

# The Fair Food Program

## Verifiable Human Rights Protection



FROM THE FIELDS...



... TO THE PRODUCE AISLE.



# THE PROBLEM



Farmworker in the U.S. agricultural industry face a litany of abuses at work.



# THE PROBLEM



Specifically, common farm labor abuses include:

- Forced labor
  - Violence including sexual assault
  - Threat of violence, display of weapons
  - Poverty and stagnant wages
  - Wage theft
  - Discrimination
  - Verbal Abuse
  - Retaliation for exercising rights and/or making complaints
- Arbitrary discipline and termination
  - Unsafe transportation
  - Lack of shade / Heat exhaustion
  - Exposure to dangerous weather
  - Pesticide exposure
  - Negligent use of heavy equipment
  - Lack of rest breaks and ability to take days off
  - Lack of clean and accessible drinking water and bathrooms
  - Substandard housing

# THE PROBLEM



*New standards or laws alone cannot solve deeply-entrenched issues in U.S agriculture.*

The principal barriers to promoting farmworker protections are the **lack of enforcement mechanisms** to make standards real, and the failure to **give workers a meaningful voice** at work.



**Effective market-based consequences** for human rights violations – such as those in place for food safety violations – combined with **worker participation and leadership** offers a new model for uprooting longstanding human rights abuses in agriculture.

