

The WIETA Code of Conduct: Proposal for a Complementary Regulatory Model for Labor Relations in Brazilian Vitiviniculture

Humberto Lima de Lucena Filho , Carlos Henrique Bezerra Leite 

Faculdade de Direito de Vitória (FDV), Vitória, Brazil

Email: betolucenax@gmail.com

How to cite this paper: de Lucena Filho, H. L., & Leite, C. H. B. (2023). The WIETA Code of Conduct: Proposal for a Complementary Regulatory Model for Labor Relations in Brazilian Vitiviniculture. *Beijing Law Review*, 14, 1394-1417.

<https://doi.org/10.4236/blr.2023.143076>

Received: August 15, 2023

Accepted: September 18, 2023

Published: September 21, 2023

Copyright © 2023 by author(s) and Scientific Research Publishing Inc. This work is licensed under the Creative Commons Attribution International License (CC BY 4.0).

<http://creativecommons.org/licenses/by/4.0/>



Open Access

Abstract

The trade of supposedly more elite products does not necessarily imply that the production chain is structured in a sustainable manner with regards to labor relations. In the month of February 2023, the dark side of the grape and wine sector in the southern region of Brazil came to light as cases of basic labor rights violations were uncovered, including records of work in conditions analogous to slavery. This gives rise to a discussion about the inadequacy of a strictly mandatory and state-driven regulatory model in the implementation of rights. In this scenario, this work aims to evaluate whether, in order to establish a complementary model of self-regulation and co-regulation in labor practices, the implementation of a privately natured code of conduct, inspired by the South African WIETA model, would be viable. For this purpose, a logical-deductive method is employed, aided by a review of the literature on the global and local context of the sector, as well as data concerning production positioning and improvements in working conditions. It is proposed that, drawing from the experience of South Africa and the social and economic similarities, there is a virtuous inspiration for Brazilian economic agents to create a local code of conduct that prioritizes decent work and sustainability as pillars, without neglecting global reputational recognition and profitability.

Keywords

Vitiviniculture, Labor, WIETA, Code, Conduct, Brazil

1. Introduction

One of the characteristics of positive law, embodied in the concept of law in the strict sense, is its generic, impersonal, and abstract aspect, endowed with the capacity to discipline behaviors, prevent conducts, and establish behavioral limita-

tions that affect human and fundamental rights. It is known, however, that regional differences in terms of social, geographical, political aspects and the variability of economic activities may end up creating distortions in the rule's application without the necessary adaptations and elasticities proposed by the Aristotle's Lesbian rule.

For labor law, it is up to the collective labor law to exercise the normative and adaptative function, by means of collective entities, whether in relation to specific economic sectors or in relation to the adaptive temporality of the tense relations between the capitalist's owners of the means of production and the workers. The instrument indicated for this task in the heteronomous legislation in force is collective bargaining, whose democratic aspect is evidenced by the direct participation of the recipients of the normativity in the process of negotiations that culminate in the collective labor conventions, with the participation of both unions or not.

Collective bargaining has the power and responsibility to implement a minimum civilizing level of social rights, ensuring the observance of the list of human and fundamental rights that make up the core of decent work, already widely debated, revisited and object of conventional production, recommendations, declarations and other types of hard and soft law in the public sphere within the International Labor Organization (ILO) and other bodies linked to the United Nations (UN).

The fact is that law does not have a deleterious effect on the real world. The incidence of the legal command, with the consequent punitive sanctions to recalcitrant agents in conducts that vilify labor human rights, applied by repressive justice systems, has not been sufficient to stimulate an effective change of culture regarding human rights in the scope of companies in the execution of their labor and commercial production or service provision contracts.

To have a spark of hope for more humanized labor relations, it is imperative to demand implementations and actions from different sources: public policies, inspection agencies, and strategies that encourage voluntarism from the addressees of the rules. It is urgent to propose alternative and complementary ways for corporations to adhere to their decent work commitment.

This work aims to make inroads into the economic and labor aspects of the Brazilian wine industry, especially in response to the call for attention to shady practices that violate human dignity, caught in recent times by the actions of the Labor Prosecutor's Office, the Ministry of Labor and Employment, and the Federal Police. It also seeks to propose a complementary model of sectorial self-regulation and co-regulation of labor human rights for the referred economic activity from the establishment of a business conduct code inspired by the model propounded and executed by the Republic of South Africa's wine sector, also in the wine industry, put into practice by the Wine and Agricultural Ethical Trade Association Code (WIETA CODE), known as the WIETA Code.

The problem that needs to be discussed and answered is: could the implementation of a sectorial code of conduct applied to the Brazilian vitiviniculture

contribute to the regulation and implementation of labor human rights in this activity?

To achieve it the logical-deductive method is used for the construction of the legal reasoning and thesis applied, under the use of indirect documentation, with bibliographic and legislative review applicable to the cases analyzed.

The first section deals with the economic scenario of grape and wine production and the recent allegations of labor rights violations, especially in the southern region of Brazil. Next, some reflections are made about the labor relations in the specific context of the national vitiviniculture. The third section discusses corporate good faith and models of labor regulation, and the last part deals with the WIETA code of conduct and its inspirational model for the creation of a similar mechanism of corporate ethical standard throughout the productive chain of wine production in Brazil.

2. Vitivinicultural Sector: From Myth to Media

Bacchus, the name given to the god Dionysus by the Romans, is the god of wine, agriculture, fertility, bohemianism, and festivities. His mythological representation is embedded in the practice of hedonism and sacred delusions. Within the same divinity of exaggerated celebrations, there is the manifestation of an agrarian god and generative powers, metaphorizing creative capacity and the ability to change realities (Leite, 2001).

The development of vine production and the expansion of vineyard planting have been significant aspects of civilization, contributing to the creation of the identity of Mediterranean peoples. Guarinello (1997) states that “before being an agent of civilization, wine itself was civilized. In fact, the grapevine, whose fruit produces wine, *vitis vinifera*, is a plant created by human labor”. The “domestication of the grape” is the conclusion drawn from comparing wild varieties with reproductive structures, seed forms, morphology, and sugar content of the berry (Guarinello, 1997).

The historical records of wine in antiquity span through Greek, Egyptian, Mesopotamian, and Assyrian civilizations, where it was seen as food, beverage, or for medicinal use. Initially, access to its consumption was restricted to aristocrats and members of higher social classes (Murray & Tecusan, 1995).

The cultivation of grapes, wine production and its commercialization are affected by multiple climatic factors, increasing governmental regulations and associations with awareness policies regarding the effects of excessive alcohol consumption, and the need to adapt businesses to a model of environmental sustainability. The wine industry generates approximately 29 billion dollars annually worldwide (Raimundo, 2022) and is one of the most traded consumer goods globally, anticipating the concept of commercial globalization.

The global wine market is divided into two major production models: the European model and the model followed by the rest of the world (Raimundo, 2022). In Europe, there is a more traditional planting and production approach, in cold weather, with generational improvement of techniques, while in other

regions, the climate is warmer, and enological technologies are more applied and encouraged (Raimundo, 2022). The most systematized data indicate that about 40% of the global production is exported, with France, Italy, Spain, Australia, Chile, the United States, Germany, New Zealand, Portugal, and the United Kingdom being the top ten exporters in 2018. Italy, France, and Spain are responsible for 50% of the global production (Raimundo, 2022).

