

Fair Labor Team Project Report

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Executive Summary

Our How Might We: How might we improve the transparency of farm working conditions to farm stakeholders?

Our solution: We propose an anonymous text message survey initiated by the worker when she wants to review an employer. Questions will cover topics that affect the salient working conditions of farmworkers, including payment, safety, respect, favoritism. The results/reviews of such a survey will be displayed on a public Yelp-like dashboard.

Why this solution: Our interviews with Salinas farm workers revealed that exploitation of their work is easier because these workers lack the protection of legal status. Our hope is transparency will help sort the market to reward good employers. Both our research and solution were informed by an increased need for protection of the worker's' identity.

Why is this solution novel: Our solution borrows innovation from yelp, but specifically developed for the farm worker to use. In doing so, we believe our collaborative solution gives the power and voice to the workers and communities affected. They will then be able to make decisions to work for employers that provide fair working conditions and avoid those who do not, creating a market pressure on bad actors in the system. This system will indirectly address labor and safety enforcement gaps.

Project Objectives

- Explore and learn about design thinking in a practical setting
- Identify the needs of the Salinas farmworker community
- Design a solution/intervention meeting these needs

Our goal in this project was to find a way to address the challenge prompt from Ana and Michele of increasing access to fair labor produce that was effective in helping to improve the lives of farm workers. While through the class we were practicing various design thinking tools and methods, our team's approach led us away from a demand or market-based solution that would utilize a certification or labeling campaign to educate shoppers on which products were made with fair labor standards, and towards more direct intervention with the challenges that farmworkers face in their work. For us, asking the consumer to make a moral judgement on every purchase was too much to ask, and wouldn't scale well in having the desired impact that we sought. Through our research and interviews we realized that the agricultural supply chain was too complex and the power structures too ingrained to have the desired effect through consumer education, and thus moved onto uncovering the frictions and pain points that farm workers encountered.

Project Lessons Learned

Who are your users and/or stakeholders? Our users are the farmworkers themselves. They will access the text survey and dashboard anonymously. Any stakeholder in the agricultural industry are our stakeholders. We hope they will access and modify their services according to the dashboard the same way restaurants will read and access reviews on yelp.

How did you engage with them? We engaged with our users in in-person interviews.

Why did you use these methods? It was imperative to learn from their personal experiences, to carefully understand and record their Spanish, and have Manuel as a cultural broker in the process.

What did you learn from this engagement? Workers want their voices to be heard. Although anonymity is important, they want people to learn about the work that they do and the pride that they take in doing this work.

How did your user/design research change your framing of the problem? Instead of fearing the idea of making the farmworker the center of our solution, we aimed to harness their strength and spirit in our solution. We also tried to follow the natural habits or processes that users had developed, rather than try to ask too much of the users in order for our solution to be effective.

How did this impact the trajectory of your project? This steered us from a produced labeling idea, where users face numerous decisions and are fatigued. We wanted to deliver a bottom-up solution that would solve verified user needs for the majority of users, and not just a niche audience. At the same time, we found it difficult to elicit meaningful responses from our questions due to the cultural divide, an eagerness on the part of interviewees to please interviewers, and a normalization of the subpar conditions that farmworkers had come to expect.

What analogous problems did you explore? Our problem was similar to any user looking to make a decision with limited information, whether it's someone new to an area looking for a restaurant or dentist on Yelp, or researching how employees feel about their employer on Glass Door.

What alternative solutions did you consider? We considered a public modifiable spreadsheet of labor contractors and employers measuring their compliance and enforcement with working regulations. We also considered a silicone wristband that can be used to measure exposure to pesticides.

How much would the solution you propose cost? It is difficult to project at this stage, but depending on the platform we ultimately decide to use and our rate of expansion, the build costs should be fairly low, especially if using an existing SMS survey app. Building a database for the survey questions to feed into as well as a web page with visualizations of aggregated results would be the bulk of the software development required. Maintenance and ownership would be

the more significant challenge, as an advocacy organization is not likely to have a staff member with the skills needed to repair any problems that may occur.

How is this solution more cost-effective than the alternatives? The pesticide-detecting wristbands would require significant laboratory costs for processing and testing the samples, not to mention coordination for distribution and collection of wristbands and subsequent deliver to laboratory facilities. Other efforts to improve compliance using government or independent regulators would require significant costs for limited impact given the difficulty of catching violations in progress.

Prototyping Lessons Learned

Most farmworkers have access to smartphones, though it is unclear how they use them.

We were quite surprised to learn that most farm laborers used smartphones because they can be an expensive investment. Yet, the only farmworker who did not have a smartphone had just recently immigrated to the US. Additionally, most of them were not familiar with applications such as yelp, so explaining the concept of a dashboard was more difficult than we had first imagined. With regards to the dashboard, it was apparent that they did not understand the utility of it just yet. Designing an effective dashboard may require additional prototyping. However, I am encouraged because they said that they would trust the dashboard more than by simple word-of-mouth.

The length of the survey is not as important as the ease of the responses. We all thought that having more than 10 questions would be an absolute disaster of a survey. However, according to the laborers, the number of questions was not the problem. When giving them Charis' cell phone, they were able correctly type in their responses, though text-based short answer proved to be more of a challenge for them. It was hard for them to know what level of granularity/detail we were asking of them in these types of questions. They also made common spelling errors and took a longer time to respond. That being said, it took the farmworkers about 5-10 minutes to complete the text-survey and everyone had few initial complaints about it.

There are only so many labor contractors and employers in the Salinas area. We were concerned that our first question in the survey (who is your employer?) caused so much difficulty for the user. We think this may be due to the fact that they have to answer in a short text response. In talking with the farmworker, we realized that there were relatively few employers and contractors working in the Salinas Valley, and they all seem to know who they are. Perhaps we could make this first question a simple number response, just like each of our other questions, with the numbers representing the most common employers/contractors. This could potentially save some more time and frustration from the user.

Farmworkers are inspired that others would design something for them. The extra effort that we took in listening to their stories and opinions in designing our solution really resonated with the farmworkers. Even despite being unfamiliar to them, our technological solution was something they felt proud of because not only were they are part of the solution, it meant everything to them that they were being thought of by others.

There are some easy ways to improve the survey without modifying additional questions.

These include offering some kind of progress update halfway through the survey. We noticed that one laborer was so tired from their day of work, that they were struggling to get through the survey. Having some kind of progress update might help users like her to know how much more time is required. In the case that she does no longer want to participate in the survey, we could offer the user the opportunity to terminate their participation early (perhaps in the form of a number response). If the user remains idle in their progress on the survey, a follow-up reminder text could be programmed to send after 1 hour of no response.

Miscellaneous User Testing Notes

- Need instructions at the start of the survey for instance, on how to skip a question you don't want to answer (maybe use the word "next" instead of the word "skip")
- Realistically this will spread (if it does) by people showing each other how to do it - it is unlikely people will hear about it and just go do it on their own
- Took about 10-15 minutes to complete in testing.
- People didn't think the question about how much they are paid is useful - they find that out in other ways, and it can be confusing to answer because some people are paid hourly, some by the box/pound/etc.
- One person mentioned now if he's considering working for someone he goes and talks to them, but there's no way to know if they are telling the truth, so this would be a good way to verify that opinion.
- UFW is very trusted- they already have a very very simple text survey going and people don't fear giving them their phone number
- It was not very obvious to them that the survey responses could be entered by just typing a number. Clearly the layout of the options for responses and the numbers were unfamiliar.
- None of them had heard of yelp, including Manuel.
- Barrier isn't just language, it is also culture.

Progress Made

Our team considered various solutions, from a published database on features and standards of all farm operators to a silicone wristband that farmworkers could wear in the fields in order to measure their exposure to pesticides. But we couldn't establish a way to collect and update information in a database resource, and there was a research team working on pesticide

exposure with farmworkers in Salinas, so we decided to move on to an idea that we had considered earlier in our project: a worker-driven employer evaluation.

