Fasting For Freedom
Lauren Black

New York City. Park Avenue, Sunday, March 11th. People are shouting.

[Nelly tape, chants]

A crowd is facing off with a hedge fund. They're yelling and chanting and holding up posters of this guy Nelson Peltz, who's the hedge fund's president. We'll get to why they're angry with him in a second, but just to set the scene, so we've got the protestors, like seventy or eighty people who are mostly standing in the road, squished into this fenced-off area that's blocking a good chunk of Park Ave's right lane. The protestors also have a few feet of sidewalk. Then there's a black line of duct tape that they can't cross.

And beyond the duct tape, maybe ten yards away, is the hedge fund: Trian Partners.

[sudden sonic voomp inside Trian. Protestors are EQd, distant. FAINT office sounds and fancy music.]

Trian is almost cartoon of how I'd imagine a hedge fund. Its front walls are all glass, giving everyone on the street a clear view into its lobby, which is just marble. There's nothing in it—no decorations or furniture, not even any *doors*. Just these flat white marble walls, and then a white marble front desk that's guarding a white marble hallway that I can't see the end of. It's so fancy and sterile.

[voomp back outside, protesters loud again]

And then there are these protesters trying to get anyone in this block of ice building to listen to them. Most of the protesters are farmworkers. They've come here all the way from Florida, they're planning to stay in this spot for five days, seventy of them are hunger striking, and they're doing all this to get a message to that guy I mentioned earlier, Nelson Peltz: president of Trian Partners and also chairman of Wendy's. Their message:

[Tape that is approx]: Stop buying vegetables from growers that allow exploitation and sexual violence in the fields!
[could add in news clips discussing demand if any?]

That's Eve Ensler, a playwright and activist, and an ally of the Coalition of Immokalee Workers. The CIW is a farmworker activist group that started in Immokalee, Florida, and they're the ones organizing this protest. They've run workers' rights campaigns against a ton of major fast food companies, and now they're coming after Wendy's. And they aren't just coming in with an abstract call for Wendy's to end violence in their food supply chain. The CIW has an actual solution that's been shown to work, and wouldn't be that hard for Wendy's to implement. It's called the Fair Food Program, and fourteen other major food companies have already joined it, including Taco Bell and McDonald's. Wendy's is actually the last major fast food company to refuse to sign on.

But before we get to what the Fair Food Program is and why Wendy's is refusing to join it, we need some background on how we got to this point. That brings us to Immokalee, Florida. Immokalee is one of the farming capitals of the US. A ton of produce is grown there, including a third of all our fresh tomatoes, and ninety percent of our winter-grown tomatoes. And the fields where those tomatoes are grown have been notorious for their bad working conditions.

G: My name is Gerardo Relles Chavez

Gerardo's part of the CIW staff. But before he got involved in organizing, he was working in the tomato fields, facing frequent wage theft and

G: I don't know just like a lack, a very deep lack of respect

The incident that pushed him over the edge into activism happened around 2000, when Gerardo had just started new harvesting job, and two weeks in he hadn't been paid yet, and didn't have any money to buy food or cooking supplies.

G: the crew leader that I was working with, he didn't want to pay us advance money so that we could buy some utensils to cook. Um, we ask for that and he got really pissed, and started to just say things that were humiliating to all of us.

It turns out, the crew leader didn't want to pay them because the food stand they had to buy from if they didn't cook for themselves was run by someone in his family.

G: and he wanted that to be the case, so we were a captive, um, customer uh group. To get in debt with her before receiving that paycheck. The first paycheck.

Gerardo said he wouldn't keep working until he was paid, and because of that, he lost his job and the room he was living in. This kind of manipulation, and much more serious abuses, were everywhere in the tomato industry. At the same time Gerardo was going through all this, a few of his roommates had just gotten out of a forced labor camp. And even at a lot of mainstream farms in Immokalee, there were no bathrooms or water, and wage theft and sexual harassment were common.

