

FAIRFOOD

2018 UPDATE



**CONSUMER POWERED
WORKER CERTIFIED**





"The Coalition has made such progress,

**it's like the difference
between a Dickensian workhouse and
a modern Silicon Valley office complex,"**

said Barry Estabrook, who chronicled tomato field labor abuses and CIW's work in the years leading up to the implementation of the FFP in his 2011 book *Tomatoland*.

In fact, the changes have been so stark that Estabrook recently returned to Florida to document them, and updated the book to tell the story of how the FFP has nearly eliminated pervasive issues like wage theft, sexual harassment, and lack of access to shade and water...

**"It's a template that, when you adjust it,
can be applied to almost any work situation."**

-Lisa Held

Civil Eats, "Florida's Farmworkers Take Their Fight to Park Avenue." (March 2018)

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Preface

This report provides data and analysis on the current state of compliance within the Fair Food Program, as of the end of Season 7 (2017-18).

The report serves as a supplement to the more comprehensive 2017 Annual Report, which provided a detailed history of the abuses faced by low-wage agricultural workers in the United States, the steps that the Coalition of Immokalee Workers (CIW) took to address those abuses through its anti-slavery investigations and the creation of the Fair Food Program (FFP), and the promise of Worker-Driven Social Responsibility (WSR) as a model that can help eradicate similar abuses faced by low-wage workers throughout global supply chains.



Photo: Shane Donglasan

Overview

Since 2011, **the Fair Food Program (FFP)** has brought together farmworkers, consumers, food retailers, and growers to achieve humane labor standards and better wages in agriculture.

The Coalition of Immokalee Workers (CIW) is a human rights organization founded by farmworkers in southwest Florida. Through its groundbreaking anti-slavery work in US agriculture and its successful Campaign for Fair Food, the CIW established the Fair Food Program by securing agreements with some of the largest food retailers in the United States. The FFP now has 14 Participating Buyers.

Participating Buyers agree to purchase covered produce only from farms that meet the standards required by the Fair Food Code of Conduct. They also pay their suppliers a small "Fair Food Premium," known popularly as a "penny-per-pound," which is passed through to farmworkers in their regular paychecks to augment low wages.

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

The Fair Food Standards Council (FFSC) is the dedicated monitoring organization responsible for enforcing Code of Conduct standards. Through its rigorous audit program and 24-hour complaint hotline, FFSC ensures that both Participating Buyers and Participating Growers are in full compliance with the Code of Conduct.

The FFP Working Group, composed of representatives from Participating Growers and CIW, establishes the policies and procedures needed to ensure successful implementation of the Fair Food Code of Conduct. The Working Group includes representatives from Participating Growers and CIW, and meets regularly to review Program implementation, discuss practical difficulties and, if necessary, recommend appropriate policy changes to ensure that the Code's intent is realized on FFP farms.

Code of Conduct

The Fair Food Code of Conduct is a set of standards created by workers who understood the sources of workplace abuses that have long plagued low-wage work in agriculture. These standards, the implementation of which is detailed in this report, include:

Zero Tolerance Provisions
Transparency & Cooperation
Complaint Procedure
Hiring & Registration
Education & Training
Fair Food Premium
Wages, Hours, & Pay Practices
Work Environment
Health & Safety
Housing

How are these standards guaranteed?

Fair Food Program compliance rests upon the following elements, all of which are necessary for guaranteeing low-wage worker protections:

1. Worker-to-Worker Education
2. Complaint Resolution
3. Auditing
4. Market-Based Enforcement

Results

FFSC continues to maintain 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, FFSC grades both individual grower performance and industry averages, based upon metrics developed to gauge compliance. This mapping provides an accurate reflection of Program trends and effectiveness.

In addition, qualitative feedback from workers and growers has 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 an in-depth review of the implementation of FFP standards. The report begins by focusing on the four foundations of the FFP: Worker-to-Worker Education, Complaint Resolution, Auditing, and Market-Based Enforcement. Compliance metrics for key Code provisions are then examined in detail.

Overall trends in the data are clear. In a few short years, the Fair Food Program has re-shaped the practices of the Florida tomato industry, which is now widely recognized as the best work environment in US agriculture, with the most effective and verifiable workplace standards.

Between Seasons 1 and 4 (November 2011 through October 2015), most Participating Growers' operations were dramatically transformed, achieving high levels of compliance across all areas of evaluation.

By the beginning of Season 5 (2015-16), the Program had entered a new phase, defined less by the need for fundamental change than by the task of sustaining the remarkable gains already achieved.

Seasons 6 (2016-17) and 7 (2017-18) have each represented the highest Program-wide compliance levels to date.

"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."

-Don Jose, Florida Farmworker
(June 2018)



Photo: Shane Douglas

Charting Progress

Participating Grower Average Compliance Scores
Seasons 1 - 7 (2011 - 2018)



Photo: Shane Donglasan

Worker-to-Worker Education

Each season, workers employed at Fair Food Program farms learn about their unique protections through interactive sessions led by CIW's Worker Education Committee, whose members are farmworkers themselves.

This training provides the knowledge needed for workers themselves to play a leading role in identifying abuses and dangers in the workplace, and to make protected, confidential complaints. As a result, thousands of workers have become the frontline monitors of their own rights and working conditions.

Education sessions happen on company property,

with the support of Participating Growers, who pay workers at an hourly rate for their participation.

Beyond this, all workers receive CIW's Know Your Rights and Responsibilities (KYRR) handbook at the point of hire, before setting foot in the fields. Further, newly hired workers watch a video produced by the CIW, consisting of scenarios that demonstrate workers' rights and responsibilities under the Program.

As of October 2018, the CIW had held 775 education sessions with nearly 60,000 workers in attendance. Nearly 250,000 KYRR booklets have been distributed to workers on FFP farms.



Above: Nely Rodriguez of the Coalition of Immokalee Workers (CIW) leads a worker-to-worker education session at an FFP farm.

775
Education Sessions

58,861
Workers in Attendance

247,000
KYRR Booklets Distributed

Below: Know Your Rights and Responsibilities (KYRR) booklets posted in Spanish, Haitian Creole, and English at an FFP farm.



Complaint Resolution

When workers on FFP farms encounter problems or abuses in their workplace, they have access to a safe and effective complaint process.

Through the Program's toll-free complaint line, workers have 24/7 access to multilingual FFSC investigators who assist them by investigating and resolving any Code violations identified at FFP farms. Due to effective enforcement of the Code's prohibition of retaliation against workers who voice complaints, workers confidently express their concerns.

Between November 2011 and October 2018, the FFP had received nearly 2150 worker complaints, in addition to the concerns raised by workers during FFSC audits.

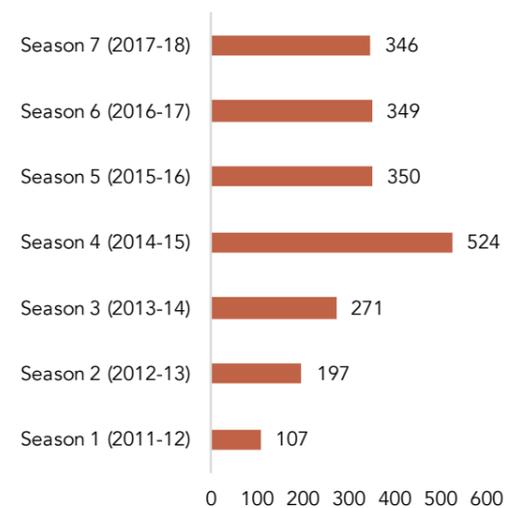
During Season 7, the FFP received 346 complaints through its hotline.

39% of these complaints were found to represent Code violations, while 19% were found not valid.

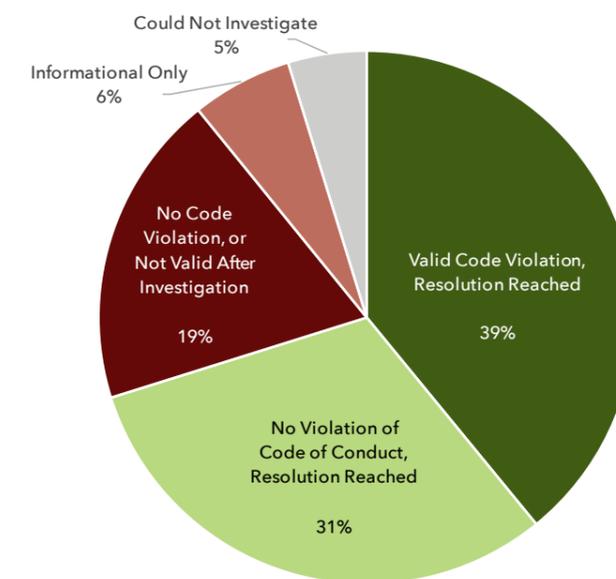
In 31% of all cases since the FFP was first implemented, agreeable resolutions were reached even when no Code violations were confirmed, demonstrating a high level of cooperation in resolving the problems and concerns of workers. During Season 7, these resolutions represented nearly 40% of all cases resolved by FFSC.

The FFP also continued to achieve resolutions with unparalleled speed. During Season 7, 49% of all cases received were resolved in less than two weeks, and an additional 27% were resolved in less than one month. Over the life of the Program, 52% of all cases have been resolved in less than two weeks, and 79% of all cases have been resolved in less than a month.

Hotline Complaints (By Season)



Complaint Outcomes (Seasons 1 - 7)