After our research and interviews, we had zeroed in on the farm labor contractor as the loose link in the workplace standards compliance chain, as they created a liability loophole that farmers could exploit by shifting liability for worker treatment onto the contractors, while frequent closing and opening of contractor companies under new names made them hard to track and hold accountable for violations and complaints. In order to address this compliance and information breakdown, we decided that we would provide a tool for farm workers to evaluate their employers via an sms/text survey, and share the survey results on a public dashboard that aggregated the results by employer. The information on this dashboard would help inform a worker about who the best rated employers were at a time when farm workers were gaining leverage due to labor shortages resulting from increased border and immigration enforcement. Hopefully, this more informed workforce would be better equipped to show a preference for employers that had a reputation for treating their workers well, and as a result raise the bar for effective agricultural labor standards.

To prototype our idea, we developed a list of potential survey questions that might lead to useful information for farm workers who were researching employers in the area (see Appendix G). We then visited with farm workers in Salinas to do user testing on the SMS survey platform (see Figure 1), the questions themselves, as well as a mockup of a potential dashboard page (see Figure 2).

Figure 1: Text Survey Prototype

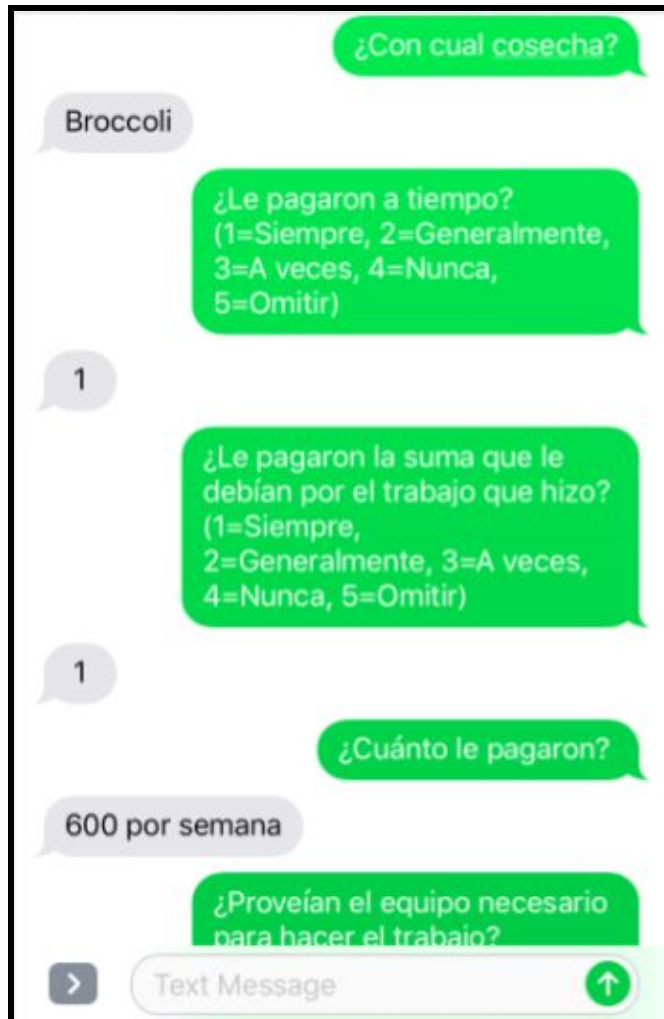


Figure 2: Dashboard for SMS Survey Results

La Voz del Campesino

Buscar un empleador o una ciudad

Empleadores principales cerca de Ud.

- | | | |
|-----|------------------|-------|
| 5 | Full Belly Farms | ★★★★★ |
| 4.2 | Pie Ranch | ★★★★★ |
| 3.7 | Delrigo Brothers | ★★★★★ |
| 2.5 | Eduardo Muñoz | ★★★☆☆ |
| 2.5 | Sunshine Farms | ★★★☆☆ |

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[Center for Farmworker Families](#)

Remaining Gaps

While preliminary prototyping was done on the survey tool and the dashboard concept, more work remains to turn this into a viable product. This includes finding an organizational “home”, further testing and development of both the survey and the dashboard. In addition, a communication plan and a formative evaluation after the product is rolled out are recommended.

To maximize success, a trusted party needs to host both the survey tool and the dashboard. This is important because this organization or individual will have access to the farm worker’s phone numbers as they interact with the survey, though no additional information such as name is collected. Beyond being the “other end” of survey responses, this role includes consolidating employer names (details below), which may be easier for someone close to the community. United Farm Workers currently sends updates by text message which sometimes include a very rudimentary survey question with a yes/no response. While partnering with a trusted entity is probably required, in our prototyping some workers warned us that the other party will co-opt the product, or change it to their own ends. Further exploration would be needed to identify the root of this concern and if it was widespread.

The dashboard will require other maintenance over time: removing inappropriate/spam responses from the detailed comments about employers, potentially updating resources, etc. Most important will be continuously promoting both the survey and the results to stakeholders to draw more reviews to the site and to increase the impact of reviews that are submitted. Prototyping with an actual dashboard website is needed - we showed a paper proof of concept, which the farm workers were curious about, but they had not been exposed to Yelp or other review sites, and it remains to be seen how they would navigate the content or what additional resources would make the site valuable to them. Prototyping did not confirm that an online dashboard would be a useful way to present employer reviews to farm workers. Although our interviewees indicated many farm workers have smartphones, it would be good to find out how they are using them. One guest at the Innovation Feast who has worked providing scholarships to children of farm workers said that lack of access to the web was a significant barrier, and recommended investigating providing survey results back to the workers by text message.

While prototyping did allow us to rapidly improve the survey questions, more work remains to be done. First, the survey tool needs to be prototyped in other populations beyond the small group who participated, including workers whose first language is not Spanish. A first pass on reducing the number of questions and adjusting the wording was done in prototyping but more work is needed. In addition, prototyping with the actual survey software is recommended (we mocked it up using two phones). Although text messaging seemed familiar, things like entering a number to stand for a word (like “generalmente”) was not intuitive, and more testing is needed to identify how to make this process easier or provide useable instructions.

The biggest challenge prototyping revealed was entering the name of the labor contractor or farm employer. This challenge seemed to be two-fold: the burden of typing a longer text response, and difficulty understanding which name should be entered (the mayordomo, the farm manager, the company, etc - there are multiple levels of detail possible). It may be possible to resolve this by offering instead a multiple choice list of options. This is difficult to do with text messaging as it could be very long, but we were told no more than 10 labor contractors are in business in Salinas, and it seems perhaps more than half of farm workers are employed by labor contractors rather than directly by the farm.

To provide consolidated ratings for an employer on the dashboard, some manual work is going to have to be done either on the front end (to research choices and keep them up to date) or the back end (to identify which responses are for the same employer when the form of the name varies). Doing this on the front end would significantly reduce the burden of the survey, but this needs to be tested to see if it is possible to actually list all the major options in a format that is viable for a text message (readable, and without too many charges for separate messages). Apparently the text message survey software (Twilio) can't provide branching logic, so it may be that this would have to be handled inelegantly.

It would be good to also prototype a web-based survey (like the Contratados site) to see if it was more acceptable to farm workers. While we are concerned about their access to and familiarity with websites or applications, this wasn't tested, and it would certainly make problems like presenting a multiple choice list of employers much easier to resolve.

