



JUSTICE IN THE FIELDS

*A Report on the Role of Farmworker Justice Certification
and an Evaluation of the Effectiveness of Seven Labels*



ACKNOWLEDGMENTS

This is a Fair World Project report written by Kerstin Lindgren, Fair World Project's Campaign Director. We would like to thank all of the programs evaluated in this report for providing resources and clarifications on standards and policies. Each of the seven programs had a chance to review first the portion of the tables outlining their own information and later a completed draft of the entire report. We would also like to thank the following reviewers for reading and commenting on all or portions of drafts: Gail Wadsworth of the California Institute for Rural Studies, the team at Community to Community Development, Erika Inwald and Louis Battalen of the Domestic Fair Trade Association, Antonio Tovar of Farmworker Association of Florida, Joann Lo of the Food Chain Workers Alliance and Matthew Daly of the International Labor Rights Forum.

The analysis and conclusions are Fair World Project and may not reflect the opinions of reviewers or analyzed programs.

MISSION

Fair World Project (FWP) educates and advocates for a just global economy where:

- people are treated fairly with dignity;
- the environment is respected and nourished;
- commerce fosters sustainable livelihoods and communities in a global society based on cooperation and solidarity;
- fair market opportunities and fair government and trade policy defend and support the contributions of farmers, workers, and artisans to our global society;
- marketing claims have integrity and promote entire supply chains, and support dedicated brands that put people before profits.

TABLE OF CONTENTS

Executive Summary	5
Introduction	6
Scope of Conclusions and Recommendations.....	6
Farm Work – Dangerous Work, Low Pay	8
Tools for Improving Farmworker Welfare	10
Voluntary Certification	12
Monitoring and Enforcement.....	16
Worker Empowerment.....	22
Health and Safety	24
Housing.....	28
Wages.....	30
Conclusion.....	34
References.....	37
Photo Credits	37

TABLES

Table 1: General Program Information	14
Table 2: Third-Party Audits and Violations.....	18
Table 3: On-farm Monitoring and Enforcement of Rights and Standards	20
Table 4: Negotiation of Working Terms and Labor Contractors.....	23
Table 5: Reducing Risk from Toxic Substances.....	25
Table 6: Selected Health, Safety, and Related Social Criteria	26
Table 7: Housing Requirements	29
Table 8: Wages	32



EXECUTIVE SUMMARY

“Certification is not a replacement for policy, regulations, or unions, yet it can complement these tools and set a high bar for farmworker welfare on farms.”

Voluntary certification programs can play a role in farmworker justice. While voluntary certification programs cannot and should not replace other mechanisms such as government policy, law enforcement, and democratic worker organizations or unions, they potentially can complement these tools and set a high bar for labor practices on farms.

To be effective, voluntary certification programs must have strong enforcement mechanisms and include workers in all levels of decision-making, governance, and enforcement. This includes independent auditing programs, worker control of claims made regarding labor practices, and complaint mechanisms that result in correction of violations. To make a market claim, programs must include rigorous standards that go far beyond legal requirements, along with meaningful economic leverage, both to encourage proactive compliance with those standards and to enforce them when necessary.

This report looks at the need for improved conditions for farmworkers and the role that voluntary certification can have securing justice for farmworkers. It analyzes and compares seven programs in the areas of monitoring, enforcement, and worker empowerment, health and safety, housing, and wages.

Each program takes a different approach to farmworker justice and there is room for each program to learn from others to improve standards, policy, and enforcement. We recommend two worker-led programs, Agricultural Justice Project and Fair Food Program, for their strength in key areas as well as for their involvement of workers in all levels of the program. Two other programs, Fairtrade International and Equitable Food Initiative are recommended but with some qualifications. Fair Trade USA and Fair for Life are flagged as programs to approach with caution as both have some strong standards but weaknesses in enforcement and governance. Rainforest Alliance is noted as a program unqualified to ensure farmworker justice.

INTRODUCTION

A growing number of eco-social certifications are available on food products at a variety of retail locations. These certifications cover a range of environmental and social values and include claims like fair trade, humane, and environmentally friendly. As the historically invisible contribution of farmworkers in the agriculture system gains more attention, so too do the dangerous, often unsanitary conditions and low pay of farm labor. In recent years, eco-social certifications claiming to benefit farmworkers have emerged in response to this growing recognition. This has coincided with the decreasing prominence of and membership in labor unions, the traditional tool for addressing labor issues. The emergence of farmworker labels has also coincided, especially in the U.S., with the surge of wage victories at the state and local level, led by the Fight for \$15 labor activists. Political advocacy, collective bargaining through worker associations, and social certifications can serve to reinforce each other to achieve the broad goals of fair pay and decent working conditions. This report looks at the role that certification can play and compares seven certification schemes.

SCOPE OF CONCLUSIONS AND RECOMMENDATIONS

This report evaluates standards, policies, and outcomes for farmworker justice of seven programs that claim to benefit farmworkers on medium- and large-scale farms. In some cases these programs also oversee certification of small-scale farms where the smallholder farmer is the intended beneficiary; though there may be some hired labor on these small-scale farms, this report does not evaluate standards for smallholders where the farmer is the intended beneficiary. Labor abuse on smallholder farms is unacceptable and any certification making a claim of fairness or justice must address this, but this report is restricted to evaluating standards that are developed specifically to address hired labor.

Various programs use different ways to define and identify small-scale farms. For this report, we do not evaluate definitions of farm size, but rather look at the standards and policies for programs or aspects of programs for which farmworkers, rather than farmers, are the stated beneficiaries. For all types of programs, there are likely more than one stakeholder group that benefits. Brands adopting certification, for example, may have a benefit in the marketplace through use of a label. Workers on smallholder farms may benefit along with farmers who participate in certification schemes for smallholders. From a consumer perspective, it is important to understand whether the market claim for farmworker justice is valid.

This report does not evaluate the effectiveness of standards, policies, or outcomes for small-scale farmers and makes no conclusions for validity of these certifications as applied to smallholders. For example, while this report concludes that Fair for Life's standards, policies, and governance are inadequate for addressing farmworkers on large-scale farms, Fair World Project, in previous evaluations, has found Fair for Life has a strong fair trade program for smallholder farms. However, because there is no marketplace distinction between subsets of its program, the credibility of the entire label is at risk until Fair for Life addresses the concerns laid out below.

Conversely, though this report looks at outcomes for farmworkers on medium- and large-scale farms, it does not look at ecological impact of farms. For example, while we recommend Fair Food Program for its effectiveness in reducing exploitation of farmworkers, we do not evaluate or endorse the system of mono-crop, resource-reliant tomato fields that are typical of many of the farms participating in the program.



FARM WORK

DANGEROUS WORK, LOW PAY

“The tragedy of exploitation in the fields not only denies millions worldwide their fundamental human rights, it is a vulnerability to the sustainability of our food system.”

Farm work is some of the most dangerous work in the world. Farmworkers often are required to handle dangerous chemicals and perform difficult and repetitive physical labor. Workdays may be long and, especially on large farms, workers may work far from shade, sanitation facilities, and potable water sources for all or part of the day.

A few facts highlight the dangerous nature of farm work:

- Annually, as many as 20,000 farmworkers in the United States are victims of acute pesticide poisoning (i.e. direct exposure leading to immediate symptoms such as headache, vomiting, or rash); in addition, there is scientific evidence that pesticide exposure leads to higher rates of birth defects, developmental delays, leukemia, and brain cancer among farmworker children.¹
- Globally, it is estimated that at least 1 million people are victims of pesticide poisoning annually, with 300,000 people dying from exposure to pesticides each year.²
- Farmworkers in the United States are excluded from many labor laws that protect other workers; specifically farmworkers are denied their universally recognized right to organize unions and collectively bargain with their employers, farmworkers generally are not entitled to overtime pay after working 40 hours in one week, and seasonal and migrant workers in some states are not granted workers compensation in the case of injury or death.³
- The International Labour Organization (ILO) has identified farm work as one of the three most dangerous jobs globally, with millions of workers injured each year and at least 170,000 deaths attributable to the job-related accidents.⁴
- Female farmworkers face additional hardship in the form of sexual harassment and rape on the field; one Human Rights Watch report found that nearly all women interviewed had experienced sexual violence or harassment personally or knew of another female worker who had.⁵
- Farmworker housing in the United States is often characterized by insect and rodent infestations, mold, overcrowding, and excessive noise, leading to health issues such as anxiety, depression, respiratory disease, and infections.⁶

There is no financial reward for enduring these conditions. The United States Department of Agriculture (USDA) recognizes farmworkers as some of the most economically disadvantaged workers in the country, with average pay for some categories of agricultural workers less than \$10/hour or about \$20,000/year assuming the best case scenario of year-round employment.⁷ Around the world, over one billion workers are employed in agriculture and in some countries as many as 60% of those workers live in poverty.⁸

Compounding the already low wages of farmworkers globally is the piece rate system of pay. Piece rate is pay calculated by the unit harvested (a box of oranges for example), rather than the time worked. Under a piece rate system, farmworkers are often not paid for rest breaks⁹, inclement weather, and other times they are required to be present on the field but not actively working. When paid piece rate, the ability to earn money is affected by factors outside of worker control, such as how much produce is in a given field or even how far their assigned area of the field is from the transport truck or weigh station, since more time



transporting the harvest to the station means less time harvesting.¹⁰ It is a system vulnerable to wage theft, both because workers are not paid for all of their time on the farm and because there may be discrepancies in calculations. For example, a box filled to standard may be 8 pounds, but a worker may be required to top off the box at 9 pounds, effectively denying them pay for the final pound harvested. Finally, piece rate pay may encourage workers to work in a way or at a pace that is not healthy and causes illness or injury as they try to meet quotas or earn decent pay.

A living wage is the wage needed for workers and their families to meet all basic needs, usually including some savings and discretionary income. Because cost of living varies from region to region, a living wage is also quite variable. Several organizations have developed different ways to calculate living wages, attempting to account for differences in cost of living and other relevant factors, such as meeting culturally appropriate nutrition needs, in different regions.¹¹

Although calculating a precise living wage presents challenges, it is clear that legally required minimum wages are rarely, if ever, living wages. In some cases, farmworkers do not even receive legal minimum wages, because they are exempt from the law, because the law is not enforceable or not enforced, or because they are victims of wage theft.

In summary, farmworkers globally face a reality of harsh and dangerous working conditions that may lead to injury, illness, trauma from harassment, or even death. Farmworker wages do not provide basic needs for farmworker families, and often fall short of even the legally required minimum wage.

