



## **Farmworker Poverty and Human Rights**

### **Submission to the United Nations Special Rapporteur on Extreme Poverty and Human Rights in Preparation for his Official 2017 Visit to the United States<sup>1</sup>**

**October 31, 2017**

#### **I. Introduction**

The University of Miami Human Rights Clinic (HRC) works for the promotion of social and economic justice globally and in the U.S. The Clinic uses international human rights laws and norms, domestic law and policy, and multidimensional strategies, such as community organizing, political activism, and global networking, to draw attention to human rights violations, develop practical solutions to those problems, promote accountability on the part of state and non-state actors.

The Human Rights Clinic respectfully submits this report about farmworker poverty to the United Nations Special Rapporteur on Extreme Poverty and Human Rights. The report focuses on the Coalition of Immokalee Workers as an example of an anti-poverty and human rights campaign program that has made concrete positive changes in the lives of thousands of farmworkers in the United States.

#### **II. Who are CIW and FFSC?**

Founded in 1993, the Coalition of Immokalee Workers (“CIW”) is a non-profit community-based organization based in Immokalee, Florida that champions the human rights of migrant farmworkers and other low-wage workers. CIW focuses on social responsibility, human trafficking, and workplace violence.<sup>2</sup> Founded with the intention of organizing the farmworker community, CIW enlists a national consumer network to further the rights of farmworkers across the country.<sup>3</sup>

The Fair Food Standards Council (“FFSC”) is an initiative that implements CIW’s Fair Food Program (“FFP”) and ensures compliance with the Program.<sup>4</sup> In 2011, CIW created FFP

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<sup>2</sup> *About CIW*, Coalition of Immokalee Workers, 2012, <http://www.ciw-online.org/about/>.

<sup>3</sup> *Id.*

<sup>4</sup> *About*, Fair Food Standards, <http://www.fairfoodstandards.org/about/> (last visited Oct. 31, 2017).

based on a Worker-driven Social Responsibility (“WSR”) model uniting farmworkers, Florida tomato growers, and retail buyers.<sup>5</sup> FFSC oversees the human-rights-based Fair Food Code of Conduct (“Code of Conduct”), premised on risk prevention, supply chain transparency, and market-enforced protection of workers’ rights.<sup>6</sup>

Through negotiations of binding Fair Food Agreements, the FFP operates as a private legal system that corrects the imbalance of power that pervades its public counterpart.<sup>7</sup> Participating buyers commit to solely buying tomatoes from growers who comply with FFP requirements, ensuring workers receive increased wages and human right protections.<sup>8</sup> FFSC investigates and resolves complaints in collaboration with growers, resulting in the resolution of abuses ranging from sexual harassment to systemic wage violations.<sup>9</sup> Additionally, the FFP calls for health and safety committees and ongoing FFSC auditing of each farm for compliance with the program.<sup>10</sup>

The FFP’s innovative “Penny-Per-Pound” premium effectively increased worker wages. Retailers pay a small premium directly to their suppliers, which is then added to each worker’s regular pay in the form of a bonus.<sup>11</sup> The WSR model embodied by the FFP relies on workers taking a leading role in designing the program’s structure, function, and enforcement.<sup>12</sup> Today, in six short years, the program has expanded to include participating tomato growers in North Carolina, New Jersey, Georgia, South Carolina, Virginia, and Maryland.<sup>13</sup> The program now includes bell pepper and strawberry growers in Florida, and will soon cover melons and other crops in Texas.<sup>14</sup>

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<sup>5</sup> *Fair Food Program: 2015 Annual Report*, Fair Food Standard Council, at V, <http://fairfoodstandards.org/15SOTP-Web.pdf> (last visited Oct. 14, 2017) (Participating buyers: Ahold USA; Aramark; Bon Appétit Management Co.; Burger King; Chipotle Mexican Grill; Compass Group; The Fresh Market; McDonald’s; Sodexo; Subway; Trader Joe’s; Wal-Mart; Whole Foods Market; Yum Brands).

<sup>6</sup> *Id.* at 4.