In Brazil, it was only from 1875, with the Italian immigration to the south of the country, that vine planting was fostered and initially strengthened. In 2018, Brazil ranked 15th in world production and was the 54th largest exporter in 2017, totaling 9 million dollars and contributing 0.02% to global exports (Cella, Theodoro, Pavarina, & Malagolli, 2021). As for domestic consumption, in 2018, Brazil accounted for 1.3% of global consumption (Vieira, Grundling, & Gazolla, 2021).

Brazilian vitiviniculture stands out as a regionally relevant activity, notably due to the employment opportunities it generates and its integration of Brazilian production into the international scene. The grape planting cycle varies according to the country's diverse climatic conditions, resulting in products with varied market niches. Grape cultivation is intended for fresh consumption, both seeded and seedless, as well as to produce grape juice, table wine, and fine wines (Mello & Machado, 2022).

The sector's functionality promotes wine tourism in regions known for housing vineyards with international recognition. Being part of agribusiness also creates industries and peripheral activities that gravitate around vitiviniculture, such as studies on development of enological techniques and genetic improvement of seeds.

The geographical structure of the national wine industry is mainly concentrated in the southern region, with the state of Rio Grande do Sul playing a prominent role in the productive concentration. The southern region accounts for 73% of the national vineyard area, of which 62.41% is in Rio Grande do Sul, and the remaining cultivated area is distributed among the northeastern (14.04%) and southeastern (12.68%) regions, with the rest divided between the Midwest and North (Mello & Machado, 2022).

Indicators provided by the analyzed federative unit indicate that the production in Rio Grande do Sul corresponds to 56.05% of the national grape production, approximately 90% of the total wine and grape juice production, and 85% of sparkling wines (Mello & Machado, 2022). Nonetheless, vitiviniculture has a trade deficit in the Brazilian economy. The exports of fresh grapes, grape juice, wines, and sparkling wines in 2021 amounted to 178.129 million dollars, while imports of the same items reached 520.122 million dollars (Melo & Machado, 2022).

Despite the export deficit, the values involved are significant and have the potential to be increased if Brazil adapts its production strategy for the fine wine market, such as China, which has opened its market and its upper-middle class demands greater involvement in wine culture and its representation of social as-

cent. Simultaneously, local economic agents have invested in strengthening and specializing in the production of fine wines, investing in training, technology, and targeting markets with still low *per capita* consumption, such as Brazil and Paraguay (Cella, Theodoro, Pavarina, & Malagolli, 2021).

The successful operation of this market depends on a well-structured supply chain capable of self-sustaining and properly interconnecting within an organizational and institutional environment. The case under study is structured based on input suppliers who facilitate the flow of materials to properties (grape producers). These producers sell the grapes to wineries, which engage in sales transactions with wholesalers, who in turn negotiate with retailers, and the final consumers purchase the products. The flow of raw materials supplies the next component of the chain in exchange for capital, creating a sectoral dependency relationship.

Production is not limited to wine and grape juice, but also includes grapes for consumption, grapes for winemaking, grape byproducts, and wine (Triches, Siman, & Caldart, 2004), diversifying the niches of operation and profitability based on climatic, soil, and seasonal aspects.

Regarding the grape and wine supply chain in the Serra Gaúcha region, “the role of institutions, whether regulatory or research and development, as well as input and equipment suppliers, among others, can constitute links that drive or hinder the performance of the chain” (Triches, Siman, & Caldart, 2004).

By citing the studies of Douglass C. North, Triches, Siman, and Caldart (2004) reinforce the importance of institutionalism in the efficiency of the supply chain. This is due to the modeling that occurs among economic agents because of the actions of organizations and institutions, which employ formal or informal rules influenced by pressure from interest groups, political and judicial decisions.

It is natural for organizational behavior to be a determining factor for efficient results, whether through economic, social, or legal stimuli. For example, fiscal policy and tax regulations can promote development in commercial areas that require incentives and desired behaviors. However, it should be noted that a purely economic analysis cannot prosper due to the social cost associated with adopting this analytical bias. It is essential to strike a balance between productive activity and constitutional principles related to free enterprise.

Efficiency arguments must also consider normative efficiency, which encompasses meeting the objectives pursued by the systemic legal framework. Furthermore, axiological efficiency is required due to the commitment of business activities to values such as human dignity and social and environmental sustainability, moving away from the outdated concept of “Race to the Bottom” advocated by liberalizing discourses.

Until 1970 the Brazilian wine industry was primarily based on local production and the cooperative model. Two scenarios have unfolded since then: a) the potential for higher quality wines and the subsequent lack of exploitation of this niche attracted multinational companies (e.g. Moët et Chandon); b) due to economic policies of trade liberalization in the 1990s, the wine industry experienced

a significant increase in wine imports (Rosa & Simões, 2004). The result of this was a reduction in the activity of multinational companies and a shift in consumer preferences, favoring the emergence of regional wineries, still active today, with quality certifications, such as Salton, Valduga, and Miolo (Rosa & Simões, 2004).

The current industry landscape is largely shaped by a new social behavior. Access to information about grape and wine provenance, as well as the demand for more refined products, has influenced production methods. The prominence and increase in red wine production and the competition from foreign wines against domestic ones, have posed significant challenges to the domestic industry, especially concerning distribution costs, competition with producers within Mercosur, particularly Argentina, and climatic conditions (Rosa & Simões, 2004).

The advancement of the Brazilian wine industry fundamentally depends on a promising future for the Serra Gaúcha region. It serves as the showcase and the calling card for wines produced in the national territory, and within it lies substantial hope for competing on par with internationally recognized grape and wine quality.

The 1988 Brazilian Constitution places labor at its core as a central social value. The constitutional framework already anticipated the need to establish the standard of decent work as a limit to the so-called cost efficiency to prevent abuse of economic power and human exploitation. Here, there is a thorny encounter between legal deontology and the real world contextualized in the case under analysis: the interpretive provisions of business activities and labor contract management and the recent events exposed in the southern region's vitiviniculture by the media.

On February 22, 2023, a joint operation involving the Ministry of Labor and Employment, Federal Highway Police, and Federal Police was carried out in the municipality of Bento Gonçalves, in the mountainous region of Rio Grande do Sul. Following reports to the authorities by three workers who claimed to be kept in lodgings against their will, 207 employees were freed, considered victims of degrading work and in conditions akin to slavery, all contracted by a labor supply company.

These workers, who came from the state of Bahia, were rescued from lodgings located approximately fifteen kilometers away from the place of work, in unsanitary and inadequate conditions, not in compliance with the minimum administrative regulations regarding dining areas, lodgings, and bathrooms. They were providing services to three major groups in the wine sector: Aurora, Cooperativa Garibaldi, and Salton wineries, as well as other smaller rural producers. According to the testimonies gathered by public agents, they suffered physical violence, threats, and psychological terror.

The news received national and international attention, negatively highlighting part of the sector and exposing the deplorable practices identified, associating the Brazilian wine industry with the worst aspects of labor exploitation, as

will be further explained.

