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## Migrant Labour in the Agrifood Sector, Ethical Food Label and Certification Schemes: A Literature Review

Erika Borrelli & Berti Olinto

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**Working Paper**

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## **Migrant Labour in the Agrifood Sector, Ethical Food Label and Certification Schemes: A Literature Review**

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## **Abstract**

Migrant labour has become indispensable in North America and Europe for the functioning of the agrifood sector. However, unfair labour mobility regimes and the structures of opaque agrifood supply chains thrust migrant farmworkers into an industry rife with inequitable employment conditions, limited regulatory protection measures, and suboptimal living conditions. Over the last 30 years, several certification initiatives have been introduced to engage governments, farmers, retailers, nongovernmental organizations, and consumers in providing new avenues for improving migrant labour conditions in the sector. Certification programs have become an effective strategy to tackle issues related to labour exploitation. In some cases, these programs have led to the creation of communities and workers' coalitions, thus facilitating spaces for conversations surrounding policy changes and temporary-program restructuring to make conditions fairer to migrant, racialized, and indigenous workers. The purpose of this paper is to review some of these good practices and to identify the necessary conditions in an effort to develop an operational framework for a Fair Farm Work certification initiative in Canada. This Fair Farm Work initiative is focused on exploring the potential of coalitions and partnerships between employers, workers, distribution chains, and policy makers to develop a certification scheme that helps improve migrant workers' employment conditions in Canada's agrifood sector. Our analysis shows that the success of certifications relies on the incorporation of worker-driven models and the inclusion of elements such as third-party audits, rigorous standards, clear enforcement strategies, worker education, clear food-labelling strategies, and community engagement to raise awareness and render these efforts visible to consumers. While migrant workers' participation is pivotal in implementing certifications, retailers' participation is a powerful incentive to garner support from other stakeholders and to harness consumer power through Corporate Social Responsibility mandates and engagement campaigns

**Keywords:** Migrant labour, agriculture, food labels, certification schemes

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## Introduction

Over the last decades, labour exploitation has been a structural element of market segments such as the agrifood sector. Scholars and economists agree on the fact that exploitation in the agriculture sector is associated with various vulnerabilities, which are constructed by individual and systemic factors, particularly those related to migration and labour mobility regimes (Palumbo & Sciarba, 2018; Sargeant & Tucker, 2009).

While it has been widely reported that migrant labour has become indispensable in North America and Europe for the functioning of the agrifood systems (Deconinck et al., 2020; Vosko & Spring, 2021) caused by the intensification of agricultural production and processing in both contexts (Castell & Alvarez, 2022; Rye & Andrzejewska, 2010), the agricultural sector itself has undergone critical structural changes that have promoted a shift towards flexible labour and the reduction of the 'standard' work arrangement (see Vosko, 2006). Coupled with North American labour mobility regimes and the structures of an opaque agri-food supply chain in Europe, these changes undoubtedly thrust migrant farmworkers into an industry rife with inequitable employment conditions (Melossi, 2021), limited regulatory protection measures (Vosko, 2006), and suboptimal living conditions (Howard & Forin, 2019).

The work of many scholars has focused on understanding the link between the agrifood industry and global migration dynamics. Their research has shed light on the three main components of exploitative models in the agricultural sector: pressure from distributors, particularly large retailers, to keep prices down (Naik, 2019; Palumbo & Corrado, 2020); poor labour protection policies (Martin, 2016; Taylor & Charlton, 2019; Iossa & Selberg, 2022), and the precarity of migrants' situation (Siegmann et al., 2022; McLaughlin & Hennebry, 2013; Hedberg, 2021; Otero, & Preibisch, 2015).

According to Palumbo & Corrado (2020), the adoption of substandard working conditions of migrant workers in the European agricultural context derives from the role of big retailers' market pressures, and it is a key element in understanding exploitation. The business model of many supermarkets and grocery retailers (based on offering the lowest price possible) has obvious implications for the working and employment conditions of migrant workers. In other words, responding to the pressures from large supermarkets, producers try to keep their production costs, including wages, and migrant workers are more likely than national workers to accept these low levels of remuneration. (Viola, 2022; Iossa & Selberg, 2022; Palumbo and Corrado, 2020).

