

2024 STATE OF THE PROGRAM REPORT



ABOUT THE STATE OF THE PROGRAM REPORT

The Fair Food Program reports on its activities and results, including grower compliance and aggregated complaint data regularly, and makes this information available to the public. The data in this report are current up to Season 13 (2023-2024).

This report is written and produced by the staff of the Fair Food Standards Council (FFSC).

© Fair Food Standards Council, 2025. All Rights Reserved.



About 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.

TABLE OF CONTENTS

Executive Summary	6	Asia, Africa		Health and Safety	64
What is the Fair Food Program?	10	2020s See Further Growth, Expansion to UK, Chile, and South Africa	34	Health and Safety Committees	64
How Does the Fair Food Program Work?	11			Shade, Bathrooms, Water, and Heat	64
Fair Food Program History	14	The World Outside the FFP: The CIW's Anti-Slavery Efforts and the H-2A Program	38	Illness Prevention	
Generations of Farm Labor Abuse	14	What is Forced Labor?	38	Injuries and Endangerment	65
A New Organization is Formed in the Fields of Immokalee, FL		Forced Labor and the H-2A Program	39	Safe Transportation and Field Truck Safety	65
A Novel Approach to an Age-Old Problem	17	Operation Blooming Onion – A Case Study of Preventable Abuse	39	Housing	68
What has the Fair Food Program Accomplished?	18	Prevention in the Fair Food Program - A Clean Channel for Recruitment	40	H-2A Compliance	68
Voices from the Field	19			Market-based Enforcement	69
A New Paradigm for Social Responsibility	22	New Fair Food Program Heat Illness Protections	44	Conclusion	72
Charting Progress in the FFP	25	Enforcement Results	47	By The Numbers	74
Women in the Fields	26	Code Standards	48	Appendix A: Selected Media Coverage of the Fair Food Program and Worker-driven Social Responsibility	80
Turning Lived Experience into Transformative Power	26	Zero Tolerance	51		
Complaint Resolution and Prevention	27	Transparency and Cooperation	51	Appendix B: Academic Literature on Worker-driven Social Responsibility	82
FFP Domestic and International Expansion	28	Complaint Procedure	53	Appendix C: Fair Food Program Code of Conduct	85
Domestic Expansion	28	Hiring and Registration	56	Sources	89
A Watershed Year of Expansion	28	Education and Training	57		
USDA Support for FFP Expansion	28	Point of Hire	57		
International Expansion	30	Progressive Discipline	58		
WSR's International Expansion	33	Fair Food Premium	59		
WSR Early Replications	33	Wage, Hours, and Pay Practices	60		
Expand the WSR Model to		Wages and Hours	60		
		Bucket-Filling Standard	60		
		Work Environment	62		



THE POWER OF PREVENTION

EXECUTIVE SUMMARY



Fourteen years ago, the Coalition of Immokalee Workers (CIW) saw two key branches of their strategic efforts come together to give rise to the Fair Food Program. On the one hand, through the CIW’s Campaign for Fair Food, launched in 2001, farmworkers from Immokalee, Florida, mobilized consumers across the country to call on corporations atop the US food industry to help guarantee farmworkers’ fundamental human rights in the fields where their produce was grown and harvested. On the other hand, through the CIW’s Anti-Slavery Campaign, launched in the early 1990s, those same farmworkers worked, often at great personal risk, to uncover and investigate modern-day slavery rings operating in Florida and throughout the eastern United States.

By 2010, the CIW’s anti-trafficking efforts had helped federal prosecutors put over a dozen farm employers and supervisors behind bars for exploiting their workers through the threat and use of violence, prompting federal prosecutors to dub the Florida agricultural industry “ground zero for modern-day slavery.” Also by

2010, the CIW had secured legally-binding “Fair Food Agreements” with nearly a dozen of the country’s largest buyers of produce, committing those companies to leverage their purchasing power to protect workers in their suppliers’ operations, though dogged resistance to reform on the part of Florida’s tomato growers, had, to that point, kept those agreements from being implemented on Florida farms.

In late 2010 however, this potent combination of 1) an organized farmworker community, 2) an emerging human rights crisis in the agricultural industry, and 3) a growing measure of purchasing power committed to protecting farmworkers’ rights, finally overcame decades of grower resistance and resulted in the launch of the CIW’s Fair Food Program.

Just three seasons later, the Florida tomato industry was described by one human rights observer as “the best workplace environment in American agriculture” on the front page of the New York Times. That remarkable transformation would not be contained to Florida’s tomato fields alone, however. Within a few years,

the Program began to expand, first to tomato farms along the east coast and soon after that into new crops in new states across the US.

Now, fourteen years since its inception, the FFP has entered into a phase of truly dramatic expansion: During 2024 and 2025, the Program’s protections will reach thousands more farmworkers, at over 30 additional farms in 13 new states. This accelerated growth was prompted in large part by a new initiative designed by the US Department of Agriculture, launched in 2024, to expand the H-2A, or ‘guestworker’ program, while also protecting those workers from abuse. As part of that pilot program, the USDA designated the FFP as the highest – or “platinum” – level of human rights protection for US farmworkers and offered farms the highest level of financial subsidies for joining the FFP to protect guestworkers in their operations.

As of 2025, the FFP is present in at least half the states in the continental U.S., and is also operating in two additional countries, Chile and South Africa. As a result, workers and growers in the flower industry in those countries are already benefiting from

FFP implementation, with broader expansion into the fruit (South Africa) and salmon (Chile) industries on the runway.

This latest report is largely the story of the Program’s accelerating expansion during and since the pandemic. But the FFP did not expand alone over this period. As the Program grew, awareness of the FFP’s novel structure and its unique track record of measurable and documented success also spread.

This most recent analysis of the FFP’s track record in enforcing compliance is clear. As the Program expands to new Participating Growers across many new states and crops, compliance with FFP requirements improves dramatically in the first few years as effective compliance systems are established. After five or six years, most minor non-compliances are also prevented through ongoing improvements of Participating Growers’ systems and practices. Over time, the types of abuses that are still so prevalent outside the FFP are remedied – and ultimately prevented – by worker-led human rights enforcement.

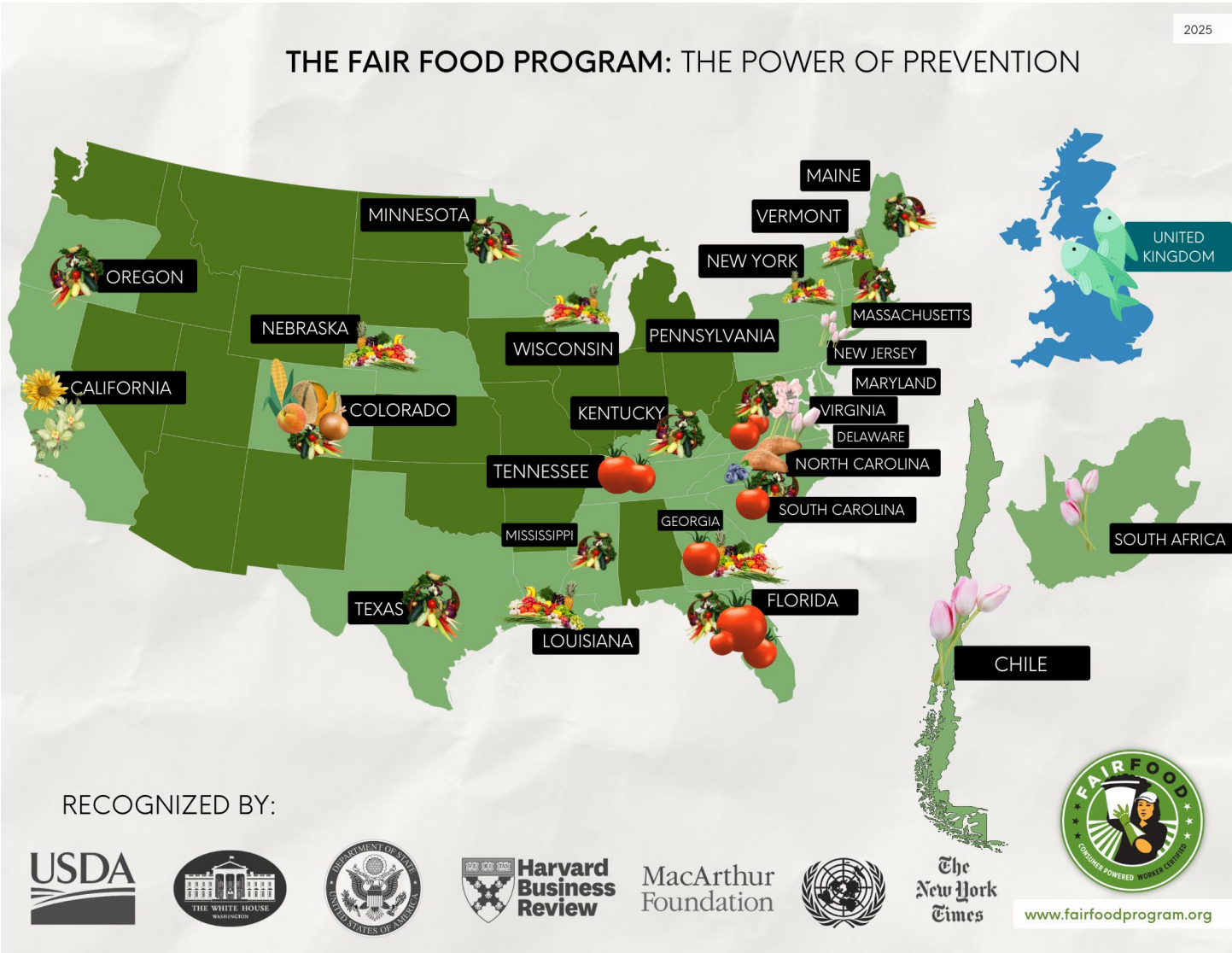
Today, the Fair Food Program is recognized by human rights observers, academics, business experts, and government and law enforcement agencies alike, as a proven new paradigm for protecting workers’ rights in corporate supply chains. As a result, the Fair Food Program’s worker-driven/market-enforced approach and its underlying structure of multiple and overlapping monitoring and enforcement tools – known together as the Worker-driven Social Responsibility (WSR) model – is also being replicated in the U.S. and internationally.



Efforts to adapt the WSR model to new geographies and industries are currently underway by workers in multiple sectors, including the fishing industry in northeast Scotland and the sugar industry in India, with guidance and support from the CIW and the Fair Food Standards Council. The recent adoption of new Human Rights Due Diligence requirements for companies doing business in the European Union is adding still more fuel to the interest in, and uptake of, the WSR model overseas.

Finally, as detailed in this report, the FFP’s domestic expansion in the U.S. is increasingly urgent in light of heightened risks to farmworkers from both rising temperatures associated with climate change and serious abuses associated with the growth of the H-2A program, including the growing risk of forced labor and human trafficking. Beyond chronicling the recent history of FFP and WSR expansion and analyzing FFP compliance statistics during this period of rapid growth, this report also includes several sub-sections on topics ranging from the most recent forced labor cases outside the FFP, to the FFP’s approach to sexual violence, the impact of the FFP’s and CIW’s best practices on federal policy, and the newest addition to the FFP’s Code of Conduct – the Program’s heat protection protocols, which were called “America’s strongest workplace heat rules” earlier this year in a front-page article in the Washington Post.¹

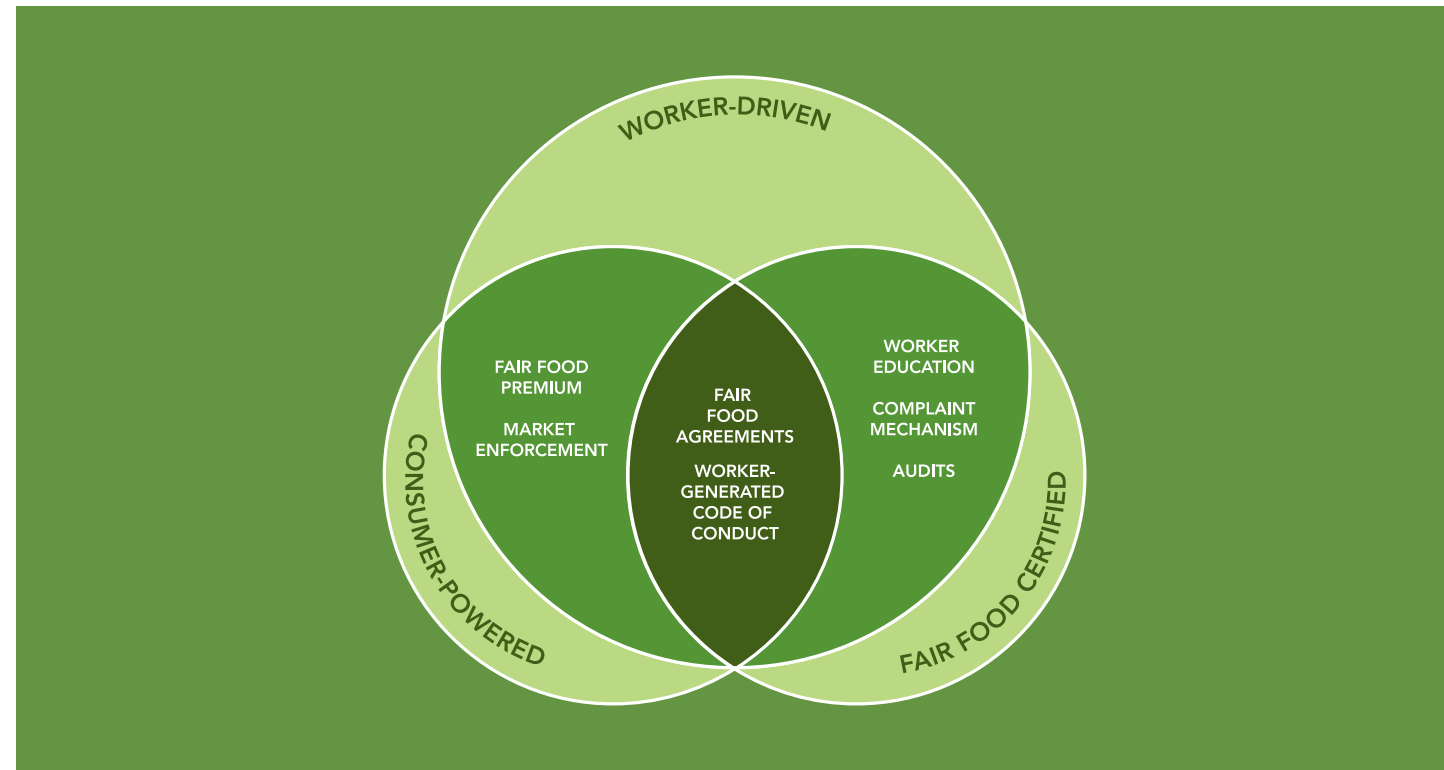
MAP OF FAIR FOOD PROGRAM



FAIR FOOD PROGRAM PARTICIPATING BUYERS



WHAT IS THE FAIR FOOD PROGRAM?



The Fair Food Program is a unique partnership among farmworkers, growers, food retailers, and consumers that achieves humane labor standards and better wages in agriculture.

Based on the Coalition of Immokalee Workers' legally binding agreements with 14 major food retailers, the FFP harnesses the market power of those brands to reward good labor practices and eliminate abuse. Participating Buyers commit to purchase preferentially from growers in good standing in the Fair Food Program and to cut off purchases from growers who are suspended for zero tolerance and/or significant, uncorrected violations of FFP Code of Conduct requirements.

Participating Buyers also pay a premium for their produce, which is passed through to workers as a line-item bonus in their regular paychecks.

Enforcement of the Fair Food Program's Code of Conduct through market consequences and rewards, coupled with the Program's worker education, auditing and complaint investigation and resolution mechanisms, have effectively rid FFP farms of abusive practices, ranging from forced labor and sexual violence to wage theft and dangerous working conditions. The Program's price premium and enforcement of wage and hours laws also raise workers' incomes. Growers benefit from the purchasing preference by Participating

Buyers, as well as from becoming employers of choice and eliminating legal and regulatory risk in their operations. And food retailers are assured of transparency and ethical labor practices in their supply chains, eliminating reputational risk through partnering with the widely recognized gold standard of human rights protection.

As of the publishing of this report, the Fair Food Program protects over 20,000 farmworkers harvesting dozens of crops across many states and 3 countries, including Chile and South Africa.

HOW DOES THE FAIR FOOD PROGRAM WORK?



The Fair Food Program is a Worker-driven Social Responsibility program built on partnership and a unique mix of monitoring mechanisms to enforce farmworkers' human rights in the workplace.

"I am thankful for the Program that protects us now. Many years ago, we did not have a voice, rights, or the freedom to raise complaints – but today, with the help of CIW and FFSC, we can work in peace and with great freedom."

~ FFP Farmworker in conversation with FFP auditor

Different from any other social certification program, the underlying structure of the FFP is provided by the CIW's legally binding agreements with Participating Buyers who agree to purchase preferentially from farms that meet the standards required by the Fair Food Code of Conduct, as verified by the Program's designated monitoring organization, the Fair Food Standards Council (FFSC). Farms that are suspended from the Program for non-compliance cannot sell their product to Participating Buyers during the suspension period and until corrective actions are implemented and verified through a re-entry audit.

The Fair Food Premium paid by buyers also helps to supplement wages unduly suppressed by market pressure.

Motivated by these market incentives, Participating Growers agree to implement the Fair Food Code of Conduct on their farms, refrain from intimidation or retaliation against workers who use the Program's complaint mechanism, cooperate with complaint investigations and audits by the FFSC, and distribute the Fair Food Premium to workers.

The FFP's implementation mechanisms are also unique and designed to ensure that the Program's standards are fully implemented on all participating farms. Based on their own experiences as workers, CIW members understood that a series of interconnected mechanisms would be necessary to establish the fullest visibility possible into Participating Growers' operations and ensure compliance with the Program's standards. Those mechanisms include a Code of Conduct that is based on workers' priorities and experiences; worker-to-worker education on their rights and responsibilities under Code; a 24/7 complaint investigation and resolution process where workers

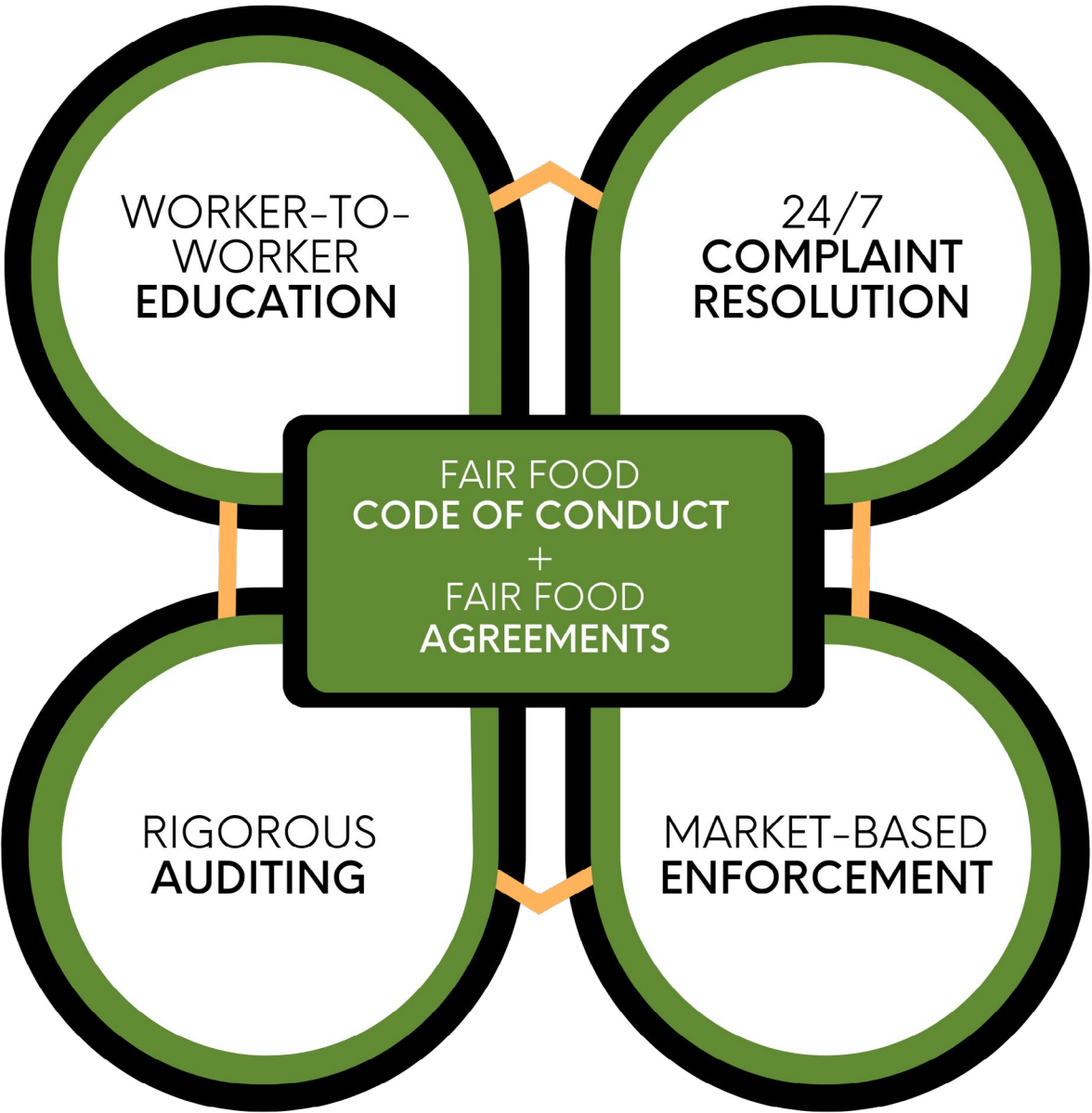
can report violations free from the fear of retaliation; and regular, comprehensive farm audits.