<sup>7</sup> *About CIW*, *supra* note 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Fair Food Program: 2015 Annual Report*, *supra* note 5, at 13.

<sup>10</sup> *About*, *supra* note 4.

<sup>11</sup> *Id.*

<sup>12</sup> *Worker-driven Social Responsibility (WSR): A new idea for a new century*, Coalition of Immokalee Workers (June 16, 2014), <http://www.ciw-online.org/blog/2014/06/wsr/>.

<sup>13</sup> Fair Food Program, <http://www.fairfoodprogram.org/partners/> (last visited Oct. 14, 2017).

<sup>14</sup> *Id.*; see also *Participating Growers*, Fair Food Standards Council, <http://www.fairfoodstandards.org/resources/participating-growers/> (last visited Oct. 15, 2017) (Tomato growers in Florida: Ag-Mart Produce d/b/a Santa Sweets; Classic Growers/Falkner Farms; Del Monte Fresh Production; DiMare Homestead-Triple D; DiMare Ruskin-HarDee/Diamond D; Farmhouse Tomatoes; Gargiulo; Harlee Packing- Palmetto Vegetable Company, South Florida Tomato Growers; Kern Carpenter Farms; Lipman Family Farms; Pacific Tomato Growers d/b/a Sunripe Certified Brands; Taylor and Fulton Packing-Utopia Farms; Tomatoes of Ruskin-Artesian Farms, Diehl and Lee Farms, Frank Diehl Farms, TOR Farms; West Coast Tomato/McClure Farms; Tomato growers in other States: Ag-Mart Produce d/b/a Santa Sweets (NC, NJ); Gargiulo (GA); Lipman Family Farms (SC, VA, MD); Pacific Tomato Growers d/b/a Sunripe Certified Brands (GA, VA); Strawberry Growers: Pacific Tomato Growers d/b/a Sunripe Certified Brands (FL); Green Bell Peppers: Lipman Family Farms (FL)).

### **III. What Keeps Migrant Farmworkers Living in Poverty?**

Farmworkers are essential to the American economy, yet are among the lowest paid in American labor, thus making them particularly vulnerable to human rights violations. Agricultural workers, like other poor workers in the U.S., effectively have no ongoing voice in the legislative process, and therefore have few rights under the law to assert, particularly because they are excluded from New Deal labor reform laws. Because of their poverty, they generally cannot afford to pursue even the meager rights they do have; nor can they afford the interim consequences of doing so, which include not only the costs of pursuing cases in court, but the very real threat of retaliatory job loss or deportation. This reality of low-wage workers is precisely why the CIW envisioned and built the FFP, which has proven successful in materially improving poor people's lives, in large part because its operational protocols address the imbalances of power that hamstring poor people in the established legal system, thus making just outcomes achievable.

As of November 2011, over 90% of Florida's tomato growers implemented the Fair Food Code of Conduct, marking the inception of the FFP.<sup>15</sup> Since then, while poverty is still a constant reality for many farmworkers, the efforts of the CIW and its consumer allies have brought numerous life-changing improvements to farmworkers in Florida and other states who harvest tomatoes, strawberries, and green bell peppers for the U.S. retail food industry.<sup>16</sup>

Below we offer a snapshot of how poverty manifests in the lives of farmworkers across the nation. As Oxfam America has described, the poor conditions for farmworkers in the U.S. exist in large part "because of the fundamental lack of enforcement of basic labor standards."<sup>17</sup>

#### **A. Snapshot of Farmworker Poverty and Exploitation**

The family income of tomato harvesters often falls below the poverty line. In January 2001, the U.S. Department of Labor (DOL) sent a letter to Congress reporting on the stark realities facing agricultural workers. The DOL defined farmworkers as "a labor force in significant economic distress," and described farmworkers' low wages, sub-poverty annual earning, and significant periods of un- and under-employment.<sup>18</sup> In a subsequent report released in December 2016, the DOL found that "[w]orkers' mean and median total family incomes from the previous year were in the range of \$20,000 to \$24,999. Thirty-three percent of farmworkers reported total income of less than \$20,000, 27% said their family income was \$20,000 to

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<sup>15</sup> *Facts and Figures on Florida Farmworkers*, CIW, <http://www.ciw-online.org/Resources/tools/general/12Facts&Figures.pdf>, (last visited Oct. 15, 2017).

