

FAIRFOOD

2017 ANNUAL REPORT



**CONSUMER POWERED
WORKER CERTIFIED**





"Implementation is

simply getting things done,
making an idea real.

Implementation is where
the advocates and journalists
can sometimes turn aside,
moving on to the next story or cause.

The details needed for the endgame
is where most ideas, policies and programs fail.

Getting things done is central to this story
because to achieve the systemic change
necessary to eliminate the causes of worker abuse,
the program had to work;
its success measured by metrics of

**real and enduring change
in the fields."**

- Susan L. Marquis

Dean of the Pardee RAND Graduate School,
on the Fair Food Program¹

About FFSC

Mission

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.

Board of Directors

- Rev. Noelle Damico** - National Economic and Social Rights Initiative
- Dr. Patrick Mason** - Department of Economics, Florida State University
- Cheryl Queen** - Vice President of Corporate Communications, Compass Group
- Santiago Perez** - Coalition of Immokalee Workers
- Nely Rodríguez** - Coalition of Immokalee Workers
- Steven Hitov** - Coalition of Immokalee Workers

Executive Director

Judge Laura Safer Espinoza is a recently retired New York State Supreme Court Justice who served in New York and Bronx Counties for twenty years. She was Deputy Supervising Judge for five years. Justice Safer Espinoza helped to design, and became the first presiding judge of, the Bronx Treatment Court, an innovative alternative to incarceration for non-violent offenders.

Justice Safer Espinoza has an extensive history of work with government, human rights and legal organizations in the US and Latin America. She has taught and lectured extensively on judicial transparency in Latin America, working with numerous organizations – including the US Department of State, the Conference of Western Attorney Generals, law schools, universities, governments and non-governmental organizations – to support law reform efforts by training advocates in more transparent legal systems. From 2009 through 2011, she designed and directed trainings for thousands of judges and attorneys in Mexico. Judge Safer Espinoza has also helped to launch and advise treatment courts in Chile and Brazil. She authored the keystone chapter of Chile’s first book on alternative courts in 2006.

Justice Safer Espinoza received her BA from Barnard College and her JD cum laude from New York Law School. She is a recipient of the City University of New York’s Women in the Law Award and a 2015 Purpose Prize from Encore.org.

Program Partners

Participating Buyers



Participating Growers

- Tomatoes - Florida

Ag-Mart/Santa Sweets

Classie Growers/Falkner Farms

Del Monte Fresh Production

DiMare Homestead

DiMare Ruskin

HarDee/Diamond D

Triple D

Farmhouse Tomatoes

Gargiulo

Harllee Packing

Palmetto Vegetable Company

South Florida Tomato Growers

Kern Carpenter Farms

Lipman Family Farms

Pacific Tomato Growers/Sunripe

Taylor and Fulton Packing

Utopia Farms

Tomatoes of Ruskin

Artesian Farms

Diehl and Lee Farms

Frank Diehl Farms

TOR Farms

West Coast Tomato/McClure Farms
- Tomatoes - Other States

Ag-Mart Produce/Santa Sweets (NC, NJ)

Gargiulo (GA)

Lipman Family Farms (SC, VA, MD)

Pacific Tomato Growers/Sunripe (GA, VA)

Strawberries

Pacific Tomato Growers/Sunripe

Green Bell Peppers

Lipman Family Farms



Table of Contents

Executive Summary

History 8

A New Day 12

 How Does the Program Work? 14

 What is the Code of Conduct? 14

 How are the Standards Guaranteed? 16

 What has the Program Accomplished? 18

In Focus: Women in the Fields 20

In Contrast: Mexico 22

In Contrast: The U.S. Outside the Fair Food Program 24

Worker-Driven Social Responsibility: The Road Forward..... 26

References 28

© 2018 Fair Food Standards Council

History

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.

Today, in both the US and many other countries, much of the food we eat is still grown and harvested by women and men who do backbreaking work for poverty wages.

When you walk down the produce aisle, what are you buying?

Was the human being who picked the produce treated fairly?

How can you be sure?

Bean harvesting in Florida

1937



Photo: Arthur Rothstein, Farm Security Administration Archives



Strawberry harvesting in Florida

Today

Photo: Adobe Stock

"Poverty among farmworkers is more than double that of all wage and salary employees."

-US Department of Agriculture²

"...low wages, sub-poverty annual earnings, [and] significant periods of un- and underemployment."

-US Department of Labor³

\$15,000 - \$17,500

Average Annual Farmworker Earnings⁴

30%

Farmworker families living below the federal poverty line⁵

It isn't just that farmworkers are poor.

On most farms, they must also go into the fields each day knowing that they will be subject to abuse and dangerous conditions.

Farmworkers frequently experience harassment and discrimination, sexual assault, physical violence, verbal abuse, serious injuries, and exposure to dangerous heat and storms.

Due to wage theft and minimum wage violations, many aren't even paid what they are legally owed for their labor.

It may be hard to believe, but farmworkers also face situations of modern-day slavery - according to the definition of forced labor and high standard of proof required under federal law. In these cases, workers are held against their will - through the use or threat of violence, or other forms of intimidation - and forced to work for little or no money.⁶

When you buy fruits and vegetables,
what are you bringing into your home?