For migrant farmworkers employed on a temporary employer-tied contract, threat of losing permission to stay and work as well as the difficulty in finding another job in limited periods have a disciplinary effect on the migrant workers' behaviour, increasing their position of precarity and vulnerability (Caxaj & Cohen, 2019; The International Labour Organization [ILO], 2020). For migrants employed in agriculture without legal authorization, it is the threat of deportation that often forces them to accept the dangerous, dirty and difficult and poorly remunerated agricultural jobs (Basok, Bélanger & Rivas, 2014)

Poor and deficient labour market regulations, laws, and policies make the monitoring and enforcement of labour rights difficult (Palumbo & Corrado, 2020). Although policy changes and new strategies, such as the directive 2019/633 in the Common Agricultural Policy in Europe (which focuses on labour standards and rights) and the recent temporary to permanent residence transition plans in Canada, have opened new discussions regarding the labour practices in the sector, the inclusion of migrant workers in these programs and, hence, the labour exploitation in the agriculture sector are still pressing issues in most of these countries' agendas.

Over the last 30 years, several initiatives have been introduced to engage governments, farmers, retailers, nongovernmental organizations (NGOs), and even consumers in providing new avenues for improving labour conditions. Label or certification programs have become an effective strategy to tackle issues related to food security, food process quality standards, and labour exploitation. In some cases, label or certification programs have also led to the creation of

communities and workers' coalitions, thus facilitating spaces for conversations surrounding policy changes and temporary programs' restructuring to make conditions fairer to migrant, racialized, and indigenous workers.

Some of these programs have succeeded in designing, developing, and launching awareness campaigns to make civil society an active stakeholder in certain consumer-led schemes, particularly after the COVID-19 pandemic made migrant workers an essential part of the political agenda of countries like the United States and Canada, where they were considered essential or indispensable for the functioning of local economies during the pandemic crisis (Torero, 2020; Roubik et al., 2022; Mayell et al., 2022; Basok & George, 2020)

In Europe and the United States, food labelling is characterized by different systems aimed at growing awareness about the benefits of safe, organic, healthy, local and traditional, and/or environmentally friendly products, including some examples of initiatives particularly focused on fair labour conditions and migrant workers. These programs include internationally renowned schemes such as the *Equitable Food Initiative* and the *Fair Food Program*, which have developed a series of standards and certification documents specifically to assess and evaluate labour conditions. Other programs such as *SOS Rosarno* and *NoCap* in Italy have emphasized involving various actors in the food chain to improve the quality and fairness of the processes related to agriculture and food processing.

This background report aims to review some of these good practices and to identify the necessary conditions for developing an operational framework for a Fair Farm Work initiative to improve employment conditions in Canada's agricultural sector. Particular emphasis is given to the standards, achievements, and limitations of some of these programs and the multiple ways in which some of these schemes have provided alternatives to eradicate or address labour and human rights violations in their contexts.

This report has been organized as follows. First, we will provide a description and evaluation of social certification initiatives as they pertain to utilizing ethical and reflexive consumerism as an approach to alleviating structural exploitation for migrant farmworkers. In Section 1, we will outline the North American context to understand current approaches, implementation of standards and regulations, scope, and governance of existing social certification schemes. This will be followed by an outline of the major certification schemes in North America including Florida's *Fair Food Program*, Mexico's *AHIFORES*, and the *Equitable Food Initiative* currently operating across the United States, Mexico, and Canada. Section 2 will include an outline of the European context where most initiatives follow a different rationale to governance with aims at operationalizing a transparent food-supply chain and a description of current European initiatives, *NoCap*, *SOS Rosarno*, *#FilieraSporca*, *Buoni e Giusti*, in Italy and *C'est qui le Patron* in France. Section 3 will provide a brief analysis of major takeaways and good practices from these schemes which will then be followed by recommendations for future consideration. Lastly, we will reflect on the necessary considerations in implementing a fair farm work certification scheme in Canada.

## **Social Certification Initiatives**

Fair farm work certification initiatives and coalitions are voluntary schemes that allow farms and businesses to opt-in to follow a set of standards wherein an external (third-party) auditor then checks for compliance. These regulatory regimes are beyond the scope of state regulation, they employ a voluntary mechanism in place of public regulation and collective bargaining (Brown & Getz, 2008b). Thus, they are strategies to promote reflexive consumerism (Brown & Getz, 2008a), including domestic fair trade (Brown & Getz, 2008b), instead of government oversight and intervention. Certification schemes follow a quadruple-win logic where 1) farmworkers benefit from increased compliance to labour standards; 2) farmers and growers benefit from whitelisting and prioritized purchasing of their product to businesses; 3) businesses and brands adopting

products with certification may achieve greater recognition in the market-place through the use of a label or ethical seal, while potentially enjoying the benefit of increased profit margins; and 4) certification and labelling have been touted as strategies to promote legibility by providing consumers with information about the conditions under which the products, or in this case, the food they purchase, have been produced (Allen & Kovach, 2000). Some scholars researching the effects and governance of social certification initiatives, however, have concluded that reflexive and ethical consumerism *alone* cannot constitute an effective response to the complex issues of workers' structural exploitation and precarity.

