



FAIR FOOD PROGRAM

2021

ABOUT THIS REPORT

The Fair Food Program reports on its activities and results, including grower compliance and complaint data, for every season and makes this information available to the public. The data in this report are current up to Season 9 (2019-2020), with some preliminary information about Season 10 (2020-2021) included where applicable.

This report is written and produced by the staff of the Fair Food Standards Council (FFSC). "Voices from the Field" worker stories come directly from audits and interviews conducted by the FFSC staff in Season 9.

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ABOUT THE FAIR FOOD STANDARDS COUNCIL

The mission of the Fair Food Standards Council (FFSC) is to monitor the development of a sustainable agricultural industry that advances the human rights of farmworkers, the long-term interests of growers, and the ethical supply chain concerns of retail food companies through implementation of the Fair Food Program. For more information, visit fairfoodstandards.org.

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WHAT IS THE **FAIR FOOD PROGRAM?**

The Fair Food Program (FFP) is a partnership between growers, workers, retailers, and consumers that is transforming agriculture in America through the power of prevention.

The Fair Food Program was created by the Coalition of Immokalee Workers (CIW), a human rights organization founded by farmworkers in southwest Florida. In the early 1990s, the CIW began organizing to address the abusive conditions and stagnant wages suffered by farmworkers for generations. During those efforts, CIW members uncovered multiple, horrific cases of modern-day slavery: entire crews of workers held against their will and forced to work for little or no pay through the threat, or use, of violence. Pioneering a worker-centered approach to the investigation and prosecution of these cases, CIW helped to free over 1,500 workers from slavery operations in the Southeastern US, and put more than a dozen labor bosses in prison for sentences of up to 30 years. In 2010, the CIW became the first domestic organization to receive the US State Department's Hero Acting to End Modern Slavery Award, and was awarded a Presidential Medal for Extraordinary Efforts to Combat Human Trafficking at a White House ceremony in 2015.

CIW's expertise in this area has been regularly sought by law enforcement, government agencies, and NGOs – including the FBI, the U.S. military, state and local police, the United Nations, and the European Union.

After more than a decade of successful prosecutions, however, the CIW came to a pivotal realization: stopping individual slavery operations does not constitute victory in the fight against slavery. No matter how many slavery rings were uncovered and shut down, the vast imbalance of power between farmworkers and their employers that allowed forced labor to take root in the first place remained, and new slavery operations inevitably took the place of those that had been uprooted.

Realizing that the key to bringing about a truly new day in agriculture lay in redressing that underlying imbalance of power, the CIW sought a new source of leverage to level the playing field and enforce farmworkers' fundamental human rights. They located that leverage not in the fields, but rather at the top of the supply chain, in the volume purchasing power of the retail food giants that buy millions of pounds of produce for thousands of stores and restaurants every year.

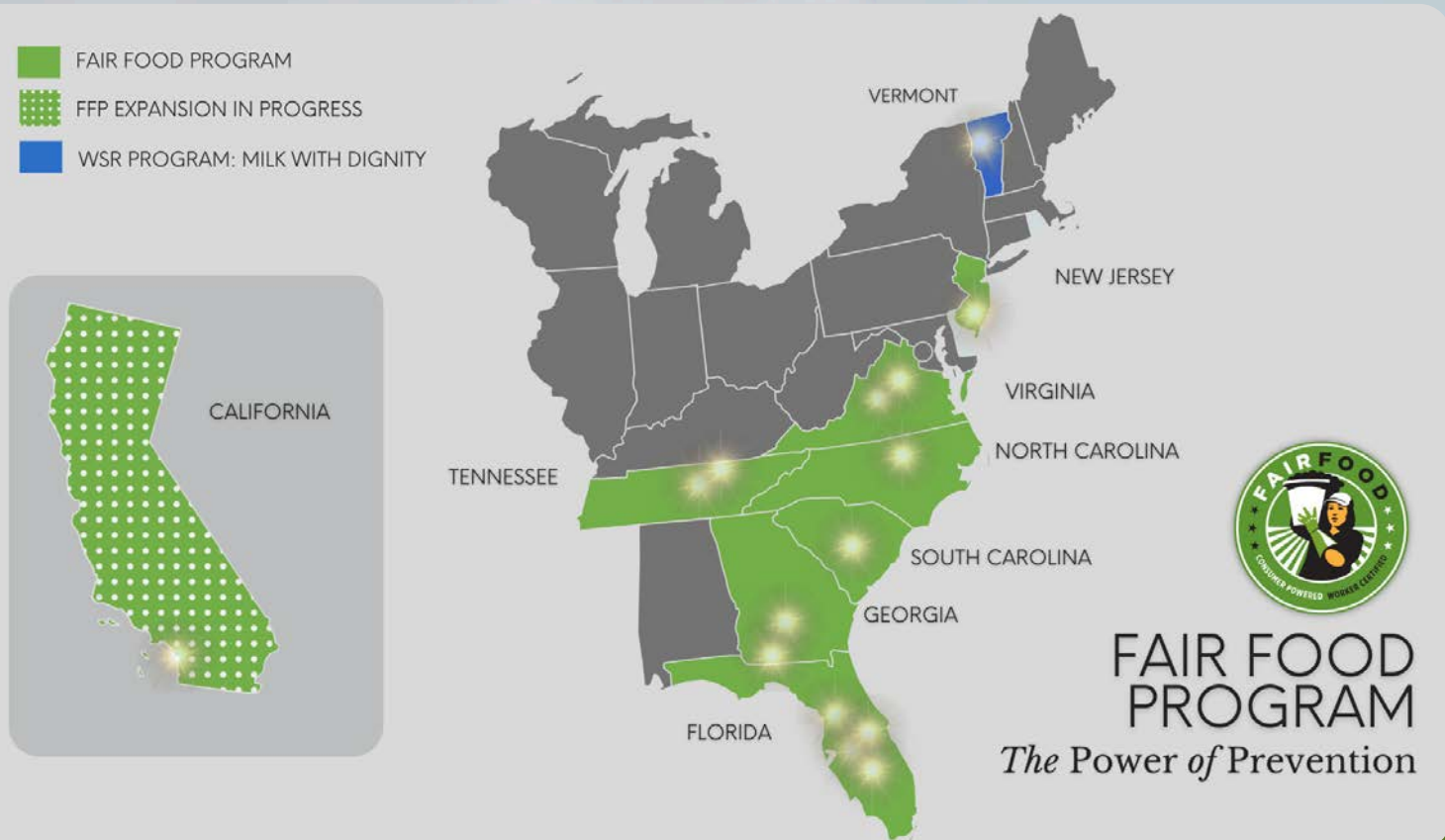


In fact, the high degree of consolidation in the food industry already meant that multi-billion-dollar brands had a hand in shaping farmworker incomes and labor condition in the fields. As they demanded lower prices from growers, those massive chains created powerful downward pressure on farmworkers' wages and working conditions.

To reverse that trend, the CIW launched its Campaign for Fair Food in 2001. Farmworkers and a national network of consumers asked companies at the top of the agricultural supply chain to use their market power as a force for good by, (1) paying a premium – a penny more a pound – for their produce, which would then be passed through to workers as a bonus in their regular paychecks, and (2) agreeing to purchase only from growers who implemented a human rights-based Code of Conduct on their farms. Almost twenty years later, 14 major buyers – including McDonald's, Subway, Whole Foods, and Walmart – have joined the Program.

As a result, growers representing over 90 percent of Florida tomato production and major tomato operations in five other states on the East Coast, as well as pepper operations in Florida, have agreed to implement the Fair Food Code of Conduct on their farms. The Program has recently expanded to new states and new crops, discussed in the *Expansion* section of this report.

The Program's dramatic achievements have been widely recognized. Thousands of workers enjoy unprecedented human rights protections and their working conditions have been transformed. The very fields that federal prosecutors once called "ground zero for modern-day slavery" are now called the "best work environment in U.S. agriculture" on the front page of the *New York Times* – proving that, while it may not be possible to prosecute our way out of modern-day slavery, we can prevent it altogether if we address the power imbalance that lies at its root.



WHY IS THE FAIR FOOD PROGRAM **NECESSARY?**

Whether carried out by slaves, sharecroppers, or an immigrant labor force, farm labor has always been one of the lowest paid and least protected jobs in the United States, relegated to a marginalized and, not coincidentally, disenfranchised workforce. Today, in both the U.S. and many other countries, much of the food we eat is still grown and harvested by men and women who do backbreaking work for poverty wages.

But farmworkers' generational poverty is only half of the story. On most farms, workers go into the fields each day knowing that they may be subject to abuse and dangerous conditions that range from physical hazards to sexual assault and even modern-day slavery.

Case in point: The CIW's Anti-Slavery Program is currently in the seventh year of a massive forced labor investigation which so far spans five states (Georgia, North Carolina, Indiana, Nebraska, and New York), and three countries (U.S., Mexico, and Guatemala). The case involves hundreds of H-2A guestworkers laboring in multiple crops who reported abuses that included beatings, sex trafficking, visa and document fraud, the use of firearms in the workplace, and death threats to themselves and their families. Workers were forced to work off debts in grueling conditions for a network of employers engaged for years in a broad range of criminal activities. The CIW is working closely with federal agencies on the case.

IN CONTRAST: LIFE OUTSIDE THE FFP

80%: Share of farmworker women who report having been sexually harassed or assaulted in a recent California survey¹

100: Number of U.S. farmworkers who suffer a serious lost-work-time injury every day.²

183: Number of farmworkers who died due to occupational injuries in 2019, the highest number of deaths in the past five years of data.³

Farmworkers are **20x** more likely to die from illnesses related to heat stress than workers overall.⁴

94%: Share of labor trafficking victims on H2-A visas who have experienced fraud as part of their recruitment or work. 99% experienced some form of coercion.⁵





Among the “most important
social-impact success stories of
the past century.”

HARVARD BUSINESS REVIEW

“One of the great human rights
success stories of our day.”

WASHINGTON POST OP-ED

A “visionary strategy... with
potential to transform workplace
environments across the global
supply chain.”

MACARTHUR FELLOWSHIP

“A sustainable blueprint for...
freedom from forced labor,
sexual harassment, and violence
in the workplace...”

ROOSEVELT INSTITUTE

“One of the most successful
and innovative programs” in
the world today to uncover and
prevent modern-day slavery.

PRESIDENT'S ADVISORY
COUNCIL ON FAITH-BASED AND
NEIGHBORHOOD PARTNERSHIPS

“A radically different
accountability mechanism.”

EEOC SELECT TASK FORCE ON THE
STUDY OF HARASSMENT IN THE
WORKPLACE

HOW DOES THE **PROGRAM WORK?**

The Fair Food Program is a Worker-driven Social Responsibility program built on partnership and accountability.

Buyers agree to purchase covered produce only from farms that meet the standards required by the Fair Food Code of Conduct, as verified by the Fair Food Standards Council (FFSC). They also pay their suppliers a small “Fair Food Premium,” known popularly as a “penny-per-pound,” but that in fact varies in amount according to the type of produce purchased. This money is then passed on to farmworkers in their regular paychecks in the form of a bonus.

Growers agree to implement the Fair Food Code of Conduct on their farms, to cooperate with monitoring by the FFSC, and to pass along the Fair Food Premium. Farms that fail to come into compliance are suspended from the Program until they do, and cannot sell their product to Participating Buyers during that time.

To establish policies and procedures that ensure successful implementation of the Code’s provisions, the FFP established a Working Group, which includes Participating Grower representatives. The Working Group meets regularly to review Program implementation, discuss practical issues as they arise and, if necessary, recommend appropriate policy changes to ensure that the Code’s intent is realized on FFP farms.

Farmworkers are excluded from many legal protections afforded to workers in other sectors. And under-resourced government agencies only attempt sporadic enforcement of those limited rights to which farmworkers are legally entitled. Traditional, corporate-controlled, audit-based systems for monitoring workplace conditions have also been exposed as inadequate, intended to protect brand image rather than low-wage workers' rights.

Consider this: In 2008, only weeks before a slavery case was unearthed in Immokalee, a grower-sponsored auditing organization certified labor conditions on the farms where the victims of forced labor had been working. In that case, workers were chained, beaten, and kept in a box truck at night, while being forced to work for no pay during the day. In a similarly tragic circumstance, the garment factories that collapsed at Rana Plaza in Bangladesh in 2013 – killing over 1,100 workers – were also previously certified by a corporate-sponsored auditing organization. The workers who died needlessly simply had no safe channels to make their voices heard or to denounce life-threatening conditions and abuse.



AN EMERGING GOLD STANDARD

In 2020, a 10-year, longitudinal study of the 40 best known social responsibility programs by the Harvard-incubated group MSI Integrity found that these corporate-driven multi-stakeholder initiatives (MSIs), including most “fair trade” labeling schemes, had failed to live up to their stated purpose. In contrast, researchers pointed out that the Fair Food Program provides unprecedented transparency into the agricultural workplace and should be considered an emerging “gold standard,” because of its unique mix of worker-centered mechanisms that are “empowering rights holders to know and exercise their rights.”⁶

A second evaluation this year came from a less likely source: Oxfam Great Britain was commissioned by UK-based food and footwear giant Marks & Spencer to give the company objective insights into its own supply chain, with the goal of improving working conditions in its suppliers’ operations. The report writers, who provided “good practice” benchmarks, found that the FFP was the most widely cited example⁷ when they asked 23 experts about the most effective models that promote and protect “worker voice.”

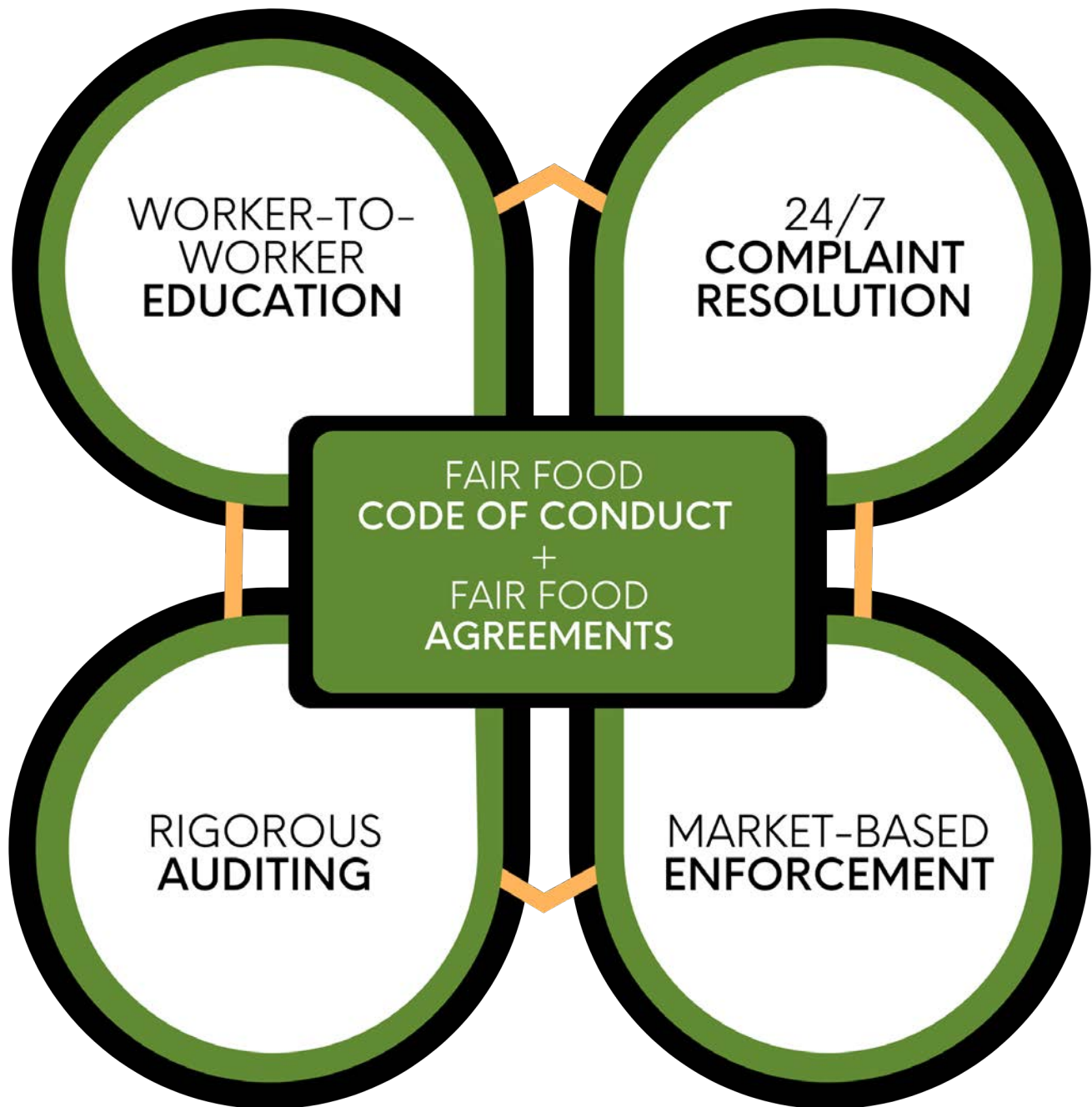
Most recently, an April 2021 policy brief produced by ReStructure Lab, a collaboration among Yale University, Stanford University, and Sheffield University (UK)⁸, concluded that “binding worker-driven social responsibility agreements,” complete with third-party monitoring, are the most promising avenue for fighting forced labor in supply chains. This is especially true, the brief explains, when compared to the current surge of incomplete transparency-focused efforts, and empty “sustainable” or “fair trade” certification labels that may mislead consumers: the researchers urged corporations and governments to “end prevailing social auditing ‘rubber stamping’ practices which lead to dangerous and exploitative worksites being certified” and, instead, initiate meaningful conversations with workers about both the roots and the remedies for forced labor in supply chains.



A snapshot of the Fair Food Code of Conduct

THE POWER OF PREVENTION

FAIR FOOD PROGRAM MECHANISMS



Education

All workers employed at Fair Food Program farms learn about their rights through multiple educational mechanisms, including interactive sessions led by CIW's Worker Education Committee, whose members are former and current farmworkers themselves. These discussions happen on company property, with the support of company management. Workers are compensated for their participation at an hourly rate. Beyond this, at the point of hire and at least once annually, all workers receive CIW's Know Your Rights and Responsibilities (KYRR) handbook and watch a video produced by the Coalition, consisting of scenarios that demonstrate workers' rights and responsibilities under the Program.

This training equips all workers with the knowledge they need to identify and safely report abuses and dangers in the workplace without fear. As a result, thousands of workers have become the frontline monitors of their own rights and working conditions.

Complaint Resolution

When workers do encounter problems or abuse in the workplace, they have access to a safe and effective complaint process.

Through the Program's toll-free complaint line, workers have 24/7 access to multilingual FFSC investigators who assist them in investigating and resolving any Code violations identified at FFP farms. The FFP's collaborative, problem-solving approach to complaint resolution works for growers too: a significant number of issues that do not rise to the level of Code violations are nonetheless also addressed by growers, who understand the potential for risk reduction by addressing minor problems before they become more serious.

In the Fair Food Program, workers can confidently express their concerns without fear of retaliation.

Auditing

Workers may not always be aware of every possible problem, or may not yet trust the complaint hotline. For this reason, in-depth audits are a necessary complement to the complaint process.

With full access to farm operations and payroll records, as well as extensive presence in the fields and housing camps through announced and unannounced audits, FFSC investigators have an unparalleled degree of insight into growers' operations. Audits include in-depth interviews with management representatives, farm supervisors, and at least 50% of workers present at farm locations. The thoroughness and rigor of these audits give FFSC the knowledge needed to ensure that growers' practices are in full compliance with the Code of Conduct.

Market Enforcement

Under CIW's Fair Food Agreements with Participating Buyers, protection of farmworkers' fundamental rights is backed by market consequences for farms that fail to come into compliance with the Code of Conduct. When suspended from the FFP, growers can no longer sell their product to the FFP's Participating Buyers until their mandated suspension period has expired and their operations are compliant with the Code.

