



Call for input on the role of workers' organisations in preventing and addressing contemporary forms of slavery

Submission to the Special Rapporteur on contemporary forms of slavery

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by

the Coalition of Immokalee Workers and the Fair Food Standards Council

Introduction

The Coalition of Immokalee Workers (CIW) is a worker-based human rights organization with over thirty years of experience in fighting and preventing forced labor on farms across the U.S. Its replicable and scalable model has now expanded to supply chains internationally.

From its foundation as a farmworker community organization based in Immokalee, Florida, in the 1990s, the CIW progressively turned toward addressing the systemic causes of forced labor. As it uncovered and investigated many multi-state, multi-worker labor trafficking rings and assisted in criminal prosecutions, the CIW pioneered victim-centered best practices. It simultaneously worked towards preventing crimes entirely and towards a world without victims. As a result, today, the CIW has established leadership to identify forced labor operations that are successfully prosecuted and prevent forced labor in industries that are prone to it.

In 2011, the CIW created the Fair Food Program (FFP), the first implementation of the CIW's Worker-driven Social Responsibility (WSR) model. A unique partnership among workers, growers, retailers, and consumers, it harnesses the purchasing power of corporate buyers to ensure compliance with a human rights-based Code of Conduct by suppliers. The FFP has spread today to ten US states and abroad in Chile and South Africa, with operations in various industries, including aquaculture and horticulture.¹

Workers are protected from forced labor through several interlocking mechanisms, including worker-to-worker education on their rights under the Code of Conduct; a 24/7 complaint investigation and resolution process for reporting violations free from the fear of retaliation; regular and substantial farm audits; and annual worker-to-worker education sessions on the rights conferred by the FFP. CIW's legally binding agreements with fourteen of the world's largest buyers of produce allow these mechanisms to function incentivizing good practices and holding growers accountable for violations through swift market consequences.

¹ Expansion in aquaculture is limited to a pilot in Chile. See the annexed map for a complete list of the locations where the FFP operates. WSR programs have been adapted to protect workers in industries on five continents. See the Worker-driven Social Responsibility Network's submission for this Call for input.



The following is specific information on these protections, their contributions to addressing and preventing forced labor, and recommendations for stakeholders. The document is presented on behalf of and informed by the experiences of the CIW and the Fair Food Standards Council (FFSC), the third-party monitor of the FFP.

From support for worker access to judicial mechanisms to supply-chain enforceable agreements

Faced with mounting evidence of brutal, multi-state forced labor operations during the 1990s and early 2000s, the CIW helped pioneer the modern anti-trafficking movement and the victim-centered approach to fighting forced labor with a multi-sectoral collaboration of civil society and law enforcement. Its community-informed approach to the seminal slavery prosecution *US v Flores*, which liberated hundreds of farmworkers, helped lead to the 1998 Worker Exploitation Federal Task Force and the Trafficking Victims Protection Act of 2000. Since then, the CIW has uncovered, helped investigate, and aided in the prosecution of multiple forced labor operations in the U.S. and beyond. Cumulatively, these cases have contributed to formalizing the legal and investigative apparatus for combatting forced labor within the U.S. federal government and led other governments to learn best practices and augment their capacity in this field. The CIW also trains state, federal, and international law enforcement and civil society organizations on identifying and eliminating forced labor operations.

A successful worker-consumer campaign to seek legally binding agreements between CIW and the large retail brands at the top of the supply chain led to the creation of the Fair Food Program, where workers are empowered to make complaints without fear of retaliation and where market consequences eliminate and prevent abuses.

In 2024, major corporate buyers from the supermarket, food service, and fast-food sectors are FFP partners.² Buyers make a legally binding commitment to buy first from farms that comply with the FFP's protections and shift purchases away from suppliers who fail to maintain those standards.

Effective, worker-led standard monitoring and enforcement

Participants in the FFP are committed to the prevention of forced labor, child labor, violence, and sexual assault, abuses suffered by thousands of workers on non-FFP workplaces still today.

The Code requires suspending suppliers where forced labor or systemic child labor are found. Supervisors who commit serious Code violations become ineligible for employment at FFP farms. The strong likelihood of detection and significant consequences for offenders create market-backed incentives that have effectively eliminated abuses within the FFP.