Other promising solutions may be worth exploring instead/as well (researched but not prototyped in this project):

- Coalition of Immakolee Workers – neither a union nor a labeling effort, but a bit of both. Florida farm labor gets a direct pay bump by big buyers (fast food and big box stores) agreeing to pay extra for tomatoes grown under their contracts. While intervening at the system level (rather than consumer level) has more impact, we are unsure workers would be willing to demonstrate in this current climate as they did to achieve the gains of this project: <http://www.ciw-online.org/>
- Ventura/Santa Barbara Counties Farm Worker Bill of Rights: Borrowing from Monterey County's success funding enforcement in the county health system for clean bathrooms and water in the fields, advocates are working to increase enforcement of fair treatment by lobbying for a new county position. These advocates are operating in a very similar political and economic space so it may be worth partnering with them. Central Coast Alliance for a Sustainable Economy: <https://causenow.org/>
- Simple silicon wristbands: Use as passive monitors of pesticide exposure. Being tested now in Salinas as part of the CHAMACOS project.
<http://cerch.berkeley.edu/research-programs/chamacos-study>
<http://cen.acs.org/articles/94/i16/simple-way-track-everyday-exposure.html>
- Labeling efforts directed at consumers: Building on the success of the organic movement, fair trade coffee, and others. Some examples: Equitable Foods Initiative,

- Domestic Fair Trade, and now traditional Fair Trade has a US arm. Many guests at the Innovation Feast indicated a desire for this as consumers or as chefs/food businesses who buy produce. <http://www.equitablefood.org/> <http://www.thedfta.org/>
- Contratados: A yelp-like platform (website, apparently not an app yet) to review employers designed for the undocumented community. Partnering with/borrowing from this innovation may be fruitful as it was designed to address almost exactly this same problem. However, it isn't actively being used in this space. Could there be design changes or promotion that would change that? <https://contratados.org/>
- Make a commercial: This suggestion came directly from our interviews. It was to make a commercial about the farm workers that would be shown on national TV during the super bowl, showing the workers as wanting to work, proud to do this job, and being an important part of the food we eat. Being seen can be very powerful.

Resources Used

A variety of resources were used to do this project. The project team spent 1-2 hours a week in meetings, sometimes with Michele and Ana, our community partners, and spent time individually conducting interviews listed below and doing research on the food system and farm labor. We made three trips to Salinas (two for interviewing, one for prototyping), each about an eight hour day including travel time.

Nine interviews were conducted with farm workers and one with a United Farm Workers employee in Salinas, and five of the farm workers were involved in prototyping. Sixteen conversations with other stakeholders representing a spectrum of the food system were conducted, including Salvador Parra (Burford Ranch), Gurdeep Billan (Quality Fresh Farms), Jesus Guzman (Graton Day Labor Center), Sarumathi Jayaraman (Restaurant Opportunity Center), Nicole Wires (Planting Justice), Seth Holmes (UCB School of Public Health), Judith Redmond [twice] (Full Belly Farm), Nicole Janelle (Abundant Table farm), Lucas Zucker (Central Coast Alliance United for a Sustainable Economy), Ann Lopez [twice] (Center for Farmworker Families), Beth Spitler (Oakland Food Policy Council), Ignacio Ornelas (Bracero Legacy Project), Michele Beleu (community partner/client and Salinas native), Ana G. Ibarra-Castro (community partner/client and Salinas native). Other key resources were contacted who would have had valuable feedback as well, but they were unavailable.

While partnering with Manuel, our cultural guide and interpreter, had bidirectional benefits, his goodwill, energy, patience, trust, and dedication and those of the farm workers he connected us with can also be seen as a resource that we used in this project. Access to the community is critical for research of this type and the benefits of their participation are significant resources which could be depleted if not thoughtfully considered.

The project's budget of \$1000 for translation and other interview expenses, travel expenses and per diem allotments was depleted and an additional \$10 in costs were incurred. Our team also

hosted a viewing of the documentary Food Chains at the Goldman School of Public Policy, with food sponsored by Kris Madsen from the teaching team.

Appendices

Appendix A: How Might We Ideations

- Help people in agriculture better communicate around issues of fair labor practices?
- Make the invisible field workers visible to consumers/society and show the workers that people are seeing them?
- Increase wages to harvesters/packers?
- Make it easier for consumers to buy produce grown with fair labor?
- Make it easier for retail/food service to buy produce grown with fair labor?
- Make it harder for retail/food service to buy produce grown unfairly?
- Increase consumers interest in how their produce is grown?
- Increase retail/food service buyers awareness of consumer preferences about fair labor produce?
- Improve the business case for farmers/labor contractors using fair practices?
- Make it easier for farmers/labor contractors to know how fair their practices are?
- Make it easier for workers to know which farms/labor contractors are fair/not fair?
- Make it easier for workers to report unfair practices safely and effectively?
- Better enforce existing worker protections?
- Expose violations in existing worker protections?
- Make Salinas more like Salinas and less like the Imperial Valley?
- Keep contractors accountable for their treatment of workers?
- Motivate grocers to demand fair labor practices?
- Help unions and advocacy groups better communicate with workers?

Appendix B: Alternative Solutions and Ideations

- Pesticide Wristband
- Census of fair labor farming best practices and who is following them
- Blog, instagram or other storytelling from farmers sharing how much they appreciate their workers ("Farmers Love Farm-workers")
- Get profit share from corporate grocers to farmers and farm workers
- Infographic on the farm labor system
 - connect consumer to farm (to understand how the business operates)
- Empower the worker, help them easily understand their rights
 - catholic charities in LA
- Enforcement of existing law

- Help them get more direct access to markets (farmers markets, commercial contracts with schools, restaurants etc)
- Farm worker Storytelling, or easily (easy storytelling kit for workers). They want to be seen and acknowledged. How do you get people
 - <http://laborofloveyuma.com/>
 - <http://realfoodmedia.org/>
 - <http://voicesofthefoodchain.com/>
 - <http://www.oralhistoryforsocialchange.org/blog/2016/9/5/student-farmworker-collaborations-that-yield-stories-and-build-justice>
- Non-wage benefits
 - help with loans, let them take produce home, treat them with respect
 - OSHA regulations
 - Wage theft
 - The ability to work year round
- Farm-conditions census
 - Farmworker Bill of rights
- Tool to report violations by employers
 - Labor voices
 - Need to find grocers and distributors to partner with, or advocacy groups who could implement the project
- Pressure public universities and others to only sell good with fair labor standard
- Work to grow and scale farmers who have chosen to use fair labor practices
 - <https://www.farmigo.com/> - software platform to support CSA management, in Palo Alto
 - Tax breaks or other economic incentives?
 - Internship programs, other ways to funnel people into farming who care about social justice?
- Fair Food Certification Programs:
 - Fair Food Program — <http://www.fairfoodprogram.org/>
 - Agricultural Justice Project: Food Justice Certified — <https://www.agriculturaljusticeproject.org/en/>
 - Equitable Food Initiative — <http://www.equitablefood.org/old-home> - which labels produce from farms where farm workers are part of the decision-making process for work conditions. Costco recently joined the program.
 - Domestic Fair Trade Association — comparison of labels: <http://fairfacts.thedfta.org/>
 - CIW - [Donate to Fair Food program](#)
 - <http://goodfoodpurchasing.org/> - transforms the way public institutions purchase food by creating a transparent and equitable food system built on five core values: local economies, health, valued workforce, animal welfare, and environmental sustainability. The Center for Good Food Purchasing provides a comprehensive set of tools, technical support, and verification system to assist institutions in meeting their Program goals and commitments

- Legislation
 - [AB 2757 Farmworker Overtime, Lorena Gonzalez \(San Diego\)](#) - The bill would have phased in overtime for farmworkers. By 2022, they would be paid overtime after 8 hours in one day and/or 40 hours in a week, like all other hourly workers. As with SB 3, it would have allowed a governor to suspend the scheduled phase due to economic downturn. The bill was voted down on the Assembly Floor. However, in the last weeks of the session, Assembly Member Gonzalez introduced, AB 1066, which was passed by the Legislature and signed by the Governor. It provides overtime to agricultural workers in the same way that AB 2757 had proposed.
 - [SB 3 Minimum Wage, Mark Leno \(San Francisco\)](#) - This bill forged an elegant solution to a complex problem accommodating the concerns of many interests. It raised the minimum wage to \$15 per hour in steps between now and January 1, 2022. If a business has less than 26 full time employees, the phase-in is delayed by one year. After 2023, increases will be pegged to the Consumer Price Index. The governor can slow increases during economic downturns. Passed by the Legislature and signed by the Governor.