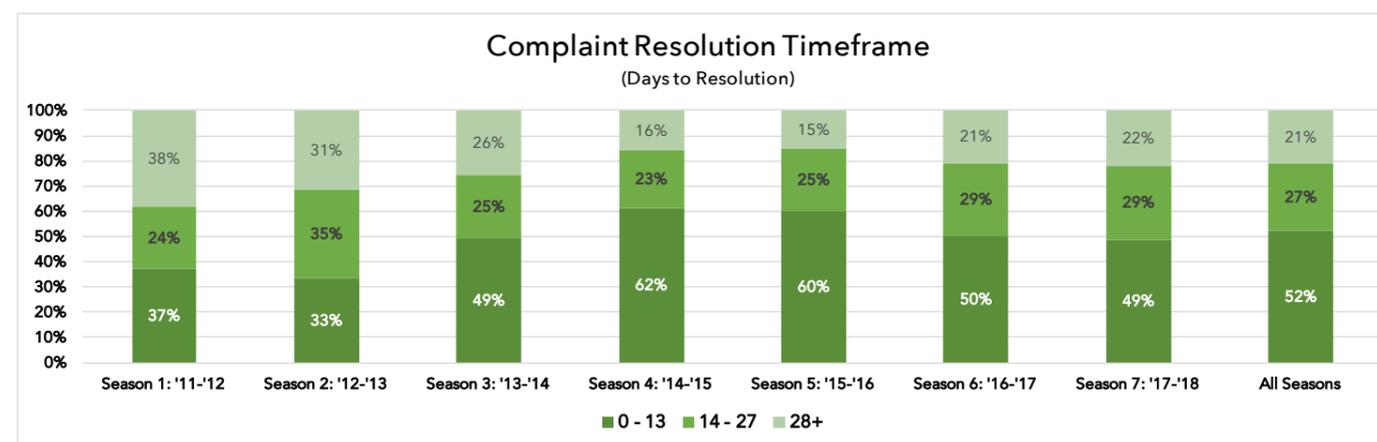
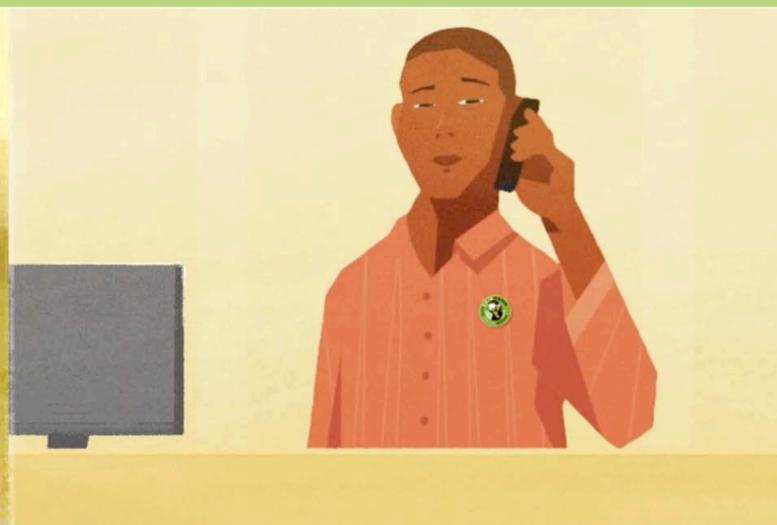
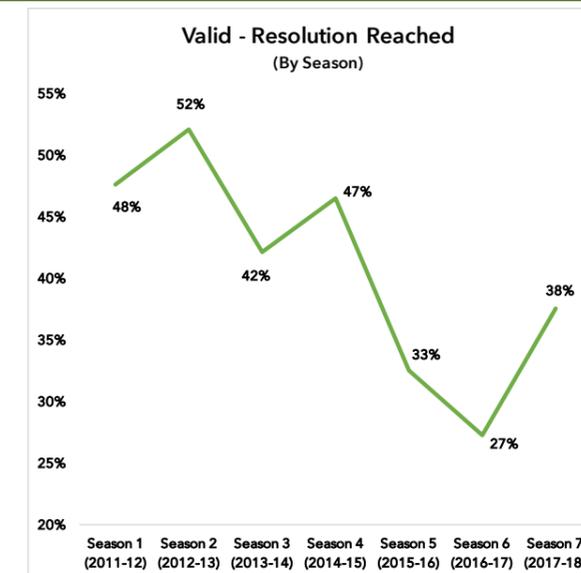
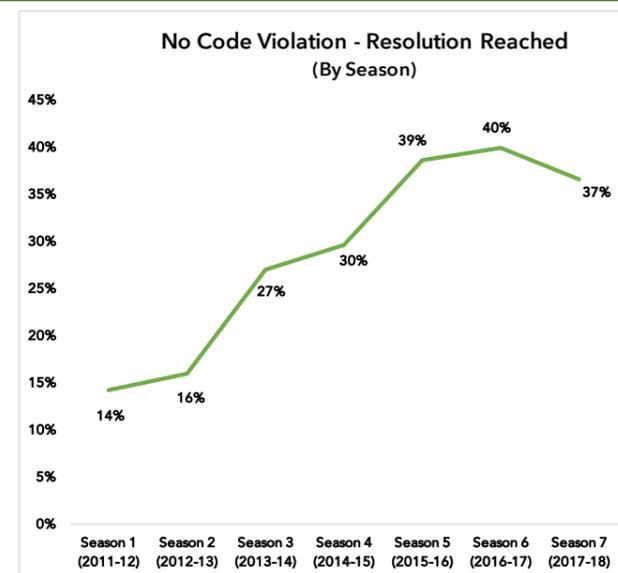


2,144
Total Hotline Complaints

52%
Complaints Resolved
in Less than Two Weeks

346
Hotline Complaints
Received during Season 7

79%
Complaints Resolved
in Less than One Month



Auditing

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

With full access to farm operations and payroll records, as well as extensive presence in the fields and housing camps through announced and unannounced audits, FFSC investigators have an unprecedented degree of insight into growers' operations.

Audits include in-depth interviews with management representatives, farm supervisors, and at least 50% of workers present at all farm locations. The thoroughness and rigor of these audits give FFSC the knowledge needed to ensure that growers' practices are in full compliance with the Code of Conduct.

Between November 2011 and October 2018, the FFSC has conducted nearly 24,000 worker interviews during over 260 operations audits. Nearly 8000 audit findings have been addressed through 189 binding corrective action plans.

264
Field Operations Audits

227
Financial Audits

205
Management Audits

23,630
Interviews with Workers

189
Corrective Action Plans

761
Interviews with Labor Contractors

7,738
Audit Findings Addressed

Market-Based Enforcement

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

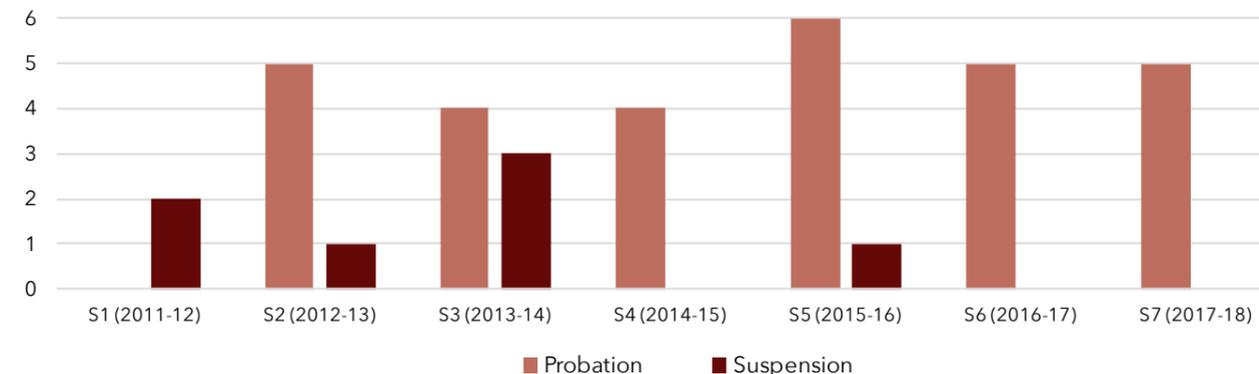
In the Fair Food Program, the protection of farmworkers' fundamental rights is backed by market consequences for farms that fail to come into compliance with the Code of Conduct. When suspended from the FFP, growers can no longer sell their product to Participating Buyers until their mandated suspension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

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

Between November 2011 and October 2018, FFP growers have been suspended from the Program seven times, and have been placed or remained on probation 29 times. During Season 7, no Participating Growers were suspended, while five were placed on probation.

Although suspensions have become increasingly rare over time, the steady number of probations since Season 2 demonstrates that the threat of market consequences has remained essential to maintaining high levels of compliance. The Program has also been able to focus on different points of emphasis over time, as compliance in fundamental Code areas was achieved.

Probation and Suspension History



Zero Tolerance Provisions

All participants in the FFP are committed to the eradication of forced labor, child labor, violence, and sexual assault, which represent the most egregious offenses suffered by farmworkers over many decades.

Findings of forced labor or child labor result in automatic suspension from the Program as well as referrals to law enforcement. Pursuing complaints under the Code never requires workers to waive any other legal remedies available to them.

The Code also requires termination of supervisors found to have violated the Code's zero-tolerance provisions. Any such offenders are ineligible for employment at Fair Food Program farms for two seasons to five years, depending on the offense. Retraining acceptable to FFSC must be completed before employment eligibility at Participating Growers can be reinstated, while a second offense results in a lifetime ban from Fair Food Program farms. Failure by a Participating Grower to impose these sanctions results in suspension from the Program.

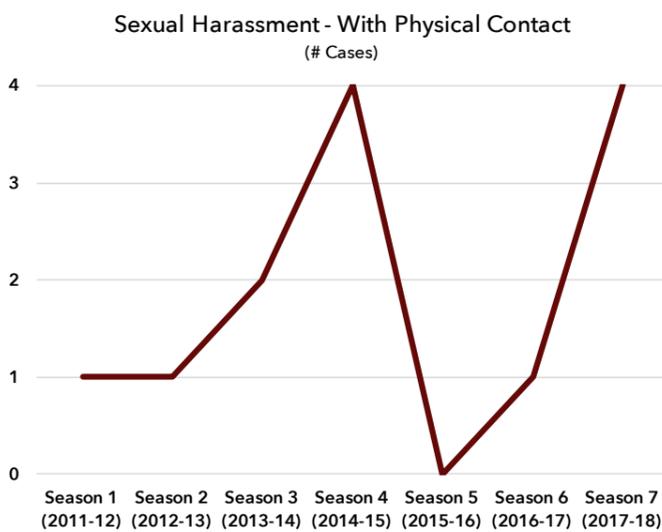
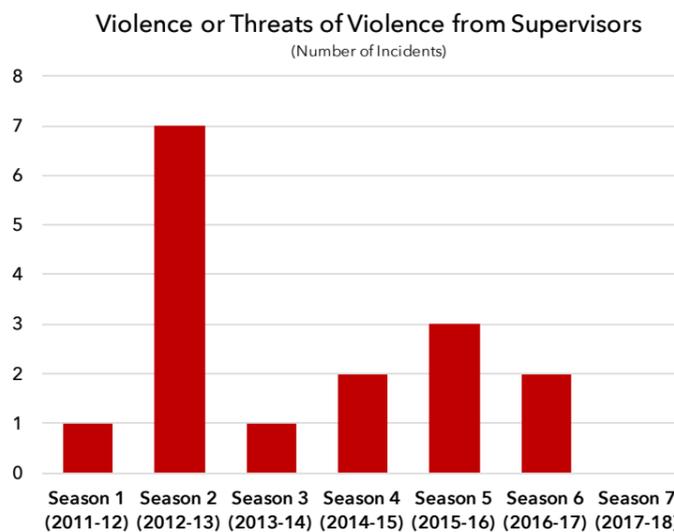
As a result of worker complaints and audit findings, FFSC and Participating Growers have worked together to rid the industry of its worst actors and publicly affirm the Code's zero tolerance provisions.

Between Seasons 1 and 7, there have been a total of 13 valid complaints that involved sexual harassment with physical contact, with six of those complaints involving

a supervisory employee. In each case, the offending supervisor or co-worker was promptly terminated, and all supervisors were banned from FFP farms, as required by the Code.

In addition, between Seasons 1 and 6, FFSC resolved a total of 11 valid complaints that involved a total of 10 supervisors committing or threatening violence against workers. Complaint resolutions included nine terminations of offending supervisors and one demotion from a supervisory position. Additionally, four other supervisors were provided with final warnings for failing to take proper action to prevent, intervene in, or participate transparently in investigations of these incidents. During Season 7, there were no cases of supervisor violence or threats of violence against workers on any FFP farm.

