

WSR WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK

Introduction

The Worker-driven Social Responsibility Network exists to support worker organizations adapting the Worker-driven Social Responsibility (WSR) model in their industries, and to build understanding of the importance of legally binding, worker-driven human rights programs. Our members lead programs that have transformed industries and addressed some of the most pressing human rights issues of our time.

In the United States, member Coalition of Immokalee Workers (CIW) developed the Fair Food Program, the first WSR program in agriculture. Florida's tomato fields were once dubbed "[ground-zero for modern-day slavery](#)," yet through the innovations of the model, they have virtually eradicated such abuses on participating farms. Other worker organizations have adapted the model to their own industries, including the Milk with Dignity program in the dairy industry and the Building Dignity and Respect Program in the non-union construction industry. Outside the United States, the International Accord and the Lesotho Agreement address gender-based violence and workplace safety issues in the apparel industry. Adaptations of the model are also currently being explored in the fishing industry in the United Kingdom and in the Spanish produce industry.

Comments included here will focus on the adaptations in the United States.

Q1: Are trade union rights, as protected by ILO Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining), recognized in domestic legislative frameworks in your country? If so, please provide details including provision for remedies in case of breaches.

The United States has not ratified ILO Conventions Nos. 87 (Freedom of Association and Protection of the Right to Organise) and 98 (Right to Organise and Collective Bargaining). The National Labor Relations Act (NLRA) is the foundational legislation defining the rights to organize and bargain collectively, as well as other key labor rights in the United States. However, several key groups of low wage workers are excluded from key provisions in these protections, including farmworkers and domestic workers. These exclusions date back to a compromise struck with legislators in Southern states to exclude farmworkers, who were at the time mostly Black workers, and maintain the white landowning classes entrenched power, which dated back to the era of plantations and enslaved labor defined Southern agricultural production. Farmworkers have won some protections they originally lacked, including some minimum wage protections. More recently, farmworkers in a few states have won protections

WSR WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK

for the right to organize as well as overtime protections, yet most farmworkers continue to be denied these protections.

Further, a growing number of farmworkers enter the U.S. on guestworker visas, tying their immigration status to their employment, thus increasing the risks of organizing—as well as rendering them more vulnerable to exploitation.

Q2: Have workers' organisations in your country played a role in preventing workers from being subjected to contemporary forms of slavery, or helping victims to move out of exploitative situations?

Our members have played a critical role in helping workers move out of modern-day slavery - and in developing Worker-driven Social Responsibility programs to prevent forced labor and other forms of labor abuses by tackling the root causes of that exploitation. We see that labor exploitation is a consequence of corporate purchasing practices at the top of the value chain. Thus our solutions work to hold those corporations directly accountable to worker organizations through binding agreements which are worker-driven at every step from development to enforcement.

Our shared recipe for prevention relies on an interlocking set of measures:

- Worker-driven codes of conduct for suppliers;
- Worker-to-worker know-your-rights training, covering both legal rights and rights under the relevant WSR program;
- 24/7 hotline locally staffed by highly trained investigators specialized in the industry and in worker- and human-rights;
- Thorough audits by independent investigators qualified as described above; audits interview a minimum of 50% of workers and in many cases more;
- Swift, market-driven enforcement for suppliers who fail to comply with code of conduct;
- Worker-driven access to remedy.

All WSR programs include these elements, adapted to the relevant industry, and in the United States include:

- The Fair Food Program, developed by the Coalition of Immokalee Workers (CIW), focused on farmworkers harvesting fruit, vegetables, and flowers - the first WSR program implemented in the United States.

