

A Discussion of Slave Labor at Meat Packing Industries

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Abstract: This article intends to introduce a category of activity — slave labor, where there is the hiring of workers without any legal ties, or honorable wages as well as labor rights and responsibilities. In this way, companies that engage in this type of activity reduce their operating costs, tax payments and increase profit margins, bringing on economic impacts, especially for the social worker as well as for society. For developing the article, qualitative research was applied to the meat packing segment, one of the sectors in the country where this harmful practice converges with society. It was concluded that the ever-growing state of development, improvement and protection of the workers is a constitutional imperative, especially because one of the foundations of the Federative Republic of Brazil is focused on the social valuation of work. Labor rights are the result of a long and arduous struggle against the dominance of archaic powers.

Key words: slave labor; meat packing industries; contemporary slavery; labor legislation

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1. Introduction

Society has evolved economically through business growth and job creation. Economic activities generate jobs where workers' wages and taxes are intended to be directed towards the welfare of a society. However, companies do not always legally meet this working relationship and there can be work without a direct relationship with formal employment. This article seeks to discuss a category of activity — the slave, where there is the hiring of workers without legal ties and proper wages as well as labor rights and responsibilities. In this way, companies that engage in this type of activity will reduce their operating costs, tax payments and increase profit margins, bringing social and economic impacts for the workers as well as society. Summing up, we can conclude that the ever-growing state of development, improvement and protection of the workers is a constitutional imperative, especially because one of the foundations of the Federative Republic of Brazil is focused on the social valuation of labor.

Existing legislation, both in regards to the Constitution, or work safety issues present risks and existing sanctions.

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2. Methodology

For the development of this article, we applied qualitative research on the meat packing industry segment, which is one of the sectors in the country that converges part of this harmful practice with workers and society. For Lakatos, “qualitative methodology is concerned with analyzing and interpreting deeper aspects, describing the complexity of human behavior. Providing more detailed analysis about investigations, habits, attitudes, behavioral trends etc.” (2004, p. 269). In this case, we therefore, examined the working conditions of meat packing workers and how they are subjected to embarrassing situations of survival.

For the elaboration of the article as well, the study was qualified in two aspects: as to the ends and as to the means. This initiative started from taxonomy conducted by Vergara (2010).

As for ends, we used exploratory and descriptive research. Exploratory because the study is innovative, not verifying the existence of any studies that address the topic in a specific way. Descriptive, because it aimed to describe the situation and the conditions of meat packing employees.

As to the means, the bibliographical research was conducted in books, on *sites* and in articles. Also, with regard to the documentary analysis of the existing legislation on the subject.

3. Slave Labor in the World

Humankind has gone through several periods where slavery was an economically accepted practice. In the United States and Brazil, for example, it was a way of getting cheap labor that economically sustained the capitalist system. People were sold and purchased as mere merchandise. Today, this practice is no longer socially accepted however, certain economic sectors still practice a form that is characterized as slave labor. Skinner (2013) states those countries like China and India, for example, which have more slaves than the rest of the world. Part of this statement is supported by emerging countries which are in the process of economic growth; in this way, the size of the population, the need for large-scale production and an international consumer market motivating them that there is the possibility of having company groups that may adopt such illegal practices.

In Latin America, according to the same author, there are thousands of people, including children, who work in slave-like activities, either in manufacturing or in prostitution. Countries such as Haiti, Mexico, Russia and Brazil have people framed within the so-called contemporary slavery, according to the International Labor Organization — ILO (2012): forced labor and debt bondage, denial of freedom and prostitution, whether children as well as the traffic of women. However, this article focuses on the corporate aspect of the situation.

In Brazil, illegality is tied to generally degrading work, liberty deprivation, low wages and formal registration on the working papers according to labor laws. This largely occurs in a rural environment, but also in urban area, where part of the known examples are related to Latin Americans, particularly Bolivians in the manufacturing industry. Slavery was legally banned as of May 13, 1888 through the *Golden Law* (Lei Áurea). However, the lack of manpower to meet the demands mainly related to agricultural and livestock sectors, has led the Brazilian Government to seek on the international market another kind of slave labor, as the Japanese, portrayed by one of the authors of this book, did (Kuazaqui, 2007).