During the Program's first four seasons, FFSC found no cases of forced labor on FFP farms. When workers and FFSC uncovered a forced labor case during Season 5 - a case that arose because the FFP's prevention mechanisms were ignored by the grower - the Program's complaint notification and investigation procedures enabled the swift investigation, resolution, and prosecution of the perpetrator, as well as prompt suspension of the grower. Seasons 6 and 7 saw even further tightening of FFP-recommended prevention systems at the farm impacted by this case and no further cases of forced labor on FFP farms.



Audit Measures

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

Transparency & Cooperation

In the same way that successful complaint resolution requires that workers trust in their ability to make complaints without retaliation, audits require full cooperation and transparency from Participating Growers and field-level supervisors.

The Fair Food Program has provided FFSC with access to all levels of Participating Growers' operations. Growers provide requested records, including company policies, training and injury reports, worker registration and payroll files, and documentation of Fair Food Premium receipts and distributions.

During FFSC audits, FFSC investigators interview at least 50 percent of the workforce present at growers' operations each season. Interference with auditors' interactions with workers and field-level supervisors, in the form of intimidation or coaching, is strictly prohibited.

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

In the early years of Program implementation, FFSC faced numerous instances in which farm management

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

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

During Season 7, cooperation with FFSC audits continued to be the norm for the vast majority of Participating Growers. Where lack of cooperation from management resulted in significant delays in document production at four farms, those companies were placed on probation.

At only one operation did non-cooperation result in issues during FFSC's worker interviews. In that instance, the responsible supervisors were disciplined and retrained as part of the FFP's correction action process.



Audit Measures

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

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 abuse, verbal abuse, and termination. Without effective enforcement mechanisms in place to ensure that retaliation did not take place, workers often concluded that raising complaints in the workplace was not possible.

With the implementation of the FFP, the right to make complaints about work-related issues without fear of retaliation transformed the work environment for farmworkers, as well as for the labor contractors who once ruled the fields with impunity.

Workers continue to learn about their ability to use the FFSC's hotline through company training, worker-to-worker education sessions, interactions with FFSC field investigators, and from friends and relatives who had obtained successful complaint outcomes. CIW education sessions are another channel that workers use to raise complaints and concerns about the work environment.

Strict enforcement of Code provisions against retaliation has both increased workers' confidence in the safety of the complaint process and served to

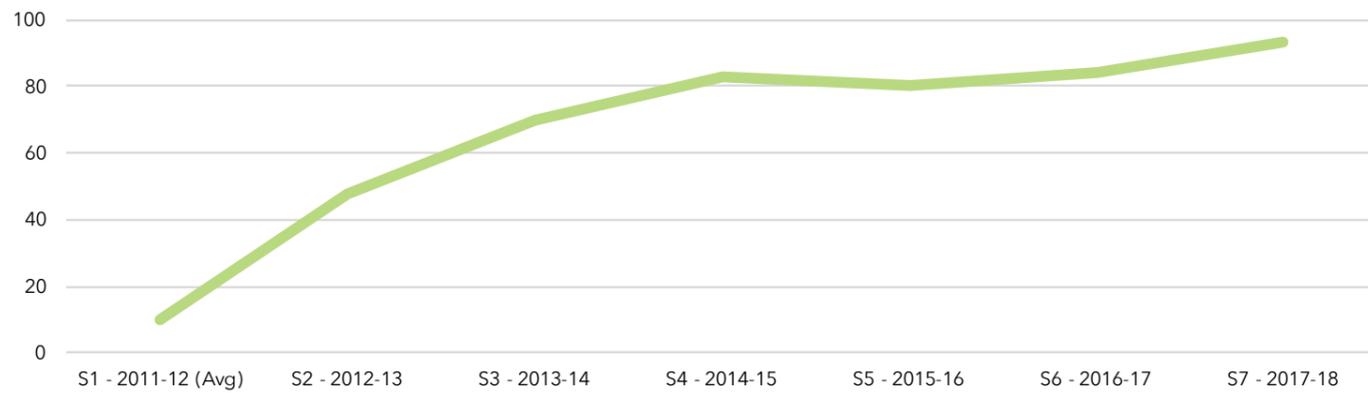
deter all forms of retaliation by supervisors.

During Season 7, investigators found evidence of an instance of retaliation on one FFP farm, and one instance of a supervisor threatening retaliation on another FFP farm. Those instances were each limited to the behavior of one supervisory employee, whose actions were addressed through the corrective action process.

As the effectiveness of grower complaint investigation procedures are evaluated through the FFP's audit and complaint resolution processes, corrective action measures provide a road map for strengthening Participating Growers' ability to handle, investigate, and resolve complaints in collaboration with FFSC.

The effectiveness of the FFP complaint resolution 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 and objective approach, there has been only one such appeal to date.

Participating Grower Compliance Scores
Complaint Procedure



Audit Measures

Grower and FFSC complaint hotline numbers must be provided on workers' paystips, 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.

Voices From the Fields

Season 7 (2017-18)

November 2017

During an interview with FFSC, a worker described his experience working in the tomato industry for over 10 years.

During those years, he had worked on multiple farms in Florida. However, about five years ago he began to work at a FFP farm, and noticed that the work environment got better each year. The worker attributes this improvement in the work environment to the work of the CIW and the Fair Food Program.

He stated that, since the Coalition began visiting farms to distribute KYRR booklets and conduct worker-to-worker education, the working conditions and overall experience for workers had improved in multiple ways.

June 2018

"On the farms, there have been many changes. We have bathrooms, that's one of the things we really needed. There is more respect on the farm, there are no more abuses. Before, the crewleaders and the fieldwalkers, they would say disgusting things to us and we just had to remain silent. But thanks to the Fair Food Program, we are ending these situations. These changes are now in many farms, but there are many more farms out there yet to be covered."

-Reina (Farmworker)

February 2018

When asked about the work environment, a worker was quick to respond that things at his [FFP] farm were great because of the presence of CIW and its Fair Food Program. The worker remembered how - in the years before the FFP - he would often hear his friends talk about demeaning behavior from their bosses, and how his friends' comments began to change after the arrival of the FFP.

This worker also stated that witnessing these positive changes on FFP farms prompted him to join the Worker Health and Safety Committee, which he categorized as one of the best avenues for workers to be able to freely speak with company representatives about issues that affect workers at the farm.

June 2018

"Immokalee is a small town, but it is filled with hard-working and kind people - people who put food on the table for millions of other families. For many years when I worked in the fields, I did not always make enough to put food on my own table for my three children. Because of the Fair Food Program, we started to see better wages, and it changed our lives for the better - for me and for my children."

-Udelia (Farmworker)

Photo: Shane Donglasan

Hiring & Registration

In much of US agriculture, growers typically pay farm labor contractors (crewleaders) who are the direct employers of farmworkers. This type of employment arrangement helps to insulate growers from legal liability for what takes place on farm property, while making it more difficult to detect and address abuses experienced by farmworkers.

Direct Hiring

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

The FFP additionally requires that all registration and training take place prior to starting work, including the issuance of a photo ID badge to all workers, required for tracking attendance and hours. This helps reduce the risk that workers could work under the control of labor contractors for several days and leave without company knowledge or without being paid.

Vine-Ripe Workers

During Seasons 1 and 2, 100% of Participating Growers had implemented procedures to place their production and harvesting crews on company payroll. By the end of Season 3, 100% of Participating Growers adopted the unprecedented practice of including vine-ripe workers on company payroll.

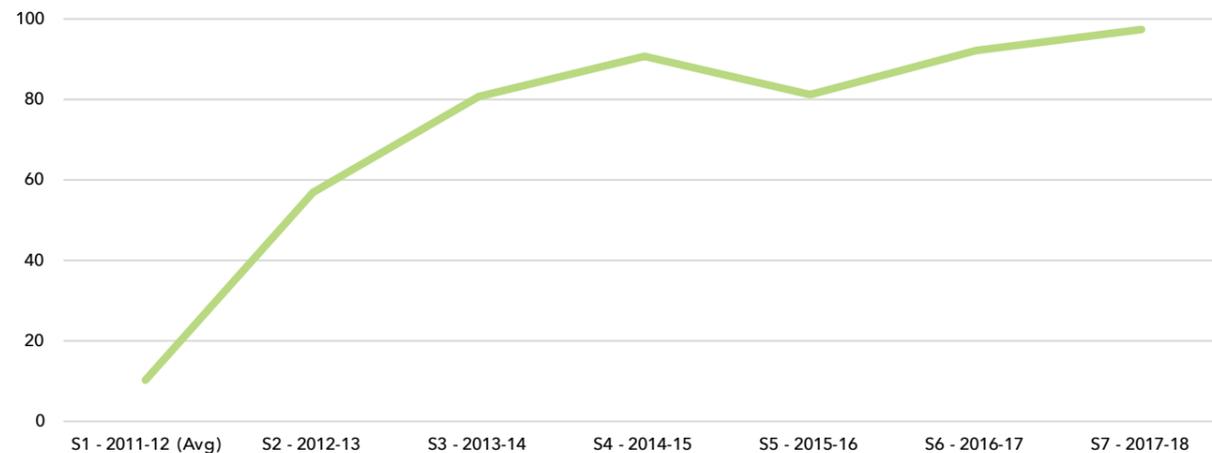
By the end of Season 4, nearly all growers had fully implemented standardized procedures to ensure that all Qualifying Workers, including vine-ripe workers, were registered and provided with ID and/or time cards before starting to work in the fields.

Supervisor Registration

During Season 7, 100% of FFP farms were fully compliant with direct hiring requirements and 100% were fully compliant with record keeping requirements.

During Season 7, FFSC identified some minor issues with supervisor registration requirements on 25% of FFP farms, primarily due to FFSC not being provided with updated documentation.

Participating Grower Compliance Scores
Hiring & Registration



Audit Measures

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 Registration

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.

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

Education & Training

Training at the Point-of-Hire

Prior to starting work in the fields, all workers must also receive a copy of the Program's "Know Your Rights and Responsibilities" (KYRR) booklet in English, Spanish, or Haitian Creole. Audio versions are available for low-literate workers. The KYRR booklet describes the basic protections established by the Code, including how workers can make confidential complaints. Workers also view the CIW-produced FFP training video, which demonstrates their rights and responsibilities in realistic scenarios portrayed by farmworkers.

During Season 7, 100% of Participating Growers had fully integrated FFP materials into their training for new hires and returning workers.

In addition, 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.

Worker-to-Worker Education

Since Season 3, 100% of Participating Growers have remained in full compliance with worker-to-worker education requirements. This means that - at least once per harvest cycle - all crews are visited by CIW's Education Committee, which uses popular education methods,

including illustrations and real-world scenarios, to discuss workers' rights under the FFP and address workers' concerns.

