

UN Working Group on Business and Human Rights 'Impressed' With Fair Food Program

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UN: Fair Food Program "innovatively addresses core worker concerns," has "independent and robust enforcement mechanism," addresses "governance gaps relating to labour issues"

At a press conference in Washington, D.C., last week, the United Nations Working Group on Business and Human Rights issued its formal [end-of-visit statement](#) publicizing the group's initial findings from its 10-day mission to the United States. The goal of the mission -- which took the delegation to communities across the country, from the Navajo Nation in Arizona to coal towns in West Virginia to the farmworker community in Immokalee -- was "to explore practices, challenges and lessons relating to efforts on implementing the [UN Guiding Principles \("GPs"\) on business and human rights.](#)"

During the delegation's two-day visit to Immokalee, UN representatives met with the full spectrum of [Fair Food Program](#) participants -- workers, growers and buyers alike -- as well

as with the staff of the FFP's independent monitoring organization, the [Fair Food Standards Council](#). Rounding out its investigation, the delegation spoke to at least one buyer that is not part of the program in an effort to view the FFP from all relevant angles.

The Working Group's assessment of the implementation of the Guiding Principles in the U.S. *as a whole* was strongly negative, captured in this passage from the delegation's press release, which also [offered some sage advice](#) for companies looking to do a better job of monitoring and addressing the human rights impacts of their business:

"With a few exceptions, most companies still struggle to understand the implications of the corporate responsibility to respect human rights. Those that do have policies in place, in turn face the challenge of turning such policies into effective practices," Mr. Selvanathan said.

"Much more awareness-raising and education needs to take place," Mr. Addo underscored. "Effective implementation of the Guiding Principles by companies requires first and foremost a good understanding of the processes involved, mobilization of significant buy-in and commitment from the top of a company."

Against this rather bleak backdrop, the UN team's glowing assessment of the Fair Food Program [stood in stark relief](#):

"The Working Group was impressed by how such governance gaps relating to labour issues were addressed by the Coalition of Immokalee Workers (CIW), a multi-stakeholder initiative to enhance the working conditions of the largely immigrant workforce in the Florida agricultural sector. The CIW innovatively addresses core worker concerns, relies on market incentives for participating growers, and has an independent and robust enforcement mechanism. To overcome abuses in their industry workers, tomato growers and corporate buyers developed the Fair Food Code of Conduct setting-out minimum standards for workers and pay. We met participants who spoke of the advantages enjoyed by their business operations and workers who related the improvements in working conditions as a consequence of the scheme.

The merits of such a multi-stakeholder scheme are clear and have not required a government role, but the Working Group notes that the ultimate responsibility to ensure that rights are protected remains with the government. Concerted action by stakeholders in the tomato sector in Florida arose from two decades of campaigning even though the government was aware of the risks faced by workers."

The UN statement comes as the latest in a series of strong, high-level endorsements of the Fair Food Program, including [last month's recognition](#) by President Obama's [Advisory Council on Faith-Based and Neighborhood Partnerships](#), which lauded the FFP as "one of the most successful and innovative programs" in the world today in the fight to uncover -- and *prevent* -- modern-day slavery. Those endorsements, and the undeniable, measurable benefits of the program to *all* of its participants, make the facile arguments against joining the Fair Food Program put forward by companies like Publix, Ahold, and Wendy's ring all the more hollow.



From Corporate Social Responsibility to Human Rights

The UN statement also comes at a crucial moment in the relatively short history of efforts to address the human rights issues that arise in the supply chains of today's multibillion-dollar, multinational corporations.

The latest tragedy in Bangladesh's garment industry, last month's building collapse that has now claimed well over 500 workers' lives, marks the beginning of the end of the traditional corporate-led, audit-based approach to social responsibility. The utter failure of audits to protect workers in Bangladesh -- *again*, with the building collapse coming on the heels of [last winter's factory fire](#) that killed more than 120 workers -- signals a coming paradigm shift in the still evolving field of business and human rights.

A recent article in The Huffington Post eloquently [sums up the situation](#):

"Major clothing brands like to say they have a system in place to avoid doing business with overseas suppliers that mistreat their workers: The corporate-funded factory audit, performed by credentialed inspectors and designed to weed out bad actors..."

... The death of more than 520 workers in the horrific collapse of Rana Plaza last week has raised fresh questions about the effectiveness of factory audits underwritten by Western brands. Two of the factories inside the building had undergone audits overseen by a monitoring group, the Business Social Compliance Initiative, which was created by a European industry group, the Foreign Trade Association. Similarly, last year, after more than 260 workers died in a factory fire in Pakistan, it was revealed that the plant had recently been green-lighted by a different industry-funded auditing group, U.S.-based Social Accountability International.

Many worker advocates criticize these auditing systems as well-meaning, but flawed, pointing to an inherent conflict of interest: The groups are largely funded by the very corporate members whose contracted facilities they're meant to monitor. The auditing process, these critics claim, ends up catering more to the brands involved than the workers toiling on the line..."

As the FFP wraps up its second season in operation across the vast majority of the Florida tomato industry, the advantages of its worker-led approach as a variation on the traditional "multi-stakeholder" model for social responsibility are increasingly clear. The active participation of farmworkers (or the "rights holders" themselves, in the parlance of the social responsibility world) in the FFP model, from its inception to its day-to-day operation, distinguishes the program from virtually any other approach active in the field today.



As we mentioned in last week's post on the [inadequacy of codes of conduct without sufficient resources and procedures for their enforcement](#), the FFP contains several

elements essential to its success that are simply not part of the traditional audit-based approach:

- a code of conduct developed in a decade-long process led by the workers whose rights are at stake and involving the participation of all relevant actors, including growers and buyers;
- worker-to-worker education, on the farm and on the clock;
- a 24-hour complaint line and effective complaint investigation and resolution mechanisms;
- market consequences, based in the CIW's Fair Food agreements with participating buyers, for the most egregious violations and/or the failure to correct violations uncovered through the complaint system or field and office audits;
- a monitoring organization specific to the FFP and independent of the brands whose suppliers are audited for compliance.

Even with that array of safeguards in place, the Fair Food Program is still very much a system in development. Audit protocols continue to be refined with feedback from the field, education curricula continue to be tweaked, and participating farms continue to adjust to the demands of the 21st century marketplace.

But bracketed by worker education on one end, and market consequences on the other, the very worst abuses of the past are becoming increasingly rare or vanishing altogether. Florida's tomato fields are gradually becoming the more modern, more humane workplace first imagined by CIW members when they began meeting at the local Catholic church to chart a path together toward a better future in the early 1990s.

Meanwhile, in a parallel process, the United Nations has been on its own multi-year path, studying the all-too-often appalling failure of corporations to protect human rights in their supply chains and constructing a set of principles designed to give workers and



communities a voice in the decisions that affect their lives in order to eradicate the worst abuses.

Both processes began, interestingly enough, from a basis in the [United Nation's Universal Declaration of Human Rights](#), with CIW members gathering to reflect on the relevant articles in the UN's little blue book at countless Wednesday night community meetings over the years and UN officials taking those same articles as the mandate for their efforts across the globe. And this past week, those two paths finally crossed in Immokalee, the CIW's Fair Food Program and the UN's Guiding Principles for Business and Human Rights arriving at the same place from very distinct points of departure: The human rights crisis is urgent, the safeguards in place are undeniably inadequate, and the key to a real, lasting solution is the participation -- better yet, the *leadership* -- of those affected by the abuses themselves. Now met on this road, the two efforts are sure to work more closely together in the months and years ahead.

All photos by CIW.