It is worth remembering that everyone who buys food depends on farmworkers. The tragedy of exploitation in the fields not only denies millions worldwide their fundamental human rights, it is a vulnerability to the sustainability of our food system.

TOOLS FOR IMPROVING FARMWORKER WELFARE

“While national laws do offer farmworkers some protection, they are often lacking or not well enforced.”

It is clear from the above overview that farmworkers around the world need healthier, safer working conditions and higher wages.

While national laws do offer farmworkers some protection, they are often lacking or not well enforced. Some progress has been made improving farmworker protection through laws. For example, the United States Environmental Protection Agency (EPA) recently updated its Worker Protection Standard, the regulation aimed at protecting farmworkers and their families from pesticide exposure.¹² Though this progress is a small step toward farmworker protection, it is not adequate. It is not yet clear that adequate funding for enforcement will accompany these stronger standards or that violators will be held truly accountable. Congress is already pushing back on the standards. Further, the requirements aim to better protect workers from direct exposure to pesticides, but not to eliminate these inherently risky and toxic substances from the agriculture system.¹³

Globally, the International Labour Organization (ILO) has conventions to protect workers and improve their lives. These include eight fundamental conventions covering topics such as child slavery, forced labor, and freedom of association, among others. These conventions play an important role in creating a global framework for fair working conditions. However, they rely on ILO member states to enact and enforce laws to apply the conventions, which are unfortunately not often applied. Sometimes a member country does not ratify the convention, a step needed to embed it within national law. The United States has not ratified six of the eight fundamental conventions, including the convention on freedom of association and the right to organize. Other times, a country ratifies a convention but still fails to enforce it. Ghana and the Ivory Coast are both ILO member countries that have ratified both the convention on forced labor and the convention on eliminating the worst forms of child labor, yet both have cocoa sectors plagued by labor issues including forced and child labor.¹⁴ Similarly, the governments of Turkmenistan and Uzbekistan ratified conventions on forced labor yet maintain state-orchestrated systems of forced labor to produce cotton.¹⁵

Whether enforced or not, workers' right to organize and bargain collectively is a universal right. An effective way to ensure farmworkers have better pay and conditions is to give them a voice in negotiating pay and working conditions. Workers may form a democratic union and elect representatives to negotiate a collective bargaining agreement with management. This is often an effective way to ensure workers' needs are considered, allowing workers to collectively negotiate higher wages, improve benefits, and make changes in the work place, while also giving workers a representative who is not a manager or government official to bring day to day grievances and concerns to. Even if government regulation and capacity for enforcement are strong, worker organizations play a vital role by addressing day-to-day concerns and providing a safe place for workers to raise issues. In some communities, there is no trust that legal authorities can and will act to protect the most marginalized members of the community, and having a formal worker representation that can field worker concerns and is empowered to address them is essential.



International Labour Organization (ILO) has conventions to protect workers and improve their lives. However, they rely on ILO member states to enact and enforce laws to apply the conventions, which are unfortunately not often applied. The United States has not ratified six of the eight fundamental conventions, including the convention on freedom of association and the right to organize.

National laws, international norms such as the ILO conventions, and established unions are all important. However, due to gaps in the legal framework, lack of enforcement of existing laws, and barriers to organizing they have not eliminated labor abuses on farms, lifted all farmworkers out of poverty, or ensured enforcement of universally recognized rights. This has left a void that voluntary third-party certification schemes attempt to fill.

In reality, union membership among farmworkers is quite low. In addition to lack of laws to protect union rights and weak enforcement of such laws, in many places around the world anti-union efforts run rampant. Union organizers are regularly denied access to the farm and if they cannot access fields or on-farm housing, they often cannot access workers at all. Seasonal or migrant workers may be particularly hard to organize; in addition, many farmworkers are hired by contractors and are not directly employed by the farm.¹⁶ Even when farmworkers wish to organize, their right to collective bargaining is not always legally recognized.

VOLUNTARY CERTIFICATION

“Voluntary certification schemes allow farms to opt in to follow a set of standards.”

Voluntary certification schemes are programs that allow farms and businesses to opt in to follow a set of standards. An external (third-party) auditor then checks for compliance with the standards. This report takes a closer look at seven such programs:

- Agricultural Justice Project (AJP), founded by farmworker and farmer organizations, sets standards for the Food Justice Certified label, a U.S.-based program with criteria for farmers' relationships to farmworkers and buyers' relationships to farmers.
- Equitable Food Initiative (EFI), a collaboration of stakeholders including labor unions, NGOs, and corporate buyers, sets standards for the Responsibly Grown, Farmworker Assured label, a certification focusing on social and food safety criteria.
- The Coalition of Immokalee Workers (CIW) sets standards for the Fair Food Program (FFP), a program developed by and for tomato workers in Florida that has expanded its model to other crops and locations.
- Fair for Life (FFL) is a fair trade certification program developed by the Swiss Bio-Foundation and the Institute for Marketecology (IMO) and currently owned by IMOgroup AG. FFL applies its criteria for fair trading relationships and environmental responsibility to a wide range of products.
- Fair Trade USA (FTUSA) sets standards for a Fair Trade Certified label found on agricultural products from around the world, ranging from traditional fair trade commodities like coffee to fruits and vegetables from around the world, including in the U.S. and Canada.
- Fairtrade Labeling Organization International, also known as Fairtrade International (FI) sets standards for the international Fairtrade label. Fairtrade America is its US-based labeling initiative that oversees the use of the label in the United States.
- Sustainable Agriculture Network (SAN) sets the standards for the Rainforest Alliance Certified (RA) label. The standards include economic, social, and environmental criteria, and the label can be found on a range of agricultural products from around the world.

CERTIFICATION ROLES

Labeling organization – The organization that reviews the third-party audit reports and other eligibility criteria and decides whether a company can use its label on products, sometimes collecting a licensing fee for its use.

Standard setter – The organization that sets standards and policies that must be met in order to use the label.

Certification or auditing body – The organization that trains and employs the inspectors that check to see if standards and policies are complied with.

NOTE: Sometimes one entity plays more than one of these roles. For example, Fair Trade USA is both the labeler and the standard setter for their fair trade label, while Scientific Certification Services provides auditing services. Fairtrade International has a similar process, though its individual labeling initiatives, like Fairtrade America, make decisions on label use, but do not have a direct role in setting standards.

These programs were chosen because they all have a labeling component for large-scale farms in one or more crops and make some type of market claim to benefit farmworkers.

Two programs (Equitable Food Initiative and CIW's Fair Food Program) were developed specifically to benefit farmworkers with farmworker organizations involved in development



from the start. CIW's Fair Food Program emerged from the tomato fields in Florida and the model has since expanded to other regions and crops and can be applied to any size farm in any region. CIW, a worker-based human rights organization has been the lead organization in developing this model which is the only program based on legally binding agreements that include the worker organization, participating grower, and participating buyer.

EFL's program was also developed for farms specializing in fruits and vegetables. Its multi-stakeholder structure includes the farmworker organizations United Farm Workers, Farmworker Justice, and Farm Labor Organizing Committee. Other members representing businesses, including large retailers, reflect the program's focus on uniting the supply chain to transform agricultural practices, especially worker welfare and food safety.

Traditionally, fair trade refers to a solidarity movement of small-scale producers in the Global South organizing democratically to create market access for their products and improve their communities. Some fair trade certifications (Fairtrade International, Fair Trade USA, and Fair for Life) opened up their fair trade certification to large-scale individual farms where farmworkers are the stated beneficiaries. To do this, these programs have taken models developed for small-scale organized farmworkers and made changes in an attempt to apply them to large-scale farms with many farmworkers. Worker representatives, if included in program development and monitoring at all, have been invited to the development, governance, and implementation of them at a later point, inconsistently, and with little opportunity to influence the programs.

In all three cases, products from these farms are labeled fair trade under these programs, despite the divergence from the original fair trade movement and despite the fact that these products often compete directly or indirectly with similar products produced by organized, small-scale farmers. Two of these programs (Fair Trade USA and Fair for Life) also make certification available to farms in the Global North. FTUSA currently only certifies produce in the Global

North and Fair for Life has always opened its program to farms in any location and at any size as long as the farm meets its strict eligibility requirements to provide benefits to a marginalized group without engaging in "fairwashing."

Agricultural Justice Project is unique in addressing the full supply chain, with a focus on bringing farmers and farmworkers into further collaboration. AJP standards can be applied to any size farm with any number of farmworkers in the U.S. and Canada. AJP's founding members include both farmworker and farmer organizations and the program includes a dual focus on farmworkers and farmers. AJP also has standards for food businesses and retailers; the focus of this report is on hired labor standards for farms only.

Rainforest Alliance attempts to address environmental protection, social equity, and economic viability equally and works with farms of all sizes.

All of these programs are continually revising and evolving specific standards and policies. This report uses the most recently available standard and policy documents and program descriptions available as of March 2016. Though the specifics may change over time, this report offers a comparison of various approaches to key issues as well as highlighting model provisions and best practices that programs may wish to adopt from one another.

Table 1 summarizes some of the general characteristics of each of these seven programs.

Table 1: General Program Information

Program	Scope (Geography and Sector) of Program	Definition of When Hired Labor Standards Are Applied	Additional Prerequisites/Eligibility Requirements	Ownership/ Governance
Agricultural Justice Project	Any country and any commodity in theory; in practice U.S. and Canada only.	All farms, regardless of size, are responsible for meeting the obligations of farmers to employees.	Farms and companies cannot be "split operations" (that is one portion that meets standards and one that does not), an important requirement given that many labels allow the same company to market a portion of a product, bananas for example, as certified while the majority of the product is produced under egregious conditions.	Founding members include both farmer and farmworker organizations.
Equitable Food Initiative	Currently certifying farms in Canada, U.S., and Mexico with plans to extend into Central and South America. The program is specifically for farms specializing in fruits and vegetables.	All farmers, regardless of size, are responsible for meeting the standards of the program.	Growers go through an orientation and pre-assessment; specifically they are required to create a cross-representational "Leadership Team" that receives a minimum of 40 hours of training on problem-solving, communications, and EFL standards.	Members include a variety of stakeholders including several U.S.-based farmworker organizations.