Supervisor Training

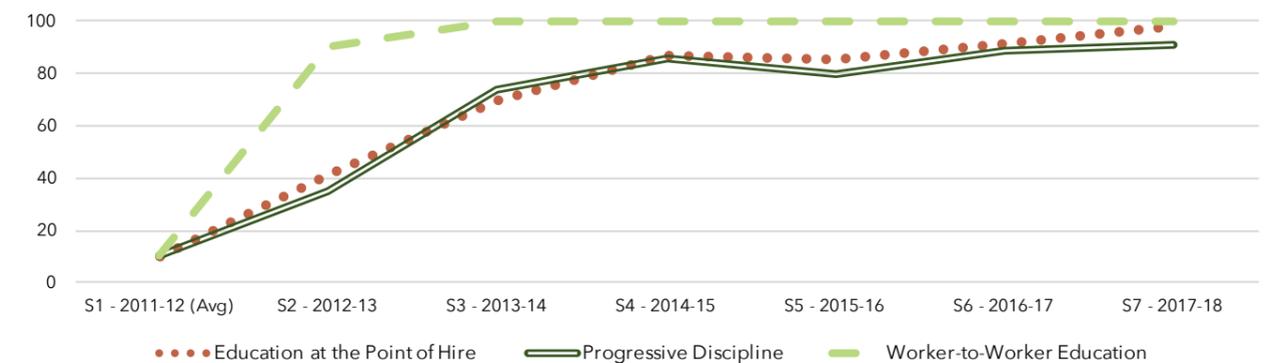
Growers must also provide all supervisory employees with training on FFP standards and company policies, including informing them that they will be subject to discipline for failure to implement FFP standards.

Progressive Discipline

Given the long history of farmworkers being subject to arbitrary and summary dismissal, Participating Growers have been required to adopt progressive discipline practices in which employees must receive verbal and written warnings for most violations of company policy, with opportunities for re-training prior to termination. Terminations also require the involvement of upper management, rather than being left to the discretion of crewleaders.

100% of Participating Growers have established progressive discipline policies, and actively train their employees on escalating discipline. During Season 7, FFSC documented only one instance in which a worker was arbitrarily terminated by a crewleader. In that instance, as with any case in which a supervisor fails to properly implement the progressive disciplinary policy, the offending supervisor was subject to a disciplinary warning and the terminated worker was invited by the grower to return to work.

Participating Grower Compliance Scores
Training & Communication of Policies



Audit Measures

Worker-to-Worker Education

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

Training at 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.

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.

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

Since 2011, historic change in farmworkers' traditionally sub-standard pay has been achieved through Participating Buyers' payment of over \$29 million in Fair Food Premium to improve workers' wages.

The Fair Food Premium, known as the "penny per pound," is paid by Participating Buyers on their Florida tomato purchases. 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 their regular paychecks, as a clearly marked line item.

The specific rate of Fair Food Premium varies by tomato 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 tomato purchases of Participating Buyers to ensure that Fair Food Premium is 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 now have systems in place to ensure that distributions are consistently made to Qualifying Workers in a timely manner. Furthermore, FFSC receives reporting on distributions on or before the required deadlines.

In Seasons 6 and 7 - due to FFSC's increasingly sophisticated analysis of PGs' payroll systems and codes - FFSC uncovered an issue that had resulted in negligible amounts of distributions to ineligible low-level field supervisors at half of FFP farms. Based upon corrective actions taken by FFSC, approximately \$58,000 was replenished to Fair Food Premium funds for distribution to Qualifying Workers. After uncovering these issues, FFSC worked with the affected PGs to create and implement systems that fully adhere to the requirements of the Fair Food Program.

\$29,008,992.10

Fair Food Premium

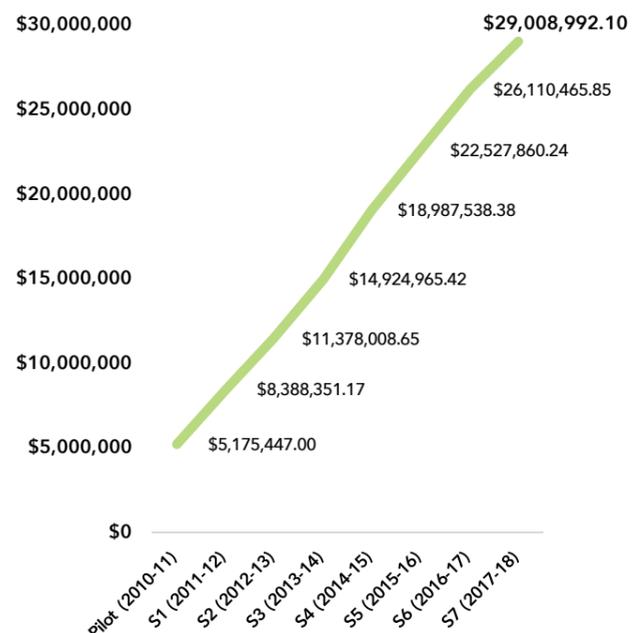
Distributed to Qualifying Workers Since 2011

Fair Food Premium Distributions
(By Year)



* The reduction in FFPP distributed during Season 7 was a result of Hurricane Irma, which greatly impacted Florida tomato production.

Total Fair Food Premium Distributions



Audit Measures

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.



Photo: Shane Donglasan

Wages, Hours, & Pay Practices

Bucket-Filling Standard

In addition to the Fair Food Premium, the Program has achieved further wage increases through the elimination of "cupping," or the "topping off" of harvesting buckets. Cupping refers to the traditional practice of requiring workers to overfill their 32-pound buckets by heaping additional pounds of tomatoes on top.

Before the FFP was implemented in 2011, workers were not compensated for those extra pounds of tomatoes in each bucket. Therefore, for every eight to ten buckets picked and cupped, workers were actually harvesting - but not being paid for - an additional bucket. Before the FFP, this practice was enforced by supervisor violence, withholding pay for uncupped buckets, and/or firing workers who refused to comply. For many workers, the new visual bucket-filling standard has meant a wage increase of up to 10%.

During the first two seasons, the Program saw significant resistance on the part of crewleaders to enforcing this new standard, and failure to consistently enforce this requirement was a source of many worker complaints. However, between Seasons 3 and 6, the Program achieved the near elimination of this once common practice, as well as its accompanying violence and wage theft. Cupping is now an infrequent request from supervisors who know that giving such instructions will subject them to disciplinary action.

100% of all Participating Growers continue to effectively train supervisors and workers on the Code's bucket-filling standard. During Season 7, FFSC identified only isolated cases of cupping demands on 25% of FFP farms.

Wages & Hours

Although federal law requires that farmworkers' compensable hours - starting at the time they are required to arrive to farm property - be recorded to ensure minimum wage compliance, the fraudulent manipulation of handwritten timekeeping records in U.S. agriculture. And because their time was not properly recorded or compensated, workers were often transported to the fields hours before harvesting was likely to start.

The Fair Food Program transformed these practices by mandating timekeeping systems that confirm whether farmworkers - who often work piece rate for their production - are paid at least minimum wage during the time they are required to be at work. Under the Code, 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.

Failure to comply with these fundamental timekeeping requirements has been grounds for probation and suspension from the Program. 100% of all Participating Growers now use timekeeping systems as required by the Code. 100% of growers also consistently generate payroll from required timekeeping records, as opposed to crewleaders' handwritten records.

During Season 7, FFSC found isolated instances on 13% of FFP farms in which small numbers of workers were not clocked in for work on one or two workdays. In each case, FFSC confirmed that these workers had actually been properly registered and compensated, despite minor timekeeping violations.

During Season 7, workers at 71% percent of FFP farms reported zero issues, and workers at 94% of FFP farms reported no systemic issues, with uncompensated wait time or other failure to properly record compensable hours. At the remaining farms, the majority of problems identified by FFSC were isolated instances resulting from the failure of one or two supervisors to follow timekeeping rules.

Only one FFP farm was found to have systemic issues with unrecorded compensable hours. This grower was placed on probation.

In addition to ensuring proper compensation, 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. Due to FFP enforcement of legal requirements, farmworkers' time is no longer expendable. Therefore, many growers recalibrated their practices so that arrival times more closely approximate the time at which work will actually start. 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.

Pay Practices

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.

Together, the practices set in place by Program requirements have helped workers ensure that they are consistently and properly paid for their labor. Through FFSC audit findings and complaint resolutions, the Program has helped workers recover nearly \$275,000 in lost wages.

10%
Wage Increase from
FFP Bucket-Filling Standard

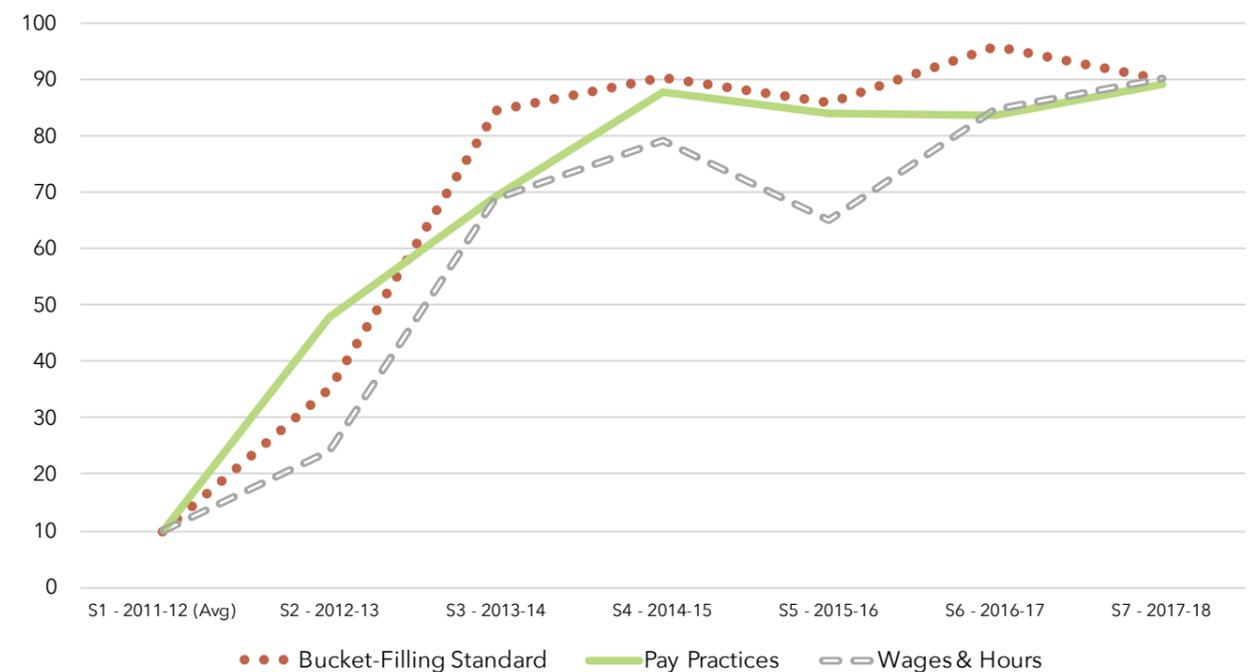
75%
Participating Growers fully compliant
with the Bucket-Filling Standard

\$273,831
Recovered Wages

100%
Participating Growers use Code-required
timekeeping systems to generate
worker payroll

94%
Participating Growers had no systemic
issues with wait time or failure to record
compensable hours.