Sexual Harassment

Sexual Assault

Discrimination

Physical Violence

Verbal Abuse

Wage Theft

Slavery

Lightning

Pesticide Exposure

Heat Stroke

Death

80%

Of farmworker women
are sexually harassed or assaulted⁹

100

Number of US farmworkers who suffer a
serious lost-work-time injury every day⁷

The fatality rate for farmworkers is
7 times higher
than the rate for all workers
in private industry⁸

Pioneering a worker-centered approach to slavery investigations and prosecutions,
CIW helped to free over 1500 workers from slavery operations in the Southeastern US.



A New Day

Since 2011, this reality has been dramatically changed for many farmworkers as a result of the groundbreaking Fair Food Program (FFP), which brings together farmworkers, consumers, food retailers, and growers to achieve humane labor standards and better wages in agriculture.

The FFP 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 1500 workers from slavery operations in the Southeastern US, and put more than a dozen farm 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 anti-slavery "Hero" Award, and was awarded a Presidential Medal for Extraordinary Efforts to Combat Human Trafficking at a White House ceremony in 2015.

Today, the CIW's expertise in this area is regularly sought by law enforcement, government agencies, and NGO's - including the FBI, the U.S. military, state and local police forces, 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 was 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. In fact, the high degree of consolidation in the food industry already meant that multi-billion dollar brands could leverage their market power to demand lower prices from growers, thereby creating downward pressure on farmworkers' wages and working conditions.

Seeking to reverse this trend and harness the retailers' purchasing power to improve, rather than impoverish, farmworkers' lives, 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 paying a premium - a penny more a pound - for

their produce, to be used as a wage supplement for farmworkers, and by agreeing to purchase only from growers who implemented a human rights-based Code of Conduct on their farms. Seventeen years later, 14 major buyers - including McDonald's, Subway, Whole Foods, and Walmart - have joined the Fair Food Program. As a result, growers representing over 90 percent of Florida tomato production and major tomato operations in six other states on the East Coast, as well as strawberry and pepper operations in Florida, have agreed to implement the Fair Food Code of Conduct on their farms.

The Program's swift and dramatic achievements have been widely recognized. An estimated 35,000 workers now 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 known as the best work environment in US agriculture.

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

-Harvard Business Review (2017)¹⁰

"One of the great human rights success stories of our day."

-Washington Post Op/Ed (2012)¹¹

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

-MacArthur Fellowship (2017)¹²

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

-Roosevelt Institute (2013)¹³

"Unique in the country" for preventing sexual violence.

-PBS Frontline Producer (2014)¹⁴

"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 (2013)¹⁵

"A radically different accountability mechanism."

-EEOC Select Task Force on the Study of Harassment in the Workplace (2016)¹⁶

"This is the best workplace-monitoring program" in the US.

-New York Times (2014)¹⁷

"When I first visited Immokalee, I heard appalling stories of abuse and modern slavery.

But now the tomato fields in Immokalee are probably the best working environment in American agriculture."

-Susan L. Marquis, Dean of the Pardee RAND Graduate School¹⁸



How does the Program Work?

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 to augment low wages.

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 with Code standards 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 difficulties and, if necessary, recommend appropriate policy changes to ensure that the Code’s intent is realized on FFP farms.

What is the Code of Conduct?

The Fair Food Code of Conduct was drafted by farmworkers who understood the harsh conditions in the fields, and who asked that they:

Not be the victims of forced labor, child labor, or violence.

Earn at least minimum wage.

Always be paid for the work they do.

Go to work without being sexually harassed or verbally abused.

Be able to report mistreatment or unsafe working conditions.

Report those abuses without the fear of losing their job - or worse.

Have shade, clean drinking water, and bathrooms in the fields.

Be allowed to use the bathroom and drink water while working.

Be able to rest to prevent exhaustion and heat stroke.

Be permitted to leave the fields when there is lightning, pesticide spraying, or other dangerous conditions.

Be transported to work in safe vehicles.



It's not so much to ask.

Photo: Forest Woodward



Photo: Shane Donglasan

How are these standards guaranteed?

Farmworkers are excluded from many legal protections afforded to workers in other sectors. And under-resourced agencies could only attempt sporadic enforcement of those limited rights. 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.¹⁹

In fact, just weeks before the last slavery case was surfaced in Immokalee in 2008 (prior to the FFP), 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 1100 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.

In contrast, the Fair Food Program provides unprecedented transparency into the agricultural workplace, and rests upon a foundation of elements necessary for guaranteeing low-wage worker protections.



1. Worker-to-Worker Education

All workers employed at Fair Food Program farms learn about their unique protections through multiple educational mechanisms, with interactive sessions led by CIW's Worker Education Committee, whose members are farmworkers themselves, principal among them. 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, before setting foot in the fields, 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.

For the 35,000 workers employed at Fair Food Program farms each year, this training provides the knowledge needed to help identify abuses and dangers in the workplace, and to make protected, confidential complaints. As a result, thousands of workers have become the frontline monitors of their own rights and working conditions.

2. 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 bilingual FFSC investigators who assist them in investigating and resolving any Code violations identified at FFP farms. Through the FFP's collaborative, problem-solving approach to complaint resolution, a significant number of issues that do not rise to the level of Code violations are nonetheless also addressed by growers who now have a different view of their workforce and understand the benefits of these kinds of solutions.