In turn, Participating Buyers only source covered produce from Participating Growers in good standing, providing a market incentive for growers who are holding up their end of the bargain.

WHAT HAS THE PROGRAM ACCOMPLISHED?

DATA POINTS SINCE 2011



ON FFP FARMS, **WORKERS:**

Work free of forced labor, child labor, sexual assault, and violence.

Make complaints without the fear of losing their job – or worse.

Harvest according to the new visual bucket-filling standard, and so receive pay for all the pounds of produce they pick.

Clock in and out on time clocks, controlling their own time cards, and so record and receive pay for all the hours they work.

Receive Fair Food Premium in their paychecks.

Work in an environment where sexual harassment, discrimination, and verbal abuse are not tolerated.

Participate in Worker Health and Safety Committees.

Do not work in dangerous conditions that most other farmworkers in the U.S. take for granted, including toxic pesticide exposure and lightning.

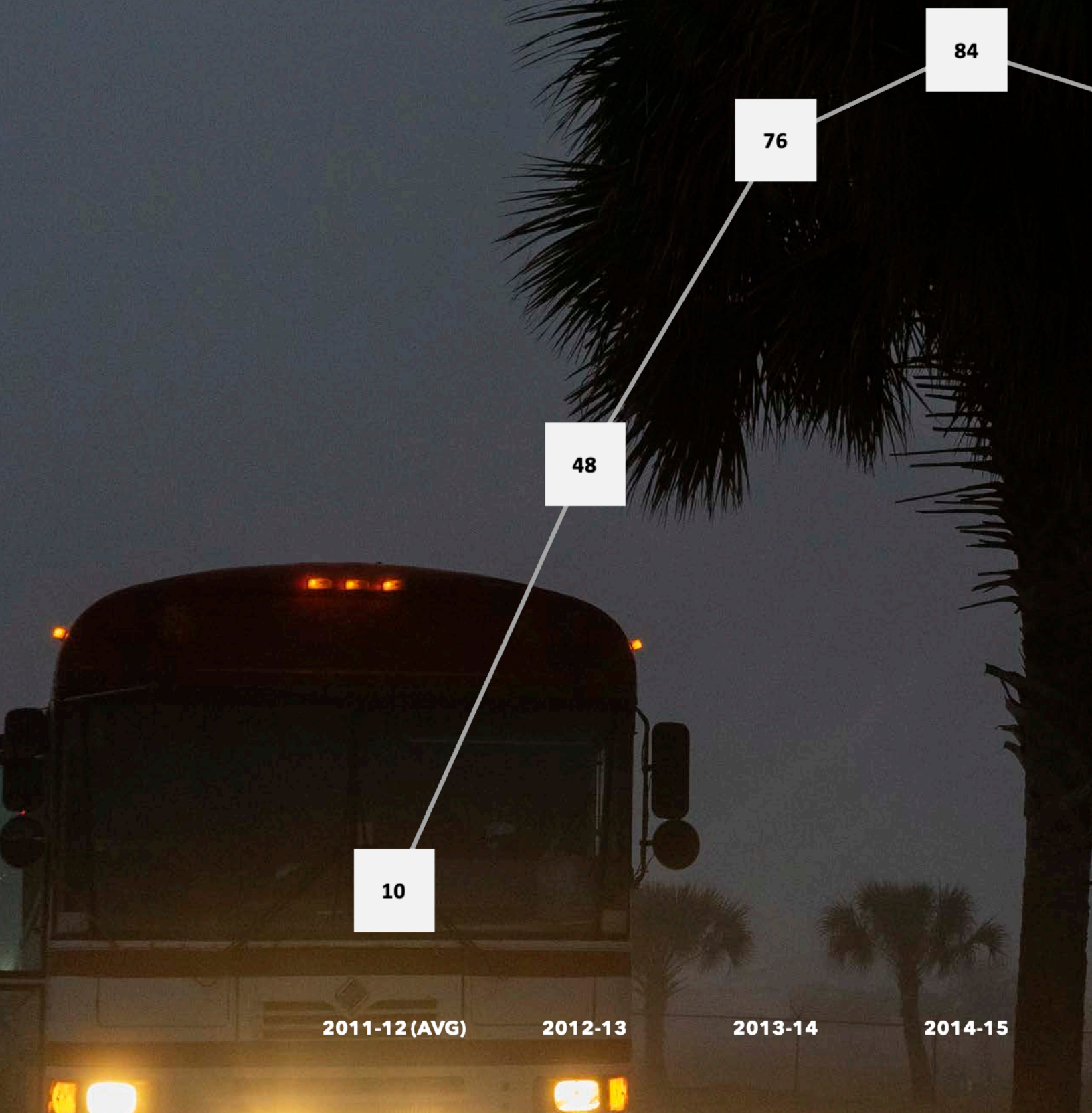
Have access to shade, clean drinking water, and bathrooms as needed.

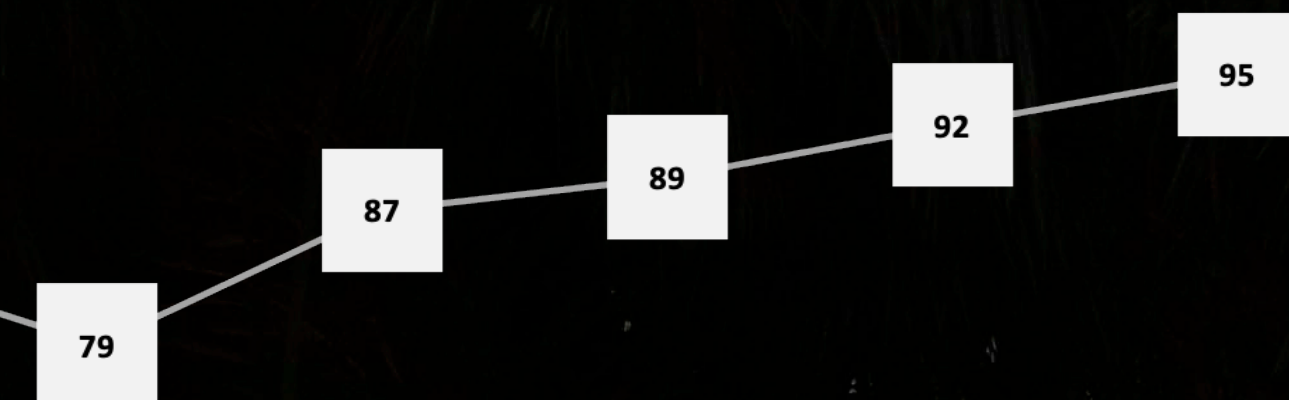
Live in safe and secure housing where charges do not reduce wages below minimum wage.

Are protected by the only mandatory, privately enforced COVID-19 regulations in the U.S. agricultural industry.



CHARTING PROGRESS





PARTICIPATING GROWER AVERAGE COMPLIANCE SCORES SEASONS 1 - 9

Average compliance score across
all Participating Growers has
increased again through Season 9

2015-16

2016-17

2017-18

2018-19

2019-20

IN FOCUS: COVID-19 RESPONSE



COVID-19 revealed a paradox at the heart of the nation's food system: While their daily labor harvesting food for millions of American tables is essential, farmworkers themselves are often treated as expendable. The Fair Food Program has shown that another story, one of partnership and resilience, is possible.

The COVID pandemic not only exposed this fundamental contradiction in our food industry, it exacerbated it. According to the National Center on Farmworker Health, at least 18 states reported COVID-19 outbreaks among farmworkers. Purdue University researchers estimate that more than 480,000 agricultural workers have tested positive for COVID-19 nationwide, but believe that this figure likely grossly underestimates the number. No comprehensive national or industry-wide testing or reporting of positive COVID cases among agricultural workers has been systematically conducted, but dramatic case clusters have been reported in the media. At the same time, nationwide systemic barriers exist to protecting farmworkers. From the same NCFH report:

"OSHA has only provided guidance, rather than requirements for agricultural employers, some employers have refused to offer testing or threatened retaliation if workers do seek testing, and public health officials have often been resistant or reluctant to control or respond to COVID outbreaks among agricultural workers. Research has also found that workers employed by farm labor contractors may be less likely to receive PPE from their employer."⁹

Further, according to analysis by the anti-trafficking organization Polaris, newly released data¹⁰ from their National Human Trafficking Hotline confirmed that agricultural workers with H-2A visas reported 70% more cases of trafficking and exploitation during the pandemic, and at least one-third of workers also reported being denied medical attention, among other abuses, while they were deemed essential by the United States government.

The story of the Fair Food Program during the pandemic, however, has demonstrated what is possible when leaders in the agriculture industry join with workers and consumers to protect our country's essential farmworkers. During this crisis, the CIW and its Fair Food Program partners created new protections and demonstrated rare resilience, with the impact felt from the fields to the produce aisle. The mechanisms of the FFP made it possible to organize a swift and comprehensive response, in partnership with other NGOs and participating growers, including the establishment of the first privately enforceable COVID-19 safety protocols for agricultural workers in the U.S.

The Fair Food Program's multi-pronged approach – from direct health and safety measures to education, advocacy, and most critically, binding protections for workers – isn't just good for risk prevention on farms, it is also critically important for buyers and the supply chain as a whole.

CIW and The New York Times: "What happens if America's 2.5 million farmworkers get sick?"

From the beginning of the pandemic, CIW raised the alarm in the media about the crisis facing farmworkers laboring shoulder-to-shoulder in the fields, unable to "socially distance" themselves at work or at home. To address the urgent need for direct clinical care and an effective public health strategy on the ground, CIW launched a public advocacy campaign to bring healthcare resources to Immokalee, which ultimately resulted in enhanced testing resources for farmworkers, followed by vaccines. Starting with a widely-read Op-Ed in The New York Times that sounded the alarm for farmworker communities across the country facing the looming pandemic, the CIW launched petition drives and an open letter to Gov. DeSantis that was signed by more than 230 national and Florida-based organizations, including the Florida Public Health Association, the Deans of all of Florida's public medical schools, human rights leaders like Ethel Kennedy and Human Rights Watch, and national religious institutions like the United Church of Christ and National Farm Worker Ministry.

These efforts received extensive media attention, and generated opportunities to share the struggles faced by farmworkers in the pandemic and an urgent call for healthcare resources. Media coverage included The New York Times, Washington Post, Bloomberg, CBS, CNN Prime Time, Politico, Univision, Telemundo, Mother Jones, and dozens of local radio stations, TV, and newspapers.

Direct Health and Safety Measures and Public Health Outreach

Around the same time, CIW and FFSC were busy creating and disseminating educational materials and broadcasts, procuring and distributing masks and sanitizer on FFP farms and in the Immokalee community, and helping to install handwashing stations at worker pick-up spots. To date, tens of thousands of masks and other PPE have been distributed to farmworkers in Immokalee, and other areas where Fair Food farms are located.

CIW staff developed multilingual broadcasts for Radio Conciencia (CIW's community radio station) to provide critical information on preventive measures and testing, and to counter myths about the virus. The creation of an app to stream the radio station also helped thousands of farmworkers migrating north for the season stay connected and informed about their health and rights.

By directing media attention to the staggering lack of testing sites and resources available in Immokalee at the outset of the pandemic, CIW attracted the support of Nobel Prize-winning humanitarian health care organization Doctors Without Borders. They established a team in Immokalee, integrating CIW, FFSC, the Department of Health, and other local organizations in a COVID-19 response plan consisting of public health education, testing, telemedicine, and contact tracing. CIW's efforts eventually expanded to include Partners in Health, another internationally renowned NGO, in a collaboration that will continue well beyond the pandemic.

In preparation for vaccines, CIW engaged in state and local planning efforts and spearheaded the campaign to prioritize Florida's farmworkers for the shots. The CIW and FFSC also consulted with NGO and community-based partners, FFP Participating Growers, and the Mexican Consulate to coordinate plans and ensure systems were in place for farmworker access.

When vaccines were finally made available, CIW, PIH, and the local Federally Qualified Health Center (Healthcare Network) partnered to begin delivering them to the Immokalee community, with CIW contributing outreach, translation/interpretation, patient accompaniment, and follow-up. While farmworkers were not designated for priority access in Florida, CIW assisted clinic partners in vaccinating elderly members of the Immokalee community while simultaneously advocating for farmworker access. To date, CIW has helped facilitate the administration of over 6,000 vaccines to farmworkers in the Immokalee area, along with hundreds of community members; and vaccination events are ongoing.

CORONAVIRUS

Foster Farms COVID-19 deaths among worst work-related outbreaks in California, official says

HEALTH • CORONAVIRUS

Every single worker at this U.S. farm has tested positive for coronavirus

BY BLOOMBERG, JEN SKERRITT, AND MIK
May 29, 2020 1:30 PM CDT

Coronavirus

Inside Green Empire Farm: Upstate NY's biggest coronavirus outbreak slams migrant workers

South Jersey Seasonal Farmworkers with COVID-19 Infections Now Up to 400

IAN T. SHEARN, CONTRIBUTING WRITER | MAY 22, 2020 | CORONAVIRUS IN NJ

Above: Outbreaks of COVID-19 amongst farmworkers made the headlines across the country

ONE CRISIS, TWO PATHS

AGRICULTURE

Harvest of shame: Farmworkers face coronavirus disaster

Agricultural counties across the U.S. face high rates of Covid-19, a POLITICO analysis reveals.



Top: a September 2020 story in *Politico* about the crisis facing farmworkers across the country, including dangerous working conditions, lack of basic protections in the workplace, and fear of job loss and retaliation.



Voices From the Front Lines of America's Food Supply

Eleven workers, from the factories and farms to the highways and supermarkets, tell how they got themselves — and us — through a catastrophic year.

Bottom: Immokalee farmworker Antonia Rios Hernandez in the *New York Times* in January 2021: "We were working long days, but they put a lot of protections in place. Lipman Family Farms were a part of the Fair Food Program, and followed the procedures. We would clean all of the tables with Clorox or bleach and make sure that everyone was washing their hands well. Thank God no one I know got sick. I wasn't too afraid of the pandemic because of the precautions that the company was taking. They hired people specifically to clean the buses every day."



Creation of Mandatory COVID-19 Protocols for Fair Food Program Growers

CIW and FFSC worked with Participating Growers on the FFP Working Group, to develop the first set of privately enforceable mandatory standards to protect farmworkers from COVID-19 in the U.S. These protocols, titled the “FFP COVID-19 Illness Prevention, Assessment and Response Plan” became effective in September 2020 and are now monitored and enforced on all FFP farms.

Key requirements:

- Educate supervisors and workers about symptoms and severity of COVID-19, as well as best prevention practices
- Designate coordinator(s) responsible for COVID-19 issues and compliance with this plan, and make sure all workers know how to contact them
- Train workers and supervisors to report symptoms in order to access testing and medical treatment, without fear of losing employment
- Guarantee that no worker will be fired for missing work due to COVID-19
- Provide all employees with masks, cost-free, with training on how to use them
- Provide increased sanitizing of common areas as well as handwashing stations and/or sanitizer to workers
- Require social distancing and mask wearing, including on buses, during meetings, while clocking in/out, ticket-counting, and paycheck distribution
- Facilitate and provide testing (paid for by the grower) for any workers experiencing symptoms including fever
- Arrange for workers with symptoms or a confirmed case of COVID-19 to be evaluated by a medical provider
- Provide screening with daily temperature checks for 14 days for asymptomatic workers who have been exposed to a COVID-positive co-worker sharing the same housing or transportation
- Provide quarantine housing for workers who have tested positive, or are experiencing symptoms
- Facilitate provision and delivery of groceries and other necessities to quarantined workers

FFSC’s monitoring of these protocols since their effective date has confirmed high levels of compliance with resulting effective protections for farmworkers on FFP farms.

"When the pandemic stripped FFSC auditors of our ability to talk to workers in the fields and visit their homes, it was very concerning. So when some of us had the chance be trained by Doctors Without Borders and collaborate with them on testing and culturally appropriate health outreach, we jumped at that opportunity. We then took that knowledge and used it to modify our auditing protocols into a combination of remote interviews by phone and socially-distanced visits at worker housing. The ability to keep a strong connection and safely meet with workers again, even while other organizations have struggled, has been critical for us. It has also been important for the workers, who express gratitude for us continuing to be present in unprecedented times."

SENIOR INVESTIGATOR
FAIR FOOD STANDARDS COUNCIL

Adaptation and Impact

While many field-based organizations saw their work grind to a halt during COVID-19, FFSC was able to adapt and move forward. Beyond investigating and resolving a near record number of complaints, FFSC staff carried out audits across six states (FL, GA, NJ, SC, TN, VA) between June and December, and since the beginning of the pandemic has conducted an impressive 916 worker interviews, with a mix of socially-distanced in person and fully virtual protocols. Auditing also included assessing compliance with the Program's new COVID-19 protocols (opposite page).

Since the beginning of the pandemic, FFSC has received over 108 COVID-19-related calls – many of them seeking information and guidance.

During Season 9, the FFSC received 374 total complaints, the second-highest number during all seasons of program implementation, representing a 43% increase over Season 8.

CIW and FFSC's own education, monitoring and enforcement activities were modified to reduce the risk to essential agricultural workers, as well as to our staffs, even as we continued to protect farmworkers' human rights. These adaptations included the design of both remote and safe in-person auditing protocols, and continuous vetting to ensure that these methods remain highly effective.

The FFSC staff also expanded its database, created new data entry systems to accommodate remote worker interviews, and worked with Participating Growers to update worker cell phone numbers to facilitate communication with auditors.

To enhance existing education work, CIW and FFSC also created high-quality videos and materials to educate workers on FFP farms about COVID-19, as well as on their rights under the Fair Food Program, while implementing new protective protocols for in-person education and supervisor training.

Finally, the FFSC played a key role in securing a significant number of stimulus checks - for a total of \$143,200 - for essential workers who were owed these funds, but had been, for a variety of reasons, unable to recover them.

916

Mid-pandemic worker interviews

\$143,200

In stimulus checks recovered

374

Hotline complaints received in Season 9, a 43% increase over Season 8

108

Number of COVID-19 related calls

IN FOCUS: WOMEN IN THE FIELDS



"This is probably, in my experience, the most roundly complete anti-gender-based violence effort. It cuts off the oxygen that fuels sexual violence, in an environment where it would otherwise run hidden and rampant."

AARON POLKEY,
Futures Without Violence

This year's Program report underscores that a system of accountability and action can help turn the tide against sexual harassment.

When the hashtag #MeToo exploded on Twitter in 2017, it unleashed a flood of sexual harassment and assault stories, and with them the hope that the sheer ubiquity of the problem, once laid bare, could fuel the movement necessary to finally eradicate it. Yet even that unprecedented, and painfully personal, torrent of testimony could not sufficiently mitigate the everyday dangers faced by women, whether it is when walking home after dark, being cornered in a restaurant walk-in freezer, or being propositioned by a crewleader in the far corner of a field. As the ACLU's Gillian Thomas wrote in a Washington Post editorial:¹¹

"Women (and men) might be speaking their truth in record numbers, but the same (mostly) guys who for years have done nothing to stop harassment at companies large and small – and, in fact, have been retaliating against accusers, forcing them into secret arbitration hearings and absorbing the cost of settling their claims – are still the ones in charge."

Farmworker women are particularly vulnerable to abuse at work. In what would become a foundational report on sexual harassment and assault suffered by farmworker women, Human Rights Watch¹² outlined the key factors that lead to vulnerability and reluctance to report. Beyond physical danger, threats of retaliation in the form of losing employment, housing, and even the ability to remain in the U.S. all too often pressure women into silence. Further, the exclusion of agricultural workers from workplace protections guaranteed to most other sectors of the U.S. labor force compounds these risks.

"The laws that do apply are not adequately enforced, and many farmworkers who spoke to Human Rights Watch reported experiencing or witnessing other workplace violations, such as wage theft, pesticide exposure, and child labor. In such an environment, farmworkers are unlikely to have faith in the ability of employers and authorities to rectify abuses, including sexual abuses."