Participating Grower Compliance Scores
Wages, Hours, and Pay Practices



Audit Measures

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.

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.

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 discrimination.

Sexual Harassment

During Season 7, 100% of Participating Growers continued to hold company-led trainings for workers and supervisors on the prevention of sexual harassment and discrimination based on gender, race, national origin, or sexual preference. 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. During Season 7, FFSC received no worker reports of sexual harassment or discrimination at 75% of FFP farms.

These measures have brought an end to impunity for discrimination and sexual harassment on Fair Food Program farms. Since the start of the FFP, 42 supervisors have been disciplined for sexual harassment as a result of complaint resolutions or corrective actions that addressed audit findings. 11 of those supervisors were terminated and banned from employment at all FFP farms. Season-by-season data on sexual harassment is displayed below. During Season 7, there were four valid cases of sexual harassment with physical contact by a supervisor. In all four cases, the supervisor was terminated and banned from all FFP farms. Season 7 also saw seven valid cases of sexual harassment without physical contact, each of which resulted in swift discipline, including one final warning and one termination.

During Season 7, the increased number of sexual harassment complaints on FFP farms was directly related to the increase in Haitian workers employed at those farms. Of the 11 valid sexual harassment complaints received by FFSC during Season 7, 64% (7 of 11) were complaints made by Haitian women, newly educated on their rights.

Discrimination

Cases of discrimination are dealt with promptly and effectively through the Program's complaint mechanism. As referenced above, there has been a marked increase in the number of Haitian workers on FFP farms since 2015, and FFSC has increased its native Creole-speaking staff accordingly. This has allowed Program monitoring to respond promptly to issues facing these workers, including discrimination and lack of Creole-speaking grower staff who can adequately address their concerns.

Since Program implementation, FFSC has resolved 45 cases of discrimination stemming from the conduct of 28 supervisors and 13 co-workers, as well as a number of company policies and practices. As a result, in addition to changes in company policies and practices, all supervisors were subject to disciplinary action, including five terminations, 13 disciplinary warnings, and 13 final warnings. In cases involving co-workers, resolutions included three terminations, three final warnings, and 11 verbal 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 also 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.

Innovative Curriculum

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%

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

42

Supervisors disciplined for sexual harassment since Season 1

11

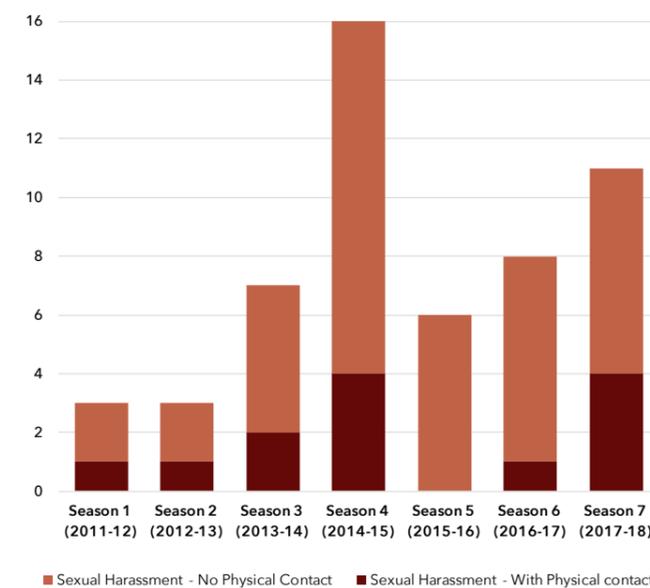
Supervisors terminated for sexual harassment since Season 1

Audit Measures

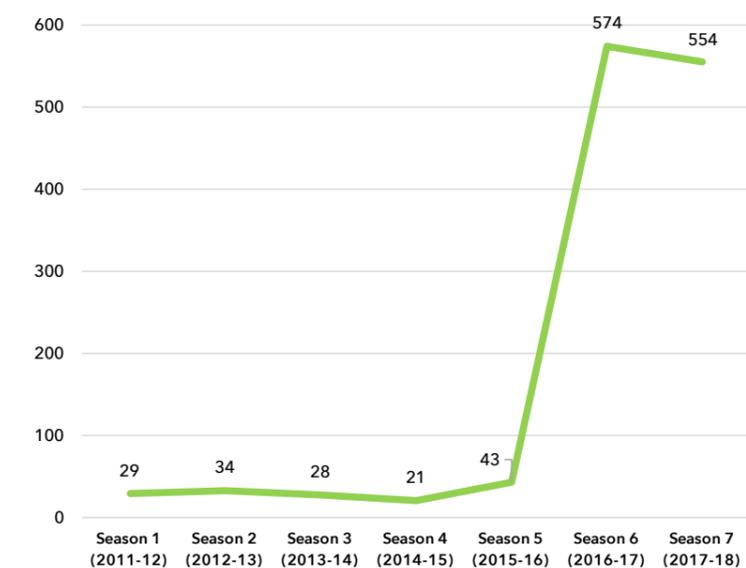
Auditors must find no evidence of sexual harassment, discrimination, verbal abuse, or other conditions contributing to a hostile work environment.

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

Valid Sexual Harassment Cases



FFSC Interviews with Haitian Workers



“These incredible women,

who come from one of the harshest working environments in the U.S. and who put food on our tables, are a shining example in the fight to protect the dignity and safety of all women.

They have not only shone a light on the routine abuse that farmworker women face, but they have built a proven solution to bring that abuse to an end, and

have become an example to millions of women across industry lines.”

-Actress Alyssa Milano (March 2018)

Photo (right): Shane Donglasan

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. Health and Safety Committees consist of at least five members, with a worker representative from each crew, and 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. At the most compliant farms, committee attendance during harvest is incentivized by compensating committee members at an hourly rate that exceeds minimum wage.

During Season 7, 50% of grower operations had Health and Safety Committees that were in full compliance with the Code, including convening monthly meetings with workers representing each crew and agendas that encourage workers to share their concerns with management, as well as mechanisms to inform other workers of resolutions implemented. Another 45% of Participating Growers have established Health and Safety Committees, and are working toward full compliance with Code requirements. Only 5% of Participating Grower operations did not have functioning Health and Safety Committees during Season 7.

Shade, Bathrooms, & Water

Heat injury and illness is a leading cause of work-related death for farmworkers in the U.S., a rate nearly 20 times greater than that for non-farmworkers. The heat index in Florida regularly reaches the upper 90's during the growing season and easily exceeds 100 °F. along the East Coast during summer months, as workers repeatedly bend over, fill a bucket with at least 32 pounds of tomatoes, haul and throw it up to a dumper on a flatbed truck, and then race back to start the cycle anew.

The provision of a safe and accessible shade, access to clean drinking water, and rest breaks are thus critical to workers' health and wellbeing. The Code requires provision of shade for workers in the fields at all times. Workers must also consistently be provided with access to clean drinking water and clean bathrooms, and be allowed to take breaks as needed throughout the workday.

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

During Season 7, 65% of Participating Growers were in full compliance with shade and bathroom requirements. At the remaining operations, FFSC auditors identified minor issues with shade and bathroom accessibility for one or two crews, such as shade structures not being moved promptly as workers progress through the fields.

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, access to breaks and days off, and the ability to stop work in the event of dangerous conditions - such as lightning or pesticide drift.

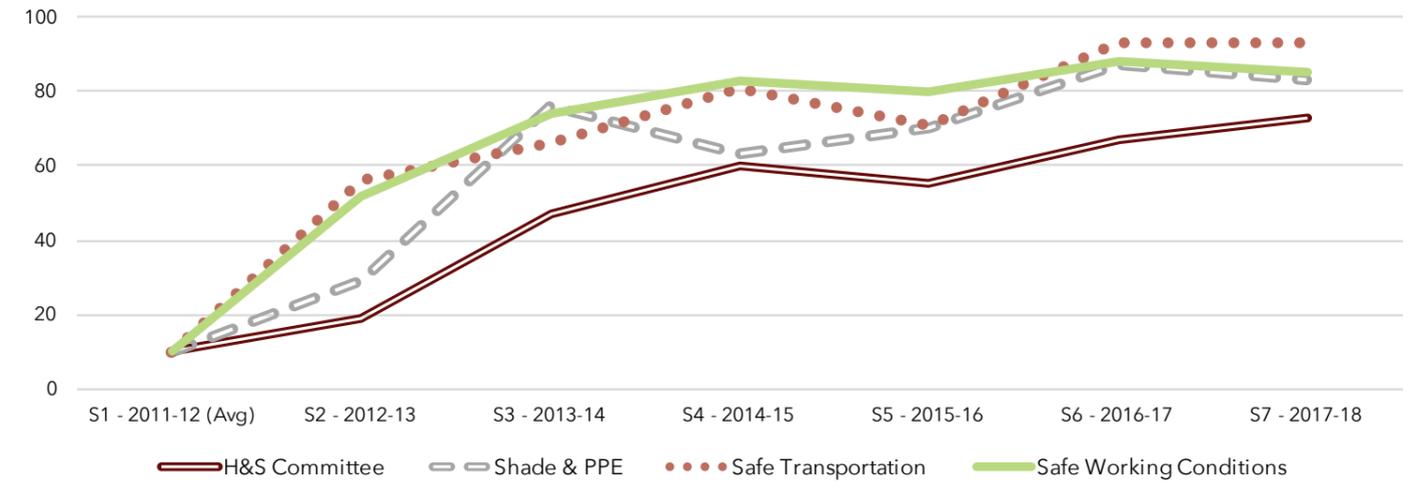
During Season 7, 81% of Participating Growers were fully compliant with Code requirements for injury and illness response, including the proper filing and management of workers compensation claims. 88% percent of Participating Growers were also fully compliant with Code requirements for providing workers with adequate breaks and days off. At 75% of Participating Growers' operations, FFSC received no reports of issues with pesticide drift or improper pesticide application.

Safe Transportation

Throughout much of US agriculture, farmworkers are transported to work in uninspected, uninsured vehicles driven by individuals who lack proper authorization for transporting migrant farmworkers. For this reason, FFSC has always closely monitored farm transportation practices to ensure that workers are transported to work in a safe manner. Changing these entrenched industry transportation practices was a gradual process that required intensive auditing efforts. However, as of Season 7, 94% of Participating Growers had developed monitoring systems to ensure that workers are not transported in unauthorized vehicles or by unauthorized drivers, and FFSC found no evidence of unauthorized transportation at 85% percent of Participating Growers' operations. At the three Participating Growers' farms where issues were identified, they were instances involving a single vehicle or driver.

Having achieved the virtual eradication of unauthorized, uninsured, and unsafe transportation of workers to FFP farms, the FFP Working Group has now 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 safeguards will serve to supplement inadequate legal protections.

Participating Grower Compliance Scores
Health & Safety



Audit Measures

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.

In Focus: H-2A Guestworkers



Background

The federal H-2A agricultural guestworker program – which provides non-immigrant visas for temporary agricultural workers – has expanded at a rapid pace in the United States during the past decade. According to the Office of Foreign Labor Certification (OFLC) statistics, the number of approved H-2A positions more than doubled between 2014 and 2018 – from 116,689 workers in 2014 to 242,762 workers in 2018.