Due to effective enforcement of the Code's prohibition of retaliation against workers who voice complaints, workers confidently express their concerns.

3. Audits & Transparency

Workers may not always be aware of every possible problem, or willing to 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 unprecedented degree of insight into growers' operations. Audits include in-depth interviews with management representatives, farm supervisors, and at least 50% of workers present at all 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.

4. Market-Based Enforcement

For labor standards to be respected, they must be effectively enforced.

In the Fair Food Program, 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?



Photo: Shane Donglasan

660
Worker-to-Worker
Education Sessions with

51,958
Workers in Attendance

220,000
KYRR Booklets
Distributed

\$26,000,000
Fair Food Premium
paid by Participating Buyers

10%
Wage increase from
FFP Bucket-Filling Standard

\$251,178
Recovered Wages

20,000
Worker Interviews

2000
FFP Hotline Complaints*

6839
Audit Findings Addressed

A New Day.

On FFP farms, workers are:

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

Making complaints without the fear of
losing their job - or worse.

Harvesting according to the
new visual bucket-filling standard.

Receiving Fair Food Premium in their pay-
checks.

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

Participating in
Worker Health and Safety Committees.

Not working in dangerous conditions,
including pesticides and lightning.

Accessing shade, clean drinking water,
and bathrooms as needed.

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

**As of April 2018.
All other figures are as of October 2017.*

In Focus: Women in the Fields

If you've read the news lately, you already understand: sexual abuse at work is ubiquitous in the United States, but obstacles to reporting abuse make it difficult to quantify sexual harassment and sexual violence. Research suggests that at least 1 in 3 women experience sexual harassment in the workplace²⁰; however, an estimated 75% of workplace sexual harassment is never reported to employers or the government.²¹

Sadly, women who do step forward are unlikely to achieve a successful outcome. In 2015, the EEOC investigated 6,822 allegations of sexual harassment in the workplace. Claimants were successful only 25% of the time, and these cases normally take years to resolve.²² Victims may want closure quickly. Witnesses may be reluctant to come forward. Beyond this, the legal system presents real challenges related to burden of proof and proof of injury.

For the hundreds of thousands of farmworker women in the US, the situation is much worse.

Human Rights Watch cites a 2010 survey of farmworker women in California's Central Valley which found that 80 percent had experienced sexual harassment or assault. Indeed, sexual harassment and violence are so common that some farmworker women "see these abuses as an unavoidable condition of agricultural work."²³ As one female worker succinctly put it, "You allow it or they fire you."²⁴

As an EEOC regional attorney told investigators, "Sexual violence doesn't happen unless there's an imbalance of power. And in the agricultural industry, the imbalance of power between perpetrator, company and the worker is probably at its greatest."²⁵

Women employed at Fair Food Program farms now live a different reality.

With education on their rights effectively conveying the message that women no longer have to tolerate abuse, coupled with access to a protected complaint mechanism, farmworker women now speak up without fear of retaliation or inaction. Supervisors found by the FFSC to have engaged in sexual harassment with physical contact are immediately terminated and banned from employment at other FFP farms for up to two years. Participating Growers must carry out these terminations, or face suspension from the FFP with the accompanying loss of ability to sell to Participating Buyers. Supervisors terminated for less severe forms of harassment or discrimination also face a program-wide ban. Allegations of sexual harassment are investigated and resolved with unprecedented speed, averaging less than three weeks.

These measures have brought an end to impunity for sexual violence and other forms of sexual harassment at Fair Food Program farms, where there have been zero cases of rape or attempted rape since the implementation of FFP standards in Season One. Cases of sexual harassment by supervisors with any type of physical contact have been virtually eliminated, with only one such case found since 2013.

After a year-long investigation of sexual assault in the fields from California to Florida, entitled "Rape in the Fields," PBS Frontline declared the FFP to be the single most effective prevention program in the US agricultural industry.²⁶ In an interview on NPR, the producer cited the FFP's "proactive policies, the participation of workers, and the economic incentives placed on anti-harassment policies."

"Before, we would hear about a contractor or supervisor who would take women to a private place, to the edge of the field, and we understood that sexual assault was what was happening."

Now, we aren't hearing these stories in the same way we used to."

-Isabel, a 30 year-old Florida farmworker (2014) ²⁷

"The work that (the FFP) does makes you feel that you are not so alone in this country. I think many women now have more courage to speak and not remain silent."