In this country, there are laws that aim to eliminate this social scourge, but they stumble on implementation issues, where farmers and cattle raisers pay fines and lose some rights such as the rural credit, but there are various subterfuges that promote their recurrence. In other words, the punishment is lenient compared with the

benefits to be gained from the illegality. In order to eradicate slave labor in the country, the National Commission for the Eradication of Slave Labor (CONATRAE) was established in August 2003, with a set of actions, where responsibility is shared by three Government bodies-Executive, Legislature and Judiciary, in addition to Federal prosecutors. Even so, the problem in Brazil persists.

4. Meat Packing Industry

To be able to understand the risks that meat packing workers are exposed to and what slave labor in this area can cause, it is important to know the law governing the safety of the same. Non-compliance with the legislation, intensive workdays, precarious cafeteria and dining areas and lack of individual and collective safety equipment.

On April 19, 2013 the Ordinance of the Ministry of Labor that created Regulatory Standard-NR-36, which establishes the minimum requirements for evaluation, control and risks monitoring in activities developed in the slaughter and meat processing and dairy products industries intended for human consumption, was published. In this way, the worker has a permanent guarantee of safety, health and life quality at work.

This legislation is based on Ordinance 3214/1978 of June 8, 1978 of the Labor Ministry and approved the regulatory standards relating to safety and occupational medicine.

A “slaughterhouse/meat packing industry is a complete establishment of plants and suitable equipment for the slaughter, elaboration, preparation and conservation of the species of animals in various forms, with complete, rational and correct use of non-edible by-products and must have industrial refrigerating facilities” (NR-36, annex I).

Currently the state of São Paulo takes first place in Brazil with a significant number of workers in meat packing industries, reaching more than 63 thousand. Following this come the states of Paraná, with 57 thousand and Rio Grande do Sul, with 52 thousand workers.

According to data from the Ministry of Social Welfare (MPAS), between the years 2010 and 2012, 61,966 accidents in industry were recorded, with 111 deaths in the same period. The number of health-accident benefits granted between 2010 and 2012 was 8138. According to the data of 2012, the state with the highest number of meat packing workers is Sao Paulo. There are 63,796 workers in the state (16.5% of the total meat packing workers in Brazil), with an average wage of R\$1,543.05. The second state with the largest number of workers in the sector is Paraná, with 57,413 workers (14.7% of the total) and average wage of R\$1,155.92. Then we found Rio Grande do Sul, with 52,531 workers and average wage of R\$1,285.82 (www.cntafins.org.br).

Despite the wages described above, informality and slave labor have shown that prolonged working hours and submission of workers to unhealthy activities have kept many individuals away from their jobs. Therefore, the Regulatory Standard is a tool that protects those people who work in meat packing industries.

The NR-36 determines that:

...for the workers who develop activities directly in the production process, in other words, from the receiving point up to the expedition, where repetition is required and/or excessive static muscle loads or dynamics of the neck, shoulders, back and upper and lower limbs, must be ensured Psycho-physiological breaks distributed...

The distribution of breaks for working loads of up to six hours, can have a tolerance time for implementing the pause in as much as 6 hrs 20 mins, being that the pause time is 20 minutes. For a workload of up to 7hs20mins, the tolerance time for applying the pause will be up to 7 hrs 40 mins and the set pause time is 45 minutes. In addition, finally, for a workload of up to 8hs.48mins, with a tolerance of up to 9 hrs 10 mins, the pause time will be 60 minutes.

Table 1 Wages for Slaughter House and Meat Packing Workers per State: Brazil 2012