Appendix C: Silicone Wristbands for Pesticide Detection

Literature Reviewed

- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3962070/>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5108971/>
- <http://rsos.royalsocietypublishing.org/content/3/8/160433>

Notes

- Asa Bradman, PhD, MS (Associate Adj. Professor of Environmental Health Sciences, Center for Environmental Research and Children's Health(CERCH), School of Public Health/UC Berkeley) - (abradman@berkeley.edu | 510-643-3023): piloted silicone wrist bands in Salinas summer 2016 and are waiting on data. Kim Anderson at Oregon State developed these tools and is doing the analyses.
- [Center for the Health Assessment of Mothers & Children of Salinas \(CHAMACOS\)](#) and <https://www.facebook.com/CHAMACOS.CERCH/>
- Notes on Laboratory Testing
 - GC/MS (Gas chromatography/ mass spectrometry) is a very common method for such an analysis
 - The challenging point in determination from wristband is to extract the pesticide molecules from the wristbands. In order to detect the molecules absorbed in the bands, they applied special extraction procedures in the article. any testing lab working on "Extractables and Leachables Testing" can do that analysis (determination of pesticides from silicone bands) for you. You can tell them the

project and their project managers can prepare a plan and an invoice for you. At that point the issue is the budget.

- Should partner with University like UC Davis <http://etox.ucdavis.edu/about-department/>, but determination of pesticide from silicone bands is not a common method yet. It is a specific study that a group from Oregon State University is working on. Therefore people at UC may not like the idea of copying another research group's method.

Appendix D: Article Notes

https://www.nytimes.com/2016/10/31/business/economy/competing-views-on-how-to-regulate-illegal-migration.html?_r=2

- Bracero Program, which drew hundreds of thousands of Mexican laborers to toil in American fields from 1942 to 1964, left a searing memory of injustice. The program has been blamed for depressing farm wages and abusing immigrant workers.
- period in which farmworker wages rose the fastest was during the two decades after
- employers were “encouraged” to hire workers in the United States first and had to apply for certification, and if workers were protected by United States labor law. Those requirements already exist for current guest worker programs.
- To this day, growers, banks in Mexico and the United States, and the Mexican government all blame each other for millions of dollars of withheld wages that have “disappeared,” and braceros are still fighting to reclaim them.
- civil rights leaders of the 1960s, including Ernesto Galarza, Cesar Chavez, Bert Corona and Larry Itliong, opposed the old Bracero Program and persuaded Congress to end it in 1964
- Undocumented immigrants make up about half the agricultural labor force; guest workers under the H-2A visa program make up a much smaller share
- wages for field laborers average less than \$12 an hour
- over a million people were deported in the notorious Operation Wetback operation in 1954. Anti-immigrant enforcement increases during periods of large guest worker programs, because those workers are needed to force migration into those channels
- David Bacon’s suggestion: Spread California’s laws giving farm workers a legal process for forming unions and requiring growers to negotiate union contracts when they do to every other state
- Southwestern United States and Northern Mexico were long part of a single labor market, with a line drawn by their governments in between
- Edward Alden - A well-designed bilateral labor agreement would require employers to pay a significant premium for Mexican workers; allow workers to switch employers freely; apply all United States labor laws to migrants and permit unions to organize; and give migrants the choice of returning home or seeking permanent residence
- Bracero Program set the stage for large scale illegal Mexico-United States migration via two major channels. First, the availability of braceros combined with water projects and

the Interstate System of highways allowed labor-intensive agriculture to expand far away from consumers, so that California replaced New Jersey as the nation's garden state. Second, Mexican workers and United States farmers gained experience working with one another, a mutual dependence they were reluctant to end

- There are three important lessons from developments in the farm labor market after the Bracero Program. First, economic principles worked, as a reduced supply of labor led to higher wages that primarily reduced the demand for farm workers. Second, farm employers began to treat more expensive workers better, adding benefits such as health insurance and pensions to retain experienced workers. Third, farmers anticipating ever-higher wages sponsored research on labor-saving mechanization. Rising unauthorized migration in the 1970s reversed these trends. Increases in unauthorized migration stabilized labor costs and reversed grower incentives to treat farm labor as an ever-rising cost.
- Today we are at another farm labor inflection point, and [farm employers are responding with the four strategies](#) expected by rising labor costs: satisfy current workers to retain them on the farm work longer, stretch their productivity with mechanical aids that raise productivity, substitute machines for workers where possible and supplement the aging work force with younger H-2A guest workers

<http://www.latimes.com/nation/la-na-immigration-employers-20170320-story.html>

- As long as those jobs are available, those people are going to come in 1986, when President Reagan signed the Immigration Reform and Control Act. The law, commonly called IRCA, granted residency to about 3 million people who were in the country without legal status, bolstered border enforcement and for the first time established penalties for hiring people who were in the country illegally.
- employer sanctions were watered down - low fines and the law stated that, to be convicted, employers had to have "knowingly employed" a person who was in the country illegally. minimum penalty imposed by the Department of Justice is \$548 per unauthorized employee. The maximum fine can reach \$21,916, depending on whether it's the employer's first, second, third or subsequent offense.
- To avoid sanctions, all employers have to do is to make certain that, as the law states, an employee's paperwork "reasonably appears on its face to be genuine." The employer also must attest that they made a good-faith effort to verify the eligibility of the employee by completing a document known as an I-9 form.
- federal government developed a pilot program, which later turned into E-Verify, the online system that allows employers to check whether Social Security numbers are valid and, therefore, if an employee can work legally in the U.S. system is voluntary with the exception of federal government contracts. Only three states — Arizona, Alabama and Mississippi — require it for all public and private employers. In 2009, an independent review of E-Verify for the Department of Homeland Security estimated that 54% of workers approved by the system to work were in the country without authorization.
- But Operation Vanguard targeted the employers, and after more than 3,500 workers fled as word of Vanguard spread, the officials who had urged Reed to step up enforcement

complained that the effort was slowing down slaughter lines and having a negative effect on the state's economy.

- Reed said he also was told that the enforcement actions were “pulling the fabric of their community apart.”
- “Turns out that these people — the workers — were part of the community,” he said. “Turns out these are the people who go to their church, the people they hang out at the bar with. And now they were leaving.”
- President Obama shifted away from raids and instead instructed immigration agents to focus on audits, like those under Operation Vanguard, going after employers rather than just workers
- audits of I-9 forms and administrative fines (ICE does not break down statistics by infraction, so it's unclear how many convictions were for illegal hires.)
- Self Check (uses the same databases as E-Verify), a little-known voluntary electronic verification program that takes the burden of determining employment eligibility off the employer. Instead, Self Check places it on the federal government. prospective employees answer questions online to prove their eligibility to work. But Homeland Security warns businesses against forcing employees and prospective employees to use the voluntary program because doing so might violate anti-discrimination laws.
- The Department of Homeland Security “won't allow employers to use it because they are not prepared to accept the consequences of denying employment to unauthorized workers,” Reed said. “A shining example of the hypocrisy surrounding work site enforcement.”

<http://www.latimes.com/projects/la-fi-farms-immigration/>

- California passed laws raising the minimum wage to \$15 by 2023 and requiring overtime for field laborers.
- “The law of supply and demand doesn't stop being true just because you're talking about people,” says George Borjas, a Harvard economist and prominent foe of unfettered immigration
- ones who reap the rewards of immigration are employers — not just farmers, but restaurant owners and well-to-do homeowners who hire landscapers and housekeepers. The people who suffer most are American workers, who contend with more competition for jobs and lower pay.
- U.S. workers filled just 2% of a sample of farm labor vacancies advertised in 1996, according to a report published by the Labor Department's office of inspector general

http://www.slate.com/articles/health_and_science/green_room/2009/11/better_off_on_big_farms.html

- To Manuel, though, the big farms are far more appealing: They are more likely to give him a full-time job, and even when he's only working on contract, they offer longer gigs
- In California, about two-thirds of farms with more than 25 employees provide health insurance to their year-round workers, compared with just one-third of farms with five employees or less.