-Amalia Mejia Diaz, former farmworker who FFSC helped with a sexual assault case (2015) ²⁸

Photo: Shane Donglasan

In Contrast: Mexico

The emergence of the Fair Food Program rapidly and significantly widened the human rights gap between the U.S. tomato industry and its competition in Mexico. At the same time that workers, growers, and retailers are making unprecedented investments to address poverty and human rights concerns in the U.S. tomato industry, the Mexican industry remains mired in gross and largely unchecked human rights abuses.²⁹

Due to the rapid growth of exports by lower-cost producers in Mexico, Florida growers have faced increasing price pressure. In Mexico, cost advantage is driven in large part by lower wages and inferior, often grossly abusive working conditions. These conditions have been exposed in multiple investigative reports in recent years, including the LA Times’ multi-year investigative report Product of Mexico: Hardship on Mexico’s farms, a bounty for U.S. tables. This investigation into tomato, pepper, and cucumber mega-farms across nine Mexican states found:

- “Many farm laborers are essentially trapped for months at a time in rat-infested camps, often without beds and sometimes without functioning toilets or a reliable water supply.”
- “Some camp bosses illegally withhold wages to prevent workers from leaving during peak harvest periods.”
- “Laborers often go deep into debt paying inflated prices for necessities at company stores. Some are reduced to scavenging for food when their credit is cut off. It is common for laborers to head home penniless at the end of a harvest.”
- “Those who seek to escape their debts and miserable living conditions have to contend with guards, barbed-wire fences, and sometimes threats of violence from camp supervisors.”
- When three escapees from a growing operation called Bioparques notified the authorities, state and federal officials raided the labor camp and found “Two hundred seventy-five people had been trapped in the camp, including two dozen malnourished children. At least one man had been tied to a tree and beaten by camp bosses....”

- “Major U.S. companies have done little to enforce social responsibility guidelines that call for basic worker protections such as clean housing and fair pay practices.”

What is more, the LA Times report pointed out that “A year and a half later, however, the case of Bioparques speaks more to the impunity of Mexican agribusiness than to accountability.” Indeed, despite the exposure these conditions are receiving, the reports of abuse have continued. Late in May 2017, news broke of the disappearance of 80 indigenous Mexican farmworkers who vanished from a farm near Ciudad Juarez, Mexico, after they reported illegal wage deductions for food and housing that cut in half their already desperately low wages.³⁰

An investigative report released by Univision in November 2017 identified the same abuses in Mexican agriculture – forced labor, child labor, extreme poverty, and unsafe working conditions – that the LA Times report had documented:

- “In Mexico’s fields, farmworkers live as if they were slaves every day....”
- “More than 1 million Mexicans are farmworkers that travel year after year to one of the states that produce products in order to work, and of that number, over 300,000 are children....”
- The report cited activists who have “documented the deaths of farmworkers that start with just a headache, because they have no kind of medical services. Moreover, they are forced to stay in the agricultural fields, working under threats that start at the beginning of their travel.”
- Finally, they emphasized the role of organized crime in Mexican fields: “In the last decade, more than 200 farmworkers have disappeared from this country without a trace.”³¹

In stark contrast to the situation in Mexican agriculture, Fair Food Program growers’ partnership with farmworkers and Participating Buyers has helped forge the most modern, humane workplace in global agriculture.



“The real truth is that we're work animals for the fields.”

-Pasqual Garcia, farmworker in Mexico to LA Times investigative reporters³²

300,000
Estimated number of children working in Mexican agriculture³³

275
Farmworkers freed from slavery at Bioparques, a large Mexican tomato grower supplying many US retailers³⁵

80
Number of farmworkers who vanished from a farm in Ciudad Juarez in 2017 after reporting illegal wage deductions for food and housing³⁴

\$8 - \$12
Normal daily pay for farmworkers in Mexico³⁶

Photo: Alejandrina Castillo, 12, picks chile peppers near Teacapan, Sinaloa. (Credit: Don Bartletti, LA Times)

In Contrast: The U.S. Outside the FFP

The Fair Food Program has made tremendous progress since it was first implemented across the Florida tomato industry in 2011. However, much work remains to be done.

While key food industry leaders have joined the FFP, many more corporate buyers remain on the sidelines of what has become the most important farm labor reform movement in over a century for the East Coast’s agricultural industry. By refusing to join the Program, these non-participating buyers not only fail to shoulder their rightful share of the costs of safeguarding human rights in their supply chain but in fact undermine the progress that has already been made by exerting a destructive downward pressure on farmworker wages through their traditional volume purchasing practices. As importantly, non-participating buyers also continue to provide a “low bar” market for growers who are unwilling to meet the high standards and rigorous enforcement of the Fair Food Program.

In other words, growers who are suspended from the FFP, or those who refuse to join in the first place, can be secure in the knowledge that a significant segment of corporate buyers will purchase their produce, no questions asked. This poses a meaningful competitive disadvantage to Participating Growers who are making the necessary and significant investments to comply with the Code. Those ethical growers deserve to be rewarded with real and sustained commitment from a growing base of Participating Buyers. With every additional buyer that joins the Program, farmworkers will receive greater and more consistent amounts of Fair Food Premium, and Participating Growers will enjoy the benefits and security of real market commitment to fundamental human rights from the retail food industry.

The Program's groundbreaking standards have already begun to travel. In the summer of 2015, the FFP expanded its coverage in tomatoes, including operations in Georgia, North Carolina, South Carolina, Virginia, Maryland, and New Jersey. Workers on these farms now receive worker-to-worker education from CIW and are covered by FFSC’s complaint resolution mechanism. Each summer, the FFSC conducts its comprehensive audits of these growing op-

erations. During the 2015-2016 season, the FFP also expanded into crops other than tomatoes, including Florida bell pepper and strawberry operations.