3. Labor Relations in the Brazilian Vitiviniculture

The practical result of exposing the labor inspection in the process of freeing workers in the Serra Gaúcha region brought about effects that deserve to be highlighted. The first one was the publicization of facts and the attempt to justify the cost reduction in hiring employees through the choice of outsourcing. Despite using public funds in their businesses (Konchinski, 2023), the discourse of some representative business entities, such as the Center of Industry, Commerce, and Services of Bento Gonçalves, sought refuge in the argument of a scarcity of local labor due to a state-assistance policy. They claimed that it was necessary to hire workers from other regions who would accept the wages and working conditions provided by the producers in the region.

This issue has also been faced by French producers. French wineries historically relied on student labor, working on a temporary basis. The reform of the university calendar led to a coincidence of dates between the start of classes and the grape harvest and wine production periods. As an aggravating factor, the increased employability of temporary work in the French market and the loss of benefits for workers in the sector contributed to an excess of vacancies in the area (Rozenbaum, 2018).

The problems of capitalism must also be addressed through the rules offered by the system itself. The law of supply and demand implies increasing advantages for available labor force. A sector that is prominently rising on the global stage, with great potential and significant profitability, must conform to the demands of adequate remuneration and better benefits as provided by economic self-regulation. Exploiting the high levels of social vulnerability of people in unemployment to maintain incompatible working conditions with the concept of decent work which has already been duly defined internationally, should not be condoned.

The construction of decent work is the result of humanizing the law and elevating the centrality of work to a fundamental constitutional level. The distinction between human and fundamental rights is merely didactic. While the former are recognized in the Universal Declaration of 1948, customs, legal principles, and international treaties, the latter are enshrined in the domestic legal systems of each State (Leite, 2014).

The conceptual core of decent work is structured by doctrine into three levels: a) from an individual perspective: the right to work, freedom to choose work, equal opportunities for and in the exercise of work, the right to work under conditions that preserve the worker's health, the right to fair remuneration, the right to fair working conditions, especially limiting working hours and providing rest periods, and prohibiting child labor; b) from a collective perspective, the right to freedom of association; c) at the security level, the right to protection against unemployment and other social risks (Brito Filho, 2010). Therefore, decent work is a broader project than a mere end to be implemented in state policies. It is an

element to be “conjugated with the very notion of development and sustainable economy, internalized in citizens consciousness through a culture of educating about these rights” (Lucena Filho, 2017).

Another consequence of publicizing the facts concerns the attempt to justify cost reduction in hiring employees through outsourcing. The issue, far from being resolved by legislation and court decisions, keeps resurfacing as one of the responsible factors for the overall degradation of working conditions. It has taken on commercial and legal features in business relationships, resulting in wage compression and an adoption of stances that neglect the monitoring of the entire production chain.

The defense argument put forth in the face of fragmentation and delegation of service provision is the outsourcing of responsibilities. Preliminary notes and communication advisors claim unfamiliarity of the uncivilized working conditions.

It is not news in doctrine, legislation, or jurisprudence that the duty of oversight is inherent in the outsourcing model. The minimal contractual management is the most basic principle of those seeking to outsource part or all their production process to third parties. This position is even endorsed by the Supreme Federal Court’s hermeneutics in the *Arguição de Descumprimento de Preceito Fundamental* n° 324 and the Extraordinary Appeal n° 958252, both instruments of constitutionality control, with recognized and approved general repercussion (Topic 725), which acknowledges the contractor’s subsidiary liability in case of non-payment of labor rights by the service provider company.

A third consequence is the exposure of the fragility of soft law, supposedly committed to sustainability and labor human rights, displayed by the investigated companies.

The Cooperativa Vinícola Aurora held the Great Place to Work (GPTW) seal. The seal granted by the GPTW Company takes into account an opinion survey among employees and is considered a reference in the corporate world when it comes to companies perceived as desirable by candidates aiming for career advancement (Alessi, 2023).

On the other hand, Vinícola Salton was listed as a signatory to the Global Pact (2000), which aims, among other things, to promote decent work, i.e., combating forced labor and conditions analogous to slavery. For the labor area, the UN has adopted the fundamental labor conventions as a minimum benchmark for good practices, through the democratization of forces represented by a council with members from the business sector, labor, and civil society representatives. By 2010, 1,693 Global Pact signatories were excluded from the list of members for not reporting annually on the degree of implementation of the established principles. They became monitored by pressure and monitoring groups that view corporate social responsibility decisions merely as a marketing strategy.

The immediate impact of the inspection’s actions also affected the companies’ market positioning. One of the first effects was the suspension of the three companies’ activities under the Wines of Brazil project, promoted by the Brazilian

Trade and Investment Promotion Agency (ApexBrasil), an agency linked to the Ministry of Development, Industry, Commerce, and Services, which promotes Brazilian products at events and fairs abroad in partnership with the Brazilian Vitiviniculture Union (Uvibra).

Subsequently, the actions of the 4th Region Labor Public Prosecutor's Office led to the drafting and signing of the Terms of Adjustment of Conduct No. 07/2023 (resulting from Civil Inquiry No. 000104.2023.04.006/3 - Cooperativa Vinícola Aurora Ltda), No. 08/2023 (Civil Inquiry No. 000105.2023.04.006/0 - Cooperativa Vinícola Garibaldi Ltda), and No. 09/2023 (Civil Inquiry No. 000106.2023.04.006/6 - Vinícola Salton SA). In these terms, the companies committed themselves to obligations to eliminate degrading working conditions for service providers and grape producers in the state of Rio Grande do Sul.

The obligations assumed relate to abstaining from hiring service providers that keep workers in conditions analogous to slavery or hiring direct employees under these same conditions, along with related commands, including: a) not hiring workers from other regions through fraud or worker recruitment, and other forms of mobility; b) complying with safety and health rules at work; c) abstaining from hiring companies not specialized in providing labor and without adequate economic capacity to carry out the contracted service; d) self-monitoring regarding rural producers with whom they have commercial or association relationships through annual awareness and orientation events for members, as well as annual investigative visits; e) advertising campaigns on "slave labor," health and safety at work, xenophobia, and racial discrimination. Individual moral damages compensations were set at R\$2000000.00, distributed among the rescued workers in the fiscal action, and R\$5000000.00 as collective moral damages, to be redirected to entities, projects, or funds that work towards repairing collective damages caused to workers (Ministério Público do Trabalho, 2023).

The celebration of the terms of adjustment of conduct, coupled with broader discussion of the issue of slavery-like labor conditions, shed light on the need for the involvement of sector-class entities that play a key role in economic movement to ensure compliance with labor human rights.

Based on these premises, on May 24, 2023, a protocol of intentions was signed between the Federal Government (Ministry of Labor and Employment), the Federation of Vinicultural Cooperatives of Rio Grande do Sul - FECOVINHO, the Federation of Salaried Agricultural Workers of Rio Grande do Sul - FETAR/RS, the Labor Public Prosecutor's Office - MPT, and the International Labor Organization - ILO, called the Pact of Good Labor Practices in Vitiviniculture in Rio Grande do Sul. The content of the Pact does not impose legal obligations or responsibilities on the signatories but endorses the promotion of decent work and focuses on the adoption and dissemination of the best labor practices in vitiviniculture.

Although its symbolic, programmatic, and intentional core, with a two-years validity, the Pact proposes multiple strategies to combat degrading work conditions in the sector through events, seminars, courses, and the provision of rules

and regulations relevant to the entire chain by all sector members. This action demonstrates concern for an important issue: education in human rights within the business context. The protocol highlights the entities' commitments regarding the guidance of their associates and the implementation of effective risk management mechanisms.