But now, for the first time, those power dynamics are changing. In her editorial, Thomas offered the Fair Food Program as a viable solution to the challenge of following up #MeToo with real accountability:

"...A formal model of worker-driven collaboration with consumers could do incalculable good if adopted more widely. The Fair Food Program targets degrading work conditions, including brutal sexual abuse. (Some studies have found that 80 percent of female farmworkers have faced harassment, including rape and other assault.) It enlists the consumers of big agriculture – namely, the fast-food restaurants and supermarket chains that spend hundreds of millions of dollars on Florida tomatoes every year, such as Taco Bell, Whole Foods and Walmart – as enforcers against such abuses. The buyers pledge to pull their business from farms that violate a worker-authored code of conduct, and the workers themselves are the monitors. An independent body conducts investigations and unannounced audits of participating farms, with 80 percent of complaints resolved in less than a month. The consequences of violations are swift and strict: Harassers are fired and temporarily banned from reemployment at participating farms, while growers that fall consistently short face probation or suspension from the program."

In 2019, journalist Vera Chang embedded with the Fair Food Program for her article in the online journal Civil Eats.¹³ She explained how the Program's model of Worker-driven Social Responsibility has begun to restore workers' faith in protection, prevention, and real accountability without fear of retaliation, quoting FFSC Executive Director Judge Laura Safer Espinoza:

"Workers have seen enough supervisors fired for things that would never have even raised an eyebrow before – a slap on the butt, an arm on the shoulder. If a worker complained about that before, first of all, they'd be fired. Second, others would laugh. It's not a laughing matter anymore. Those days are over."

Chang noted that the combination of CIW education sessions that help both men and women workers "embrace new norms," the 24/7 complaint resolution mechanism, and the Program's rigorous auditing by the singularly focused Fair Food Standards Council has created a way to "prevent – not just remedy – sexual violence at work." She concluded, "for perhaps the first time in agricultural labor, there's now a system with ample safeguards. Under the FFP, workers can articulate problems that were formerly hidden, and sanctions proportionate to perpetrators' inappropriate conduct are enforced."



VOICES FROM THE FIELD

A harvester on the field pack crew noted the importance of the program in doing away with sexual harassment in the field. "Estoy muy conforme con eso. Han evitado muchas cosas."/ "I am very happy with that. You have prevented many things." His daughter works with him in the field.

A worker in the crew overheard him saying this and said, "eso sí, eso sí es bueno." The second worker also expressed gratitude for the program and said, "qué bueno que hay gente que se preocupa por nosotros" / "I am glad that there are people out there who care about our well-being."

BEYOND THE FARM GATE

TAKING LESSONS FROM FFP TO HOLLYWOOD

In 2021, the Food Program was tapped to help guide the development of a pilot in an unexpected workplace: the film and TV sets of Hollywood. At first glance, farmworkers and entertainment industry workers might appear to have little in common, but as

Judge Laura Safer Espinoza explained in the public announcement of the collaboration with the Hollywood Commission, “although each sector is unique, sexual harassment and bullying in the workplace are universal problems that share the common denominator of power imbalance.”



Independent production companies in particular face a number of challenges when it comes to protecting workers on a daily basis, including inadequate resources and internal expertise to put prevention systems in place. In addition, victim reporting options at these companies are limited. Like farmworkers, workers in these companies also face credible fears of retaliation if they come forward to report abuse. This is particularly the case on many small productions, where the only outlet for reporting a violation may also be the same person who committed it.



Anita Hill, who chairs the Hollywood Commission, said the Fair Food Program serves as a particularly relevant model for a reporting program: “There are myriad lessons for Hollywood to glean from the approach, execution, and success of CIW and the Fair Food Program in eradicating sexual harassment from an industry devoid of accountability and rife with abuse... Building on the existing work of the Hollywood Commission, this partnership will help us create a blueprint to address and prevent misconduct in independent production companies, and ultimately, we hope, forge a safer and more equitable workplace environment in Hollywood.”

Judge Safer Espinoza shared this hope: “through our work over the past decade, we have proven that an interconnected system of transparency, worker empowerment, and reliable enforcement can bring about true accountability and transform an industry from the ground up. We look forward to partnering with the Hollywood Commission to explore how these lessons can be effectively applied to address the specific needs of vulnerable workers in the entertainment industry.”

Despite the challenges of the coronavirus pandemic and its accompanying shutdowns, the Fair Food Program expanded in important ways, and momentum is building for continued growth in new sectors and states.

The Program's proven results over almost a decade of implementation have convinced buyers, growers, journalists, human rights observers, as well as the consuming public, of its unique value. With their support, the FFP is expanding to new states and sectors. The global crisis generated by COVID-19 also helped consumers to focus on the critical role that farmworkers play in food supply chains, and how vulnerable they are. At the same time, the existing infrastructure of the worker-driven, independently monitored Fair Food Program helped our partners weather the pandemic by protecting farmworkers and preventing risk for growers and buyers. The FFP's expansion in the face of enormous challenges posed by a global pandemic is a testament to the growing recognition of its lasting promise.

TENNESSEE

In July 2020, long-time Fair Food Program partner Sunripe Certified Brands (the first major grower to sign a Fair Food Program agreement in 2010) joined forces with another fourth-generation produce company, Pete Pappas and Sons, Inc., and Tennessee-based tomato grower Smoky Mountain Family Farms (SMFF) to launch a major new partnership in the summer tomato market. Sunripe and SMFF leader Jon Esformes highlighted the Fair Food Program as an important part of expansion in a July 2021 interview in produce industry magazine *The Snack*.¹⁴

"Our number-one priority is to ensure all our employees have access to a safe and fair workplace. The Coalition of Immokalee Workers is our partner in making sure that we're meeting and exceeding the highest standards of compliance, not just with the law, but with our moral and ethical responsibility as human beings."

FFSC staff, thanks in large part to experience gained through working with Doctors Without Borders in Immokalee, were able to develop safe, socially-distanced protocols to carry out education sessions for workers and supervisors, and to conduct a successful entry audit in Tennessee. As a result, hundreds more workers are now benefiting from Fair Food Program guarantees.

FLOWERS

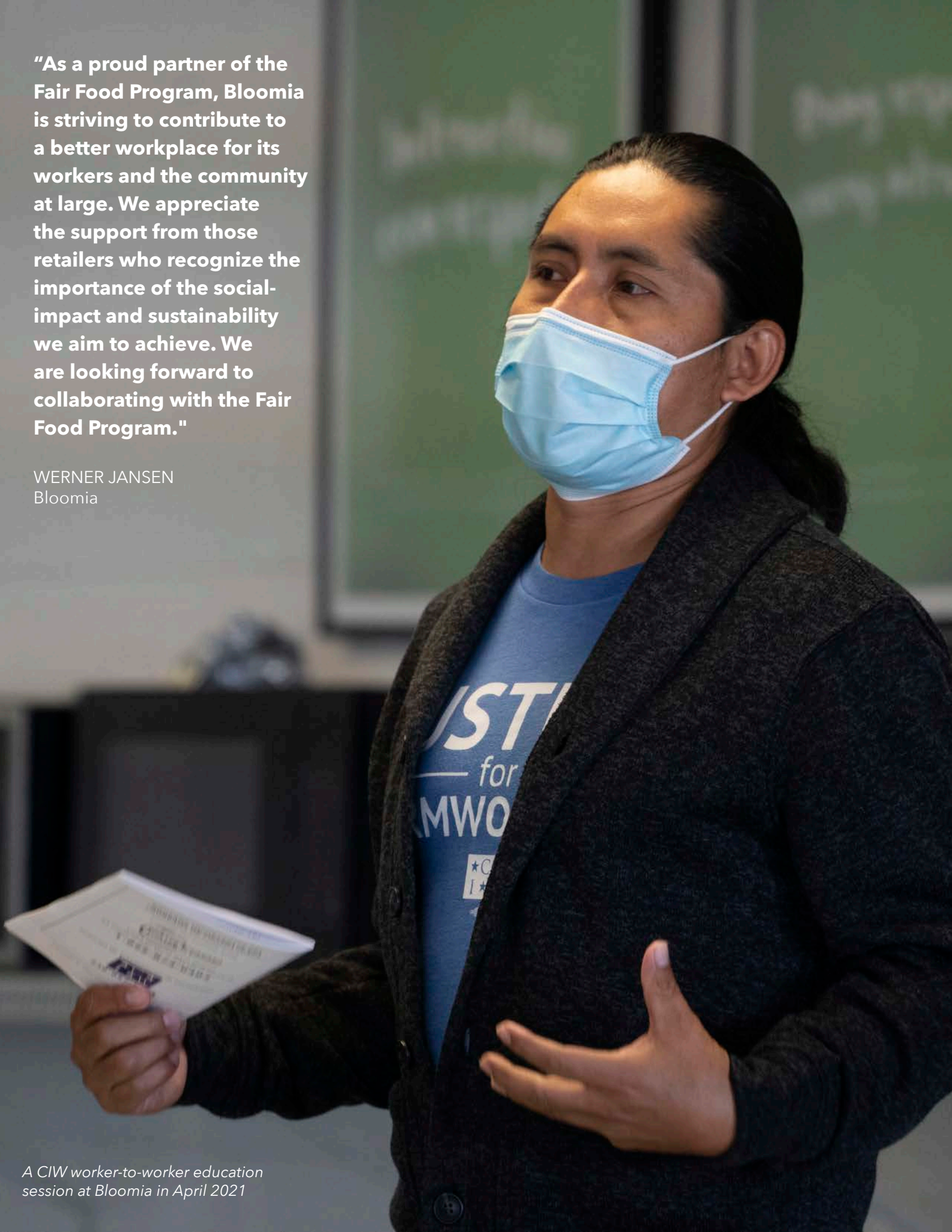
During the summer of 2020, the Fair Food Program added a new crop as Bloomia, the largest cut flower farm on the US East Coast and an international leader in the cut flower industry, joined the Fair Food Program.

Bloomia's operation in Virginia grows nearly 100 million flowers a year, including tulips (year-round) and peonies (seasonally) in 46 acres of temperature-controlled greenhouses. Most of the flowers are grown hydroponically in greenhouses equipped with biological control systems and incorporating precise techniques to avoid chemical use.

Erik Brown, Executive Leader of Produce at FFP Participating Buyer Whole Foods Market celebrated the news: "We help bring about real, tangible improvements in workers' lives in our supply chain through our partnership with third party certifiers like the Fair Food Program, with whom we have proudly partnered for over a decade. Whole Foods Market is proud that Bloomia, a longtime partner of ours, has signed on to the Fair Food Program as well, making them the first floral supplier to achieve this certification."

"As a proud partner of the Fair Food Program, Bloomia is striving to contribute to a better workplace for its workers and the community at large. We appreciate the support from those retailers who recognize the importance of the social-impact and sustainability we aim to achieve. We are looking forward to collaborating with the Fair Food Program."

WERNER JANSEN
Bloomia





NEW GROWERS JOIN THE PROGRAM

As this report was being finalized, a new flower grower in California joined the Fair Food Program. Sun Valley Farms, specializing in sunflowers and other flower and specialty plants, successfully passed its entry audit in June 2021. Just two weeks later, a new multi-vegetable organic farm in North Carolina began the Fair Food Program entry audit process. Both of these new farms are part of larger grower associations that have expressed great interest in Fair Food Program participation and are likely to be the first of many such growers to enter the Program.

EXPANSION VIA THE FAIR FOOD SPONSOR PROGRAM

The Fair Food Sponsor Program was created as a way for co-ops and smaller independent grocery stores to support farmworker human rights in their supply chains, even without the massive market power wielded by the larger retailers in the core Fair Food Program. In late 2018, the Program was piloted by a venerable New York City institution, the Park Slope Food Coop. In 2021, the next round of expansion included the Takoma Park Silver Spring Coop and Each Peach Market in Washington, D.C. The Sponsor Program's components include both a direct financial contribution from the retailer and an educational component to engage members and shoppers about the Fair Food Program.

While the Fair Food Program has grown to 14 participating buyers and seven states, including new expansion into the cut flower industry and multiple crops, it still does not cover all workers who need it.

The Fair Food Standards Council's complaint line regularly receives calls for help from workers working on non-participating farms. In response, FFSC may offer advice and, in some instances, make referrals, but cannot provide the full range of prompt and effective remedy and protection from retaliation that workers on FFP farms can count on. One senior investigator summed it up: "When I think about the future, my hope is to see all the protections of the Fair Food Program reach other crops and other states. When a worker from a non-FFP farm calls, it's really heartbreaking. We simply don't have the power to achieve those same results and working conditions as they have when they are covered by the Program. It's everything from the little things, like a clean bathroom, to fundamental protections like the right to work free from sexual harassment. As an investigator, I have seen firsthand that this program works, that it changes people's lives."

The Sponsor Program is an important new pathway of expansion for the Fair Food Program. By engaging consumers in their own neighborhood stores and co-ops, we aim to build awareness of and broaden consumer demand for Fair Food so that more large retailers and growers will join the Program.



The Fair Food Neighborhood (Artist: Raisha Friedman)

"We joined the Fair Food Sponsor Program because it's a tangible way to put our values about food justice into practice, to help build the kind of food system we want to see – an effort we know our customers are proud to be a part of."

CERIANN PRICE
Each Peach Market



RESULTS

SEASON 8-9 OVERVIEW

Throughout the Fair Food Program's ten seasons of implementation, FFSC has maintained detailed records of its monitoring efforts, tracking data from all audits and complaint investigations. For each standard included in the Fair Food Code of Conduct (see Appendix A), FFSC grades both individual grower performance and program-wide averages, based upon metrics developed to gauge compliance. This mapping provides an accurate reflection of Program trends and effectiveness.

Qualitative feedback from workers and growers has also provided powerful insight into the Program's impact on working conditions, workplace culture, and the well-being of farmworkers and their families.

The following pages provide a more in-depth review of the implementation of FFP standards.

Overall trends in the data are clear. In a few short years, the Fair Food Program reshaped the practices of the Florida tomato industry, which is now widely recognized as the best work environment in U.S. agriculture thanks to standards that are monitored and enforced on a daily basis through a combination of worker-led identification of code violations, third party investigations and audits, and market-backed enforcement. The common abuses that still pervade many global brands' low-wage supply chains, from garments, electronics, to seafood, have been eliminated on FFP farms.

For workers employed at these farms – the mother who no longer must leave her dignity in the fields in order to feed her family or the father who no longer fears violence or losing his job for asking about unsafe conditions or missing pay – the progress brought forth by the FFP is profound and personal.

FFSC's evaluation of the Fair Food Program began in the Program's infancy, when the industry was defined more by its deficiencies in Code compliance than its accomplishments. However, between Seasons 1 and 4 (November 2011 through October 2015), most Participating Growers' operations were dramatically transformed, achieving high levels of compliance across all areas of evaluation.

By the beginning of Season 5 (2015-16), the Program had entered a new phase, defined less by the need for fundamental change than by the task of sustaining the remarkable gains already achieved and expanding them through multiple states up the East Coast. Then, in a period of economic challenges for the industry, slight declines in compliance were noted. Due to the Program's ability to thoroughly address these issues through a rigorous corrective action process, however, Seasons 6 (2016-17), 7 (2017-18), 8 (2018-19), and 9 (2019-20) have each represented the highest Program-wide compliance levels to date.

CODE STANDARDS

FFSC monitoring is designed to verify compliance with the Code of Conduct, a set of standards generated not by outside “experts” but rather by workers who had experienced and understood the sources of entrenched abuses in their workplaces. Through its 24-hour complaint hotline and rigorous audit program tailored to the agricultural industry, FFSC investigators continually examine all aspects of Participating Growers’ operations. The descriptions below summarize the key areas of the Code, and audit measures that FFSC uses to gauge grower compliance.



Zero Tolerance Provisions

Auditors must find no evidence of forced labor, child labor, sexual harassment with physical contact, or other forms of violence.



Transparency & Cooperation

Growers and farm supervisors must cooperate with FFP education and audits, including scheduling, document provision, and interviews.

Workers must speak freely and show no signs of supervisor coaching or intimidation designed to interfere with the audit process.



Complaint Procedure

Grower and FFSC complaint hotline numbers must be provided on workers’ payslips, in training materials, and at central posting locations at each farm. Growers must maintain a complaint log and report all complaints they receive to the FFSC within two days.

Growers’ complaint intake, investigation, and resolution procedures must be effective and cooperative with the FFSC.

FFSC must find no evidence of retaliation.



Hiring & Registration

Direct Hiring

Growers must have a standardized system that guarantees all workers are hired as direct employees and placed on company payroll before they begin work.

Record Keeping

Growers must maintain personnel files with detailed records of worker injuries, workers' compensation claims, training records, and disciplinary history.

Supervisor Licensing

All individuals involved in recruiting, transporting, and housing workers must have all required state and federal licenses. Vehicles must be properly inspected, registered, and insured. Housing provided must be safe and secure with required permits and inspections.



Education & Training

Worker-to-Worker Education

Workers must participate in CIW education sessions each harvest cycle, paid at an hourly rate.

Supervisor Training

At the start of each season, farm labor contractors and all other supervisory personnel must be trained on FFP and company policies, including their responsibility to ensure a respectful work environment and immediately report all complaints.

Training and the Point-of-Hire

Growers must have a standardized system that guarantees all workers are provided with comprehensive training on FFP and company policies – paid at an hourly rate – before they begin working.

Progressive Discipline

Farm supervisors and human resources staff must adhere to a policy of escalating discipline, in which workers are given a series of verbal and written warnings prior to termination



Fair Food Premium

Grower records must demonstrate accurate and timely distribution of Fair Food Premium to qualifying workers. Ineligible supervisory employees must be excluded

from Premium distributions, and distributions cannot be included in minimum wage calculations.



Wages, Hours, & Pay Practices

Pay Practices

Workers must be provided with payslips that include hours worked, production, itemized deductions, and gross and net wages.

Growers must ensure that workers receive their own paychecks, including having a standardized system in which workers sign for their paychecks and can request that final checks be sent to a forwarding address. Third-party authorizations may designate fellow workers, but not supervisors, to pick up paychecks.

Unclaimed checks must be fully accounted for and safely stored by grower payroll staff.

Bucket-Filling Standard

Workers must not report, and auditors must find no evidence of, demands for overfilled buckets.

Wages & Hours

Growers must have a timekeeping system that accurately tracks workers' compensable hours for payroll calculations, and must demonstrate minimum wage compliance and accurate payment of wages.

Workers must not report unrecorded (compensable) wait time before or after work, and all work-related tasks must be performed on the clock. They must be informed of daily start times and control their own timecards when clocking in and out.



Work Environment

Auditors must find no evidence of sexual harassment, discrimination, verbal abuse, or other conditions contributing to a hostile work environment.

Supervisors must demonstrate a clear understanding their responsibility to prevent, identify, and report issues of sexual harassment, discrimination, and verbal abuse.



Health & Safety

Health and Safety Committee

Growers must hold monthly Worker Health and Safety Committee meetings that include a minimum of five qualifying workers and at least one worker from each crew.

Meetings must provide Committee members – who are compensated at an hourly rate – with the ability to share concerns with management representatives. Any resolutions or corrective actions resulting from meetings must be effectively communicated to all crews.

Shade, Bathrooms, Water, & PPE

Workers must verify that shade, bathrooms, and drinking water are consistently made available and accessible throughout each workday. Growers must provide all required personal protective equipment (PPE) to workers at no cost.

Injuries & Endangerment

Growers must effectively implement health and safety policies that include:

- Injury and illness response, ensuring adequate and timely treatment, an injury log, and company assistance with handling workers' compensation claims;
- Lunch and breaks;
- Reasonable days off to rest or attend to personal matters; and
- Work stoppages due to dangerous conditions.

Auditors must find no evidence of unsafe or unauthorized transportation, improper pesticide exposure, or other forms of negligent endangerment.



Housing

Company-provided worker housing must be compliant with all state and federal regulations.