Outside the protections of the Fair Food Program, U.S. farmworkers remain subject to a well-documented array of unfair labor practices and abuses that contribute to hostile and dangerous work environments. Even a small sample of news headlines from recent years (see right) underscores the breadth and severity of these problems. In 2015, the EEOC won a jury verdict of more than \$17 million in damages to female farmworkers who had been subjected to coerced sex, groping, and verbal abuse by farm managers while employed by Moreno Farms in Florida.³⁷ Unfortunately, that judgment is unlikely to ever be collected from the company which ceased operations after the case was decided, leaving the owners free to reorganize and create similarly abusive environments for other workers. In 2016, Red Diamond Farms, one of the largest Florida tomato suppliers that has refused to join the Fair Food Program, was assessed \$1.4 million in penalties by the Department of Labor for unlawful hiring and pay practices.³⁸ In 2017, Bland Farms - the largest grower of sweet onions in the United States - was ordered by a U.S. district court in Georgia to pay more than \$1.4 million in back wages and damages to farmworkers.³⁹ And a lawsuit filed in January 2018 alleges that operators of Saraband Farms, a Washington blueberry farm, repeatedly threatened immigrant workers with deportation, provided them with insufficient meals and told them to work “unless they were on their death bed.” Last summer, workers at Saraband Farm went on strike after one of their coworkers was hospitalized. Workers said that managers at the farm had ignored his requests to see a doctor before his death.⁴⁰

Unfortunately, until market-incentives are aligned so that it is more profitable to adhere to humane labor standards than to ignore them - until there is a credible, enforceable threat of losing market share as a result of unfair treatment of farmworkers - these headlines about remedies sought after abuses have taken place represent the best case scenario for many farmworkers.

In December 2015, two workers spoke to investigators about experiencing abusive work conditions at a Florida strawberry farm that has not joined the FFP, where they were not allowed to take breaks and where field supervisors would fire workers if they stopped to drink water. In contrast, the workers said that, at the FFP strawberry farm where they were working now, they felt treated with respect and enjoyed working for a company that respected their rights.

In February 2016, a worker spoke to an investigator about his experience with racism and abusive working conditions at blueberry farms in Michigan, and how much better his experience on FFP farms had been. “Here, you can work with dignity regardless of your education or color.”

SEATTLE
Washington
kumara
assets
back
buses

Investig
ers f
the S
Judge

The i
to te
H-2A
for w
hold
the s
vesti
they
main

“This
imm
Regi
its p
Ame

Since
servi
parti

U.S. DEPARTMENT OF LABOR FILES LAWSUIT AFTER INVESTIGATION FINDS WASHINGTON STATE FARM DISCRIMINATED AGAINST AMERICAN WORKERS

U.S. DEPARTMENT OF LABOR INVESTIGATION RESULTS IN FARM LABOR CONTRACTOR PAYING \$168,082 IN PENALTIES TO RESOLVE HOUSING CONDITION VIOLATIONS

SOLE WAGE farm Agric threat

WHDI subst in Mo illegal The e requi sects auth wash

The M chicke Divisio provis

The v had w other also fa actual crew maint

“The said S partn worke for en

“This viding indust

Quote ty and area v

Bland v involve

NORTH CAROLINA POULTRY COMPANY, US LABOR DEPARTMENT AGREE ON BACK WAGES

BALTIMORE (5/30/17) – A North Carolina company that rounds up live chickens for poultry processors has paid nearly \$600,000 in back wages and an equal amount in liquidated damages

OSHA FINES PENNSYLVANIA CHICKEN PROCESSING COMPANY \$317K FOR EXPOSING WORKERS TO HEALTH AND SAFETY HAZARDS FOLLOWING EMPLOYEE AMPUTATION

(9/14/16) OSHA initiated an inspection on April 2, 2016, after receiving a report that a worker Koshespect viously tectin and is