It also innovates by making available to companies a labor self-diagnosis system (Ministério do Trabalho e Emprego, 2023) capable of identifying labor irregularities in the production chain. Regarding outsourcing, the Pact provides guidance to signatories to hire labor directly for core activities (cultivation, pruning of vineyards, grape harvesting, loading and unloading of grapes), and in case of using outsourced labor, service recipient companies and other signatories must observe seven labor due diligence requirements.

However, it should be noted that the policies initiated in the Pact, as well as the limited compensations provided in the terms of adjustment of conduct mentioned earlier, are insufficient. The condition analogous to slavery, restriction of freedom of movement, degrading working hours, debt bondage, and violence in the labor world have been issues since the genesis of the International Labor Organization. The mildness of the measures taken regarding the violations of human rights perpetrated against vulnerable workers is a hindrance to the resolution of the case.

What is being highlighted here is not just the inadequacy of the actions taken but the symbolism of the case. The product in question has a prestigious reputation. We are not talking about denunciations in ordinary agriculture, in the orange or sugar cane sectors, which, although significant and profitable, do not represent an association with an elitist consumption. The damage to the image perpetrated rebounds in the social construction linked to the sector. Hence the need to rethink control and sustainability of relations: a self-regulation and co-regulation complementary to the repressive system.

4. The Objective Good Faith Principle and the Complementary Regulation: Perspectives beyond Statism

Democratic states, bound by a social-democratic mission, have adopted an ethical nature concerning procedures and a moral nature concerning the objectives of governance guidelines and regulations, whether codified by the company or not.

This discussion concerns the ethics and objective good faith, both contractual and corporate. The reasoning behind this is based on the defense that labor corporate governance rules are derived from a general foundation of human rights promotion to the codes of ethics and business conduct, affirming the moral duty to implement these rights. Therefore, it is the duty of the state to consider the content of governance in the promotion of decent work and the duty of protection.

Objective good faith is, in this taxonomy, a guiding principle of behavioral conduct in private law, as it demands fair conduct from the parties in any legal

transaction, even when not expressly formalized (Tartuce, 2019). It is a general clause related to the ancillary duties of the contract, of a more flexible nature, and it interacts with rules produced by other sources. This is the spirit of statement no. 27 of the 1st Civil Law Conference of the Federal Justice Council (CJF), which establishes that, in interpreting the general clause of objective good faith, one must consider the Civil Code system and its systematic connections with other normative statutes and metalegal factors.

A case that didactically illustrates the relevance of defending ethical linkage and moral content in corporate governance to protect the right to decent work was addressed in the labor claim 00500-2008-023-01-00-5, with a sentence delivered on January 29, 2009, by Judge Fernanda Stipp, within the scope of the 1st Regional Labor Court (TRT-1). In the lawsuit, the defendant, a large national bank, was sentenced to pay compensation for moral damages, amounting to R\$ 400000.00 (four hundred thousand reais), due to discriminatory conduct. The amount was increased by one hundred percent compared to the convictions of other defendants in the same economic sector in analogous situations, given that the defendant's website presented a code of ethics with a series of principles, including respect for human dignity, demonstrating the preservation of individuality and privacy, not allowing discriminatory acts, and emphasizing social responsibility (Pinheiro, Silva, & Bomfim, 2021).

Based on this interpretive perception of the code of ethics, the provisions of the conduct adjustment agreement are merely symbolic regarding the illegalities perpetrated against liberated workers in the Serra Gaúcha region. The code of ethics of Vinícola Aurora, available to the public on its website, defines human valorization and sustainability as some of its values and, regarding suppliers, service providers, and business partners, it declares intolerance to "any form of degrading work in our supply chain, as well as non-compliance with current legislation and/or actions that cause damage to the environment" (Vinícola Aurora, 2023).

The code of ethics is not a compulsory tool from a legal perspective. Discretion is one of its characteristics, and as such, deciding to publicize the principles and values of operation creates a business link with civil society, employees, partners, service providers, and consumers. Deliberate disregard by employers for the axiology promoted and disclosed as a market identification demonstrates a violation of transparency and probity in business execution, stemming from the principle of good faith and the social function of property, especially since there is an illusory transmission of positioning in behavioral economics.

Considering the corporate role in the realization of the human right to decent work, it can be asserted that there is an incorporation of a moral code by corporate conduct, which adheres to individual employment contracts, denoting a metalegal factor. It is within this context that the so-called codes of conduct and social seals fit, playing important roles in the soft regulation realm of human rights concretization.

Sectoral regulation, traditionally mandatory, has a well-defined role in norma-

tivity. When triggered, it assumes a repressive role and corrects illegalities, mostly of a punctual nature. The deficient “constitutionality feeling” (Verdú, 2004) regarding labor social rights, whose correspondence lies between individual and collective conduct and adherence to constitutional rules and principles, demands solutions that comprehend not only public interventions but also generate voluntary and discretionary adhesion, with lower state costs.

This strategy, based on the responsiveness of agents involved in a certain market sector, finds support in the conclusions of the Technical Report on Regulatory Conformation supported by Regulatory Modeling by Incentives, produced by the Center for Policies, Law, Economics, and Technologies of Communications at the Universidade de Brasília (UnB). The report, which analyzed the understanding of the Federal Court of Auditors (TCU), refers to the theory of responsive regulation and intelligent regulation, which advocate for regulatory strategies beyond the limits of command and control, considering innovative and flexible forms valid. These modalities are characterized by complementarity, discretionary and voluntary adherence, consensus, and promotion rather than preponderance over classical direct regulation (Melo & Meneguín, 2022).

Soft regulation, widely applied by regulatory agencies belonging to administrative law, presumes the existence of non-binding instruments, but with their issuance carried out by the government (Melo & Meneguín, 2022). However, there are subcategories of self-regulation and co-regulation, with the former being put into practice by a group of economic agents who establish regulatory parameters for their own behaviors, and the latter being a division of regulatory acts between agents and the State.

In the case under analysis, labor relations are directly monitored by supervisory bodies (Ministry of Labor), investigators (Labor Prosecutors’ Office), and those belonging to the justice system (Labor Court). The supervisory responsibility is also exercised by a kind of indirect regulation on the actions of trade unions, which act either from a collective negotiation perspective or in defense of collective or individual rights and interests of the category, including legal or administrative issues, according to the provision of article 8, paragraph III, of the Federal Constitution.

Within the framework of non-state regulation models, there is the figure of co-regulation, based on the possibility of shared responsibility of private agents, who develop their own mechanisms and standards based on a legal foundation of applicability. In this case, there is a defined business area of action based on a deliberate eloquent silence of the legislation or on pre-defined spaces of regulation from positive law commands.

Thus, labor justice subsystems have a multitude of regulation species, which are either: a) of a heteronormative mandatory nature (direct regulation with a hard regulation nature); b) of a hybrid nature, producing normative standards through private means, built on legal authorization (co-regulation); c) of private regulation, initiated and based on standards and customs established by market agents themselves (self-regulation).

Mandatory normative regulation is exercised by state law and the organs linked to it. The second modality finds classification in the figure of contractual and business regulatory power of the employer and normative innovation of collective bargaining, present in the elementary form in articles 8, 461, §2, 611-A, items V and VI of the Consolidation of Labor Laws (CLT) and is a form of regulation by the agent itself, through the exercise of power and collective private autonomy.