Any deductions for housing costs cannot reduce workers' earnings below the minimum wage.

Housing must be clean and safe, and the company must facilitate timely repairs of any issues reported by workers.



ZERO TOLERANCE PROVISIONS

Forced Labor | Child Labor | Violence | Sexual Assault

All participants in the FFP are committed to the eradication of forced labor, child labor, violence, and sexual assault, which represent the worst offenses suffered by thousands of farmworkers over many decades, including countless workers on non-FFP farms still today.

The Code requires termination of supervisors found to have violated the Code's zero-tolerance provisions. Any such offenders are ineligible for employment at Fair Food Program farms for a period of no less than two seasons and no more than five years, depending on the offense. Retraining acceptable to FFSC must be completed before employment eligibility at Participating Growers can be reinstated. A second offense results in a lifetime ban from Fair Food Program farms. Failure by a Participating Grower to impose these sanctions results in suspension from the Program. In the case of a finding of forced labor, the farm itself is suspended.

As a result of worker complaints and audit findings, FFSC and Participating Growers have worked together to rid the industry of its worst actors and publicly affirm the Code's zero tolerance provisions.

Cases of rape or attempted rape have disappeared from FFP farms, and the days of impunity for sexual harassment with physical contact of any kind are clearly over.

Between Seasons 1 and 9, there have been a total of 19 valid cases that involved sexual harassment with physical contact. In each case, the offending supervisor or co-worker was promptly terminated, and the cases were resolved without retaliation of any kind against complainants or witnesses.

In addition, between Seasons 1 and 9, FFSC resolved a total of 14 cases that involved a total of 13 supervisors committing or threatening violence against workers. Complaint resolutions included 12 terminations of offending supervisors and one demotion from a supervisory position. Additionally, four other supervisors were provided with final warnings for failing to take proper action to prevent, intervene in, or participate transparently in investigations of these incidents.

During more than nine seasons of FFP implementation, FFSC has found only one case of forced labor on FFP farms. When workers and FFSC uncovered a forced labor case during Season 5 – a case that arose because the FFP's ineligible supervisor list was ignored by the grower – the Program's complaint notification and investigation procedures enabled the swift investigation, resolution, and prosecution of the perpetrator. Season 6 saw even further tightening of FFP-recommended prevention systems at the farm impacted by this case and no further cases of forced labor throughout the Program.

SEASON 9

4

Cases of sexual harassment by supervisors with physical contact

5

Supervisors terminated for sexual harassment

0

Cases of rape or reported rape

1

Case of supervisor violence: supervisor terminated and suspended

0

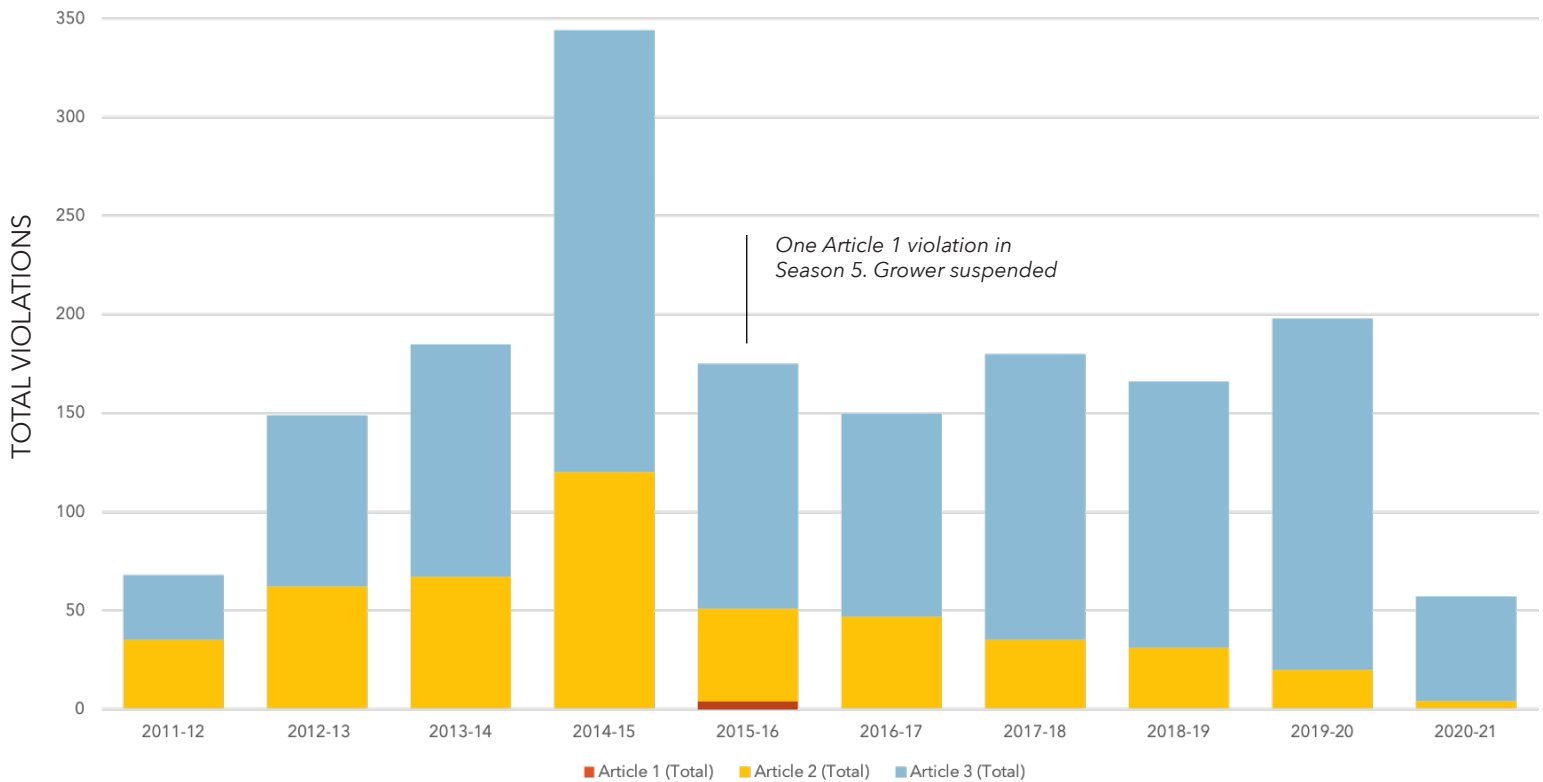
Number of supervisors disciplined for failing to take proper action to address violence

VIOLATIONS BY SEVERITY, SEASONS 1-9

ARTICLE 1: Zero-Tolerance Violations (e.g., forced labor, assault)

ARTICLE 2: Serious violations (e.g., systemic wage theft, sexual harassment)

ARTICLE 3: Less serious violations (e.g., procedures)



COMPLIANCE IN PRACTICE

- Upon notification of complaints alleging violations of zero-tolerance provisions, growers facilitate FFSC investigations by providing access to witnesses and records.
- Interviews conducted by FFSC and the grower are prompt and carried out under circumstances that protect the confidentiality and safety of witnesses.
- Credible claims of forced labor and child labor are referred to law enforcement. Assistance is provided to any complainants who wish to file criminal or civil charges in cases of violence or sexual harassment.
- Investigations are cooperative, not adversarial.
- In confirmed cases of forced labor or systemic child labor, the Participating Grower is suspended.
- In confirmed cases of sexual assault or harassment with physical contact or violence by supervisors, the perpetrator is terminated and banned from FFP employment. Failure to terminate such individuals results in suspension of the Participating Grower.



TRANSPARENCY AND COOPERATION

In the same way that successful complaint resolution requires that workers trust the efficacy of the complaint process and its protections against retaliation, audits require full cooperation and transparency from Participating Growers and field-level supervisors. Interference with auditors' interactions with workers and field-level supervisors, in the form of intimidation or coaching, is strictly prohibited.

The Fair Food Program has provided FFSC – the Program's dedicated monitoring body – with access to all levels of Participating Growers' management, from company owners to farm managers and crewleaders. Growers also must provide requested records, including company policies, training and injury reports, worker registration and payroll files, and documentation of Fair Food Premium receipts and distributions.

Most importantly, FFSC investigators have interviewed – in the fields, on buses, over the phone, and at migrant housing camps – at least 50 percent of the workforce present at farm locations audited each season. An exception was made during the pandemic, as FFSC adapted its protocols to remote interviews, and eventually to a mix of remote interviews and visits to worker housing locations, where interviews took place outdoors. Remarkably, investigators were still able to interview at least 25 percent of workers present during the audit period.

This unprecedented degree of insight into growers' operations and management systems has helped provide the perspective needed to identify barriers to compliance with the Code of Conduct. Each season, the problems and risks described in FFSC's comprehensive audit reports shape detailed Corrective Action Plans that serve as roadmaps to full implementation of Code standards.

In the early years of Program implementation, some company representatives and supervisors did not welcome additional scrutiny of their farming operations. FFSC faced numerous instances in which

farm management or field supervisors interfered with auditing by coaching or intimidating workers. In each instance, FFSC required that farm management hold a meeting with the affected workers to issue an apology and reaffirm its commitment to the Program to avoid probation and/or suspension. Workers were assured of their ability to speak freely and confidentially with auditors, free from fear of retaliation. Corrective actions included disciplinary warnings and – in some instances – suspensions for the offending field-level supervisors. This was followed by retraining on transparency and cooperation, led by the FFSC.

Although FFSC still identifies occasional obstacles to full transparency and compliance, a strong working relationship has developed between FFSC investigators and Participating Grower staff. Those issues that are identified are resolved promptly, through a combination of growers' disciplinary procedures and the corrective action process.

During Season 9, cooperation with FFSC audits reached its highest levels since the Program's inception. FFSC only experienced issues with prompt provision of documents at three Participating Growers, which did not meaningfully impact the auditing process.

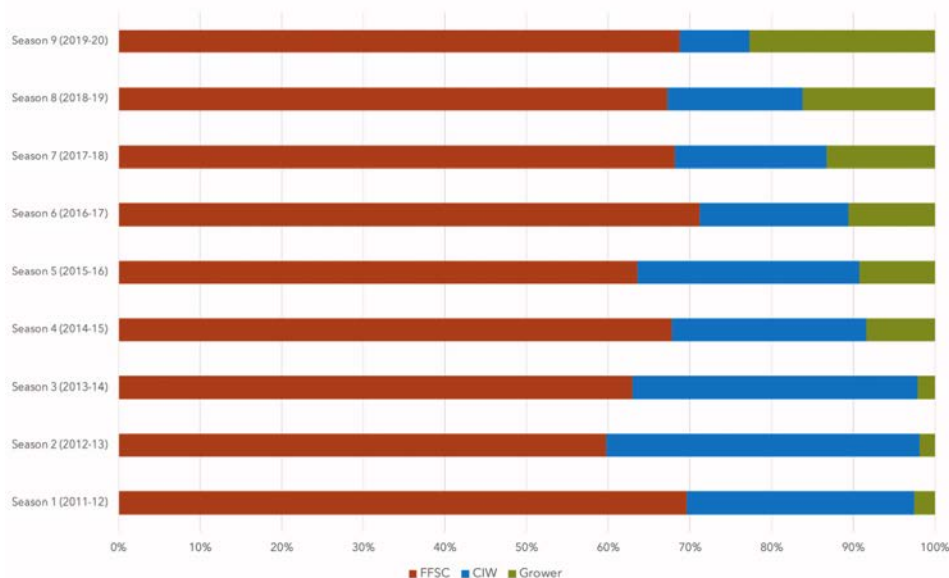
SINCE 2011:

30,148 Interviews with Workers
1,007 Interviews with Labor Contractors
346 Field Operations Audits
281 Financial Audits
249 Management Audits
9,357 Audit Findings Addressed
206 Corrective Action Plans



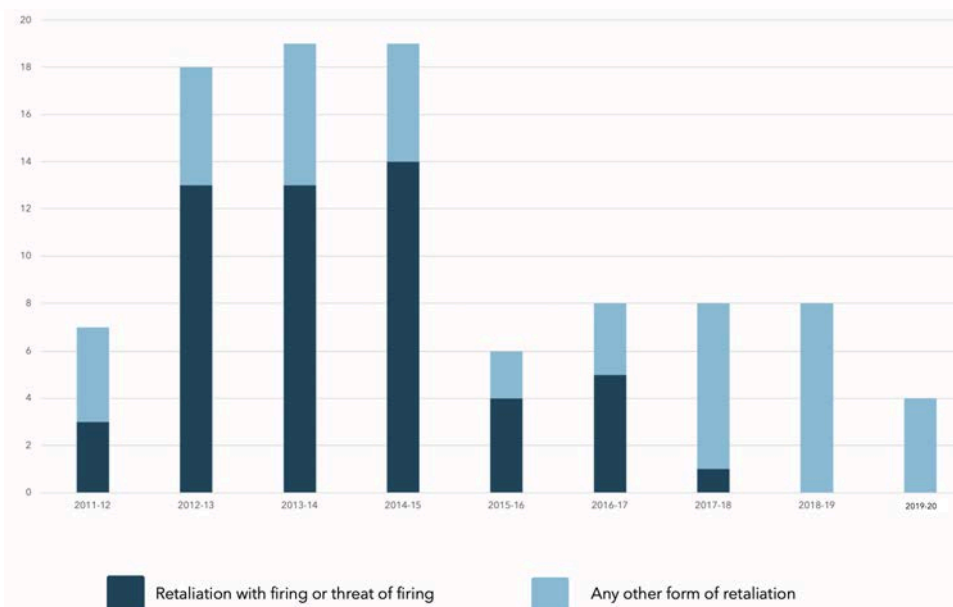
COMPLIANCE IN PRACTICE

- Growers train workers and supervisors on the company's commitment to transparency and cooperation with the Fair Food Program.
- Growers are fully cooperative with audits – including scheduling; assistance with logistics; and unimpeded access to records, management personnel, workers, harvesting operations, and housing.
- Field supervisors do not interfere with auditing procedures, including intimidation or coaching of workers.
- Failure to cooperate with audit procedures is subject to disciplinary action and – if unaddressed – is grounds for probation or suspension from the Program.
- Growers and FFSC work together to develop corrective action measures to address individual audit findings.



COMPLAINTS BY SOURCE SEASONS 1-9

Season over season, we have seen the proportion of complaints originating from growers increase, a possible indication of worker confidence in improved HR systems that have resulted from FFP processes and cooperation.



RETALIATION VIOLATIONS SEASONS 1-9

Retaliation with firing or threat of firing, a serious Article 2 violation, has declined to zero for the past two seasons. Overall, reports of violations related to retaliation reached a Program low in Season 9.



COMPLAINT PROCEDURE

Before the Fair Food Program, farmworkers had little to no recourse in the face of abuse. Workers who complained to supervisors about missing pay or unsafe working conditions were frequently subject to retaliation – including physical and verbal abuse followed by termination. Without effective enforcement mechanisms in place to prevent retaliation, workers often concluded that raising complaints in the workplace was not possible.

With the implementation of the FFP, the right to complain without fear of retaliation transformed the work environment for farmworkers – as well as for the labor contractors who once ruled the fields with impunity. Worker education has created thousands of worker-monitors who actively enforce their own rights in the workplace through their interactions with co-workers and supervisors, as well as with CIW Education Committee members, and through hotline calls or audit interviews with the FFSC.

Workers learn of their ability to use the FFSC's hotline through company training at the point of hire, worker-to-worker education sessions, interactions with FFSC field investigators, and from friends and relatives who had obtained successful complaint outcomes. Strict enforcement of Code provisions against retaliation has both increased workers' confidence in the safety of the complaint process and served to deter all forms of retaliation by supervisors.

During Season 9, auditors found no evidence of retaliation or threats of retaliation against workers who brought forth complaints on 89% of FFP farms.

On those farms where instances of retaliation or threats of retaliation were identified, they were limited to the behavior of one or two supervisory employees, whose actions have been addressed through the corrective action process and did not involve any worker termination.

As the effectiveness of grower complaint investigation procedures were evaluated through the FFSC audit process, corrective action measures provided guidance for strengthening Participating Growers' ability to handle, investigate, and resolve complaints. Through collaboration with FFSC, compliance with the FFP's best practice complaint procedures reached its highest levels to date during Seasons 7, 8, and 9.

One of the keys to the effectiveness of the Program's complaint process is the speed with which resolutions are achieved. For migrant workers who move frequently to follow seasonal farm work, justice delayed is truly justice denied. As of Season 9, over the life of the Program, 65% of all cases received have been resolved in less than two weeks, and an additional 17% were resolved in less than one month. The speed of resolution in Seasons 8 and 9 declined somewhat from its previous levels, with 51% of complaints resolved within two weeks and an additional 21% resolved within one month during Season 9. However, violations found by FFSC in complaints received during these seasons were less severe and generally less urgent than in previous seasons. Additionally, the number of complaints that were not valid under the Code, but in which resolutions that addressed workers' concerns were reached with Participating Growers – a more time-consuming process – increased in Season 9.

65%

Complaints resolved in less than two weeks

82%

Complaints resolved in less than one month

Participating Growers across the Program have also developed a deeper commitment to a joint complaint resolution process, driven by the recognition that workers frequently have valuable insight into workplace practices.

Between November 2011 and October 2020, the FFP received nearly 2,800 worker complaints, in addition to the concerns raised by workers during FFSC audits. 35% of these complaints were found to represent Code violations, while 15% were found not valid. In 30% of all cases, agreeable resolutions have been reached even when no Code violations were confirmed, demonstrating increasing cooperation in resolving the problems and concerns of workers.* During Season 9, these resolutions represented 41% of all cases resolved by FFSC, and continues to trend upwards.

This collaborative partnership in the complaint process relies heavily on the credibility and integrity of FFSC's investigations, which treat all complaints with the same dedication to a thorough and accurate fact-finding process. In the event that agreement cannot be reached on complaint resolution, Participating Growers may appeal FFSC's proposed resolutions through arbitration. As a testament to the Program's fair, objective, and thorough approach, there has been only one such appeal to date.

*(*The remaining 20% of cases were from non-participating employers, not investigable, or for informational purposes only.)*



COMPLIANCE IN PRACTICE

- Workers have access to a toll-free hotline (Spanish, Haitian Creole, English) answered 24/7 by an FFSC investigator.
- Company and/or FFSC hotline numbers are provided in training materials and at central posting locations at each farm.
- Supervisors and workers are effectively trained on how to make and report complaints, including company complaint procedures and policies against retaliation.
- Complaints received by either growers or FFSC are shared with the other party within two working days.
- Growers work collaboratively with FFSC to ensure effective complaint investigation and resolution.
- Growers do not interfere with FFSC complaint investigations, and neither engage in nor permit retaliation against workers who make complaints.
- In the event that retaliation does take place, failure to address the issue with disciplinary action against the offending supervisor and redress for the worker results in probation or suspension from the Program.



HIRING AND REGISTRATION

Direct Hiring

In much of U.S. agriculture, Farm Labor Contractors (“FLCs”, or crewleaders) are the direct employers of farmworkers. The farmer pays the FLC in bulk for the harvesting, who in turn pays the individual farmworkers for their labor. This type of employment arrangement helps to insulate growers from legal liability for any labor violation that might take place on farm property, while making it more difficult to detect and address abuses experienced by farmworkers – including forced labor, wage theft, unsafe working conditions, sexual violence, and unauthorized transportation in dangerous vehicles.

For this reason, one of the Code's fundamental provisions requires Qualifying Workers* to be hired and paid directly by Participating Growers. Ensuring that workers are employees of Participating Growers means that Growers accept the important responsibility of guaranteeing proper compensation for all work, workers' compensation coverage for work-related injuries and illnesses, and dignified working conditions for farmworkers who labor on their property.

The FFP additionally requires that all registration and training take place – and that all workers be issued a photo ID badge or timecard required for tracking attendance and hours – prior to starting work, helping reduce the risk that workers could work under the control of labor contractors

for several days and leave without company knowledge.