These elements, none of which is sufficient alone, are all backed by the Program's market-based incentives and work in coordination to protect workers from exploitation and provide a work environment of respect and dignity.

In order to establish policies and procedures that ensure the 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 challenges and, if necessary, recommend appropriate policy changes to ensure that the Code's intent is realized on FFP farms, with a particular focus on identifying and addressing new issues – unanticipated in the original Code of Conduct, but consistent with its goals – as they arise. Through this productive collaboration, effective protocols for challenges ranging from field truck safety to H-2A recruitment practices, protections from COVID-19 and heat stress have been developed and successfully implemented.

THE IMPACT OF PREVENTION

FAIR FOOD PROGRAM STRUCTURE



Education

All workers employed at Fair Food Program farms learn about their rights through multiple channels, including education sessions led by CIW's worker education team, whose members are former and current farmworkers themselves. These discussions take place on company property and are introduced and supported by company management. Workers are compensated for their time spent in education sessions 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 CIW, consisting of scenarios that demonstrate workers' rights and responsibilities under the Program.

This multi-faceted/multi-media 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, tens of thousands of workers have become frontline monitors of their own rights and working conditions. This allows the Program to enlist the very people who are present at, and affected by, the vast majority of possible violations – workers themselves – to serve as the Program's eyes and ears on participating farms.

Complaint Resolution

When workers do encounter violations of the Code of Conduct in their workplaces, they have access to a fast and effective complaint resolution process, free from fear of retaliation. Through the Program's toll-free complaint line, workers have 24/7 access to multilingual FFSC investigators who assist them by investigating and resolving any Code violations identified at FFP farms. The FFP's collaborative, problem-solving approach to complaint resolution also benefits growers, making it possible to promptly address any issues and implement prevention measures. In fact, a significant number of issues that do not yet rise to the level of Code violations have nonetheless been addressed voluntarily by growers, who understand the value of risk reduction by addressing minor problems before they become more serious.

Auditing

Depending on the context of a possible violation, workers may not always be aware of every systemic issue; furthermore, in some cases, workers new to the Program may not yet trust the FFP complaint hotline. For these reasons, in-depth audits are a necessary complement to the complaint process. With full access to farm operations and 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 – which also include review of payroll, health and safety, and housing records – 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 and rewards. Growers agree to implement the Program's standards in part to gain access to the purchasing preference of the FFP's Participating Buyers. And growers collaborate with the Program's monitoring processes, and to implement the FFSC's Corrective Action Plans, in part not to lose that access through suspension.

This market-based enforcement, combined with the FFP's unique mix of worker-driven monitoring mechanisms, represent the two pillars upon which the Program has achieved its unparalleled results.



FAIR FOOD PROGRAM HISTORY



“The fields have changed – now, we have better wages and better treatment for everyone. Before, there was nothing like that. Before, I would be working under the sun, working hard, and I would want to stop for water. The boss would stop me, and I would say, I need water. He would say, there’s the ditch over there, it’s got some water. There were no water bottles. We were exhausted, we needed water. There were no toilets. Before, if you spoke out, you would be fired. Tomorrow, don’t come, there’s no work for you. But now that we are united, we have strength. We are taking steps forward, and we cannot go back. We have to go forward. We are building a road forward, and we will never go back.”

~ FFP Farmworker in conversation with FFSC auditor

Generations of Farm Labor Abuse

Since the earliest days of plantation-scale agriculture in this country, exploitation and abuse have haunted America’s farm fields. From chattel slavery to sharecropping to the continued existence of large scale forced labor operations in the fields today, the history of labor-intensive

agriculture in this country cannot be written without telling the story of the harsh and widespread exploitation of farmworkers.

The dangers of agricultural work go far beyond the complications of working long hours under an ever-warmer sun or performing rapid and repetitive tasks with heavy buckets of produce. Farmworkers often contend with exposure to heat stress, lightning, pesticides, field truck accidents and unsafe transport, in addition to recruitment fees and other illegal charges leading to debt peonage, abusive and violent labor contractors, sexual harassment and assault, as well as sub-standard, overcrowded housing.

Outside of the FFP, farmworkers have very few safe and trusted avenues to defend their rights, and a climate of fear is pervasive.

Moreover, as detailed in the H-2A and Forced Labor Section below, an exponential rise in the use of the H-2A guestworker program in U.S. agriculture has increased the vulnerability of farmworkers recruited to work on U.S. farms. Guestworkers, more often than not, are forced to pay illegal recruitment fees to secure their jobs, with the fees commonly

serving to lock workers in debt, even before they set foot in the country. Once in the U.S., the lack of “portability” (i.e. the right to change employers) in the H-2A visa program, and the ability of any employer to effectively deny workers the right to return the next season, leave workers reluctant to complain about abusive conditions, and abusers unconcerned about any possible consequences for their actions. Taken together, those conditions render a labor force ripe for exploitation.

The largest forced labor prosecution in U.S. history was announced by federal prosecutors in November of 2021, exposing an operation in southern Georgia that impacted thousands of guestworkers, many of whom had been held against their will in egregious conditions that caused at least two deaths, and included serial sexual assault. Since then, two other major forced labor cases have been prosecuted in South Carolina and Florida.² Those familiar with these cases, and the conditions under which farmworkers work and live in the U.S., say that they are just the tip of the iceberg.

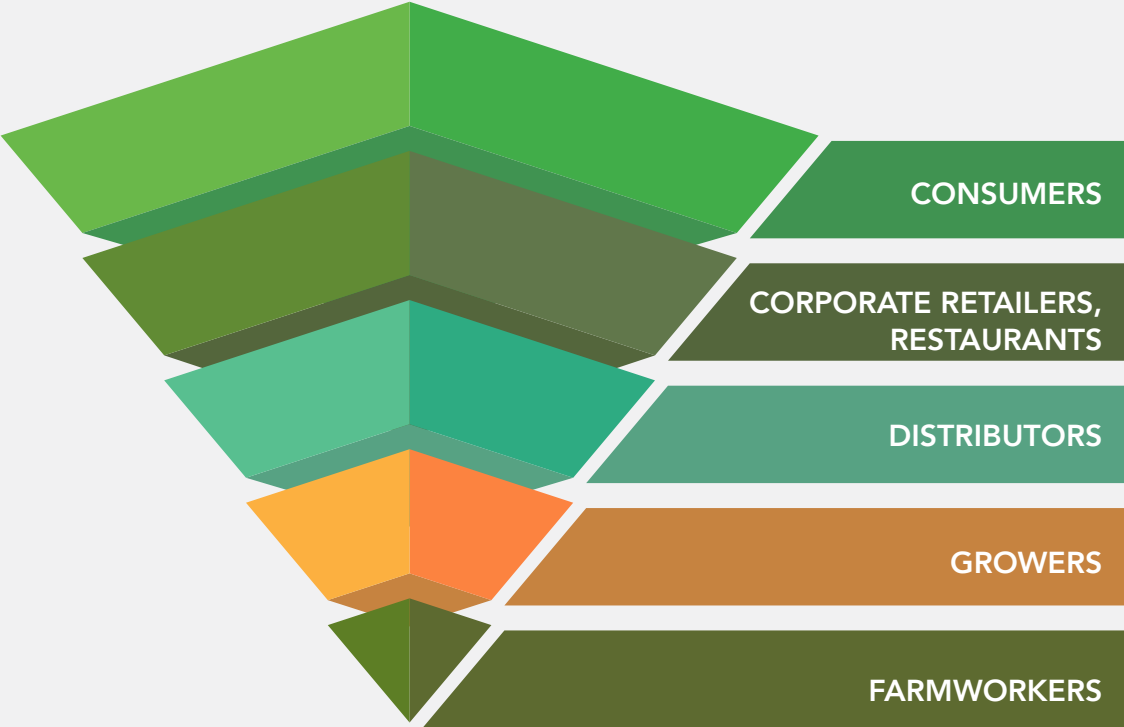
THE HIDDEN STRUGGLES OF U.S. FARMWORKERS

Farming is one of the most dangerous occupations in the U.S., with at least **426 farmworker deaths** on farms between 2021-2023.³



Cases of **modern-day slavery** involving farmworkers are on the rise.

Power Structure of the Food Chain



I worked here ten years ago, and it was a very abusive environment. We were rushed to work harder all the time, and we were yelled at and disrespected. We felt beaten, nervous around our supervisors, and worked almost like slaves. We had no one to complain to about this abuse, so nothing ever changed. I heard from friends that things had changed, and I came back to work. The environment here is so much better; we have everything we need, from gloves to bathrooms to water and shade, and if we have a complaint. Workers here are now treated with respect, like human beings."

~ Farmworker on an FFP farm to FFSC auditors

A New Organization Is Formed in the Fields of Immokalee, FL

The Coalition of Immokalee Workers (CIW) – a human rights organization founded by immigrant workers from Mexico, Haiti, and Guatemala in the farmworker community of Immokalee, Florida – began organizing in the early 1990's to address the abusive conditions and stagnant wages typical of Florida agriculture at the time. As a result of their work in the community, CIW members uncovered multiple, horrific cases of modern-day slavery in which hundreds of workers were held against their will and forced to work in brutal conditions for little or no pay, through the use or threat of violence. Bringing the problem of forced labor to the attention of federal and local law enforcement for the first time, and pioneering a worker-centered approach to the investigation and prosecution of these cases, the CIW helped liberate thousands of workers throughout the southeastern US and put more than a dozen labor contractors in prison for sentences

of up to 30 years. In the process, the CIW helped to spark the modern anti-trafficking movement, as well as to dramatically improve the investigative and prosecutorial capacity of the US Federal Government in forced labor cases.

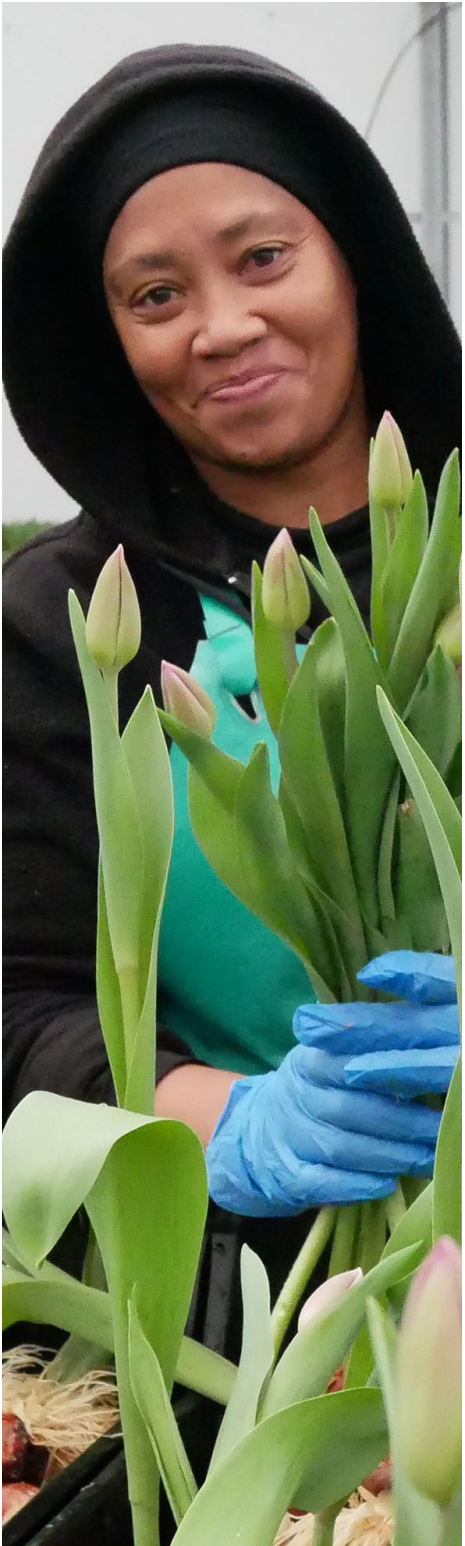
After more than a decade of successful prosecutions, however – and despite becoming the first U.S. organization to receive the State Department's Trafficking in Persons Report Hero award in 2010 – the CIW realized that successful prosecutions of individual modern-day slavery operations did not constitute victory in the fight to end those horrendous abuses. No matter how many forced labor rings were uncovered and shut down, the vast imbalance of power between farmworkers and their employers remained. This allowed degraded conditions to flourish, and new slavery operations inevitably took the place of those that had been uprooted.

A Novel Approach to an Age-Old Problem

Realizing that redressing that underlying imbalance of power would be necessary to uproot farm labor abuse and exploitation once and for all, the CIW sought a new source of leverage to ensure farmworkers' fundamental human rights. They located that power not in the fields, but rather at the top of the supply chain, in the high-volume purchasing power of retail food giants.

This novel approach understood that the high degree of consolidation in the food industry, which began in the 1960s, meant that multi-billion-dollar brands were able to leverage their market power to demand ever-lower prices from growers, thereby creating an unrelenting downward pressure on farmworkers' wages and working conditions in the process. Growers and workers were on the wrong side of that power equation, with workers, as the least powerful of all players, getting the worst of the situation.

Seeking to redress this power dynamic and to harness the retailers' purchasing power in order to improve, rather than impoverish, farmworkers' lives, the CIW launched its Campaign for Fair Food in 2001. Farmworkers asked companies at the top of the food supply chain to pay a premium – a penny more a pound at that time – for their produce, which would be passed through to workers as a bonus in their regular paychecks, and to purchase preferentially from growers who implemented a human rights-based Code of Conduct on their farms. Twenty years later, 14 major buyers – including supermarkets, food services and fast food chains – have joined the Fair Food Program.

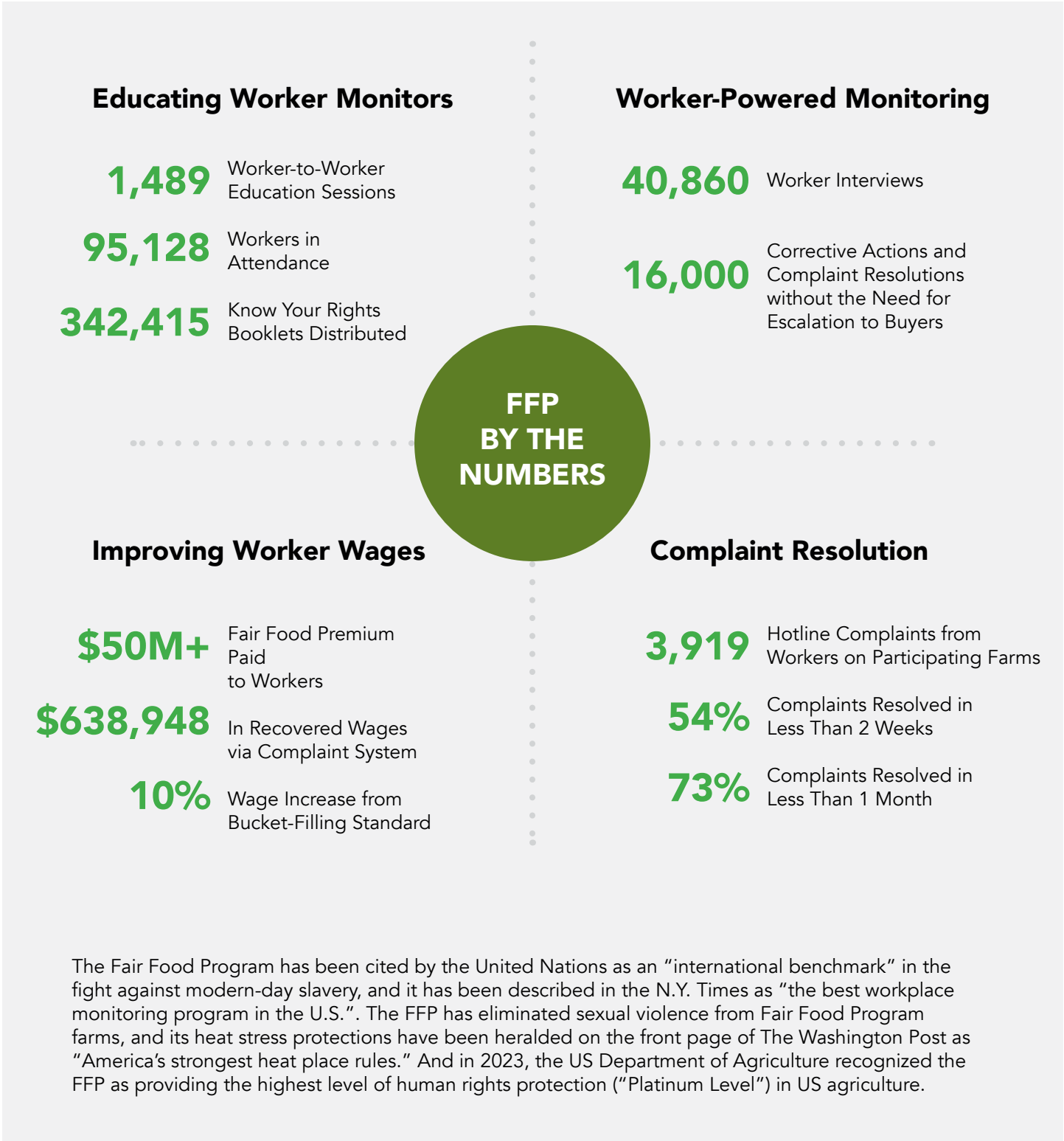


Although the Program began in 2010 with growers that represented the vast majority of Florida tomato production, its reach did not remain limited to the tomato industry, nor to the state of Florida. During the following decade, the FFP grew across 10 different states and many more crops, including cut flowers. Today, over 20,000 workers enjoy unprecedented human rights protections on FFP farms. The very fields that federal prosecutors once called "ground zero for modern-day slavery" are now known as "the best work environment in American agriculture," in the words of one human rights analyst.

As discussed in the FFP Expansion section below, 2024 marked a period of dramatic expansion for the Fair Food Program. Propelled by support from both the international arm of the USDOL and the U.S. Department of Agriculture, the Program began a dramatic expansion into dozens more crops across a total of 23 states, as well as internationally, with pilot programs in Chile and South Africa.

The Fair Food Program's unparalleled success has also given rise to a groundbreaking, scalable model for low-wage workers in global supply chains to define and enforce their rights, known as Worker-driven Social Responsibility (WSR). The WSR model has been called "a visionary strategy with potential to transform workplace environments across the global supply chain" by the MacArthur Foundation and has been replicated on multiple continents and in multiple industries. (See the section below on Worker-driven Social Responsibility (WSR) for more details).

WHAT HAS THE FAIR FOOD PROGRAM ACCOMPLISHED?



VOICES FROM THE FIELD

“There is a huge difference now since we have started [participating in the FFP] this season, the conditions here are really improving. For example, the supervisors used to get angry, and now they behave respectfully towards us [the workers]. Now we can make a complaint without fear of retaliation, and they [the supervisors] treat us well and as if we are all equals, without preference for one over the other. Now I feel happy to harvest here.”

~ Worker on an FFP farm in November of 2014

“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.”

~ Farmworker who FFSC helped with a sexual assault case in 2015

“I’m very thankful for the work that you and your organization [the Fair Food Standards Council] do every day so every worker in the fields can have dignified conditions to support them.”

~ Farmworker, 2019

“The company provides us with disinfectants, cleaning towels, and everything we need! We lack nothing! Before the Coalition of Immokalee, there were slaves... they used to say ‘I’ll pay you later’... not anymore, thanks to the Coalition.”