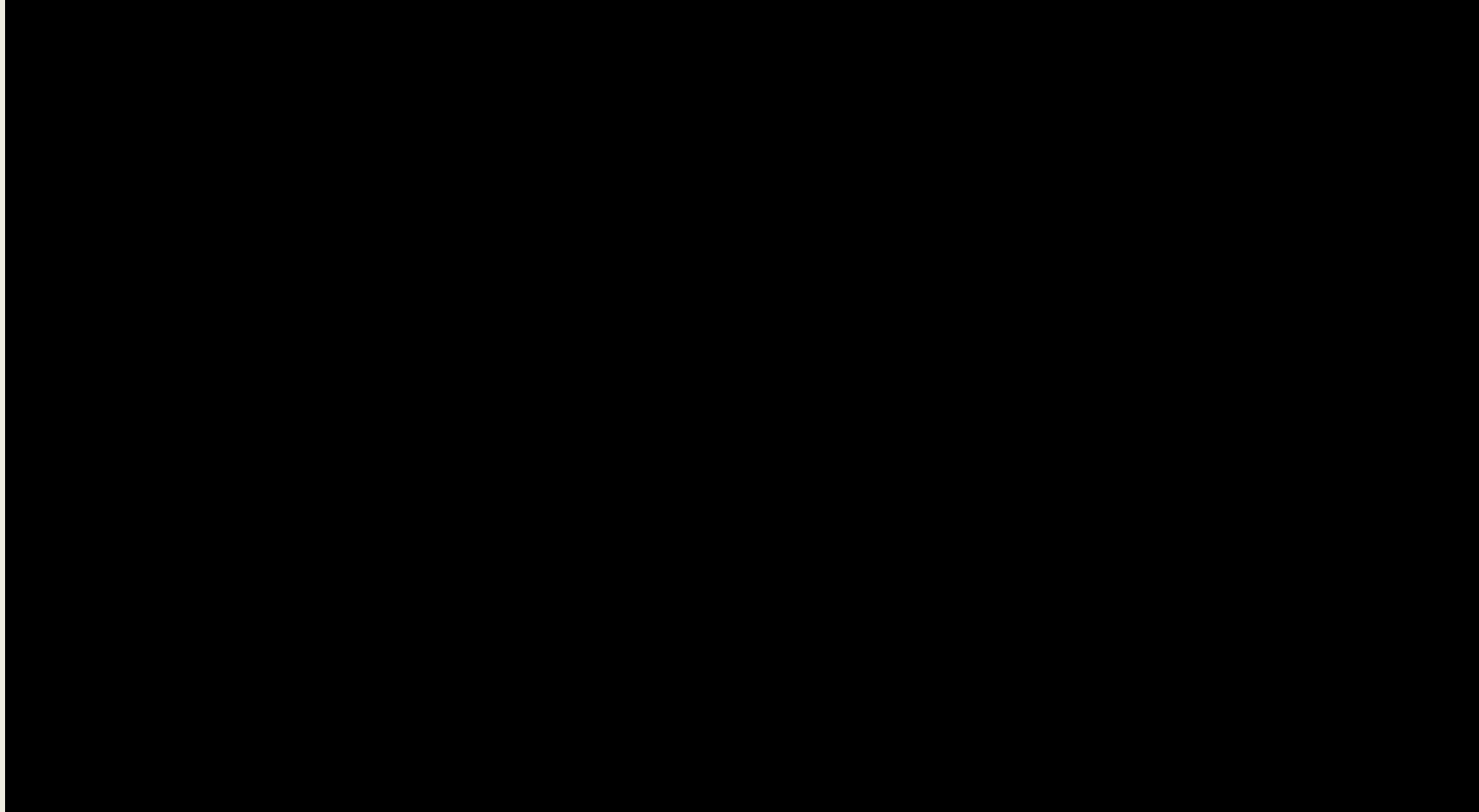
# THE SOLUTION



**The Fair Food Program:**  
A market-based, worker-driven social responsibility program



# Video Clip: CNN The Freedom Project



# THE SOLUTION



## Key mechanisms for monitoring and enforcement in the Fair Food Program



- Worker-drafted Code of Conduct
- Worker-to-worker education
- 24-hour complaint mechanism
- In-depth audits
- Fair Food Premium
- Market consequences

## BEFORE THE FAIR FOOD PROGRAM



## AFTER THE FAIR FOOD PROGRAM

### WAGES



#### FOR DECADES, FARMWORKERS HAVE EARNED POVERTY WAGES.

The Department of Labor described farmworkers as "a labor force in significant economic distress."



#### NOW, FARMWORKERS RECEIVE HIGHER WAGES.

Over \$26 million in bonuses have been paid by buyers to improve workers' livelihoods through the "penny per pound."

### SEXUAL HARASSMENT



#### 4 OUT OF EVERY 5 FEMALE FARMWORKERS

reported experiencing sexual harassment and violence.



#### SEXUAL ASSAULT IS A ZERO TOLERANCE OFFENSE RESULTING IN IMMEDIATE TERMINATION,

and is prevented because women can report abuse without fear of losing their job.

### FORCED LABOR



The tomato industry in Florida was described as "**GROUND ZERO FOR MODERN DAY SLAVERY**"



#### FORCED LABOR IS A ZERO TOLERANCE OFFENSE RESULTING IN THE IMMEDIATE SUSPENSION OF THE GROWER,

and has turned the Florida tomato industry to "the best working environment in American agriculture."



# FFP: Before and After (cont'd)



## WORKER SAFETY



Farmworkers face extreme heat and dangerous storms. They were not guaranteed shade.

**FARM WORK IS CONSIDERED ONE OF THE MOST DANGEROUS OCCUPATION IN THE UNITED STATES.**



Farmworkers have the right to stop work at any time that they feel their health or safety is in danger.

**FARMWORKERS ARE GUARANTEED SHADE, WATER, AND REST BREAKS.**

## WORKER RIGHTS



**WORKERS WERE OFTEN FIRED, OR WORSE,** if they raised concerns about working conditions.



**WORKERS CANNOT BE FIRED OR RETALIATED AGAINST FOR MAKING A COMPLAINT.**

Workers help monitor conditions, and can report violations via a 24/7 complaint line.

# BENEFITS OF THE FFP



**For buyers:** transparency and elimination of supply chain risks at a time when consumers, in an age of instant information and communication, are increasingly demanding to know the conditions under which their products are produced.

**For growers:** benefits include becoming an employer of choice, reducing turnover, preventing risks, improving management systems, and obtaining verification of ethical labor practices, giving them a competitive edge.