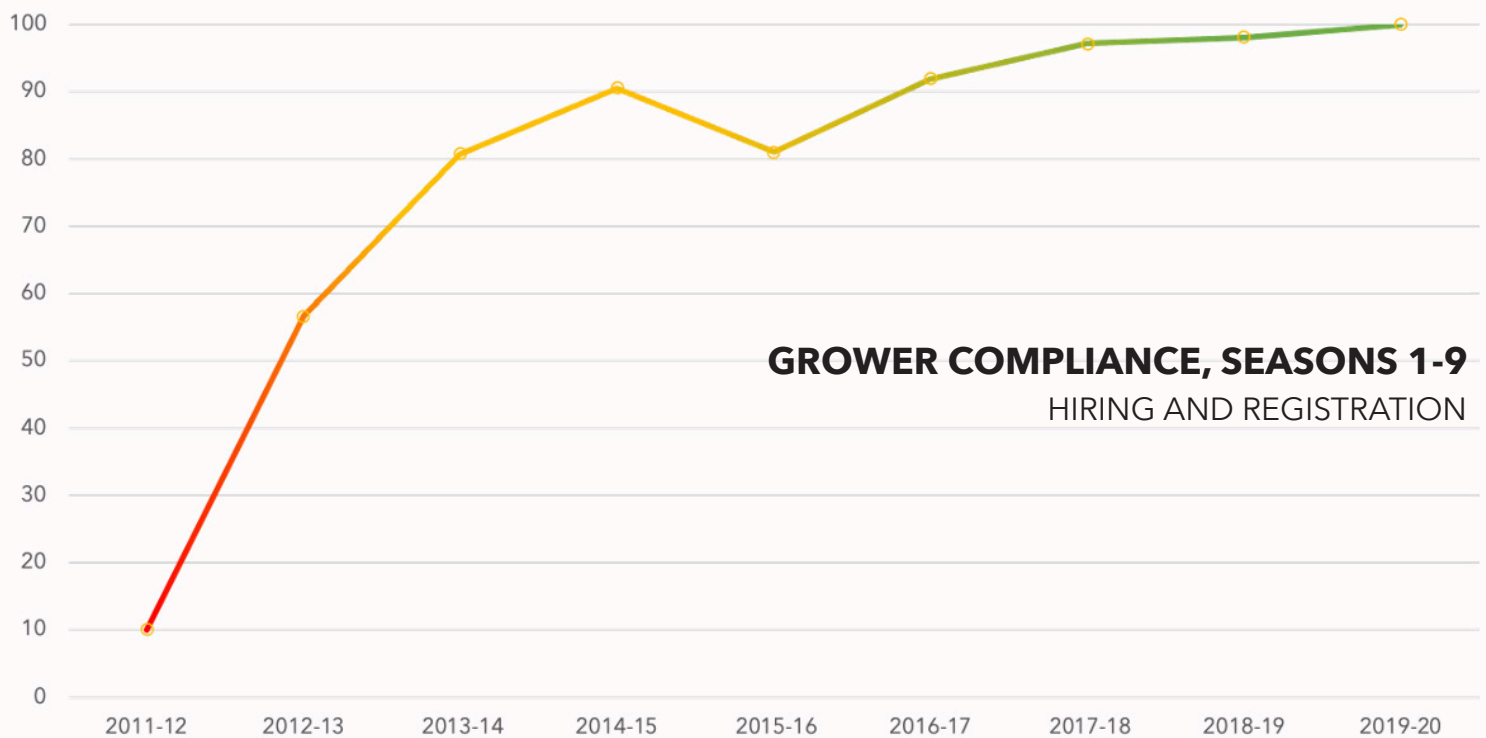
During Seasons 1 and 2, 100% of Participating Growers had implemented procedures to place their production and harvesting crews on company payroll. By the end of Season 3, 100% of Participating Growers adopted the unprecedented practice of including vine-ripe workers on company payroll (vine-ripe harvesting traditionally had been done toward the end of the regular harvest by smaller, “footloose” crews on an informal, cash payment basis). By the end of Season 4, nearly all growers had fully implemented standardized procedures to ensure that all Qualifying Workers, including vine-ripe workers, were registered and provided with ID and/or time cards before starting to work in the fields. In Seasons 8 and 9, 100% of FFP farms became fully compliant with all worker registration requirements.

** According to the Fair Food Code of Conduct: “Qualifying Workers are non-supervisory workers performing the following tasks related to growing tomatoes for a Participating Grower: harvesting, irrigation, planting, laying plastic, staking, tying and miscellaneous work of a similar nature that does not involve the operation of vehicles or machinery. Field walkers and dumpers are not Qualifying Workers.”*



COMPLIANCE IN PRACTICE

- Participating Growers directly hire all Qualifying Workers as employees, and ensure proper compensation and proper working conditions.
- Workers complete registration paperwork and receive company photo ID cards – necessary for attendance and timekeeping – before beginning work in the fields.
- Crewleaders and supervisors found to bring unregistered workers onto farm property are subject to immediate discipline. Termination is mandatory for a second offense.
- Findings of unregistered workers are grounds for probation, and, if unaddressed, for a grower's suspension from the Program.



H-2A Guestworkers

During Season 4, H-2A guestworkers were contracted for work on a small number of FFP farms for the first time. During its audits, FFSC identified illegal fees and extortion on the part of some Mexico-based recruiters, impacting significant numbers of H-2A workers. Seeking to utilize the FFP's systemic approach to eliminating and preventing abuses, the program's Working Group authorized FFSC to vet possible solutions to the H-2A recruitment issue. To that end, based on suggestions from workers in the FFP whose relatives had been recruited to work on farms in Canada through the Mexican Secretary of Labor and Welfare's National Employment Service (SNE) without having to pay illegal recruitment fees, FFSC engaged in a series of discussions – including during a fact-finding trip to Mexico – with US State Department personnel; representatives of the SNE; the Project on Organizing, Development, Education and Research (PODER); the Economic, Social, and Cultural Rights Project (PRODESC); and the United Food and Commercial Workers International (UFCW).

After confirming that H-2A workers who availed themselves of SNE's services were not charged recruitment fees, the FFP designated SNE as the sole recruitment channel for H-2A workers from Mexico to Fair Food Program farms. This "clean channel"

recruiting mechanism, incorporated in the FFP Code of Conduct and implemented as of January 2017, is intended to eliminate otherwise endemic illegal recruiting fees, as well as to protect workers against discrimination, retaliation, and/or any other abuses in the H-2A recruitment or retention process. Like many other systemic solutions in the FFP, this pilot with SNE was worker-driven, from its inception to the creation of materials for Mexico-based worker education, and it continues to be informed and improved by worker feedback.

0

Number of days a worker can be on farm property before registration and training

100%

Participating Growers fully compliant with all worker registration requirements, including high-risk vine-ripe crews



HIRING AND REGISTRATION

H-2A Guestworkers (cont.)

To date, FFSC has noted increased worker confidence in the recruitment channel through SNE, matched by a drastic decline in reports of illegal recruitment fees. As detailed below, only one of the very few reports received since 2015 involved any SNE personnel. All concerns raised by workers concerning their rights in the recruitment process, as well as their wages and working conditions while on Fair Food Program farms, are addressed promptly in an effective and collaborative manner among the Participating Grower, FFSC, and SNE.

During Season 9, FFSC received one report of illegal fees charged to a group of workers by a member of a regional office of SNE. As a result, SNE's federal office temporarily stopped recruitment operations at that regional office, performed an internal investigation and extensively interviewed workers who had been recruited there. The employee accused by workers of charging fees was fired, and the private individuals who were suspected to have aided him were banned from any contact with SNE. SNE also arranged for an in-person meeting in that region at which the affected workers' relatives were provided with orientation and encouraged to pursue formal legal action, with support from SNE.

SNE has continued to engage in an extensive public education campaign for present and potential H-2A workers on the free nature of its services and the fact that no worker should be charged for access to information or during any part of the recruitment process. The requirement that all recruitment must be carried out only by SNE staff – and that the use of any sub-contractors or “recommendations” from others is strictly prohibited – is emphasized. Information is also provided on how to make confidential complaints during the recruitment process with SNE, free of the fear of retaliation.

During Season 9, six Participating Growers used H-2A guestworkers, as national trends continue to demonstrate an increasing demand for H-2A guestworkers.



COMPLIANCE IN PRACTICE

- Growers are the direct employers of any H-2A guestworkers on FFP farms.
- The Mexican National Employment Service (SNE) is the sole recruitment channel for H-2A workers on FFP farms. Growers do not use informal recruitment channels and networks – notorious for fraud and extortion – in their attempts to recruit Mexican guestworkers. Growers work in coordination with SNE to recruit and interview farmworkers.
- In addition to ensuring that all FFP standards are adhered to for guestworkers, FFSC verifies full compliance with federal law on guestworker working conditions and pay. This includes requirements for growers to pay for travel and meals, provide adequate housing, and pay guestworkers at the Adverse Effect Wage Rate (AEWR). The FFP has adopted strict provisions on retaliation to ensure that no guestworkers are arbitrarily sent back to their home country without a proper review of the circumstances leading to their termination.

A photograph of a tomato field. In the foreground, there are lush green tomato plants with some small yellow flowers. In the background, a worker wearing a white shirt and a dark cap is visible, carrying a red bucket filled with green tomatoes. Further back, a large, multi-story building is visible under a clear blue sky with a few clouds.

VOICES FROM THE FIELD

After an education session, a worker named Manuel said that he wanted to speak to someone from the FFSC in order to see if anything could be done about the conditions at a non-FFP company where he had completed an H-2A contract the previous season in Georgia. Manuel said that there were no protections for the workers there. In addition to bad housing conditions with roaches and rats, he said that workers had to work in the rain, with lightning, and without breaks. He acknowledged that there was a great difference between farms in the Fair Food Program and farms outside of the Program. He wanted to know if anything could be done to improve conditions at that farm.*



EDUCATION AND TRAINING

With the implementation of the Fair Food Program, farmworkers – for the first time – began hearing their rights explained by men and women who have also spent their lives working in the fields.

Each season, the CIW Education Team conducts “Know Your Rights” education sessions on the property of all Participating Growers, who pay workers at an hourly rate for participating. In interactive peer-to-peer discussions, both newly-hired and returning workers can ask questions about their rights and responsibilities under the Program and receive answers that are meaningful to them, based on shared experience. This empowers each and every worker on any given farm to be the frontline defender of his or her own rights through use of the complaint mechanism.

Furthermore, education sessions are typically carried out at farms shortly before FFSC audits are scheduled to take place. This ensures that – when FFSC investigators step into the fields – workers are informed about their rights and feel confident in the central role they play in identifying problems and risks in the workplace, free of retaliation, as effective partners in the auditing process. This also ensures that FFSC investigators are made aware of any current or urgent concerns raised by workers during education sessions.

During Seasons 1 and 2 (2011-2013), a small number of growers failed to facilitate worker-to-worker education sessions at their operations. Since Season 3 (2013-14), 100% of all Participating Growers – including at all expansion sites outside of Florida – have been compliant with worker-to-worker education requirements.

During Season 9, the Fair Food Program adopted remote protocols for worker education and audits as part of its efforts to prevent the spread of COVID-19. High quality videos with COVID-19-specific information were provided to all Participating Growers and screened to workers during the remainder of 2020.

EDUCATION AT POINT OF HIRE

Prior to starting work in the fields, and at least once annually for returning employees, all workers must receive a copy of the Program's “Know Your Rights and Responsibilities (KYRR)” booklet in English, Spanish, or Haitian Creole. Audio versions of the book are available for low-literate workers. The KYRR booklet describes the basic protections established by the Code, as well as how workers can make complaints concerning Code violations.

Workers also view the CIW-produced FFP training video, in which they see their rights and responsibilities demonstrated in realistic scenarios, scripted and portrayed by farmworkers.



In addition to FFP training, Participating Growers are required to provide workers with comprehensive training on written company policies, which must be in compliance with the Code of Conduct. A bilingual trainer must provide a verbal review of key company policies, as well as the opportunity to discuss any questions workers may have.

Since Seasons 8 and 9, 100% of Participating Growers have fully implemented FFP materials into their trainings for new hires and returning workers.

PROGRESSIVE DISCIPLINE

Before the Fair Food Program, any worker whose production or conduct displeased a supervisor could be fired on the spot or simply not allowed to board the labor bus the next day, often amounting to arbitrary and summary dismissal. Under those circumstances, complaining about working conditions was virtually impossible.

In a dramatic change, the FFP requires Participating Growers to adopt the concept of progressive or escalating discipline. Growers' disciplinary policies must now include verbal and written warnings for most violations of company policy, with opportunities for re-training prior to termination. Terminations are no longer left to the discretion of crewleaders, and instead require the involvement of upper management.

Supervisor training must now clarify that disciplinary measures are not to be imposed on workers for exercising their rights to complain about working conditions, and that grower management must be involved in decisions to terminate workers. Supervisory employees at Participating Growers are also informed that supervisors are subject to escalating discipline for failure to implement FFP standards.

All Participating Growers (100%) have established progressive discipline policies, and actively train their employees on escalating discipline. Since Season 8, workers and supervisors at 100% of FFP farms have demonstrated full awareness of these policies, and FFSC has not identified any instances in which a worker was arbitrarily terminated by a crewleader.

100%

Growers that have implemented progressive disciplinary procedures

100%

Participating Growers fully compliant with progressive discipline standards



COMPLIANCE IN PRACTICE

- Participating Growers coordinate with CIW's Worker Education Committee during each harvest cycle to ensure that all crews participate in education sessions.
- Management representatives are present to introduce CIW and convey the company's support of the FFP.
- Companies utilize separate training payroll codes under which education sessions and other trainings are tracked to ensure proper hourly compensation.
- Attendance is typically kept to 100 workers or less so that constructive dialogue can take place
- Company-led trainings are carried out by bilingual trainers who provide a comprehensive verbal review of company and FFP policies, as well as the opportunity to discuss workers' questions.
- Workers are not normally terminated before first being issued at least one verbal and one written warning.
- Crewleaders no longer have sole discretion to terminate workers' employment.
- Supervisors are also subject to discipline, up to and including termination, for failure to comply with FFP and company policies.



FAIR FOOD PREMIUM

Since 2011, historic change in farmworkers' traditionally sub-standard pay has been achieved through Participating Buyers' payment of over \$36 million in Fair Food Premium to improve workers' wages (as of July 2021).

The Fair Food Premium, known as the "penny per pound," is paid by Participating Buyers on their purchases of Participating Growers' products. It is designed to help reverse the downward pressure on farmworker wages exerted as a result of consolidated, high-volume purchasing. Workers receive the premium in the form of a bonus, as a separate line item in their regular paychecks.

The specific rate of Fair Food Premium varies by crop and variety, and Participating Buyers' payment mechanisms are built on existing financial channels and payment schedules within the fresh produce supply chain. Buyers do not issue payment directly to farmworkers, nor do funds pass through any entities - including CIW or FFSC - outside the buyers' normal supply chains.

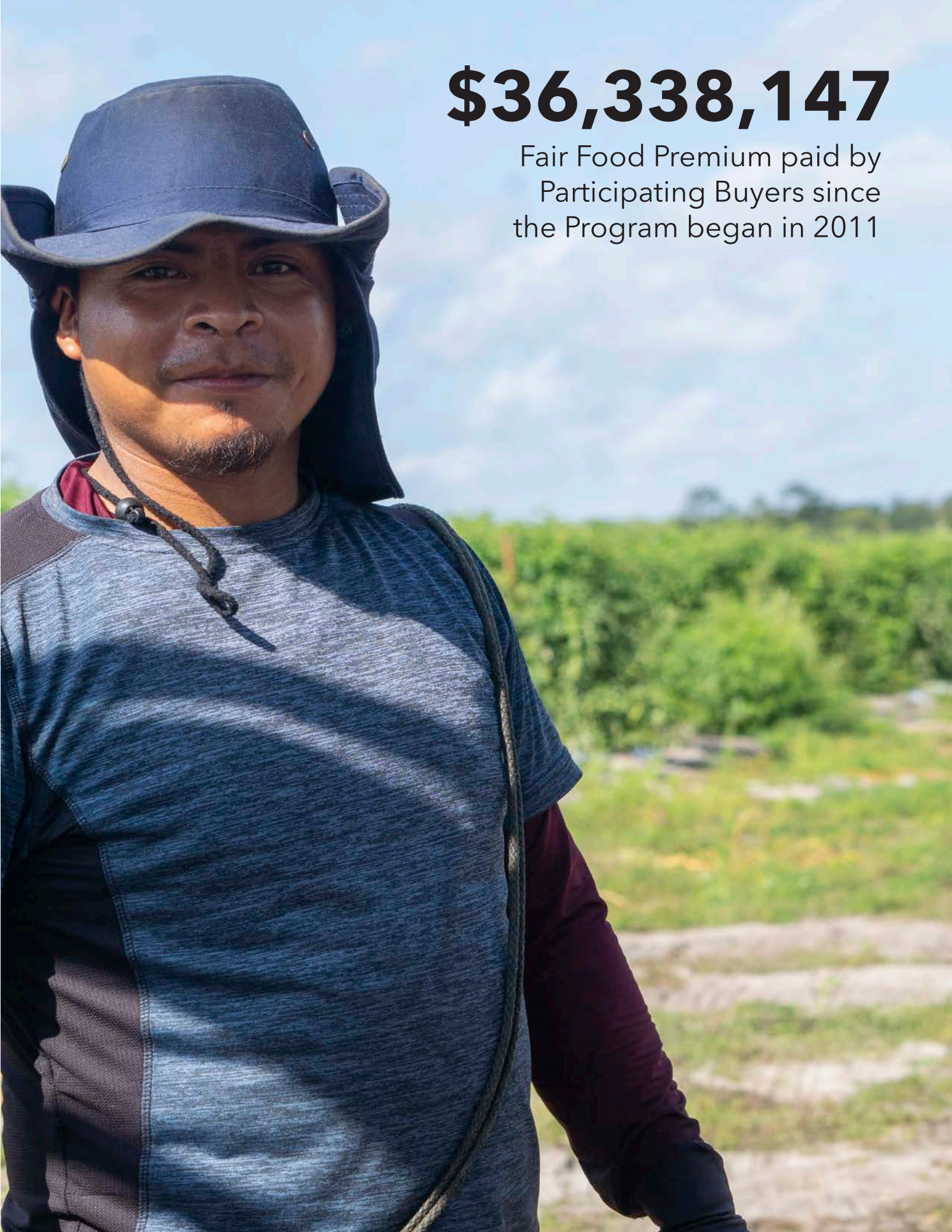
The FFSC carefully monitors the purchases of Participating Buyers to ensure that Fair Food Premium is accurately paid on all eligible purchases. Specifically, this includes reconciling and testing monthly financial records (which include check and invoice numbers) submitted by Participating Buyers and Participating Growers, as well as conducting audits of growers' payrolls to ensure that 87% of the Premium is promptly and accurately distributed to workers as a line-item bonus on their paycheck. Growers are permitted to retain the remaining 13% of the funds to offset increased payroll taxes and administrative costs.

100% of Participating Growers now have systems in place to ensure that distributions are consistently made to workers in a timely manner. Furthermore, FFSC receives reporting on distributions on or before the required deadlines. During Seasons 8 and 9, FFSC has continued to improve its comprehensive analysis of Participating Growers' payroll systems and task codes and has worked with their payroll staffs to build systems that prevent accidental distributions to ineligible field supervisors. In Season 8, 81% of Participating Growers were fully compliant with Fair Food Premium distribution requirements, with no systemic issues, and in Season 9, 100% of Participating Growers were fully compliant.



COMPLIANCE IN PRACTICE

- Participating Buyers submit monthly reporting to FFSC, which ensures that Florida tomatoes are only purchased from Participating Growers, and that Fair Food Premium is paid on all FFP tomato purchases.
- Participating Growers submit monthly reporting to FFSC, which ensures that Fair Food Premium is properly distributed to Qualifying Workers as a separate line item on their paychecks.
- Supervisory employees are properly excluded from Fair Food Premium distributions.