Even though the results of this self-regulation have the nature of a formal source of law, constituting a form of hard law or hard regulation, the construction of the rule and its proper adaptation to corporate and sectoral specificities are the result of the agents' own choices, producing a regulation of mandatory compliance based on consensus (typically soft law or soft regulation). Hence, they do not constitute typical co-regulation but take on an improper nature by not combining differentiating elements (soft regulation and hard regulation).

The third categorization, proper co-regulation, is defined as an act of regulatory surveillance by private agents over themselves, authorized or indicated by state legislation that provides the implementation and guidance for the institution of governance. Regarding this typology, [Melo & Meneguim \(2022\)](#) clarify with the following example:

Law No. 12, 529, of November 30, 2011, which deals with the prevention and repression of violations against economic order, guided by constitutional principles of freedom of initiative, free competition, social function of property, defense of consumers, and repression of abuse of economic power, is an instrument of hard regulation because it establishes rules, offenses, and sanctions for non-compliance. Based on what the law provides, if companies establish their compliance program with rules and guidelines to be internally enforced, it is a self-regulation, or more specifically, a co-regulation, since the validity foundation in clear state commands is explicit.

An example of co-regulation in the labor area is Federal Decree No. 9,571, of November 21, 2018, which structures guidelines for medium and large companies, including multinational companies with activities in Brazil, while small companies may comply to the extent of their capabilities (Article 1, §1). Even with a voluntary nature, the regulatory provisions brought in the federal decree (direct regulation) derive from human rights already defined in international, regional, and constitutional law and create a fertile path for the implementation of integrity and corporate governance programs, capable of setting parameters for the observance of human rights within business establishments.

The fourth modality represents a more particular aspect decided by market agents organized in a specific sector and is the touchpoint of the present work. In this species, desirable results and behaviors are pursued through sensitive social facts that create an environment for the formulation of a behavioral pattern of positive actions, even though they are instrumentalized by supervisory strategies and tools. Here, there is a voluntarist perspective of complying with a civilizing level of labor legislation, under the influence of preserving the primacy of

social responsibility and transparency towards consumers, supervisory bodies, and workers.

Self-regulation changes the vector of normative constraint. The behavioral compass is based on the premise of cooperation, which results in the pursuit of desired actions as opposed to the well-known and unimodal technique of preventing undesirable actions. The encouragement technique works both in the spectrum of the stimulative positive law and in the perspective of constrictive soft law. There is, to some extent, a mandatory and punitive possibility in the private space initiated by the agents who carry out their activities there, through the application of various species of coercion: disassociation, prevention, market restriction, reporting, commitments, adjustments, among other forms.

Although some type of restriction of rights may be present in case of non-compliance, the central point of self-regulation is compliance with the norms not out of fear of immediate state sanctions but rather because of legislative or social beliefs that impose consensual adherence by the agent. It moves from the notion of coercion to compliance law (Tiujo, 2021).

The institution of this modality is materialized by the adoption of so-called social seals, social clauses, codes of conduct, and certification labels, and depending on the degree of organization, adherence, and consensus, self-regulation is recognized and absorbed by the state order, assuming a mixed character of self-regulation and direct regulation.

As an illustrative example, the Kimberley Process (KP) for diamond certification can be highlighted. Created in 2003 after intense international pressure from human rights activists, it became an initiative originating from the boycott of multinational companies that purchased diamonds from the Democratic Republic of the Congo and financed genocidal conflicts in that country. Certification consists of an information system on origin, itinerary, guarantees, and obligations regarding states and companies that only allow the sale and purchase of diamonds with the KP seal.

The results obtained allowed for the creation of “incentives for the affiliation of companies that were not part of it, as diamonds from a company that is not part of KP cannot be imported by member countries of the organization” (Miranda, 2013). In Brazil, Law No. 10, 743, of October 9, 2003, established the Kimberley Process Certification System - SCPK, concerning the export and import of rough diamonds.

At the national level, a successful experience was the Child Friendly Company Program, created in 1995 by the ABRINQ Foundation in defense of children and adolescents. The program aims to engage companies, which join through a commitment document, to promote the rights of children and adolescents and carry out social actions for their benefit, granting the Abrinq Seal to those companies that do not exploit child labor and monitor their production chain on this issue; promote access to protected employment for adolescents and carry out social actions that benefit children and adolescents and promote professional training for adolescents (Fundação Abrinq, 2022).

With 584 affiliated companies and social achievements in 2021, the program provides: a) technical assistance, according to the needs of the company, to qualify corporate social responsibility practices, regarding shareholders, production chain, and volunteer work; b) the use of the seal in audiovisual communication in advertising campaigns; c) the creation of working groups involving the child friendly companies, whose objective is to discuss issues of interest to these companies and improve their actions through qualification from networking (Fundação Abrinq, 2022).

5. The WIETA Code: Paths for Brazilian Vitiviniculture

The case of workers rescued from conditions akin to slavery in the vitiviniculture sector of the Serra Gaúcha region outlines the scenario advocated up to this point in this study. The state's regulatory action (hard law/regulation) led to public commitments aimed at improving the quality of working conditions – the Pact of Good Labor Practices in Vitiviniculture in Rio Grande do Sul (soft law/regulation). This complementary relationship points to the need to redefine the implementation of labor human rights through a mandatory standard and public policies, but with maximum consensus and adherence from the stakeholders and those responsible for the realization of the human rights implementation project.

The construction and applicability of that solution by the individuals involved in the issue are fundamental for individual and collective conflict resolution, already recognized by collective labor instruments, negotiation techniques, and mediation. Preventive alternatives to these conflicts, involving social benefits for businesses and improved living conditions for workers, need to be considered.

The debate arising in this scenario revolves around the classic and fervent mission of protecting legal labor rights in the context of global trade globalization. Due to the pressure for trade liberalization on a global scale, the corporate race to regions with weaker enforcement and protection of rights, along with the denationalization of labor norms, weakens the collective aspect of labor rights and state intervention. In fact, within this context, the decision-making power of businesses is strengthened through contractual precariousness, flexicurity, and heteronormative deregulation.

Parallel to the “race to the bottom” phenomenon, the globalizing dynamics (Tassin, 2012), while proposing behavior uniformity, demands innovation in resistance and response to the informing logic of labor law. This occurs considering the adoption of codes of conduct, best practices, and the utilization of soft law (Marconatto, 2010). While corporate mobility of transnational companies is a reality driven by profit generation, another aspect must be emphasized: the reinforcement of business which, while globalized, is not vertically or functionally hierarchical but locally strengthened, referred to as “glocalization” (Marconatto, 2010).

In “glocalization”, the globalism of capital is maintained, without losing sight of the fact that labor is local, and the protection of labor rights must consider the

realities where services are provided. This means that while standards of decent work are established through international and state legal efforts, the needs and gaps within local social orders must be considered in the process of safeguarding and ensuring decent work. On this topic, drawing from the teachings of Brunet Icart & Belzunegui Eraso (2001), Marconatto (2010) states that, besides being characterized by strong involvement within a certain territory and specific communities, glocalization has three aspects: “the concentration of production and innovative activities, a common social and cultural environment, and the organization of connections between actors within or outside the business, through formal or informal networks”.