Brown and Getz (2008a, 2008b) analyze ways in which the discourse of third-party social certification actors affects the possibility for substantive change in the agriculture industry. First, as a form of new governance, these processes require the voluntary participation of both producers and consumers. Therefore, buying into the neoliberal logic of deregulation and privatization of regulatory functions is in favour of a framework that relies on self-regulation (Brown & Getz, 2008a: 1188). The shift to market signalling also reflects an acceptance of the neoliberal logic of devolution of responsibility from the state to the consumer. They have found that social certification measures, therefore, "conflate citizenship with consumerism and engenders a potentially false confidence in the political possibilities of consumption" (Brown & Getz, 2008a: 1188). Third-party certification also calls into question the limits to consumption as a basis for action, as only those consumers with adequate means can participate in market signalling. Instead, approaches that focus on relying on consumers to address social change may instead legitimate and perpetuate individualism and reliance on market-based solutions to social issues (Wapner, 2000; Szasz, 2009; Maniates, 2001). Some scholars argue that certification also fails to meaningfully improve supply chain conditions and question whose interests are prioritized in their governance. Programs such as Fair Trade that start with social justice goals, for example, have drifted to privileging agrarian interests over farmworkers' (Brown & Gertz, 2008a).

While critics recognize that relying on ethical consumerism alone is not enough, many consider that these approaches have the potential for transformative change (Brown & Getz, 2008). Many scholars agree that approaches that centralize ethical consumerism serve as an entry-point into broader political and social change, especially when people feel disappointed about conventional politics (Huddart, Parkins & Johnston, 2018; Freestone & McGoldrick, 2008; Davies & Gutsche, 2016). In reviewing the governing practices of current initiatives, scholars have found that worker participation in decision-making, governance, and enforcement levels is essential for voluntary certification programs to be effective (Herder, 2018; Zoller et al., 2020; Mieres & McGrath, 2021). Additionally, to make a market claim, certification initiatives must incorporate rigorous standards that exceed legal requirements, along with meaningful economic leverage to encourage proactive compliance and enforce those standards when necessary (Zoller et al., 2020).

## **SECTION 1: The North American Context**

Scholars point to the way Canada's Seasonal Agricultural Workers Program (SAWP) and Temporary Foreign Worker Program, Agricultural Stream (TFWP-AS), engender multiple forms of precarity through workers' legal status and deportability, (Goldring & Landolt, 2013; Parreñas et al., 2021), and through their working and living conditions and by excluding workers from various protections (Preibisch, 2010; Vosko et al., 2019; ). Ultimately migrant farmworkers in Canada are excluded from the right to labour mobility, family unity and pathways to permanent residency (Faraday, 2012; Nakache, 2013, 2018). Both the SAWP and the TFWP-AS include repatriation provisions that allow employers to dismiss, and therefore, deport workers (Preibisch, 2010). Placing immigration decisions in the hands of employers has become an effective "mechanism of control" (Preibisch, 2010: 415) resulting in the deportation of workers who refuse

unsafe work, raise complaints, challenge abuses, or become injured or sick (Preibisch, 2004; Basok, 2007; Hennebry, 2006; Preibisch & Encalada, 2010).

In the United States, however, the systematic use of undocumented migrant workers is tacitly tolerated (Castles, 2006). Ample research has documented the challenges associated with low-wage work and highlighted the particular vulnerability of immigrant workers such as wage and hour violations, and lack of safety protections. Moreover, according to the National Agricultural Workers Survey, 75 percent of farmworkers in the United States are migrants (JBS International, 2018). Similarly to the SAWP and TFWP-AS, guest workers under the H-2A program are tied to sponsoring employers leading to evidence of labour abuses and instances of forced labour (see Hall, 2002; Oliveira, 2002).