- Larger enterprises also hire more of their work force directly, rather than picking them up through farm labor contractors. By going through a middleman, farmers—and the food companies they sell to—can distance themselves from their legal obligations, like paying minimum wage or banning children from the fields. This practice [ramped up significantly in the 1980s](#), after immigration reform began to require employers to grapple with workers' legal status; union victories in the 1970s also made subcontracting more appealing
- it's the small ones who make the heaviest use of outsourced workers—more than half their labor budget, on average. Large growers using contractors, by comparison, keep the share to about one-third.
- However a large farm hires workers, it's more likely than a small one to have its labor conditions audited by the government. These visits are unusual for any grower, but they almost never happen to the small-timers.
- In California, for example, there are just 250 inspectors to check up on all the state's workplaces, including its 75,000 farms
- Bigger farms, too, tend to have a business office and someone whose job it is to handle staffing issues, while small farms may have little infrastructure besides a cell phone and a desk crammed into the living room. That makes a difference when it comes to labor inspections—it's difficult for the government to check things out if the farmer never picks up his or her cell phone and isn't listed in the phone book. A mom-and-pop operation can also benefit from its small geographic footprint: A handful of acres hidden back in farm country might be hard for inspectors to track down.
- working conditions on a small farm are essentially up to the bosses' whim, more so than at bigger operations
- Organic production, for example, may protect workers from certain chemicals, but it [otherwise has no bearing on work conditions](#) like wages or sanitation facilities
- Farmers may not be able to control the price of land, seeds, and equipment, but they can squeeze what they pay for labor.

<https://www.farmworkerjustice.org/fj-blog/2016/11/osha-s-new-safety-standard-excludes-farmworkers>

- OSHA issued a final fall-protection regulation that excludes workers on farms, ranches and dairies. Farmworker Justice is extremely disappointed that the final rule excludes agriculture from these important safeguards. Worker injuries and deaths related to falls in agriculture are among the highest in all industries.

<https://ire.org/blog/extra-extra/2015/10/13/small-farms-exempt-workplace-safety-rules-see-more/>

- As workplace accidents across the country have declined over the last decade, the number of Midwestern farm deaths has climbed 30 percent. And even though farms have eclipsed mines and construction sites as deadly workplaces, government safety regulators rarely investigate farm workers' deaths, according to [a four-part investigation by the Minneapolis Star Tribune](#).

- Farmers are supposed to follow the same workplace safety guidelines as everyone else, but Congress has routinely exempted farms with fewer than 11 employees from those requirements. Those small farms are where most fatal accidents happen.
- Meanwhile in Washington state, regulators hold small farms accountable to the same safety standards as the big ones. And the state also provides safety consulting services to small farms that wouldn't qualify for help elsewhere. As a result, Washington has the fewest farm deaths among the states that reported any — even though its farming workforce is larger than any Midwestern state.

http://www.salon.com/2012/09/12/californias_rampant_farm_labor_abuse/

- Known in some circles as “custom harvesters,” farm-labor contractors offer produce growers a ready workforce, but they also give these growers the ability to distance themselves from the people who pick their crops
- They track hours worked, crops harvested, and wages paid and take responsibility for everything related to labor, from verifying immigration status to providing workers’ compensation.
- mayordomo, or foreman
- As unionization took hold, ratcheting up wages—the UFW’s first contract won a 40 percent raise for its members—farm-labor contractors became an appealing option for growers looking to keep their labor costs and liabilities down.
- Most contractors are small businesses, with an office, a handful of administrative staff, and a crew of mayordomos to oversee the work itself. They get work largely through word of mouth; few have the kind of budget to cover the cost of advertising. Some farmers only contract out for harvest labor; others use contractors to grow and nurture crops, too. But whatever a contractor will be used for, they are typically hired through a competitive bidding process. Say a farmer wants to contract out a harvest. The farmer will outline the scope of the job and specify things like location, crop, and volume. In turn, contractors will estimate the number of crews and workers required for the work; the piece rate to be paid for the crop harvested; the hourly rate for workers and supervisors; and the length of time the harvest is expected to take. On top of that, contractors will include a commission fee, which covers both profit and overhead—everything from portable latrines, shade tents, and water jugs required by law in the field to workers’ compensation insurance. Once growers receive the bids, they select a contractor, often making the decision based solely on price.
- In 2008, inspectors visited 1,499 farms of the more than 2 million in operation nationwide
- Across the country, penalties for underpaying workers are so minimal, and so unlikely to be levied, that there’s no deterrent effect
- Even when violations are found, they rarely cost employers much: The average fine for a violation of the Migrant and Seasonal Agricultural Worker Protection Act, the primary federal law dealing with farmwork, is \$342, with a ceiling of \$1,000. (Back wages, however, are frequently required in addition to the fine.)
- have a protected right to organize and a state agricultural labor-relations board to defend it; they have a right to overtime and get a day off every week; and they are entitled to

earn the equivalent of minimum wage even when they are paid by the piece. Growers who use unlicensed contractors can be held liable for labor violations in their fields and can be fined for establishing contracts that could not reasonably be expected to cover the cost of harvest at minimum wage

- In 2010, California's Labor Department employed 48 inspectors to make sure employers abide by wage and hour laws. To ferret out abuse, labor inspectors rely on complaints, rather than surprise inspections—an arguably reasonable strategy to target the limited resources of inspectors, who are each responsible for an average of 27,000 workplaces (1,700 of which are farms). This approach, though, provides cover for companies that hire undocumented workers because those workers are the least likely to complain to government agents.
- The kinds of problems officials found say a lot about the nature of enforcement by the state. Of those 280 citations, 138 were for the employer's failure to prove they had workers' compensation insurance. This is crucial, because problems with workers' comp are quickly identified by the absence of a certificate on site; in the field, that usually means asking a supervisor to pull the paper out of a binder on the seat of his pickup. Proving wage theft, however, is far more tedious, requiring inspectors to interview workers, analyze their time cards, and then gain access to company payroll records.
- Inspectors have focused on racking up easy wins while sidelining more egregious and difficult problems
- "You hit a lot of employers very quickly" for easy-to-find violations. That ramps up department statistics for an agency with limited staff but doesn't improve conditions for workers. More likely, Su says, it means one of two things: Either "we're not investigating in the right places, or ... the inspections we're doing are not in-depth enough to uncover the violations."
- For contractors, paying by the piece guarantees that laborers will work quickly. For growers, the practice guarantees a set cost per unit. But for farmworkers, it erases the relationship between time spent on the job and the money they make—a relationship that most Americans take for granted.
- In 2011, the state passed a law that requires all agricultural paychecks to bear the name of the grower as well as the contractor, a bid at establishing accountability. Earlier this year, the California Wage Theft Prevention Act went into effect. Backed by the California Labor Federation, the law gives workers who earn less than minimum wage the right to recover double their lost wages, plus interest.

<http://www.latimes.com/world/mexico-americas/la-me-farm-labor-20150213-story.html#page=1>

- Wal-Mart also said it will ask outside suppliers to certify that they have visited "any new facility they plan to use for Wal-Mart production" and that the facilities meet company standards.
- International Produce Alliance to Promote a Socially Responsible Industry
- squalid labor camps, often without beds, reliable water supplies or adequate food rations. In many camps, labor bosses illegally withheld workers' wages to prevent them from leaving until the end of the harvest season.

http://www.slate.com/articles/arts/the_undercover_economist/2008/08/the_fruits_of_their_labors.html

- piece rate—a rate per kilogram of fruit
- needed to ensure that whether pickers spent the day on a bountiful field or a sparse one, their wages didn't fall below the legal hourly minimum
- linking managers' pay to the daily harvest. The result was that managers started favoring the best workers rather than their own friends, and productivity rose by another 20 percent.
- Managers would test-pick the field to see how difficult it was and set the rate accordingly, thus preventing the workers from engaging in a collective go-slow

<https://www.theatlantic.com/magazine/archive/1995/11/in-the-strawberry-fields/305754/>