<sup>16</sup> Lois K. Solomon, *Tomato Pickers persuade big food companies to sign on to human-rights movement*, Sun Sentinel (Dec. 31, 2015, 11:17 AM), <http://www.sun-sentinel.com/news/florida/fl-tomato-pickers-20151231-story.html>.

<sup>17</sup> *Wedding out abuses: Recommendations for a law-abiding labor system*, Oxfam America, <https://www.oxfamamerica.org/static/media/files/weeding-out-abuses.pdf> (last visited Oct. 25, 2017).

<sup>18</sup> *Id.* (quoting *The Agricultural Labor Market-Status and Recommendations*, U.S. Department of Labor (2000)).

\$29,000, and 30% had a family gross income of \$30,000 or more. Thirty percent of farmworkers had family incomes below poverty.”<sup>19</sup>

Undocumented and migrant farmworkers in particular experience especially high levels of poverty.<sup>20</sup> Even for those who arrive legally through H-2A visas, the arrangement places a tremendous amount of power in the hands of the employer, leaving the workers largely powerless and frequently exploited.<sup>21</sup> H-2A visas require employers to find workers themselves, which often leads to hiring outsourced foreign private contractors. These middlemen “entice workers by dangling access to the land of opportunity, charging thousands to handle paperwork and transport, and offering to finance fees through high-interest loans.”<sup>22</sup> When workers arrive, they are bound to a single employer and are “often heavily indebted to a contractor in their home country leading to a system of predetermined abuse.”<sup>23</sup> If the employer falls short of the promised work or wages, the visa recipient cannot look for work elsewhere. If the farmworker leaves, the contract is voided, and the worker may have to leave the country.<sup>24</sup> For those who are undocumented, the fear of being deported to their home countries keeps them from complaining and makes them vulnerable to exploitation.<sup>25</sup>

## **B. Piece-Rate Pay, Legal Exclusions, and Wage Theft**

Instead of an hourly wage, the majority of tomato harvesters are paid by the piece. Tomato-harvesting piece rates remained static for the thirty years prior to the advent of the FFP. As a result, real wages for farmworkers have declined sharply since 1980. At the beginning of FFP, the average piece rate was 45 cents per 32-lb. bucket of tomatoes. Not only does piece-rate affect farmworker pay, but this form of payment creates a “disincentive to take breaks for water or shade, as taking breaks would cut into their productivity and cut into their pay.”<sup>26</sup>

Farmworker wage theft dates back to exclusions from the New Deal labor reform laws, including the National Labor Relations Act and the Fair Labor Standards Act. Under these federal laws, “farmworkers have no right to overtime pay or the right to organize and collectively bargain with their employers.”<sup>27</sup> Due to the seasonal and unpredictable nature of their work, farmworkers must often work long hours with no overtime pay, but on average experience rates of unemployment double those of wage and salary workers.<sup>28</sup> As of 1966, federal law requires employers on large farms to pay minimum wage if a worker does not earn it based on the piece

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<sup>19</sup> *Findings from the National Agricultural Workers Survey (NAWS) 2013-2014*, U.S. Department of Labor (Dec. 2016), [https://www.doleta.gov/naaws/pages/research/docs/NAWS\\_Research\\_Report\\_12.pdf](https://www.doleta.gov/naaws/pages/research/docs/NAWS_Research_Report_12.pdf) (last visited Oct. 14, 2017).

<sup>20</sup> Brian Barth, *The High Cost of Cheap Labor*, Rosenberg Foundation (Feb. 21, 2017), <https://rosenbergfound.org/the-high-cost-of-cheap-labor/>.

<sup>21</sup> *Recipe for Slavery: Take the US farm labor relations, add “guestworker” visas, and voila... Forced labor!*, CIW (Sept. 3, 2010), [http://www.ciw-online.org/blog/2010/09/global\\_horizons\\_prosecution/](http://www.ciw-online.org/blog/2010/09/global_horizons_prosecution/) (quoting FBI agent Tom Simon on a KITV News in Hawaii) (internal quotations omitted).