Scholars agree that temporary foreign worker policies and the way they are designed in the North American context (employer-led programs restricting workers to single employers) limits the prospects for workers' voices, claiming rights, and representation (Vosko et al., 2022; Economic Policy Institute, 2021; Chartrand & Vosko, 2021). Social certification initiatives in North America have attempted to shed light on working conditions in the agricultural industry. Drawing on leading initiatives in North America, mainly, Florida's *Fair Food Program*, the Equitable Food Initiative and AHIFORES, the following section aims to outline governing facets of each program highlighting the scope, requirements, standard criteria and monitoring procedures in efforts of disseminating a functional scheme to ameliorate working conditions for migrant farmworkers.

## **Fair Food Program**

One of the most renowned partnership programs in North America is the *Fair Food Program*, promoted by the Coalition of Immokalee Workers, which is a Florida worker-based human rights organization focused on fighting human trafficking and gender-based violence at work. They began organizing in 1993 as a small group of workers to discuss how to better their own community and lives. Reinforced with the creation of a national consumer network in 2000, the coalition's work has encompassed three main projects: the Anti-Slavery Campaign, the Campaign for Fair Food, and the *Fair Food Program*.

While the Anti-Slavery Campaign has investigated and assisted in the prosecution of numerous multistate farm slavery operations across south-eastern regions of the United States, the Campaign for Fair Food aims at educating consumers and forging alliances between farmworkers and consumers to help end labour exploitation. However, their *Fair Food Program* is the initiative that sets the standards for a worker-led partnership through which the organization promotes an innovative model of corporate social responsibility.

According to Ceccarelli and Fattibene (2020), the program is an example of partnerships created to connect all actors in the food supply chain. It is also considered a model of social accountability that ensures higher wages to workers, purchasing preference for growers, and supply chain transparency for corporate buyers (The Coalition of Immokalee Workers, 2022; Mieres & McGrath, 2021a; Rivera, 2018).

One of the pillars of the program is conducting worker-to-worker education sessions about the labour standards set forth in the program's own Fair Food Code of Conduct. Through a standards council (a third-party monitor created to ensure compliance with the program), regular audits and inspections are conducted together with ongoing complaint investigation and resolution alternatives. Participating buyers in the program pay a small Fair Food premium that growers pass on to workers as a line-item bonus on their regular paychecks. According to the Coalition of Immokalee Workers, between January 2011 and October 2018, over \$30,000,000 in Fair Food premiums were paid into the program. By 2021, more than 72,000 workers have attended Fair Food education initiatives and more than 1,100 Fair Food education sessions have been developed by the program (The Fair Food Program, 2022)



The main objective of the program is to provide workers with an initiative in which they participate in the protection of their workplace rights. As argued by the Coalition of Immokalee Workers, growers also benefit from this initiative by gaining an effective risk management system, a more stable workforce, and a means to distinguish their product in an increasingly competitive marketplace. Likewise, retailers are expected to benefit from a system that protects their brands from the reputational risks of supply chain labour abuses by “eliminating those abuses, not papering them over, [which is] a far more effective means to protect their interests than the traditional model of corporate social responsibility” (The Coalition of Immokalee Workers, 2022).

The partnership has involved farmworkers, tomato growers in Florida, and participating retail buyers, including Subway, Whole Foods, and Walmart. In 2015, the program expanded into tomatoes in Georgia, South Carolina, North Carolina, Maryland, Virginia, and New Jersey, as well as Florida strawberries and peppers.

**FFP’s Main Components**

**Code of Conduct:** Participating growers and buyers agree to implement their worker-informed code of conduct that outlines all of the protections for farmworkers in the program, including wages and hours, freedom from retaliation, health, and safety protections. The Coalition of Immokalee Workers recently informed that the protections were expanded to include COVID-19 prevention and response and expanded again in 2021 to include heat stress illness prevention and response.

**Fair Food Premium:** On the other hand, buyers commit to paying the Fair Food premium on top of the regular price they pay for tomatoes (an additional penny per pound). The Fair Food Standards Council (FFSC) tracks all fair food premium payments through the supply chain and to its final distribution as a line-item bonus on workers’ paychecks.

**Binding Agreements:** The program is backed by binding agreements between the Coalition and tomato buyers. These agreements state that participating buyers are required to suspend purchases from growers who have failed to comply with the code of conduct. The Coalition claims that these documents provide a real market incentive for growers to abide by fair labour practices, “resulting in unprecedented reforms in Florida’s tomato industry, including the successful elimination of forced labor in the fields [ . . . ] sexual harassment, verbal abuse, and wage theft are now the exception, rather than the rule” (The Coalition of Immokalee Workers, 2022).