- strawberry pickers all aspire to jobs at farms affiliated with Driscoll Associates, where the fields are immaculate and the wages are the highest in the industry. Other organizations--such as Naturipe, Sweet Darling, Calberi, Figueroa, Gold Coast, and Boskovich Farms--are also highly regarded.
- Since labor costs constitute 50 to 70 percent of the total costs in strawberry production, cutting labor costs can mean the difference between a profit and a loss, or between a bad year and a disastrous one. The temptation to break the law can be great.
- One of the easiest ways to reduce labor costs is to keep workers off the books. Growers are often obligated to pay unemployment taxes and workers'-compensation premiums for each of their employees, in addition to Social Security and Medicare taxes. Paying an "invisible worker" in cash lowers the cost of that worker by at least 20 percent. Ignoring California's rules about overtime--which in agriculture do not apply until the workday reaches ten hours--effectively cuts those wages by 50 percent.
- sharecropper is a straw man, an intermediary, usually a middle-aged farm worker, to whom the grower shifts many of the legal and financial risks.
 - Felipe had been a strawberry picker when his grower approached him one day and asked if he'd like to become a "farmer."
 - At various times the straw men have been called sharecroppers, sharefarmers, and tenant farmers. The underlying strategy, of shifting the greatest risks to the farm worker, has only become more refined.
 - Under a typical arrangement a grower assigned a portion of a strawberry field to a farm worker and his or her family. Instead of paying them wages, the grower promised to split the profits fifty-fifty. The sharecropper became the employer of record, responsible for hiring strawberry pickers, paying their wages, withholding their taxes, and checking their green cards. The grower was responsible for all other production costs and for the overall management of the strawberry farm. By setting up farm workers as supposedly independent operators, growers shielded themselves from labor and immigration laws--and from heavy losses. The sharecropper assumed a large part of the risk. He or she had no way of knowing

whether there would be profits in a given year or whether the grower would share them fairly.

- A number of hardworking and enterprising sharecroppers managed to succeed under this arrangement, earning enough money to become growers themselves.
- But many sharecroppers did not fare so well. At the end of the year they had often earned less for their efforts than farm workers paid minimum wage. And sometimes they earned nothing at all.
- Mike Meuter, an attorney at California Rural Legal Assistance in Salinas
- The commission merchants often don't need the loans to be repaid in order to make a profit. Under the old system, such loans were operating costs; under the new one, bad debts make good write-offs at the end of each year.
- Even the most compassionate sharecroppers are in a bind: the workers often have to be paid at the end of each week, but the commission merchant usually pays for the sharecropper's berries every three weeks. The commission merchant also deducts service charges and interest payments directly from the sharecropper's check, so that little money may be left for the workers.
- The historian Cletus E. Daniel has called the initial phase of large-scale agriculture in California "the search for a peasantry."
- But successive Republican governors, George Deukmejian and Pete Wilson, gutted the Agricultural Labor Relations Board and relaxed enforcement of the state's tough labor laws. Union workers were fired; illegal immigrants replaced them; and growers avoided prosecution for workplace violations by hiding behind the legal fiction that labor contractors and sharecroppers were the actual employers of migrants. Hard-won benefits such as sick leave, vacation pay, family housing, and health insurance were eliminated. The living and working conditions of migrants steadily declined.
- At the beginning of the 1980s the UFW had perhaps 60,000 members. Today it has between 5,000 and 10,000. Migrant workers have become so cheap in California, largely owing to illegal immigration, that they are increasingly being used not just to pick fruits and vegetables but to pack them as well, right in the fields. Automated packing houses employing union workers are rapidly going out of business. Instead of the mechanization of California agriculture, a prominent labor expert recently observed, we are witnessing its "Mexicanization."
- If a grower wants slow and careful work, wages are paid by the hour. If a grower wants berries quickly removed from the field, the wages are piece-rate, providing an incentive to move fast. A migrant often does not know how long the workday will last or what the wage rate will be until he or she arrives at the field that morning. There might be two weeks of ten-hour days followed by a week of no work at all, depending on the weather and the market.
- The strawberry has long been known to migrants as "la fruta del diablo"--the fruit of the devil. Picking strawberries is some of the lowest-paid, most difficult, and therefore least desirable farm work in California. Strawberries are fragile and bruise easily. They must be picked with great care, especially those that will be

sold fresh at the market. Workers must select only berries of the proper size, firmness, shape, and color. They must arrange the berries neatly in baskets to catch the shopper's eye. Learning how to pack strawberries correctly can take weeks. The worker is often responsible not only for gathering and packing the fruit but also for tending the plants. The drip-irrigation system has to be checked continually. Shoots and runners have to be removed. Rotting berries have to be tossed away, or they will spoil the rest. When a piece-rate wage is being paid, workers must perform these tasks and pick berries as fast as they can. There is a strong undercurrent of anxiety in a field being harvested at a piece rate. Workers move down the furrows pushing small wheelbarrows; they pause, bend over, brush away leaves to their left and right, pick berries, place them in boxes, check the plants, and move on, all in one fluid motion. Once their boxes are filled, they rush to have them tallied at the end of the field, rush back, and begin the process again.

- it was a crime to be an illegal immigrant in the United States but not a crime to employ one. In 1986 Congress passed the Immigration Reform and Control Act (IRCA), which demanded broad sanctions against the employers of illegal immigrants. But these sanctions have rarely been applied. There are approximately 873,400 private employers in California--and only about 200 federal inspectors to investigate workplace violations of the immigration code. Moreover, the federal penalties for employing an illegal immigrant are mild. A first offense may result in a fine of \$250, a third offense in a fine of \$3,000. Instead of stemming illegal immigration, IRCA has actually encouraged it. In response to growers' fears that the new sanctions on employers would create a shortage of farm workers, Congress included in the bill a special amnesty for illegal immigrants who could prove that they had done farm work in the United States during the previous year. It did not demand much proof. Backed by Congressman Leon Panetta and Senator Pete Wilson, both from California, the Special Agricultural Worker (SAW) program was expected to grant legal status to 350,000 illegal immigrants. Instead more than 1.3 million illegal immigrants--a number roughly equivalent at the time to a sixth of the adult male population of rural Mexico--applied for this amnesty, most of them using phony documents in what has been called one of the greatest immigration frauds in American history. More than a million illegal immigrants were eventually granted legal status; many were soon joined illegally by their wives and children. Instead of shrinking the farm-labor force, IRCA has guaranteed an oversupply of workers. Counterfeit green cards, Social Security cards, driver's licenses, and SAW work histories--the documents necessary to obtain employment as a farm worker--can be easily obtained in rural California for \$50.00. The process usually takes about an hour.

<http://www.ciw-online.org/blog/2015/12/standards-without-enforcement/>

- Change = Standards x Enforcement

- The Fair Food Program provides effective remedy for farmworkers through a unique combination of mechanisms, including:
 - A worker-drafted code of conduct, including prohibition of the particular abusive practices that workers experience in their workplace that are not covered by existing law and not known by anyone outside the industry;
 - Worker-to-worker education on the rights under the code, so that workers can be the informed, frontline monitors of their own rights;
 - A 24-hr complaint line for the investigation and resolution of complaints, so that the abuses that workers identify can be quickly and effectively addressed;
 - In-depth audits on participating farms, to complement the education and complaint processes and uncover abuses workers may not be able to see;
 - Market consequences for human rights violations established in binding legal agreements between the CIW and the brands, whereby companies like (Compass Group) agree to purchase produce only from growers who are in good standing with the Fair Food Program, as determined by the Fair Food Program.
- enforcement that is 1) driven by the workers themselves — the very humans whose human rights are in question, and so the stakeholders with the most compelling and abiding interest in seeing those rights protected – and 2) backed by market-based consequences, so that employers know that the failure to comply will result in the swift and certain loss of sales, as is the case with other standards that the market truly cares about, such as those related to food safety.
- “The loudest calls within a company for higher goals are distant echoes if even a whisper for profit exists.” - Puvan Selvanathan, a member of the United Nations Working Group on Business and Human Rights since 2011

<http://www.ciw-online.org/blog/2016/07/part-two-wsr-enforcement/>

- Companies like Wendy’s, Publix, and Kroger prefer “self-policing” their supply chains
- [UN Guiding Principles](#)
- Don’t let doing something be the enemy of doing the right thing
- those violations hang like a sword of Damocles over modern corporate supply chains, their potential discovery carrying incalculable reputational risk for the company’s brand. Combine that reality with ever-growing consumer demand for ethically-sourced goods, and many, if not most, supply chain managers are willing to partner with any and all social responsibility programs out there, without regard to whether any given program can actually deliver on the promises it makes.
- ineffective social responsibility programs fail to protect both the workers whose lives are at risk and the interests of the corporations that partner with them
- Where effective solutions still do not exist, they will partner with ineffective ones.