Program	Scope (Geography and Sector) of Program	Definition of When Hired Labor Standards Are Applied	Additional Prerequisites/Eligibility Requirements	Ownership/ Governance
Fair Food Program	Any country and any commodity in theory; in practice only in U.S. with majority of participants tomato farms in Florida. An estimated 30,000 workers in the Florida tomato industry and thousands more in 6 other states are currently covered by the Fair Food Program.	All farmers, regardless of size, are responsible for meeting the standards of the program.	Farms cannot be “split operations” (that is one portion that meets standards and one that does not). Growers must agree to a comprehensive Code of Conduct.	Developed by the Coalition of Immokalee Workers, a farmworker organization
Fair for Life	Agricultural products in any country, though eligibility requirements are stricter for middle and higher income countries.	Farms are audited against hired labor standards when there are more than 15 permanent workers or more than 40 total workers for 2 or more months of the year.	Restricted, through a “fairwashing” policy and eligibility criteria, to those actively engaged in promoting social change and committed to worker empowerment and who can demonstrate an expected benefit to marginalized workers beyond good working conditions; therefore “bad actors” interested in capturing a niche market without benefiting a marginalized group are excluded.	Founded and owned by organizations with an interest in fair and sustainable agriculture; there is no farmworker representation in ownership or governance.
Fair Trade USA	Any country for any sector excluding livestock or dairy. Application in U.S. and Canada is for farms specializing in fruits and vegetables only.	Farms that employ more than 25 permanent workers or 100 total workers at any time.	None.	Started as labeling organization primarily for small-scale farmers in the Global South; though in practice there is a representative of a farmworker organization on the current board, there is no formal farmworker governance requirement and no farmworker ownership.
Fairtrade International	Global South only; limited to certain products only, notably bananas, tea, flowers, and wine grapes.	Farms that rely on hired labor.	None.	Started as labeling organization primarily for small-scale farmers in the Global South and has no formal farmworker organizations in ownership or governance, though in practice farmworkers may have an indirect voice through regional producer networks.
Sustainable Agriculture Network/ Rainforest Alliance	Global South, Mediterranean countries, and the U.S.	There are not separate standards for large farms and “most” standards apply to workers on small farms.	None	Started as labeling organization primarily for farmers in the Global South and has no formal farmworker organizations in ownership or governance.



MONITORING AND ENFORCEMENT

“Yearly audits are not sufficient for monitoring worker welfare standards.”

Because these are all voluntary programs that farms and businesses can opt into, looking at how standards are enforced and compliance is assured is essential. In some cases, standards overlap with national laws or international labor conventions. Though this appears redundant, not all laws are adequately enforced. Programs may incorporate badly enforced laws into standards as well as additional requirements to create more fairness for farmworkers above and beyond legal requirements.

However, not all programs enforce their own standards either. For example, a 2015 investigation by Radio 4’s *File on 4* and BBC News of tea plantations in Assam, India uncovered child workers, workers spraying pesticide without proper protection, crumbling housing, and other poor conditions. All plantations they investigated were Rainforest Alliance Certified, and the conditions on the plantations were in clear violation of Sustainable Agriculture Network standards. Rainforest Alliance responded by saying the results of the investigation would be taken seriously and such conditions were not allowed on certified farms. Rainforest Alliance director Edward Miller even told BBC News, “Clearly an auditing process, because it rests on an annual inspection, is not going to be perfect.”¹⁷

Rainforest Alliance followed up with their own investigation, which found that some claims were inaccurate, led to the decertification of some farms, and resulted in changes to some standards.¹⁸ Though the rapid response is commendable, it remains a good reminder that yearly audits are not sufficient for monitoring worker welfare standards.

It is also not the only example of reports that eco-social certification is not helping tea workers. Sarah Besky draws that conclusion after extensive research in Darjeeling.¹⁹ More recently, a report revealed women on one tea plantation in India needed to organize a strike to improve pay and conditions.²⁰ Though not called out in the report, the plantation in question was fair trade certified. These examples all come from tea plantations where workers are relatively static, living for generations on the same plantation. In produce where there is more migrant and seasonal labor, the weaknesses of a once a year audit are likely magnified.

All programs covered in this report rely on farm audits as part of their assurance of compliance with standards. Audits may be announced, giving the farm time to prepare, or unannounced, with an auditor showing up to evaluate the farm with no warning. Programs that conduct unannounced audits may choose the farms to visit based on risk, complaints, or a random sampling.

The idea of third-party auditing is that a neutral third party determines compliance with the standard. However, even third-party auditing has been criticized at times as not foolproof in ensuring compliance with standards. If auditors are not well trained or culturally competent, they may not be able to uncover labor rights abuses. Because auditors rely on ongoing certification to pay their salary, they may have or perceive an interest in approving a farm and willing to overlook some violations. Finally, if an audit is announced, a farm may be able to hide ongoing violations, for example, keeping child workers off the farm for the days of the audit²¹.

Although auditing is an essential component of certifications, because of these potential pitfalls, it is important to incorporate unannounced audits, use well-qualified, well-trained auditors with a conflict of interest policy in place, and maintain an effective grievance redress system.

GOOD PRACTICES IN AUDITING



Compliance is a key feature of the **Fair Food Program** and the program interviews a large percentage of workers on each farm, conducts extensive farmworker to farmworker training in rights, and runs a 24-hour hotline to field complaints between audits.



Agricultural Justice Project mandates a worker representative from an approved farmworker organization on the auditing team; that representative conducts worker interviews. Worker interviews are individual and confidential and critical findings may be withheld from employers to protect workers.



The Equitable Food Initiative has an extremely transparent and comprehensive policy for auditor qualifications and training. Qualified auditors who complete the training become certified auditors and only certified auditors may participate in evaluations.

MARKET MECHANISM FOR ENFORCEMENT – A UNIQUE APPROACH



Fair Food Program is unique in its market enforcement mechanism. The program does not rely entirely on the incentive of the use of a label, and in fact the label was a later development, and not used by all participants. Instead, the program relies on legally enforceable contracts. Participating restaurants and retailers agree to buy product from participating farms. If a farm violates the code of conduct, that farm cannot sell to any participating buyer, immediately losing valuable markets. The Coalition of Immokalee Workers launched the Fair Food Program and also runs the Campaign for Fair Food. Under the Campaign for Fair Food, the Coalition of Immokalee Workers secures commitments to the Fair Food Program from companies like Taco Bell, Wal-Mart, and Whole Foods, organizing allies and consumers in campaigns targeting reluctant corporations as needed. Once a company commits to the Fair Food Program, it must buy from compliant farms. Therefore, if a farm violates the code of conduct and can no longer sell to these major companies, it is a large loss in market share. Because of this market enforcement mechanism, the Fair Food Program has been able to virtually eliminate horrendous human rights abuses like slavery and sexual harassment from the fields in which they work.

Other programs may have their license revoked or suspended, but that may have little or no impact on sales, so provides less incentive to avoid serious violation. Consequently, other programs have been found to lower their standards in an attempt to bring companies into the system.

If an auditor finds non-compliance with standards during an audit, the certification body may choose to cancel the certification, suspend it temporarily, or may keep it valid with the expectation that the farm make appropriate changes. If additional time is given to make improvements, a product could carry a certification label despite labor violations, which could be misleading to consumers. However, some programs believe it is more beneficial for workers to keep the farm in the program so may be lenient about timeline for coming into compliance with program requirements. These programs encourage continual improvement, rather than remove the farm from the system, reducing the oversight of the operation. For this reason, the certifier may give a deadline for the farm to come into compliance rather than immediately suspend, cancel, or deny the certification. In general, auditors and certifiers are not under an obligation to report to the public or government authorities even if they uncover severe labor abuses.

Table 2 summarizes each program's approach to audits and auditor qualifications.

Table 2: Third-Party Audits and Violations

Program	Announced Audits	Unannounced Audits	Auditor Qualifications	Consequences for Violations Found During Audit
FWP Recommendations and Minimum Expectations	Audits should take place at least yearly and should include worker interviews and inspection, not just a "desk audit" of paperwork; organizations representing the interests of the workers should assist with worker interviews.	Unannounced audits should be utilized and include at least a subset of farms.	Auditors should have prior knowledge of the issues covered by standards, be fluent in local language, and understand local culture; auditors should receive training and work with a conflict of interest policy in place.	Though there are different approaches to consequences for violations, any enforcement should ultimately benefit and prioritize workers; at a minimum violations should not be ongoing indefinitely; progress and plans must be documented.
Agricultural Justice Project	Yearly audits by a team that includes certification inspector and inspector from an approved worker organization. Workers attend opening meeting. Interviews by worker representative are individual and confidential. Critical findings may be withheld from final report to protect workers. ✓ Worker organization involvement in audits.	Unannounced audits are not routine but may be used at certifying body's discretion.	Must have relevant experience and training in diverse issues including gender issues, labor law, predatory contracts for farmers. Audit team must also include a worker representative from an approved farmworker organization. ✓ Comprehensive qualification of auditors including worker representatives.	Major violations may result in suspension or denial of certification; for other violations a timeline for progress is determined. AJP provides technical assistance and resources to support improvement.
Equitable Food Initiative	Verification audits are unannounced; additional planned audits allow all aspects of the production cycle to be evaluated. Audits include worker interviews. ✗ Interviews are conducted by professional auditors without worker representatives present	Unannounced audits may be included if new information emerges or at the request of EFL.	Auditors must be trained and certified and qualifications include residency in country, language skills of majority of region, experience with farmworkers, and knowledge of agriculture systems, among others. ✓ Comprehensive qualifications and training for auditors.	Non-conformities may lead to suspension with a follow up audit to ensure cause of non-conformity addressed; a second violation leads to canceling certification with no chance to re-apply for two years. ✓ Clear process and timeline.
Fair Food Program	Each participating farm is audited twice a year. Audits include interviews, in some cases of half the workers on a farm. ✓ High percentage of workers interviewed by worker representatives.	Audits are both announced and unannounced. ✓ Routine use of unannounced audits on a large percentage of farms.	The Fair Food Standards Council trains all auditors.	Farms that violate the code of conduct may not sell to participating buyers. ✓ Clear consequence with economic impact that has had proven results on farm.
Fair for Life	Yearly audits, conducted with representative sample of workers present, include worker interviews. Critical findings from worker interviews may be withheld from management in final report to protect workers. Interviews are conducted by professional auditors; a worker may request a worker representative be present. Workers are included in the opening meeting and informed of audit results.	An unannounced audit may be conducted at any time, especially if needed to follow up on a complaint.	The auditor may be a local auditor or an international auditor trained in FFL standards. The auditor's qualifications including knowledge of social and fair trade auditing and knowledge of language, culture, and sector are all considered.	For minor issues, a plan to improve before the next audit may be created and proof of corrections or an additional audit to ensure compliance is mandatory. For major issues, certification may be denied or suspended. Suspended and canceled licenses are publicly listed on the website.