**The FFSC:** The Fair Food Standards Council (FFSC) is a third-party monitoring organization for the Fair Food Program. The council conducts audits on participating growers’ farms. FFSC auditors should guarantee transparency to participating farms with access to company records at the farm office level and access to the fields so that they can observe harvesting operations and talk to workers first hand.

**Education Sessions:** Permanent worker-to-worker education sessions at all participating growers’ farms are carried out throughout the season. The curriculum, which includes information on work safety, workers’ rights, and quality-related processes, is developed and delivered by the Coalition farmworker staff. Workers are strongly involved in defining the design, structure, and implementation of the program, and such empowerment makes it very different from traditional corporate social responsibility approaches or other certification schemes (Mieres & McGrath, 2021a).

**Educational Tools:** Before the training sessions, workers should receive a booklet known as *Know Your Rights and Responsibilities*, which includes an instructional video. The Coalition of Immokalee Workers wrote and developed the booklet, and it is available in English, Spanish, and Haitian Creole. Workers are paid by the farm for all time spent in FFP training.

Sources: The Coalition of Immokalee Workers (2022); The Fair Food Program (2022); Mieres & McGrath (2021a); Mieres & McGrath (2021b); Rivera, 2018.

### **Abuse Prevention and Workers' Education**

Representatives from the Coalition of Immokalee Workers claim that conducting worker-to-worker and point-of-hire education is essential in providing workers with the information necessary to know and protect their rights under their code of conduct. This helps workers identify abusive supervisors and potentially dangerous practices, preventing abuses before they occur: “the *Fair Food Program* harnesses the power of thousands of trained and motivated monitors on the ground every day to ensure farms’ compliance with the Code of Conduct” (The Fair Food Program, 2022)

If workers encounter a potential violation of the code of conduct, the Program provides them access to a complaint process, with consequences for retaliation against workers who make a report. The Coalition of Immokalee Workers has a 24/7, toll-free complaint line answered by a bilingual (English/Spanish) standards council investigator. Complaints are investigated and resolved in collaboration with growers, and issue resolutions may include educational components, consisting of meetings with relevant supervisors and crews, “so that all workers on the farm can see that complaints are heard and resolved without retaliation, and the farm’s commitment to the program is reconfirmed” (The Coalition of Immokalee Workers, 2022). All steps in the complaint process are documented in a database, resulting in a compilation of information on the conduct of individuals, as well as company practices.

Although the program does not explicitly address the profits of growers and buyers, participating growers have reduced turnover, decreased workplace illness and injury, and avoided major legal actions over wages, discrimination, and other forms of abuse. The industry estimates that about 35,000 job slots have been impacted by the *Fair Food Program* annually (Rivera, 2018). In fact, The Fair Food Program’s Code of Conduct states that participating growers should ‘hire’ farm workers, and workers are requested to show some form of work authorization when they are hired.

The Program puts employed workers and farm labour contractors at the same level in terms of their employment relationship; they are both covered by the program. In contrast to other programs that tend to fail to provide mechanisms for worker voice and representation, the Program provides a template that has incorporated even guest workers while guaranteeing fair recruitment channels and working conditions (Mieres & McGrath, 2021a; The Fair Food Program, 2022).

### **Labour Migration and the Fair Food Program**

The Fair Food Program does not verify migrant workers’ legal status as the focus is on compliance with labour standards, not migration enforcement (Ceccarelli & Fattibene, 2020). The *Fair Food Program* farms started hiring migrant workers recruited through the H-2A visa program 8 years ago. By then, their Standards Council had identified illegal fees and extortion from recruiters based in Mexico, which affected a significant number of H-2A workers.

The Fair Food Standards Council conducted a visit to Mexico and met with the U.S. Embassy, the Servicio Nacional de Empleo (SNE), various international nongovernmental organizations, and the United Food and Commercial Workers International Union. As a result, new mandatory agreements between the SNE and participating growers were incorporated into the Program: “These agreements designate the SNE as the sole *Fair Food Program* recruitment channel for H-2A workers from Mexico [. . .] and in turn, it created a clean channel recruitment mechanism, which operates transnationally. This was incorporated in the Fair Food Program’s Code of Conduct and implemented in January 2017” (Ceccarelli & Fattibene, 2021, p. 17).

