, and sale of the sugar both in Costa Rica and abroad.

The second part is the “dead” sugarcane harvest (from May to November), which consists of a period of field and equipment maintenance, and putting the preparations in place for the start of the following sugarcane season. The demands for physical labor drop during this period, meaning that the sugarcane companies operate with the minimum staff levels required to attend to such necessities as maintenance.

Even though the above description applies to all sugarcane entities throughout Costa Rica, there are areas that, because of their size, geographic location, economic importance, and social and economic factors, must be considered central to any analysis of sugarcane industry workers.

Guanacaste and the northern zone of the country are two such locations that are of great importance. Both places have a dynamic harvest season that activates diverse economic, social and cultural practices that are related to the influx of a large number of seasonal workers. Many of these workers are from Nicaragua and arrive each year to participate in the difficult work of the sugarcane harvest.

Taking this into account, this study is characterized by two important factors that impacted the results of the fieldwork:

- In the first place, the study was carried out during the active sugarcane harvest, when the characteristics of production and the organization of the work (schedules, tasks, salaries, etc) are doubled to respond to the urgency of the productive period.
- Secondly, the majority of the workers interviewed are of Nicaraguan descent, which shapes the way in which these workers are incorporated into the sugarcane activities and the subsequent conditions that they experience.³⁰

³⁰ The principal requirement for obtaining work in the sugarcane industry is that one is accustomed to hard work and has experience with the cutting. One has to be accustomed to heat as well given that temperatures can vary between 35° and 39° degrees Celsius. In addition to the heat of the sun, the recently burned sugarcane increases the temperature in the fields, which is made even worse if there is no breeze. Given this hot environment, the sugarcane companies seek to recruit Nicaraguan workers from the traditional sugarcane zones such as Rivas, Apompuá, Nandaime and Nancimí. Fifty percent of foreign workers return to work year after year, which creates a “transnational” sugarcane culture.

The origin and legal status of these workers (Nicaraguans, many without proper documentation³¹) determines their ability to be incorporated into the work market and the conditions they then find therein.

The information that was gathered and analyzed, however, allowed the researchers to verify exceptional practices in the labor conditions and rights provided to migrant workers. In the first place, it was impossible to corroborate peoples' migratory status with the information obtained, whether legal or otherwise. Secondly, the refinery workers and sugarcane workers in general enjoyed good conditions in the areas of salary, contracts, workday length, and insurance. In this sense, it should be realized that in other geographic areas of the country, conditions might be different for foreign workers.

Despite these conditions, one of the issues observed through research is that it is difficult for the institutional bodies to monitor and prevent labor abuses in this industry due to the short duration of people's employment.

In this context, it is very difficult to realize regulatory actions in order to correct abuses at the hands of contractors or intermediaries seeking to maximize their profits and minimize their losses.

The Ministry of Labor estimates that in the 2005 sugarcane harvest, 7,890 sugarcane cutters were required, 90% of which were of Nicaraguan descent. Of this group of migrant laborers, 30% did not have immigration documents. These figures provide a view of the level of ethnic segmentation in this industry and how reliant this industry is on foreign labor.

Without losing site of the previous point, it should be noted that differences exist between what happens to the majority of the people who are directly contracted by the refineries and what happens to workers who are contracted by intermediary contractors.³² The information analyzed takes into account this important element.

In the case of refineries who directly contract their seasonal employees (the majority male migrant workers), generally these companies respect labor rights and provide insurance policies, social security, and sometimes access to medical attention and occupational health resources, such as with Ingenio Taboga.

This situation is made possible by the refineries' understanding of the importance of hiring documented workers, or as the case of Ingenio Taboga suggests (the most important refinery in terms of production and size in Guanacaste), the importance of the agreements about the importation of seasonal and migratory labor established between

³¹ In 1999, the Migratory Amnesty legislation of the Rodríguez Echeverría administration facilitated the regularization of a large number of Nicaraguans. This advance has caused an increase in the labor expectations of people who already have legal status in the country, further accentuating the differences for the others who cannot take advantage of this possibility or who entered after the established date.

³² Contractors have a greater presence in the Guanacaste zone than in the northern zone due to the size of refineries and the greater quantity of production that requires physical labor in Guanacaste.

the Ministries of Labor of Costa Rica and Nicaragua. Both countries oversee the coordination of this agreement.