WSR WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK

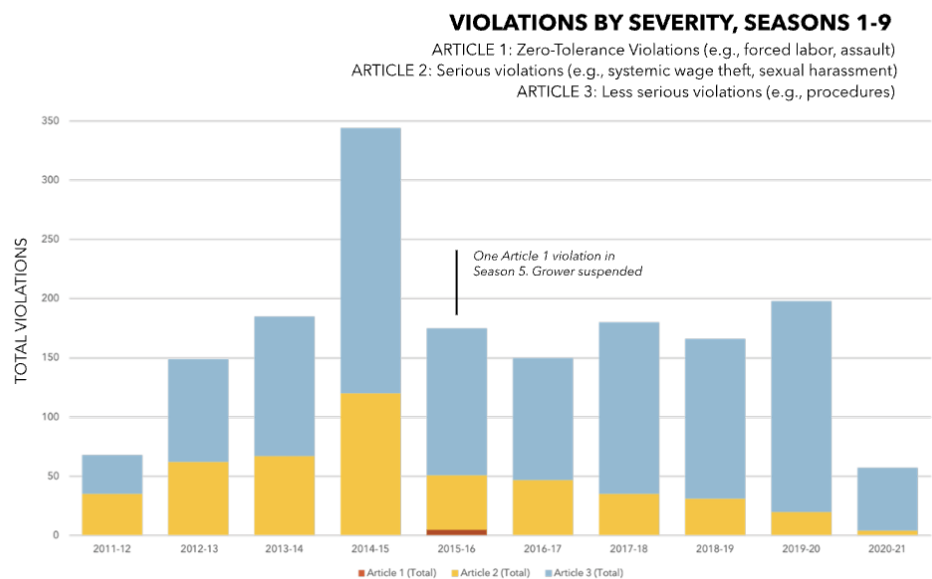
- The Milk with Dignity Program, developed by the organization Migrant Justice, focused on protecting dairy farmworkers.
- The Building Dignity and Respect Program, developed by Centro de Trabajadores Unidos en la Lucha (CTUL) focused on non-union construction workers.

Codes of conduct spell out zero-tolerance violations, which include forced and child labor, as well as, in some cases, physical violence, and retaliation against a worker for reporting violations. In addition, codes of conduct forbid many of the practices which are precursors to or indicators of forced labor and encourage practices such as the direct hire of workers and accurate, transparent wage and hour tracking that helps prevent wage theft and, in the most extreme cases, forced labor.

Q3: Please provide any positive examples of collaboration or coordination with the following entities in preventing contemporary forms of slavery and protecting vulnerable workers and victims.

Our member organizations have developed WSR programs that enlist business actors to use their purchasing power as a means of preventing forced labor and other workplace abuses. Some of the largest grocery and fast food companies in the world have signed binding agreements with the Coalition of Immokalee Workers to participate in their Fair Food Program. These agreements

commit these brands to buying the covered products, for example, Florida tomatoes, from participating suppliers. Suppliers who fail to comply with the worker-driven code of conduct are barred from selling to



WSR WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK

participating brands—a powerful incentive for compliance. Indeed, review the Fair Food Program’s reporting since 2011 and a clear pattern emerges. Over the course of a decade, the findings of violations first rise as workers gain confidence in reporting issues to the program and then violations drop off precipitously as systemic problems are addressed and conditions improve. Having seen the swift power of market consequences at play, suppliers have adapted to the program, terminating abusive supervisors, and mandating rights-respecting practices in the workplace. This is the power of prevention at work.

In addition, at the Network level, we collaborate to engage public and private entities in further spreading the WSR model as a powerful tool for building worker power, forced labor prevention, and remediation.

The Network engages with academics to study the model and disseminate learnings. The Network also works with investors on targeted interventions to enlist support from additional parts of the corporate structure to bring companies to sign binding agreements and join the WSR programs relevant to their industry and supply chains.

Q4: Are there workers’ organisations dedicated to organizing and defending the rights of workers in certain sectors with higher risks of labour and/or sexual exploitation (e.g. agriculture, fishing, construction, services including hospitality, manufacturing, domestic work, and non-standard forms of employment) or at-risk populations (e.g. indigenous peoples, migrants and refugees, minorities, older workers, workers with disabilities and informal workers) in your country? If so, please provide details, including tailored prevention or protection activities.

Our members and the worker organizations we prioritize in our outreach for the development of new WSR Programs are focused in many of the sectors with greatest risks of labor exploitation and organize with populations including migrant workers, many of whom are Indigenous peoples, who are most at risk of labor exploitation.