\$36,338,147

Fair Food Premium paid by
Participating Buyers since
the Program began in 2011



WAGES, HOURS, AND PAY PRACTICES

Although federal law requires that farmworkers' compensable hours be recorded to ensure minimum wage compliance, the fraudulent manipulation of handwritten timekeeping records used to track workers' hours has long been a source of minimum wage violations in U.S. agriculture.

WAGES AND HOURS

The Fair Food Program transformed these practices by mandating timekeeping systems that confirm whether farmworkers – who often work piece rate for their production – are paid at least minimum wage during the time they are required to be at work. Under the Code, and as enforced by FFSC monitoring, workers must be clocked in from the time they are required to arrive to farm property to the time that they depart. Participating Growers must use timekeeping systems that generate precise, verifiable records of how long workers are on farm property and workers must be in control of their own timecards when clocking in and out to ensure that all hours are recorded properly.

Enforcement of these Code provisions protecting against uncompensated wait time has had a dramatic impact on workers' quality of life. Participating Growers soon changed their practice of transporting workers to the field hours before work normally begins, which typically resulted in several hours of unpaid waiting time.

Due to FFP enforcement of legal requirements, farmworkers' time now has an enforceable value. Therefore, many growers adjusted their practices so that arrival times more closely

approximate the time at which work will actually start. This results in significant quality of life benefits for workers. For example, mothers and fathers can let their children get a full night's sleep and even take them to school instead of rousing them before dawn to be left with a neighbor (often for a daily fee), a practice made necessary before the FFP because parents had to board a pre-dawn bus to the fields.

The Program has also required that Participating Growers develop systems to guard against other wage-related abuses that farmworkers commonly experience, including paychecks stolen by supervisors, incomplete paychecks lacking the information needed for workers to verify that they were paid in full, excessive or illegal deductions, and difficulties retrieving final paychecks after workers migrate at the end of a harvest season.

Although failure to comply with these fundamental timekeeping requirements was the reason for a number of probations and suspensions during the Program's early years, FFP farms now maintain a high level of compliance. 100% of all Participating Growers now use timekeeping systems as required by the Code, and 100% consistently generate payroll from required timekeeping records. During Season 8, no systemic failures to comply were found, and 88% of Participating Growers ensured that workers were always clocked in immediately upon arrival to the farm and that their compensable hours were properly recorded. During Season 9, 100% of Participating Growers were in full compliance with this requirement.

Furthermore, FFP monitoring has helped workers ensure that they are consistently and properly paid for their labor. Through FFSC audit findings and complaint resolutions, the Program has helped workers recover over \$496, 939 in lost wages.

\$496,939

Wages recovered by the FFSC complaint procedure

30

Number of minutes it takes to walk a child to school in Immokalee

0

Number of minutes a farmworker should be working off-the-clock

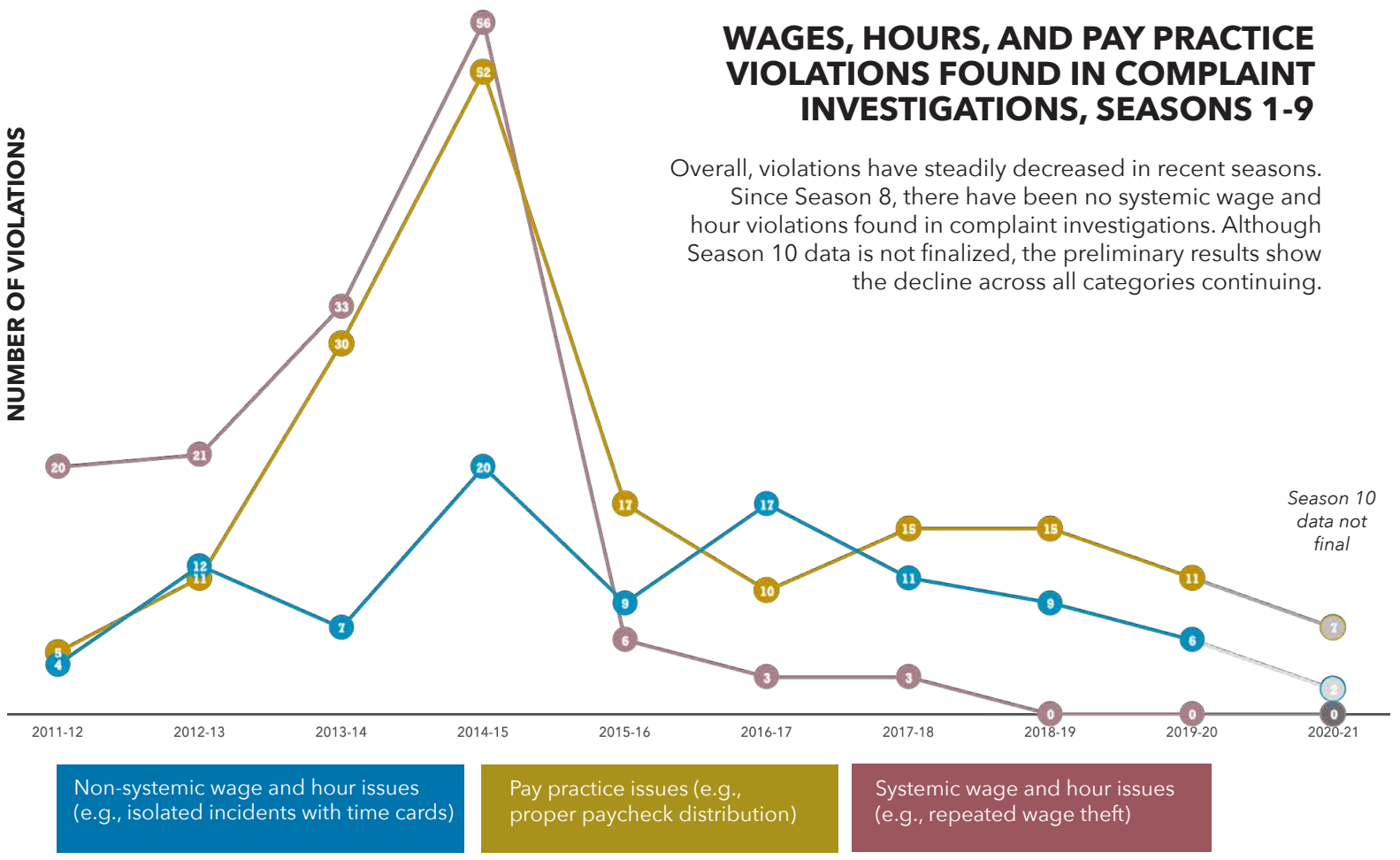
100%

Participating Growers using Code-required timekeeping systems to generate worker payroll

NUMBER OF VIOLATIONS

WAGES, HOURS, AND PAY PRACTICE VIOLATIONS FOUND IN COMPLAINT INVESTIGATIONS, SEASONS 1-9

Overall, violations have steadily decreased in recent seasons. Since Season 8, there have been no systemic wage and hour violations found in complaint investigations. Although Season 10 data is not finalized, the preliminary results show the decline across all categories continuing.



COMPLIANCE IN PRACTICE

- Qualifying Workers are consistently clocked in upon arrival to a grower's property and clocked out only when ready to depart the grower's property.
- Workers control their own timecards.
- Electronic timekeeping systems – as opposed to supervisors' handwritten logs – are used to track workers' hours and generate payroll.
- Workers' paychecks are never given to crewleaders or other supervisors.
- Workers sign for and receive their own paychecks, or authorize a co-worker to do so in their absence.
- Payroll departments track and retain unclaimed paychecks.
- Growers have procedures to allow workers to forward their final paychecks by mail.
- Paystubs include workers' hours and earnings, and reflect no improper deductions.



WAGES, HOURS, AND PAY PRACTICES

BUCKET-FILLING STANDARD

In addition to the Fair Food Premium, the Program has achieved further wage increases through the elimination of "cupping," or the "topping off" of picking buckets. Cupping refers to the traditional practice of requiring workers, paid by the bucket, to overfill their harvesting buckets by heaping an additional several pounds of produce on top of an already full bucket.

Before the FFP was implemented in 2011, workers were not compensated for those extra pounds of tomatoes in each bucket. Therefore, for every eight to ten buckets picked and cupped, workers were actually harvesting – but not being paid for – an eleventh bucket. Before the FFP, supervisors enforced this by withholding pay for un-cupped buckets and/or firing workers who refused to comply. Workers who complained were often subjected to violence at the hands of supervisors in the fields.

For many workers, the new visual bucket-filling standard has meant an additional wage increase of up to 10%.

During the first two seasons, the Program saw significant resistance on the part of crewleaders to enforcing the new standard, and failure to consistently enforce this requirement was a source of many worker complaints. By the end of Season 3, the bucket-filling standard was no longer a major source of conflict and by Season 6, the Program achieved the near elimination of this once-common practice, as well as its accompanying violence and wage theft, and 100% of Participating Growers effectively trained supervisors and workers on the Code's bucket-filling standard.

Although FFSC continued to identify isolated incidents of supervisors requesting cupped buckets during Seasons 8 and 9, these instances were addressed promptly through the corrective action process.



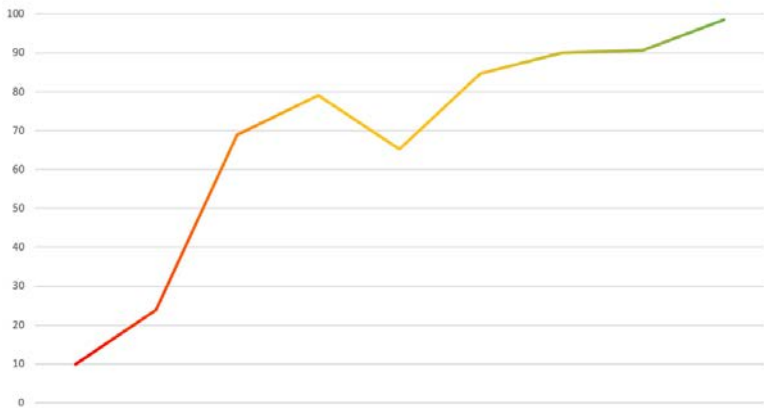
COMPLIANCE IN PRACTICE

- Supervisors and workers are effectively trained on the visual bucket-filling standard.
- Workers understand that they should not overfill or underfill buckets.
- Farm supervisors take an active role in enforcing the Code's visual bucket-filling standard.
- Dumpers and crewleaders are subject to disciplinary procedures if they demand overfilled buckets.



OVERALL GROWER COMPLIANCE SCORE HIGHLIGHTS SEASON 1-9

Season 9 Score: **99**



Wages and Hours

Season 9 Score: **94**



Bucket-Filling Standard



WORK ENVIRONMENT

In addition to zero-tolerance provisions against violence and sexual assault, Participating Growers must provide all employees with training on the prevention of sexual harassment and discrimination, including sexually charged language and other conduct that contributes to a hostile environment.

Supervisors and workers are informed of disciplinary consequences for all forms of sexual harassment, and growers continue to work towards or maintain best practices, including ensuring that all field-level supervisors understand their roles in responding to and preventing violations of these policies. By the end of Season 5, 100% of Participating Growers had implemented company-led trainings for workers and supervisors on the prevention of sexual harassment and discrimination based on gender, race, national origin, or sexual preference.

During Season 8, FFSC received no worker reports of discrimination at 88% of FFP farms and no reports of sexual harassment at 69% of FFP farms. During Season 9, FFSC received no worker reports of discrimination at 100% of FFP farms and no reports of sexual harassment at 67% of FFP farms.

Since the start of the FFP, 42 supervisors have been disciplined for sexual harassment as a result of complaint resolutions or corrective actions that addressed audit findings. 17 of those supervisors were terminated and banned from FFP farms.

Cases of discrimination have also been dealt with promptly and effectively through the Program's complaint mechanism. FFSC has resolved 43 cases of discrimination stemming from the conduct of 25 supervisors and 13 co-workers, as well as a number of company policies and practices.

As a result, in addition to changes in company policies and practices – including gender-based work assignments – all supervisors were subject to disciplinary action, including five terminations, 11 final warnings and 11 verbal warnings. In cases involving co-workers, resolutions included three terminations, four final warnings and nine verbal warnings.

In response to an increase in the number of Haitian workers on FFP farms in Seasons 6 and 7, FFSC increased its Haitian Creole-speaking staff. This has allowed Program monitoring to respond promptly to issues facing these workers, including discrimination and lack of Creole-speaking grower staff.

As part of case resolutions and audit corrective actions, extensive crew-wide meetings and re-trainings on company and FFP policies have also been held to reinforce standards and ensure the prevention of sexual harassment and discriminatory conduct. Participating Growers' supervisory staff have largely accepted their responsibility to prevent hostile environments and to respond effectively to complaints of sexual harassment and discrimination. This has resulted in reports by the overwhelming majority of workers during FFSC audits of vastly improved work environments.

Starting in 2014, the Fair Food Program became the host site for the development of an innovative curriculum on sexual harassment prevention, specifically designed to address abuses suffered by workers in agriculture. Collaborating with several stakeholders – including Pacific Tomato Growers, Futures Without Violence, and VIDA Legal Assistance – FFSC developed the first culturally appropriate training curriculum for workers and supervisors in agriculture to address the impacts of sexual violence and sexual harassment in the workplace, as well as domestic violence that may be suffered by workers. This project created a powerful new tool for combatting gender-based violence and sexual harassment, and has helped set the national standard for addressing these abuses in the agricultural sector.

VOICES FROM THE FIELD

A local female worker said that her supervisors are very respectful and that she feels like she is at home working at the company.

She explained that she has experienced sexual harassment when she has gone to work in other industries like painting and cleaning but that at [FFP Participating Grower] she feels sure / "me siento segura" that those things do not happen.

Two workers, who spoke both Spanish and Creole, said it was the first time in their experience that workers had received information in Creole. "We usually try to translate what we hear for our coworkers," one of them explained. "I speak both Spanish and Creole, but when I saw the Coalition was offering to present in my native language, I thought wow, and came over here to listen."



COMPLIANCE IN PRACTICE

- Workers are trained on how to make confidential complaints to supervisors, company staff, and FFSC.
- Field-level supervisors are regularly trained on their obligation to report sensitive complaints, as well as their responsibility to actively discourage sexual harassment and discrimination in the workplace.
- Auditors must find no evidence of sexual harassment, discrimination, verbal abuse, or other conditions contributing to a hostile work environment.
- Supervisors must demonstrate a clear understanding their responsibility to prevent, identify, and report issues of sexual harassment, discrimination, and verbal abuse.





HEALTH AND SAFETY

HEALTH AND SAFETY COMMITTEES

The Fair Food Program is also improving worker health and safety on the job. Under the Code, growers must assist workers in the formation of Health and Safety Committees at their farms.

Under the Code, Health and Safety Committees consisting of at least five members, with a representative from each crew, are required to meet monthly. These committees provide a channel of communication between the field-level workforce and management, enabling workers to convey a broad range of health and safety concerns, from heat exhaustion and other dangerous conditions – including lack of proper sanitation – to sexual harassment. Committee members must be identified to all workers on their crews, and adequate notice of meetings provided so that other workers can provide input or attend. Feedback must be provided to all crews regarding topics discussed and resolutions reached.

During Season 8, 75% of growers had Health and Safety Committees that were in full compliance with the Code, including convening monthly meetings with workers representing each crew and agendas that encourage workers to share their concerns with management, as well as mechanisms to inform other workers of resolutions implemented. This increased to 83% in Season 9. Another 11% of Participating Growers have established Health and Safety Committees and are working toward full compliance with Code requirements. Only 6% of Participating Growers did not have functioning Health and Safety Committees on their farms by Season 9. At the most compliant farms, during harvest, Committee attendance is incentivized by compensating Committee members at an hourly rate that exceeds minimum wage.

SHADE, BATHROOMS, AND WATER

Heat injury and illness is a leading cause of work-related death for farmworkers in the U.S., a rate nearly 20 times greater than for non-farmworkers.

The heat index, or "feels like" temperature, in Florida regularly reaches the upper 90's during the growing season and easily exceeds 100 degrees along the East Coast during summer months, as workers repeatedly bend over, fill a bucket with at least 32 pounds of tomatoes, haul and throw it up to a dumper on a flatbed truck, and then race back to start the cycle anew.

The provision of a safe and accessible shaded area, access to drinking water, and the ability to take breaks are thus critical to workers' health and wellbeing.

The Code requires provision of shade for workers in the fields at all times and locations that field work is performed. Workers must also consistently be provided with access to clean drinking water and clean bathrooms, and be allowed to take breaks as needed throughout the workday.

100% of Participating Growers have purchased and distributed shade structures to their crews, and FFSC has observed steady increases in the quality of shade units at many growers' operations, including custom designs built to withstand field conditions.

During Season 8, 63% of Participating Growers were in full compliance with all shade requirements, and this increased to 83% in Season 9. During Season 8, 75% were in full compliance with bathroom and drinking water requirements, and 72% in Season 9. At the remaining operations, FFSC auditors identified only limited issues with shade accessibility or bathroom maintenance, such as shade structures not being moved promptly as workers progress through the fields, or isolated reports of dirty bathrooms.

INJURIES AND ENDANGERMENT

The FFP also monitors Participating Growers' policies and practices to ensure that workers are provided with effective injury and illness response procedures in the event that they are hurt or fall ill on the job; the ability to take breaks and days off; and the right to stop work in the event of dangerous conditions, such as lightning or pesticide drift.

During Season 8, 63% of Participating Growers were fully compliant with Code requirements for injury and illness response, including ensuring that workers and supervisors fully understood the company's responsibility in these cases, as well as the proper filing and prompt management of all workers' compensation claims. In Season 9, compliance levels increased to 72%. In Season 8, workers reported full compliance with Code requirements for providing workers with adequate breaks and days off at 75% of Participating Growers, and reported full compliance at 72% in Season 9. During Season 8, FFSC received no reports of issues with pesticide drift or pesticide application at 63% of Participating Growers' operations; this increased to 78% in Season 9.





HEALTH AND SAFETY

SAFE TRANSPORTATION AND FIELD TRUCK SAFETY

Throughout much of U.S. agriculture, farmworkers are transported to work in uninspected, uninsured vehicles driven by individuals who lack proper authorization for transporting migrant farmworkers. For this reason, FFSC has always closely monitored farm transportation practices to ensure that workers are transported to work in a safe manner. Changing these entrenched industry transportation practices was a gradual process that required intensive auditing efforts. However, as of Season 7, 100% of Participating Growers had developed monitoring systems to ensure that workers are not transported in unauthorized vehicles or by unauthorized drivers, and FFSC found no evidence of unauthorized transportation at 100% percent of Participating Growers' operations.

Having achieved the virtual eradication of unauthorized, uninsured, and unsafe transportation of workers to FFP farms, the FFP Working Group then placed increased emphasis on reducing the risk

to workers from the large, largely unregulated farm trucks and large machinery that are used in harvesting operations. In an industry in which the fatality rate for farmworkers is seven times greater than the rate for all workers in private industry, additional FFP safeguards are serving to supplement inadequate legal protections.

During Season 8, the Fair Food Program designed and implemented new procedures and guidelines to ensure that drivers and supervisors take important precautions to prevent injuries to workers, and that workers and supervisors are adequately trained on field truck safety protocols. As a result, instances of unsafe driving practices reported by workers or observed by auditors have dropped dramatically: In Season 8, only 50% of Participating Growers were in full compliance with safe driving requirements. However, during Season 9, following implementation of the new field truck safety preventive protocols, 78% of Participating Growers were in full compliance, and that upward trend has continued in Season 10.



COMPLIANCE IN PRACTICE

Health and Safety Committees

- Growers must hold monthly Worker Health and Safety Committee meetings that include a minimum of five Qualifying Workers and at least one worker from each crew.
- Meetings must provide Committee members – who are compensated at an hourly rate – with the ability to share concerns with management representatives. Any resolutions or corrective actions resulting from meetings must be effectively communicated to all crews.