~ Farmworker, 2020

“Before the FFSC came they did not give us any cooking appliances or utensils. They did not even give us blankets. Once [the grower] entered the FFP, all these essential items were provided by the company, and it has drastically improved our quality of life.”

~ Farmworker, 2023



A NEW PARADIGM FOR SOCIAL RESPONSIBILITY



“There have been so many changes. We didn’t have a day off before, but now we get a day off – and vacations, too. I can spend more time with my baby. Before we never spoke up; now we have the freedom to speak, without any fear that we’ll be fired. I feel more secure knowing my rights and having all these benefits. Before nobody cared if we got sick. We had to work and if we couldn’t, that day was taken out of our paycheck. Now that we have Milk with Dignity, we’re paid that day. And that’s important for me, for all of us.”

~ Luisa, dairy worker protected by Milk with Dignity

For decades prior to the Fair Food Program’s launch in 2010, the dominant paradigm – known commonly as Corporate Social Responsibility, or CSR – for addressing human rights issues in the factories and fields that supply multinational corporations with their products had gone unchallenged in global supply chains. During that time, billions of dollars went into building and funding an entire industry of for-profit auditors and certification schemes that were primarily intended to protect the reputations of the large corporations that hired them, as

opposed to enforce the human rights of workers whom the CSR programs claimed to protect.

The CSR model relies almost exclusively on voluntary commitments and periodic outsourced audits. Most social audits are little more than snapshots in time without meaningful depth or detail, and without effective, real time complaint mechanisms that can monitor conditions during the 364 days between annual audits. Further, the vast majority of certification schemes lack real enforcement power to protect workers from retaliation if they were to report complaints, or to compel employers to comply with remediation efforts when audits identify issues. As a result, the CSR model has proven singularly ineffective in remedying – much less preventing – long-standing human rights violations.

There is ample evidence of the unconscionable human cost paid for reliance on CSR certifications over the past two decades. In 2008, for example, a food industry-sponsored auditing organization traveled to Immokalee, Florida, to carry out a cursory audit of labor conditions on farms where Burger King and other fast-food industry leaders purchased

tomatoes. The visit came in response to the Coalition of Immokalee Workers’ campaign calling on the fast-food industry to take responsibility for human right violations in their suppliers’ operations. Following their visit, auditors joined fast-food industry officials at a high-profile press conference in downtown Immokalee and announced, specifically, that they had “found no slave labor” at the farms they had visited.

As fate would have it, however, later that same day, workers who had been held against their will – chained, beaten, and locked inside a box truck at night by their farm labor contractor and paid little or nothing for their labor – escaped from the box truck where they were being held by punching a hole in its plastic roof and made their way to the authorities. The workers’ employment IDs showed that they had been working on some of the very same farms visited as part of the industry press junket. The escaped workers would go on to testify against their employer in US vs. Navarette, the last federal slavery prosecution in Florida’s tomato fields before the launch of the Fair Food Program just two years later in 2010. Five years later, in 2013, the garment factory that

collapsed at Rana Plaza in Bangladesh – killing over 1,100 workers – had likewise been certified by a corporate-sponsored auditing organization shortly before its collapse. The workers who died needlessly in that horrendous disaster simply had no safe channels to make their voices heard or to denounce the life-threatening conditions, of which many workers were aware. Survivors reported seeing cracks and other indicators of structural instability but were reluctant to make a report for fear of losing their jobs.

Most recently, in 2023, a long-term study revealed that two of the most prominent CSR-inspired multistakeholder initiatives in agriculture, Fair Trade USA and the Equitable Food Initiative (EFI), had certified farms in Mexico where farmworkers reported indicators of forced labor, including recruitment through deceptive practices, withholding of documents and wages, retaliation, and isolated, sub-standard living conditions.⁸ Beyond these cases, [researchers report](#) that workers interviewed on dairy farms in the U.S. in 2021 were completely unaware that they were working on Fair Trade USA certified farms and knew of no channels through which to raise complaints or concerns.

There is now a strong consensus among experts that the well-documented failures of CSR have discredited the model beyond repair. In fact, some consumer groups have initiated efforts to hold certification programs accountable for their unsubstantiated claims when devastating findings of human rights violations, including child labor, are

found under their [stamps of approval](#).

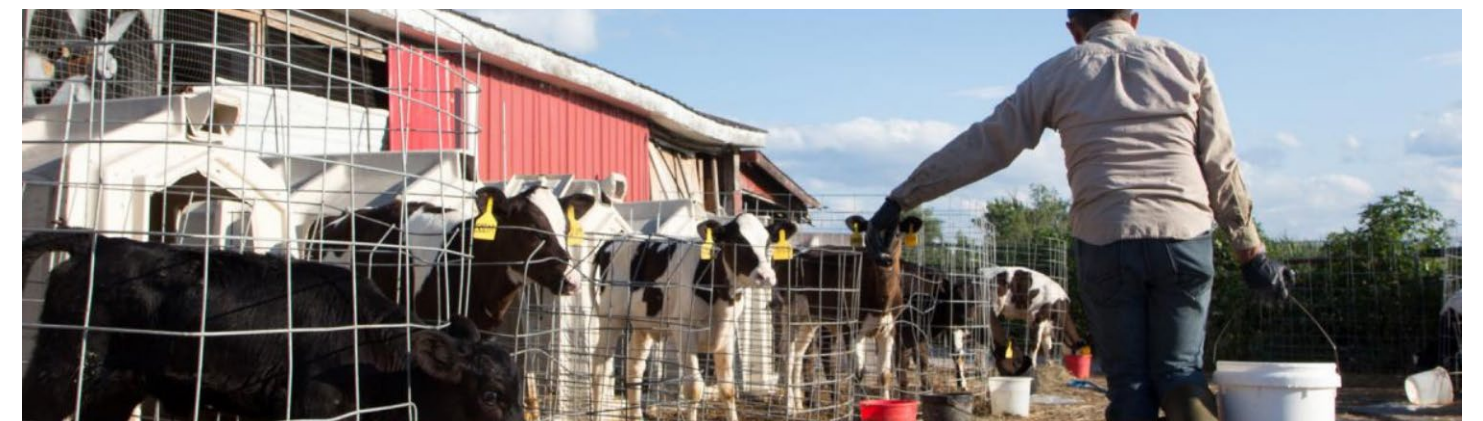
Additionally, a 10-year, longitudinal study of the 40 best known social responsibility programs, released in July of 2020 by the Harvard-incubated group MSI Integrity, found that CSR-inspired multi-stakeholder initiatives (MSIs), including most “Fair Trade” labeling schemes, were not structured to enforce the rights they claimed to uphold and so had failed to [live up to their stated purpose](#).

In contrast, Worker-driven Social Responsibility programs like the FFP have been increasingly recognized as the highest standard for effective rights protection in corporate supply chains. The MSI Integrity study cited above pointed out that the Fair Food Program provides unprecedented transparency into the agricultural workplace, and singled out the FFP as seen as the “emerging gold standard,” given that it is built upon a foundation of elements necessary for guaranteeing worker protections not present in the traditional CSR model.

In 2023, the U.S. Department of Agriculture recognized WSR as providing the highest, or “platinum,” level of human rights protection in US agriculture and made participation in a WSR program a requirement for achieving the highest level of economic incentives provided to growers under the USDA’s Farm Labor Stabilization and Protection Program. Just a few months earlier, a policy report from Harvard Law School’s Center for Labor and a Just Economy also concluded that the WSR model represents the new paradigm for human rights in the 21st century.⁹

Informed and inspired by the Fair Food Program, WSR programs currently operate in multiple industries and countries. This includes the International Accord for Health and Safety in the Textile and Garment Industry in the garment sectors of Bangladesh and Pakistan, the Agreements to Prevent and Combat Sexual Violence and Harassment in Lesotho, and the Milk with Dignity Program in the dairy sector in the US. A WSR pilot protecting UK fishers in the northeast of Scotland is currently in the planning stage, and worker organizations in the Spanish produce industry are exploring the possibility of launching a WSR program in the fields of southern Spain. WSR Campaigns to implement WSR programs are also active in the U.S. construction and poultry industries.

These programs all share an essential structure including several necessary elements, central to which are legally binding agreements between retail brands at the top of supply chains and worker and/or human rights organizations at the bottom. These agreements condition purchases from suppliers on human rights compliance and require financial contributions from the brands toward remedying violations and/or improving conditions for workers at the bottom of supply chains. Key monitoring and enforcement mechanisms include codes of conduct created by the worker and human rights organizations, worker education, comprehensive audits, and effective complaint resolution mechanisms, all backed by effective market consequences and rewards.



A FAIR FOOD
TRANSFORMATION

ONE FARM
TWO REALITIES



In Newport, TN, there is a tomato farm whose story embodies the transformative power of the Fair Food Program. From the 1990s until 2020, this tomato farm was named Fish Farms.

When farmworkers complained to the DOL about their conditions, Fish Farms’ owners **retaliated** against them by:

- Storming their housing brandishing firearms
- Falsely accusing one worker of aggravated assault¹⁰
- Stealing workers’ cell phones and yelling racial slurs
- ‘Privately deporting’ workers by forcing them onto a bus¹¹ and ordering them to return to Mexico¹²

On Fish Farms:

- Farmworkers’ wages were **stolen**
- Workers were routinely **exposed** to pesticides¹³
- Workers had to wash their clothes in a nearby river
- DOL Investigators regularly found the farm in violation of the law¹⁴

In 2021, Fish Farms closed and re-opened under new ownership. Jon Esformes, the first grower to sign onto the Fair Food Program in 2010, bought the farm, re-named it Smoky Mountain Family Farms, and promptly brought it into the Fair Food Program.

Today, the Fair Food Program guarantees the industry’s highest level of human rights protections at Smoky Mountain Family Farms, including:

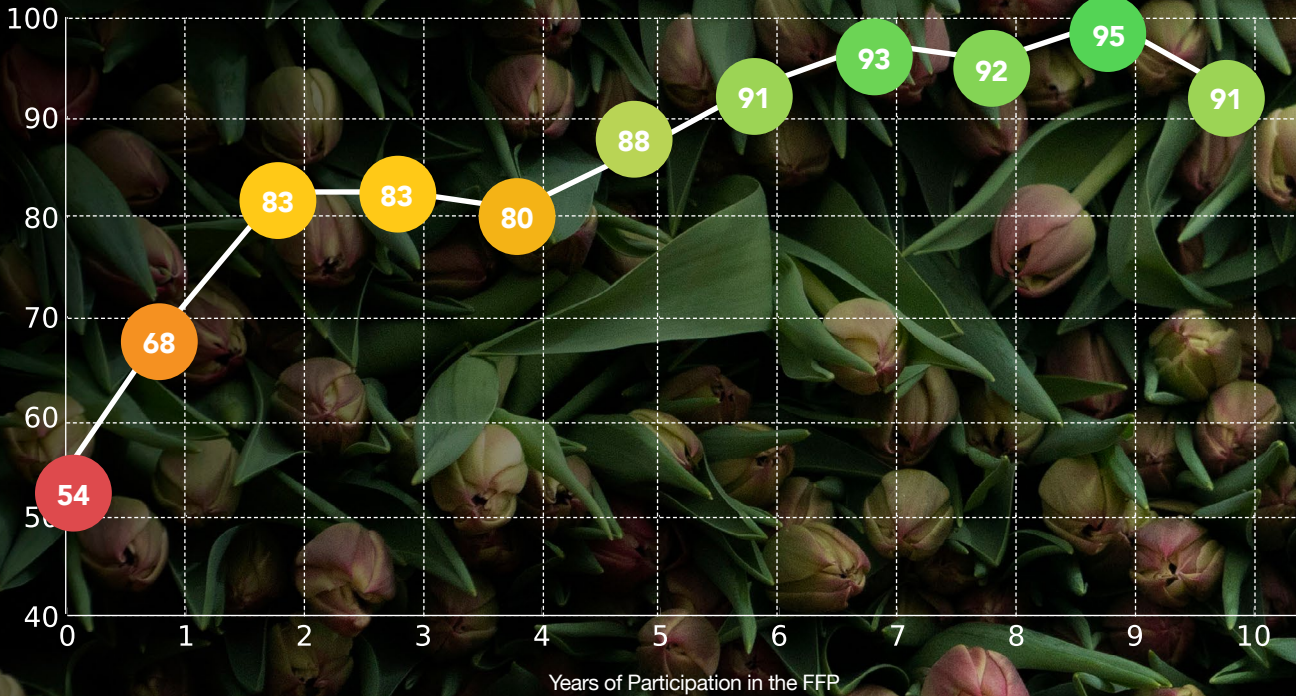
- The farm maintains an FFP-mandated timekeeping system to prevent wage theft
- Workers receive the Fair Food Premium on each paycheck
- Workers receive on-the-clock, worker-to-worker education on their rights
- Workers enjoy air-conditioned housing complete with a washing machine for clothes

The FFP’s worker-defined and enforced Code of Conduct:

- Guarantees a safe working environment of mutual respect
- Prohibits retaliation and discrimination
- Ensures workers are the frontline monitors of their own rights

CHARTING
PROGRESS IN THE FFP

Participating Growers’
Compliance Score over Time (out of 100)



WOMEN IN THE FIELDS



“Sometimes bosses cross the line and you [The Fair Food Standards Council] all are there to defend us. I’ve noticed such a large improvement. I feel so much confidence in you and FFSC because of your ability to change a supervisor’s attitude. [My supervisor] is respectful now and treats us fairly. My work experience has improved so much, I even joke around with her now and we get along. You all truly protect us, I can’t imagine what would happen to us at work without you.”

~ Farmworker speaking with FFSC auditor, 2019

The myriad abuses endemic to US agriculture are often felt most acutely by women farmworkers, who make up around a quarter of the total workforce yet are disproportionately vulnerable to abusive farm bosses and crewleaders.¹⁵ According to one survey, 80% of farmworker women reported having been sexually harassed or assaulted.¹⁶ Confronting this acute crisis, the Fair Food Program was designed and led, in part, by farmworker women whose lived experiences provided the crucial insight needed to resolve and prevent

sexual violence, discrimination, harassment, and misconduct of all kinds.

Turning Lived Experience into Transformative Power

Speaking from personal experience, Nely Rodriguez, a former farmworker and CIW staff member, recalled to a reporter from Fast Company that when she “first came to the U.S. and started working on farms, she knew very little about her rights as a worker, or what kind of recourse she had if a boss physically hurt her or behaved inappropriately. ‘It was well known that when a new woman would come and work on the crew, [bosses] would just pick them out as their own,’ she recalls. ‘Sometimes they wouldn’t let the men working on the crew talk to women, because the idea was the women on the crew were the property of the crewleader.’”¹⁷

Under the Fair Food Program, supervisors and farmworkers alike are now trained and motivated to be respectful of others working in the fields, or risk disciplinary action and loss of employment. Sexual harassment with physical contact is a zero-tolerance offense requiring

termination of the perpetrator, or employers risk suspension from the Program and being cut off from selling to some of the biggest corporate buyers of produce. The Know Your Rights and Responsibilities handbook provided to all farmworkers in the FFP at the point of hire as well as every worker-to-worker education session emphasize the right to work without harassment.¹⁸

An opinion piece published by The Washington Post delves into the “stunning” concrete gains women have made in safeguarding their rights under the Program, stating, “given the exploitative starting point of big agriculture, the transformation [seen in the FFP] is nothing short of miraculous.”¹⁹

It was for these reasons and more that, in 2023, the US Department of Labor highlighted the transformative impact the FFP has on combating sexual violence and harassment, stating: “The grievance mechanism component of the FFP is regarded as having successfully eradicated sexual harassment and coercion in Florida’s agricultural fields, one of the world’s toughest labor rights environments.”²⁰

The recent Harvard Law research study mentioned in the preceding section explored how the FFP has evolved to respond to the specific needs of farmworker women: “CIW quickly saw the complete lack of appropriate anti-sexual harassment training material for farm labor. With the support of a Department of Justice grant, the CIW, Fair Food Standards Council, and Pacific Tomato Growers/Sunripe partnered with VIDA Legal Assistance and Futures Without Violence to develop training material for farmworkers and supervisors. The new program is groundbreaking in its anti-sexual-violence and -sexual-harassment curriculum for agricultural workers—farmworkers, crew leaders, supervisors, and senior management. The new training, combined with the foundational elements of the Fair Food Program, has effectively eliminated sexual assault and greatly reduced sexual harassment through safeguards, reporting, and consequences. Across the Fair Food farms, workers and management have seen that harassment that would never have been reported in the past such as ‘a slap on the butt, an arm on the shoulder,’ now results in the firing of the supervisor or crewleader.”²¹

Illustrating how the FFP has worked to empower women, one farmworker told a journalist who visited an FFP farm:

“Before I joined the company, I’d always moved from one farm to the next. There wasn’t much respect.” “People have rights here,” a worker who identified herself as a sexual

abuse survivor explained, stating that she was very happy to have remained on the FFP farm for the last six years.

Complaint Resolution and Prevention

During the 2022-2023 season, a series of sexual harassment complaints about a particular supervisor were reported by workers and investigated and resolved by the Fair Food Standards Council, in collaboration with the Participating Grower. The supervisor, who was found to have engaged in a course of conduct that constituted harassment, received a final disciplinary notice and was required to make a public apology to the workers he normally supervised as a condition of continuing employment.

The script of his apology was written by the FFSC and approved by the Participating Grower. Representatives of the Fair Food Program as well as upper management of the grower were present at the meeting. This type of resolution has been effective in conveying re-education on the Program’s work environment policies and clearly demonstrates to workers and supervisors alike that offending conduct will be reported, investigated, and sanctioned. Beyond this, it reinforces that workers who raise complaints are respected and protected from retaliation of any kind. Following this meeting, one worker, who had experienced sexual harassment by the supervisor, thanked FFSC investigators, saying: “One thinks that those in power are

in some way untouchable... in reality we have our rights.” Another worker approached FFSC staff to say: “I believe that [FFSC] did a very good job, I never thought I would hear him apologize. I really like how you did it.”

During the harvest season following the supervisor’s public apology, FFSC auditors interviewed 20 workers who were working on or near this supervisor’s crew to confirm there were no further instances of harassment. All 20 reported that the supervisor had immediately ceased violating the Code of Conduct and now had a more respectful presence in the fields. One worker told auditors: “We are comfortable, now we can speak [up] without fear [of retaliation],” while another said to an auditor: “You motivate me to have no fear.”

Growers in the FFP also know and understand the benefits of its anti-harassment rules. Reflecting on the Program, and the history of abuse in Florida, Gwen Cameron, co-owner of Rancho Durazno in Palisade, CO, shared, “I hope those types of abuses are not happening, but the point is, we don’t know. That’s what [this Program] is for.” Jon Esformes, CEO of Sunripe Certified Brands and the first grower to join the Fair Food Program in 2010, said: “There was no question in my mind that bad things were happening in agriculture and on farms, not just my own, but farms across the country – things that I did not know about and had no mechanism to find out about. This gave me the tool.”



FFP DOMESTIC & INTERNATIONAL EXPANSION



“Before the FFSC came they did not give us any cooking appliances or utensils. They did not even give us blankets. Once [the grower] entered the FFP, all these essential items were provided by the company, and it has dramatically improved our quality of life.”

~ Farmworker speaking with FFSC auditor, 2023

DOMESTIC EXPANSION

A Watershed Year of Expansion

In 2022 and 2023, with the support of members of the Rocky Mountain Farmers’ Union, the Fair Food Program added farms growing sweet corn, peaches, melons, apples, and onions in Colorado. Rancho Durazno, a farm in Palisade, CO, was the first in the state to join the FFP. “It’s a good way to communicate our values to our customers,” Rancho Durazno’s co-owner Gwen Cameron told a local reporter. “I think the general public has become more aware of and interested in the treatment of ag workers and the Fair Food Program made me realize we need to do a better job of sharing our story,” she continued.

USDA Support for FFP Expansion

In September 2023, the U.S. Department of Agriculture announced an unprecedented new initiative - the Farm Labor Stabilization and Protections Pilot Program (FLSP), which includes significant incentives for farms to join the Fair Food Program. The FLSP is designed to assist growers in their efforts to maintain a stable workforce, as the country continues to struggle with longstanding immigration issues without significant success. The initiative’s worker-protection elements are intended to address the growing human rights crisis in the H-2A program (see the World Outside the FFP Section below).

Specifically, the program supports growers who use H-2A guestworkers, with a particular focus on workers from Northern Central America, and make an affirmative commitment to higher worker protections. The highest (or “Platinum”) level awards are available only to employers who ensure improvements in benefits to workers, and either a) join a Worker-driven Social Responsibility Program, b) have a collective bargaining agreement or, c) agree to neutrality, access and voluntary

recognition in the event that workers wish to form a union.