That threat of sexual violence is something that's been particularly hard for a lot of farmworker women to escape. Here's another CIW leader, Nelly Rodriguez, and just a note, Nelly did the interview in Spanish, but another coalition member was there translating.

N: when we talk about like sexual harassment ~~or sexual assault for example~~, it's not only the actual uh physical assault or like your boss or your supervisor like uh grabbing you our physically touching you or whatever, but it's also like ~~the comments that are made, the um~~, the catcalling the comments, and really like a climate of fear that is created, and at that time you had to pretty much take it because what else could you do, there was ~~nothing else that you can do about it~~, really nobody that you can go complain about it to.

A lot of tomato workers are undocumented. Some live in company housing. Almost all really depend on each paycheck to get by. All these factors make a lot of farmworkers feel like it's too risky to speak out or ask for help when they're abused.

As another coalition member, Julia de la Cruz, told me:

J: If you were to make a complaint, the only person that would be fired or face any consequences was you as a worker.

So this was how things were in Immokalee when the coalition first started organizing. Growers pretty much treated farmworkers however they wanted, and workers felt like they had to take it. But the coalition wanted to change that. They started small, holding weekly meetings in a local church to talk about how to better the community. Then, one day in 1998, a tomato worker came to the coalition after having been beaten for stopping work to get a glass of water.

G: He came to the office, um, with his uh shirt covered in blood, and ~~he you know he just talked about what happened,~~ the coalition organized a um march going to the crew leader's house and the family where the family that allowed this to happen uh lived, and declared that beating one of is beating us all, and that we weren't going to let that happen anymore.

The workers in Immokalee decided that they were going to take on the tomato industry and do whatever it took to end the abuse they were facing. But at this point they were still a pretty small group trying to get the attention of huge growers at the head of a one and a half billion dollar industry. The growers had plenty of financial incentive to keep the status quo exactly as it was, and the CIW didn't have much leverage to make them change. But they were determined to find a way to get that leverage. The next seven years was a battle to do it.

For their first action, six coalition members declared a hunger strike: they wouldn't eat until the growers would talk. They stopped eating and they waited. And waited.

[news clips??] [music?]

Some news outlets started to pick up the story, the pressure mounted, and after thirty days of hunger strike, the growers caved and agreed to negotiate. It was a big victory just to get them to the table, but the tangible changes that came out of it were small--just a slight bump in wages.

G: It was just like a raise of five to ten cents in a couple of companies, it wasn't enough to improve wages that were stagnant since 1978

The pay rate for tomato harvesters went up from forty or forty-five cents for a thirty-two-pound bucket to somewhere around fifty cents per bucket. Still not a lot—not enough to get the workers above the poverty line. And the growers hadn't addressed the coalition's other concerns about violence and harassment at all.

So, two years later, the coalition tried to get tomato growers to negotiate again, this time with a 234-mile march from Fort Meyers, Florida, to the Florida Fruit and Vegetable Growers

Association in Orlando. Three thousand people came, carrying with them a handcrafted statue of liberty, reinterpreted as brown-skinned woman holding a tomato bucket. When they got to their final destination, the marchers found a locked door and an empty building.

G: They basically, um, gave every employee the day off so that they didn't have to deal with the people that were marching for two weeks.

At that point, the coalition decided it needed to change its strategy.

G: In the past the question was how do we get rid of all these abuses how do we uh make those abusive conditions stop. As the coalition was fighting, um, they realized perhaps we needed to ask ourselves a different question, the question of the economists. "Who's benefiting the most from the conditions that we face, and from the stagnant wages that we receive?"

Who was actually at the top of the tomato industry's economic food chain? As the workers thought about this question, they realized it wasn't actually the growers who controlled the tomato market, it was companies like:

[quick collage of Burger King, Wendy's, Taco Bell, McDonald's etc. jingles]

These big chains, they were the ones buying all the tomatoes. And because of that, they could control the market.

G: they acquired a power to basically demand, the quality of the tomatoes, the size the texture and all of those things, they could dictate that because of that power.