In this regard, a successful case in the wine sector is presented, occurring in South Africa, conducted by the Wine and Agricultural Ethical Trade Association (WIETA). Established in 2022, it is a voluntary non-profit association composed of various social organizations, including wine producers, retailers, unions, and civil society organizations working with agricultural workers. WIETA’s objective is to operate as a civil association, supporting and implementing wine trade based on sustainable conditions and committed to the principles of decent work, while connecting them to the practice of ethical trade for this product (Wieta, 2023h).

Globally recognized in the vitiviniculture sector and associated with the Global Social Compliance Program - GSCP, WIETA acts with audits, monitoring, and a rigorous structure regarding its member companies and the entire South African wine production chain. The main catalyst for compliance with labor standards is the Code of Ethical Conduct, which provides for social audits in member companies to verify not only compliance with labor, health, and safety legislation in the African country but also whether business management methods are aligned with sustainable practices guided by social responsibility.

Forged in a context of human rights violations in the African continent and the demands of international customers for ethical practices throughout the supply and production chain, WIETA’s concern is not only legal compliance but also the integrity of conducts, revealing the application of a systemic and integral labor compliance program, with commitment directly linked to due diligence pillars, codes of conduct, monitoring, and adaptation of all operations, communication and training, commitment of senior management, risk assessment, internal investigations, whistleblower channels, and control policies (Wieta, 2023g).

The implementation of the WIETA Code emerges within a proposal to manage the reputational risk associated with the wine industry, safeguarding from major to smaller producers against possible boycotts and commercial sanctions due to indignities in the workplace.

According to WIETA’s website, member organizations and audit participants must: a) demonstrate and communicate the ethical commercial commitment to all members of the production chain and their respective employees; b) continually improve the professional lives of workers involved in the production

process; c) proactively support and monitor suppliers of grapes, wine, or agricultural products in improving working conditions in the sector; d) ensure that workers actively participate in understanding, implementing, and monitoring the code of conduct to promote human and labor rights in the workplace (Wieta, 2023f).

The regulations provided in the WIETA Code are based on the basic principles of the concept of decent work coined by the International Labor Organization through conventional and soft law, by public international law contained in the United Nations' declarations of rights and objectives, in association with South African constitutional and infralegal legislation. The Code draws on the principles and values present in national and international labor law, providing an environment of full compliance and unfold into thirteen guiding principles that must be put into immediate practice by the agents linked to the vitiviniculture sector of that African country.

The first item in the Code is the prohibition of child labor and the employment of young/adolescent workers. Members of the production chain are prohibited from directly or indirectly hiring children under fifteen years of age, and up to this age, they cannot even be present in the workplace. In the case of employing young people between the ages of 15 and 17, companies must provide job positions that do not interfere with school activities, in addition to the obligation to prevent, identify, and mitigate harm to young workers in the workplace. In these cases, the employer must ensure that the work is suitable for the education, health, and development of the young worker, and if child labor is found, companies must take appropriate measures to resolve the situation in the best interests of the child (Wieta, 2023c).

The second pillar is the prohibition of forced labor, bonded labor, slave labor, or modern slavery. Among the nine directions given to companies, there is a focus on the company's duty of vigilance to identify risks and potential vulnerabilities within the direct hiring process and the supply chain. Furthermore, there is specific concern regarding the hiring of so-called seasonal and migrant workers, with the freedom to terminate employment contracts, the right to rest and freedom of movement, and the freedom to work for the families of workers who live in housing provided by employers (Wieta, 2023d).

The third axis addresses health and safety in the workplace. Here, there is a general duty of monitoring, evaluation, prevention, minimization, and combating threats to health and labor safety. The subject is of such importance that the Code requires a representative from the company's senior management responsible for implementing an environmental risk management and safe work program. Likewise, there are specific provisions regarding the protection of pregnant and lactating workers, as well as personal protective equipment, signaling, training, first aid, sanitation facilities, potable water, protection of workers' housing near pesticide spraying regarding contamination, and alcohol dependency (Wieta, 2023a).

Freedom of association and the recognition of the right to collective bargain-

ing are essential requirements. The Code establishes an open and transparent relationship with unions and worker representatives, allowing and facilitating the access of these representative entities to the workplace and protecting employees against anti-union acts. It ensures democratic, relevant, and consistent worker participation in the process of wage and employment benefits review (Wieta, 2023b).

The fight against unfair discrimination based on race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation and LGBTQ+ communities, age, disability, religion, HIV status, conscience, beliefs, cultural practices, language, and birth or other reasons is one of the pillars of the WIETA Code. Furthermore, there is a clear intolerance towards issues related to moral, sexual, and racial harassment and the inclusion of individuals belonging to historically vulnerable groups (Wieta, 2023e).

The Code also includes provisions on: a) fair treatment in the workplace (especially regarding disciplinary procedures and prohibitions of corporal sanctions); b) decent working hours (not exceeding 45 hours per week, regular and overtime hours not exceeding 10 hours per day for cellars and 15 hours per day for farms and wineries); c) fair remuneration (equal pay, transparency in salary payment, prohibition of truck systems and debt bondage, guarantee of wage protection, and discounts only in cases allowed by law); d) requirement of regular employment through written contracts, avoiding subcontracting, false apprenticeships, and fixed-term contracts; e) real rights of workers, especially regarding eviction, housing occupation, and security of tenure for those who occupy properties on employers' farms; f) social responsibility and community development (company contributions to the communities where they operate, promoting sustainable development, such as measures to reduce the effects of alcohol) (Wieta, 2023i).

The choice of the South African model has its reasons. Firstly, it is due to the representation of its wines in the global market, accounting for 4.1% of global production and ranking eighth in production (Elsenburg, 2018). With the generation of 290,000 jobs in the production chain, South African vitiviniculture has put the country on the map of wine tourism destinations (Vinpro, 2020). The change occurred structurally: the wine sector was known for having the worst working conditions during the apartheid regime and perpetuated these conditions even after the end of racial segregation, with racialization of employment, low wages, and a lack of black representation in management positions (McEwan & Bek, 2009).

Assessments of the impact of the WIETA Code, as expected, evoke contradictory opinions even from South African market agents who are still captive to an industrial mindset of social vulnerability and do not recognize the value of improving working conditions as an element of gaining international reputation, arguing that it reduces profits. Certain international publications also criticize excessive standards and their impact on the industry's competitiveness.

However, opinions should be rejected in the face of objective data. The "Eval-

uation of the Implementation and Impact of the WIETA Code - Evaluation Report” from 2018 shows an increase in membership from 490 associated members in 2013 to 1452 in 2017; audited members increased from 165 to 1116 in 2017, and certified members rose from 150 (2013) to 1,002. The audits, generally requested by importers of South African wines to confirm ethical working conditions, are classified as disclosed, semi-disclosed, and non-disclosed. The report indicates that in 2017, 66% of the grapes planted by members were accredited, and 1,031 wines were certified with the WIETA seal for commercialization. Moreover, 71% of the associated members were classified with the standard of limited or no-risk compliance (Elsenburg, 2018).