For example, in 2005 there will be 300 work permits awarded for the Ingenio Taboga. This number is based on the company's labor needs for the cutting and refinement processes. For each permit, the refinery has to deposit 100 colones (US\$0.21) in order to pay for the immigration paperwork of each worker that is brought into the country.³³

On the other hand, contractors lower the labor standards of sugarcane workers and other agricultural workers by taking advantage of their seasonal employment and undocumented migratory status (those who do not have a valid visa or do not have a work permit). Contractors often do not respect the required social labor guarantees for employees and frequently pay inferior wages. It must be noted that for the purposes of this study, we were unable to obtain direct information that would have allowed us to reveal and examine the world of contractors and intermediaries.

The differences in working conditions between workers who are contracted directly as opposed to those who are contracted indirectly are evident. For example, an average daily salary during the sugarcane harvest is 5,000 colones (US \$10.49) for those who work directly for the refinery, as mentioned previously.³⁴ Workers who are undocumented and work for contractors, on the other hand, earn between 2,000 (US\$4.19) and 3,000 (US\$6.30) colones per day.

Any analysis of the working conditions of people involved in the sugarcane industry must emphatically show that contractors destabilize the working conditions of laborers and cut workers off from the coverage and protection provided by institutions such as the Ministry of Health, the Costa Rican Social Security Bank, and immigration authorities.³⁵

Finally, the role of refineries in the process must be acknowledged. When refineries turn to contractors to supply their workers, they support the problematic practices of these contractors. When refineries hire their own employees, they pay them the official price for each metric ton cut by the worker. In order to lower prices however, refineries will negotiate lower prices with contractors. In turn, the contractors pay their workers less and do not provide them with their labor rights and social rights provided for by law.

³³ One of the central features of this agreement is that the company agrees to return the workers to their country of origin when the season is finished. In the past, the Ministry of Labor has been aware of cases in which workers do not comply with this agreement (though not in the case of Ingenio Taboga). Before finishing their contract with the refinery, the workers leave their job to stay in the country and find other work, though they are now undocumented migratory workers.

³⁴ For example, the Ingenio Taboga pays 1,110 colones (US\$2.31) per ton and each man can usually cut four tons per day. From this, they deduct money for insurance and the sale of tools (1,266 [US \$2.66] for a machete and 1,650 [US \$3.47] for the sharpener)

³⁵ The researchers conducting this investigation did not have access in their fieldwork to sources of information about the performance of contractors in the zones studied. However, other information provided by Ministry of Labor reports about contractor activity in the Guanacaste and northern zone was analyzed and included.

BIBLIOGRAPHY

Acuña González, Guillermo; Olivares Ferrero, Edith. (2000). La población migrante nicaragüense en Costa Rica. Realidades y respuestas. IDRC, CNUAH-Habitat, Fundación Arias para la Paz y el Progreso Humano.

Loría, Rocío.(2002) **De nicaragua a Costa Rica y a Nicaragua. La ruta crítica de las mujeres migrantes nicaragüenses: una mirada desde la zona norte fronteriza.** ALFORJA.

Morales, Abelardo. (1997) **Las fronteras desbordadas.** Cuaderno de Ciencias Sociales. N° 104. FLACSO.

Varela Jara, Julio; González Calvo, Hugo (2000). **Trabajadoras domésticas inmigrantes en Costa Rica. Su percepción.** IDESPO. Universidad Nacional.

Área Técnica de Migraciones Laborales. (2002) Informe Técnico de Investigación. Análisis de la zafra de la caña de azúcar y la recolección de la naranja. Región Huetar Norte y pacífico Central. Cosecha 2001-2002.

_____. (2000) Informe Técnico de Investigación. Análisis de la zafra de la caña de azúcar. Región Pacífico Seco. December 1999-January 2000.

_____. (2001) Informe Técnico de Investigación. Análisis de la zafra de la caña de azúcar. Región Huetar Atlántica. Zafra 2000- 2001.

_____. (2002) Informe Técnico de Investigación. Análisis de la zafra de la caña de azúcar. Región Pacífico Seco. Cosecha 2001-2002.

_____. (2000) Cobertura de seguridad social y evaluación del convenio de importación de fuerza de trabajo. Región Pacífico Seco. 1999-2000.

_____. (1999) Informe Técnico de Investigación. Diagnóstico de la oferta de trabajo en las zafra de naranja y caña de azúcar. Región Huetar Norte y pacífico Central. Cosecha

Chávez Solera, Marco (1994) Organización de la agroindustria azucarera costarricense y costos de producción agrícola de la caña de azúcar. Dirección de investigación y extensión de la caña de azúcar. DIECA.