Shade, Bathrooms, Water, & PPE

- Workers must verify that shade, bathrooms, and drinking water are consistently made available and accessible throughout each workday.
- Growers must provide all required personal protective equipment (PPE) to workers at no cost.

Injuries & Endangerment

- Growers must effectively implement health and safety policies that include: Injury and illness response, ensuring adequate and timely treatment, an injury log, and company assistance with handling workers' compensation claims; Lunch and breaks; Reasonable days off to rest or attend to personal matters; Work stoppages due to dangerous conditions.
- Auditors must find no evidence of unsafe or unauthorized transportation, improper pesticide exposure, or other forms of negligent endangerment.



RELIEF FROM THE HEAT

NEW HEAT ILLNESS STANDARDS

As record-breaking temperatures once again scorched the country from coast to coast this summer, newspaper headlines warned of the growing threat of heat stress-related illness faced by the roughly 32 million people who work outdoors in the U.S., including roughly 2 million farmworkers. A recent NPR story summed up the problem in two sentences: “At least a dozen companies have had multiple employees die from environmental heat exposure. The Occupational Safety and Health Administration (OSHA) has not adopted a national heat standard to safeguard workers and often decides not to penalize companies for worker deaths.”

In August 2021, after weeks of research and consultation, the Coalition of Immokalee Workers, the Fair Food Standards Council, and Participating Growers on the FFP’s Working Group stepped into this breach and issued a new set of enforceable heat safety standards requiring mandatory breaks; comprehensive, trilingual training; and emergency response protocols, effective immediately, on all Fair Food Program farms. On top of the FFP Code of Conduct’s existing provisions guaranteeing workers access to shade, water, and elective rest breaks, the FFP’s new “Heat Stress Illness Awareness, Prevention, and Response Plan” adds several key new protections, including:

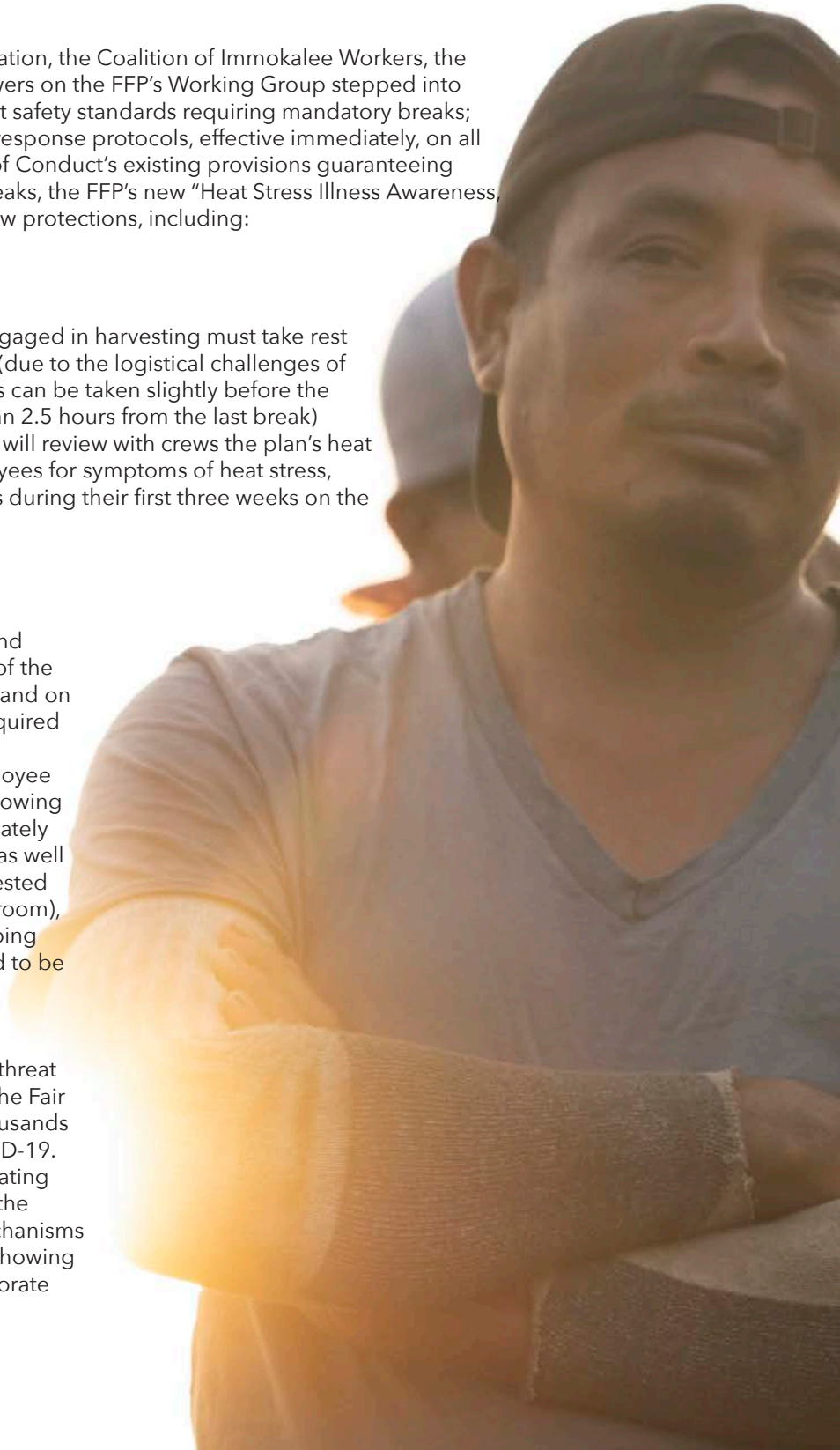
From May 1 - October 31

- **Mandatory Cool-Down Rest Breaks:** All crews engaged in harvesting must take rest breaks of no less than 10 minutes every 2 hours (due to the logistical challenges of managing large crews in expansive fields, breaks can be taken slightly before the two-hour mark or slightly after, but no longer than 2.5 hours from the last break)
- **Increased Monitoring:** Crewleaders and HR staff will review with crews the plan’s heat stress prevention measures, actively scan employees for symptoms of heat stress, and identify and closely monitor new employees during their first three weeks on the job as they acclimate to the heat.

Effective year-round

- **Education and Training (trilingual):** Employees and supervisors will be trained on the requirements of the plan, on the signs and symptoms of heat illness, and on the responses to symptoms of heat illness, as required by the plan.
- **Responding to Heat Stress Symptoms:** Any employee who reports or is identified by a supervisor as showing signs or symptoms of heat illness will be immediately relieved from duty to hydrate and rest in shade, as well as have the right to receive medical care if requested (including being taken to a clinic or emergency room), with the particular response always to be in keeping with the OSHA standards for appropriate first aid to be given for particular symptoms.

As long-term climate change emerges as a growing threat to farmworker health and safety across the country, the Fair Food Program has stepped up to protect tens of thousands of farmworkers on FFP farms, just as we did for COVID-19. By identifying these emerging threats and swiftly creating new, mandatory standards in response – backed by the Program’s existing monitoring and enforcement mechanisms the FFP is saving lives, reducing risks on farms, and showing the way forward for millions of more workers in corporate supply chains across the country.





HOUSING

While only some growers (including those who employ H-2A workers) provide employee housing, the Fair Food Program ensures that those who do meet federal standards.

The FFSC also ensures that there are channels in place for making any necessary repairs, and that any health and safety issues that emerge at employer-provided housing are promptly fixed. The FFSC requires inspection reports and auditors visit housing as part of audits at all growers that provide worker housing.

In Season 8, 79% of Participating Growers providing housing were in full compliance with federal and Fair Food Program housing standards. In Season 9, that number rose to 85%, and 100% of Participating Growers had an effective and timely complaint mechanism for housing repairs.





¡Qué calor!
Necesito un descanso...

¿Viniste a
trabajar o viniste
a descansar?

The FFP is an enforcement-focused approach to social accountability. Market-based consequences, built into the Program by CIW's Fair Food Agreements with Participating Buyers, provide the enforcement power necessary to create real change. In the event that a grower is suspended, Participating Buyers are required to suspend purchases from the Participating Grower until that grower is returned to good standing.

For buyers, benefits of FFP participation include transparency and elimination of supply chain risks at a time when consumers – with access to instant information – are increasingly aware of the conditions under which their products are produced and expecting corporations to do their part to address the pressing social problems of the day, from climate change to sexual harassment.

For growers, FFP benefits include (but are not limited to): becoming employers of choice; reducing turnover and increasing productivity; preventing risks, including lawsuits and administrative fines and penalties; improving management systems; reducing workers' compensation costs; and obtaining verification of ethical labor practices, thereby giving them a competitive edge with buyers and consumers.

With the exception of zero tolerance offenses, Participating Growers are given multiple opportunities to address Code violations through the Program's collaborative complaint resolution and corrective action procedures. Failure to address Code violations through agreed-upon corrective actions may result in probationary status, and continued failure to address those violations results in suspension from the Program.

Together, the promise of preferred purchasing and the legitimate threat of diminished market access have worked as powerful drivers of compliance. Over the life of the Program, most growers have reacted to market consequences by substantially and continuously improving their compliance with the Code of Conduct.

Nearly all suspensions to date took place in the FFP's first three seasons, the same timeframe in which compliance also saw its most drastic improvement. Throughout the history of the Program, no Participating Grower has been suspended twice.

At the same time, the number of annual probations remained steady between Seasons 2 and 7, showing that, although suspensions became increasingly rare over time, market consequences remained essential to building the stronger systems necessary to reach the highest levels of compliance. During Seasons 8 and 9, as the FFP reached its highest levels of compliance program-wide, it became clear that the potential for market consequences – even short of a notice of probation – is now sufficient to drive increasing levels of compliance and to prevent abuse.

7

Growers suspended since Season 1

24

Growers placed on probation since Season 1

0

Number of growers that have been suspended twice



COMPLIANCE IN PRACTICE

- Participating Buyers only purchase covered produce from Participating Growers in good standing.
- Participating Buyers halt purchases from growers who have been suspended from the Program.
- Zero-tolerance findings of forced labor or systemic child labor at a Participating Grower's operation result in immediate suspension.
- A grower's failure to terminate supervisors found to have committed acts of violence, or sexual harassment with physical contact, results in suspension from the FFP.
- Participating Growers are given repeated opportunities to remedy most violations through a collaborative complaint resolution and corrective action process.
- A grower's failure to remedy violations addressed in Corrective Action Plans may result in probationary status.
- Persistent failure to address Code violations results in suspension from the Program.

BEYOND A *THEORY* OF CHANGE:

Worker-driven Social Responsibility is a Proven Solution

The Fair Food Program, in addition to its own expansion in agriculture, influences workplaces and supply chain initiatives far beyond the fields. The FFP, piloted in 2010 and launched in 2011, was the first comprehensive, fully functional application of the Worker-driven Social Responsibility (WSR) paradigm, a human rights approach designed by workers themselves and anchored by legally binding agreements between the workers' organization and the signatory retail brands who are the major customers of the suppliers who employ the workers. As an alternative to PR-driven Corporate Social Responsibility (CSR), WSR holds tremendous promise for addressing human and labor rights abuses in global supply chains.

The WSR model was first implemented internationally two years later, through the 2013 Accord on Fire and Building Safety in Bangladesh in that country's garment sector. This followed a series of horrific factory fires and building collapses in the supply chains of major U.S. and European clothing brands. Union and witness signatories to the Accord included two global labor unions, eight Bangladeshi labor federations, and four NGOs. With more than 200 brand signatories, the Accord covers some two million workers.

Many of the factories that employ these workers have undergone a tremendous transformation to ensure their structural integrity and fire safety. In 2018, the Accord was extended three years to continue its progress and continues to be championed by human rights groups globally who are advocating for continued extensions.

To accelerate the growth of WSR, seven organizations from diverse sectors and fields of expertise, both domestic and international, came together to form the Worker-driven Social Responsibility Network in 2015. This multi-disciplinary collaboration drew from some of its members' unique success with the FFP and the Accord. CIW was a founding member of the network, and the Fair Food Standards Council serves as technical advisor. The network's purpose is to build understanding of the WSR model among a wide range of relevant actors; provide support for efforts to adapt the model to new sectors and places; and amplify and strengthen existing efforts through coordination, information sharing, and collective action.



One of the Network's first accomplishments on the ground was WSR adaptation on Vermont dairy farms known as Milk With Dignity. This program was created by Migrant Justice, a worker-based human rights organization, with multi-year technical assistance from CIW, FFSC, and other network members during four overlapping stages: exploration, standards development and program design; campaign and negotiations; and implementation. On October 3, 2017, Migrant Justice signed a legally binding agreement with Ben & Jerry's to launch the program in that iconic brand's supply chain. Launched in 2018, Milk With Dignity is operational on Vermont dairy farms and monitored by the Milk With Dignity Standards Council (MDSC). The Fair Food Standards Council continues its mentoring relationship with MDSC to date. As documented in Milk With Dignity's first biennial report, workers on MWD farms have experienced unprecedented and transformative improvements in earnings, work schedules, housing, and safety thanks to the same mechanisms of worker education, in-depth comprehensive audits, and a worker-driven complaint process that are key to the WSR model.

Another remarkable victory was achieved through the WSR model in August 2019, when a coalition of women's rights organizations in Lesotho announced a landmark agreement struck with that southern African country's largest garment factory and several multinational apparel brands, including Levi Strauss & Co. and the Children's Place. The agreement harnesses the brands' purchasing power to protect apparel factory workers from gender-based violence in the workplace. Specifically, the agreement was modeled on the CIW's FFP and its unique success in investigating worker complaints and enforcing compliance with workers' fundamental human rights.

On *Medium* In October 2019, Cathy Albisa, former Executive Director of the National Economic and Social Rights Initiative, wrote about what she called "the third element in this powerful story" – in addition to an in-depth investigation led by the Workers' Rights Consortium and the backdrop of the "Me Too" movement – the collaboration between workers in Immokalee and their counterparts in Lesotho:

... An astonishing journey from Lesotho to Immokalee and back helped build the path to this particular agreement. ... When core organizations from the movement for the rights of garment workers around the world came together with this Fair Food Movement, formally under the umbrella of the Worker-driven Social Responsibility Network (WSR-N), the seeds of the Lesotho journey were planted. Looking for solutions and a model for the soul shattering abuse in the Lesotho factories, the Lesotho coalition visited Immokalee to learn and see this worker-driven solution in action. Shared problems give rise to shared solutions, and the farmworkers of Florida opened up their program and expertise for their transnational brethren ...

The Worker-driven Social Responsibility model has now taken root in three continents – Asia, Africa and North America – supported by allies but driven by workers themselves building a global movement. It is an inspiring and proven path forward toward the more just and equitable future that we can build together.

Currently the FFP continues to advise workers in multiple industries across the US, including: construction workers establishing the Building Respect and Dignity Program, based on WSR principles, in the Twin Cities area of Minnesota; poultry workers in Arkansas, including those in Tyson Foods' supply chain; workers in the fashion industry, in partnership with the Model Alliance, based in New York City; and workers in the entertainment industry, in collaboration with the LA-based Hollywood Commission, in efforts to end sexual harassment and assault, discrimination, and toxic workplaces in film and television production (you can read more about this extraordinary collaboration on page 25 of this report).

The Network is also building field-wide support for WSR among important actors in the labor and human rights movements. More than 64 leading organizations and individuals have endorsed the WSR Statement of Principles. These principles were developed by the network's coordinating committee and outline cornerstone elements for the establishment and enforcement of the rights of workers in global supply chains. The organizational endorsers range from the AFL-CIO and Jobs with Justice to Human Rights Watch and Freedom Network USA. Individual endorsers range in background and include many important academics, researchers, and authors on these issues. The network will continue to spread awareness of WSR and secure endorsements from additional U.S. and international organizations.

Beyond the WSR Network, the CIW and FFSC have also participated in several high-level forums and other engagements related to the possible application of the FFP model and WSR paradigm. These include presentations to the Annual Forums of the United Nations Working Group on Business and Human Rights, the United Nations Special Rapporteur on Trafficking in Persons, the European Union, and the Organization for Security and Cooperation in Europe. In 2019, the FFP hosted worker delegations from Cambodia and the Philippines in Immokalee, and, during 2020 and 2021, has engaged in remote exchanges with other international human rights and worker organizations that are exploring supply chain labor rights initiatives, including groups based in Italy and India.

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APPENDIX B: BY THE NUMBERS

COMPLIANCE SCORES BY CATEGORY

CATEGORY	S1 - 2011-12 (Avg)	S2 - 2012-13	S3 - 2013-14	S4 - 2014-15	S5 - 2015-16	S6 - 2016-17	S7 - 2017-18	S8 - 2018-19	S9 - 2019-20
Complaints	10	48	70	83	80	84	93	92	93
Hiring and Registration	10	57	81	91	81	92	97	98	100
Housing	10	—	—	—	—	—	—	—	—
HS - HS Committee	10	19	47	60	55	67	73	88	88
HS - Shade	10	29	76	63	70	87	83	81	91
HS - Transportation	10	56	66	81	71	93	93	100	100
HS - Working Conditions	10	52	74	83	80	88	85	84	86
Premium	10	38	88	89	77	78	80	88	97
TCP - Education at the Point of Hire	10	41	70	87	85	91	98	99	96
TCP - Escalating Discipline	10	35	74	86	80	89	91	100	99
TCP - Training Compensation	10	56	76	87	68	83	83	91	91
TCP - Worker to Worker Education	10	90	100	100	100	100	100	100	100
Transparency and Cooperation	10	17	28	31	27	75	80	83	94
WE - Harassment and Discrimination	10	39	77	84	84	87	89	94	98
WE - Zero Tolerance	10	96	100	100	96	100	100	100	100
WHPP - Bucket Filling	10	35	84	90	86	96	90	88	94
WHPP - Pay Practices	10	48	69	88	84	84	89	95	97
WHPP - Wages and Hours	10	24	69	79	65	85	90	91	99
AVERAGE	10	48	76	84	79	87	89	92	95

EDUCATION

	Pilot	Season 1 (2011-12)	Season 2 (2012-13)	Season 3 (2013-14)	Season 4 (2014-15)	Season 5 (2015-16)	Season 6 (2016-17)	Season 7 (2017-18)	Season 8 (2018-19)	Season 9 (2019-2020)
Education Sessions	30	73	89	91	110	128	142	115	121	42
Number of Growers	6	27	26	30	27	24	21	15	16	9
Farm Location Visits	12	35	42	46	54	59	56	35	39	17
Number of Workers Attended	No Data	6595	7969	7974	11047	10663	8148	6903	7313	2685
Average Session Size	No Data	90	90	88	100	83	57	60	60	64
KYRR Booklets Distributed	10,500	31,500	33,600	33,000	37,200	36,500	37,750	27,000	25,500	26,250

GROWER AUDITS

	Pilot	Season 1 (2011-12)	Season 2 (2012-13)	Season 3 (2013-14)	Season 4 (2014-15)	Season 5 (2015-16)	Season 6 (2016-17)	Season 7 (2017-18)	Season 8 (2018-19)	Season 9 (2019-2020)
Management Audits	5	35	28	36	31	29	25	21	21	18
Financial Audits	15	40	35	39	35	33	25	22	21	16
Operations Audits	8	35	40	47	44	44	38	33	31	26
Workers Interviewed	No Data	1599	3087	3213	4399	4323	3986	3948	3294	1707
Crewleaders Interviewed	28	63	95	114	121	158	110	72	113	110
Farm Audit Visits	9	42	63	51	65	66	60	56	44	22
Housing Audit Visits	3	18	27	20	39	39	67	42	53	21
CAPs	2	27	24	26	27	25	21	19	18	17

PROBATIONS AND SUSPENSIONS

	Pilot	Season 1 (2011-12)	Season 2 (2012-13)	Season 3 (2013-14)	Season 4 (2014-15)	Season 5 (2015-16)	Season 6 (2016-17)	Season 7 (2017-18)	Season 8 (2018-19)	Season 9 (2019-2020)
Probations	0	0	5	4	4	6	5	5	0	0
Grower Suspensions	1	2	1	3	0	1	0	0	1	0

COMPLAINTS BY OUTCOME

	Season 1 (2011-12)	Season 2 (2012-13)	Season 3 (2013-14)	Season 4 (2014-15)	Season 5 (2015-16)	Season 6 (2016-17)	Season 7 (2017-18)	Season 8 (2018-19)	Season 9 (2019-2020)
Valid, Code Violation Resolution Reached	39	84	101	206	97	80	119	106	133
No Violation of Code, Resolution Reached	13	27	63	131	116	117	116	86	154
No Violation of Code, or Non-Qualifying Worker, or Not Valid After Investigation	18	29	46	75	52	65	66	26	48
Informational Only	1	11	13	19	32	23	13	13	15
Could Not Investigate	10	10	17	21	10	15	5	14	8
Under Investigation									2
Non-Participating Employer	26	36	31	72	43	49	27	16	14
TOTAL	107	197	271	524	350	349	346	261	374

COMPLAINTS BY SOURCE

	Season 1 (2011-12)	Season 2 (2012-13)	Season 3 (2013-14)	Season 4 (2014-15)	Season 5 (2015-16)	Season 6 (2016-17)	Season 7 (2017-18)	Season 8 (2018-19)	Season 9 (2019-2020)
FFSC	55	95	148	299	192	215	216	166	242
CIW	22	61	82	105	82	55	59	41	30
Grower	2	3	5	37	28	32	42	40	80

DAYS TO CASE RESOLUTION

	0-13 DAYS	14-27 DAYS	28+ DAYS
Season 1: 2011-2012	65%	8%	27%
Season 2: 2012-2013	72%	14%	14%
Season 3: 2013-2014	76%	11%	13%
Season 4: 2014-2015	74%	14%	12%
Season 5: 2015-2016	67%	20%	13%
Season 6: 2016-2017	65%	18%	17%
Season 7: 2017-2018	65%	20%	15%
Season 8: 2018-2019	46%	24%	30%
Season 9: 2019-2020	51%	21%	28%

NOTE: FFSC has updated its method for calculating the complaint resolution timeframe; whereas previously the calculations were based on the opening and closing of Case records in FFSC's database, calculations are now based on the time elapsed between the date of the complaint intake call and the date that a resolution was reached, or the date on which FFSC determined that a resolution could not be reached.