The code of conduct applies to domestic and migrant workers equally. However, *Fair Food Program* and the Coalition of Immokalee Workers representatives claim that the code has been

adjusted to address elements that directly affect migrant or H-2A workers: “It is intended to eliminate the endemic illegal recruitment fees, as well as to protect workers against discrimination, retaliation and any other abuses in the H-2A recruitment and retention process” (The Fair Food Program, 2022). This implied the suspension of recruitment in areas where illegal recruitment is detected on the basis of reports from workers and the referral of perpetrators to the federal prosecuting authorities

Mieres and McGrath (2021b) claimed that the engagement with Mexico in cross-border recruitment is a key example of a private governance mechanism influencing public governance in the field of labour and migration regimes. According to the Coalition of Immokalee Workers, the Program provides more possibilities of rethinking the design and implementation of temporary labour migration schemes, to include worker voice mechanisms, and ensure that these workers can exercise their rights in the production processes.

Under initiatives such as the Fair Food Program, the progressive inclusion of migrant workers may be a way of mitigating and even eradicating abusive recruitment practices that have historically been embedded in the agriculture sector, while ensuring the provision of decent working conditions once workers are on the job (Mieres and McGrath, 2021a; Ceccarelli & Fattibene, 2021; The Coalition of Immokalee Workers, 2022). In other words, the provisions in temporary migration schemes concerning seasonal agricultural workers could draw on the example of the Fair Food Program by creating mechanisms for consultation with workers’ representatives and employers’ organizations for the sector.

### **The Equitable Food Initiative (EFI)**

Another label/certification program in North America is the *Equitable Food Initiative* (EFI). The program started as a coalition integrated in 2008 by Oxfam America, Costco Wholesale, and United Farm Workers. Oxfam had previously partnered with farm worker unions to identify solutions to protect often undocumented and nonunionised seasonal workers from Mexico who experience human and labour rights violations

Their first meetings addressed ideas about alternative ways to offer increased food safety and greater assurance of fair working conditions for farmworkers (The Equitable Food Initiative, 2022). Oxfam facilitated a series of exploratory discussions between 2009 and 2011, encouraging members to bring their organization’s values and agendas to the table. These discussions included topics such as:

- labour standards developed through multistakeholder participation,
- continuous improvement of quality in the processes related to the food industry (including working conditions and food safety processes)
- including workers’ voices in addressing labour-related issues and setting standards for food safety and production

By early 2014, the Program had been piloted with a small group of Costco produce suppliers that were willing to test the concept. The first operations were certified later that year, after adapting the labour, food safety, and pest management standards through workforce development training and worker verification of compliance.

The Equitable Food Initiative was officially launched as an “independent nonprofit social enterprise” (The Equitable Food Initiative, 2022) in 2015. The initiative developed a well-structured label program consisting of audits applied to all fruit and vegetable crops and whose purpose was to address labour conditions, food safety, and pest management. The program has developed a body of certification documents that include standards for farms, processing and packing standards, a program certification policy, an auditing protocols document, and a

complaint management system (Zoller et al., 2020; Scully-Russ & Boyle, 2018; The Equitable Food Initiative, 2022).

Members of a Standards Committee, comprised of farms, labour, nongovernmental organizations and community-based organizations, constantly revise and update the standards (i.e., the additional auditor guidance during the COVID-19 pandemic). EFI-certified farms include a group of more than 40 farming operations in Mexico and the United States, where more than 50,000 workers have participated in the initiative (Strochlic et al., 2022; Zoller et al., 2020).

The program’s approach includes creating, training, and supporting “leadership teams” on every certified farm. These teams develop their own plan to meet and maintain compliance with the EFI Standards, provide input to management on other issues on the farm, and help drive efficiencies and business improvements. The certification has been described as an alternative “business model” that engages everyone in the supply chain to raise the standards for labour management, food safety, and production (Ceccarelli & Fattibene, 2021; Scully-Russ & Boyle, 2018).

#### EFI Main Components

**Mapping:** The process to get the EFI certification begins with a “grower mapping” consisting of exploring the grower’s business, capacities, and needs. The training and skill development process will be defined to complement the growers’ existing structures, systems, and staff potential.

**Leadership Team:** Based on the information gathered in the mapping process, the *Equitable Food Initiative* facilitators custom design and lead a leadership team training. The leadership team ensures that the farming operation follows EFI Standards. These standards include providing farmworkers tools to identify problems and create solutions that drive both assurance and business efficiencies on the farms.

**Verification:** The team calls for a third-party verification audit from the program’s certifying body.

**Premium fee/Worker bonus:** Upon receiving certification, the grower is licensed to use the “EFI label” on certified produce and to charge participating retail buyers a premium that is returned to workers in the form of a bonus.