Program	Announced Audits	Unannounced Audits	Auditor Qualifications	Consequences for Violations Found During Audit
Fair Trade USA	Yearly audits for surveillance or recertification include worker interviews; fair trade committees and other relevant committees are involved in the audit. ✗ Interviews are conducted by professional auditors without worker representatives present	Approximately 10% of certified entities are chosen for unannounced audits each year based on risk, including past non-conformities.	Scientific Certification Systems is the auditing body for Fair Trade USA. Auditors are often, though not always, based in the country they operate. Auditors must undergo training before conducting an audit and are expected to be knowledgeable in local language, culture, and laws.	Minor non-conformities are addressed with a corrective action plan and a timeline for conformity. A major non-compliance or a combination of many minor non-conformities may lead to suspension or denied certification. Failure to follow corrective action plan or a worker complaint may lead to suspension.
Fairtrade International	Yearly audits include interviews with workers. Auditors also meet with workers before and after audits to discuss concerns and share findings. ✗ Interviews are conducted by professional auditors without worker representatives present	Unannounced audits are carried out, focusing on high-risk farms.	FLO-cert is the auditing body for Fairtrade International. FLO-cert follows ISO 17065 guidelines for training auditors. Auditors are usually based in the country they work and are expected to be knowledgeable in local language and culture.	If a non-compliance is found, the license will be either denied or suspended. For minor issues, a plan to fix may be created.
Rainforest Alliance/Sustainable Agriculture Network	Yearly audits are conducted and include worker interviews. ✗ Interviews are conducted by professional auditors without worker representatives present	Unannounced audits are made each year to a sample of certified entities.	Auditors receive training and attention is paid to worker comfort, for example female auditors interview female workers.	If a non-compliance is found, the license may be denied or suspended. For minor issues, a plan to fix may be created.

- ✓ Example of a model program or best practice
✗ Area in need of urgent improvement

As noted in the example of unenforced standards on Rainforest Alliance certified tea plantations in India, yearly audits, no matter how comprehensive and no matter how competent the auditors, are not sufficient to ensure enforcement of standards when the target beneficiary group is hired labor on large-scale farms. In addition, some programs do not audit all criteria each year, particularly if there has not been a violation in the past. Although auditing is an important part of understanding what is happening on a farm, additional mechanisms are needed to ensure the standards are upheld and enforced.

A democratic and independent worker organization, such as a union, often fills the functions of giving the workers a voice, investigating problems, representing workers' interests to management, and ensuring decent pay and conditions. This type of organization ensures that there is a worker representative that is clearly identifiable by other workers to flag issues, raise complaints, and negotiate changes with management. Some have even argued that this type of worker representation is the key way to enforce workers' rights.²² When present, a democratic worker organization can ensure proper implementation of the program, including day-to-day monitoring of standard enforcement.

Though some of the programs actively encourage workers to democratically organize, most fall short of requiring an elected body to represent all workers on the individual farm. All of the programs do have other requirements in an attempt to fill these same functions. A process for workers to raise concerns and have complaints resolved without fear of retaliation is important. Often workers who face

abuse or witness a violation of standards are afraid to speak up for fear of retaliation. This is especially true of migrant workers in the U.S. who lack proper documentation, so that the risk of speaking up when something is not right is high.

Workers also need to know and understand their rights and the process for exercising them. A process for addressing complaints may look good on paper, but if workers do not know what the process is or how to access it, it is useless.

To address ongoing concerns at the farm, sometimes including implementation of standards, a program may require committee(s) of workers to address a specific area. For example, a health and safety committee, elected from among the workers, may meet to address health and safety concerns and make improvements. Sometimes the committee is made up only of workers and sometimes managers participate as well. This reflects a difference in philosophies of whether it is more effective for workers to have their own space or a formal relationship with management.

Table 3 summarizes each program's approach to empowering workers to monitor and enforce rights and standards day-to-day.

Table 3: On-farm Monitoring and Enforcement of Rights and Standards

Program	Grievance, Complaint, and Dispute Resolution Process	Worker Outreach Regarding Rights and Standards	Inclusion of Democratic Worker Association (e.g. Union)	Inclusion of Worker Committees on Site
FWP Recommendations and Minimum Expectations	A process for addressing complaints, whether related to standards or not, needs to be in place and accessible to farmworkers without fear of retaliation; ideally any investigation includes worker representatives.	Workers should be informed of their rights, ideally through ongoing interactive trainings.	Workers should have a voice in conditions on the farm and monitoring violations of basic rights and standards through formal channels, ideally in democratically organized worker committees that address all worker concerns and are not narrowed in scope.	
Agricultural Justice Project	Each certified entity or farm must have a conflict resolution policy with workers informed as part of employee training. Workers must be protected from retaliation. A worker representative must review any labor non-compliances prior to issue of certification. If a dispute cannot be settled internally, the party can appeal to AJP.	Information must be part of new employee training.	Democratic principles and the recognition of the importance of unions and worker organizations are clear throughout the standards, though workers are not required to be organized.	A health and safety committee must be formed on farms with ten or more employees. They must have access to relevant information and meet regularly with management. On farms with fewer than 10 workers, the farmer must involve the workers in farm safety through training and regular, on-going participation in monitoring.
Equitable Food Initiative	The leadership team tracks and investigates safety complaints; farmworkers are informed of this process. Workers must be protected from retaliation, including for reports to the government. A 24/7 system gives workers ability to make anonymous reports of non-conformities through cell phones.	Workers must be able to identify a member of the Leadership Committee or know how to find that information.	Employers must have a formal policy of acknowledging workers' freedom of association rights and non-discrimination. Workers may choose to organize or not.	A leadership team, comprised of both managers and workers representative of the workforce demographic implements standards. The leadership team goes through training. The leadership team may be elected, appointed, or a combination.
Fair Food Program	The Fair Food Standards Council operates a 24/7 complaints line staffed by investigators to handle complaints; this has been a key strength of the program which also transparently releases data on number and type of complaints received and resolution ✓ Complaints line is easily accessible to all workers and has had a positive impact on field through resolutions.	Fair Food Program conducts hundreds of Know Your Rights worker trainings on all participating farms each season; each worker on participating farms is also provided a booklet and video describing rights upon hire. ✓ Extensive worker to worker training on worker rights.	There is no requirement for a democratic organization and no explicit mention of workers right to freedom of association.	Farms must form a health and safety committee for workers to monitor and provide feedback on health and safety concerns to farm management.
Fair for Life	Grievance policy including workers' right to contact certification body must be accessible to workers and must be written by year 2. Workers and management encouraged to have periodic meetings. For cases of sexual harassment, a discreet complaints process is put in place with counselors available, as continual improvement requirement.	Workers must be informed and trained in their rights.	Additional points are awarded if an active union or association is present, but a democratic organization is not a requirement. Workers may choose to organize or not and must be aware of their rights to associate and bargain collectively.	Safety and other committees encouraged as way to improve dialogue with managers. At least half of members committee to administer the premium fund (intended for projects to benefit workers) must be workers. ✗ Workers do not have a formal structure to represent their own interests.

Program	Grievance, Complaint, and Dispute Resolution Process	Worker Outreach Regarding Rights and Standards	Inclusion of Democratic Worker Association (e.g. Union)	Inclusion of Worker Committees on Site
Fair Trade USA	Each farm has a grievance policy in place that is communicated both verbally and in writing. Workers must be protected from retaliation if they bring a complaint.	Workers should have ongoing training on fair trade and their rights, at least annually.	Workers rights to form a democratic organization is protected and standards re-enforce the organization's rights when it exists, but a democratically organized workforce or worker representative is not required.	A fair trade committee is elected to help implement fair trade plan that outlines protocol for complying with standards, including use of the premium fund. The committee is democratically elected to reflect the demographics of the workforce. Management representatives participate but have only veto rights. Workers are also represented on a health and safety committee.
Fairtrade International	Each farm has a grievance policy in place that is communicated verbally and in writing. Workers must be protected from retaliation. Trained worker representatives must play an active role in investigating grievances and cases of sexual harassment complaints must be handled by women. ✓ Worker representative role in grievance investigation.	Workers must understand the procedure for filing complaints.	Workers must receive training on fair trade and their rights and must form a democratically elected body for representation.	Democratically elected workers also serve on a health and safety committee. Managers have an advisory role in the committee, but have only veto rights.
Rainforest Alliance/Sustainable Agriculture Network	✗ Worker representatives do not play a role in investigating grievances and there are no clear policies required for workers to resolve conflicts or registering grievances.	Workers should be informed of their basic rights and benefits regarding working expectations, and the farm's social policy which covers its commitment to labor laws, rights, health and safety, and training opportunities.	Though workers are free to organize, they are not required or encouraged to form any type of democratic committee.	An occupational health committee must be established on farms with ten or more workers, though they are not required to be democratically elected to the committee.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement



WORKER EMPOWERMENT

“It is key to have farmworkers empowered to address problems and improve conditions.”

On some farms, and mandated by some programs, workers have not just a voice in addressing concerns and monitoring compliance with laws and standards, but also a voice in negotiating their own pay and working conditions through a contract or collective bargaining agreement. Programs that do not require workers to have a voice in negotiating pay and conditions often argue that they cannot require a formal union on a farm. However, there are many ways to give farmworkers a voice and democratic control without mandating a formal union.

EMPOWERING WORKERS TO NEGOTIATE



Although all of the programs acknowledge that workers need a strong voice on the farm, only **Fairtrade International** requires that workers or their representatives negotiate a contract outlining pay and conditions.

Conversely, some farmworkers are left out of farm policies because they work for a labor contractor, not directly for the farm. Farmworkers working for a contractor are more vulnerable to abuse, whether on a certified farm or not, because the contractor, who is the employer, lacks accountability. Farm labor contractors are very common in agriculture and each program attempts to address the vulnerability of contracted workers in some way, typically by requiring that the standards apply to all workers on the farm, even those who work for a contractor. Agricultural Justice Project severely restricts the use of contractors and Fair Food Program eliminates their use and requires all workers to be directly hired by the farm.

ELIMINATING LABOR CONTRACTORS



Although most programs discourage the use of labor contractors or allow them only in some circumstances, **Fair Food Program** is the only program that requires farms to directly hire each worker.

Table 4 summarizes approaches to farmworker participation in negotiating pay and working conditions as well as use of labor contractors.