# BENEFITS OF THE FFP FOR WORKERS



- Sexual assault, forced labor, violence against workers eliminated
- Elimination of systematic wage theft (bucket standard, time clocks)
- Over 2,100 worker complaints resolved
- Worst actors banned from Fair Food Program farms
- Over \$28 million in Fair Food Premiums distributed to workers
- Over 220,000 workers received rights education
- Health & Safety Committees established on FFP farms
- Shade in the fields

# ROLES OF KEY PLAYERS



# Fair Food Program

## and Worker-driven Social Responsibility Programs STATES AND CROPS



# RECOGNITION



Harvard Business Review  
**Among the "most important social-impact success stories of the past century."**  
Harvard Business Review

**"This is the best workplace-monitoring program" in the US.**  
The New York Times

A "visionary strategy... with potential to transform workplace environments across the global supply chain."  
Mazzy J. or Deluwshiu  
MERY THE 2017 MACARTHUR FELLOW!!  
24 Extraordinarily Creative People Who Inspire Us All



**"This is an extraordinary accomplishment, and reminds all of us... that dedicated individuals, like those here with us today from the Coalition, can strike out against injustice, break down barriers, and make a world of difference."**  
Secretary of State John Kerry

**"One of the great human rights success stories of our day."**  
Washington Post/OurEd

**"Unique in the country" for preventing sexual violence.**  
PBS Frontline Producer

# EXPANSION



## Fair Food Program Expansion

- Seven new states, including Texas
- Four new crops (strawberries, peppers, melons, citrus)

## Worker-driven Social Responsibility Model Expansion

- *Domestic*: Vermont dairy workers (Milk with Dignity Program)
- *International*: Bangladesh garment industry (Bangladesh Accord)



For more information:  
[www.ciw-online.org](http://www.ciw-online.org)



# Expanding the Fair Food Playbook in Michigan

## Migrant Legal Aid

**Teresa Hendricks**  
**Executive Director**  
[thendricks@migrantlegalaid.com](mailto:thendricks@migrantlegalaid.com)





How Many Licensed Migrant Camps?

900 (Average)

How Many Living Units?

4,000 living units

With What Capacity?

Capacity for 23,000 persons.

How Many Farms in Michigan?

51,000

How Many Crops Do Migrants Harvest? 45

Economic Value of Hand Harvested Crops?