COURT ORDERS GEORGIA ONION PRODUCER TO PAY WORKERS MORE THAN \$1.4 MILLION IN BACK WAGES AND DAMAGES

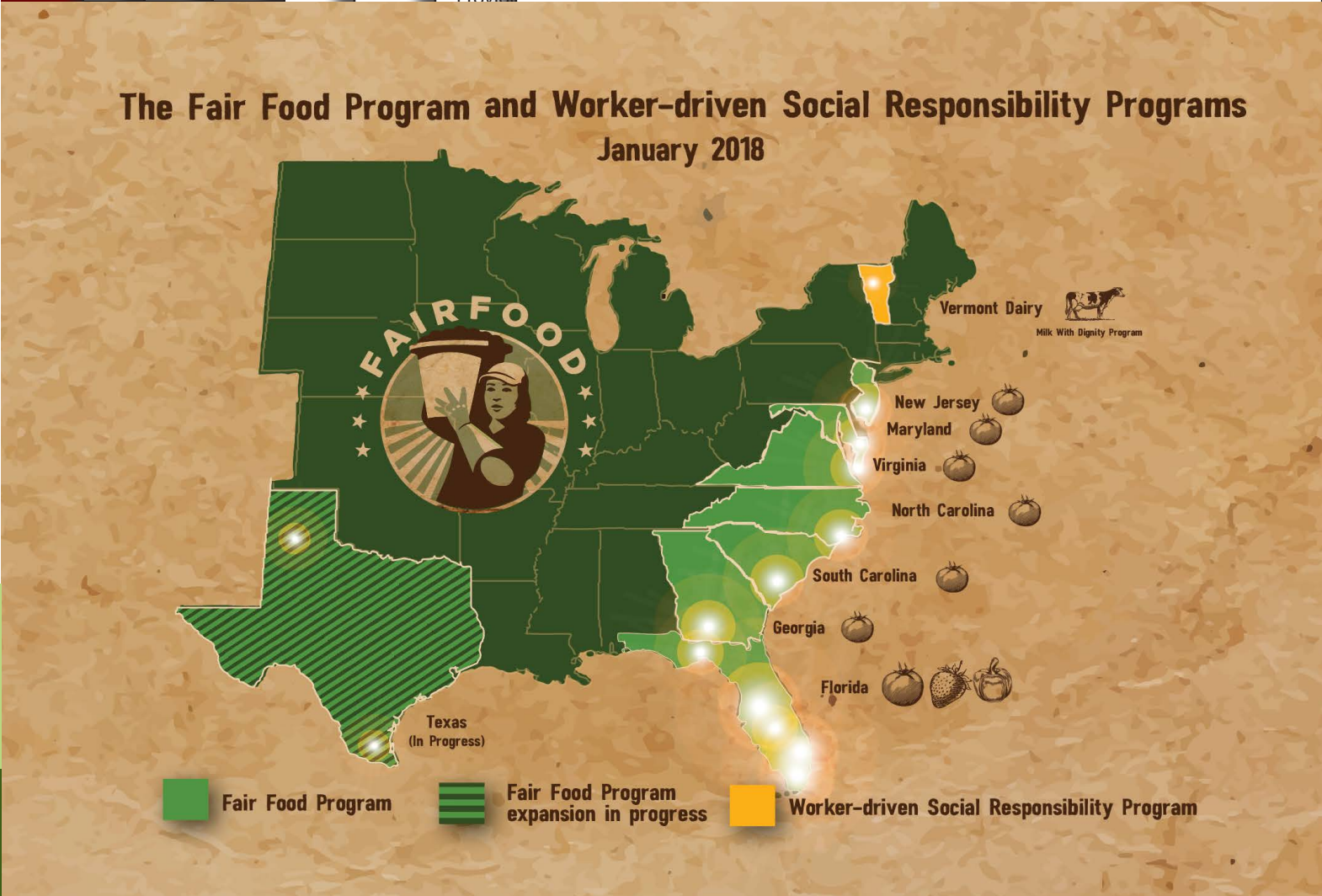
ATLANTA, GA (10/19/17) – A U.S. District Court for the Southern District of Georgia has ordered \$1,480,000 in back wages and damages

VEGETABLE SUPPLIER TO MAJOR GROCERY CHAINS ASSESSED OVER \$1.4M IN CIVIL MONEY PENALTIES AFTER TWO-YEAR FEDERAL INVESTIGATION

(5/12/16) Red Diamond Farms also pays \$149,572 in back wages to 380 workers

EEOC WINS JURY VERDICT OF OVER \$17 MILLION FOR VICTIMS OF SEXUAL HARASSMENT AND RETALIATION AT MORENO FARMS

(9/10/15) Florida Farm Managers Subjected Women Workers to Coerced Sex, Groping and Verbal Abuse, Then Fired Them for Objecting, Federal Agency Charged



Worker-Driven Social Responsibility: The Road Forward

The Fair Food Program, which is currently negotiating opportunities for expansion in two additional geographic regions and new crops, influences workplaces and supply chain initiatives far beyond itself. The FFP was the first comprehensive, fully functional model of the new 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. WSR holds tremendous promise for addressing human and labor rights abuses in global supply chains.

Internationally, WSR has been implemented 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 US 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 five years to continue its progress.

To accelerate the growth of WSR, in 2015, seven organizations from diverse sectors and fields of expertise, both domestic and international, came together to form the Worker-driven Social Responsibility Network. 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 promising accomplishments on the ground is a nascent 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. As of 2018, Milk with Dignity is now operational on Vermont dairy farms and monitored by the newly established Milk with Dignity Standards Council.

The Network is also building field-wide support for WSR among important actors in the labor and human rights movements. More than 50 leading organizations and individuals have endorsed the WSR Statement of Principles. These principles were developed by the network's coordinating committee over the past two years 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 US and international organizations.

Beyond the WSR Network, the CIW has 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. The CIW has also participated in delegations organized by the AFL-CIO Solidarity Center to consult with Moroccan farmworkers and has engaged other US and international groups exploring supply chain labor rights initiatives.

Additionally, in recent months, CIW has hosted delegations of worker organizations from other agricultural sectors, as well as the janitorial, construction and poultry industries, who are seeking to adapt the Fair Food Program's model of worker-driven social responsibility to their workplaces.



Enrique Balcazar of Migrant Justice, left, and Jostein Solheim, chief executive of Ben & Jerry's, announcing the Milk With Dignity Agreement.

(Credit: Caleb Kenna for the New York Times)⁴²



Inside a milking parlor on a Vermont dairy farm.