This marks the first time that a federal agency has designated joining a WSR program as an objective measure of an agricultural employer’s commitment to workers’ rights and a decisive indicator of a grower’s qualification for US government financial support.

In June, United States Department of Agriculture Secretary Tom Vilsack chose an FFP participating farm in Colorado as the location for a press conference to officially announce the launch of this historic public/private collaboration to protect farmworkers’ fundamental human rights, including the announcement of millions of dollars in grants to farms that already do, or will soon, participate in the FFP.

Based on this significant motivation, 27 new growers across 13 new states and many new crops have joined, or will be joining, the FFP by 2025.

Cruz Salucio of the Coalition of Immokalee Workers and Judge Laura Safer Espinoza of the Fair Food Program were invited to join the Secretary at Rancho Durazno for a

press event, as well as for a private roundtable to discuss farm labor dynamics. Several FFP growers and workers from participating farms, as well as Colorado-based non-profits, were also present.

Gwen Cameron, the co-owner of Rancho Durazno, told those in attendance that, “The USDA took a similar approach (to the Fair Food Program) in creating the Farm Labor Stabilization and Protection Pilot, providing accountability and meaningful financial support to farms working to make significant improvements in the lives of their workers.”

Secretary Vilsack echoed that message, stating that “Improving working conditions and quality of life for farmworkers, both U.S. based workers and those that come to our country to work, is one key step in building a stronger, more resilient food supply chain.”

On behalf of CIW, Cruz Salucio told the public, “We are very happy to join with the USDA today in launching this project and providing this incentive to growers who want to bring H-2A workers with stronger protections so

that workers can enjoy a safe and fair workplace as they contribute not just to their families’ well-being, but to that of the country as well.”

As this report is being written, CIW Education team and Fair Food Standards Council staff are on the road carrying out education sessions and entry audits, bringing the Program’s protections to many more workers in new locations. By the end of 2025, the FFP will be present on farms in half the states of the continental United States.



INTERNATIONAL
EXPANSION

In February of 2023, the U.S. Department of Labor (USDOL) announced a grant of \$2.5 million to help protect farmworkers’ fundamental human rights beyond the borders of the United States through a pilot project for the international expansion of the Fair Food Program. The USDOL press release pointed to the need for the Program’s protections: “Agricultural supply chains around the world are rife with labor violations, including child labor and forced labor... Administered by the department’s Bureau of International Labor Affairs, the project will promote grassroots worker-driven social responsibility in agricultural supply chains.”

Through this initiative, the Fair Food Program has already certified the international operations of FFP participating flower grower Bloomia (the largest cut flower producer on the east coast of the U.S.), in Chile and South Africa. As Bloomia CEO Werner Jansen stated in announcing the expansion, “If a company as large and successful as Bloomia can partner with a worker-driven social responsibility

program like the Fair Food Program, there is no reason why the rest of the industry shouldn’t be able to meet that same gold standard for human rights protections in their supply chains as well.”²²

From that initial platform, the FFP is exploring further expansion to more growers and different crops in those countries through collaboration with local worker and human rights organizations, existing FFP Participating Buyers, and local retail food buyers that are not yet part of the Fair Food Program.

In April 2023, a delegation from the Chilean Ministries of Labor and Agriculture visited the FFP in Florida. Inspired by the Program’s success and their interactions with workers, growers, buyers and ILAB representatives, the Chilean delegation extended an invitation to the FFP to share its expertise with key government officials, including the Labor Directorate, the Undersecretariat of Labor, and the Ministerial Advisory Commission for the Elimination of Forced Labor (CAMTRAFOR).

Notably, the FFP was also designated as an International Advisor and

Strategic Ally to Chile, providing crucial support for Chile’s efforts as an Alliance 8.7 Pioneer Country – the only non-Chilean organization to receive that designation.

In that capacity during its September 2023 visit to Santiago, the FFP provided a presentation on its experience and best practices in the detection, investigation and prevention of forced labor cases, to a special meeting of CAMTRAFOR.

The FFP was also a principal presenter at a seminar organized by the Chilean Ministry of Agriculture’s Office of Agricultural Studies and Policies (ODEPA), the International Labor Organization (ILO), and the Food and Agriculture Organization of the United Nations. In another first for the FFP, the ILO of the Southern Cone of Latin America and the FFP formalized a Memorandum of Understanding, representing a commitment to collaborate on dissemination of knowledge and information about the worker-driven model of social responsibility. As the FFP continues to explore further expansion in Chile, it is in conversations with one of the country’s largest grower associations. At the same time, current FFP



Participating Buyers are strongly encouraging suppliers that have operations in Chile to become part of the FFP. These efforts have the potential to bring FFP protections to thousands more agricultural workers in the coming years.

During the FFP’s conversations with worker and human rights organizations in Chile, the situation of workers in the salmon industry – and in particular the high level of risk, injury, and mortality faced by divers in that industry – was repeatedly brought to the attention of Program representatives. With the encouragement of one of the FFP’s

Participating Buyers and their Chilean supplier, a pilot in that industry is currently being explored. To that end, a series of meetings were held with unions representing salmon workers (including divers), government experts, and salmon companies.

In the spring of 2024, a delegation of worker representatives and government advisors on labor issues impacting the salmon industry visited Immokalee. In addition to seeing the FFP in action and hearing from Participating Growers and Buyers, these workers began to brainstorm what a Code of Conduct should look like for their industry, including

how to eliminate the root causes of accidents that have caused so many tragic deaths and disabilities for their co-workers.

Finally, in June of 2023, the FFP carried out its first successful certification in South Africa. FFP representatives also held a series of productive meetings with unions, worker and human rights organizations, academics, and legal advocates. Follow-up conversations led to plans for a second certification in the fall of 2024, this time in the fruit industry, of a grower that employs several hundred workers on the Western Cape.

MODELING BEST PRACTICES, SHAPING POLICY

Both the CIW and FFP have had profound impacts on government policy throughout the years, and as the reach of the FFP grows, so too does its influence in the political sphere. Below is a partial list of policy accomplishments of the CIW/FFP:

- The CIW pioneered the worker-centered and multi-sectoral approach to slavery prosecution, helping to shape the Victims of Trafficking and Violence Protection Act (TVPA)
- Through sharing of best practices for slavery investigations, the CIW influenced the DOJ to create the Anti-Trafficking Unit, which implemented the victim-centered model using a human rights approach to forced labor investigations, instead of an organized crime approach
- The CIW, as a expert in anti-slavery investigations, has trained the FBI, CBP, ICE/HSI, Department of Defense/Southern Command, Florida Dept. of Law Enforcement (FDLE), Collier County Sheriff’s Department Anti-Trafficking Unit, U.S. Attorney’s Anti-Trafficking Task Forces (Tampa and Miami districts), North Carolina State Troopers Training Academy, and more
- The FFP has formed separate partnerships with both the DOL and USDA to support the expansion the Fair Food Program internationally and domestically
- The CIW’s supply chain responsibility practice of identifying and publicly naming suppliers and buyers connected to crewleader complaints is now a common practice within the DOL
- The FFP has been designated as an International Advisor and Strategic Ally to Chile, providing crucial support for Chile’s efforts as an Alliance 8.7 Pioneer Country

WSR’S INTERNATIONAL EXPANSION



“We need to make sure that the only model that is given any credibility and is demanded by the supply chain is something that centers workers. Because otherwise, it’s all just a waste of time.”

~ Chris Williams, fisheries expert with the UK-based International Transport Workers Federation working with the CIW and FFSC on the development of a pilot program for workers in the UK fishing industry (July 2024)

WSR Early Replications Expand the WSR Model to Asia, Africa

The launch of the Fair Food Program in 2010 not only marked the birth of an innovative new solution for preventing forced labor and other extreme abuses in the fields, it also brought forth a replicable and scalable model for low-wage workers in global supply chains to define and secure their human rights in diverse workplaces around the world. The CIW named this new model “Worker-driven Social Responsibility” (WSR) to distinguish the worker-led approach from the audit-based Corporate

Social Responsibility (CSR) model, which had been the dominant paradigm for monitoring human rights in corporate supply chains for nearly three decades, despite its widely-documented failure to address egregious and long-standing human rights violations.

News of the FFP’s early success quickly drew attention from workers around the globe who saw a potential solution to their own workplace abuses in the Program’s unique underlying structure, driving the rapid replication and expansion of the WSR model to industries on multiple continents. Two years after the launch of the FFP, organizations representing garment workers from Bangladesh consulted with the CIW and FFSC as they sought to adapt the new model to the textile industry, with a particular focus on factory safety following the horrific and entirely preventable Rana Plaza collapse that killed over 1,100 people. In 2013, that dialogue between the worker community in Immokalee and workers and their representatives in Bangladesh helped shape the Accord on Fire and Building Safety, bringing together garment

workers, textile factory owners, and dozens of international clothing brands to protect nearly 2 million garment workers in Bangladesh. Based on the Accord’s success, the original agreement – now known as the International Accord for Health and Safety in the Textile and Garment Industry – was expanded in 2023 to protect over a million more workers in Pakistan.

One year after the launch of the Accord, in 2014, dairy workers in Vermont “initiated an ongoing dialogue with Florida farmworkers... to learn about their successful experiences with the Campaign for Fair Food... [and] adapt the core concepts of their Fair Food Program to the Vermont dairy context.” That dialogue resulted in the second major replication of the WSR model with the launch of the Milk with Dignity Program (MD) in 2017, when Ben & Jerry’s signed a legally-binding agreement with the dairy workers’ organization, Migrant Justice, to require its milk suppliers to comply with the MD Code of Conduct.

Two years later, labor unions and

women’s rights groups from Lesotho in Southern Africa visited Immokalee for an intensive, in-person exchange to learn about the structure and function of the Fair Food Program from the workers who authored the model. The organizations had been fighting endemic sexual harassment and assault in Lesotho’s textile industry for years without satisfactory results. When a high-level investigation and report on the unconscionable extent of the sexual violence crisis in Lesotho was released by the DC-based Workers Rights Consortium (WRC is a participant in the WSR Network and a principal driver behind the Bangladesh Accord), the public pressure on retail brands to address the human rights crisis in their supply chains grew to a crescendo. That pressure resulted in an historic agreement in 2019 among the worker and human rights organizations, the retail brands (including Levi Strauss & Co. and The Children’s Place), and the workers’ direct employer (the Nien Hsing Textile Co), marking the third major replication of the WSR model and the second such replication outside the US. By the end of its first full decade in existence, the WSR model had grown to be in full operation on three continents.

2020s See Further Growth, Expansion to UK, Chile, and South Africa

While the early years of the current decade have witnessed the rapid, and accelerating, domestic expansion of the Fair Food Program (as discussed in previous sections of this report), the international expansion of the FFP – and the broader WSR model to which the FFP gave rise – has not lagged far behind. And while the initial international expansion was previously spurred by the early, and unprecedented, success of the Fair Food Program on the ground in the US, the overseas expansion today is experiencing a powerful new tailwind, particularly within the context of the European Union. That is the emergence of the concept of Human Rights Due Diligence and, most recently, of due diligence laws requiring corporations not to simply audit their supply chains for human rights compliance, but to take active measures to identify, remedy, and prevent human rights risks.

In other words, the emergence of Human Rights Due Diligence laws in the early 2020s has raised corporate responsibility for human rights compliance in supplier operations from a “should” to a “must” for many of the world’s largest corporations. And in the process, this extraordinary advance in the world of mandatory supply chain compliance has made the WSR model’s most distinctive characteristic – its singular focus on,

and track record of, human rights enforcement – now its greatest advantage in the ongoing competition for corporate adoption between the failed-but-still-dominant CSR paradigm, on the one hand, and the proven-but-still-nascent WSR paradigm, on the other.

In the UK, a project bringing together the International Transport Workers Federation (a global trade union with 670 member unions representing over 18 million transport workers); human rights experts from the academic and NGO communities (including the UK-based NGO Focus on Labor Exploitation, or FLEX, and Dr. Jess Sparks with Tufts University, a leading expert on human rights in the global seafood industry); and the Scottish White Fish Producers Association (or SWFPA, representing the vessel owners and employers of fishers in the northeast of Scotland), has forged a partnership to explore the adaptation of the FFP and the WSR model to address longstanding human rights issues in the UK fishing industry. In January of 2024, following nearly two years of careful planning and discussion – including multiple in-person exchanges, bringing UK-based partners to Immokalee to see the FFP in operation and learn about the WSR model from the workers, growers, and buyers who built it, and taking

US-based partners from the FFP to Scotland and Northern Ireland to see the UK fishing industry and meet key industry leaders – the partners announced plans to launch a two-year pilot program in the coming year.²³ The initiative, tentatively dubbed the Fair Seafood Programme, will begin in the North Sea off the coast of northeast Scotland, with plans to expand to protect thousands of fishers throughout the UK.

Thanks in no small part to the rise of due diligence laws, the UK pilot project has engendered tremendous interest among retailers in Europe and in the seafood industry more broadly – a global industry with a long history of harsh and dangerous working conditions, including many shocking reports of violence against workers and forced labor. The pilot’s success could be pivotal to the further expansion of the WSR model to countless workers in urgent need of the power of the model’s unique protections.

Growing interest in the WSR model in the EU has also given rise to another collaboration, launched earlier this year with worker organizations in Spain’s produce industry, with a particular focus on the Almeria region in southern Spain, a hub of the Spanish produce industry where

immigrant workers from North Africa travel to harvest fruits and vegetables in often harsh conditions. While this collaboration is still in its early days, virtual exchanges have begun, and one in person exchange took place in Almeria in the spring of 2025. Spain’s fields and greenhouses feed much of Europe, and many of the same major retailers involved in the UK fishing pilot planning are also major buyers of Spanish produce, leading to the possibility of significant synergy between the two still nascent projects.

The thread running through all these WSR expansion efforts, from the very earliest in the textile factories of Bangladesh to the very latest in the sugarcane fields of India, is the leadership of workers themselves in the development and implementation of the adaptation process. As an article on the expansion of the WSR model in the online journal Vox wrote in July, 2024:

The exploration of worker-driven social responsibility across different industries doesn’t just center workers – it’s led by them, too. The Coalition of Immokalee Workers is involved in all of these developing projects as the expert and original pioneer of this emerging field. “With [worker-driven social

responsibility, we’re no longer letting the foxes guard the henhouse,” [Lucas] Benitez, co-founder of the CIW, told me. “We as workers are protecting our own rights.”

That essential nature of the WSR model is the single most important reason for its success. It is why the model has the singular focus on enforcement that it does -- because the workers whose rights are on the line would have it no other way, and as the architects of the model they took pains to build it with the mechanisms and the power necessary to enforce their own rights.

And that focus on enforcement is why the WSR model will continue to expand in the future, because, as the early years of this decade have shown, the rest of the industry is finally beginning to catch up with workers in demanding demonstrable respect for human rights, and no longer settling for just the appearance of compliance. When the industry commitment to true human rights compliance rises to the level that it intersects with the workers’ inherent insistence on enforcement, the CSR model will finally be a thing of the past and the WSR model will be the dominant paradigm for 21st century supply chain management.





THE WORLD OUTSIDE THE FFP: THE CIW'S ANTI-SLAVERY EFFORTS AND THE H-2A PROGRAM



The transformative nature of the Fair Food Program is perhaps best measured through contrast. Abuses long eradicated under the FFP's protections – including forced labor, sexual assault and dangerous working conditions – are far too prevalent on farms beyond its reach.

That is why, outside the FFP's proven protections, the CIW still works every day to uncover, investigate, and refer forced labor cases to state and federal law enforcement agencies, and to assist the authorities in the

prosecution of those multi-state criminal operations in federal court.

Press releases by the Department of Labor, as well as investigative journalist reports, have increasingly been making the connections between the suffering of workers in cases of forced labor and produce marketed on the shelves of many retailers. The consuming public wants assurances that the food they buy from attractive displays was not harvested under conditions of modern-day slavery. Only when

retailers²⁴ supply chains are covered by the Fair Food Program, to the fullest extent possible, will such assurance be possible.

What is forced labor?

It is important to note that the CIW does not use the term "forced labor" metaphorically. In this section of the report, as in the CIW's anti-slavery work, the term is used as defined under U.S. criminal law (below).

Trafficking with Respect to Peonage, Involuntary Servitude, or Forced Labor:

A person violates 18 U.S.C. § 1590 if he or she "knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of the statutory provisions prohibiting peonage, slavery, forced labor, and involuntary servitude."

The laws prohibiting forced labor, involuntary servitude, and peonage stem from the 13th Amendment of the Constitution ratified just after the Civil War. Prosecutions of farm labor operations for violating those laws must meet a high standard of legal proof.

The crime involves restraint on a person's freedom, particularly their freedom of movement, and includes everything from taking away workers' passports, to making death threats to families back home, beatings, pistol-whippings, and shootings, if workers try to flee. Traffickers control a worker's employment and housing, as well as their initial transport to the job, rides to and from the field, access to visitors, and even communication with the outside world (such as calls to family). In such instances, workers are not free to come and go, their will is overborne, whether they are immigrants, U.S. citizens, or in the country on a non-immigrant temporary work visa in the H-2A program.

Over the past 30 years, CIW human rights investigators have uncovered numerous such operations spanning dozens of states and three countries. The U.S. Department of State called the CIW a "pioneer" in the worker-centered and multi-sectoral approach to slavery prosecution, and hailed the CIW's work on some of the earliest seminal cases in the 1990s as the "spark" that ignited today's national anti-trafficking movement.²⁵ In the collaborative model adopted by the U.S. government as best practice today, CIW investigators work with sheriff's deputies, state troopers, FBI agents, the US DOJ, and others to bring traffickers to justice.

Forced Labor and the H-2A Program

Over the last 10 years, the percentage of H-2A workers, also known as "guestworkers," in the country's overall farm workforce has grown rapidly. The past decade

has also seen an increase in the percentage of trafficking victims who are guestworkers, and in federal prosecutions of the traffickers who use the guestworker program to obtain labor. H-2A visas and contracts tie foreign workers to a given employer and industry, making it effectively impossible to leave an abusive employer. Guestworkers on non-FFP farms can face deportation, blacklisting, or other retaliation if they complain about abuses.

While responsible employers applying to use the guestworker program are the norm, some misuse the program to traffic workers into the US, engaging in violence, coercion, and the use of fraudulent debt to prevent workers from leaving to work elsewhere.

In 2015, CIW human rights investigators discovered a multi-state human trafficking operation involving workers harvesting onions in Georgia. In 2016, the CIW uncovered a second multi-state operation involving workers harvesting watermelons in Florida. Both cases involved guestworkers brought into the country on H-2A visas.

The work necessary for a forced labor case to move from discovery to prosecution – including successful referral to law enforcement, further investigation, and case development – can take several years. In 2023, after seven years, defendants in the Florida-based watermelon case, *USA v. Moreno, et.al*, were sentenced. That case involved dozens of guestworkers in five states from Florida to Kentucky. As of the publication of this report in 2024, the Georgia-based case, named "Operation Blooming Onion" by the federal multi-agency task force managing the prosecution, remains ongoing. It involved operations in four states and multiple crops, including blueberries. It is considered the largest human trafficking prosecution ever carried out in the United States, and one of the most brutal.

We are including a detailed description of the "Operation Blooming Onion" case in this report because it is a window into the abuse that workers can suffer on farms outside the Fair Food Program.

Operation Blooming Onion – A Case Study of Preventable Abuse

In 2015, the CIW received a call from a guestworker who reported that she had witnessed a series of violent incidents while working in onions in southern Georgia, including the beating death of one worker by his boss's henchmen. She went on to allege that the employers were bringing in hundreds of workers every year on guestworker visas, charging them thousands of dollars, at least half of which would be worked off through free labor. When workers asked for their confiscated documents, or their withheld pay, they were threatened with guns, their families' lives in Mexico were threatened, and they were often confined to remote trailers for days on end as punishment. In 2016, after over a year of intensive work by CIW investigators and communication with authorities, federal law enforcement agencies agreed to take the case. After five years of investigation, in November 2021, over 200 federal officers conducted a pre-dawn raid in southern Georgia, rescuing hundreds of guestworkers and executing over 20 search warrants.

Federal officials then held a press conference in Waycross, Georgia, to announce "Operation Blooming Onion," a transnational multi-year federal investigation into labor traffickers involving 70,000 guestworkers from Mexico, Guatemala, and Honduras, including hundreds of farmworkers trapped in brutal conditions on US farms, mostly harvesting onions and blueberries. The operation's massive scope included Georgia, Florida, Texas, and Indiana.

The USDA called Blooming Onion the biggest sting operation of labor trafficking in US history.