<http://www.ciw-online.org/blog/2016/07/the-enforcement-imperative/>

- Worker-driven Social Responsibility (WSR) — the emerging paradigm for the protection of fundamental human rights in corporate supply chains is founded on two distinct and equally important philosophical pillars: worker participation and an intense focus on

enforcement. The former gives WSR its name and its ability to identify and uncover the abuses most urgently felt by workers themselves. The latter gives WSR its unrivaled power to eliminate those abuses.

- without enforcement even the “highest bar” standards are little more than words on paper
- Only a comprehensive regime of enforcement mechanisms can convert standards into real change
- The first necessary tool for accomplishing change is market consequences, or, as it is more commonly called in business circles when it comes to supply chain issues like food safety, the “power of the purchasing order.” Without the knowledge that failure to comply with articulated standards will cost them business, suppliers will always balk at making uncomfortable changes, no matter how necessary. If this were not true, they would have made those changes long ago. But this is just the first step. Mechanisms must be put in place that allow the purchaser to know, on a consistent and reliable basis, when it is necessary to utilize this powerful tool.
 - Worker education: If workers are not aware of their rights and responsibilities (whether provided by law or a code of standards), they cannot be active participants in protecting those rights. And without workers as an active part of the enforcement mechanism, it will always be difficult, and usually impossible, to marshal sufficient resources to monitor violations in the fields. As such, worker education is not only essential to gaining real time insight into workplace conditions, it creates an extremely economical multiplier that effectively deputizes tens of thousands of workers as frontline monitors of their own rights.
 - 24/7 Complaint Investigation and Resolution Mechanism: must be accessible to workers without fear of retaliation, complaint resolutions must be fair and timely (timely resolutions provide relief that is visible to the rest of the workforce that was present when the violation occurred, thereby reinforcing the viability of the “new standards” and encouraging other workers to defend them),
 - Deep-dive Audits: necessary to uncover unwanted conduct that is invisible to individual workers, like tampering with minimum wage calculations where workers are paid by piece rate. They also provide an opportunity to talk to workers about their perceptions of the work environment, but that only yields meaningful results if, a) the workers know their rights, b) the workers trust the auditors, c) the workers otherwise feel safe in talking to the auditors, and d) the auditors talk to enough workers to reach conclusions that are statistically significant.

Appendix E: Organizations

- Fair Labor Standards Act
 - The overtime pay provisions of FLSA, however, are still not applicable to farmworkers. Further, the many agricultural workers employed on smaller farms

- any farm that employs fewer than roughly seven workers in a calendar quarter
- are not even protected by the minimum wage provisions of the FLSA.

- Day laborer center
- [Institute for Research on Labor and Employment \(UC Berkeley\)](#)
- [Fair Food Standards Council \(related to Coalition of Immokalee Workers\)](#) Oversees implementation of the Fair Foods Standards Program for Florida-based growers (which also operate in other states) [Fair Food Program \(related to Coalition of Immokalee Workers\)](#)
 - Fair Food Standards Council. The FFSC staffs a 24-hour worker complaint hotline, investigates and resolves worker complaints, and carries out comprehensive audits on participating farms.
 - (941) 556-9128
 - info@fairfoodstandards.org
 - <http://www.fairfoodstandards.org/resources/participating-buyers/>
 - <http://www.fairfoodstandards.org/resources/fair-food-code-of-conduct/>
- [Student Action with Farmworkers](#)
- [Food Tank \(less focused on fair labor, includes international\)](#)
- [Food Policy Action \(to hold legislators accountable for votes re: food/ag\)](#)
- [Student-Farm Workers Alliance \(related to Coalition of Immokalee Workers\)](#)
- [Farmworker Justice \(improve conditions for migrant/immigrant workers, including occupational health, legal support for immigration stuff, etc\)](#)
- [Alliance for Fair Food \(looks very similar/related to Student-Farm Workers Alliance\)](#)
- [Agricultural Justice Project](#) – AJP develops and distributes the Food Justice Certified label, which ensures that all workers and farmers from farm to fork are treated and compensated fairly. Operating on the principle that “transparency = trust”, AJP is bringing the international fair trade program to the U.S. context, setting the bar with high standards for food system transformation. List of farms certified: <https://www.agriculturaljusticeproject.org/en/learn-more/?pane=purchase> Here are their standards for certification (“living wage” defined on document p26, varies by region based on cost of living based on a 48 hour work week, but not a defined amount) : https://www.agriculturaljusticeproject.org/media/uploads/2016/07/01/AJP_Standards_Document_9412.pdf
- [Familias Unidas por la Justicia](#) – This collection of farmworkers’ primary focus is a boycott of Driscoll’s and Sakuma berries (provider for Driscoll’s), until the Sakuma brothers provide the opportunity to negotiate a contract to ensure fair treatment and wages. This ongoing dispute is an attempt to make up for years of experiencing wage theft, poverty wages, hostile working conditions, and unattainable production standards.
- [Food First](#) – Also known as the Institute for Food and Development Policy, Food First provides research and analysis that works to eliminate injustices that cause hunger. Their approach since 1975 has been to work alongside social movements, which focuses their research on the needs of farmers and their communities instead of the corporate food industry.

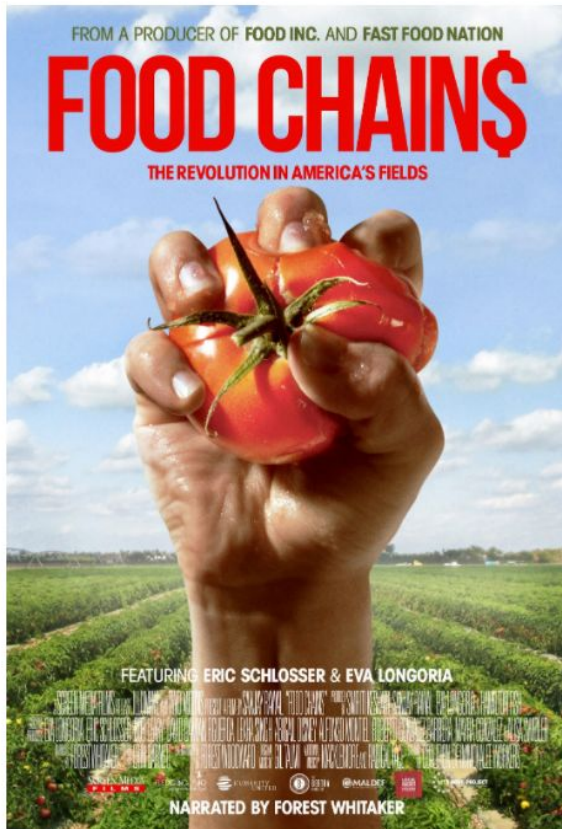
- [Migrant Justice](#) – Migrant Justice is based out of Burlington, VT, where community members have gathered since 2009 to build the power of farmworkers organizing for economic justice and human rights. They are committed to collective solutions to shared problems in the food system, with several legislative wins and ongoing Milk with Dignity campaign.
- [National Farmers Union](#) – National Farmers Union has operated with a grassroots model since its founding in Texas in 1902. With divisions in 33 states, NFU now aims to improve the well-being of family farmers, fishers, ranchers and rural communities across the country, through policy advocacy for co-operative rights, fair market access, and more.
- [National Latino Farmers and Ranchers Trade Association](#) – NLFRTA started in Washington, D.C. in 2004 to ensure the full inclusion of Latino farmers in public policy discussions, in response to an absence of Latino voices. Through facilitating meetings with elected officials, educational outreach, forums, and more, NLFRTA is committed to the longevity of Latino producers throughout the United States and beyond.
- [Real Food Challenge](#) – Real Food Challenge encompasses the national student movement to leverage university purchasing power in support of a just and sustainable food system. This student activist network is committed to envisioning the future of the movement for food justice, starting by shifting \$1 billion to support local/community-based, fair, ecologically sound and humane food sources (i.e. “real food”) by 2020.
- [United Farm Workers](#) – The “original” union for food justice, United Farm Workers of America was founded by Cesar Chavez in 1962. As the nation’s first successful and largest farm workers union, UFW continues to win union contracts with prominent operations and advocate for policy protections for farmworkers – most recently, with historic expansion of overtime pay in California (AB 1066 passed California legislature Aug 29 – Gov. Brown still needs to sign into law)
- [PCUN](#): This is the farm workers union in Oregon my sister used to work for - it was founded in the 70’s to give legal assistance in the face of increased immigration raids, but took on living and working conditions over time.
- Salinas - Agriculture and Land Based Training Association - farm worker education/organics: <http://www.albafarmers.org/>
- Steinbeck Innovation center - probably people who would be completely against this, but interesting thought exercise to consider partnering: <http://steinbeckinnovation.org/about/>
- California Institute for Rural Studies - <http://cirsinc.org/> Judith from Full Belly Farm says “They think about this topic all the time”
- <https://www.farmworkerinstitute.org>
- www.pcun.org (Oregon Farm Worker’s Union)
- <http://theabundanttable.org/> (working on food insecurity among the farm worker population, among other things in Ventura)
- <http://fullbellyfarm.com/about-us/>