## How Many Crops Do Migrants Harvest in MI?



45



Market Value of Those Crops:  
11.2 Billion Dollars



List of hand  
harvested  
crops

MIGRANT CROPS ON WHICH MIGRANTS WORK - 2003

COMMODITY	NATIONAL RANK	MIGRANT PRODUCTION (IN 1,000s)	UNITS	VALUE OF PRODUCTION (IN 1,000s)
BEANS, DRY, BLACK	1	848	CWT	11,676
BEANS, DRY, CRANKNEY	1	348	CWT	3,261
BEANS, DRY, TART	1	82,000	BSB	58,189
BEANS, DRY, TART	1	107,000	BSB	96,119
BEANS, DRY, TART	1	100	TONS	98,700
BEANS, DRY, TART	1	22,389	TONS	20,028
BEANS, DRY, TART	1	1,042	TONS	9,451
BEANS, DRY, TART	1	1,800	CWT	25,000
BEANS, DRY, TART	1	265	CWT	3,895
BEANS, DRY, TART	1	2,403	FLATS	26,384
BEANS, DRY, TART	1	1,801	FLATS	20,484
BEANS, DRY, TART	1	10	TONS	3,286
BEANS, DRY, TART	1	888	FLATS	8,944
BEANS, DRY, TART	1	113	CWT	1,871
BEANS, DRY, TART	1	388	CWT	12,389
BEANS, DRY, TART	1	180	CWT	2,388
BEANS, DRY, TART	1	113	CWT	1,871
BEANS, DRY, TART	1	1,042	CWT	12,389
BEANS, DRY, TART	1	10	TONS	18,878
BEANS, DRY, TART	1	100,000	BSB	78,000
BEANS, DRY, TART	1	201	CWT	28,023
BEANS, DRY, TART	1	88	TONS	10,880
BEANS, DRY, TART	1	100	CWT	4,100
BEANS, DRY, TART	1	200	TONS	3,000
BEANS, DRY, TART	1	30	TONS	3,500
BEANS, DRY, TART	1	30	TONS	2,488
BEANS, DRY, TART	1	1,500	CWT	20,100
BEANS, DRY, TART	1	75	TONS	2,844
BEANS, DRY, TART	1	4	TONS	811
BEANS, DRY, TART	1	3,400	TONS	78,023
BEANS, DRY, TART	1	100	CWT	28,782
BEANS, DRY, TART	1	100	CWT	3,331
BEANS, DRY, TART	1	100	CWT	18,882
BEANS, DRY, TART	1	14,800	CWT	100,417
BEANS, DRY, TART	1	14,800	CWT	100,417
BEANS, DRY, TART	1	244,280	BSB	284,132
BEANS, DRY, TART	1	30,000	BSB	19,000
BEANS, DRY, TART	1	4,300	TONS	271,800
BEANS, DRY, TART	1	460	CWT	10,200
BEANS, DRY, TART	1	5,200	TONS	1,000
BEANS, DRY, TART	1	142	CWT	12,480
BEANS, DRY, TART	1	100	CWT	1,801
BEANS, DRY, TART	1	80	CWT	6,771
BEANS, DRY, TART	1	408	CWT	18,110
BEANS, DRY, TART	1	27,000	BSB	15,340
BEANS, DRY, TART	1	948	CWT	9,400
BEANS, DRY, TART	1			\$1,068,210

1 Harvesting year and type of crop is the basis for all classes of hand-harvested crops.  
2 Not Ranked.  
3 Value of Production is from 1998 which is the latest information that is available for this product.  
4 Value of crops from the field is the basis for all classes of hand-harvested crops. This value includes processing, storage, packing, transportation, broker, wholesaler, retailer, advertising and consumer.  
5 Source: U.S. Department of Agriculture, Economic Research Service, Washington, D.C. 20501-8000.  
6 2003-04-01



No. 1 in  
Blueberry  
Cherries (Tart)  
Cucumbers  
Geraniums  
Gladiolas  
Grapes

No. 2-3 in  
Apples  
Asparagus  
Carrots

## Migrant and Seasonal Farmworker Enumeration Profiles Study



Michigan Update June 2013

2006: 90,716

2013: 94,167 ↑

## MIGRANT POPULATION IN MICHIGAN

### Michigan Estimates for MSFW Workers Only by County

Counties in the West Michigan area have particularly large populations of migrant workers, for example:

- Ottawa County: 13,345
- Van Buren County: 12,527
- Oceana County: 6,960
- Berrien County: 6,605
- Kent County: 4,953
- Allegan: 5,081

[http://www.michigan.gov/documents/dhs/FarmworkerReport\\_430130\\_7.pdf?20140221163242](http://www.michigan.gov/documents/dhs/FarmworkerReport_430130_7.pdf?20140221163242)

Map Two: Michigan Estimates For MSFW Workers & Nonworkers by County



NOTE: The grand total includes reforestation workers and nonworkers statewide = 1,200.

Source: MI-MSFW Enumeration Profiles Study, June 2013.

# Farmworker Migration to Michigan



## Sample Population of (most) vulnerable immigrant populations

- Transiency
- Language
- Isolation
- Immigration status (undocumented)
- Level of education
- Limited knowledge of Michigan resources
- Fear of retaliation
- Immigration related fears





## 45 Years of Legal Help

Migrant Legal Aid (MLA), is a non-profit organization funded to provide legal assistance to Migrant and seasonal farmworkers, even the undocumented.

Mobile law firm: We make house calls.

We serve Migrant, Seasonal and Settled-out farmworkers and their families, who, because of their extremely low income, language barriers, isolation and transience, lack access to private attorneys.