A federal grand jury in Brunswick, Ga, indicted 24 people for conspiring to engage in forced labor and other related crimes. Federal prosecutors accused the defendants of requiring workers to pay illegal fees to obtain jobs; withholding workers' IDs so they could not leave, forcing them to work for little or no pay, housing workers in unsanitary conditions, and threatening workers with deportation and violence if they complained. Two workers died as a result of heat stress, according to the indictment. Court records say five workers were kidnapped and one of them was repeatedly raped. There is often a nexus between forced labor and sexual violence – crimes that only happen in situations of extreme imbalance of power.

The prosecution is ongoing and several defendants have already been sentenced – one of them to 30 years in prison, after pleading guilty to conspiracy to engage in forced labor.

An article in the online journal *Politico* from April of 2022 pointed to the deeper systemic issue underlying the horrific details of the case:

*"It wasn't until one worker reported the abuses in 2016 that the federal government caught on, launching a 5-year, multi-agency investigation... the blockbuster nature of the abuses uncovered in Georgia, and the level of impunity with which the violators operated for so long, have drawn renewed attention to the flaws in the federal visa program, even as demand for farmworkers has intensified in a historically tight labor market."*²⁶



Prevention in the Fair Food Program - A Clean Channel for Recruitment

When the first H-2A workers began appearing on Fair Food Program farms in the 2014-15 season, FFSC auditors quickly identified multiple instances of illegal recruitment fees and extortion on the part of the workers' Mexico-based recruiters. By the end of the first season of H-2A visa workers' presence on FFP farms, it became evident that illegal recruitment fees were impacting an overwhelming number of H-2A workers. It was clear that the existing private recruiter networks were not a sustainable method for FFP growers seeking to hire guestworkers, while maintaining the integrity of FFP standards and worker protections.

Turning the FFP's systemic approach to identifying, remedying, and preventing new issues as they arise to address the many abuses faced by the Program's first guestworkers, the FFP's Working Group discussed several possible solutions to the problem, including the banning of guestworkers entirely from the FFP. Before reaching that decision, however, the FFSC moved to vet a possible solution to the H-2A recruitment issue that originated with a suggestion from workers in the FFP themselves. Those workers reported that their relatives had been recruited to work on farms in Canada through the Mexican Secretary of Labor and Welfare's National Employment Service (SNE) for multiple years, without having to pay illegal recruitment fees. In order to verify the workers'

accounts, the FFSC engaged in a series of discussions – including a fact-finding trip to Mexico – with US State Department personnel; representatives of the SNE; the Mexico-based human rights NGO's 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).

Based upon that comprehensive vetting process of the SNE's services, the FFP designated SNE as the sole recruitment channel for H-2A workers from Mexico to Fair Food Program farms, in a pilot that was subject to evaluation. Combined with the FFP's direct hire requirement – which eliminates the power of farm labor contractors, typically the perpetrators of forced labor – the requirement that FFP Participating Growers only use the SNE to recruit workers gave

the FFP significant visibility into the hiring, transport and employment of H-2A workers in the program and eliminated the vast majority of risk experienced in the guestworker program on farms outside the FFP.

Subsequent experience has confirmed that this "clean channel" recruitment mechanism, incorporated in the FFP Code of Conduct and implemented as of January 2017, has eliminated otherwise endemic illegal recruiting fees, as well as protected workers against discrimination, retaliation, and/or any other abuses in the H-2A recruitment or retention process. When isolated incidents of corruption have arisen, workers have felt confident and safe in reporting them, and the issues have been investigated and addressed promptly in an effective and collaborative process by FFSC, SNE, and the Participating Grower.

Like many other systemic solutions in the FFP, this pilot with SNE was worker-driven – from its inception rooted in worker experience and voice, to the creation of materials for Mexico-based worker education – and it continues to be monitored and improved by worker feedback on a constant basis.

While it is impossible to entirely eliminate any risk of exploitation, it is clear that if the Georgia onion and blueberry farms involved in "Operation Blooming Onion" had been Fair Food Program farms, workers there would not have been recruited through illegal private recruiters, would not have worked for the crewleaders responsible for this vast system of abuse (but rather would have worked directly for the farms themselves), and so would not have suffered the horrendous abuse uncovered in that case.





NEW FAIR FOOD PROGRAM HEAT ILLNESS PROTECTIONS



“They put up shade this year. We have been complaining for years, and with one discussion last year [from the CIW’s education team] and one visit to the field [by FFSC’s audit team], they finally paid attention to us and put up shade. That’s a very big help... they paid attention to our concerns.”

~ Farmworker speaking to an FFSC auditor on a newly certified FFP farm

In recent years, the risks posed by rapidly-rising temperatures have become increasingly dangerous – and even deadly – for outdoor workers. In 2021, 200 of the world’s leading scientific journals, including The Lancet and the New England Journal of Medicine, published an [extraordinary joint editorial](#) calling rising temperatures and their consequences – including heat-related mortality – the “greatest threat to global public health” today. The Center for Disease Control and Prevention has consistently found that farmworkers are among the workforces most vulnerable to heat illness and death.²⁷ Whether it is an acute threat like heat stroke from exposure or a long-term ailment like kidney failure from chronic dehydration, heat-related dangers facing farmworkers are real and getting

worse. According to the National Institute of Health, farmworkers are 35 times more likely to die of heat-related issues than workers in other industries.²⁸

National media outlets have grown increasingly aware of the mounting dangers of rising temperatures faced by farmworkers and other outdoor workers. These are just a few of the headlines highlighting those dangers as the long-term health impacts of climate change become manifest:

“Overheated, Unprotected: Climate Change Is Killing US Farmworkers,” Bloomberg, 8/12/21;

“Unsafe Workdays for Farmworkers Could Double by 2150,” Modern Farmer, 5/6/20;

“Workers Are Dying of Heat Outdoors without Standards to Protect Them,” NPR 8/17/21.

Unfortunately, there is no existing national heat standard in the U.S.

In August of 2021, following weeks of research and discussion, the Fair Food Program did what it has done repeatedly in the face of serious risks to workers – analyze the problem,

identify its roots causes, and respond with new, enforceable standards that save lives and protect health. In this case, those standards were designed to protect workers from the growing threat of rising temperatures and the results of accelerating climate change.

As attempts to legislate solutions have stalled or even been rolled back, as in the case of Florida’s recent prohibition against the passage of measures by local jurisdictions to protect workers from heat exposure,²⁹ the Fair Food Program and its Participating Growers came together to create and implement life-saving measures. The Fair Food Program always had best-in-class guarantees of access to shade, clean water, and elective rest breaks. But in response to this growing threat – and in consultation with the Fair Food Standards Council and Participating Growers on the FFP’s Working Group (the collaborative body that provides essential feedback on emerging issues necessary to develop practical policies designed to remedy those issues) – the FFP studied the latest science, considered the logistical challenges of the agricultural workplace, and set forth a body of new, enforceable heat protection standards.

In addition to the [FFP Code of Conduct’s original provisions guaranteeing workers access to shade, water, and elective rest breaks](#), the FFP’s new “Heat Stress Illness Awareness, Prevention, and Response Plan” added several key new protections, including:

From April 15 – November 15

- **Mandatory Cool-Down Rest Breaks:** All crews engaged in harvesting must take rest breaks of no less than 10 minutes every 2 hours.
- **Increased Monitoring:** Crewleaders and HR staff must 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 must 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.

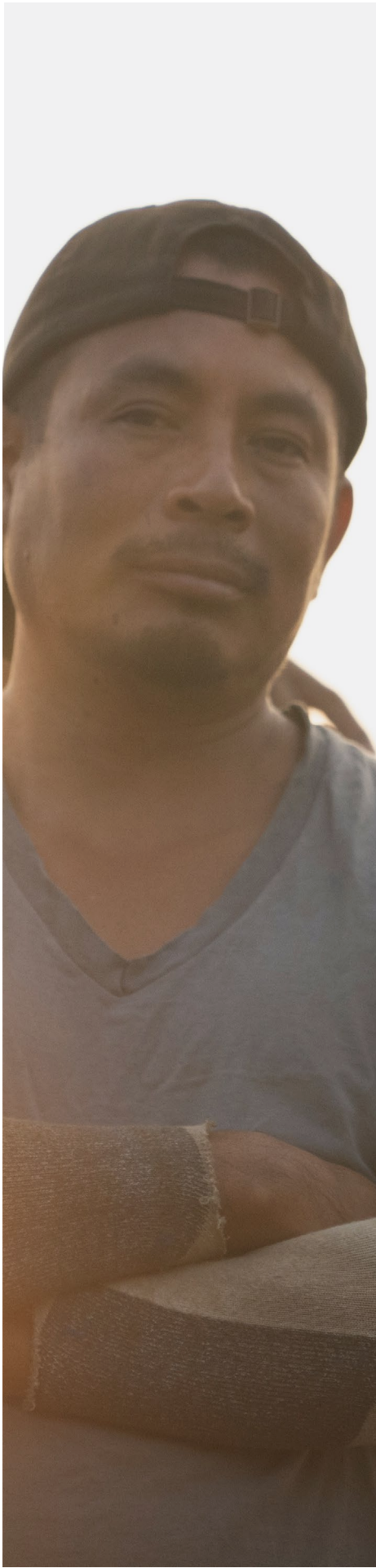
Additionally, the protocols were updated in time for the 2024 spring and summer harvests to include the mandatory provision of life-saving electrolytes to workers between April 15- November 15th. This is another critically important measure to address the risk of long-term damage to workers’ kidneys and other major organs, caused by dehydration.

In the words of Dr. Susan L. Marquis, visiting professor and lecturer at Princeton University’s School of Public and International Affairs, in a letter to the editor of the Miami Herald:

“As consumers – who buy the food, live in the housing and travel the roads harvested and built by the workers most affected by heat extremes – we have the power of the purse. Corporations – grocery store and restaurant chains, major developers of homes and office buildings – control the producers in their supply chains and the workers within.

Consumers, journalists and lawmakers need to hold these corporations accountable for the workers who support their businesses. The Fair Food Program’s heat illness prevention standards already are proven. Crews are staying hydrated and safe. As one farmworker reported, “We can do more than improve day-to-day health and safety conditions. We can prevent a father or mother, a daughter or son, from losing their lives.”

And in the words of a 35 year-old worker at Sunripe Certified Brands on his seventh H-2A contract with the company who was interviewed by the Washington Post, “If you start feeling bad, you rest... if it gets really bad, then you go home or see a doctor. That’s how it should be.” And that is why he keeps coming back to Sunripe. “I feel safe here.”





ENFORCEMENT RESULTS OVERVIEW



Throughout the Fair Food Program's fourteen seasons of implementation, FFSC has maintained a vast database comprising 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, from 0 to 100, based on weighted metrics developed to gauge compliance. This mapping provides an accurate reflection of trends and enforcement 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 and the impact of those standards on the labor practices of Participating Growers over time.

Specifically, this section documents the progress made, through audit corrective actions and complaint resolutions, in eliminating systemic issues that have long resulted in violations of the rights of agricultural workers, as well as in addressing individual grievances.

Overall trends in the data are clear. In a few short years, with its combination of worker-led identification of Code violations, third-party investigations and audits, and market-backed enforcement, the Fair Food Program had reshaped the practices of the Florida tomato industry, taking it from "ground zero for modern-day slavery," to what human rights experts recognize as "the best working environment in American agriculture." Similarly, the data show that as the Program expands to new Participating Growers across many new states and crops, compliance with FFP requirements improves dramatically

in the first few years as effective compliance systems are established. After five or six years, most minor non-compliances are also prevented through ongoing improvements of Participating Growers' systems and practices. Over time, the types of abuses that are still so prevalent outside the FFP are remedied – and ultimately prevented – by worker-led human rights enforcement.

For workers employed at Fair Food Program farms – the mothers who are no longer asked to leave their dignity at the farm gate just to feed their families, or the fathers who no longer fear violence or losing their jobs for complaining about unsafe conditions or missing pay – the progress brought by the FFP is personal and profound.

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 the audit measures that FFSC uses to gauge grower compliance.

 **Zero Tolerance**
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.



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

The Code requires the immediate suspension of a Participating Grower in the event of a finding of forced labor or child labor. Eligibility can only be reinstated at the end of the mandated suspension period and upon verification of required corrective actions to prevent another violation.

Supervisors found to have violated the Code’s provisions prohibiting forced labor, child labor, violence, and sexual assault are ineligible for employment at any Fair Food Program farms until mandated suspension periods of between two to five years have ended and retraining acceptable to FFSC has been completed. 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 of the farm from the Program, and ineligibility for purchases from Participating Buyers.

Through a combination of worker complaints and audit findings, the FFP and Participating Growers have worked together to rid the industry of its worst actors and abuses. During 15 seasons of FFP operation, FFSC has found only one case of forced labor on FFP farms. When workers and FFSC uncovered a forced labor case in 2016 – a case that arose because the FFP’s ineligible supervisor list was ignored by the grower who hired the perpetrator – the Program’s complaint notification and investigation procedures enabled the swift investigation, resolution, and successful prosecution of the individual responsible, resulting in the fastest prosecution for forced

labor, from discovery to sentencing, in modern US history. Following its suspension period, the farm impacted by this case implemented all FFP recommendations for tightening its systems and has remained at high levels of compliance ever since. There have been no further cases of forced labor on any FFP farms.

Sexual violence has likewise disappeared from FFP farms, employing tens of thousands of workers, and the days of impunity for sexual harassment with physical contact of any kind are over. One serious case in the Program’s first season of implementation resulted in swift and severe consequences for the offending supervisor, including termination of employment, banning from all FFP farms, and criminal prosecution. Those consequences became widely known to supervisors on all FFP farms. As a result of that effective enforcement of Code standards coupled with intensive education and monitoring, there have been no further cases of sexual violence, a total of only 25 valid cases that involved sexual harassment with physical contact of any kind, and no such cases since January 2022. In each case of sexual harassment with physical contact, 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 2010 and 2024, FFSC resolved a total of 19 cases that involved supervisors committing or threatening violence against workers, and there have been no such cases since June 2021. Complaint resolutions included terminations of offending supervisors and one

demotion from a supervisory position. Additionally, six 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.



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 investigators’ 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.³⁰

This unprecedented degree of insight into growers’ operations and management systems has helped to 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, and FFSC found systemic violations of transparency and cooperation standards at nearly 20% of Participating Growers during each of their first two years of FFP participation. For example, FFSC faced numerous instances in which farm management or field supervisors interfered with auditing by coaching or intimidating workers or otherwise made normal audit activity impossible.

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 investigators, 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.

After the first two seasons of FFP participation, FFSC found an 85% decrease in systemic violations of transparency and cooperation requirements, with an average of 59% of Participating Growers in seasons two through five of participation fully compliant or resolving any minor non-systemic findings promptly following receipt of their corrective action plans. Between their sixth to ninth seasons, on average 84% of Participating

Growers were fully compliant or resolved any minor non-systemic findings promptly. For the group of growers that have participated in the Program for ten seasons, that tenth season coincided with the COVID-19 pandemic, and compliance with audit document requests dropped; 62% of these growers were fully compliant or resolved minor issues promptly in their tenth season. During the 2021-22 season (the most recent for which compliance data is complete), 80% of Participating Growers were fully compliant or resolved any minor non-systemic findings promptly. Although FFSC still identifies occasional obstacles to full transparency and compliance – primarily in the timely provision of requested audit documents – a strong working relationship develops between FFSC investigators and Participating Grower staff. Any issues identified are resolved promptly, through a combination of growers’ disciplinary procedures and the corrective action process.



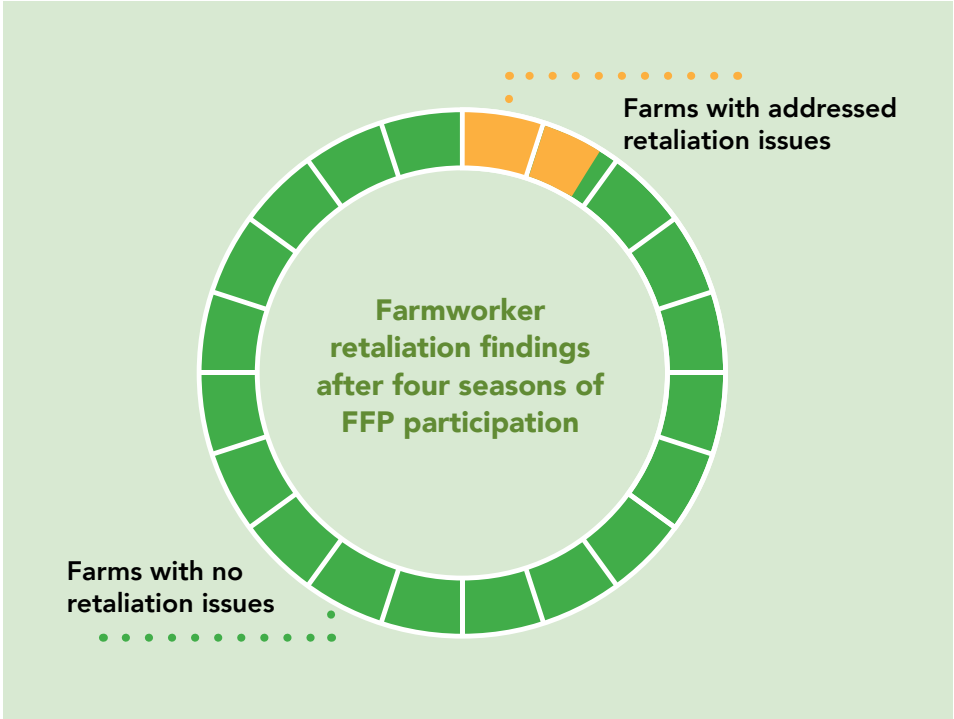
Complaint Procedure

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 CIW Education Committee members, and through hotline calls or audit interviews with the FFSC Investigators.

Workers learn of their ability to use the FFSC’s hotline through company training at the point of hire, worker-to-worker education sessions and FFP rights materials (video and booklet) drafted and designed by the CIW, interactions with FFSC field investigators, and 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.

On 91% of participating farms, findings of retaliation no longer occur after four seasons of FFP participation. On those 9% of 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. They did not involve any worker terminations.