During Season 4 (2014-15), a small number of FFP farms ran H-2A pilot programs, contracting H-2A guestworkers for the first time in FFP history. During its audits of those operations, FFSC conducted extensive interviews with H-2A workers, and identified many of the problems inherent to the H-2A program that have been widely reported and documented by human rights observers and workers rights advocates, including illegal recruitment fees charged by Mexican recruiters, predatory loans and extortion, and threats of retaliation for reporting those abuses.

SNE Agreement

Seeking to apply the FFP's broader, systemic approach to preventing abuses to the H-2A program, the Fair Food Program's Working Group authorized FFSC to vet possible solutions to the problems that plague H-2A recruitment. Based on the recommendations of workers in the FFP whose relatives had been recruited to work on farms in Canada through the Mexican Secretary of Labor's National Employment Service (SNE, or Servicio Nacional de Empleo) without having to pay illegal recruitment fees, FFSC undertook a process to investigate the possibility of a collaboration with the SNE. The vetting process included a fact-finding trip to Mexico, during which the FFSC delegation interviewed U.S. Embassy personnel, SNE, the Project on Organizing, Development, Education and Research (PODER), the Economic, Social, and Cultural Rights Project (PRODESC), and the United Food and Commercial Workers International (UFCW).

Based upon the lack of reports concerning recruitment fees charged to H-2A workers who availed themselves of SNE's services, the FFP brokered now-mandatory agreements between SNE and Participating Growers that designate SNE as the sole recruitment channel for H-2A workers from Mexico into the Fair Food Program. This "clean channel" recruiting mechanism, incorporated in the FFP Code of Conduct and implemented as of January 2017, has helped to ensure that workers are not subject to otherwise endemic illegal recruiting fees, as well as to protect workers against discrimination, retaliation and/

or any other abuses in the H-2A recruitment or retention process. Like many other systemic solutions in the FFP, this pilot with SNE was worker-driven, from its inception to the creation of materials for Mexico-based worker education, and it will continue to be informed and improved by worker feedback.

Outcomes

FFSC has continued to note increased worker confidence in the recruitment channel through SNE, matched by a drastic decline in reports of illegal recruitment fees, with none of the few reports received involving SNE personnel.

As detailed below, any concerns raised by workers concerning their rights in the recruitment process, as well as their wages and working conditions while on Fair Food Program farms, are addressed in a collaborative manner between the Participating Grower, FFSC, and SNE.

During Season 6, FFSC received three worker reports of having been charged illegal recruitment fees by individuals representing themselves as official recruiters, as well as similar practices by returning H-2A workers or their family members. As a result, SNE carried out an investigation in the locations named in these reports. The principal perpetrator named in workers' reports, who had no present or past connection to SNE, was identified and reported to the authorities, including the U.S. Embassy's Anti-Fraud office. The returning workers identified as attempting to charge fees for information concerning available recruitment channels have been banned from eligibility for rehire by the Participating Grower and SNE.

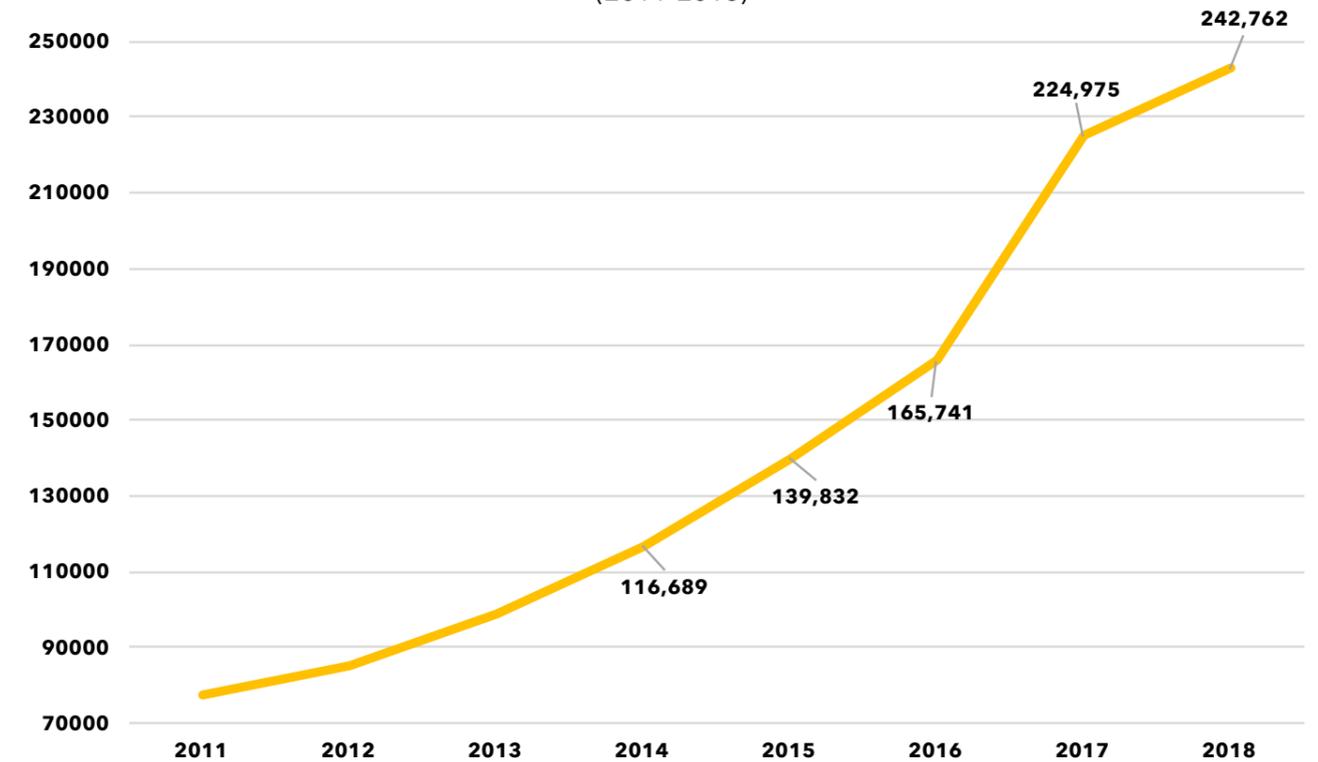
In addition to halting recruitment in the locations which generated these reports, SNE has engaged in an extensive public education campaign for present and potential H-2A workers on the free nature of its services and the fact that no worker should be charged for access to information or during any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

During Season 7, three Participating Growers used H-2A guestworkers. However, FFSC anticipates that additional growers will use guestworkers in the future.

During Season 7, no valid cases of illegal recruitment fees were identified.

H-2A Positions Certified

(2011-2018)



(Source: OFLC Performance Data, 2011 - 2018)

Audit Measures

Code of Conduct standards apply equally to domestic and H-2A workers. Additional H-2A standards include:

H-2A Hiring & Registration

The company must notify the FFSC in advance of its decision to use H-2A workers and provide FFSC with a complete list of all H-2A workers and their company ID numbers.

H-2A workers must not report application fees or other recruitment costs.

Inbound transportation and subsistence costs from H-2A workers' points of origin to company housing must be provided by the company or reimbursed at the end of the first workweek if required for compliance with FLSA.

Outbound transportation and subsistence costs from company housing to H-2A workers' points of origin must be provided by the company or paid for upon completion of the work contract period.

H-2A Training

H-2A workers must be informed of terms and conditions of employment and receive a written contract prior to departing their country of origin.

DOL poster on H-2A workers' rights must be posted in a location where employees can readily see it. Supervisors of H-2A workers must be effectively trained on the FFP policy of zero tolerance for retaliatory firings of H-2A workers.

H-2A Wages & Hours

Payroll analysis must confirm that H-2A workers, and domestic workers in corresponding employment, are paid at the Adverse Effect Wage Rate.

Payroll analysis must confirm that H-2A workers were paid for a total number of hours equal to at least ¾ of the workdays in the contract period.

H-2A Housing

Housing must be provided at no cost to H-2A workers, as well as non-resident domestic workers in corresponding employment.

Housing for H-2A workers must be inspected and approved by the State Workforce Agency prior to occupancy.

Housing for H-2A workers must include kitchen facilities OR the company must provide three meals per day to each worker.

Appendix A: By The Numbers

Table 1. Grower Audits									
	Pilot 2009-2011	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	FFP TOTAL
Management Audits	5	31	25	26	43	30	24	21	205
Payroll and Fair Food Premium Audits ³	10	29	31	38	40	33	24	22	227
Operations Audits ⁴	8	26	25	46	44	43	38	34	264
Worker Interviews	577	1,158	2,810	3,026	4,480	4,203	3,745	3,631	23,630
Crewleader Interviews	28	63	95	114	121	158	110	72	761
Farm Locations Visited	13	37	45	43	56	63	56	53	NA
Company Housing Locations Visited	7	18	27	18	41	39	46	37	NA
Corrective Action Plans	5	30	29	23	32	26	24	20	189

Table 3. Worker Complaints by Outcome								
	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	TOTAL
Valid, Code Violation Resolution Reached	40	85	100	206	97	80	119	727
No Violation of Code, Resolution Reached	12	26	64	131	115	117	112	577
No Violation of Code, or Non-Qualifying Worker, or Not Valid After Investigation	18	29	47	76	52	65	67	354
Information Only	1	11	13	19	33	23	13	113
Could Not Investigate	10	10	17	21	10	15	5	88
Under Investigation	0	0	0	0	0	0	0	0
Non-Participating Employer	26	36	30	71	43	49	30	285
Total	107	197	271	524	350	349	346	2,144

Table 2. Grower Probations & Suspensions								
	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	FFP TOTAL
Grower Probations	0	5	4	4	6	5	5	29
Grower Suspensions	2	1	3	0	1	0	0	7

Table 4. Worker Complaints from Participating Growers (By Source)								
	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2016-2017	TOTAL
FFSC	57	96	147	301	191	205	216	1,213
CIW	25	63	82	105	79	56	59	469
Growers	2	4	8	37	28	32	42	153
Total	84	163	237	443	298	293	317	1,835