State	Number	%	Average wage
São Paulo	63796	16.4%	R\$ 1543.05
Paraná	57413	14.8%	R\$ 1155.92
Rio Grande do Sul	52531	13.5%	R\$ 1285.82
Santa Catarina	44047	11.3%	R\$ 1441.36
Minas Gerais	32770	8.4%	R\$ 1072.11
Goiás	29151	7.5%	R\$ 1283.23
Mato Grosso	26580	6.8%	R\$ 1377.53
Mato Grosso do Sul	24620	6.3%	R\$ 1247.16
Rondônia	10064	2.6%	R\$ 1148.35
Rio de Janeiro	9421	2.4%	R\$ 1080.17
Pará	7628	2.0%	R\$ 1169.86
Bahia	6508	1.7%	R\$ 1036.05
Espirito Santo	5179	1.3%	R\$ 1181.21
Tocantins	4212	1.1%	R\$ 1172.56
Distrito Federal	3927	1.0%	R\$ 1159.23
Pernambuco	2469	0.6%	R\$ 1052.22
Maranhão	1463	0.4%	R\$ 1052.32
Ceará	1291	0.3%	R\$ 880.70
Paraíba	1212	0.3%	R\$ 917.04
Acre	1211	0.3%	R\$ 1080.54
Rio Grande do Norte	844	0.2%	R\$ 969.08
Piauí	547	0.1%	R\$ 1021.35
Roraima	424	0.1%	R\$ 1530.82
Amazonas	393	0.1%	R\$ 1468.14
Sergipe	356	0.1%	R\$ 815.45
Alagoas	276	0.1%	R\$ 860.77
Amapá	53	0.0%	R\$ 852.09
Total	388386	100.0%	R\$ 1286.29

Therefore, one verifies that the employer needs an administrative control that requires organizing tasks in a systematic way, where performance requirements must be compatible with the capacity of the worker, aiming to minimize static and dynamic physical efforts that could compromise their health and safety.

Violation of these principles implies in an illicit act that incurs in “submission of the workers to conditions similar to those of a slave”, according to what Neves has said (2012, p. 11).

In the case of meatpackers: exhaustive working hours, degrading conditions, non-compliance with preventive standards of risks of accidents.

According to Palo Neto, “slave labor is not limited to the violation of labor issues, but is a serious violation of human rights and, frequently, the finding of the existence of slaves or similar jobs that are accompanied by other crimes” (2008, p. 96).

These crimes and misdemeanors are denounced as environmental, land grabbing, document forgeries, in addition to physical injuries.

5. The Problems at Brazilian Meat Packing Industries

The departmental structure, processes and organizational chart of a company are developed from different factors such as initial investment, a need for financial return and mainly the analysis of the market demand. From this perspective, we see the need for a systemic view on the dynamics of the internal and external environment in which the company is inserted. According to Porter (1985, p. 31): “the value chain of a company fits into a larger chain of activities called a Values System”.

From the analysis of the value chain, it is possible to respond to and understand the internal and competitive environment in which the company is inserted:

- Which and how many resources — financial, human, material, for example, are needed so that the company can maintain its operations within the perspective of demand for products and services;
- How will such features be processed, how will internal relationships be developed, adding value and transforming to meet market expectations. A map of relationships is important in order to establish a guideline on how the processes and relationships will be made; and
- What and how will it be offered to the market in order to meet the needs of the market and consequently bring a financial return that generates the sustainability of the whole process.

The productive chain that includes meat packing industries, involves agricultural input producers who supply the farms, veterinary services, funding, the farm itself as a unit of production, raising and possible slaughter, meatpackers, distributors and even exports. Each component of the chain adds value to the services provided, which are duly incorporated into the final product — in this case, meat.

In order to ensure that the population consumes quality products from the point of view of health, the Federal Prosecutor and the Ministry of Labor, in conjunction with the Brazilian Environmental and Natural Renewable Resources Institute (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis*) (IBAMA), they maintained intense surveillance. In this way, they were able to identify meat packing industries that would be selling beef from farms that were practicing a series of irregularities such as damage to the environment, indigenous rights and slave labor, this being a constant irregularity in the sector.

6. Contextualization with Emerging Economies

According to the United Nations Organization (UNO) www.un.org (accessed on 12/12/2013), countries can be classified as emerging economies according to several factors. According to the Alexandre de Gusmão Foundation (2012), the prediction is that, countries classified as emerging have a growth that is greater than the world average in the coming years. The group formed by Brazil, Russia, India and China (BRIC), Indonesia, Mexico and Turkey will overcome the growth of developed countries, as for example the United States of America, Japan, Germany, United Kingdom, France, Italy and Canada (G-7). According to Dicken (2010, p. 375):

...food production remains an intensely local process, linked to climatic conditions, soil and often specifically sociocultural. At the same time, certain types of local production, mainly high-value foods, have become increasingly global in terms of their distribution and consumption. For wealthy consumers with access to abundant overflowing supermarket shelves, the “permanent global summers” have taken the place of the seasons. However, these seemingly idyllic circumstances for rich consumers have a dark and unpleasant side.