Table 4: Negotiation of Working Terms and Labor Contractors

Program	Do workers on participating farms negotiate their own pay and working conditions?	Are labor contractors allowed?
FWP Recommendations and Minimum Expectations	Workers should ideally have a voice in setting the terms of employment including wages and working conditions; at a minimum, workers should understand the terms and their right to bargain collectively if they choose.	Ideally, labor contractors are not allowed or strongly discouraged; labor contractors should at least be held accountable to the standards and policies of the program.
Agricultural Justice Project	A contract or written policy manual is required and employees negotiate terms of employment if they choose; if an individual worker or group of workers wishes to negotiate a contract, the employer must do so in good faith. ✓ Strong support for any number of workers who opt to negotiate with management.	Farms must pro-actively seek to hire employees directly first, and if not possible, must explain to certifier why contracted labor is necessary, attempt to switch to direct hires, and work with a worker organization to find workers; the farm is jointly responsible for terms of employment if contractor is used.
Equitable Food Initiative	Workers should receive terms of employment before they begin work and freedom of association is protected.	Contractors may be used, but the worker must be provided the name of the grower for whom the work is performed and the grower is responsible for the entire workforce even if a contractor is used; auditors must be granted access to the contractors' records.
Fair Food Program	Workers do not participate directly; 5,000 workers in Immokalee, Florida are members of the Coalition of Immokalee Workers and have a voice in setting the program code of conduct, which include measures impacting wage and working conditions.	✓ Workers must be hired directly by the farm.
Fair for Life	A contract or comparable is required, but workers do not need to participate in negotiating the terms. Workers must, however, be aware of their right to collectively bargain.	Contractors may be used in peak periods, for specialized work, or in special circumstances; subcontracted workers must have similar working conditions as other workers and subcontracting cannot be used to avoid obligations.
Fair Trade USA	Contracts are required for all permanent employees and temporary employees working 90 or more consecutive days, but there is no requirement that workers negotiate terms.	Labor contractors are allowed only in exceptional circumstances and the contractor must uphold all standards.
Fairtrade International	Worker representatives are invited to negotiate contracts; contracts are required for all permanent employees and temporary employees employed 3 or more continuous months. ✓ Contracts negotiated by worker representatives.	Labor contractors can only be used for non-regular work or special circumstances. Criteria must be developed for choosing subcontractors and contractors must uphold standards and undergo audits.
Rainforest Alliance/Sustainable Agriculture Network	Collective bargaining is noted as important but is not required.	Labor contractors are allowed only for specialized services and seasonal labor and contractor must uphold standards.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement

As outlined above, enforcement and monitoring are important because without monitoring and enforcement, standards are useless. It is most important to have farmworkers empowered to address problems and improve conditions. With good enforcement as a prerequisite, standards can play an important role in setting expectations, setting a higher bar, and driving continual improvement. This is especially true if farmworkers or their representatives have helped to develop the standards or criteria (see also Table 1). The next sections compare standards in various key areas, starting with health and safety.



HEALTH AND SAFETY

“Many farmworker advocates believe that reducing or eliminating toxics from agriculture is the only long-term solution.”

Because of the high risks associated with farm work, improving health and safety measures is essential. Exposure to toxic materials, for example pesticides, is a persistent concern, particularly on conventional farms. To reduce this risk, all of the programs insist on adequate protection and training for workers handling toxic materials. In the United States, the Environmental Protection Agency (EPA) recently strengthened the legal regulations for protecting workers against toxic materials. However, many farmworker advocates believe that safeguarding individual applicators will never be adequate and reducing or eliminating toxics from agriculture is the only long-term solution.²³ This is because even if equipment is worn during application, the toxic materials are still released into the environment where they may drift through the air. Toxic residues contaminate local water supplies and soil, make their way into local houses through the air or on clothing, or linger on crops that are later harvested by unsuspecting workers who may not have the information needed to connect health impacts to exposure to pesticides.

While all programs in this report address personal protective equipment, the degree to which the programs address reducing or eliminating toxic materials varies. Table 5 summarizes these different approaches.

Table 5: Reducing Risk from Toxic Substances

Program	Protective Equipment	Training	Reducing/Eliminating Pesticides and Toxic Materials
FWP Recommendations and Minimum Expectations	Workers should be provided with protective equipment and trained in its use.	Workers who directly handle pesticides should be trained in proper application; ideally the training also includes training on risks and rights and is conducted in a language and learning style that is appropriate and effective.	At a minimum, farms should be required to reduce the use of pesticides to below levels typically applied to conventional crops and continuously and actively work to find safer alternatives to all toxic materials; ideally farms are required to meet standards equivalent to organic agriculture and continue to reduce use of toxic materials.
Agricultural Justice Project	Farmworkers must be provided with protective equipment in good condition at no cost and must be required to use it and prohibited from taking it home.	Farmworkers performing dangerous tasks and handling hazardous materials must receive adequate training before exposure; all employees must have training that includes knowing their rights regarding exposure to toxic materials; it is encouraged that training is provided by a farmworker organization; provisions such as oral presentations must be included for those not fully literate. ✓ Farmworker to farmworker training	Farmer must provide organic certificate and justify use of any toxic substance as the least toxic alternative. ✓ Requires organic agriculture and least toxic alternatives.
Equitable Food Initiative	Appropriate protective equipment that is clean and in good condition must be provided free of charge; a process to ensure maintenance of equipment needs to be in place.	Farmworkers are trained in pesticide risk reduction upon hire and at least annually.	Integrated pest management plan is required, along with an outside expert advisor; the Leadership Team is trained in pesticide reduction goals; spray records must be entered into a database tool to ensure availability of risk assessment data.
Fair Food Program	Farmworkers are provided protective equipment that is adequate for intended purpose and at no cost. Paid training on use of protective equipment must be provided. Pesticide poisoning of farmworkers, direct exposure to pesticide spray, or exposure to pesticide drift are all considered a violation of the code of conduct, so the consequences for acute poisonings on the farm are high, resulting in loss of market share.	Upon hire each farmworker receives a Know Your Rights training developed and delivered by other farmworkers. Know Your Rights training includes the right to work free of pesticide exposure and the right to leave the field if health is in danger. ✓ Farmworker to farmworker training	✗ No requirement to reduce pesticide use or switch to less toxic alternatives.
Fair for Life	Suitable protective equipment in good condition needs to be provided, but the farm has one year to fully comply.	Those handling chemicals must have adequate training.	Organic certification is encouraged. Other sustainable agriculture certifications are encouraged as a secondary option. If no certification is obtained, a detailed audit of production practices is included. A prohibited substance list references several relevant sources; integrated pest management, finding less toxic alternatives, and reducing chemical use are all encouraged.
Fair Trade USA	Farmworkers must be provided with protective equipment at no cost and must be required to use it and prohibited from taking it home; workers are given instructions in proper use of equipment.	Training by a specialist is required for any worker handling agrochemicals at the start of each season; workers must receive training before handling agrochemicals.	At least one pesticide reduction strategy is mandatory after first year of certification and an integrated pest management system is mandatory and must include monitoring pests and diseases and establishing an economic threshold for treatment; a prohibited substance list incorporates several relevant sources.

Program	Protective Equipment	Training	Reducing/Eliminating Pesticides and Toxic Materials
Fairtrade International	Workers must be provided with equipment that is of adequate quality free of charge, trained in how to use it, and required to always use it; equipment must be cleaned after each use and workers are prohibited from taking equipment home.	Workers who apply agrochemicals must be trained “at regular intervals” and the training must include health and environmental risks and emergency procedures.	At least one alternative control to reduce pesticide use must be implemented; farms must receive guidance from an expert in pest management; farms must develop a threshold for damage beyond which chemical control is justified; a list of prohibited substances incorporates several relevant sources.
Rainforest Alliance/Sustainable Agriculture Network	Workers must be provided with protective equipment and must be required to use it and trained in proper use.	All workers who come into contact with agrochemicals must be trained in a range of topics including application, understanding formulations and labels, and reducing damage.	Must use integrated pest management; a list of prohibited substances incorporates several relevant sources.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement

Although toxic exposure is a significant problem that urgently needs to be addressed in agricultural communities, it is not the only risk on farms. Farmworkers are vulnerable to injury from accidents and repetitive motion and extreme weather. Heat-related illness is a concern when farmworkers spend all day working in a field and it is a problem likely to get worse as temperatures rise due to climate change.

Adequate rest, both breaks during the working day and days off, the ability to refuse or be compensated fairly for overtime work, and access to medical care all help mitigate some of the health and safety risks of farm work. All seven programs have some requirements in this area, for example all require employers to offer rest breaks during the day and have access to clean water. The various approaches to overtime, paid time off, access to medical care, and protection from extreme weather are summarized in Table 6.

Table 6: Selected Health, Safety, and Related Social Criteria

Program	Paid Time Off	Overtime Policy and Pay	Access to Medical Care	Access to Shade
FWP Recommendations and Minimum Expectations	Regular paid time off to be used at worker’s discretion and to cover illness should be granted to all workers.	Overtime should be voluntary and ideally paid at a premium; overtime policies matching those granted to workers in other sectors of the same country are recommended (e.g. for the U.S. paying workers 1.5 times normal pay after 40 hours.)	Affordable and accessible medical care for occupational accidents or injuries should be required at a minimum, but ideally full access to medical care is included.	Access to shade during scheduled rest breaks should be required at a minimum, and ideally access to shade or shelter for unexpected weather events or excessive heat should also be offered.
Agricultural Justice Project	Paid time off for various reasons is encouraged but not required.	Overtime beyond 48 hours a week on average is voluntary; no premium for overtime hours required.	Workers must have access to medical care and in the case of workplace illness or accident employer must provide transportation and workers compensation.	Shade is not specifically required, but employers must permit employees to refuse work in dangerous conditions and must prevent heat-related ailments.
Equitable Food Initiative	Three days paid bereavement must be allowed for the death of an immediate family member.	Overtime beyond 10 hours per day or 60 hours per week must be voluntary; no premium for overtime hours required.	Workers handling dangerous materials must be medically monitored and there must be a medical manager.	Access to a shaded rest area is required.
Fair Food Program	Requires “reasonable” time off without pay, with definition of reasonable determined by the Fair Food Standards Council, the body that oversees the program.	Involuntary overtime is prohibited if it interferes with the requirement to provide adequate rest or time off; no premium for overtime hours required.	Growers must provide prompt and effective access to medical care for any illness or injury that takes place on company property or is related to work.	Shade must be provided to protect from excessive heat. If weather conditions become dangerous, the grower should cease work and any worker may stop work if he or she feels threatened by the weather.