Appendix F: Food Chains Movie Screening Poster

Monday 3/13 at 5:30pm

Goldman School of Public Policy Rm 250

RSVP for food at http://bit.do/food_chains



"In this exposé, an intrepid group of Florida farmworkers battle to defeat the \$4 trillion global supermarket industry through their ingenious Fair Food program, which partners with growers and retailers to improve working conditions for farm laborers in the United States." - from

<http://www.foodchainsfilm.com/>

Appendix G: Farmworker Text Survey

English

1. What is the name of the labor contractor or farm employer you are reviewing (what name is on your paycheck?) [free text response]
2. Where did you work for this person (town/area)? [free text response]
3. What crop were you working with? [test to see if crop or area is a better way to identify the employer]
4. Did you get paid on time? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)

5. Did you get paid the full amount you were owed? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
6. Did your employer provide appropriate equipment for the job? (Rate 1-4: 1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
7. Were tasks assigned fairly? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
8. Was there a clean restroom on site? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
9. Was a handwashing station provided? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
10. Were you sufficient opportunities to use the restroom? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
11. Was sufficient drinking water provided? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
12. Were you given breaks to eat or rest? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
13. Were you treated with respect by the employer? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
14. Were you verbally, physically, or sexually mistreated by the employer? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
15. Were the working conditions dangerous (for example, pesticides used without precautions, unsafe equipment)? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
16. Did the employer make efforts to improve the working conditions? (1=Always, 2=Usually, 3=Sometimes, 4=Never, 5=Skip)
17. Would you like a reminder text to review your next employer in 3 months? (1=Yes, 2=No, 3=Skip)
18. What else do you want people to know about this employer? (free text response)

Espanol

1. ¿Como se llama el contratista o empleador que Ud. está revisando (quien le paga su cheque de pago?)
2. ¿Dónde trabajó Ud. (ciudad / área)?
3. ¿Con cual cosecha?
4. ¿Le pagaron a tiempo? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
5. ¿Le pagaron la suma que le debían por el trabajo que hizo? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
6. ¿Cuánto le pagaron?
7. ¿Proveían el equipo necesario para hacer el trabajo? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
8. ¿Asignaron los labores de manera justa? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
9. ¿Había un baño limpio? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)

10. ¿Había agua para beber? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
11. ¿Había agua para lavar? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
12. ¿Le dieron la oportunidad de usar el baño? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
13. ¿Le dieron pausas para comer o descansar? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
14. ¿Le trataron con respeto? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
15. ¿Fue maltratado verbalmente, físicamente o sexualmente? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
16. ¿Eran peligrosas las condiciones de trabajo (por ejemplo, pesticidas usados sin precauciones, equipos inseguros)? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
17. ¿Busco el empleador maneras de hacer el trabajo más fácil físicamente? (1=Siempre, 2=Generalmente, 3=A veces, 4=Nunca, 5=Omitir)
18. ¿Quiere un texto recordatorio para revisar a su próximo empleador en 3 meses? (1=Si, 2 = No)
19. ¿Qué más quiere que la gente sepa acerca de este empleador?

Appendix H: Government Regulators

[California State Department of Industrial Relations](#)

[California Labor Commissioner's Office](#): (831) 443-3041

[Farm Labor Contractors License](#)

- Apply for a license: https://www.dir.ca.gov/DLSE/FLC_new_license.htm
- Renew a license: https://www.dir.ca.gov/DLSE/FLC_Renewal.htm
- Verify a license:
https://permits.dir.ca.gov/FLC_External/CreateVerificationSearchForm.do
- Current Licenses: <https://www.dir.ca.gov/dlse/DLSE-Databases.htm>
- Report a labor law violation:
<https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm>
- <http://wagetheftisacrime.com/>

[Labor Enforcement Taskforce](#)

- LETF@dir.ca.gov
- Labor Enforcement Taskforce Public Hotline: (855) 297-5322

[CALIFORNIA GUIDE TO LABOR LAWS FOR SMALL FARMS](#)

[Farm's Reach Labor & Worker Safety Toolkit](#)

[Agricultural Labor Relations Board](#)

Phone: (916) 653-3699

Email: info@alrb.ca.gov
Decisions and Orders of the ALRB

US Department of Labor

Migrant and Seasonal Agricultural Worker Protection Act (MSPA)

Farm Labor Contractor Registration: In order to legally operate as farm labor contractors, individuals and companies must register with the U.S. Department of Labor. There are special registration requirements for farm labor contractors that intend to house, transport, or drive a migrant or seasonal agricultural worker. Application [materials and instructions](#) can be found online.

- 1-866-4USWAGE (1-866-487-9243)
- San Jose Area Office (Serving Santa Clara, San Benito, Santa Cruz, Monterey county): (408) 291-7730
- [list of ineligible contractors](#).
- [MSPA Registered Farm Labor Contractor Employee Listing](#)
- [MSPA Registered Farm Labor Contractor Listing](#)
- Video: Cultivating Compliance - An Agricultural Guide to Federal Labor Law
- [Workers' Rights Card – Farm Workers](#)
 - [Spanish Version](#) (PDF)
- [Fact Sheet #77C: Prohibiting Retaliation Under the Migrant and Seasonal Agricultural Worker Protection Act](#) (PDF)
 - [Spanish Version](#) (PDF)
- [Fact Sheet 35 - Independent Contractors and Joint Employment under MSPA](#)
- [Fact Sheet 49 – MSPA](#)
 - [Spanish Version](#) (PDF)
- [Fact Sheet 50 - MSPA Transportation](#)
 - [Spanish Version](#) (PDF)
- posters: [English/Spanish](#)
- max penalty: \$2,394

US Environmental Protection Agency Agricultural Worker Protection Standard (WPS)

Pesticide Worker Safety

- pesticidewebcomments@epa.gov
- [Region 9](#) (in San Francisco; for AZ, CA, HI, NV)
 - Bill Keener, keener.bill@epa.gov, 415-972-3940
 - Kelly Zito, zito.kelly@epa.gov, 415-947-4306
- <https://www.epa.gov/enforcement/report-environmental-violations>