**Monitoring:** The worker–manager leadership teams verify ongoing compliance with the standards and function as true monitors at the working site.

Sources: Zoller et al., 2021; Scully-Russ & Boyle, 2018; Equitable Food Initiative, 2022.

According to EFI’s representatives, neither an employer’s quality policy nor actual compliance with laws and regulations constitute proof of compliance with the Initiative’s certification requirements. An audit under the EFI system may conclude that an employer complied with what is required by state or federal law but may conclude that the employer is out of conformance with the EFI’s requirements and such nonconformance must be corrected. Accordingly, the approval, implementation and verification of corrective action plans will be based on a grower’s compliance with EFI requirements. (The Equitable Food Initiative, 2022)

Retail chains that accept the EFI label as proof of supplier labour requirements include Walmart, Kroger, Costco, and Whole Foods. According to Ceccarelli & Fattibene (2020), Costco’s decision to join the EFI board has been key in pushing more growers to participate. The Program is currently negotiating with 10 other major retail and food service companies to engage their produce suppliers in achieving EFI certification (Beecher, 2022; The Equitable Food Initiative, 2022).

Camarena-Ojinaga (2021) claimed that benefits for workers include not only their direct involvement in the certification process and the education strategies associated to EFI, but also

the indigenous groups' labour conditions that work in certified farms by addressing discrimination and exploitation issues that are common in the U.S. agrifood industry:

“Indigenous women who work in EFI-certified agricultural fields receive greater benefits and more respectful treatment compared with those who work in non-certified agricultural fields. EFI was created and is managed by leaders from across the food supply chain... It works closely with farmworkers, growers and retailers to ensure workers are treated fairly and experience a healthier work environment.” (Camarena-Ojinaga, 2021).

## **AHIFORES**

Alianza Hortofruticola Internacional para el Fomento de la Responsabilidad Social (AHIFORES) is a non-profit agricultural association that since its constitution in 2015 has brought together 80% of all agricultural exporters in Mexico in an effort to promote good practices and social responsibility. The AHIFORES coalition operates using the Responsible Agricultural Company Distinction (DEAR) standards. The DEAR USMCA Standards were originally designed as a self-assessment guide for agricultural companies and producers to assess their level of compliance with the rights described in Chapter 23 of the United States-Mexico-Canada Agreement (USMCA) which include:

- Freedom of association and effective recognition of the right to collective bargaining
- Elimination of all forms of forced or compulsory labour
- Effective abolition of child labour
- Elimination of discrimination in respect of employment and occupation
- Maintain acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety

Given the success of DEAR USMCA Standards, and at the request of Mexican farmers, the AHIFORES Board of Directors made the decision to transform the DEAR USMCA Standard into a certification scheme audited by independent bodies accredited by the Mexican Accreditation Entity (EMA) (AHIFORES, 2021).

**DEAR USMCA Structure****Certification Metrics:**

- Designed under three major categories: 1) right to organize and collective bargaining; 2) forced labour; 3) child labour
- Each indicator under these three categories is weighted depending on the level of risk represented by the company's failure to comply: Zero tolerance/critical/higher/lower

**Checklist:** This checklist, which is based on the Certification Metrics, allows the company to conduct its self-assessment and auditors to verify and evaluate the company's level of compliance in its facilities.

**Glossary:** contains definitions of the most important terms to know, including legal references.

**Information System:** an online platform where the company and auditors can enter results obtained by using the Checklist. The online system will then generate a report with the corresponding score and non-conformities.

**Regulations:** These are the rules that apply to the DEAR USMCA Standard, which is now a certification scheme audited by independent bodies accredited by the Mexican Accreditation Entity (EMA)

**Standard Operating Procedures:** Describes the activities to perform during the certification process

**Brand Use Rules:** rules that describe how, where and when the DEAR brand can be used.

Source: AHIFORES, 2021

Any producer and/or company interested in obtaining certification must comply with all of the 'zero tolerance' indicators and achieve a minimum score of 80. The indicators included in the certification metrics were designed to comply with Mexico's 2019 and 2021 Labour Reforms and the labour standards guidelines of the International Labour Organization (ILO). Moreover, characteristics of the agriculture sector's practices in Mexico were taken into account for the design of this tool (AHIFORES, 2021).