Program	Paid Time Off	Overtime Policy and Pay	Access to Medical Care	Access to Shade
Fair for Life	At least 5 paid sick days per year, legal compliance with holidays, vacation, and maternity are required, with at least 8 weeks maternity for permanent workers by year 3; additional points are awarded for paid vacation and for including temporary employees beyond legal requirements.	Overtime must be voluntary and either time compensated or paid at a premium if legally required; extra points awarded for compensating at 150% of normal rate if not legally required. Overtime must not regularly exceed 12 hours/week or extend more than 12 weeks.	Medical care must be provided for illness and injury on the job; health insurance or direct medical care for non-occupational issues should be provided; as continual improvement medical care and advice should be provided onsite. Free exams for those performing dangerous work are provided. ✓ Health insurance or direct medical care for non-occupational issues provided.	Workers must be protected from dust and light and have adequate rest facilities, but shade is not specifically required.
Fair Trade USA	12 days paid vacation per year (pro-rated for seasonal and part-time employees) and 8 weeks paid maternity leave are required. ✓ Strong requirements for paid time off.	Overtime beyond 48 hours is voluntary and cannot regularly exceed 12 hours a week and must be paid at a premium.	Employer pays medical costs for work-related illnesses or injuries; workers handling dangerous chemicals must be given free regular exams; health insurance or comparable should be provided to permanent employees.	✗ No requirement.
Fairtrade International	At least 2 calendar weeks of paid leave annually not including sick leave; income during sick leave ensured; 8 weeks paid maternity at 2/3 pay required. ✓ Strong requirements for paid time off.	Overtime is voluntary, cannot regularly exceed 12 hours weekly or extend more than 3 months, and must be paid at a premium of at least 1.5 times regular pay rate or 2 times regular pay rate for nights and public holidays. ✓ Strong requirement for overtime compensation.	Free occupational healthcare is provided to all workers including free transportation for treatment of work-related injury or illness; voluntary check ups offered to all workers at least once every three years.	Rest areas must provide shelter from rain and sun.
Rainforest Alliance/Sustainable Agriculture Network	12 days or 2 weeks paid vacation for full time workers; prorated for part time workers.	Overtime beyond 48 hours/week is voluntary and cannot regularly exceed 12 hours per week and must be paid at a premium.	Families living on certified farms must have access to medical services; annual physicals must be provided for all workers doing dangerous work.	Shade for workers must be provided on mono-crop farms with average plant height less than two meters.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement



HOUSING

“Farmworker housing in the U. S. is often characterized by insect and rodent infestations, mold, overcrowding, and excessive noise, leading to health issues.”

Due to the seasonal nature of agriculture work, many farmworkers travel, following the harvest season, and therefore many farms provide housing for workers. However, housing is often in poor condition, even unsafe or unsanitary.

Workers may lack privacy or basic amenities like space and equipment for preparing meals. Even still housing available for workers near farms or provided by farms may cost exorbitant amounts. In some agricultural areas, housing prices are artificially inflated since workers have few options and must live near the farm, therefore tying housing costs to local averages, as often happens, is not a sufficient solution.

For these reasons, all of the programs covered in this report address housing in some way.

Table 7 summarizes the different housing requirements for each program.

Table 7: Housing Requirements

Program	Cost	Temperature & Ventilation	Sanitation & Hygiene	Accommodations
FWP Recommendations and Minimum Expectations	When housing is provided, it should be voluntary and a benefit and not represent a financial burden.	Housing should serve to protect workers from temperature extremes and provide ventilation sufficient for good air quality.	At a minimum, workers should have access to clean water for cooking, drinking, and bathing in addition to access to functional toilets.	Clean personal bed and some space for personal belongings are essential; privacy and recreational areas are ideal.
Agricultural Justice Project	Rents must not exceed local market rates or interfere with goal of providing living wages to workers.	Housing must be maintained at a comfortable temperature between 60 and 80 degrees, unless otherwise preferred by workers. ✓ Addresses both temperature extremes.	Housing must include clean water and toilets.	Housing must be spacious enough to comfortably accommodate workers.
Equitable Food Initiative	✗ Not addressed.	Heat must be supplied when the outside temperature drops below 60 degrees; adequate ventilation must ensure indoor temperature does not rise above 80 degrees. ✓ Addresses both temperature extremes.	Clean water, sanitation facilities, and laundry must be provided.	Clean and sanitary mattresses must be provided, farmworkers must have a place to store personal possessions under lock and key, and privacy in living quarters must be assured.
Fair Food Program	Any deductions made from pay for housing cannot reduce total earnings to less than minimum wage.	The law must be upheld and proper ventilation is addressed through the law; temperature extremes may be addressed through the complaints resolution process.	Growers must comply with the law and government regulations cover this area.	Participants must comply with law and personal beds and minimum space requirements are covered by U.S. law.
Fair for Life	If accommodations are provided, workers must be free to choose between housing and payment. If deductions from pay for providing housing are made, they must be in line with local prices; bonus points are awarded for subsidized housing.	Housing must be ventilated and heated.	Access to sanitation facilities and laundry are required.	“Dignified” sleeping structures and access to storage for personal belongings are required, but dignified is not clearly defined. Some privacy must be ensured.
Fair Trade USA	Housing must be provided at “reasonable” or no cost, though reasonable is not clearly defined; compensation must be “considered” for those who don’t receive housing.	Must have “reasonable” protection from heat and cold and ventilation, though reasonable is not clearly defined.	Must have “adequate” sanitation, though adequate is not clearly defined.	Accommodations must be in accordance with national laws with “reasonable” privacy, though reasonable is not clearly defined.
	✗ Clear definitions are needed to ensure objectives of affordable, clean, and safe housing are met.			
Fairtrade International	If housing is provided, rent must be no more than the local average; if cost is deducted from paycheck, it must reflect true cost to company; if housing is provided for free, employees who live elsewhere must be compensated.	Ventilation must ensure movement of air and account for all climates and any indoor cooking or heating fires.	Sanitary facilities must provide for privacy and hygiene and must be “sufficient in number,” though sufficient is not clearly defined; potable water for drinking and cooking must be provided.	Sleeping space specifications must be followed and allow for full movement; workers should have their own bed and furniture for storing personal belongings; it is recommended that workers and management work together to ensure privacy needs are met.
Rainforest Alliance/Sustainable Agriculture Network	✗ Not addressed.	Heating for cold climates is required and windows are required for light and ventilation.	Housing must be generally maintained to foster good hygiene and specifications for number of showers and toilets must be followed.	Specifications for space must be followed; bed must be off the ground; and access to personal storage space must be provided.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement



WAGES

Ideally every worker receives a living wage, which is an income that allows people to meet basic needs, including some discretionary spending or savings. Because a living wage is tied to cost of living, it may vary according to region.²⁴ Legal minimum wages are generally not living wages, and are in some cases poverty wages. In the United States, according to the USDA Farm Labor Survey, the average wage for field workers in the U.S. in April 2015 was \$11.34/hour and for livestock workers \$11.58/hour.²⁵ Federal minimum wage is \$7.25/hour; some states have higher minimum wages, for example the agricultural state of California has a minimum wage of \$10/hour, which will gradually increase until it hits \$15/hour in 2021. A living wage for an adult supporting a child in many agricultural areas is \$22-30/hour. Neither the minimum wage nor the average wage is a living wage for most farmworkers in the United States.

One reason, globally, that farmworker wages are low is that farmers themselves struggle to survive. In the U.S. farmers receive on average just 17.4 cents for every dollar spent on food, with the bulk going to distribution, retail, advertising, and other post farm gate expenses.²⁶ Out of this relatively small allotment, farmers must pay their own expenses, reinvest in the farm, pay their own living expenses, and pay for hired labor. On some large-scale farms, owners are able to capture more value of the final food dollar through integrated processing or increased capacity to negotiate with buyers. For some crops in some countries, large-scale farmers also benefit from government subsidies. However, on many farms, farm owners are also struggling. While many changes in international trade policy, domestic agriculture policy (in the U.S. primarily through the Farm Bill), and consumer expectations regarding the true cost of food, among others, are needed to fully address this dynamic and ensure farmers receive fair payments and are able to pay workers a living wage, the best certification programs for farmworkers empower farmworkers to have a seat at the table to negotiate fair wages with other supply chain partners.

STRONG STEPS TOWARD LIVING WAGES



Workers need to be paid a living wage, but farmers typically get a small share of the food dollar, often making it difficult to pay living wages even when they would like to. Both **Agricultural Justice Project** and **Fairtrade International** make living wages for workers an explicit goal and expectation, but allow for exceptions when farmers legitimately cannot pay living wages. Both programs require workers to have a voice in negotiating wages when living wages are not paid. This type of negotiation requires transparency and provides an opportunity for farmworkers to learn about the struggles of farmers as both parties work together to find an equitable distribution of resources.

A CLOSER LOOK AT WAGES

Because farmworker wages globally are so low, increasing wages is an important focus for farmworkers and their advocates.²⁷ The examples below show in numbers the impact that various interventions may have in increasing wages for farmworkers

Intervention	Pre-intervention hourly wage	Post-intervention wage hourly wage	Pre intervention weekly wage at 60 hours/week	Post intervention weekly wage at 60 hours/week	Notes
Applying overtime rules that apply to other workers to farmworker to pay time and a half after 40 hours/week (calculated using national average wage)	\$11.34	\$11.34 for 40 hours, \$17.01 after 40	\$680	\$794	Although a big boost for weekly pay, without increasing the base pay as well, this is still a low wage.
Fair Food Program sample application of current premium payments	\$8.45	\$9.75	\$533	\$615	As more buyers sign onto the program, the premium pay will continue to increase, with no ceiling as many different players are sharing profits with farmworkers. For example, if this same worker were paid an extra penny per pound for all pounds picked, hourly wage would be close to \$13/hour.
California legislation to increase minimum wage for all workers to \$15/hour by 2021	\$10.64	\$15.00	\$638	\$900	Although this intervention will bring real wage increases to farmworkers in the short term, minimum wages, though intended as a floor wage, often become the ceiling without further intervention.
Union contract example where union negotiates a \$15/hour wage plus bonuses	\$11.34	\$15.00/hour plus bonuses	\$680	\$1,020	The Fight for \$15 movement is asking for a \$15/hour minimum wage plus contracts. Even with a legal minimum wage a union contract allows workers to negotiate for overtime pay, bonuses, or profit sharing.