Chinchilla Varas, Elizabeth. (1998) Estudio del proceso de trabajo y operaciones. Su perfil de riesgos y exigencias laborales en el cultivo e industrialización de la caña de azúcar. Serie Estudios técnicos en la agricultura. International Labor Organization (ILO) Proyecto promoción de la seguridad y salud del trabajo agrícola en América Central.

COMEX. (2003) El comercio y la inversión entre Costa Rica y Canadá en el 2002. Dirección de aplicación de acuerdos comerciales internacionales y unidad de monitoreo del comercio y la inversión.

Estado de la nación N#4. 1998. Desafíos de la Región Huetar Norte.

Instituto Nacional de las mujeres. INAMU. www.inamu.go.cr

Instituto Nacional de estadística y Censos. INEC. Tabulados especiales de Censo Nacional de Población. 2000.

LAICA. Webpage. www.laica.co.cr

Loría, Rocío. (2002) De Nicaragua a Costa Rica y a Nicaragua. La ruta crítica de las mujeres migrantes nicaragüenses: una mirada desde la zona norte fronteriza. Centro de Estudios y Publicaciones Alforja.

Peraza Collado, José Antonio. Migration, health and human rights. Seventh annual conference of the international medical health consortium. March 1998.

Shadid, Adolfo. 2000. La producción cañera y azucarera en Costa Rica. En 10 años, ciclo de conferencias de comercio exterior. COMES 2000.

Press Articles

La Prensa Libre, Costa Rica. Azucareros piden reglas claras. July 25, 1998.

La Nación, Costa Rica. Azucareros temerosos. September 3, 1998.

La Nación, Costa Rica. Fuerte crisis golpea al sector azucarero. May 21, 1999.

La Nación, Costa Rica. Por ingreso de Brasil al mercado mundial. Preocupación por precio del azúcar. August 12, 1999

La Prensa, Honduras. Costa Rica Reajusta y moderniza estructura de sector azucarero. August 8, 2000

La Prensa, Nicaragua. Ticos solicitan cañeros nicas. November 25, 2000

La República, Costa Rica. Azucareros. Obtienen mejores precios. May 3, 2001.

La República, Costa Rica. Industria azucarera se fortalece. July 18, 2001

El Heraldo, Costa Rica. Consumidores afectados con precios del azúcar. August 7, 2001

La República, Costa Rica. Firmas de Canadá tras azúcar tico. August 14, 2001

La República, Costa Rica. Azúcar incrementó divisas. August 27, 2001

La República, Costa Rica. Azúcar genera este año \$38 millones. November 15, 2002

Actualidad Económica. Costa Rica. Ingenio Atirro adopta modelo cooperativo. August 2003.

La República, Costa Rica. Azúcar anhela mayor acceso a EEUU. September 11, 2003.

La Nación, Costa Rica. Ticos quieren abrir mercado de EE.UU. Atacan protección al azúcar. November 1, 2003

La Prensa Libre, Costa Rica. Azucareros en alerta por petición de exclusión de EE.UU.. November 15, 2003

La República, Costa Rica. Senadores objetan que acuerdo incluya azúcar. November 18, 2003

La República, Costa Rica. Azúcar tico a Chile. November 26, 2003.

La Nación, Costa Rica. Azúcar abre mercados en México y Chile. December 12, 2003

La prensa Libre, Costa Rica. Estiman producir 390 mil toneladas. Dulce balance positivo en zafra azucarera. April 26, 2004.

Interview

Johnny Ruiz, Jefe Área técnica de Migraciones Laborales. Ministry of Labor.
May 3, 2004.

Appendix A

The convention for importing labor

This convention dates from 1995 and was signed by Costa Rica and Nicaragua, to supply labor from Nicaragua for agricultural activities such as sugar cane and coffee. In the case of coffee, the implementation of the convention was difficult due to the high desertion rate of the workers and the existence of a complementary labor force that was comprised of the thousands of undocumented residents in the country. The CMOM therefore only remained in effect for the harvesting of sugar cane. The advantages of this mechanism include the fact that workers can enter and leave the country without paying for visas or stamps, because they enter under the “migrant worker” category with a B8 visa. They can also enter with “safe-conduct”, which they can use during the whole harvest period without having to renew it; the mills’ or intermediaries’ only obligation, in the case of direct hiring (as done by Taboga and El Viejo), is that these workers must be returned to their country once the harvesting is over.

This has been difficult to enforce, especially with respect to the intermediaries, because the workers frequently desert. When they return to their country of origin, they return to Costa Rica with another intermediary that offers them a higher salary or better working conditions, and work in the melon harvests or the Central Valley.