<sup>22</sup> Barth, *supra* note 20.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *A Side Order of Human Rights*, CIW (April 6, 2005), <http://www.ciw-online.org/blog/2005/04/schlossernyt/>.

<sup>26</sup> *Farm Worker Issues: Low Wages*, YAYA: Justice for Farm Workers, [http://nfwm-yaya.org/wp-content/uploads/2011/11/pdf\\_Low-Wages.pdf](http://nfwm-yaya.org/wp-content/uploads/2011/11/pdf_Low-Wages.pdf) (last visited Oct. 30, 2017).

<sup>27</sup> *Facts and Figures on Florida Farmworkers*, *supra* note 15.

<sup>28</sup> *Id.*

rate; yet there are loopholes in the system.<sup>29</sup> About one third of U.S. farmworkers work on small farms, which are not subject to federal laws regarding minimum wage.

Even on large farms, farmworkers face endemic wage theft from violations of minimum wage laws.<sup>30</sup> One abuse of minimum wage in U.S. agriculture is manual timekeeping, which can be manipulated. As of 2013, all FFP participating growers had begun using timekeeping systems as required by the Code.<sup>31</sup> While implementation of standard timekeeping systems (workers clocking in and out using machines) generates verifiable records, such systems are rare outside of the FFP.<sup>32</sup> FFP's requirement of specific timekeeping based on arrival and departure from the grower's property ensures all workers' compensable hours are recorded. According to the CIW's 2015 Annual Report, "Enforcement of the provision against uncompensated wait time has had a dramatic impact on workers' quality of life."<sup>33</sup>

The story of Angelina Velasquez is an example of how working conditions can change in American's agricultural fields. Before her employing farm joined the FFP, she would have to wait at a parking lot at 5am to be dropped off at the tomato fields by 6am. She often waited without pay until the dew dried. During that time period, crew leaders often "hector and screamed at the workers, pushing them to fill their 32-pound buckets even faster. They often picked without rest breaks, even in 95 degree heat."<sup>1</sup> On FFP farms, these abusive practices have ended because of active enforcement of the Code.

Management on farms (including crew leaders and dumpers) enforce systematic wage theft through unwritten rules like the "*copete*."<sup>34</sup> For a bucket to be considered sufficiently filled, it must be "cupp'd," i.e., overfilled with tomatoes piled well over the rim.<sup>35</sup> For every ten buckets a worker fills, they would have in fact filled the equivalent of eleven buckets, because the ten *copetes* added up to roughly one full — unpaid — bucket.<sup>36</sup> Today, farms participating in FFP have eliminated cupping and use a visual standard (below) to show farmers and their field supervisors what a full bucket should be.<sup>37</sup> Elimination of the *copete* has resulted in a *de facto* wage increase of approximately 10% and prevention of recurring conflict between workers and supervisors that historically provided an opportunity for the exercise of arbitrary authority.

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<sup>29</sup> *Id.*

<sup>30</sup> *Fair Food Program: 2015 Annual Report*, Fair Food Standard Council, at 4, <http://fairfoodstandards.org/15SOTP-Web.pdf> (last visited Oct. 14, 2017).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 30.

<sup>33</sup> *Id.*

<sup>34</sup> *On the Elimination of the Require Overfilling of Buckets through the CIW's Fair Food Code of Conduct*, CIW (April 30, 2011), [http://www.ciw-online.org/blog/2011/04/bucket\\_overfilling/](http://www.ciw-online.org/blog/2011/04/bucket_overfilling/).

<sup>35</sup> *Id.*

<sup>36</sup> *On the Elimination of the Required Overfilling of Buckets through the CIW's Fair Food Code of Conduct*, CIW (April 30, 2011), [www.ciw-online.org/blog/2011/04/bucket\\_overfilling/](http://www.ciw-online.org/blog/2011/04/bucket_overfilling/).