The second reason is the similarity in social and economic indicators between Brazil and South Africa. Both are emerging countries and part of the BRICS, an international cooperation mechanism comprising Brazil, South Africa, China, and Russia. In 2021, Brazil had an unemployment rate of 13.2% compared to South Africa’s 32.7% in 2022. Both have similar Human Development Index (HDI) scores (0.754 for Brazil and 0.713 for South Africa in 2021), and their competitiveness rankings are also similar, with Brazil ranking 71st and South Africa 60th (Country Economy, 2023).

Although the WIETA model of self-regulation and co-regulation is not free from criticism and considering the local reality of working conditions in the Brazilian wine sector, it dispels the notion that the adoption of higher and sustainable standards of working conditions should be limited to activities in countries with higher development indexes. The South African example has repositioned the wine industry of that country on the international stage with the WIETA certification seal. The improvement in data and living conditions of workers has shown that profitability, good reputation, and dignity in the world of work can be associated. Of course, a balance must be found between economic interests and the value of human labor.

The international acceptance of South African grapes and wines indicates that standards that were once associated with remnants of precarious, racist, and slave-like conditions have been overcome through the joint action of private agents, notably through the democratization of the construction of resolute paths.

Furthermore, bringing the topic to the national scene, it is known that, from the perspective of human rights, there is a legal and moral duty to be fulfilled in both the public and private spheres regarding human rights. This obligation stems, according to specialized doctrine, from the so-called horizontal effectiveness of fundamental rights in private relationships (Rodrigues & Leal, 2018), which arises “from the recognition that structural inequalities do not only occur in the relationship between the State and individuals but also among individuals themselves” (Leite, 2011).

6. Conclusion

Vitiviniculture, apart from being a significant economic activity, is shaped by a

social symbolism that represents not only the formation but also the social differentiation itself. A distinctive trait of Mediterranean peoples' culture, the culture of grapes and wine has become a herald of the globalization movement even before it evolved into a concept and a network of information exchange and voluntary transactions.

Despite the widespread and facilitated access to the main product, wine, there still exists a limited scenario and mobilization of this product. This indicates that it is the result of combinations, specialized production, and along with it, it brings a kind of elitism and high standard in the process from grape planting to commercialization.

However, the data presented throughout this work, especially in the southern region of Brazil, do not align with this premise, making it seemingly a fallacy in the outcome. Reports and cases of labor-related issues could signal a negative structural symptom of an entire sector with ample potential for profitability and expansion within the national trade balance.

The shameful working conditions, akin to slavery, highlight the classic and ongoing tension between capital and labor, which should have long been surpassed by the simple reference to international and local documents about the urgent balance between free enterprise and the appreciation of human labor. Pursuing profit at any cost undermines the centrality of human protection proposed and affirmed since the Universal Declaration of Human Rights in 1948.

In this context, the deontological nature of positive labor laws and state regulation appears to be insufficient in regulating and sanctioning entities that deviate from lawful behavior. The search for alternative methods and strategies to induce desired conduct and positive social control becomes necessary and complementary to the indispensable jurisdiction and oversight by state agencies.

The fundamental role of the promotional function of the law, as previously discussed, is crystal clear. The legal framework must have instruments capable of promoting human rights, whether through public policy rules, rectification of offenses, a reward-based approach, or the recognition of more flexible models and regulations, such as soft law.

The hardships of vitiviniculture are not exclusive to the Brazilian market. As previously mentioned, problems in managing employment contracts are present in developed countries, such as France, and elite products can conceal painful and historical situations in the realm of labor relations. However, the existence of problems is not a justification to succumb to them. Knowing that there are respectable initiatives that embody good labor practices, it is assumed that we should learn from them and draw inspiration.

The example of the WIETA code of conduct is one among various forms of soft regulation. Stemming from consumer demands for sustainability and decency in labor relations, it ended up becoming an effective and well-known way to bring about consistent social changes in a society historically afflicted by slavery, racism, and segregation. While not a perfect and final form of surveillance, the system of audits and private agents' adherence to self-monitoring,

self-regulation, and co-regulation is a powerful tool in achieving decent work in an economic activity that enjoys prestigious social status but has problematic issues in the production process.

The enjoyment of enhanced reputation for South African wines indicates a virtuous path towards a balance between capital and labor, demonstrating the clear possibility of profitability and sustained quality through the valorization of people, without neglecting business prosperity. The social and historical similarities between Brazil and South Africa, with Brazil even having better overall economic indicators, debunk the notion that more proactive and civilized approaches could only be expected from territories with higher human development indices or more advanced economic development.

The concern for improving living conditions and the work environment in South Africa has placed the country on the map of references in labor and global compliance. Business activities, especially in Brazilian wines and grape juices, have a good example to draw inspiration from, while also considering the failures and missteps of the African initiative. The first steps have already been taken with the signing of the Good Labor Practices Pact in the Vitiviniculture sector in Rio Grande do Sul. Despite that, more has to be done: studying the sector's landscape and unifying efforts with other productive regions in order to create a positive uniformity that relegates the events described in this work merely to a historical record from which transformations were effected, rather than as a cultural testament.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

References

- Alessi, G. (2023). *Vinícola flagrada com trabalho escravo no RS ostentava o selo "Great Place to Work"*. Repórter Brasil.
<https://reporterbrasil.org.br/2023/04/vinicola-flagrada-com-trabalho-escravo-no-rs-ostentava-o-selo-great-place-to-work/>
- Brito Filho, J. C. M. (2010). *Trabalho decente: Análise jurídica da exploração do trabalho: Trabalho escravo e outras formas de trabalho indigno* (2nd ed.). LTr.
- Brunet, Icart, I., & Belzunegui Eraso, A. (2001). En torno a las redes de empresa y el territorio. *Revista Española de Investigaciones Sociológicas*, No. 95, 69-98.
<https://doi.org/10.2307/40184351>
- Cella, D., Theodoro, C. G., Pavarina, P. R. de J. P., & Malagolli, G. A. (2021). A vitivinicultura brasileira e suas dificuldades com a concorrência dos vinhos estrangeiros. *Revista Brasileira Multidisciplinar*, 24, 225-241.
<https://doi.org/10.25061/2527-2675/ReBraM/2021.v24i1.739>
- Country Economy (2023). *Brasil vs África do Sul*.
<https://pt.countryeconomy.com/paises/comparar/brasil/africa-do-sul>
- Elsenburg (2018). *Evaluation of the Implementation and Impact of the WIETA Code—Evaluation Report*.