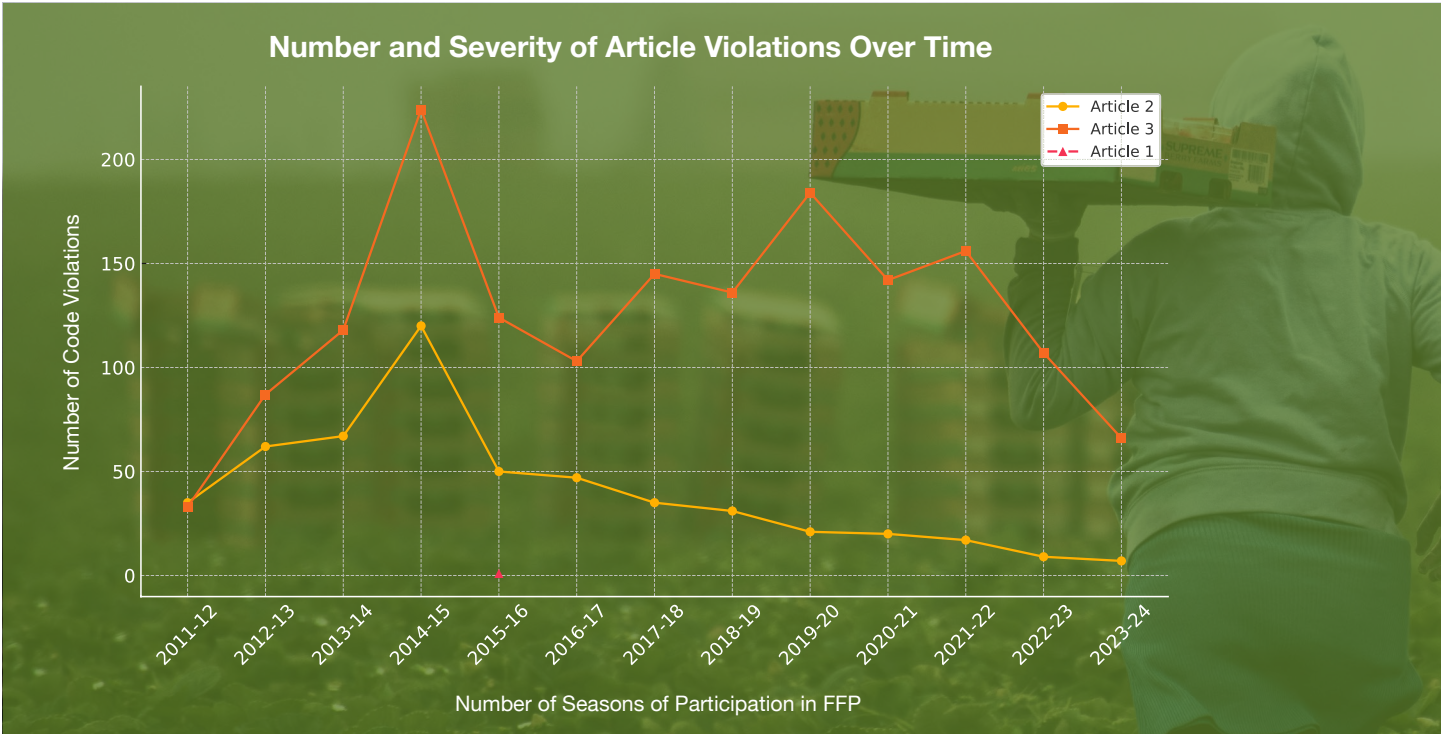
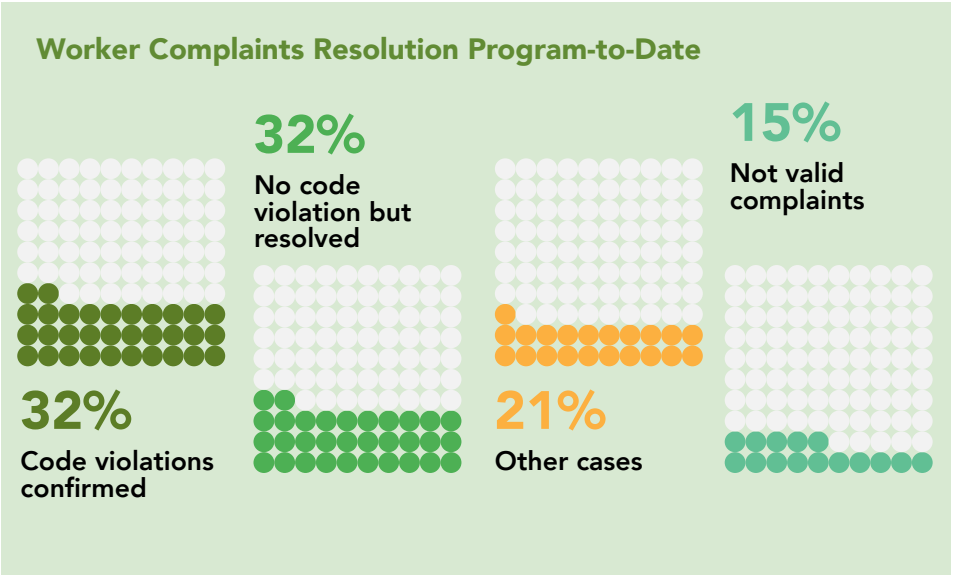
Corrective action measures resulting from the FFSC audit process over time have provided guidance for strengthening Participating Growers’ ability to handle, investigate, and resolve complaints through their own internal mechanisms. Through collaboration with FFSC, compliance with the FFP’s best practice complaint procedures has been shown to grow dramatically: upon entry, only 21% of growers were found to meet the FFP’s expectations. However, after three seasons, 57% of Participating Growers had achieved perfect compliance scores for their internal complaint process – and after six seasons of participation, and in any subsequent season, on average 84% of growers (a range of 78 to 100%) were found to be fully compliant with FFP best practice complaint procedures. During the 2021-22 season, 90% of Participating Growers were either fully compliant with FFP complaint procedures or resolved minor issues promptly.



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 2024, over the life of the Program, 54% of all cases received have been resolved in less than two weeks, and an additional 19% were resolved in less than one month.



Between November 2011 and September 2024, the FFP received over 4,000 worker complaints, in addition to the concerns raised by workers during FFSC audits. 32% of these complaints were found to represent Code violations, and resulted in agreed-upon complaint resolutions, while 15% were found not valid. In another 31% of all cases, agreeable resolutions were reached even when no Code violations were confirmed, demonstrating increasing cooperation in resolving the problems and concerns of workers. Since 2019, these resolutions, in which no definitive Code violations were found but agreement on constructive measures to be taken was reached, represented a full 36% of all cases resolved by FFSC.³⁰



Violations found by FFSC in complaints received during recent years have been less severe and less urgent than in previous seasons. Nonetheless, as detailed above, Participating Growers frequently agree to productive resolutions even for cases in which workers’ concerns are not related to Code violations or Code violations are not fully confirmed after investigation. Strong relationships with Participating Growers have yielded many such resolutions. However, the process of determining a result that is beneficial and acceptable to all concerned under these circumstances naturally takes more time. As a result, the speed of resolution in recent years has declined somewhat from its previous levels, with 43% of complaints resolved within two

weeks and an additional 13% resolved within one month during the 2023-24 season. 52% of complaints received between 2019 and 2023 were found not valid for Code violations, or not valid with a resolution reached, a higher proportion than the Program-long average.

The data demonstrates that Participating Growers across the Program have developed a deep commitment to the FFP’s joint complaint resolution process, driven by the recognition that workers frequently have valuable insight into workplace practices and related risks. The fact that resolutions are reached on an even broader range of issues than initially contemplated is a

tribute to the FFP’s collaborative risk-prevention approach.

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.

Complaints by the numbers





Hiring and Registration

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; the FLC in turn pays the individual farmworkers for their labor.

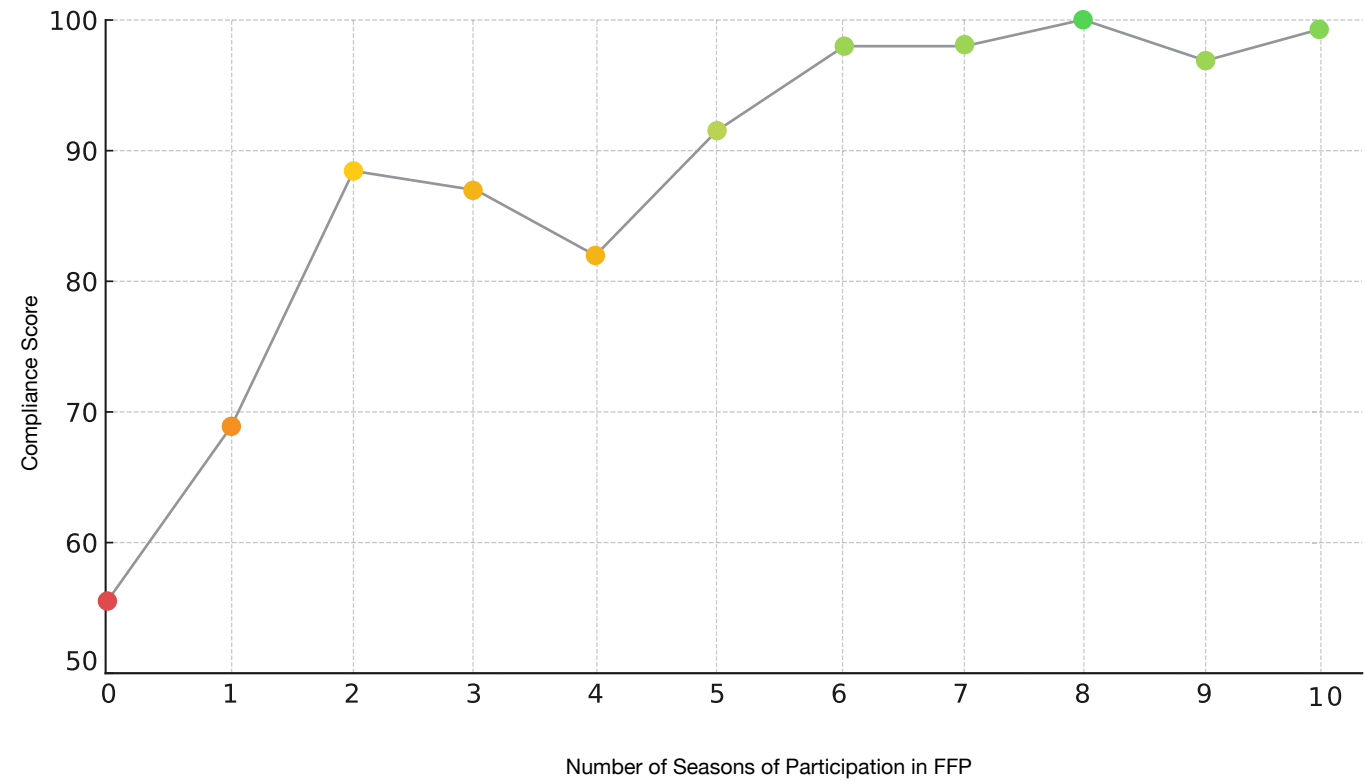
This type of employment arrangement helps to insulate growers from legal liability for any labor violation that might take place on farm property while making it more difficult to detect and address abuses experienced by farmworkers – including forced labor, wage theft, unsafe working conditions, sexual violence, and unauthorized transportation in dangerous vehicles. For this reason, one of the Code’s fundamental provisions requires that Qualifying Workers 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, providing workers’ compensation coverage for work-related injuries and illnesses, and ensuring 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.

The FFP’s corrective action process eliminated any systemic failures to register workers at Participating Growers after just two years of their participation in the Program. After five seasons of participation and in any subsequent season, the FFP was able to eliminate even minor non-compliances with this standard at an average of 98% (with a range of 93% to 100%) of Participating Growers. During the 2021-22 season, 93% of Participating Growers were either fully compliant with FFP hiring and registration requirements or resolved minor issues promptly (and only two hiring and registration findings have been identified since 2017).

Hiring and Registration Compliance Score (out of 100)



Education and Training

With the implementation of the Fair Food Program, farmworkers – for the first time – began hearing their rights explained, on the farm and on the clock, 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 every worker on every farm to be the frontline defender of his or her own rights through the complaint mechanism and audit process.

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 have a strong understanding of 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 have been compliant with baseline worker-to-worker education requirements, although FFSC continues to work with Participating Growers to remedy minor issues with education coordination that CIW’s Education Team highlights for FFSC. Even as the Fair Food Program has expanded to dozens of new farming operations across many more states, Participating Growers have consistently cooperated with education scheduling and coordinating requirements.

EDUCATION AND TRAINING: 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-literacy 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. As the Program has expanded to new regions, crops, and even countries, CIW has been developing new versions of the KYRR booklet and FFP training video that are tailored to the FFP’s expansion crops and geographies.

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.

After just two seasons of participation in the FFP, 100% of growers had implemented systems that effectively deliver FFP training materials with only minor, non-systemic non-compliances. After just three seasons, collaboration with FFSC had eliminated those non-systemic issues at 87% of growers. After six seasons of participation, FFSC no longer found any issues in compliance with this Code standard.

Worker-to-Worker Education by the Numbers

Over 1,500 Education sessions	Nearly 100,000 Workers in attendance	100% Growers compliant with worker-to-worker education requirements	400,000 KYRR booklets distributed	100% Growers have integrated FFP materials into worker training
--	---	---	---	---

EDUCATION AND TRAINING:
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 and improvement 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.

After just three seasons of participation, 100% of Participating Growers had established progressive discipline policies and actively trained their employees on escalating discipline. There has been only one instance of a supervisor failing to demonstrate full awareness of these policies among growers that have participated for six seasons or more, and FFSC has identified only two instances in which a worker was arbitrarily terminated by a crewleader since 2018, both of which were remedied by inviting the workers back to work and disciplining the crewleader.



“Before the FFSC came they did not give us any cooking appliances or utensils. They did not even give us blankets. Once [the grower] entered the FFP, all these essential items were provided by the company, and it has drastically improved our quality of life.”

~ Farmworker, 2023



Fair Food
Premium

Since 2011, historic change in farmworkers’ traditionally sub-standard pay has been achieved through Participating Buyers’ payment of over \$50 million in Fair Food Premium to improve workers’ wages.

The Fair Food Premium, known as the “penny per pound” although it varies by the category of produce and is typically greater than a 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 Fair Food Standards Council 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 PGs 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. In recent years, FFSC has continued to

improve its comprehensive analysis of Participating Growers’ payroll systems and task codes and has worked with Participating Growers’ payroll staff to build systems that prevent inadvertent distributions to ineligible field supervisors.

After six seasons of Program participation, collaboration with the FFP had resulted in the successful implementation of systems by 100% Participating Growers that prevent systemic non-compliances requiring complicated and costly replenishment. All other issues with improper distributions or incomplete reporting are addressed and resolved. During the 2021-22 season, 75% of Participating Growers were either fully compliant or resolved minor issues promptly. The remaining non-compliances primarily involve delays in reporting on receipt and distribution of Premium and minor errors in distributions to ineligible supervisors.





Wage, Hours, and Pay Practices

WAGES AND HOURS

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.

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, as required by law. 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, typically resulting 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 workers arrive closer to the actual start of work. This

allows mothers and fathers to 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, 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 that generate payroll based on workers’ control of timekeeping devices, as required by the Code.

After just two years of Program participation, on average 96% of Participating Growers had implemented systems capable of preventing the long-entrenched abuse of systemic failure to record hours worked, and on average 8% (a range of 4 to 13%) had any systemic failures identified in audits during seasons three to five of their participation. After five years of participation, proper use of those systems became the rule, with 100% elimination of systemic violations; minimum wage and

unrecorded compensable wait time violations are also virtually eliminated across Program participants. In each subsequent season of participation after the fifth, on average 93% (a range of 83 to 100%) of growers either had zero violations of these standards or resolved any non-systemic issues promptly upon receipt of their corrective action plans. During the 2021-22 Season, 94% of Participating Growers were either fully compliant with each of these standards or resolved any non-systemic issues promptly.

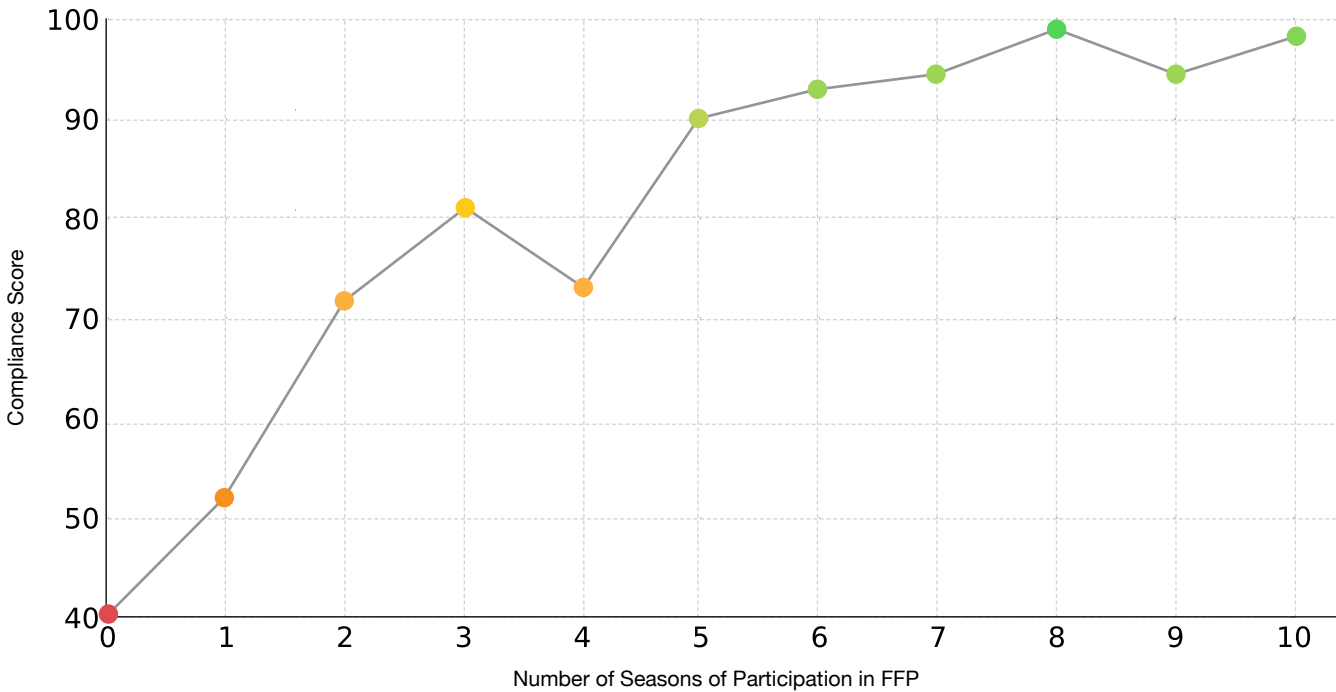
Furthermore, FFP monitoring has helped workers to ensure that they are consistently and properly paid for their labor. Through FFSC audit findings and complaint resolutions, the Program has helped workers recover over \$638,426 in monies owed to them[1].

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 to overfill their harvesting buckets by heaping an additional several pounds of produce on top of an already full bucket and was an endemic form of wage theft, in particular for the tomato industry.

Before the FFP was implemented in 2011, workers were not compensated for those extra pounds of produce 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,

Wages and Hours Compliance Score (out of 100)



supervisors enforced this practice 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 (2011-2013), 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 (2013-14), the bucket-filling standard was no longer a major source of conflict and by Season 6 (2016-17), 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 continues to identify isolated incidents of supervisors requesting cupped buckets, these instances have all been addressed promptly through the corrective action process.

\$638,948

Recovered monies through the complaint hotline

100%

Participating Growers use code-required timekeeping systems to generate worker payroll

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

10%



Wage Increase from FFP 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.

After just two seasons of collaboration with FFSC, 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. Since partnership in the FFP involves ongoing improvement, FFSC audits continue to evaluate and critique these systems until they are fully compliant: after five seasons of participation and in any subsequent seasons, on average, 94% of growers (a range of 83 to 100%) had fully compliant work environment training programs.

These issues are endemic to the agricultural workplace – upon entry to the Program and in their first full season of participation, on average 19% of Participating Growers were found to have work environments

tolerant of sexual harassment and/or discrimination – and therefore it takes time to root them out. It took five years of FFP participation to eliminate work environments that were tolerant of sexual harassment or discrimination. In 2021-22, 100% of Participating Growers were fully compliant with sexual harassment and discrimination standards.

Since the start of the FFP, 61 supervisors have been disciplined for sexual harassment as a result of complaint resolutions or corrective actions that addressed audit findings. 24 of those supervisors were terminated and banned from FFP farms. Season-by-season data on sexual harassment is displayed on the following page.

Cases of discrimination have also been dealt with promptly and effectively through the Program’s complaint mechanism. FFSC has resolved 51 cases of discrimination, stemming from the conduct of 40 supervisors as well as some co-workers or company policies and practices. As a result, in addition to changes in company policies and practices – such as gender-based work assignments – all supervisors were subject to disciplinary action, including eight terminations and 28 written disciplinary warnings.

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. During each of the 2019-20 and 2020-21 seasons, 88% of Participating Growers were fully compliant with sexual harassment and discrimination standards and the remaining 12% promptly resolved what few issues were identified in their audits. During the 2021-22 season, 100% of Participating Growers were fully compliant with sexual harassment and discrimination standards.

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.

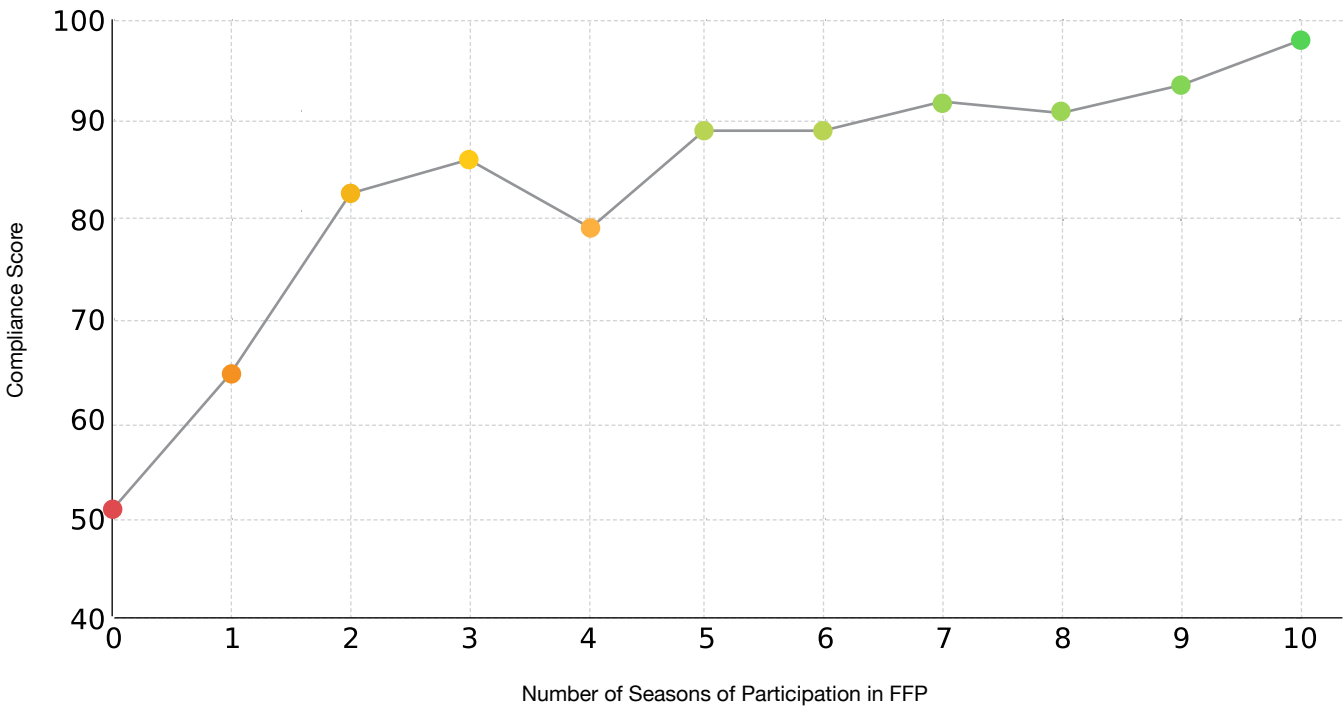
100%

Participating Growers have implemented trainings on the prevention of sexual harassment and discrimination

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.