<sup>37</sup> *Id.*



Image showing the new standards eliminating *copete* requirements implemented in farms participating in the FFP.<sup>38</sup>

### C. Sexual Violence

For decades, the women who harvest fruits and vegetables in the U.S. have endured sexual violence in the fields. A 2012 study conducted by Human Rights Watch indicates “80% of female farmworkers report facing sexual harassment on the job.”<sup>39</sup> Women are often fired for speaking up against sexual violence in the workplace while the abuser remains on the job. In 2015, the Equal Employment Opportunity Commission announced a \$17 million judgment against Moreno Farm Florida and in favor of farmworkers who were regularly groped, prostituted, and raped by the farm owners’ two sons and a third supervisor.<sup>40</sup> The lack of incentives and aid provided by the government to victims of sexual violence in the field perpetuates their inability to seek redress and allows these abuses to remain in the dark, while offenders escape liability for malicious crimes.

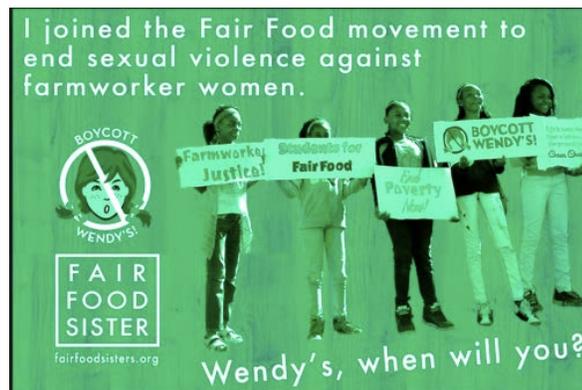


Image of the Fair Food Sisters Twitter movement to end sexual assault against farmworker women.<sup>41</sup>

While implementation of the FFP’s zero tolerance provisions has virtually eliminated sexual violence on FFP farms,<sup>42</sup> CIW has recently created the Fair Food Sisters campaign to

<sup>38</sup> *Worker-driven Social Responsibility (WSR): A new idea for a new century*, supra note 12.

<sup>39</sup> *Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment*, Human Rights Watch (May 15, 2012), <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>.

<sup>40</sup> *Building a future without violence in the fields...*, CIW (Dec. 11, 2017), <http://www.ciw-online.org/blog/2015/12/fwv-training/>.

<sup>41</sup> *About, Fair Food Sisters*, <https://www.fairfoodsisters.org/> (last visited Oc.15, 2017).

answer the call for solidarity and support for ending sexual assault and violence in U.S. fields. Torn between protecting their dignity and providing for their own families, women farmworkers outside of FFP continue to endure vulgar and harassing comments, sexual assault, demands of sexual favors from supervisors, and in extreme cases—rape, to make ends meet.<sup>43</sup> The campaign aims to give women outside of FFP an avenue of redress where they can report sexual assault and abuse without fear of retaliation.

#### **D. Modern Day Slavery and Other Workplace Abuses of Farmworkers**

Although 19<sup>th</sup> century chattel slavery has been abolished, many farmworkers continue to experience modern-day slavery. Shocking examples of employers holding men and women against their will using violence—including beatings, shootings, and pistol whippings, threats of violence, and coercion<sup>44</sup>—have made news headlines in recent years. CIW first started helping to prosecute the perpetrators, and now has grown to establish an enforceable zero tolerance policy through the FFP that has resulted in zero cases of forced labor in a five-year period.<sup>45</sup>

One Immokalee supervisor operation was prosecuted for forcing more than a dozen people sleep in box trucks and shacks, charging them for food and showers, not paying them for picking produce, and beating them if they tried to leave.<sup>46</sup> Laura Germino from CIW observed: “Sadly, this is the worst of what happens when you have across-the-board degradation of labor and conditions that allow slavery to take root and flourish.”<sup>47</sup> In a similar situation, farmworker escapees brought authorities to a farm where “[a]nyone who attempted to leave...[was] hunted down, beaten, brought back to the slave house.”<sup>48</sup> Investigators recorded stories where one farmworker tried to take a day off “and was beaten until he bled.”<sup>49</sup>