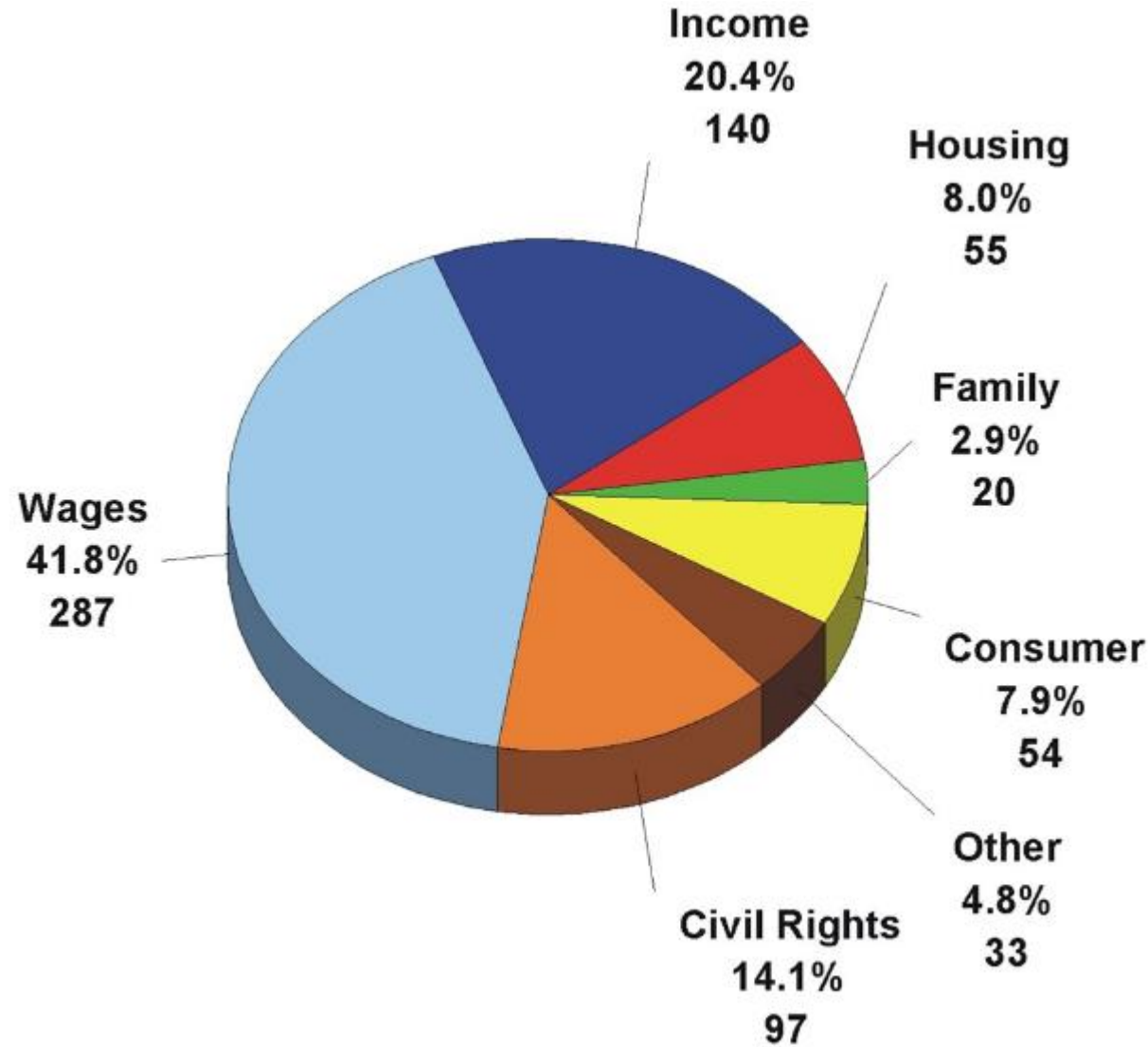
Stable Housing Necessary for income, family security, children's success

Freedom From Violence Workplace and domestic violence and sexual assault

We represent farmworkers in State and Federal Court, and in Administrative Proceedings.