Sexual Harassment and Discrimination Compliance Score (out of 100)



“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)



Health and Safety

“On the Fair Food Program’s health and safety protocols: ‘We can do more than improve day-to-day health and safety conditions. We can prevent a father or mother, a daughter or son, from losing their lives.’”³²

~ Farmworker on an FFP farm

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 should 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, concerning topics discussed and resolutions reached.

In their third full seasons of participation, over 90% of growers in the FFP had established Health and Safety Committees and were working toward full compliance with Code requirements. After five seasons of participation and in subsequent seasons, on average 75% of growers (a range of 56 to 100%) had maintained Committees that were in full compliance with the Code, including convening monthly

meetings with workers representing each crew, developing agendas that encourage workers to share their concerns with management, and implementing mechanisms to inform other workers of resolutions implemented. During the 2021-22 season, 73% of Participating Growers were fully compliant with Health and Safety Committee standards or resolved minor issues promptly. Compliance this season was relatively low, in part because some long-term growers paused their committee meetings due to the COVID-19 pandemic and in part because some new growers were still establishing Committees.

At the most compliant farms, Committee attendance is incentivized during harvest by compensating committee members at an hourly rate that exceeds minimum wage or providing additional incentives to encourage robust membership.

SHADE, BATHROOMS, WATER, AND HEAT ILLNESS PREVENTION

Heat injury and illness are leading causes of work-related deaths for farmworkers in the U.S., a rate nearly 35 times greater than for non-farmworkers. Farmworkers everywhere must contend with a natural cycle requiring that the greatest effort be exerted, and the longest hours be worked, during the hottest time of the year.

For example, the heat index in Florida regularly reaches the upper 90s during the “winter” 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. In the arid agricultural valleys of the

Mountain West, temperatures in the 90s combined with high elevations and intense sunlight create the risk of heat stress as workers harvest sweet corn, peaches, and other produce to bring to our tables.

The provision of a safe and accessible shaded area; access to clean drinking water; the ability to take reasonable breaks as needed; mandatory scheduled cool-down rest breaks; training on, monitoring of, and response to heat illness; and provision of electrolytes are thus critical to workers’ health and wellbeing. The Code requires provision of shade for workers in the fields at all times and locations where 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.

After just two years of participation, 100% of growers had 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 extreme field conditions. When entering the Program, only 28% of newly Participating Growers were already fully compliant with shade requirements. However, 59% were fully compliant after two years of participation, 79% were fully compliant after six years, and after eight years, 89% were fully compliant with shade requirements. Issues at the remaining growers are typically limited to shade structures not being moved as promptly as they should be as workers progress through the fields, or not being set up first thing in the morning when work begins. During the 2021-22 season, 94% of Participating Growers were fully compliant with shade quality and accessibility standards.

Although 100% of growers entering the Program must provide clean water as well as bathrooms within the legally mandated distance of ¼ mile and bathrooms are consistently provided at participating farms, dirty portable bathrooms on farms have proven to be a difficult problem to eliminate. It took the FFP four years of collaboration with Participating Growers to eliminate systemic issues with bathroom cleanliness, such as infrequent bathroom sewage pumping, and to establish bathroom accessibility standards stricter than the legal maximum distance. In subsequent years after five years of participation, workers at an average of 60% of growers report that bathrooms and water are consistently clean and accessible – with water provision in particular established as a norm across the board – while at the remaining operations, FFSC investigators primarily identified limited issues with bathroom maintenance such as isolated reports of dirty portable bathrooms that missed the sewage pumping schedule. During the 2021-22 season, 65% of Participating Growers were fully compliant with water and bathroom cleanliness and accessibility standards, primarily due to reports of dirty bathrooms, highlighting the importance of annual audits to continue to identify and require improvements to dirty bathrooms.

As detailed in the *New Fair Food Program Heat Illness Protections* section, heat illness prevention protocols were introduced in August 2021, and existing FFP growers swiftly began implementing these critical protections. As the FFP has expanded, these lifesaving protections have been spread to new crops and geographies. 75% of Participating Growers were fully compliant with these heat illness protocols in the first year of implementation, and 100% of new growers joining since the protocols

were developed had reached full compliance after just one year of participation in the Program.

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.

After four seasons of participation, growers in the FFP have established capable systems for injury and illness response, including ensuring that workers and supervisors fully understood the company’s responsibility in these cases and the proper filing and prompt management of all workers’ compensation claims, although some minor non-systemic issues with proper response remain to be addressed as they come up. After three years and in any subsequent season, on average 83% of growers (a range of 63 to 100%) participating are either fully compliant with injury and illness response provisions or take swift action to resolve minor, non-systemic issues when they do arise. During the 2021-22 season, 59% of Participating Growers were fully compliant or resolved non-systemic violations of injury and illness response provisions promptly, a downturn from the previous season in which 94% were fully compliant or resolved non-systemic violations promptly.

After two years of participation, workers reported full compliance or swift resolution of minor issues with Code requirements for providing workers with adequate breaks and days off at an average of 78% of

Participating Growers. During the 2021-22 season, 71% were fully compliant or resolved non-systemic rest breaks and days off violations promptly, a downturn from the previous season’s high of 94%.

Compliance with pesticide drift safety provisions reached their highest levels yet recently, with 100% of Participating Growers in full compliance or promptly resolving minor issues during the 2020-21 season and 94% reaching that mark during the 2021-22 season.

For most of these injuries and endangerment provisions, the 2021-22 season represented a significant decrease in compliance from the previous season’s highs, in part due to new growers with non-existent systems joining the Program. This backsliding across the Program for any Code provision in a calendar season prompts FFSC to make that provision a point of emphasis for all Participating Growers the following season, as retrains for workers and supervisors, additional monitoring by HR staff, disciplinary warnings for repeat offending supervisors, and public apologies are employed as necessary, to ensure that compliance improves for the future.

SAFE TRANSPORTATION AND FIELD TRUCK SAFETY

Throughout much of U.S. agriculture, farmworkers are transported to work in uninspected and 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, since the 2017-18 season,

100% of Participating Growers have developed monitoring systems to ensure that workers are not transported in unauthorized vehicles or by unauthorized drivers, and FFSC has found no evidence of unauthorized transportation at 100% percent of Participating Growers’ operations since.

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, highly 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.³³

During the 2018-19 season, 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 the 2018-19 season, only 50% of Participating Growers were in full compliance with safe driving requirements. However, during the 2019-20 season, following the implementation of the new field truck safety preventive protocols, 78% of Participating Growers were in full compliance, and that upward trend of above-75% compliance has continued to date.

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.

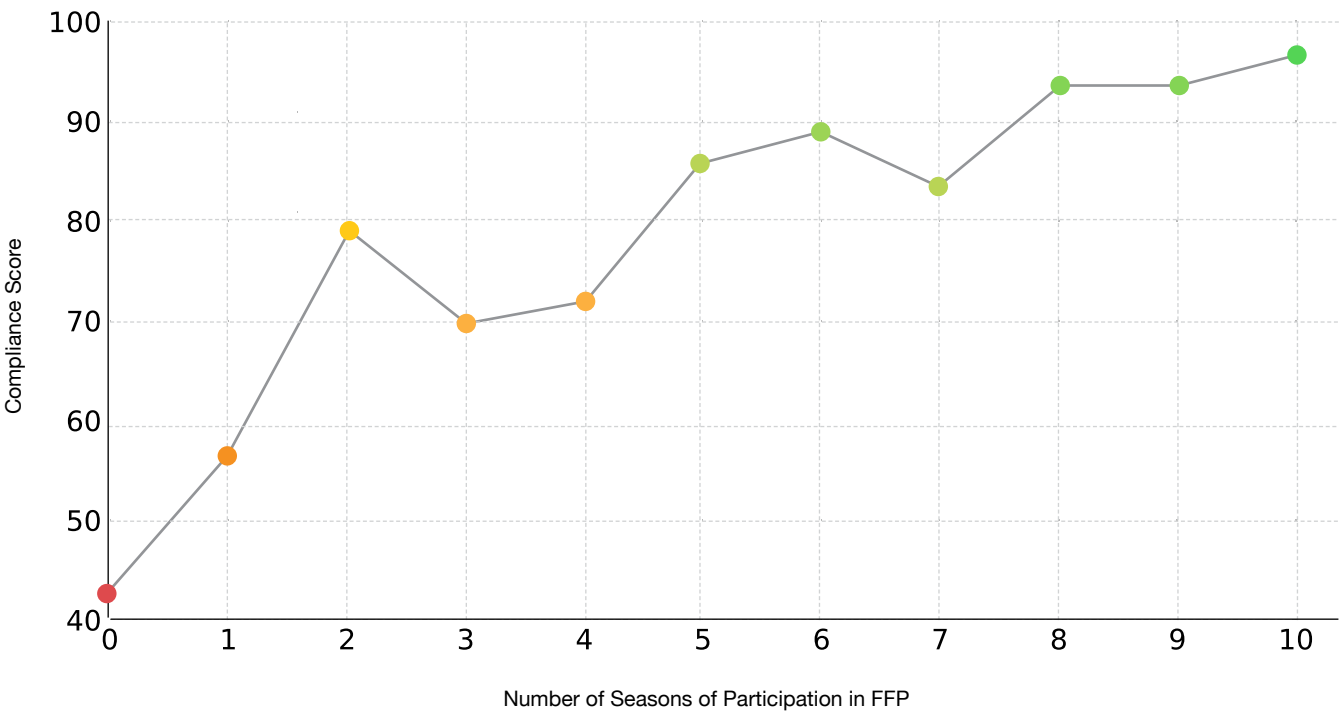
INJURIES & ENDANGERMENT

Growers must effectively implement health and safety policies that include:

- Injury and illness response, insuring 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.

Accessible Shade Compliance Score (out of 100)





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 investigators visit housing as part of audits at all growers that provide worker housing.

Upon entry, only 43% of Participating Growers have been found to provide housing in full compliance with federal and Fair Food Program housing standards. After six seasons of participation, on average 83% of growers were in full compliance. During the 2021-22 season, 85% of growers were in full compliance. Very soon after entering the FFP, 100% of Participating Growers have established an effective and timely complaint mechanism for housing repairs.



H-2A Compliance

When the Fair Food Program began, there were no H-2A workers at Participating Growers.

Since the first guestworkers arrived on a participating farm in 2014, FFSC estimates that the proportion of the workforce that is H-2A within the Program has steadily climbed to roughly two-thirds of all workers on FFP farms. H-2A regulations and rules are complex and subject to frequent amendments. FFSC's ability to enforce them is directly related to how well the organization understands the implications of each regulation and the enforcement position of federal H-2A enforcement agencies, as well as the Program's existing enforcement mechanism backed by the purchasing power of the Program's Participating Buyers (a power that does not exist anywhere else H-2A workers are employed in the country).

Requirements related to the effective communication of the terms and conditions of H-2A contracts, reimbursement of transportation and subsistence costs, recruitment fees and extortion, Adverse Effect Wage Rates, $\frac{3}{4}$ Guarantee, corresponding employment for local workers, and

housing provision are all monitored in-depth and enforced by the FFP.

As seen in the chart mapping the weighted compliance scores for H-2A requirements below, compliance across the categories improves sharply for the first three years upon entry to the Program, but plateaus afterward with some periodic dips and improvements as FFSC is able to apply increasingly refined and deep enforcement knowledge to Participating Growers' operations, helping them avoid the risk of running afoul of federal regulations as well as ensuring that guestworkers and local workers in corresponding employment on FFP farms receive the best possible protections in U.S. agriculture.

This top-tier risk prevention, combined with the clean channel for H-2A recruitment described above, guarantees that H-2A workers in the FFP receive unprecedented protections – ensured by their own empowerment as monitors of their rights –and that growers unfamiliar with the many nuances of H-2A requirements have competent support and advice on how best to implement those requirements in their operations.³⁴



MARKET-BASED ENFORCEMENT



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 in addressing 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.

As seen in the "Probation and Suspension History" chart, 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 the 2012-13 and 2017-18 seasons, 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. Since the 2018-19 season, when the FFP reached its highest levels of compliance Program-wide, it became clear that the potential of market consequences – even short of a notice of probation – is now sufficient to drive increasing levels of compliance and to prevent abuse. There have been zero suspensions since 2019, and zero probations since 2018.



CONCLUSION



“More important than the money, which I need, was the feeling of dignity when my labor – the buckets I harvested – was recognized.”

~ Farmworker on an FFP farm

The Fair Food Program has grown in three key ways over the course of the 2021-2024 period.

First, the FFP has undergone dramatic expansion. In the U.S the Program rapidly expanded to new farms, states, and crops over the past three years, and as of the publishing date of this report, covers over 50 farms across 23 states. At the same time, the FFP launched its first-ever expansion pilots overseas, in Chile and South Africa. This means that the rights of tens of thousands of farmworkers who are harvesting dozens of different crops, including cut flowers, in many different environments, are protected under the FFP. Indeed, 2023-2024 saw the highest number of farms enter the Program since over 90% of all growers within the Florida Tomato Growers Exchange (FTGE) initially agreed en masse to participate in 2010.

Second, the FFP’s Code of Conduct has evolved and grown to meet the

urgent needs of farmworkers as they arise. From establishing mandatory safety measures to prevent the spread of COVID-19, to creating the “America’s strongest heat safety protections,” in the words of the Washington Post, the FFP has continued to expand its protections and serve as a vital lifeline for farmworkers.

Third, the FFP has emerged as a dynamic change agent on the international human rights stage through its growing role in aiding workers and their organizations across the globe seeking to adapt its Worker-driven Social Responsibility model to their own industries. From construction workers in Minnesota and dairy workers in Vermont, to garment workers in Bangladesh, Pakistan, and Lesotho, fishers in the UK, and agricultural workers India, Europe and South America, the FFP has become both an inspiration and an adaptable blueprint for workers in globalized supply chains to guarantee their essential human rights.

This growth has received support from both governmental and non-governmental sources alike. In 2024, the US Department of Agriculture,

recognized the FFP as the highest level of human rights protection in agriculture (“Platinum Level”) and awarded over \$15 million in grants to FFP farms as part of the USDA’s new Farm Labor Stabilization and Protection Pilot Program. On the private sector side of the ledger, the Howard G. Buffet Foundation pledged \$3.2 million to support the FFP’s efforts to onboard and monitor the over two dozen new farms that entered the Program in response to USDA’s incentives. Additionally, the U.S. Department of Labor’s Bureau of International Labor Affairs supported FFP’s initial international expansion into Chile and South Africa with a \$2.5 million grant.

Since its launch in 2010, the FFP has continued to deepen its partnerships with workers, growers and buyers domestically, and now overseas. Well over a decade of continuous collaboration has driven compliance to ever higher levels. It has also streamlined the implementation of increased protections for many more workers who are empowered to be the frontline monitors of their own rights, and who have continued to use the FFP’s mechanisms to transform their workplaces.



BY THE NUMBERS

METRICS BY SEASON

COMPLIANCE BY CATEGORY	Number of Seasons of Participation in FFP										
	0	1	2	3	4	5	6	7	8	9	10
Complaints	49	63	80	86	79	87	95	97	92	95	94
Hiring and Registration	55	69	88	87	83	93	98	98	100	97	99
Housing	56	70	79	53	46	71	89	94	83	96	92
HS - HS Committee	22	36	57	67	65	78	78	88	80	96	100
HS - Shade	43	57	79	70	72	86	89	83	94	94	97
HS - Transportation	55	69	78	77	79	93	95	100	100	100	100
HS - Working Conditions	53	67	79	87	80	88	86	84	81	94	77
Premium	46	60	85	88	76	87	82	96	95	81	75
TCP - Education at the Point of Hire	48	62	84	90	88	93	99	100	99	98	100
TCP - Escalating Discipline	45	59	88	87	85	89	97	100	98	100	100
TCP - Training Compensation	58	72	81	85	73	83	89	88	89	100	94
TCP - Worker to Worker Education	83	97	100	100	100	100	100	100	100	100	97
Transparency and Cooperation	66	80	85	69	81	78	81	88	89	96	78
WE - Harassment and Discrimination	51	65	83	86	79	89	89	92	91	94	97
WE - Zero Tolerance	86	100	100	100	96	100	100	100	100	100	100
WHPP - Bucket Filling	44	58	84	92	85	96	88	83	94	88	84
WHPP - Pay Practices	53	67	81	86	86	89	93	96	96	96	97
WHPP - Wages and Hours	39	53	72	81	74	90	93	94	99	94	98
AVERAGE	54	68	83	83	80	88	91	93	92	95	91

WORKER TO WORKER EDUCATION

	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)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
Education Sessions	73	89	91	110	128	142	115	121	42	124	136	89	133
Number of Growers	27	26	30	27	24	21	15	16	9	14	17	15	38
Farm Location Visits	35	42	46	54	59	56	35	39	17	27	38	29	56
Number of Workers Attended	6,595	7,969	7,974	11,047	10,663	8,148	6,903	7,313	2,685	4,890	5,822	4,581	5,761
Average Session Size	90	90	88	100	83	57	60	60	64	39	43	51	43
KYRR Booklets Distributed	31,500	33,600	33,000	37,200	36,500	37,750	27,000	25,500	26,250	22,673	26,994	21,240	26,711

GROWER AUDITS

	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)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
Management Audits	35	28	36	31	29	25	21	21	20	20	25	32	29
Financial Audits	40	35	39	35	33	25	22	21	16	21	21	26	22
Operations Audits	35	40	47	44	44	38	33	31	28	29	28	40	52
Workers Interviewed	1,599	3,087	3,213	4,399	4,323	3,986	3,948	3,294	1,828	1,755	2,892	2,835	2,807
Staff Interviewed	201	222	241	273	273	216	177	172	136	120	142	125	118
Audited Farms	42	63	51	65	66	60	56	44	22	24	41	52	81
Audited Housing	18	27	20	39	39	67	42	53	21	39	36	75	66
CAPs	27	25	26	27	25	21	19	18	18	31	46	37	23

PROBATIONS AND SUSPENSIONS

	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)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
Probations	0	5	4	4	6	5	5	0	0	0	0	0	0
Grower Suspensions	2	1	3	0	1	0	0	1	0	0	0	0	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 (2019-20)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
Valid, Code Violation, Resolution Reached	39	84	101	204	97	80	119	107	136	126	118	70	53
No Violation of Code, Resolution Reached	13	27	63	131	116	117	116	75	143	178	150	91	92
No Violation of Code, Non-Qualifying Worker, or No Valid After Investigation	18	29	46	75	52	65	66	26	48	38	58	58	49
Informational Only	1	11	13	19	32	23	13	23	26	38	59	28	54
Could Not Investigate	10	10	16	21	10	15	5	14	8	19	20	12	18
Under Investigation												1	6
Non-Participating Employer, No Resolution	26	36	32	72	43	49	27	16	14	16	9	9	12
TOTAL	107	197	271	524	350	349	346	261	375	415	414	98	284

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 (2019-20)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
FFSC	55	95	147	299	191	215	216	166	243	285	317	225	231
CIW	22	61	82	105	82	55	59	41	30	29	37	13	16
Growers	2	3	5	37	28	32	42	40	80	69	45	16	14
External Organization Referral						1	4	1	5	4	4	3	1