Table 5. Code Violations Found in Complaint Investigations

	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	TOTAL
Art. 1 Forced Labor	0	0	0	0	1	0	0	1
Art. 1 Child Labor	0	0	0	0	0	0	0	0
Art. 2 Violence or Threat of Violence	1	6	0	2	2	2	0	13
Art. 2 Weapons	0	1	0	0	1	0	0	2
Art. 2 Sexual Harassment (w/ physical contact)	0	1	2	4	0	1	4	12
Art. 2 Retaliation (Improper Termination)	3	13	12	14	4	5	1	52
Art. 2 Wages & Hours	19	18	31	56	6	3	3	136
Art. 2 H-2A Recruitment Fees	0	0	0	2	1	0	0	3
Art. 2 Unregistered Workers	4	2	3	1	2	0	1	13
Art. 2 Sexual Harassment (no physical contact)	2	2	5	12	6	7	7	41
Art. 2 Discrimination	2	3	2	12	13	7	5	44
Art. 2 Transparency & Cooperation	0	3	2	0	2	1	1	9
Art. 2 Lightning Exposure	0	2	0	2	1	1	1	7
Art. 2 Unsafe Driving Practices	0	0	5	3	2	2	3	15
Art. 2 Pesticide Exposure	0	2	0	2	2	2	1	9
Art. 2 Negligent Endangerment	1	5	1	2	2	1	4	16
Art. 3 Complaint Procedure	1	6	5	38	21	21	38	130
Art. 3 Disciplinary Procedure	3	9	8	18	14	5	7	64
Art. 3 Health & Safety	0	2	3	2	5	1	9	22
Art. 3 Housing	2	5	4	17	8	5	16	57
Art. 3 Injury & Illness Response	1	7	8	6	9	3	8	42
Art. 3 Pay Practices	4	11	30	52	17	9	15	138
Art. 3 Verbal Abuse	7	15	18	40	22	19	21	142
Art. 3 Wages & Hours	4	12	7	20	9	16	11	79

Table 5. (Continued)

	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	TOTAL
Art. 3 Retaliation (Other)	3	5	5	5	1	3	7	29
Art. 3 Fair Food Premium	0	3	1	0	1	1	1	7
Art. 3 Failure to Implement Health and Safety Committee	0	0	0	0	1	0	0	1
Art. 3 Breaks, Days Off	3	4	9	10	4	3	2	35
Art. 3 Sanitation	1	4	14	8	6	8	8	49
Art. 3 Shade	1	0	2	0	1	0	1	5
Article 1 (Total)	0	0	0	0	1	0	0	1
Article 2 (Total)	34	59	63	118	49	46	35	404
Article 3 (Total)	30	83	115	180	123	96	145	772
Total	64	142	178	298	173	142	180	1,177

Table 6. Worker-to-Worker Education

	Pilot 2009-2011	Season One 2011-2012	Season Two 2012-2013	Season Three 2013-2014	Season Four 2014-2015	Season Five 2015-2016	Season Six 2016-2017	Season Seven 2017-2018	FFP TOTAL
Education Sessions	30	73	88	89	117	123	140	115	775
Number of Growers	6	27	25	28	27	24	21	15	NA
Number of Farm Locations	12	40	42	48	52	56	57	34	NA
Workers Attended	No Data	6,595	7,702	7,803	11,791	10,280	7787	6,903	58,861
Average Session Size	-	90	87	88	101	86	56	60	NA

Table 7. KYRR Booklets Distributed

Pilot 2009-11	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	FFP TOTAL
10,500	31,500	33,600	33,000	37,200	36,500	37,750	27,000	247,050



Using the Power of Supply Chains to End Sexual Harassment

Alieza Durana and Haley Swenson
OCTOBER 16, 2018

In the year since allegations of sexual misconduct against Hollywood mogul Harvey Weinstein shocked the public, the #MeToo movement has exposed widespread workplace sexual harassment—not just in the entertainment world, but across industries.

Last week, we at New America’s Better Life Lab published what we believe is a novel, forward-thinking report on the reality that harassment is “severe, pervasive, and widespread” across low and high income jobs and male- and female-dominated occupations. We also published an accompanying toolkit, called #NowWhat?, aimed at stakeholders invested in changing this reality. Among the recommendations we offer, one in particular is salient to businesses: supply-chain reform.

In a nutshell, this means leveraging consumer, worker, and corporate power to drive change at the companies you do business with.

Consider the Fair Food Program, which leverages farmworker and consumer pressure to demand that food buyers, like fast-food companies, demand that their food suppliers take harassment and other workplace abuses seriously.

In 2011, the Coalition of Immokalee workers banded together to get consumers on board to pressure the agricultural industry to improve working conditions. Workers organized to lobby consumers to buy only from food sellers that have been certified as a “Fair Food Farms,” placing pressure on Walmart, Whole Foods, Trader Joe’s, Wendy’s, and other food sellers to “sign legally-binding agreements promising to only source tomatoes from Fair Food Farms with no outstanding wage theft, trafficking, sexual harassment, or other issues.” Certified farms then comply with auditors and participate in worker-education programs to “ensure farm workers have the right to work without violence and the opportunity to create a workplace of respect and dignity.”

How’s this approach working so far? Journalist Bernice Yeung found that “in the program’s seven years, 35 supervisors have been disciplined for sexual harassment, and 10 have been fired.” She continues: “Since 2013, two incidents of sexual harassment have been identified. The program’s most recent annual report notes that during the 2016–17 growing season, more than 70% of participating farms reported no incidents of sexual harassment.”* These findings are significant, given that our review of the research on sexual harassment in male-dominated, low-wage industries such as farm work found evidence of widespread rape. A 2010 study showed that 80% of farm working women report experiencing sexual harassment.

The way the Coalition of Immokalee Worker and Fair Food Program ensure success is by creating user-friendly, independent reporting processes for sexual harassment, conducting peer-to-peer training about sexual harassment and workplace rights in an accessible manner, taking regular climate surveys to inform the co-creation of civil workplace practices and enforcement of respectful workplace norms, and making sure employees know that they’re more important than any one harassing foreman or

farmer. Notably, the Fair Food Program food addresses many other issues beyond sexual harassment, including wage theft and human trafficking, but their efforts use supply-chain reform to eliminate sexual harassment provides a novel example of how to prevent and address workplace abuse—a strategy that other industries and organizers can use.

So how can firms like yours get ahead of the curve and encourage reform across their own supply chain before they face activist pressure?

First of all, take stock of the many corporations that rely on your company’s business, either as a buyer, a retailer, or a contractor. These are companies you might have enormous influence over, even if they don’t technically operate under your management.

Second, using resources like our report, find out what kinds of factors are letting sexual harassment flourish in companies you do business with. No two industries are alike. This might be a matter of workplace hierarchies, lackluster HR policies, or longstanding cultural assumptions about who belongs in one occupation or another.

Then, it’s time to make your priorities and values about harassment and workplace culture known. This might entail drawing up a clear, written statement on what you expect from your partners and suppliers, and consequences for when they don’t hold up their end of the bargain.

Lastly, make it official. You can do this by asking your partners across your supply chain to sign onto an agreement about what is and isn’t tolerated in their workplaces, and then, and this is important, come up with a collective way to enforce that agreement. Will there be annual climate surveys and audits of how your partners are doing? And if so, are you ready to follow through on the consequences you laid out and potentially take your business elsewhere? This is where the power your firm has to influence change across your own industry and others’ really lies.

Of course, supply-chain reform is just one of a multitude of ways a single company can improve workplace culture beyond its own walls. But none of this will be effective unless a firm takes care of its own workers first. It’s one thing for McDonald’s to sign on to the Fair Food Agreement and use its power to protect farmworkers who are picking the tomatoes they buy. But as the strike against McDonald’s for its lackluster response to sexual harassment in September showed, it still has work to do in protecting its own workers from workplace abuse.

With the right research, dedicated partners, and a plan of action, a company can change not only its own workplace culture—but also all those linked to it.

**Editor’s note: After this article was published, a program spokesperson clarified that the two cited incidents of sexual harassment since 2013 involved sexual harassment with physical contact by supervisors. Other incidents of verbal harassment, by both supervisors and co-workers, have also been reported and dealt with through the Program’s corrective action process.*

<https://hbr.org/2018/10/using-the-power-of-supply-chains-to-end-sexual-harassment>

THE FAIR FOOD PROGRAM

Taking worker-driven standards and enforcement mechanisms to scale

(Case Study)

Figure 4c: Rights related to the Fair Food Program and how they link to various SDGs.



The challenge

The #MeToo and Time's Up movements continue to make headlines around the world every day. As these and other campaign efforts have made clear over many decades, some level of gender discrimination, sexual harassment, abuse and/or violence in the workplace is pervasive across industries and geographies.

The agriculture sector in the United States is no exception. In fact, women farmworkers face some of the worst gender inequality conditions in the country – it is estimated that 80% of farmworkers who are women are sexually harassed or assaulted in the course of their work.²⁰⁷

"[Sexual harassment] is the dark underbelly of American agriculture."

John Esformes, Pacific Tomato Growers²⁰⁸

"Women are routinely – routinely – sexually harassed or assaulted in the fields."

Greg Asbed, Coalition of Immokalee Workers, Co-Founder of the Fair Food Program²⁰⁹

On farms and in fields across the country, women farmworkers are often verbally or physically abused by supervisors or managers, frequently under threat of losing their jobs or the ability to work in the United States if they resist or report being raped, groped, grabbed, harassed, demeaned, discriminated against, or exposed to other such behaviors.²¹⁰

Moreover, "[w]omen farmworkers, just as their male counterparts, in fact suffer a wide range of degradations, including sub-standard wages, wage theft, physical and verbal abuse, gender and racial/ethnic discrimination, and high injury and fatality rates."²¹¹

The response

The Coalition of Immokalee Workers (CIW), built on a foundation of farmworker community organizing in Florida since 1993, established the Fair Food Program (FFP) in 2011.²¹²

CIW, farmworkers on participating farms, farmers and retail food companies implement the FFP. The Fair Food Standards Council (FFSC) is the program's independent monitoring body and the only dedicated third party oversight organization of its kind for agriculture in the United States.²¹³

The FFP "harnesses the power of consumer demand to give farmworkers a voice in the decisions that affect their lives, and to eliminate the longstanding abuses that have plagued agriculture for generations," including sexual harassment, violence, discrimination and abuse.²¹⁴

"The Fair Food Program is tackling gender-based violence and harassment alongside sub-poverty wages, forced labor, access to remedy, and many other human rights-related issues that have afflicted this industry in the past."

Steven Hitov, Coalition of Immokalee Workers²¹⁵

The FFP currently boasts 14 participating buyers, including Yum Brands (which includes Taco Bell), Walmart, Chipotle, Trader Joe's, Subway, Whole Foods, Burger King, and McDonald's.²¹⁶ Growers of 90% of Florida's tomato production have signed on to the program.²¹⁷ The FFP also involves strawberry and bell pepper farmers in Florida, as well as tomato growers across Georgia, South Carolina, North Carolina, Virginia, Maryland and New Jersey.²¹⁸ In mid-2018, the FFP will be expanding into other crops in Texas.