# TYPES OF CASES



# Most Common Problems

- **Wages** - not paid for all hours
- **Health** - pesticide rash, burning lungs, ladder injuries
- **Field sanitation:** no port-a-john access, no water for drinking or washing
- **Housing** - decrepit structure, bed bug / rodent infestation, overcrowded
- **Violence** - FLC, DV, Sex Ass







A group of eight farmworkers worked about 84 hours per week. They were not paid all of what they were owed.

They were paid with checks that bounced, and had improper deductions from their checks. They also lived in employer-housing that had bed bugs, rats, no heat in cold months and sometimes didn't have water.

MLA recovered all of the unpaid wages





# Labor Trafficking:

Targeted

Held Captive

Starved

Robbed

Beaten

T-Visa

Derivatives



## Al Hernandez, Dairy Worker Tormented, Assaulted and Belittled

Al worked up to 100 hours per day, seven days per week. His white supervisors bullied and tormented him with racial slurs. They physically assaulted him with heavy chains, sabotaged his work, and mistreated him to the point of severe psychological trauma.

I hate  
Mexicans.

Mexicans are  
shit.

Wetbacks!



Workplace Violence

Intimidation

Assault





## Crop Duster Blasts Blueberry Workers, Migrant Legal Aid Hits Back with a Lawsuit.

### Assault by Crop Duster

- Sprayed toxic chemicals directly on workers in field
- 3 passes
- 2<sup>nd</sup> offense
- Crime Victim(s)?



# Workers on Visas



## 250 MEN AND WOMEN FROM MEXICO ON WORK VISAS

Stolen wages  
Abusive conditions  
Illegal Deductions  
Intimidation

Overcrowded Housing  
Condemned Housing  
Immigration Called

gofundme Search Start a Fundraiser

Support the victims of Hurricane Irma



### Stand by Migrants fighting Monsanto

Share Tweet 109 shares

Story Updates 4

Migrant Legal Aid has sued Monsanto in a federal class action lawsuit on behalf of migrants alleging years of wage theft. We need a **Watchdog** Supervisor and assistant, to level the playing field and protect workers from future wage theft and exploitation. Corn detasslers suffer injuries, exhaustion, and even death.



Share

# Child Labor

## Workers under 12

Children working in pesticides

Children helping with production quotas

**Forced production standards** may signal abuse and deserve extra scrutiny.

To keep parents from being fired, small children get brought to the field.

**Watch for it** at the beginning or end of a crops' maturity, when produce is less abundant.



Add Brian Ross Video  
clip



## Meijer, Walmart, Kroger drop South Haven blueberry grower, ABC to air undercover footage of children in fields



By Cami Reaser | The Grand Rapids Press

Print

Follow on Twitter

on October 30, 2009 at 4:19 PM, updated October 31, 2009 at 2:26 AM



Grand Rapids Press File

PhotoTonight ABC-TV's "World News" and "Nightline" will air the documentary showing undercover footage of children in Adkin fields during harvest this summer. Walmart Inc., Meijer Inc. and Kroger Co. have suspended business dealings with Adkin Blue Ribbon Packing Co. which will be included in a [child-labor documentary on ABC tonight](#).

The retailers dropped the South Haven grower after child labor law violations came to light, starting with an undercover investigation by ABC-TV.

Coverage tonight on "World News" and "Nightline" includes undercover footage of children in Adkin fields during harvest this summer.

Wal-Mart suspended business with Adkin after ABC reporters informed the company of their findings. The decision by Meijer and Kroger came this week after the U.S. Department of Labor announced fines against the operation for child labor violations.

The grower objects to the way the show presents the farm and says its policy is to prohibit children from the fields.