[great quote but don't know where to fit it: it was our sweat that was subsidizing the incredible wealth of corporations on the top of the food chain]

The CIW looked at this and thought, if these huge companies that are buying the tomatoes can control all of these things about how those tomatoes are grown, if we could somehow convince them to demand that growers treat their workers fairly, they could control that, too.

So, the coalition decided to test this idea out. They were gonna target a big fast food company and see if they could get that company to actually stop buying from any growers who couldn't guarantee there was no exploitation on their farms. For their first try at this, the CIW announced a boycott on Taco Bell, and started organizing demonstrations and just trying to get as much publicity as possible.

The Taco Bell boycott went on for four years. But the coalition stuck it out. And they won. Four years later, Taco Bell became the first company to sign on to the CIW's newest creation: the Fair Food Program.

G: So the Fair Food Program, it's the tool that has been able to make um sexual harassment in the fields

L: **as well as wage theft, threats of violence, and all these other abuses**

G: stop.

The New York Times called the Fair Food Program “the best workplace-monitoring program” in the US. It works in a few ways. For one, workers on fair food farms get some new benefits: they can get paid to go to regular trainings that CIW holds at their workplace, and buyers like Taco Bell pay them a direct bonus of one extra penny for every pound of tomatoes they harvest. But the most important part of the program is the abuse monitoring system. So, say a worker gets harassed by their supervisor. That worker can call a 24-hour toll-free hotline to immediately file a complaint. The complaint then gets investigated by an independent group called the Fair Food Standards Council, and if the council confirms the worker’s story, the growers who own the farm where the abuse happened *have* to punish the supervisor. If the grower doesn’t fix the problem, whatever it is, Taco Bell all the other companies in the Fair Food Program will immediately stop buying from them.

G: the corporations were by a legal bi, legally binding agreement, were committing to cut purchases from that grower, which basically created this extremely huge market consequence for failing to make sure the workers have their rights protected, and that’s what made it work.

After Taco Bell, the CIW started campaigning for McDonald’s to join the Fair Food Program. Then Burger King, then Whole Foods. And they kept winning. By now, they’ve gotten thirteen more companies to join, including every major fast food chain—besides Wendy’s. Which brings us back to the present day:

[protest noise]

It’s the fourth day of the protest outside the hedge fund where Wendy’s chairman Nelson Peltz works. The seventy workers and allies who’ve been fasting are getting a little tired.

E: Everyone around you is eating all the time, like that’s someone that has been really intense about walking around New York, I’m like woah, everything is structured around food!

Within the protest area, they try to hide food as much as possible, but it gets in. A passing supporter has to be kicked out for eating a chocolate croissant. And the fasters are also cold. Most of them are from Florida, and now they’re in the middle of New York winter, standing outside all day. Still, overall morale is high! People are constantly staying loud, breaking up the harsh Park Ave air with continuous speeches, all translated into both English and Spanish, and frequent dance breaks led by musicians like latino hip-hop artist and activist Olmeca.

[tape of Olmeca]

Meanwhile, the press coordinator Noelle Damico is frantically running back and forth between the protest site and the Pret a Manger cafe across the street, which has free wifi. She's trying to manage all the reporters who are arriving while also dealing with the latest response from Wendy's. For the first three days of the protest, Wendy's was silent. Now they've given a press release, which Noelle described with adjectives she asked me not to quote. So, I'll just tells you what the statement says. The gist of it is summed up in the first line:

"The Coalition of Immokalee Workers (CIW) is spreading false and misleading information about the Wendy's brand and our business practices in their continuing effort to extract a financial commitment from us."

Basically, Wendy's is claiming that the Fair Food Program is just a front for the CIW to get money out of Wendy's through that extra penny-per-pound that Fair Food companies pay. ~~**Wendy's has even called the coalition a slush fund. [have they?]**~~ But in reality, the CIW never even sees that money. It gets collected by the Fair Food Standards Council and then goes straight to the workers.

Wendy's also argued that they didn't need the Fair Food Program because: "All of our suppliers are bound to a strict Code of Conduct that requires ethical practices."