INNOVATIVE WAGE STRATEGY



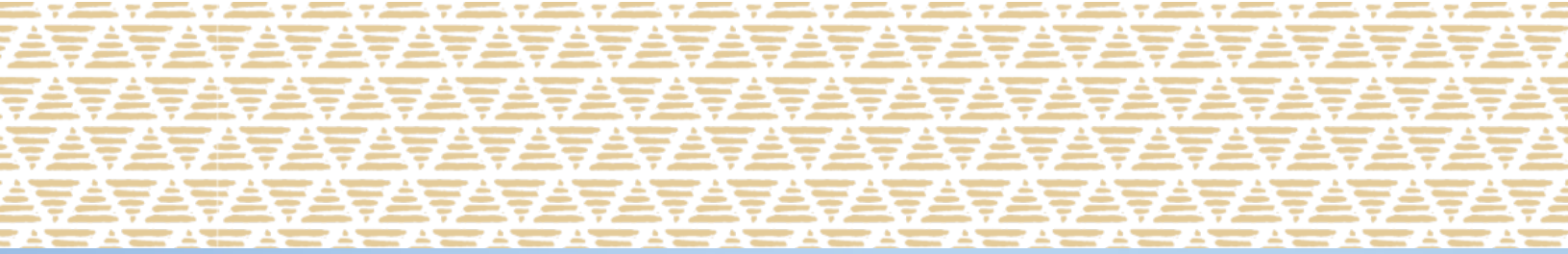
Fair Food Program implemented a “penny-per-pound” premium as a way to shift money from corporations to farmworkers. Participating restaurant chains and retailers pay a small additional amount, usually a few cents per pound of tomatoes, when buying from participating growers. This additional money goes directly to farmworkers on participating farms as a premium above and beyond regular wages. Although this has not yet led to living wages for farmworkers, it is a strategy that shifts money from those in the supply chain with the highest profits directly to those who are most marginalized. From 2011 – 2015, \$20 million dollars in premium money was distributed to workers. In the 2014-15 growing season, premiums distributed were over \$4 million, or an average of \$123 for each of the estimated 30,000 workers who participate in Florida’s tomato harvest over the course of a season. As more buyers sign on, this amount is expected to grow.

As described in the farm work overview above, farmworkers are also vulnerable to volatile payments and wage theft through the piece rate system of pay. Table 8 summarizes mechanisms each program uses to stabilize and increase wages.

Table 8: Wages

Program	Required Wage	Living Wage Requirement	Piece Rate Policy	Other Wage-Related Improvements
FWP Recommendations and Minimum Expectations	Above average wages must be required.	Ideally a living wage is paid; at a minimum living wages should be a goal with progress toward living wages required.	Piece rate should be prohibited or phased out in favor of a true living wage for all workers; at a minimum total wage should be closely monitored if piece rate is used.	Measures to avoid wage theft and other ways to ensure higher wages should be included.
Agricultural Justice Project	Living wages according to a definition that allows for regional variation are required. ✓ Living wages	If living wages cannot be met, there is a negotiation between employer and workers with farm providing transparent financial information; a plan for reaching a goal must be in place. ✓ Contingency plan for lack of living wage protects farmworkers and farmers.	Piece rate is initially allowed, but is expected to be phased out; hourly rate must still reach living wage. ✓ Eventual elimination of piece rate.	Record keeping must be accurate; workers must be paid for all trainings.
Equitable Food Initiative	Currently minimum of \$9.05/hour in the U.S. or 125% of legal minimum wage in other countries.	Higher and increasing wages are a goal, but a living wage is not an explicit goal or requirement.	Piece rate is allowed; the system must be accurately described and the hourly minimum wage still met.	Accurate records must be kept; the buyer and grower must discuss sharing the added value of certification and this should include improving farmworker wages.
Fair Food Program	Participating workers get a premium of between 1.2 and 3.6 cents per pound when participating retailers purchase tomatoes. ✓ Shifts money from top of supply chain to bottom.	Higher and increasing wages are a goal and a motivation to sign on more buyers, but a living wage is not an explicit goal or requirement.	Piece rate is allowed; there are regulations for how buckets of tomatoes should be paid and a maximum weight to ensure farmworkers do not need to overfill buckets to get credit. This has led to a reported 10% increase in wages.	Timekeeping systems controlled by workers, not supervisors; workers must be paid for the entire time they report to the field; pay records are audited. ✓ Transformation of time keeping records.
Fair for Life	Wages must be in line with industry benchmarks or legal minimum and always high enough to meet basic needs with discretionary income. Living wages must be paid by year 3, giving farmers time to gradually raise wages. ✓ Living wages	From year 3, a living wage must be paid.	Piece rate is allowed but the minimum wage and eventually living wage must be met under normal working hours and conditions.	Record keeping must be accurate and is part of audit. Workers need to be paid for training and work stoppages beyond their control; a “reasonable” pay ratio between the highest and lowest paid employee is encouraged.
Fair Trade USA	Must be paid higher of the legal or regional average or applicable collective bargaining wage.	After three years worker representatives and employers need to meet to “generate ideas” for moving toward a living wage over time.	Piece rate is allowed but the minimum wage must be met.	No deductions for discipline; pay must be transparently documented; premium payment is an additional fund intended to benefit workers.
Fairtrade International	Must be paid higher of legal minimum wage, sector collective bargaining agreement, or regional average at a minimum with wages continually increasing toward the benchmark of a living wage.	Worker representatives must negotiate wages with living wage as goal; if living wage not reached, wages must increase annually until gap is closed. ✓ Living wage goal with worker participation in negotiating wages.	Piece rate is allowed but the minimum wage requirements must be met with a reasonable workload.	Living wage benchmarks provided. No unwarranted deductions from pay; premium payment is an additional fund intended to benefit workers.
Rainforest Alliance/ Sustainable Agriculture Network	Must be paid higher of legal or regional average.	A living wage is not a stated goal or requirement. ✗ Increasing wages in direction of living wages is not an expectation.	Piece rate is allowed but the minimum wage must be met.	If piece rate is paid, workers should earn a daily minimum wage in 8 hours of work.

- ✓ Example of a model program or best practice
- ✗ Area in need of urgent improvement





CONCLUSION

“Strong certification labels can help consumers direct their purchase to products that support rather than exploit farmworkers.”

Voluntary certification programs can play a role in farmworker justice. Strong standards and policies can give farms guidance on improving worker welfare on farms and empower farmers to improve their pay and conditions. Strong monitoring mechanisms can re-enforce legal requirements as well as additional program criteria. The economic power to enforce standards can make the promise of improved conditions real. Strong certification labels can help consumers direct their purchase to products that support rather than exploit farmworkers

Each program may play one or more of these roles. Agricultural Justice Project and Fair for Life, with their strong eligibility requirements, help consumers identify farms and businesses that have been committed to fair practices even before becoming certified. Fair Food Program’s strong mechanisms for enforcement and compliance have compelled farms to participate and improve practices to remain viable in the marketplace, bringing about significant changes for thousands of farmworkers. Agricultural Justice Project and Fair Food Program, along with other programs, can be looked to for guidance in improving practices even by farms not on the path to certification.

However, not all voluntary certification programs are equal. From the analysis above, it is clear that all of the programs are adequate or strong in some areas, but can improve in others. Even programs with strong elements can be ineffective or even harmful with poor execution. Programs with weak standards or weak enforcement of standards pose a risk in the marketplace by contributing to consumer confusion or even consumer complacency if they are led to believe they are supporting a more just alternative when they are really supporting the status quo.

PROGRAM ELEMENT HIGHLIGHTS

Many programs have some strong aspects. In looking at the collective programs, these elements are especially important.



Phasing Out of Piece Rate

Only Agricultural Justice Project requires piece rate pay to be phased out. Piece rate pay for harvesting encourages workers to work faster and harder for more pay. Too often workers do not take adequate rest breaks and risk injury and accident to pick enough to earn a decent wage. Piece rate also makes workers particularly vulnerable to variation in field quality and distance from weighing/counting mechanism and may inadvertently discriminate against older workers, women, or others.



Direct Hiring

The use of labor contractors in agriculture is common and largely associated with labor abuse. Fair Food Program is the only program that requires 100% of workers to be employed directly by the grower, enforcing direct relationships and accountability.



Organic Agriculture

Ultimately the use of toxic chemicals and industrial models of agriculture are not compatible with a fair system of food and agriculture. Agricultural Justice Project incorporates sustainable, organic, and safe agriculture as a core component of the program, benefiting farmworkers, farmers, planet, and consumers.



Living Wages and Worker Voice in Setting Wages

Both Agricultural Justice Project and Fairtrade International set a strong expectation for living wages and require workers to have a voice in setting wages in the case where farmers legitimately cannot pay living wages.



Farmworker Led

No matter what the approach through standards and policies, programs intended to benefit farmworkers should be farmworker led. Agricultural Justice Project, Equitable Food Initiative, and Fair Food Program were all founded with participation from farmworker organizations and these farmworker organizations continue to play a role in decision-making, program development, and impact assessment in each program.



- Agricultural Justice Project
- Equitable Food Initiative
- Fair Food Program
- Fair Trade USA – to a limited extent with the incorporation of a farmworker representative on the board of directors, though there is no mandatory representation of a worker representative on the board
- Fairtrade International – to a limited extent through the creation of a Worker Rights Advisory Committee, which includes the global union federation for workers in the food sector and human rights advocacy groups for farmworkers, and through the appointment of one labor union representative on the national board of Fairtrade America, though there is no mandatory representation of worker representatives on the global board or national board

Fair for Life and Rainforest Alliance do not have any type of worker representation. Remedying this shortcoming is recommended if they plan to continue certifying large-scale operations with farmworkers as the primary or significant intended beneficiary. Fair Trade USA and Fairtrade International did not have farmworker representation in program developing at program inception, though both did outreach to farmworker organizations when developing standards, and both have made some progress in this area in recent years. Both would be stronger if this participation were formalized in governance and decision-making policies.

Although auditing can be important for tracking progress and improvement, the audit process must be strong and relevant. Agricultural Justice Project's incorporation of workers as part of the audit team, Fair Food Program's policy of interviewing a high percentage of workers, and Equitable Food Initiative's extensive auditor training program are all examples of strong elements of auditing.

However, reliance on a yearly audit is not sufficient. Farmworkers, through formal mechanisms, and often through democratically elected representatives should have a voice and role in improving conditions on the farm and reporting and remedying violations of rights, laws, and standards. Agricultural Justice Project, Equitable Food Initiative, Fair Food Program, and Fairtrade International all include various ways to ensure ongoing on-farm monitoring by farmworkers and a strong role for workers and their representatives. Fair Trade USA's program includes several committees through which workers may be empowered in this way, but because the committees' scopes are limited, their function in monitoring and enforcement may be weak. This is an area Fair Trade USA could look to other programs for models for improvement. Fair for Life and Rainforest Alliance are both quite weak in on-farm monitoring mechanisms involving farmworkers and immediate improvement is needed.