More  
Frequently  
seen in  
Blueberry  
harvest



# Blocked Access

Lengthy expensive legal  
battle

Workers Afraid

Advocates Suspicious





Real-time remedies

Short earning season for workers

Tight harvest time for ag

Market Power vs. Court

Voluntary Compliance Goal

Immediate remedies





### **Retail Fair Food Michigan Pledge**

WHEREAS, Michigan’s food service and food retail industries rely on Migrant and Seasonal Farmworkers (MSFWs) to hand harvest crops and process produce;

WHEREAS, MSFWs are a vulnerable class of workers who live in isolated areas, travel often, speak Spanish as their primary language, and encounter language and cultural barriers to justice;

WHEREAS, Employers of MSFWs contend with a multitude of local, state, and federal codes, rules, regulations and laws applicable to the agricultural industry;

WHEREAS, Michigan’s food service and food retail industry and MSFWs share an interest for expedient fair resolution of active disputes that could disrupt production if not immediately addressed

# The Pledge

NOW THEREFORE, the undersigned person or entity hereby pledges as follows:

1. To support employers of MSFWS that comply with all Federal, State, and Local laws, rules, and regulations;
2. To designate a communications contact to receive and review notice of credible complaints and/or courtesy alerts of suspected legal violations and/or active labor disputes;
3. To communicate with the employer our desire that the employer promptly address these complaints and that the employer take any immediate corrective action to the extent possible;
4. To support employers of MSFWS that respect the dignity of workers and treat them with fairness and equity, without threat of force, violence or retaliation;
5. To maintain a whistleblower policy that protects MSFWS from unlawful retaliation for exposing work-related concerns, and;
6. To consider renewal of this pledge annually.

meijer



Walmart 



Giant

Kellogg's





Home > Corporate Responsibility > Social Responsibility > Fair Food Pledge

Corporate Responsibility Report

Social Responsibility

- Community support
- Direct Your Dollars™
- FAQs
- Toolkit
- Volunteering
- Patriotism
- [Has Heart]
- Fair Food Pledge**
- Animal Welfare
- Double Up Food Bucks™

Environmental Sustainability

- Earth Week
- SpartanNash Reusable Bag Design Contest
- Green building

SpartanNash Foundation

- Grant application and Impact
- Retail scan partners
- Ending hunger in

## Fair Food Pledge

SpartanNash is proud to be the first food distributor and retailer in Michigan to sign Migrant Legal Aid's Fair Food Pledge, affirming our commitment to fair labor practices for the state's more than 94,000 migrant and seasonal farmworkers and their families.

The Fair Food Pledge exemplifies SpartanNash's commitment to corporate responsibility and upholding fair and equitable labor standards for the treatment of farmworkers.

SpartanNash distributes fresh produce from 250 Michigan farms to its 150 corporate-owned stores and 2,100 independent customers, and we strive to run our business with integrity and accountability. Our customers purchase fresh fruits and vegetables at our stores and independent retailers every day, and we want them to know that as a company, we are committed to providing them with produce that has been harvested under safe and equitable working conditions.

By signing the Michigan Fair Food Pledge, SpartanNash pledges to work in partnership with **Migrant Legal Aid** when Michigan produce suppliers appear to be in violation of regulations requiring fair treatment and safe working conditions. This includes respecting the dignity of workers, treating them with fairness and equity and providing fair wages, access to bathrooms and drinking water and safe, clean housing.

Michigan is the second-most agriculturally diverse state after California. **Forty-five Michigan crops are hand harvested by migrant and seasonal farmworkers** each year, including blueberries, tart cherries, apples and cucumbers.





Michigan SpartanNash footprint  
150 Spartan Store Locations

# Independent Grocers

Lappinks Food Corners – Stanton, Lakeview, Newaygo, Spring Lake, Howard City and Belding, MI

Hollywood Markets – Madison Heights, Royal Oak, Toy, Bloomfield Hill, Utica, Rochester and Lake Orion, MI