² The current Participating Buyers are: Ahold USA, Aramark, Bon Appetit Management Company, Burger King, Chipotle Mexican Grill, Compass Group, The Fresh Market, McDonald's, Sodexo, Subway, Trader Joe's, Walmart, Whole Foods Market, and Yum Brands.



All workers employed at FFP farms learn about their rights through multiple educational mechanisms. The CIW's Worker Education Committee conducts “Know Your Rights” education sessions each season with the support of company management as part of the workday. This empowers workers as frontline monitors of their rights. The designated monitoring organization, the FFSC, is also made aware of any current or urgent concerns workers raise during the sessions.

Participating growers must provide workers with comprehensive training on written company policies that comply with the Code of Conduct. Supervisors are also informed that they are subject to escalating discipline for failure to implement FFP standards.

FFSC conducts comprehensive audits, with free access to workers in the fields and at housing. In another unique FFP mechanism, investigators respond to a 24/7 complaint hotline and are responsible for investigating and resolving those complaints. This creates a constant feedback loop in which complaint resolutions provide for ongoing monitoring and enforcement complemented by broader investigations and more expansive changes enabled through audits and corrective action plans. Around 65% of worker complaints are resolved within two weeks, while 82% are resolved within one month.³

Most importantly, Fair Food Program farms have virtually eradicated forced labor. When workers and FFSC uncovered a forced labor case during Season 5 (2015-2016) — a case that arose because the grower ignored the FFP's ineligible supervisor list — the Program's complaint notification and investigation procedures enabled the swift investigation, resolution, and prosecution of the perpetrator. Season 6 (2016-2017) saw further tightening of FFP-recommended prevention systems at the farm impacted by this case, and there were no further cases of forced labor throughout the Program. The case successfully tested how the FFP can swiftly respond to instances of abuse.

Recognition and partnerships with governmental authorities

The efficacy of the Fair Food Program's protections has most recently been recognized by the U.S. Department of Agriculture (USDA), which categorized the Fair Food Program as the highest level of human rights protection for farmworkers (“Platinum Level”) in the United States. The Platinum Level Award is available only to employers who ensure improvements in employer policies and use comprehensive, proven mechanisms for workers to be the frontline monitors of their rights.⁴ This scheme breaks new ground, as it marks the first time a federal agency has designated WSR as an objective measure of an agricultural employer's commitment to workers' rights and a decisive indicator of a grower's qualification for U.S. government financial support. With the backing of the USDA, the Fair Food Program is set to expand to thirty-two new farms in fifteen new states, protecting thousands of more farmworkers harvesting dozens of crops.

³ The latest statistics gathered by FFSC are available at <https://fairfoodprogram.org/results/>.

⁴ Specifically, a Platinum Award can only be achieved by being a part of a Worker-driven Social Responsibility (WSR) Program, having a Collective Bargaining Agreement (CBA) in place, or agreeing to “Neutrality, Access, and Voluntary Recognition” in the event workers seek to form a union. For more information, see https://www.ams.usda.gov/sites/default/files/media/FLSP_NFO.pdf.



The CIW has also worked for decades with the federal Department of State Trafficking in Persons Office, the Department of Justice Anti-Trafficking Unit, the Department of Labor, and others. The CIW presents on best practices at the request of those agencies and U.S. Embassies, including Medellin, Buenos Aires, and Ottawa. With the OSCE, the CIW has presented at technical agricultural labor and anti-trafficking multi-governmental seminars in Vienna, Berlin, and Moscow.

The CIW was awarded a Presidential Medal for Extraordinary Efforts to Combat Human Trafficking by President Obama in 2015. In 2010, a CIW staff member was the first-ever U.S. DOS (TIP) Hero Award recipient. In 2007, Anti-Slavery International awarded the CIW the Anti-Slavery Award. In 2005, the FBI Director issued a letter of commendation to CIW for its work fighting forced labor. The FFP was deemed an “international benchmark” in the fight against modern-day slavery by the U.N. Special Rapporteur on Trafficking in Persons. The U.N. Working Group on Business and Human Rights characterized the FFP as “a smart mix of tools,” adding, “We are eager to see the Fair Food Program...serve as a model elsewhere in the world.”⁵ The CIW and FFSC have presented panels on WSR several times at the UN Business and Human Rights Working Group in Geneva.