- <https://www.elsenburg.com/wp-content/uploads/2022/03/2018-WIETA.pdf>
- Fundação ABRINQ em Defesa das Crianças e dos Adolescentes (2022). *Relatório Anual 2021*.
<https://sistemas.fadc.org.br/documentos/2022/RA-2021/Fundacao-Abrinq-Relatorio-Anual-2021.pdf>
- Guarinello, N. L. (1997). A civilização do vinho: Um ensaio bibliográfico. *Anais Do Museu Paulista: História e Cultura Material*, 5, 275-278.
<https://doi.org/10.1590/S0101-47141997000100009>
- Konchinski, V. (2023, de março 9). *Vinícolas ligadas a trabalho escravo têm R\$ 66 mi em empréstimos ativos no BNDES*. Brasil de Fato.
<https://www.brasildefato.com.br/2023/03/09/vincolas-ligadas-a-trabalho-escravo-tem-r-66-mi-em-emprestimos-ativos-no-bndes>
- Leite, C. H. B. (2011). Eficácia horizontal dos direitos fundamentais na relação de emprego. *Revista Brasileira de Direito Constitucional RBDC*, 1, 33-45.
<https://doi.org/10.18759/rdgf.v0i7.78>
- Leite, C. H. B. (2014). *Manual de Direitos Humanos* (3rd ed.). Atlas.
- Leite, J. L. A. (2001). *Do simbólico ao racional: Ensaio sobre a Gênese da Mitologia Grega como Introdução à Filosofia*. EGBA.
- Lucena Filho, H. L. de (2017). *A função concorrencial do Direito do Trabalho*. LTr.
- Marconatto, A. (2010). O Direito do Trabalho e a Globalização: Notas para um debate. *Desenvolvimento em Questão*, 8, 71-98.
- Mcewan, C., & Bek, D. (2009). Placing Ethical Trade in Context: WIETA and the South African Wine Industry. *Third World Quarterly*, 30, 723-741.
<https://doi.org/10.1080/01436590902867144>
- Mello, L. M. R. de, & Machado, C. A. E. (2022). *Viticultura brasileira: Panorama 2021—Comunicado técnico 226*.
<https://www.infoteca.cnptia.embrapa.br/infoteca/bitstream/doc/1149674/1/Com-Tec-226.pdf>
- Melo, A. P. A. de, & Meneguim, F. B. (2022). Soft regulation: Formas de intervenção estatal para além da regulação tradicional. *Revista Debates Em Administração Pública—REDAP*, 3, 1-37. <https://www.portaldeperiodicos.idp.edu.br/redap/article/view/6469>
- Ministério do Trabalho e Emprego (2023). *Protocolo de intenções*.
<https://www.gov.br/trabalho-e-emprego/pt-br/assuntos/protocolo-de-intencoes/ProtocolodeIntenesRSVinícolas.pdf>
- Ministério Público do Trabalho—Procuradoria Regional do Trabalho da 4ª Região (2023). *Termo de ajuste de conduta nº 07/2023, 08/2023 e 09/2023*.
https://www.prt4.mpt.mp.br/images/Ascom/2023/03/10/TAC_assinado.pdf
- Miranda, B. M. de (2013). *Empresas e direitos humanos: A governança global da responsabilidade corporativa*. Monografia (Bacharelado em Relações Internacionais), Universidade de Brasília, Brasília.
https://bdm.unb.br/bitstream/10483/5379/1/2013_BarbaraMenezesMiranda.pdf
- Murray, O., & Tecusan, M. (1995). *In vino veritas*. The British School at Rome.
- Pinheiro, I., Lima Silva, F., & Bomfim, V. (2021). *Manual do Compliance Trabalhista: Teoria e prática* (2nd ed.). Rev atual e ampl. Editora JusPodium.
- Raimundo, J. P. Q. (2022). *Determinantes do comércio mundial de vinhos*. Dissertation, Faculdade de Economia, Universidade do Porto.
- Rodrigues, L. N., & Leal, P. do S. T. (2018). A eficácia dos direitos fundamentais nas relações privadas à luz da jurisprudência do STF: Análise crítica do RE 201.819-8 e ADI

4815. *Revista de Direitos e Garantias Fundamentais*, 19, 11-42.
<https://doi.org/10.18759/rdgf.v19i2.1085>
- Rosa, S. E. S., & Simões, P. M. (2004). Desafios da vitivinicultura brasileira. *BNDES Setorial*, 19, 67-90.
- Rozenbaum, S. (2018). *Vinícolas francesas sofrem com falta de mão de obra*. RFI.
<https://www.rfi.fr/br/franca/20180806-vincolas-francesas-sofrem-com-falta-de-mao-de-obra>
- Tartuce, F. (2019). *Teoria geral dos contratos e contratos em espécie* (Vol. 3, 14th ed.). Forense.
- Tassin, É. (2012). La mondialisation contre la globalisation: un point de vue cosmopolitique. *Sociologie et Sociétés*, 44, 143-166. <https://doi.org/10.7202/1012146ar>
- Tiujo, E. M. (2021). *Convenção Coletiva de Consumo e Soft Law: A cooperação mútua como estratégia*. Tese (Doutorado), Pontifícia Universidade Católica do Paraná, Curitiba.
<https://doi.org/10.48021/978-65-252-5292-6>
<https://arquivum.grupomarista.org.br/pergamumweb/vinculos/000098/00009835.pdf>
- Triches, D., Siman, R. F., & Caldart, W. L. (2004). *Identificação e análise da cadeia produtiva da uva e do vinho na região da Serra Gaúcha*.
https://fundacao.ucs.br/site/midia/arquivos/IPES_TD_005_MAR_2004.pdf
- Verdú, P. L. (2004). *O Sentimento Constitucional*. Editora Forense.
- Vieira Junior, P. A., Grundling, R. D. P., & Gazzola, R. (2021). Tendências no mercado global de vinhos e perspectivas para o Brasil. In *Anais do 59º Congresso da Sociedade Brasileira de Economia, Administração e Sociologia Rural—SOBER: Ações coletivas e resiliência: Inovações políticas, socioeconômicas e ambientais* (pp. 1-16). SOBER.
<https://www.alice.cnptia.embrapa.br/bitstream/doc/1142481/1/VINHO-SOBER-2021.pdf>
- Vinícola Aurora (2023). *Código de Ética e Conduta*.
<https://www.vinicolaaurora.com.br/codigo-de-etica.pdf>
- Vinpro (2020). *Q & A—Transformation & Labour Relations in the South African Wine Industry*.
<https://vinpro.co.za/wp-content/uploads/2020/02/QA-Transformation-Labour-Relations-in-the-South-African-Wine-Industry.pdf>
- Wine and Agricultural Ethical Trade Association—WIETA (2023a). *A Safe and Healthy Work Environment*. <https://wieta.org.za/a-safe-and-healthy-work-environment-2/>
- Wine and Agricultural Ethical Trade Association—WIETA (2023b). *Freedom of Association & the Right to Bargain Collectively*.
<https://wieta.org.za/freedom-of-association-the-right-to-bargain-collectively/>
- Wine and Agricultural Ethical Trade Association—WIETA (2023c). *No Child Labour and the Protection of Young Workers*.
<https://wieta.org.za/prohibition-on-child-labour-and-the-employment-of-young-workers-2/>
- Wine and Agricultural Ethical Trade Association—WIETA (2023d). *No Forced, Bonded, Prison, Indentured Labour or Modern Slavery*.
<https://wieta.org.za/prohibition-on-forced-bonded-prison-or-indentured-labour/>
- Wine and Agricultural Ethical Trade Association—WIETA (2023e). *No Unfair Discrimination*. <https://wieta.org.za/workers-shall-not-be-unfairly-discriminated-against-2/>
- Wine and Agricultural Ethical Trade Association—WIETA (2023f). *Our Members*.
<https://wieta.org.za/our-members>
- Wine and Agricultural Ethical Trade Association—WIETA (2023g). *Social Management*

Systems and Ethical Code Implementation.

<https://wieta.org.za/ethical-and-socially-responsible-management-systems/>

Wine and Agricultural Ethical Trade Association—WIETA (2023h). *Who We Are.*

<https://wieta.org.za/who-are-we/>

Wine and Agricultural Ethical Trade Association—WIETA (2023i). *Wieta Code.*

<https://wieta.org.za/wieta-code/>