Tom's Food Market – Interlochen, Traverse City, Northport and Williamsburg, MI

Family Foods – Harper Woods, Wayne, Detroit, Melvindale, Flint, MI

L&F Foods Inc. (Middleville Marketplace) – Middleville, MI

Village Market – Central Lake, Rapid City and Elk Rapids, MI

Heartland Markets – Farmington Hills and Westland, MI

Carrocos – Farwell, MI

Deerings – Empire, MI

Genes Family Market – Grant, MI

Dublin General Store – Wellston, MI

Fates Foods – Remus, MI

Leland Mercantile – Leland, MI

Anderson's Market – Glen Arbor, MI

Northland – Kalkaska and Kingsley, MI

Saturn Foods – Detroit and Dearborn, MI

Greenfield Market – Detroit, MI

Indian Village – Detroit, MI

Tom's – Portland and Okemos, MI

Market Fresh – Lansing, MI

7 Mile Foods – Detroit, MI

Ryan's – Detroit and Pontiac, MI

Fresh Choice – Eastpointe, MI

Schott's – Fraser, MI

Franks – Chesaning and St. Charles, MI

Food Town – Temperance, MI

University Foods – Detroit, MI

Blissfield Borchardt Brothers – Blissfield, MI

Onsted Borchardt Market – Onsted, MI

Morenci Borchardt Brothers Market – Morenci, MI

Bueches – Ortonville and Flushing, MI

Carl's – Nashville, Lake Odessa, Dimondale, Perry, MI

Tanuta's – Waterford, MI

Vinckier Foods

Bryan's Market

Family Fare Supermarkets

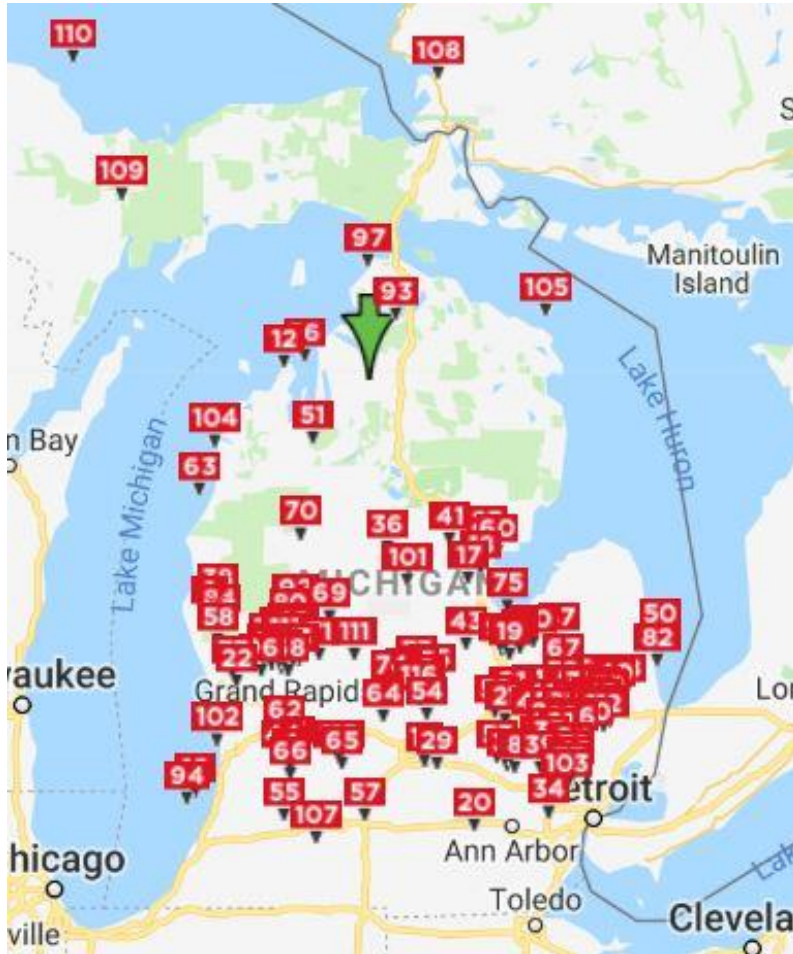
Eight Mile Foodland

Jeff's Marketplace

Pat's Food Center

Neimans Family Market





Michigan Meijer footprint

120 Store Locations