The sugar mills say that compliance with this convention is difficult because most contractors are considered to be small, financially weak, and do not have sufficient capital to deal with the expenses involved with accepting the convention. In most cases, the companies must pay cash advances to the workers, and the contractors finance the recruitment, selection, transportation, provisions, and food for the hired workers at the beginning of the harvest. This adds up to about 18,000 colones per worker. For the provisioning, the contractor must provide tools such as machetes, files, and sharpening stones, as well as tarps and gallons of water, all of which cost about 7,000 colones per worker. If the workers desert, they take the tools, becoming a net loss for the contractor, who also loses the food credits, which add up to 950 colones per day for the three meals (Área técnica de migraciones laborales, 2000).

Despite the existence of these mechanisms to regulate the sector, the reality in Guanacaste is that with or without conventions, the companies always hire foreigners, especially Nicaraguans. The best policy therefore is to stop directly importing labor, given the financial and logistical resources that the companies must invest to do so. The Ministry recommends a system for controlling and tracking the workers who are employed in the sugar sector, giving them special accreditation under a program that could be called “Seasonal Migrant Worker Program” (ATML, 2000).

Appendix B

Interview with Johnny Ruiz
Head of the Labor Migrations Department
Ministry of Labor
May 3, 2004

In earlier years, a migrant labor convention was signed between Costa Rica and Nicaragua, but this mechanism was not effective for guaranteeing the orderly arrival of workers for the cane harvest.

One aspect that called our attention is that it is always the cane producers' strategy to overestimate the need for labor and so what they did was to fuel the disorderly, massive, and uncontrolled arrival of migrant workers, especially from Nicaragua, and I'd also have to add that in this sector there is a high presence of intermediaries and contractors.

Initially, the sugar mills worked with about 10 contracting companies. They did not only supply workers for cutting, but they also provided hauling and transportation services. They did all this through subcontracting.

Furthermore, in the Huetar Norte region, there were interesting processes that we followed after Hurricane Mitch; we started to see what was happening with all of the people in that region, many of them being undocumented Nicaraguan workers that had traditionally come to Costa Rica; some of them came, cut cane, and returned. At one time, many employers continued to bring in extra workers, despite the fact that there had been work done to document the migrant workers in that region and in Chorotega.

For example, a study was done at that time where we showed that during the migrant amnesty alone almost 26,000 residency cards were given in all of those cantons. With 3,000 workers, the cane producers were able to supply their labor needs, and there was a significant population surplus.

There is a process for promoting the existence of more people than the activity really requires. This is clearly done to exploit the labor force. What the employers wanted was to have a reserve of labor, they said that the principal motive was cutting, and that when the mill was working it couldn't stop, so they needed many workers.

But we also began with the premise that many were contractors; if people's labor rights were violated, there was a reserve of people waiting and hanging around in the region.

Years ago it became apparent that there was a tendency towards mechanization, because the employers (for some of them) did not look well upon the issue of respecting workers' labor rights. Migration, the Ministry of Labor, and the CCSS were already doing frequent monitoring. This is also related to the migrant labor convention, for which the companies had to give a guarantee deposit, but this also was not an issue that the companies paid much attention to.

The process advanced, and today the companies have gone from having ten contractors to needing two or three. It also was not desirable to have many intermediaries in San Carlos and Guanacaste, where the Ministry of Labor had a greater presence.

The arrival of more adequate technological equipment is another thing to keep in mind: one harvester represents the work of 140 men. They are machines that increase the level of productivity. They do not need to burn; they cut green cane. Depending on the working conditions, with lighting, a machine can also work at night. This has made all of the mills, like Quebrada Azul in San Carlos, seek mechanization.

There are mills that have entered a crisis. For example, Santa Fe is a mill that is totally bankrupt, so that it has changed its activity and is going to urbanize the land, or try other products like pineapple.

Cutis is another mill that is having problems. It faced a massive influx of Nicaraguans promoted by one of its human resource managers, who brought them, invested a lot of money, bought them many things for work, but when they arrived they ran off. The company ended up losing money and investments. They had bought them tools, and they lost all that.

In the region of Guanacaste, there were companies that had had such a surplus of workers in the region, that the municipality itself started to worry about the problems generated by violations of labor rights.

When we talk about incompliance with labor rights, we talk about the payment of low salaries, the price per amount cut is not optimal, many employers change the name of their company to avoid paying social security quotas, because in the studies we found that today they are called one thing, tomorrow another, and the Costa Rican Social Security agency can not establish the proper controls.