But, CIW member Julia de la Cruz says:

J: the major problem with Wendy's code of conduct is that there's no enforcement involved, ~~it doesn't have a 24 hr hotline where workers can call to report any complaints, and~~ it doesn't have any um system of consequences for any violations of that code.

This isn't quite true--Wendy's says that it requires all its tomato growers to get regular human rights inspections done by third-party auditors. But labor experts like James Brudney, the chair of Fordham Law School's Labor and Employment department, say that company codes of conduct like Wendy's often go unenforced. ~~On Wendy's standards, Brudney said, quote: "This isn't a code of conduct, it's a set of aspirations."~~

Some CIW members have worked on farms that aren't in the Fair Food Program and that get the kinds of third-party inspections Wendy's talks about. The workers say that in their experience, on the day the inspectors arrive, suddenly everything's great: the bathrooms are clean, the bosses are nice. Next day, back to normal. And the inspectors often leave without actually talking to the workers.

Which brings us back to the CIW's biggest issue with Wendy's code of conduct:

N: Nowhere in any of these standards that Wendy's unilaterally came out with is the participation or the voice of the workers themselves, and we know that without that participation, without that voice, that that code of conduct is not gonna mean anything.

Wendy's has also claimed that this whole campaign is irrelevant to them because they don't buy any tomatoes from the Florida farms where CIW organizes. But the thing is, they used to. Right up until the Fair Food Program came around. **Here's Gerardo again.**

G: When that change started to happen… Wendy's decided to stop buying from those farms. Because they were working on applying the Fair Food Program with us. Um, in other words, when Wendy's saw the farmworkers for the first time have their dignity, respect and their humanity restored in their workplaces, they decided to punish the growers that were supporting that, and went to Mexico.

Wendy's said that the move to Mexico was because Florida wasn't offering them the quote "high quality, vine-ripened" tomatoes they wanted. But nothing about Florida's actual tomatoes had changed. The people who harvested them were just asking for a little more money and respect.

G: It's one penny more per pound, um, for a corporation like Wendy's that's nothing. I mean and you have to ask yourself, as a consumer: are we that desperate to basically sacrifice the humanity of people in the fields to produce our food under those conditions, so that we can save a penny more per pound? I don't think that's the case. I don't think that that makes sense.

[bring in protest ambi]

Day five of the Freedom Fast protest, the final day of action. In a few hours, nearly two thousand people will come out for a march to demand Wendy's join the Fair Food Program. Afterward, the people who've been fasting all week will get to eat again. Already, volunteers are prepping the ceremonial bread, while fasters are avoiding the area.

E: Oh my god, I can't look at it.
Faster 2: Yeah, I gotta look away, I gotta go somewhere else.

As everyone sets up, it feels like a party. There's music playing and protest banners all around in bright red and gold. And there are two huge puppets, a stern Nelson Peltz and an angry Wendy. They have cloth bodies and papier mache heads and they're moving through the crowd on stilts like we're in parade.

Once the march starts, the protestors make a final stop in front of the hedge fund to shout up at Nelson Peltz.

[tape from that moment]

About after the march, Wendy's put out a second response. Their spokesperson Heidi Schauer told the Huffington Post, quote "There's no new news here, aside from the CIW trying to exploit the positive momentum that has been generated by and for women in the MeToo and Time's Up movement to advance their interests" end quote.

This statement is honestly perplexing. The Time's Up and Me Too movements are *about* ending sexual harassment in the workplace, so it seems pretty impossible to justify a claim that farmworkers trying to demand protections against sexual violence are *exploiting* those movements. The Me Too and Time's Up leaders agreed, and spoke out on twitter, boosting the Boycott Wendy's campaign's profile.

Wendy's still hasn't given any indication that they're gonna change their mind and join the Fair Food Program. But the coalition members aren't discouraged by that at all. They're expecting Wendy's to take a while to come around. But they're used to waiting.

[maybe someone talking about patience, the fact that Peltz is ignoring them right now, but that doesn't deter them. All the other companies they've boycotted, it's taken years, but they've come around. They know he will, too.]