Analyzing in parts, livestock activities involve essentially local activities, these inserted within a legal-socio-economic context. Although this economic activity is not only the merit of developing economies,

which are the ones that sometimes have the productive resources and economic orientation to better develop these activities. These countries usually feature a precariousness of resources and infrastructure, favoring production that is more informal.

However, the major consumer markets are the more economically favored countries, who import food and derivatives and focus essentially on their economic skills related to industry and technology.

7. Employment Relationships, Labor Relations and Contemporary Slavery

The work has always been part of human activity. Ever since most remote time, humankind has labored, beginning with the search for foods to ensure their own survival. Subsequently, in clashes and battle with their fellow creatures, they realized that it was more useful to enslave them than to make them prisoners (Vianna, 1999, p. 44), thus giving birth to the phenomenon of slavery, which was considered at that time to be just and necessary.

According to Russomano (1984, p. 105), labor relations, in the course of history, took place in five phases, namely: “the slavery regime, the serfdom regime, the corporate scheme, the manufactures scheme, and finally the wage-earner regime”.

The long journey through which slave labor passed up to its transformation into wage labor reveals the intensity of human struggles for labor rights, highlighting the contribution of the ideals of the French Revolution and the intervention of the state to this construction. The need for creating an instrument that would guarantee the implementation of such rights and provide security in legal relations between employee and employer brings about an employment contract, disciplining contractually working relationships.

Nowadays, it can be said that the employment relationship is the genus from which the employment relationship is a species. Within this, there are still embedded in the employment relationship other forms of employment provision, such as autonomous, freelance and temporary work. For Amauri Mascaro Nascimento (2003, p. 454), the employment relationship is “the legal relationship of a contractual nature having as subject the employee and the employer and as an object a subordinate, continued and wage earned employment”.

Slave labor, however, has not yet been effectively abolished, clothing itself in one of the most dismal realities of the human species present in all parts of the world, especially in Asia and South America. In Brazil, at the same time, ever since the 60s, there have been denunciations of enslaving practices, not only in the countryside, but also in urban area, persisting to the present day.

Brazil prohibits slave labor and the first foundation lies in the Federal Constitution of 1988, either by express provision or by the set of principles that it harbors. Already in its scope, the Higher Law offers as one of the foundations of the Federative Republic of Brazil the principle of human dignity (item III), contained in the protection of the worker; then, article 5, item III, deals with the prohibition of forced labor to ensure that, “no one shall be subjected to torture or to inhuman or degrading treatment”. Item (XIII) deals with the freedom of professional practice, with “free exercise of any work, trade or profession, meeting the professional qualifications which the law establishes”. Item XLVII, item “c” forbids the adoption of a penalty of forced labor, revealing that not even the State can force someone to work. Next, article 7 of The Magna Carta, ensures minimum social conditions for labor workers, bringing dignity to the condition of social and fundamental rights of the human person. In addition, throughout the body of the constitutional text references to labor protection, as for example in article 170 that rules on the valuing of human work with the support of the economic ordinance.

In the infra-constitutional plan, the consolidation of labor laws — CLT has a wide range of general and

special standards for work supervision, and in the same proportion punishment for employers who contravene such rules, which state that labor legislation also serves as the foundation for the prohibition of forced labor.

It is important to consider however, that both Labor Legislation as well as Brazilian Civil Legislation do not have a definition that expresses what slave labor is. In view of this legislative gap, the doctrine and the conventions of the International Labor Organization have been compelled to construct a complementary concept of slave labor.