Many of the contractors were people who were very familiar with this way of acting. There is one case, which we think is pathetic, of a famous contractor called “comrade man” (now he is almost out of the industry because many companies won’t hire him). The Migration authorities authorized him to bring people to Guanacaste, and they detected him coming down with full trucks in the night to transport people to the region of Juan Viñas, and almost all of those people were illegal workers.

The root problem was that this contractor was also used to exploiting workers. For example, he brought workers from Guanacaste to Juan Viñas, and the workers had to buy their food from him. He forced them to buy from him, and anyone who complained was fired.

Another frequent complaint was the issue of social security. It is a minimum requirement that the workers be given some coverage during the cane-cutting season, because the activity is very hard and workers are exposed to many illnesses such as *chistate*, in which

the victim must drink a lot of liquids. Workers must be given cold water due to the temperatures they work at. Many contractors do not do this.

We also monitored the mills in other parts of the country, like in Juan Viñas. For example, in Juan Viñas, due to the topographical conditions and soil type, it is difficult to use cutting machines, because the land is humid and uneven. In the last visit, we realized that they made strategic changes in some areas and brought in a cutting machine. One machine replaces 120 or 130 men. This is a problem.

Traditionally, we have seen that producers think it is very easy to have people under these conditions. But we also see that many of these workers that traditionally came to Costa Rica and started to stay in the country, received residency permits. What happened in San Carlos, for example, is that we saw that many people who had the migration documents were moving to other parts of the country.

When you ask the business owners about the work force and mechanization, you see some interesting things. For example, they tell you that they plan the cutting to their liking, the mill works when it wants to, the planning of the cutting allows better management because if you hire a contractor, he has to cut a certain amount, but now the machine cuts where you want it to, and stops when you want it to. Before we had the issue of long and short cuts. Now we don't, now the machine cuts and then makes smaller pieces. The same cutter also gathers the scraps and sends it clean to the mill and this means that the mill itself is inclined towards mechanization.

What are the mill characteristics in terms of size?

For example in Guanacaste, we have large mills like El Taboga and El Viejo. These are mills that used to require 1,500 to 2,000 cutters.

Now a mill like El Viejo has everything mechanized. For example, for the next season, they will need 150 men just to make the edges where the machine can't go, or to maintain the machine. It was a mill that traditionally required 1,500 to 2,000 cutters.

The Taboga mill has its own crops and also independent cutters, through the producers, and this year it has promoted mechanization in all areas (cutting, carrying the product, haulage). There is a whole infrastructure.

CATSA is another large mill in the area, it has the luxury of stopping one or two machines because if it doesn't it would have a problem.

Quebrada Azul is another important mill.

On the other hand, in Turrialba, the Aquiares mill recently closed, and Juan Viñas has a mix of cane and coffee production.

In the region of San Carlos you have mills like Atirro, which is a bit smaller, and Santa Fe, which is almost closed. There is a tendency to change the products, because many mills are changing to urbanization or to planting other things.

Are the plantation owners the same as the mill owners?

They are large companies. For example, the largest shareholders of Taboga are the Arias Sánchez. In El Viejo it is Alvaro Jenkins, although many of them have their independent production structure, and there are large independent producers.

The independent producers have quotas to fill with the mills. What they have told us is that in the future many independent producers are going to “get out of the activity” because what they are going to do is give their farms over to the administration of the mills. The mill is going to plan the planting in such a way that the farms can be cut with machines.

I don't have data on the existence of these independent producers. For example, in Taboga they have told us that there are at least 5 or 6 independent producers that are large plantations. There are other producers that have only 2 to 3 hectares, where processing is manual. But the process is tending towards mechanization.

Given the nature of the sugar sector, is it hard to find labor organizations?

Yes, it is very difficult, because people are not stable, the work is temporary. In addition, the nature of the migrant population makes them unstable.

How is the mill—worker relationship regulated?

In recent times we have...started to see some process of creating contracts in companies that had already had documents with the contractors. Many of these mills sign contracts with contractors to set a basis for responsibility; this used to be unregulated

What is the tendency in terms of salaries?

Pay is based on cutting. They set guidelines for paying. Many end up paying less due to non-recognition of labor rights, etc.

Is there child labor?

No, but we have seen that it is sometimes used in haulage. In the cases we have detected, we communicated with them so that the situation was resolved.

Presence of women workers

Given the nature of the work, we have not seen women in the process or harvesting. It is very hard work.

What illnesses have you noticed?

Diarrheas, because they eat food with dirty hands. And *chistate*.

Habitability

Some mills have areas where the workers live. In large mills, six workers live in one room during the harvest season. The Ministry of Health monitors the situation. The housing has beds, foam mattresses, bathrooms. In many cases, they do not have adequate conditions.