Additionally, agricultural work is consistently ranked as one of the three most dangerous occupations in the U.S.<sup>50</sup> Although some health and safety hazards are similar to those found in other industrial workplaces—such as working with heavy machinery—farmworkers must also deal with pesticide exposure, sun exposure, inadequate sanitary facilities, crowded and/or substandard housing,<sup>51</sup> and being forced to pick without rest breaks and in extreme heat. As a result, they suffer from heat stress, dermatitis, urinary tract infections, parasitic infections, and

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<sup>42</sup> *CNN on Fair Food Program: “How America’s ‘ground-zero’ for modern slavery was cleaned up by workers’ group,”* Coalition of Immokalee Workers, <http://www.ciw-online.org/blog/2017/06/cnn-ffp/> (June 2, 2017). See video.

<sup>43</sup> *About, Fair Food Sisters,* <https://www.fairfoodsisters.org/> (last visited Oct. 15, 2017).

<sup>44</sup> *Anti-Slavery Program,* CIW, [www.ciw-online.org/slavery/](http://www.ciw-online.org/slavery/) (last visited Oct. 15, 2017).

<sup>45</sup> *Id.*

<sup>46</sup> *Press Release: Sixth Immokalee slavery case suspect arrested Group accused of keeping beating, stealing from Immokalee laborers,* Coalition of Immokalee Workers, January 18, 2008, [http://www.ciw-online.org/blog/2008/01/slavery\\_plain\\_and\\_simple/](http://www.ciw-online.org/blog/2008/01/slavery_plain_and_simple/).

<sup>47</sup> *Id.*

<sup>48</sup> *How about a side order of human rights?,* Coalition of Immokalee Workers, December 19, 2007, [http://www.ciw-online.org/blog/2007/12/fred\\_grimm\\_side\\_order\\_rigts/](http://www.ciw-online.org/blog/2007/12/fred_grimm_side_order_rigts/).

<sup>49</sup> *Id.*

<sup>50</sup> *United States Farmworker Factsheet,* Student Action with Farmworkers, <https://www.saf-unite.org/content/united-states-farmworker-factsheet>. (last visited Oct. 15, 2017).

<sup>51</sup> *Facts and Figures on Florida Farmworkers,* Coalition of Immokalee Workers, <http://www.ciw-online.org/Resources/tools/general/12Facts&Figures.pdf>, (last visited Oct. 15, 2017).

tuberculosis. Housing conditions are frequently hazards unto themselves and often lead to “lead poisoning, respiratory illnesses, ear infections and diarrhea.”<sup>52</sup> Toxic pesticides and other chemicals also cause injuries and skin disorders, as well as eye injuries and birth defects.

#### **IV. CIW’s Organizing Philosophy and Development of the FFP**

The Fair Food Program ensures lasting change by bringing together workers, consumers, growers, and retail food companies in support of fair wages and humane labor standards in the agricultural industry. FFP forms the foundation for a new model of social accountability by (1) guaranteeing fair wages to farmworkers through Fair Food Agreements, and (2) implementing a Human-rights-based Code to eliminate worker abuse.<sup>53</sup>

The secret to the success of the program is the WSR model that empowers workers, whose rights are at stake, to play a leading role in the definition, monitoring, and protection of those rights. The results stand in stark contrast to the traditional corporate-led approach (CSR) of social responsibility.<sup>54</sup> CSR codes of conduct, often called “Vendor Standards”, merely require suppliers’ compliance with all applicable labor standard laws.<sup>55</sup> But as shown above, those labor standards are either inapplicable or grossly inadequate as relates to low-wage workers. In WSR, workers themselves craft industry-specific codes of conduct that reflect the particular rights and reforms necessary to transform a brutal job into a more humane workplace.