DAYS TO COMPLAINT RESOLUTION

	0-13 Days	14-27 Days	28+ Days
Season 1 (2011-12)	59%	9%	32%
Season 2 (2012-13)	69%	17%	14%
Season 3 (2013-14)	73%	12%	15%
Season 4 (2014-15)	71%	16%	13%
Season 5 (2015-16)	64%	22%	14%
Season 6 (2016-17)	61%	20%	19%
Season 7 (2017-18)	61%	22%	17%
Season 8 (2018-19)	41%	28%	31%
Season 9 (2019-20)	45%	24%	31%
Season 10 (2020-21)	44%	22%	35%
Season 11 (2021-22)	40%	19%	41%
Season 12 (2022-23)	38%	16%	47%
Season 13 (2023-24)	44%	16%	40%
AVERAGE	54%	19%	27%

COMPLAINTS BY VIOLATION

	1	2	3	4	5	6	7	8	9	10	11	12	13
1.1 Forced Labor					1								
2.1 Violence or Threat of Violence	1	6		2	2	2		1	2	3			
2.10 Lightning Exposure		2		2	2	1	1					1	
2.10 Other Negligent Endangerment	1	5	1	4	2	1	4	3	1			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	4	1	3
2.2 Weapons		1			1								
2.3 Sexual Harassment	1	1	2	3		1	4	2	6	3	2		2
2.4 Retaliation	3	13	13	14	4	5	1			1		1	
2.5 Wages and Hours	20	21	33	56	6	3	3			1			
2.6 H-2A Recruitment Fees				2	1			1	1	2	1	1	2
2.6 Unregistered Workers	4	2	3	1	2		1						1
2.7 Sexual Harassment	2	2	5	12	6	7	7	5	6	6	3	3	
2.8 Discrimination	1	3	2	12	13	8	5	3			2	1	1
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	4		
3.0 Complaint Procedure	1	7	5	39	22	24	39	50	51	43	37	22	12
3.0 Disciplinary Procedure	3	10	8	19	13	6	7	7	6	6	4	5	2
3.0 H-2A Federal Regulations											6	7	4
3.0 H-2A Housing								2	11	4	5	4	2



COMPLAINTS BY VIOLATION CONTINUED

	1	2	3	4	5	6	7	8	9	10	11	12	13
3.0 H-2A Training/Registration									1	3	6	1	
3.0 Health and Safety		2	4	2	5	2	9	5	14	10	10	9	5
3.0 Health and Safety COVID-19-Related									8	4	2		
3.0 Heat Stress Cool-down Breaks, Monitoring, and/or Response												6	2
3.0 Housing	1	4	2	15	7	5	15	7	16	9	15	10	8
3.0 Injury and Illness Response	1	7	9	7	9	3	8	10	26	7	22	9	4
3.0 Pay Practices	5	11	30	52	17	10	15	16	11	15	16	4	3
3.0 Training/Registration											3	1	1
3.0 Unauthorized Housing Provision	1		2	1	2								
3.0 Unauthorized Transportation			1	1	2	2	1	3			1		
3.0 Verbal Abuse	7	16	18	42	23	19	21	8	22	26	13	9	14
3.2 Wages and Hours	4	12	7	20	9	17	11	9	6	4	4	7	4
3.3 Retaliation	4	5	6	5	2	3	7	8	4	1	1	7	
3.4 Fair Food Premium		3	1		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		6	2	2
3.6 Sanitation	1	5	14	8	6	8	8	9	7	9	5	2	4
3.6 Shade	1		2	1	1		1					2	

COMPLAINT VIOLATIONS BY SEVERITY

	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)	Season 10 (2020-21)	Season 11 (2021-22)	Season 12 (2022-23)	Season 13 (2023-24)
Article 1					1								
Article 2	35	62	67	120	50	47	35	31	21	20	17	9	7
Article 3	33	87	118	224	124	103	145	136	184	142	156	107	66

APPENDIX A:
SELECTED MEDIA COVERAGE OF
THE FAIR FOOD PROGRAM AND
WORKER-DRIVEN SOCIAL
RESPONSIBILITY

Rivero, N. (2024) “These farmworkers created America’s strongest workplace heat rules.” The Washington Post.

Gerstein, T. (2024) “Workers Shouldn’t Have to Risk Their Lives in Heat Waves.” The New York Times.

Delgado, S. (2024) “The little-known but successful model for protecting human and labor rights.” Vox.

Tabachnik, S. (2024) “This organization has effectively eliminated agricultural worker abuse. Will Colorado farmers join the cause?” The Denver Post.

Greenhouse, S. (2024) “Creating a Stronger Voice for Workers.” The New Century Foundation.

Cundy, A. (2024) “UK seafood industry cracks down on exploitation of overseas crew.” Financial Times.

McBride, O. (2024) “Europe’s first worker-driven pilot launched to tackle exploitation in UK fishing.” The Fishing Daily.

Biron, C. (2024) “Farmworkers in the US cultivate their own heat safety standards.” Thomson Reuters Foundation.

Sexsmith, S. and Asbed, G. (2024) “Farmworkers Cannot Wait for OSHA to Adequately Protect Them From Heat. The Fair Food Program Provides a Solution.” Modern Farmer.

Calling, R. (2024) “Forced labor persists in the U.S. food supply chain.” Axios.

Miznazi, A. (2024) “Blocked by lawmakers, Florida farmworkers seek help on heat protection from food industry.” Miami Herald.

Moran, G. (2024) “Florida Banned Farmworker Heat Protections. A Groundbreaking Partnership Offers a Solution.” Civil Eats.

Herrick, C. (2024) “Fair Food Program growers receive over \$15M in USDA grants.” The Packer.

Rhoades, E. (2024) “The Coalition of Immokalee Workers Fair Food Program expands across U.S.” Fox 4.

Mayer, A. (2023) “How learnings from Rana Plaza are being rolled out in Pakistan.” Vogue Business.

Toussaint, K. (2023) “One Florida program is helping eradicate modern-day slavery on farms.” Fast Company.

Myers, K. and Chilukuri, S. (2023) “How Florida farmworkers are protecting themselves from extreme heat.” Grist.

Leigh Lore, K. (2023) “Fair Food Program, Chilean delegation take step in international expansion.” The Packer.

Lofholm, N. (2023) “Human-rights movement comes to Colorado with promise of more protections, rights for farmworkers.” Colorado Sun.

Marquis, S. (2023) “Outdoor workers are dying in extreme heat. We have the solution to save their lives.” Miami Herald.

Brooke, J. (2023) “Bloomia Gets Big Honor – Good Guys Do Win.” Flower Power Daily.

Connolly, C. (2023) “In Minnesota, a New Model Challenges the Widespread Mistreatment of Construction Workers.” Capital & Main.

APPENDIX B:

ACADEMIC LITERATURE ON WORKER-DRIVEN SOCIAL RESPONSIBILITY

Trusgnach, M., Martin-Ortega, O., & Berman, C. (2024). Towards worker-driven remedy: advancing human and labour rights in global supply chains. *Journal of Modern Slavery: A Multidisciplinary Exploration of Human Trafficking Solutions*, 9(1), 152-167. ISSN 2574-9897 (Online).

Herder, R. (2024). Ending Slavery in the Corporate Supply Chain: Storytelling, Leadership, and the Coalition of Immokalee Workers. Taylor & Francis.

Shivji, A. K. (2024). Worker-driven social responsibility. In *Concise Encyclopedia of Corporate Social Responsibility* (pp. 238-242). Edward Elgar Publishing.

Dillard, J., Shivji, A., & Bianchi, L. (2024). Rights-based, worker-driven accountability in the fields: Contesting the uncontested contestable. *Critical Perspectives on Accounting*, 99, 102646.

Finkbeiner, E. M., Giordano, C., Fitzpatrick, J., Apel, A., Blasco, C., Dalton, K. H., ... & Kittinger, J. N. (2024). Insights from a community of practice: Integrating human rights in fisheries improvement. *Marine Policy*, 163, 106100.

Bennett, E. A. (2024). Labor Justice in the Global Economy and Global Economic Governance: A broad overview with focus on the ILO and CSR. *Justice in Global Economic Governance: Reforming the World Economy to Promote Fair Globalization*.

Stephens, V., Benstead, A. V., Goworek, H., Charles, E., & Lukic, D. (2024). Theorising worker voice for supply chain justice—communication, representation and recognition. *International Journal of Operations & Production Management*.

Marquis, S. (2023) *Worker-Driven Social Responsibility: A New, Proven Model for Defining, Claiming, and Protecting Workers’ Human Rights*. Center for Labor & a Just Economy, Harvard Law School.

Saloranta, J. (2023). Collective and Collaborative Worker-driven Mechanisms? A Mission (im) possible to Enhance Access Remedy in Relation to Human Rights Due Diligence?. *European Business Law Review*, 34(2).

Williams, C., & Sparks, J. L. D. (2023). Fishery improvement projects: A voluntary, corporate “tool” not fit for the purpose of mitigating labour abuses and guaranteeing labour rights for workers. *Marine Policy*, 147, 105340.

Kunz, N., Chesney, T., Trautrim, A., & Gold, S. (2023). Adoption and transferability of joint interventions to fight

modern slavery in food supply chains. *International Journal of Production Economics*, 258, 108809.

Lout, G. E. (2023). Human rights in a sea of market-based approaches: Evaluation of market-based tools integrating social responsibility in the Sustainable Seafood Movement. *Sustainable Production and Consumption*, 35, 1-12.

Anner, M., Fischer-Daly, M., Amita, S., Maich, K., Okyere, S., & Yint, Y. (2023). *Worker Voice: What it is, what it is not, and why it matters*. Pennsylvania State University School of Labor and Employment Relations Chicago

Principles for worker-driven remedy. (2023). *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*, 33(4), 248–254. <https://doi.org/10.1177/10482911231218590>

Rosdi, M. S. M., & Anbea, A. M. A. (2023). A Preliminary Study For Worker-Driven Social Responsibility Concept From An Islamic Perspective. *Jurnal Islam dan Masyarakat Kontemporari*, 24(1), 117-138.

Canning, A. (2023). Fair Trade factory farms. *Journal of Fair Trade*, 4(1), 1-14.

Shivji, A. K. (2023). Rightsholder-Driven Remedy for Business-Related Human Rights Abuse: Case of the Fair Food Program. *Journal of Business Ethics*, 1-20.

Wills, Jessie, “The Role of Worker-Driven Regulation in the Global Fashion Industry” (2023). Independent Study Project (ISP) Collection. 3640.

Angelini, A., & Curphey, S. (2022). The overlooked advantages of the independent monitoring and complaint investigation system in the worker-driven social responsibility model in US agriculture. *Business and Human Rights Journal*, 7(3), 494-499.

Daria, J. (2022). Fairwashing and union busting: The privatization of labor standards in Mexico’s agro-export industry. *Mexican Studies/Estudios Mexicanos*, 38(3), 379-405.

Sparks, J. L. D., Matthews, L., Cárdenas, D., & Williams, C. (2022). Worker-less social responsibility: How the proliferation of voluntary labour governance tools in seafood marginalise the workers they claim to protect. *Marine Policy*, 139, 105044.

Abuhadba, A. (2022). Voluntary Corporate Social Responsibility Initiatives versus Contracts through the Context of the Bangladesh Accord, the Fair Food Program (FFP), and the Worker Rights Consortium (WRC). *Rutgers Int’l L. & Hum. Rts. J.*, 3, 99.

Bartley, T. (2022). Corporate social responsibility: codes, compliance and ESG ratings. In *Handbook on Globalisation and Labour Standards* (pp. 400-415). Edward Elgar Publishing.

LeBaron, G., Edwards, R., Hunt, T., Sempéré, C., & Kyritsis, P. (2022). The ineffectiveness of CSR: Understanding garment company commitments to living wages in global supply chains. *New Political Economy*, 27(1), 99-115.

Mieres, F., & McGrath, S. (2021). Ripe to be heard: Worker voice in the Fair Food Program. *International Labour Review*, 160(4), 631-647.

Kurtz, J., Blackstone, N. T., Sparks, J. L. D., Rodriguez, R., & Pinto, C. (2021). The true cost of labour must be worker-defined. *Nature Food*, 2(9), 630-631.

Pattadath, B., Arocha, L., Chattopadhyay, R., & Gopal, M. (2020). Worker-Driven Initiatives to Tackle Modern Slavery. In *Decent Work and Economic Growth* (pp. 1140-1148). Cham: Springer International Publishing.

Integrity, M. S. I. (2020). Not Fit-for-Purpose: The Grand Experiment of Multi-Stakeholder Initiatives in Corporate Accountability, Human Rights and Global Governance.. Harvard Law School.

Ford, J., & Nolan, J. (2020). Regulating transparency on human rights and modern slavery in corporate supply chains: the discrepancy between human rights due diligence and the social audit. *Australian Journal of Human Rights*, 26(1), 27-45.

Loury, M. G. (2020). The Cows Don’t Milk Themselves: Using Worker-Driven Social Responsibility to Fight Labor and Housing Injustice on Vermont’s Dairy Farms. University of Vermont ScholarWorks

Feingold, C. (2020). A Renewed Call for a Robust Labor and Human Rights Agenda. *Labor*, 17(1), 113-121.

Outhwaite, O., & Martin-Ortega, O. (2019). Worker-driven monitoring–Redefining supply chain monitoring to improve labour rights in global supply chains. *Competition & Change*, 23(4), 378-396.

Fine, J., & Bartley, T. (2019). Raising the floor: New directions in public and private enforcement of labor standards in the United States. *Journal of Industrial Relations*, 61(2), 252-276.

Marquis, S. L. (2018). I am not a tractor! How Florida farmworkers took on the fast food giants and won. Cornell University Press.

Turker, D., & Turker, D. (2018). Socially Responsible Production and Operations Management. *Managing Social Responsibility: Functional Strategies, Decisions and Practices*, 73-98,

Asbed, G., & Hitov, S. (2017). Preventing forced labor in corporate supply chains: The fair food program and worker-driven social responsibility. *Wake forest l. rev.*, 52, 497.

Brown, G. (2017). Hansae Vietnam’s garment factory: Latest example of how corporate social responsibility has failed to protect workers. *Journal of occupational and environmental hygiene*, 14(8), D130-D135.

Siegmann, K. A., & Iocco, Giulio. (2017). CIRI Forum on Worker-driven Innovation in the Globalized Economy – Learning from Encounters. Retrieved from <http://hdl.handle.net/1765/95763>

Siegmann, K. A., Merk, J., & Knorringer, P. (2016). Civic innovation in value chains: Towards workers as agents in non-governmental labour regulation. In *Exploring Civic Innovation for Social and Economic Transformation* (pp. 109-131). Routledge.

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 Requirement

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 ensure 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 ensure 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: Remedying 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 - Suspensions 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. f 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.

SOURCES

1. <https://www.washingtonpost.com/climate-solutions/interactive/2024/farmworker-heat-safety-fair-food-program/>

2. <https://www.justice.gov/usao-sc/pr/three-lexington-county-defendants-sentenced-federal-court-labor-trafficking-and-fraud> (Balcazar) <https://www.justice.gov/opa/pr/owner-farm-labor-company-sentenced-118-months-prison-leading-multi-state-conspiracy-involving> (Moreno)

3. <https://www.bls.gov/news.release/pdf/cfoi.pdf>

4. <https://www.epi.org/press/70-of-all-investigations-in-agriculture-detected-violations-of-federal-wage-and-hour-laws-and-farm-labor-contractors-are-the-biggest-violators-policy-makers-must-do-more-to-protect-farmworkers-and-hol/>

5. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8861180/>

6. <https://www.foodandpower.net/farmworkers#:~:text=According%20to%20data%20collected%20by,minimum—below%20poverty—wage>

7. Waugh IM. Examining the sexual harassment experiences of Mexican immigrant farmworking women. Violence Against Women. 2010;16:237–261

8. <https://ciw-online.org/blog/2023/11/new-report-unearths-extensive-rights-abuses-on-farms-certified-by-equitable-food-initiative-and-fair-trade-usa-calls-for-worker-driven-solution/>

9. <https://ciw-online.org/blog/2023/06/powerful-new-report-out-of-harvard-law-school-hails-fair-food-program-as-model-for-human-rights-in-the-21st-century/>

10. <https://hsplegal.com/hsprd-and-smls-reached-a-settlement-of-390000-in-a-suit-brought-on-behalf-of-14-mexican-guestworkers-who-had-alleged-abusive-working-conditions-discrimination-and-retaliation-at-a-tennessee-tomato/>

11. <https://hsplegal.com/hsprd-and-smls-reached-a-settlement-of-390000-in-a-suit-brought-on-behalf-of-14-mexican-guestworkers-who-had-alleged-abusive-working-conditions-discrimination-and-retaliation-at-a-tennessee-tomato/>

12. <https://hsplegal.com/hsprd-and-smls-reached-a-settlement-of-390000-in-a-suit-brought-on-behalf-of-14-mexican-guestworkers-who-had-alleged-abusive-working-conditions-discrimination-and-retaliation-at-a-tennessee-tomato/>

13. https://www.newportplaintalk.com/archives/article_19bf5c30-cbf3-5c52-a5d1-2524fc0e23d8.html

14. <https://www.courthousenews.com/labor-abuse-reported-in-tennessee/>

15. [https://www.ers.usda.gov/topics/farm-economy/farm-labor/#:~:text=Women%20Are%20an%20Increasing%20Share,28.1%20percent%20\(in%202021\)](https://www.ers.usda.gov/topics/farm-economy/farm-labor/#:~:text=Women%20Are%20an%20Increasing%20Share,28.1%20percent%20(in%202021))

16. <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and>

17. <https://www.fastcompany.com/91057302/in-palm-beach-farmworkers-are-ramping-up-pressure-on-wendys-to-ensure-worker-protections>

18. <https://fairfoodprogram.org/about/>

19. https://www.washingtonpost.com/outlook/metoo-hasnt-fixed-the-workplace-heres-a-playbook-that-can/2018/11/29/bb1de86e-e762-11e8-b8dc-66cca409c180_story.html?utm_term=.a573cdee9409

20. <https://www.dol.gov/agencies/ilab/comply-chain/steps-to-a-social-compliance-system/step-3-develop-a-code-of-conduct/example-in-action-fair-food-program>

21. https://clje.law.harvard.edu/app/uploads/2023/06/7.13.23_WSR_Report_Final.pdf

22. Bloomia Gets Big Honor – Good Guys Do Win

23. <https://labourexploitation.org/publications/press-release-europes-first-worker-driven-social-responsibility-pilot-launched-in-uk/#:~:text=In%20the%20UK%20fishing%20context,are%20not%20protected%20by%20UK>

24. See <https://www.dol.gov/newsroom/releases/whd/whd20230202-2> . Also <https://www.dol.gov/newsroom/releases/whd/whd20230803>. <https://www.levernews.com/how-krogers-merger-push-leads-back-to-alleged-human-trafficker/>

25. <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

26. <https://www.politico.com/news/2022/04/14/georgia-farm-labor-indictments-pressure-biden-to-move-on-farmworker-reforms-00025380>

27. <https://www.cdc.gov/niosh/topics/aginjury/default.html>

28. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8861180/>

29. <https://www.washingtonpost.com/climate-solutions/2023/11/06/miami-dade-county-heat-ordinance/>

30. An exception was made during the COVID-19 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 despite these limitations, and as soon as auditors could safely engage with workers face-to-face, audit interviews returned to at least 50 percent of the present workforce.

SOURCES

- 31. The other 22% of complaints were from workers at non-participating employers, not investigable because workers did not remain in contact, or for informational purposes only. Since 2019, these resolutions represented 36% of all cases resolved by FFSC.
- 32. <https://www.miamiherald.com/opinion/op-ed/article278298283.html>
- 33. Bureau of Labor Statistics. Hours-based fatal injury rates by industry, occupation, and selected demographic characteristics, 2015. Available at: <https://www.bls.gov/iif/oshcfoi1.htm#rates>.
- 34. Footnote for the H-2A compliance chart: Participating Growers have been using the H-2A Program for a maximum of eight years, since 2014. Additionally, for those growers that have participated in the H-2A Program for eight years, the eighth year was mid-COVID-19 pandemic, and compliance dipped as a result.

NOTE

The Fair Food Program’s international expansion to the flower sector in Chile and South Africa, as well as a feasibility study to explore potential expansion to other agricultural sectors in both countries, was made possible by a federal award provided by US DOL to the Fair Food Standards Council. The following disclaimers are specific to this project funded by US DOL:

Acknowledgement of Federal Funding:
Funding was provided by the United States Department of Labor under cooperative agreement number IL-39461-22-75-K. One hundred percent of the total costs of the project was financed with USG federal funds, for a total of \$2,500,000.00 dollars.

Required Disclaimer:
This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.



fairfoodprogram.org