(Credit: Caleb Kenna/The Golden Cage Project/Vermont Folklife Center)⁴¹

References

- 1 **Marquis, Susan L.** 2017. *I am Not a Tractor: How Florida Farmworkers Took On the Fast Food Giants and Won*. Ithaca, NY: Cornell University Press.
- 2 **Kandel, William.** 2008. US Department of Agriculture, Economic Research Service. *Profile of hired farmworkers, a 2008 update*. <https://www.ers.usda.gov/webdocs/publications/46038/err-60.pdf> (accessed February 18, 2018)
- 3 **US Department of Labor.** 2000. *The agricultural labor market – Status and recommendations*. Report to Congress. http://doleta.gov/agworker/report_8.pdf (accessed January 1, 2018)
- 4 **US Department of Labor.** 2016. *Findings from the National Agricultural Workers Survey (NAWS) 2013-2014: A demographic and employment profile of United States farmworkers*. December 2016. https://www.doleta.gov/agworker/pdf/NAWS_Research_Report_12_Final_508_Compliant.pdf (accessed February 18, 2018)
- 5 **US Department of Labor.** 2016.
- 6 **Human Rights Watch.** 2012. *Cultivating fear: The vulnerability of immigrant farmworkers in the US to sexual violence and sexual harassment*. <http://www.hrw.org/reports/2012/05/15/cultivating-fear> (accessed February 18, 2018).
- Kresge Foundation.** 2013. *Health-related inequities among hired farm workers and the resurgence of labor-intensive agriculture*.<http://kresge.org/library/health-related-inequities-among-hired-farm-workers-and-resurgence-labor-intensive-agriculture> (accessed February 18, 2018).
- National Center for Farmworker Health, Inc.** 2017. *Agricultural Worker Factsheet*. June 2017. http://www.ncfh.org/uploads/3/8/6/8/38685499/facts_about_ag_workers_2017.pdf (accessed February 18, 2018).
- Oxfam America.** 2004. *Like machines in the fields: Workers without rights in American agriculture*. <https://www.oxfam-america.org/static/oa3/files/like-machines-in-the-fields.pdf> (accessed February 18, 2018).
- Southern Poverty Law Center.** 2010. *Injustice on our plates: Immigrant women in the US food industry*. http://splcenter.org/sites/default/files/downloads/publication/Injustice_on_Our_Plates.pdf (accessed February 18, 2018).
- 7 **US Department of Labor - Occupational Safety and Health Administration (OSHA).** 2013. *Agricultural Operations*. <https://www.osha.gov/dsg/topics/agriculturaloperations/> (accessed February 18, 2018)
- Centers for Disease Control and Prevention - National Institute for Occupational Safety and Health (NIOSH).** 2017. *Workplace Safety & Health Topics: Agricultural Safety*. <https://www.cdc.gov/niosh/topics/aginjury/> (accessed February 18, 2018)
- 8 **US Department of Labor - Occupational Safety and Health Administration (OSHA).** 2013. *Agricultural Operations*. Citing Bureau of Labor Statistics, United States Department of Labor. 2011. *Number and rate of fatal occupational injuries, by industry section, 2011*. <https://www.bls.gov/iif/oshwc/foi/cfch0010.pdf> (accessed February 20, 2018)
- 9 **Human Rights Watch.** 2012.
- 10 **Wolf Ditkoff, Susan & Grindle, Abe.** 2017. *Audacious Philanthropy*. In Harvard Business Review, September-October 2017. <https://hbr.org/2017/09/audacious-philanthropy> (accessed February 12, 2018).
- 11 **Burkhalter, Holly.** 2012. *Fair Food Program helps end the use of slavery in the tomato fields*. Op-ed in the Washington Post, September 2, 2012. http://articles.washingtonpost.com/2012-09-02/opinions/35494934_1_florida-tomato-growers-tomato-industry-immokalee-workers (accessed February 12, 2018).
- 12 **MacArthur Foundation.** 2017. *Greg Asbed: Human Rights Strategist*. <https://www.macfound.org/fellows/981/> (accessed February 12, 2018).
- 13 **Damico, Noelle.** 2013. *Coalition of Immokalee Workers awarded Roosevelt Institute's Freedom from Want medal*. Presbyterian Church USA. October 25, 2013. <https://www.pcusa.org/news/2013/10/25/coalition-immokalee-workers-awarded-roosevelt-inst/> (accessed February 23, 2018)
- 14 **Quee, Richard Chin.** 2013. *Rape in the Fields: A FRONTLINE/Univision Investigation*. Interview on Gulf Coast Live - WGCU. June 19, 2013. <http://wgcu.drupal.publicbroadcasting.net/post/rape-fields-frontlineunivision-investigation> (accessed March 10, 2018)
- 15 **President's Advisory Council on Faith-Based and Neighborhood Partnerships.** 2013. *Building partnerships to eradicate modern-day slavery: Report of recommendations to the President*. April 2013. https://obamawhitehouse.archives.gov/sites/default/files/docs/advisory_council_humantrafficking_report.pdf (accessed March 10, 2018)
- 16 **Feldblum, Chai R. and Lipnic, Victoria A. - US Equal Employment Opportunity Commission (EEOC).** 2016. *Report: Select Task Force on the Study of Harassment in the Workplace*. June 2016. https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm (accessed February 12, 2018)