Under the doctrinal optical, slave labor is characterized by the presence of coercion and the denial of freedom, being the fruit of the perverse combination of degrading work and deprivation of freedom. These are however open concepts, take as an example the demeaning work, which is possible to fit into a wide range of situations. Slave labor *can* still be classified as rural; an environment in which workers meet serious obstacles when severing ties with their employers. This can consubstantiate in document retention, debts that they are forced to acquire, generally resulting from the acquisition of food for their livelihood, or other nefarious practices, such as the hiring of workers by labor contractors, known as “cats”. As an urban nature, where there can even be a payment of wages, but it would be in very small amounts, as well as introducing other standards of work supervision, like the exaggeration of workday hours beyond the legal limit, the denial of a vacation, not meeting the minimum safety and occupational medicine standards etc.

The International Labor Organization, in turn, treats slave labor in conventions 29 and 105, in agreement with the following: Convention 29: forced labor (1930): provides for the elimination of forced or compulsory labor in all its forms. There are some permitted exceptions, such as military service, properly supervised penitentiary work and obligatory work in emergencies, such as wars, fires, earthquakes, etc. In Convention 105: abolition of forced labor (1957): prohibits the use of all forms of forced or compulsory labor as a means of coercion or political education; as punishment for political or ideological expression of opinions; the mobilization of work forces; as a disciplinary measure at work, punishment for participation in strikes, or as a measure of discrimination (Combat, 2014).

As previously stated, there is no legal definition of slave labor under labor or civil law. However, criminal legislation, in order to contribute in the confrontation of such a delicate issue, treats slave labor as being defined as the crime of slavery in article 149 of the Penal Code, aiming at conceptualizing the conducts that configure the “condition similar to that of a slave”, according to the following:

Art.149. Reduce someone to a condition similar to that of a slave, submitting to forced labor or the exhaustive work hours, whether by subjecting them to degrading work conditions, restricting, by any means, their locomotion because of debts contracted with the employer or manager:

Penalty: imprisonment from two to eight years, and a fine, in addition to the penalty corresponding to the violence.

§1º Under the same penalties incur those who:

I - curtails the use of any means of transport by the worker, with the purpose of detaining him/her at the workplace.

II - keeps overt surveillance in the workplace or seizes documents or personal belongings of the worker, with the purpose of detaining him in the workplace.

§2º The penalty is increased by half if the crime is committed:

I - against a child or adolescent;

II - by reason of prejudice of race, color, ethnicity, religion or origin.

Noting that the article mentioned above is the result of law n. 10,803, of December 11, 2003, which sought to clarify, as much as possible, the concept of “conditions similar to that of slavery”. It features that when the victim is subjected to forced labor or exhaustive working hours, both in the event of degrading work conditions, as in the

case of restriction of locomotion due to debts contracted with the employer or manager. As one can see, the current text of article 149 of the Penal Code meets entirely with the international conventions against forced labor of which Brazil is a signatory.

On the other hand, it is processed in the National Congress proposal for the amendment to the Constitution known as SGP on slave labor, number 438/2001, which gives new wording to article 243 of the Federal Constitution of 1988, allowing the expropriation of lands where workers are found in slavery conditions. For final approval in the Senate, where it is processed under the identification of PEC 57A/1999, a vast network of conspiracy between parliamentarians has been woven, stating that in exchange for the “PEC of confiscation of property by the practice of slave labor”, the conceptualization given by article 149 of the Penal Code would be revised. The negotiation of a new legal definition has been seen by most sectors of society as an expedient, as well as a procrastination, able to render the PEC of slave labor harmless. So far, the latest progress in the processing of the PEC in comment occurred on December 9, 2013, being in the CCJ, with the Senator Aloysio Nunes Ferreira.

8. Conclusions

With the publication of new regulatory standards presented in detail, one can perceive the risks to which workers are exposed.

Slave labor, both in slavery at the time of the Empire as it is nowadays, maintains the same characteristics: physical, psychological and moral.

Summing up, we can conclude that the ever-growing state of development, improvement and protection of the workers is a constitutional imperative, especially because one of the foundations of the Federative Republic of Brazil is focused on the social valuation of labor. Labor rights are the result of a long and arduous struggle against the dominance of archaic powers. A logical conclusion being that, slave labor stains a working relationship, disqualifying it, denaturing it, wounding with death the simplest principles and individual guarantees laid down in the Federal Constitution, as well as in the Universal Declaration of Human Rights, in addition to addressing all protective networks contained in the national industrialized legislation.

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