FFP combines four essential tools of social responsibility necessary for ensuring the transparency of labor conditions in the fields and compliance with the Code.<sup>56</sup> It enlists the industry’s 30,000 workers as active, frontline human rights defenders through education and complaint processes. CIW conducts worker-to-worker education on the farm and on the clock, as well as provides every worker with “Know Your Rights and Responsibilities” materials in Spanish, English, and Haitian Creole.<sup>57</sup> Worker education aims to inform workers of their rights and responsibilities under the Code, in addition to mechanisms for redress should a potential Code violation occur. FFP provides a toll-free complaint line answered by a bilingual FFSC investigator, 24 hours a day, 7 days a week.<sup>58</sup> FFSC investigates and resolves complaints in conjunction with participating growers. Due to FFP’s ground-breaking accountability arrangement, farmworkers have brought forth over 1,800 complaints under the Code, which demonstrates workers trust the reported problems will be investigated and corrected.<sup>59</sup>

Furthermore, unlike corporations’ quick-hitting audits that are either self-audits by an in-house team or third-party audits by professional auditing agencies serving the needs of corporations, FFSC reviews monthly supply chain records to ensure that participating buyers only source Florida tomatoes from participating growers in good standing of the Code, thereby

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<sup>52</sup> *Id.*

<sup>53</sup> *About*, Fair Food Standards Council, <http://www.fairfoodstandards.org/about/> (last visited Oct. 15, 2017).

<sup>54</sup> *Worker-driven Social Responsibility (WSR): A new idea for a new century* [hereinafter *WSR: A new idea for a new century*], CIW (June 16, 2014), <http://www.ciw-online.org/blog/2014/06/wsr/>.

<sup>55</sup> *Id.*

<sup>56</sup> *Fair Food Program: 2015 Annual Report*, *supra* note 30, at 8.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at 9.

<sup>59</sup> *Id.* at 2.

upholding the market incentives driving grower compliance. Prior to FFP, no governmental or non-governmental entity had sufficient resources to undertake anything but sporadic labor enforcement efforts in agriculture.<sup>60</sup> Although the market consequences built into FFP allow participating buyers to contribute to the alleviation of the extreme poverty of farmworkers by paying nearly \$20 million in Fair Food Premiums, FFP's enforcement mechanisms are sharply focused on the advancement of worker conditions and dignity.<sup>61</sup>

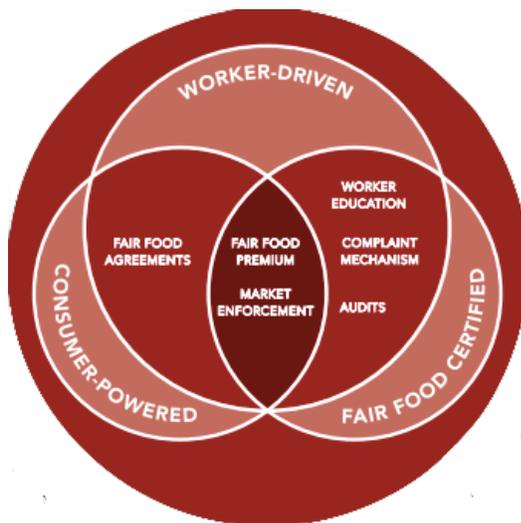


Image demonstrating how FFP's WSR model works.

## V. Recommended Questions

We respectfully suggest the following questions be raised during the Rapporteur's meeting with U.S. government officials:

1. Why are there still exclusions (which are race-based in origin) from many legal labor protections for some sectors of the workforce in the U.S., specifically agricultural workers and domestic workers?
2. Are there effective mechanisms for redress available in the United States to undocumented women-workers who suffer widespread sexual harassment and sexual violence in the workplace?

## VI. Suggested Recommendations

We respectfully suggest the following recommendations be raised during the Rapporteur's meeting with government officials:

1. As the largest purchaser of goods and services in the world, the U.S. should prioritize doing business with companies that implement the Worker-driven Social

<sup>60</sup> *Id.* at 8.

<sup>61</sup> *WSR: A new idea for a new century*, *supra* note 53.

- Responsibility (WSR) model to ensure protection of workers' fundamental human rights in global supply-chains.
2. The U.S. should ratify the International Covenant on Economic, Social, and Cultural Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, along with their respective Optional Protocols.
  3. The U.S. should encourage, and if necessary incentivize, all food retailers to join the Fair Food Program so that all U.S. growers implement CIW's protocols to eliminate wage theft and ensure that farmworkers are no longer victims of human rights abuses on their farms.