CODE VIOLATIONS FOUND IN COMPLAINT INVESTIGATIONS

	Season 1 2011-12	Season 2 2012-13	Season 3 2013-14	Season 4 2014-15	Season 5 2015-16	Season 6 2016-17	Season 7 2017-18	Season 8 2018-19	Season 9 2019-20
1.1 Forced Labor					1				
1.2 Child Labor									
2.1 Violence or Threat of Violence	1	6		2	2	2		1	2
2.10 Lightning Exposure		2		2	2	1	1		
2.10 Other Negligent Endangerment	1	5	1	4	2	1	4	3	1
2.10 Pesticide Exposure		2		3	2	2	1	2	1
2.10 Unsafe Driving Practices			5	3	2	2	3	7	4
2.2 Weapons		1			1				
2.3 Sexual Harassment	1	1	2	3		1	4	2	5
2.4 Retaliation	3	13	13	14	4	5	1		
2.5 Wages and Hours	20	21	33	56	6	3	3		
2.6 H-2A Recruitment Fees				2	1			1	1
2.6 Unregistered Workers	4	2	3	1	2		1		
2.7 Sexual Harassment	2	2	5	12	6	7	7	5	6
2.8 Discrimination	1	3	2	12	13	8	5	3	
2.9 Audit Transparency and Cooperation		3	2		2	1	1		
2.9 Complaint Transparency and Cooperation	2	1	1	6	5	14	4	7	
3.0 Complaint Procedure	1	7	5	39	22	24	39	50	47
3.0 Disciplinary Procedure	3	10	8	19	13	6	7	7	6
3.0 H-2A Training/Registration									1
3.0 Health and Safety		2	4	2	5	2	9	5	14
3.0 Health and Safety - COVID-19-Related									8
3.0 Housing	1	4	2	15	7	5	15	9	27
3.0 Injury and Illness Response	1	7	9	7	9	3	8	10	24
3.0 Pay Practices	5	11	30	52	17	10	15	15	11
3.0 Unauthorized Housing Provision	1		2	1	2				
3.0 Unauthorized Transportation			1	1	2	2	1	3	
3.0 Verbal Abuse	7	16	18	42	23	19	21	8	22
3.2 Wages and Hours	4	12	7	20	9	17	11	9	6
3.3 Retaliation	4	5	6	5	2	3	7	8	4
3.4 Fair Food Premium		3	1		1	1	1	1	
3.5 Failure to Properly Implement HSC					1				
3.6 Breaks, Days Off	4	5	9	12	4	3	2	1	1
3.6 Sanitation	1	5	14	8	6	8	8	9	7
3.6 Shade	1		2	1	1		1		
Article 1 (Total)	0	0	0	0	1	0	0	0	0
Article 2 (Total)	35	62	67	120	50	47	35	31	20
Article 3 (Total)	33	87	118	224	124	103	145	135	178
Total	68	149	185	344	175	150	180	166	198

APPENDIX C: CODE OF CONDUCT

Overview

The Fair Food Code has been shaped over time through detailed negotiation and ongoing dialogue among workers, growers and buyers. As the Fair Food Program matures and evolves, so too will the Code, as it continues to serve as the primary platform upon which to build a truly sustainable agriculture industry.

Because the Fair Food Code establishes mostly broad principles, the Provisions of the Code that follow have been augmented by more detailed Policies, Examples and Audit Measures that together constitute a Guidance Manual to assist Participating Growers in implementing the Code. The Guidance Manual and its appendices is not at this time a public document.

Introduction

The Policies, Examples and Audit Requirements provided in this Code and Guidance Manual are designed to illustrate, clarify and make operative the Provisions of the Code and Guidance Manual. Additional guidance that has been developed periodically is found in Appendix G.

Like the Code Provisions and the Appendices, the Policies, Examples and Audit Requirements will be reviewed periodically and may be amended as circumstances suggest or require.

Participating Buyers (i.e., potential customers of Participating Growers in the Fair Food Program) will give purchase preference within the Participating Buyer's supply chain to tomatoes that meet its specifications supplied by Participating Growers who can demonstrate socially responsible practices that meet or exceed the standards of the Fair Food Program as set forth here, although a Participating Buyer is not obligated to purchase tomatoes from every Participating Grower that meets or exceeds these standards.

Part I: Employment Practices and Minimum Requirements

1. Growers are required to abide by all applicable laws, codes and regulations, including but not limited to this Code, and any local, state or federal laws regarding wages and benefits, working hours, equal opportunity, and employee and product safety.

Further, growers will follow these employment and workplace practices:

2. Growers will participate in, and comply with, the "penny per pound" premium pass through Program (hereafter Fair Food Program) and pass through to their Qualifying Workers the appropriate premium payments received under that Program.

The term "appropriate premium payments" means the Qualifying Workers' portion of the "penny per pound" paid by Buyer as part of the Program.

3. If paying by the piece, Participating Growers will pay Qualifying Workers for all tomatoes picked, using a 32 pound bucket for calculation for round "gas green" tomatoes, or the appropriate standard weight and container for other types of agricultural products, if different.
4. All compensable hours shall be recorded, and Participating Growers will keep accurate hours through a system (time clock punch, card swipe or other method) in which Qualifying Workers control their time cards or other time registration device used by the Participating Grower.
5. Participating Growers will hire Qualifying Workers as employees.
6. Participating Growers will pay wages and benefits directly to Qualifying Workers.
7. Participating Growers, without cost to the Qualifying Workers, will provide Qualifying Workers with protective equipment adequate for its intended purpose, including shade to avoid danger from excessive heat, and provide training on company time on the use of such equipment.
8. Participating Growers will take all necessary steps to avoid endangering the safety of Qualifying Workers including, but not limited to:
 - Permitting individual Qualifying Workers who feel threatened or in danger for their health or

safety to cease working (without pay) without consequences or retaliation. Participating Growers will clearly and unequivocally educate Qualifying Workers that in the event a Qualifying Worker feels threatened or in danger for his or her health or safety, he or she has the right to cease working without consequences or retaliation; and

- Implementing a system for work safety stoppages due to lightning, heat, chemicals, pesticides or other factors for all Qualifying Workers present where the potential danger exists. Calling a work stoppage shall be at the discretion of the Participating Grower, but the reasonableness with which the Participating Grower exercises this discretion shall be subject to the Audit and Complaint Processes.
9. Participating Growers will provide a safe and healthy working environment for their Qualifying Workers and, working with the Coalition of Immokalee Workers (CIW), develop and implement a Worker Health and Safety process through which Qualifying Workers are able to offer the Participating Grower their input and perspective on health and safety issues in a regular and structured manner.
 10. Participating Growers will develop and implement plans and procedures to insure the adequate and timely treatment of workers in the event of injury or sickness that might occur anywhere on a Participating Grower's property.
 11. Participating Growers will develop and implement plans and procedures to insure that Qualifying Workers have sufficient breaks during the day, including adequate time for lunch, without unreasonably compromising the ability to earn wages.
 12. Participating Growers will provide opportunity for advancement, including the ability for Qualifying Workers to move from fields to other types of employment with the Participating Grower, including management positions, and will regularly communicate these opportunities to Qualifying Workers.
 13. If housing is provided by a Participating Grower, it must be voluntary and comply with the law, and the cost for such housing to the Qualifying Worker cannot reduce the Qualifying Worker's net wages below the

minimum wage or be increased other than to reflect increases in the cost or quality of the housing.

14. Participating Growers will verify and provide transparency to their practices, including the pass through of the appropriate FFP Premium payments, by permitting and fully cooperating with third party monitoring by the FFSC.
15. Each Participating Grower will inform Qualifying Workers of their right to use the complaint resolution process operated by the FFSC, and may also establish a complaint resolution process of its own that is acceptable to the FFSC. Participating Growers will not attempt to impede in any way the investigation of a complaint by the FFSC on behalf of a Qualifying Worker, and will not engage in or permit retribution or retaliation of any kind against a Qualifying Worker for seeking to file or having filed a complaint.
16. Participating Growers will implement a system acceptable to the CIW for informing and educating their Qualifying Workers, on the Participating Grower's premises and on company time, of the Qualifying Workers' rights under all applicable laws, codes and regulations, including this Code.

Part II: Violations

A: Types of Violations

Violations shall be divided into three categories - "Article I Violations," "Article II Violations" and "Article III Violations." Article I Violations result in automatic suspension of a Participating Grower from the FFP for the designated time period. Article II Violations require specified remedial action by the Participating Grower to avoid suspension from the FFP for the designated time period and/or may result in probation for the Participating Grower. Article III violations do not trigger specified remedial action, but the Corrective Action Plan approved to address Article III violations may include one or more of the remedies associated with Article II violations. Pursuant to the procedures in Appendices B and E, failure to comply with an approved Corrective Action Plan or Complaint Resolution for any category of violation will result in suspension of a Participating Grower from the FFP for the designated time period. A finding of a violation, whether contained in a Corrective Action Plan or a Complaint Resolution, may be appealed pursuant to the procedures set forth in Appendix F.

Article I Violations

1. Use of forced labor of any kind.
2. Systemic use of illegal child labor as defined by any applicable law.

Article II Violations

1. Use or threat of physical violence against Qualifying Worker(s) by or at the direction of supervisor(s) of a Participating Grower, whether or not employed directly by the Participating Grower.
2. Use or display of weapons of any kind (including firearms, knives, bats, etc.) at any point for the explicit or implicit purpose of intimidation.
3. Sexual harassment that involves physical contact, unless the offending person(s) are fired and any other necessary corrective action is taken immediately upon confirmation of the incident.
4. Firing or threatening to fire or otherwise prevent Qualifying Worker(s) from continuing to work for the Participating Grower for defending or asserting any protections under this Code, or encouraging, assisting or directing others to do so.
5. Systemic failure to pay all wages earned, or to record all compensable hours of Qualifying Workers through a timekeeping system in which workers control their registration device, and/or to use the hours recorded by that system to calculate payroll for Qualifying Workers.
6. Using Qualifying Workers in the field who are not treated as employees and placed on the company payroll of the Participating Grower on whose property they are working within the first pay period of work.
7. Sexual discrimination or harassment not involving physical contact, as established by a finding of the FFSC.
8. Racial, national origin, gender, religious or sexual preference discrimination or harassment, as established by a finding of the FFSC.
9. Failing to cooperate fully and transparently with any monitoring, auditing or complaint resolution procedure established under this Code.
10. Negligent endangerment, which shall include but not be limited to pesticide violations, the failure or negligent

use of equipment that harms or threatens Qualifying Worker(s), or lightning exposure in violation of the Code.

Article III Violations

Any violation of the Code that is not an Article I or Article II Violation is an Article III Violation. Without limitation, Article III Violations include:

1. Non-systemic use of illegal child labor as defined by any applicable law.
2. Non-systemic wage violations.
3. Retaliation for defending or asserting any protections under this Code, or encouraging, assisting or directing others to do so, through act(s) other than those prohibited under Article II, Provision 4.
4. Failure to comply with Appendix A.
5. Failure to implement a Health and Safety Committee process in compliance with Appendix C.
6. Failure to afford Qualifying Workers rest breaks, reasonable days off, access to shade structures, adequate drinking water, field toilets or other hygiene facilities required by the Code or any applicable laws or standards.

B: Remediating Violations

Corrective Action Plans

A Participating Grower shall address to the satisfaction of the FFSC every Code violation identified in the course of an audit through an approved Corrective Action Plan and/or Complaint Resolution. ***See Appendix E for the procedures governing the Corrective Action Plans.***

Complaint Resolution

A Participating Grower shall address to the satisfaction of the FFSC every complaint brought to its attention by the FFSC or a Qualifying Worker through an approved Complaint Resolution. See Appendix B for the procedures governing Complaint Resolution.

See Appendix F for the rules governing a Participating Grower's right to appeal a Corrective Action Plan or a Complaint Resolution.

Part III: Consequences of Violations

A: Participating Growers – Suspension from the Fair Food Program

All suspensions of a Participating Grower from the FFP pursuant to the rules and procedures set forth in this Code and Guidance Manual shall be implemented pursuant to the following schedule.

1. The first suspension of a Participating Grower shall be for a period of 90 days from the effective date of the suspension or until the Participating Grower can demonstrate to the satisfaction of the FFSC that it has remedied all outstanding violations, whichever occurs later.
2. The second suspension of a Participating Grower shall be for a period of 180 days from the effective date of the suspension or until the Participating Grower can demonstrate to the satisfaction of the FFSC that it has remedied all outstanding violations, whichever occurs later.
3. The third and any subsequent suspension of a Participating Grower shall be for a period of one calendar year from the effective date of the suspension or until the Participating Grower can demonstrate to the satisfaction of the FFSC that it has remedied all outstanding violations, whichever occurs later.
4. Any suspension of a Participating Grower shall fall between October 15 and the following June 15 unless the Participating Grower grows and sells FFP tomatoes during the other months and the FFSC determines that the best interests of the FFP will be served by permitting some or all of the suspension to be served during those other months. If a 90 day suspension would otherwise run past June 15 of a given year, the FFSC may delay implementation of the suspension until October 15 of that year if it determines that the best interests of the FFP will be served by the delay.

A: Crewleaders or other supervisory personnel of Participating Growers

1. If a crewleader or other supervisory person is found to have committed an Article I Violation, he or she must be fired and shall not be eligible to work for any Participating Grower for a period of five years. In addition, such person shall be required to complete

such training as may be deemed appropriate by the FFSC before beginning to work again for any Participating Grower.

2. A second Article I Violation by a crewleader or other supervisory person shall result in a lifetime ban from working for any Participating Grower.
3. If a crewleader or other supervisory person is fired for having committed an Article II or Article III Violation, except as provided in 4, immediately below, he or she shall be suspended and not eligible to work for any Participating Grower for a period of 90 days, with any days falling between June 15th and October 15th of any given year not counting toward the required 90 days of suspension unless the person fired would otherwise have worked for the Participating Grower on a Fair Food Program farm outside of Florida during that time. In addition, the person shall be required to complete such training as may be deemed appropriate by the FFSC before beginning to work again for any Participating Grower.
4. If a crewleader or other supervisory person has been fired for a violation of Article II, provisions 1, 2 or 3, or for a second violation of any other Article II or Article III provision that occurred within five years of the first violation, the person shall be suspended and not eligible to work for any Participating Grower for the remainder of the season in which he or she is fired and for the entirety of the next season. In addition, he or she shall be required to complete such training as may be deemed appropriate by the FFSC before beginning to work again for any Participating Grower. A second violation of Article II, provisions 1, 2, or 3 by a crewleader or other supervisory person shall be treated in the same manner as a second violation of an Article I provision.
5. If a crewleader or other supervisory person is fired for a third time for having violated an Article II and/or Article III provision, he or she shall be subject to a lifetime ban from working for any Participating Grower.
6. The FFSC shall maintain and make available to Participating Growers a list of crewleaders or other supervisory personnel who are suspended from employment on Fair Food Program farms. Once a person on that list has regained eligibility for employment on Fair Food Program farms, the FFSC shall promptly remove his or her name from the list of suspended personnel.

7. The FFSC will maintain a list of approved vendors qualified to provide the appropriate training that must be completed by any person fired or suspended from the Program for having violated any provision of the Code. Upon proof that the person has completed the required training provided by an approved vendor, the FFSC will inform the Participating Growers that the person is again eligible to work in the Fair Food Program.

Part IV: Joining the Fair Food Program

A: Initial Entry

Growers seeking to enter the Fair Food Program must pass an entry audit, which will be conducted by the FFSC when it is able to do so without negatively impacting its responsibilities with regard to Participating Growers. Passing the entry audit requires the following findings of compliance with the Code and Guidance Manual by the FFSC:

1. The grower has started to implement a system in which all Qualifying Workers are placed on the grower's payroll and receive all benefits to which they are entitled under the law and the Code directly from the grower;
2. The grower has started to implement a timekeeping system in which Qualifying Workers control their registration device and which is used to calculate payroll for workers;
3. The grower's supervisors have been trained on FFP policies, by the company and the FFSC;
4. Qualifying Workers have been provided with an education session by the CIW Education Committee;
5. The grower has purchased or ordered adequate shade structures; and

6. The grower has resolved to the satisfaction of the FFSC all outstanding complaints known to the
7. FFSC or the CIW at the time of the entry audit.

Once having gained entry into the Fair Food Program, a new Participating Grower will be expected to be in full compliance with the Code and Guidance Manual by the beginning of the growing season immediately following the season in which the entry audit is conducted or by the time of the next audit of the Participating Grower conducted by the FFSC following the Participating Grower's entry audit, whichever is later.

B: Reentry

A grower seeking reentry to the Fair Food Program, whether following a suspension or voluntary withdrawal, must prior to resuming its status as a Participating Grower, pass a reentry audit, which will be conducted by the FFSC when it is able to do so without negatively impacting its responsibilities with regard to Participating Growers. Passing a reentry audit requires that:

1. The company is in full compliance with all requirements of the Code and Guidance Manual;
2. There is an approved Corrective Action Plan in place relating to any unresolved issues pending at the time the company left the FFP;
3. The company has paid any costs associated with any unsuccessful appeal filed by the company before it left the FFP;
4. The company has resolved to the satisfaction of the FFSC all outstanding complaints known to the FFSC or the CIW at the time of the reentry audit; and
5. Depending on the length of time since the company was last in the FFP, and at the sole discretion of the FFSC, Qualifying Workers have been provided with an education session by the CIW Education Committee or such a session has been scheduled with the CIW.







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