Following best practices modeled above, some recommendations that all programs should adopt include:

- Announced and unannounced audits covering all seasons, crops, or phases of the production cycle to ensure seasonal and migrant workers are included in interviews even if they are only on the farm part of the year
- Enforcement mechanisms that go beyond audits
- Direct involvement of workers and worker representatives in audits and in between audit monitoring

In terms of standards, there is no one program with the highest standards in all areas. For example, Agricultural Justice Project, though a small program with few participating farms to date, has developed such strong requirements for wages and reducing toxic material use and exposure that they can serve as a model for other programs. Fairtrade International also has strong requirements in these two areas, though not as strong as Agricultural Justice Project

Farmworkers, usually represented by strong democratic farmworker organizations, need to be part of both the development of the program standards and policy and the monitoring of program impact. If farmworkers are not involved in the ongoing program development, it has little chance of actually meeting farmworker needs. Of the programs in this report, five have worker representation in program development:

in the reduction of toxic material use. Fair Food Program is the only program to require all employees to be hired directly and the only program with a proven mechanism for shifting money from the hands of the most profitable in the supply chain to the most marginalized.

Although voluntary certification programs can play a role in bringing justice to farmworkers, policy engagement will continue to be important. Internationally recognized human rights should be translated into law and enforced. Policies such as domestic minimum wage laws that more closely match local living wages can have a broader impact than voluntary social standards because they cover all workers, not just workers on farms where owners or managers have opted into a program. Similarly, immigration and trade policies can affect a broader segment of workers than voluntary standards and also affect aspects of a workers' life that voluntary standards do not reach. For example, an undocumented farmworker on a U.S. farm may receive higher wages and work in a healthier environment on a farm that participates in a strong voluntary certification program, but may not be able to freely travel back to his or her home country to be with family until immigration laws change.

A company with a history of labor abuse in some parts of its supply chain should not be allowed to certify another part of its supply chain without first remedying existing labor problems.

Voluntary certification programs can be stronger by partnering with farmworker organizations that engage in policy work. This type of partnership allows the organizations to work more holistically on both market mechanisms and policy changes that benefit farmworkers.

Conversely, voluntary certification programs should never be used to undermine government regulations²⁸ or labor rights conventions. Voluntary programs should improve upon legal requirements, not used as an excuse to eliminate legal provisions or government-sponsored initiatives.

Similarly, voluntary certification programs could be used to undermine other organizing efforts. For example, workers who wish to organize a union or workers association on a farm should be allowed to do so. The farm's participation in a voluntary social program may complement these efforts, but should not be used in place of a worker organization.

A company with a history of labor abuse in some parts of its supply chain should not be allowed to certify another part of its supply chain without first remedying existing labor problems.²⁹ Only Agricultural Justice Project and Fair For Life currently have a policy of excluding companies with such a history.

By supporting strong market initiatives such as voluntary certification programs and strong policy as well as adequate enforcement of both, we can improve the circumstances of farmworkers around the world.

EXCLUDING BAD ACTORS



Only **Agricultural Justice Project** and **Fair for Life** have a policy of excluding companies with a history of unmediated labor abuses from the benefits of certification.

Consumers who are concerned with farmworker justice can support farmworker organizations that do engage in advocacy and get involved in their campaigns. To find strong farmworker advocacy organizations, see Fair World Project's list of allied organizations and Food Chain Workers Alliance list of members.³⁰ Consumers can also buy products carrying the labels of farmworker unions and of voluntary certification programs that are farmworker-led and have strong standards. From this analysis, we make the following recommendations.

Programs highly recommended:



Agricultural Justice Project is a farmworker-led program with high standards in most areas and farmworker representatives involved in both program governance and on-farm monitoring and enforcement.



Fair Food Program is a farmworker-led program with a strong mechanism for reporting, investigating, and reducing labor abuses.

Programs recommended with qualifications:



Equitable Food Initiative has the goals of worker empowerment and increasing wages. Farmworker organizations are founding members and auditors and leadership team members must undergo extensive training. However, there is less emphasis on democratic organization of workers and on wages than some other programs.



Fairtrade International has recently strengthened standards as they have incorporated farmworker organizations in worker development, however they lack mandated worker representation in formal governance and decision making.

Programs to approach with caution:



Fair for Life has a fairwashing policy to prevent farms with a history of labor exploitation or without a clear plan and intention to support marginalized workers for qualifying and therefore may select farms with decent labor practices and farms that strive for the high standards Fair for Life sets. However, the program lacks the mechanisms to uncover or mitigate any problems that might arise and lacks the governance – for example no farmworker representation on board or formal decision making bodies – to ensure farmworker needs are adequately addressed.



Fair Trade USA has one farmworker representative on its board of directors and is in the early stages of improving policies, standards, and governance to reflect farmworkers as a priority. In this process they are conducting outreach to farmworker groups, however to date does not significantly involve workers in monitoring or enforcement or require higher than minimum or average wages.

Program not qualified to ensure farmworker welfare:



Rainforest Alliance has some good standards, but is missing key elements such as increased wages for workers and lacks the enforcement measures to ensure compliance even where standards are good.

REFERENCES

1. See Farmworker Justice report *Exposed and Ignored: How pesticides are endangering our nation's farmworkers*, available online at <http://www.farmworkerjustice.org/sites/default/files/aExposed%20and%20Ignored%20by%20Farmworker%20Justice%20singles%20compressed.pdf>.
2. See Pesticide Action Network International report *Communities in Peril* <http://paninternational.org/wp-content/uploads/2013/12/PANAP-Asian-Report.pdf>
3. See National Farm Worker Ministry *Labor Laws* <http://nfwm.org/education-center/farm-worker-issues/labor-laws/>
4. See Agriculture: a hazardous work, International Labour Organization http://www.ilo.org/safework/areasofwork/hazardous-work/WCMS_110188/lang--en/index.htm
5. <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>
6. See Network for Public Health Law *Issue Brief: Farmworker Housing* https://www.networkforphl.org/_asset/rp9ou8/FarmworkerhousingissuebriefFINAL.pdf
7. See USDA Economic Research Service Farm Labor Background <http://www.ers.usda.gov/topics/farm-economy/farm-labor/background.aspx>.
8. See Catherine Ward, "Six solutions to lifting the world's farm workers out of poverty" for an overview relevant studies as well as some specific example <http://www.csmonitor.com/World/Making-a-difference/Change-Agent/2012/0905/Six-solutions-to-lifting-the-world-s-farm-workers-out-of-poverty>.
9. See for example news coverage of a 2015 Washington high court decision deeming the common practice of not paying farmworkers for rest breaks illegal <http://www.seattletimes.com/seattle-news/high-court-washington-farmworkers-entitled-to-break-pay/>.
10. See also Barry Estabrook's 2011 book *Tomatoland* for an overview of how farmworkers are paid, specifically in the region addressed by the Fair Food Program, Immokalee, Florida.
11. For two examples, see MIT's living wage calculator for the United States <http://livingwage.mit.edu> and Clean Clothes Campaign's overview of the Asia Floor Wage <http://www.cleanclothes.org/livingwage/calculating-a-living-wage>.
12. See <http://www.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard>
13. <http://cata-farmworkers.org/catas-statement-on-revised-worker-protection/>
14. See the recent Tulane report on child workers for example <http://tulane.edu/news/releases/tulane-releases-report-on-child-labor-in-west-african-cocoa-production.cfm>
15. <http://www.cottoncampaign.org/reports-of-forced-labor-in-turkmenistans-cotton-sector.html>
16. <https://migration.ucdavis.edu/rmn/more.php?id=785>
17. <http://fairworldproject.org/blogs/recent-investigation-reminds-us-tea-workers-need-more-than-certification/>
18. <http://san.ag/web/the-san-introduces-changes-to-its-2010-standard-to-improve-the-conditions-of-workers-on-farms/>
19. See Besky's 2014 book *The Darjeeling Distinction: Labor Justice on Fair-trade Tea Plantations in India* and her article *The Promise of Fair Trade for Plantation Laborers* <http://fairworldproject.org/voices-of-fair-trade/the-promise-of-fair-trade-for-plantation-laborers/>.
20. <http://www.npr.org/sections/goatsandsoda/2016/07/04/483705453/female-tea-workers-in-one-indian-state-fight-for-their-rights>
21. For an example of a breakdown in an auditing system see <https://eia-international.org/wp-content/uploads/EIA-Who-Watches-the-Watchmen-FINAL.pdf>.
22. See for example: http://laborrightsblog.typepad.com/international_labor_right/2012/02/fair-trade-usas-draft-farm-workers-standard.html
23. See for example the CATA—the Farmworker Support Committee statement in response to the new EPA Worker Protection Standard <http://cata-farmworkers.org/catas-statement-on-revised-worker-protection/>.
24. For an example of how living wages may be calculated for different areas in the United States see <http://livingwage.mit.edu>.
25. https://www.nass.usda.gov/Statistics_by_State/Iowa/Publications/Economics/IA_Labor_05_15.pdf
26. <http://nfu.org/wp-content/uploads/2014/12/033016-FarmerShare.pdf>
27. Sources for this table are the Bureau of Labor statistics <http://www.bls.gov/oes/current/oes452092.htm> which lists average hourly wage for field workers in California in 2015 as \$10.64 and Fair Food Program impact report <http://fairfoodstandards.org/15SOTP-Web.pdf> which gives a sample paycheck listing hours, wages, and premiums.
28. See Sarah Besky for an analysis of how fair trade has undermined government initiatives on tea plantations in India <http://fairworldproject.org/voices-of-fair-trade/the-promise-of-fair-trade-for-plantation-laborers/>
29. For an analysis of Dole's entry into the fair trade system, despite an active labor investigation and poor record of labor rights see: <http://smallfarmersbigchange.coop/2009/05/27/unpeeling-chiquita-and-dole/>
30. <http://fairworldproject.org/resources/allied-organizations/> and http://foodchainworkers.org/?page_id=7

PHOTO CREDITS

COVER: Kati Greaney Photography/Agricultural Justice Project

ACKNOWLEDGEMENTS PAGE: Fair Food Program

PAGE 4: Fair Food Program

PAGE 7: Fairtrade America

PAGE 9: Fair Food Program

PAGE 11: Fairtrade America

PAGE 13: Fair Food Program

PAGE 16: Fair Food Program

PAGE 22: Fair Food Program

PAGE 24: Fair Food Program

PAGE 28: Fair Food Program

PAGE 30: Equitable Food Initiative

PAGE 33: Kati Greaney Photography/Agricultural Justice Project

PAGE 34: Kati Greaney Photography/Agricultural Justice Project

PAGE 38: Fair Food Program

