

Case Study 4.2

US Fair Food Program and Code of Conduct – a new model for addressing sexual harassment on farms

This case study is an example of a code of conduct that has been implemented in the agricultural sector to promote compliance with international labour standards and to address critical issues such as sexual harassment. The US Fair Food Program is a multi-stakeholder initiative and shows how workers, businesses, retailers and consumers are all part of the solution to workplace sexual harassment.

The US Fair Food Program is based on human rights protection known as ‘Worker-driven Social Responsibility’ where workers play a leading role in the monitoring and protection of their rights. It was established by the Coalition of Immokalee Workers (CIW), a worker-based human rights organization in the USA, which has established a partnership between farmworkers, producers, retailers and consumers. The industry that has seen downward pressure on farmworker wages as retailers aim to leverage their volume purchasing power to demand lower prices. Agriculture is one of the high-risk sectors for trafficking, exploitation and violence.

The code of conduct is based on human rights principles with enforceable zero tolerance policies on forced labour, child labour, violence and sexual assault. It includes prohibitions against sexual harassment, the right to report abuses, fair wages and safe working conditions. Compliance is checked through regular independent monitoring by the Fair Food Standards Council. The code of conduct states that physical forms of sexual harassment will have market consequences for the employer in the form of the curtailment of purchases from participating buyers for at least a three-month period, unless the harasser is dismissed and other necessary corrective action taken immediately once the incident is confirmed. Sexual harassment not involving physical contact triggers a requirement that the employer develops and implements a corrective action plan that is satisfactory to the CIW and to the participating buyer. If the time frame set forth for full compliance is not met, purchases are curtailed until the situation is remedied. The participatory safety and health committees required under the code create a space for workers to address sexual harassment as important safety and health issues in a collaborative process with their employers.

As well as adopting the Fair Food Code of Conduct, growers agree to participate in a worker education programme conducted by the CIW on company premises and in company time. The training directly addresses protection against sexual harassment as an important set of rights under the code. All workers receive a Know Your Rights and Responsibilities booklet that focuses specifically on sexual harassment and a video shown to workers includes a sexual harassment scenario.

When one participating grower failed to respond appropriately to a complaint of sexual harassment, it was removed from the programme. Determined to continue its participation in the programme, and thereby regain its lost sales, the grower chose to engage in corrective action, including dismissing the offender, formulating a sexual harassment policy and carrying out training.

The programme and code provide models for changing the norm of sexual harassment in other parts of the agricultural industry, as well as other industries where women face similarly widespread harassment and violence.

Further information: YouTube “One of the great human rights success stories of our day: the Fair Food Program” <https://www.youtube.com/watch?v=BDrOoNGVnJY>

Fair Food Program Changes the Norm: Confronting Sexual Violence and Harassment in the Fields: http://ciw-online.org/blog/2012/03/ffp_sexual_harassment_brief/