In agriculture, the Fair Food Program is tailored to provide protections to workers who are made additionally vulnerable by their immigration status and language. Targeting the lack of transparency in the recruitment process for migrant workers on guest worker visas, the Fair Food program requires that any such workers on participating farms must be recruited through

WSR **WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK**

clean channels through the Mexican government's National Employment Service (SNE), thus recognizing that the exploitation of workers begins before they even arrive at the workplace.

Further, participating farms are required to hire all workers, including any guest workers, directly, thus eliminating the lack of transparency that can too often come with layers of subcontractors in the farm hierarchy. All workers on participating farms are required to go through annual worker-to-worker training, which is delivered through accessible popular education forms as well as with written educational materials. Trainings are done on-site and in Spanish and Haitian Creole as these are the languages currently most commonly used among the workforce. Investigators who staff the 24/7 support line are also fluent in these languages, ensuring that workers are able to express their concerns readily. Reports made via the support line are promptly investigated in person and resolved promptly.

Labor contracting and guest workers are not currently a part of the workforce of the New England dairy farms where Milk with Dignity operates due to the year-round nature of the work. However the same provisions regarding training and language justice apply. In addition, given the specifics of the dairy industry, workers tend to live in on-farm housing. The isolation of rural areas as well as the lack of effective regulation of farmworker housing standards mean that this is an area of significant concern for indicators of forced labor as well as exploitation.

The Milk with Dignity code of conduct includes clear standards for housing quality as well as including tenant protections afforded to workers. Brands participating in the Milk with Dignity program are required to contribute financially to offset the cost of compliance and ensure that housing conditions meet program standards. The program has also obtained funding through public-private partnerships to support the costly repairs and at-times new housing needed for farmworkers, thus addressing a critical human rights issue for the dairy industry.

In the construction sector, our member CTUL has developed the Building Dignity and Respect Program, to address the issues faced by non-union construction workers. Labor trafficking, deceptive recruiting practices, wage theft, and rampant misclassification of workers as independent contractors are key issues in this sector. While this program has yet to sign developers at the top of the supply chain, the binding agreements will focus on key issues to workers in this sector including measures to ensure accountability in subcontracting relationships in the value chain as a way to eradicate wage theft, and measures to curb the

widespread gender-based violence experienced by women in the construction industry through similar market-based enforcement mechanisms as other WSR programs.

Q6: What practical recommendations would you make to concerned stakeholders (including Governments, businesses/employers' organisations, anti-slavery and civil society actors, international organisations and others) to enable workers' organizations (including centres and federations) to more effectively prevent and address contemporary forms of slavery?

Our recommendations to stakeholders would be as follows:

Governments:

- Prioritize rights-respecting practices in all government spending and recognize WSR programs as the highest level of workplace protections. An example of this would be a [recent program from the U.S. Department of Agriculture](#) which conditioned subsidies to farmers on good labor practices, with participation in a WSR program as a top-level indicator.
- When adopting human rights due diligence guidelines, prioritize legally-binding worker-driven initiatives above voluntary [certification](#) and [social auditing](#), which have been demonstrated to [fail to protect](#) workers' [fundamental rights](#).
- Follow the lead of the Good Food Purchasing Program, which has named [the WSR model as the top tier of worker protection](#) for values-driven procurement in schools, municipal and county funding.

Businesses:

- Sign onto existing WSR programs in relevant industries, which include the [Fair Food Program](#) in agriculture, the [Milk with Dignity program](#) in dairy, the [Building Dignity and Respect program](#) in construction, the [International Accord](#), the [Lesotho Agreement](#), and the [Pay Your Workers](#) agreements in the apparel industry.
- Give preference to suppliers who have signed worker-driven legally binding agreements in place of voluntary certifications or social audits.
- Engage with organized workers in supply chains to develop worker-driven codes of conduct.
- Ensure that all grievance mechanisms are developed and implemented with the involvement of impacted workers and their organizations.

WSR WORKER-DRIVEN SOCIAL RESPONSIBILITY NETWORK

Civil Society:

- Support WSR and worker-driven legally binding agreements in place of voluntary certifications or social audits when advancing solutions to combat modern slavery.
- Support worker-driven campaigns focused on winning binding, enforceable worker-driven codes of conduct with market consequences for supplier violations.