- 17 **Greenhouse, Steven.** 2014. *In Florida tomato fields, a penny buys progress*. In The New York Times. April 24, 2014. <https://nyti.ms/2jUeTFq> (accessed February 10, 2018).
- 18 **Greenhouse, Steve.** 2014.
- 19 **AFL-CIO.** 2013. *Responsibility outsourced: Social audits, workplace certification and twenty years of failure to protect worker rights*. <http://aflcio.org/content/download/77061/1902391/CSReport.pdf> (accessed February 20, 2018).
- Clifford, Stephanie and Greenhouse, Steven.** 2013. *Fast and flawed inspections of factories abroad*. In the New York Times. September 1, 2013. <https://nyti.ms/2jVVVe7> (accessed February 20, 2018).
- 20 **Vagianos, Alanna.** 2015. *One in three women has been sexually harassed at work, according to survey*. Huffington Post. February 19, 2015. http://www.huffingtonpost.com/2015/02/19/1-in-3-women-sexually-harassed-work-cosmopolitan_n_6713814.html (accessed February 20, 2018)
- 21 **Huffington Post/YouGov Poll.** August 19, 2013. http://big.assets.huffingtonpost.com/toplines_harassment_0819202013.pdf (accessed February 20, 2018)
- 22 **Chalabi, Mona.** 2016. *Sexual harassment at work: More than half of claims in US result in no charge*. The Guardian. July 22, 2016. <https://www.theguardian.com/money/2016/jul/22/sexual-harassment-at-work-roger-ailes-fox-news> (accessed February 20, 2018)
- 23 **Human Rights Watch.** 2012.
- 24 **Southern Poverty Law Center.** 2010.
- 25 **Yeung, Bernice & Rubenstein, Grace - PBS.** 2013. *Rape in the fields: Female workers face rape, harassment in U.S. agriculture industry*. <https://www.pbs.org/wgbh/frontline/article/female-workers-face-rape-harassment-in-u-s-agriculture-industry/> (accessed Feb 20, 2018)
- 26 **Quee, Richard Chin.** 2013.
- 27 **Bapat, Sheila.** 2014. *Effort to protect farmworkers from sexual assault gaining momentum: A Florida-based program that could bring protection for workers seeks to expand nationally*. In Al Jazeera America. April 17, 2014. <http://america.aljazeera.com/articles/2014/4/17/farmworkers-sexualassault.html> (accessed September 23, 2018).
- 28 **Encore.org.** 2015. *Purpose Prize: Laura Safer Espinoza* (Video Interview). <https://encore.org/purpose-prize/laura-safer-espinoza/> (accessed February 23, 2018)
- 29 **Marosi, Richard.** 2014. *Product of Mexico: Hardship on Mexico's farms, a bounty for U.S. tables*. In The Los Angeles Times, December 7, 2014. <http://graphics.latimes.com/product-of-mexico-camps/> (accessed February 1, 2018).
- 30 **Proceso.** 2017. *"Desaparecen" 80 jornaleros indigenas en Chihuahua tras denuncia de abuso laboral*. May 29, 2017. <http://www.proceso.com.mx/488517/desaparecen-80-jornaleros-indigenas-en-chihuahua-tras-denuncia-abuso-laboral> (accessed February 1, 2018)
- 31 **Univision.** 2017. *Modern Slavery in Mexico's Produce Fields*. <https://www.youtube.com/watch?v=TwoHcuJWJhk> (accessed February 20, 2018)
- 32 **Marosi, Richard.** 2014.
- 33 **Univision.** 2017.
- 34 **Proceso.** 2017.
- 35 **Marosi, Richard.** 2014.
- 36 **Marosi, Richard.** 2014.
- 37 **US Equal Employment Opportunity Commission (EEOC).** 2015. *EEOC Wins Jury Verdict of over \$17 Million for Victims of Sexual Harassment and Retaliation at Moreno Farms*. September 10, 2015. <https://www.eeoc.gov/eeoc/newsroom/release/9-10-15.cfm> (accessed February 25, 2018)
- 38 **US Department of Labor.** 2016. *Vegetable supplier to major grocery chains assessed over \$1.4M in civil money penalties after two-year federal investigation*. May 12, 2016. <https://www.dol.gov/newsroom/releases/whd/whd20160512> (accessed February 23, 2018).
- 39 **US Department of Labor.** 2017. *Court orders Georgia onion producer to pay more than \$1.4 million in back wages and damages*. <https://www.dol.gov/newsroom/releases/whd/whd20171019-0> (accessed February 23, 2018)
- 40 **Relyea, Kie.** 2018. *These migrant workers alleged poor conditions and were being fired. Now the farm is being sued*. In The Bellingham Herald. January 25, 2018. <http://www.bellinghamherald.com/news/local/article196663519.html> (accessed March 10, 2018).
- 41 **Liang Chang, Vera.** 2015. *Will Ben and Jerry's Help Improve Conditions for Dairy Workers?* In Civil Eats. May 11, 2015. <https://civileats.com/2015/05/11/will-ben-and-jerrys-help-improve-conditions-for-dairy-workers/> (accessed February 20, 2018)
- 42 **Scheiber, Noam.** 2017. *Ben & Jerry's Strikes Deal to Improve Migrant Dairy Workers' Conditions*. In the New York Times. October 3, 2017. <https://nyti.ms/2yGn7pg> (accessed February 20, 2018).

FAIRFOODPROGRAM.ORG