Key aspects of the initiative

The components of the FFP make up what is called the "Worker-driven Social Responsibility" (WSR) model.²¹⁹ The key FFP mechanisms and relevant data to date include:

1. Legally binding Fair Food Agreements between participating buyers and CIW:

These agreements require the buyer to contribute to the Fair Food Premium aspect of the program, outlined below. They also provide market enforcement provisions to uphold the Fair Food Code of Conduct, which goes beyond legal compliance to set a more robust industry standard around sexual harassment and abuse, as well as issues such as forced labor, child labor, wage theft, working hours, direct employment and decent working conditions, including shade tents, clean drinking water, regular bathroom breaks, safe transportation and an end to forced overfilling of buckets, which contributes to underpaying workers while adding to the physical strain of farm work.²²⁰

2. Fair Food Premiums:

Outlined within the Fair Food Agreements, this mechanism commits participating buyers to pay a "penny per pound" premium on top of the regular price paid for tomatoes or other covered products. The premium is then passed through by farmers as a bonus on worker's paychecks, which are monitored by the FFSC. This component of the FFP has been lauded as an innovative living wage initiative that recognizes that "workers who worry about putting the next meal on their family's table are often too constrained by fear to be effective monitors and defenders of [their own] rights," including those relating to gender equality.²²¹ Since the FFP's inception, over US\$26 million have been added to farmworkers' payrolls.²²²

3. Worker education:

At the time of hire and throughout the growing season, each farmworker covered by the FFP receives training on the Fair Food Code of Conduct, including its zero tolerance policies on forced labor, child labor, sexual violence and abuse in the workplace. The CIW Worker Education Committee, which is comprised of farmworkers themselves, conducts worker-to-worker training that takes place on company time and with a company representative present to demonstrate support from the employer. To date, over 220,000 workers have received "Know Your Rights and Responsibility" materials (available in English, Spanish and Haitian Creole). CIW has educated nearly 52,000 workers face-to-face.²²³

"[The FFP] ends up being a win-win-win proposition. Farmworkers' lives are improved – immeasurably – every day. The growers individually become better operations, with less risk. And buyers no longer have to worry about the possibility of another case coming out.

We're taking a business approach to human rights that is worker-driven and based on the principle that companies need to use their market power to improve people's lives. Our 'Worker-driven Social Responsibility' (WSR) model works, and it can be replicated across other industries and geographies if more and more businesses get involved. The WSR Network is supporting these efforts, spreading the model to other areas in the United States, such as with the Milk with Dignity program in Vermont, and even overseas, feeding into the Bangladesh Accord and tackling workers' rights issues in the seafood industry in Southeast Asia."

Greg Asbed, Coalition of Immokalee Workers, Co-Founder of the Fair Food Program²²⁴

4. Independent audits:

Conducted by the FFSC, the independent and sometimes unannounced FFP audits involve extensive and ongoing document review and interviews with all levels of a farm's management, from the boardroom to the field. Moreover, worker interviews take place with 50% or more of the workforce on any given farm, due in large part to auditors' efforts to reach workers both in the fields and offsite, as auditors visit housing camps, ride buses and make themselves present at transport spots. Importantly, supervisors are not present when onsite interviews are conducted to ensure openness of workers in sharing challenges or concerns. Audit reports are then provided to the grower and to CIW. Over 20,000 workers have been interviewed as part of the FFP audit program. As of October 2017, the program has redressed 6,839 audit findings of non-compliance.²²⁵

5. Complaint resolution mechanism:

In recognition that even unannounced audits are only a snapshot in time and acknowledging the right to remedy when human rights violations occur, the FFP includes a confidential complaints system that is independently run by the FFSC. This system centers on a toll-free, bilingual complaint line that FFSC investigators who know the relevant farms answer 24 hours a day, 7 days a week. The hotline information informs subsequent audit interviews and worker education programs. Since its start and covering around seven growing seasons so far, the program has resolved more than 2,000 complaints. Most complaints are resolved in less than two weeks and the vast majority in less than a month.²²⁶

When a complaint is submitted to the hotline, the FFSC investigates the situation either alone or in collaboration with the relevant grower, depending on the specifics of the situation, and then develops a corrective action plan for implementation by the farmer with support from FFSC. Whenever possible, resolutions of complaints are made known to the other workers to demonstrate a lack of retaliation for bringing complaints and to reconfirm the grower's commitment to the program. The FFSC maintains a detailed database of complaints and corrective actions taken; an appeals mechanism is built into the system.²²⁸

"We've received complaints and testimonies of hostile work environments, of supervisors asking for sexual favors in return for ensuring that this woman keeps her job. We've made sure that workers know that there are different avenues that they can take to make a complaint so that there isn't any more sexual harassment in the fields."

Lupita Aguila Arteaga, Fair Food Standards Council²²⁷

"In the instant information age, each brand is just one click away from being in the headlines for human rights violations. We're holding the mirrors up to prevent the risk before it blows up in companies' faces.

In sexual assault and other cases, we've seen each mechanism of this program kicking in and working the way they're supposed to. Only a program like this can give brands reassurance while at the same time ensuring the protection of workers that come forward with issues and early warnings.

The headlines for the Florida tomato fields used to be 'assault and slavery.' Now, the industry is known as 'the best work environment for agricultural workers in the entire United States.'"

Judge Laura Safer Espinoza, Fair Food Standards Council²²⁹

6. Market enforcement:

In the event that a serious violation of the Fair Food Code of Conduct arises at the farm level via any of the above mechanisms, the participating grower must remedy the situation. If the grower fails to do so, it is suspended from the FFP and the participating brands will therefore no longer buy from that supplier until it gains reentry to the FFP. This "real market" incentive within the FFP is a key contributor to the fact that sexual harassment and abuse are now the exception, rather than the rule, throughout the Florida tomato industry and in the additional farms covered by the program.

According to the FFSC, "These measures have brought an end to impunity for sexual violence and other forms of sexual harassment at Fair Food Program farms, where there have been zero cases of rape or attempted rape since the implementation of FFP standards in Season One. Cases of sexual harassment by supervisors with any type of physical contact have been virtually eliminated, with only one such case found since 2013."²³⁰

"Supervisors found by the FFSC to have engaged in sexual harassment with physical contact are immediately terminated and banned from employment at other FFP farms for up to two years. Participating Growers must carry out these terminations, or face suspension from the FFP with the accompanying loss of ability to sell to Participating Buyers. Supervisors terminated for less severe forms of harassment or discrimination also face a program-wide ban. Allegations of sexual harassment are investigated and resolved with unprecedented speed, averaging less than three weeks."

Fair Foods 2017 Annual Report²³¹

"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 case²³²

Tackling modern slavery in global supply chains

Blog • 11 Jul 2018 • Kevin Hyland OBE

This is the first in a series of blogs from panellists who participated in a discussion on “Tackling Modern Slavery in Global Supply Chains”, held at the British Academy as part of its international funding programme Tackling Slavery, Human Trafficking and Child Labour in Modern Business. This programme is supported by the UK’s Department for International Development.

As the UK’s first Independent Anti-Slavery Commissioner, I have spent the past three years working hard to ensure our country plays its part in eradicating modern slavery and human trafficking. I am proud to have been a driving force in ensuring the Sustainable Development Goals (SDGs) include this issue, winning the support of the Pope for SDG 8.7 which aims to “eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour”.

Private sector action is crucial to achieving this important goal: of the 25 million people estimated to be in forced labour worldwide, 16 million are estimated to be working within the private sector. Globalisation of supply chains, as companies site production in lower cost jurisdictions and workers migrate for better economic opportunities, has created a vulnerable workforce around the world. This is particularly true lower down in supply chains where there is less visibility. But while commercial activities can exacerbate vulnerability, they are also a potential lever for positive change. I have been pleased to see action taken by the private sector, from companies establishing trainings, whistleblowing schemes and supplier codes of conduct, to collective business forums advocating for decent labour standards. However, too often in my role as Commissioner, I have been told that solving forced labour in the private sector is ‘impossible’, particularly with regard to the Global South. It is not; rather, this is willful blindness to the solutions needed.

There are several areas in which the solutions needed are often ignored. Firstly, full supply chain visibility is often described as near impossible. It is hard, yes, and it requires resources and effort, but it is not impossible. Many businesses have begun mapping their supply chains down to the first or second tier which is good work, but this must be the start of a more comprehensive approach. Marshalls, the British FTSE 250 paving specialist, provides an effective counter-example: it has worked with NGO Hope for Justice to undertake detailed undercover human rights investigations within its Indian supply chain, right back to the source quarries.

Secondly, businesses point to the problems of low labour protections in other countries. This may mean they are requesting labour standards which are beyond those mandated within the country in question. But again, levers do exist to change this. More companies should use their voice collectively, through trade associations and international coalitions, to advocate for improved labour protections. This should include pushing for more ratifications of the International Labour Organi-

sation’s 2014 Protocol on Forced Labour, which speaks directly to SDG 8.7 by obliging signatories to develop national action plans against forced labour, to support victims, and promote due diligence by both public and private sectors.

And while we wait for governments to act, businesses can ensure workers are able to protect themselves in the meantime. This means supporting worker-led organisations, such as trade unions, within business operations and supply chains. Of course, unions and business do not always see eye-to-eye but this does not have to be the case: worker-led organisations can be viewed as a partner in the fight against slavery and can actually take pressure off business. The Florida Fair Food Program provides an example of this: described by the Harvard Business Review as among the ‘most important social impact success stories of the past century’, the programme has been designed by the tomato-pickers themselves. After years of endemic exploitation, including slavery, sexual harassment and health and safety issues, the tomatopickers created a ‘code of conduct’. Through peer-to-peer education, they ensure all workers know the details of the code and can report grievances to a 24-hour hotline. Global brands, such as Walmart, Burger King and McDonald’s have signed up to the programme, buying Florida tomatoes only from growers within it. This is a win-win approach: the workers are protected and the brands can be assured of the ethics of this part of their supply chain. This model, called ‘Worker-Driven Social Responsibility’, is rightly gaining much attention from many sectors.

Finally, there is good work happening to ensure the private sector recognises the role of recruitment fees in facilitating debt bondage, but another root cause of worker vulnerability is rarely discussed. Companies with global supply chains have the power to improve wages in poorer countries. Poverty creates vulnerability, and vulnerability opens the door to traffickers.

The Department for International Development has given £40 million to tackle slavery but what about the reach of UK businesses into those countries? We need a holistic approach to this issue, and that would include UK companies requiring the payment of living wages throughout their supply chains. This would address root causes, instead of symptoms after the fact. These are just a few of the solutions we need to see and which are too often not on the table. Of course, underlying all of them is an assumption: that business will place human rights above, or at least equal to, profit-making. This will be necessary if we are to achieve SDG 8.7 by 2030. Situating supply chain activity in poorer countries, with fewer labour protections and more economically vulnerable workforces, must no longer be acceptable if it does not go alongside genuinely improving the lives of those workforces. Without this culture change, our consumption is facilitating exploitation and modern slavery. We have incumbent upon us a moral duty to stop privileging price and profit over the basic wellbeing and rights of people who are just like you and me, but happen to have been born into different circumstances. Modern slavery has caught the attention of governments, companies and citizens around the world and there is real progress being made. But it is time to erase the word ‘impossible’ from our vocabulary. It is time to build a different world, which thinks the only reasonable course of action is one which places human rights and the eradication of slavery firmly at its heart and its business choices.

Kevin Hyland OBE was the United Kingdom’s first Independent Anti-Slavery Commissioner, leading efforts to tackle modern slavery and human trafficking. In this role he promoted best practice and drove crucial improvement across the anti-slavery response, both in the UK and internationally.

<https://www.thebritishacademy.ac.uk/blog/tackling-modern-slavery-global-supply-chains>

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