To address the widespread illegal fees and extortion from some Mexico-based recruiters of H-2A workers, FFSC held discussions with the U.S. State Department personnel; representatives of the Mexican Welfare’s National Employment Service (SNE); the Project on Organizing, Development, Education and Research; the Economic, Social, and Cultural Rights Project; and the United Food and Commercial Workers International. After confirming that H-2A workers who availed themselves of SNE's services were not charged recruitment fees, the FFP designated SNE as the sole recruitment channel for H-2A workers from Mexico to Fair Food Program farms. This “clean channel” recruiting mechanism was incorporated into the FFP Code of Conduct and implemented as of January 2017.

In 2023, the FFP launched a combined pilot expansion and feasibility study in Chile, Mexico, and South Africa with the support of the U.S. Department of Labor’s Bureau of International Labor Affairs.⁶

On September 28, 2023, the International Labor Organization of the Southern Cone of Latin America and the FFP formalized a Memorandum of Understanding for collaboration to disseminate knowledge and information about the WSR model. In that context, the FFP was designated as a Strategic Ally to Chile, providing crucial support for Chile's efforts as an Alliance 8.7 Pioneer Country. In that capacity, the FFP provided a presentation on forced labor detection and prevention to Chile’s Ministerial Advisory Commission for the Elimination of Forced Labor.⁷

CIW helped launch the modern anti-slavery movement in the U.S. and then, with the FFSC, developed the only program proven for its power to prevent slavery.

⁵ For more information regarding recognition of the CIW and the FFP, see: www.fairfoodprogram.org/recognition/.

⁶ For more information, see <https://www.dol.gov/agencies/ilab/project-expand-and-assess-fair-food-program-ffp-model-promotion-human-rights-and>.

⁷ See www.noaltrabajoinfantil.cl/chile-pais-pionero/.



The CIW and FFSC wish to share the following recommendations:

Recommendations for governments:

1. Governments should adopt a collaborative, multi-sectoral, and victim-centered approach to labor and human trafficking investigations and prosecutions, including the provision of services for labor trafficking victims.
2. Taking the USDA's recognition of WSR as a blueprint, governments should directly support worker-driven social responsibility programs through recognition.
3. Governments should promote the growth of WSR through procurement policies by becoming participating buyers.
4. Governments should build incentives to join the FFP or a WSR program into its mandatory human rights due diligence legislation.
5. When trafficking cases are uncovered, the entire supply chain should be disclosed.
6. Expedite immigration relief so threats of deportation do not hinder victims confronting severe labor exploitation and forced labor.

Recommendations for businesses:

The FFP is a partnership between a worker human rights organization, retail brands, and growers. Businesses have a central role in the worker-centered enforcement system and regulatory scheme provided by the FFP. Market incentives for decent work are critical to the Program's effectiveness. After the initial reluctance and, in some cases, outright resistance to join, brands have understood the potential benefits of joining and the risks of being seen as the laggards in their industry concerning human rights protection. Industry associations play a more central role in pushing for brands to join.

Recommendations for civil society organizations

1. Continue to develop curricula and training for local and state law enforcement on identifying labor trafficking cases in their communities and encourage multi-sectoral collaboration of law enforcement and NGOs in victim-centered investigations.
2. Increase mental health counseling resources and access to legal services for trafficking victims and the creation of outreach materials in indigenous languages.
3. Encourage participation in the FFP by as many growers as possible.
4. Encourage other large food retailers to join the Fair Food Program, lending their market power to protect workers' human rights and against retaliation.



Fair Food Program operations map

THE FAIR FOOD PROGRAM: THE POWER OF PREVENTION

February 2024

CALIFORNIA

COLORADO

TENNESSEE

GEORGIA

FLORIDA

MEXICO

VERMONT

NEW JERSEY

MARYLAND

VIRGINIA

NORTH CAROLINA

SOUTH CAROLINA

UNITED KINGDOM


SOUTH AFRICA

CHILE

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"A VISIONARY STRATEGY...WITH POTENTIAL TO TRANSFORM WORKPLACE ENVIRONMENTS ACROSS THE GLOBAL SUPPLY CHAIN"
MACARTHUR FOUNDATION

"ONE OF THE MOST IMPORTANT SOCIAL-IMPACT SUCCESS STORIES OF THE PAST CENTURY"
HARVARD BUSINESS REVIEW


www.fairfoodprogram.org