## SECTION 2: The European Context

Launched in 1962 the Common Agricultural Policy (CAP) is in place for all EU countries and it aims to support farmers, improve agricultural productivity, stabilize markets, preserve rural areas, and ensure a stable supply of affordable food for EU citizens. The CAP's main instruments include agricultural price supports and direct payments to farmers whose practices focus on environmental sustainability and development. However, critics argue that the CAP is responsible for causing an overconcentration of land and resources, with 3% of farms accounting for half of EU farmland, and 1 in 5 farms receiving around 80% of CAP payments (Ceccarelli & Fattibene, 2020). Although the CAP has undergone several reforms over its lifespan to reduce its negative effects on social equity, it is widely acknowledged that the CAP's emphasis on productivity and profit has been damaging for small scale-farming and biodiversity.

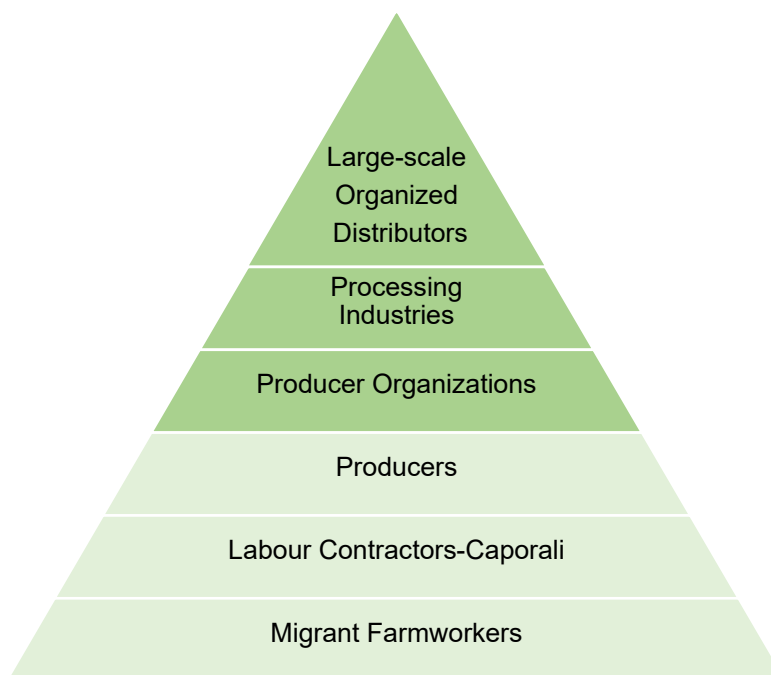
In Italy, between 1990 and 2010 the average farm size increased while the number of holdings decreased (Corrado et al., 2017). All the while a growing amount of food trade began passing through corporate supermarkets, both at the national and supranational levels. Corporate supermarkets in Italy increased their share of the market from 44% in 1996 to 71% in 2011 leading to a concentration of large distributors that tend to monopolize the market (Corrado et al., 2017). The top five supermarket chains in Italy in 2021 by market share were Conad, Selex, Coop, Vege, and Agora, together making up 72.62% of the total market. Conad was the leading supermarket chain with a 23% market share, followed by Selex with 22% (Ozbun, 2022). Production is, therefore, determined by the globalized pressures of large retailers who have garnered more power over suppliers by forcing price squeezes on the industry (see below). Without the

exploitation of migrant workers, producers would be unable to provide the market with the agreed-upon product at the agreed-upon rate and time (Medland, 2021).

This overconcentration of land and resources, along with an opaque Italian food supply chain paves the way for unfair trading practices and workplace exploitation. It has limited small and medium-sized farmers and producers in a) being unable to access sufficient financial resources to invest in better production processes and techniques and; b) forcing them to sell products at fixed prices, limiting their bargaining power (Ceccarelli & Fattibene, 2020; Ciconte & Liberti, 2016). In this way, labour exploitation in Italy reflects the faults in the food supply chain.

### Structure of the Italian food-supply chain

Valued at over 3 billion euros a year, the tomato processing industry represents a key section of Italy's overall agricultural production. Every year, 5 million tonnes of tomatoes are produced on Italian soil concentrated in the North (Emilia-Romagna region) and the South (mainly Campania and Puglia). Italy is the third largest tomato processor in the world after the United States and China and procures almost all European tomatoes. Italy is also the largest EU country in exports of processed tomato products deriving 35% of total sales revenues from exports (ANICAV, 2018). Additionally, Italy is still among the major producers of citrus fruits at a global level, with around 3.7 million tonnes amounting to 3% of the overall value of national agriculture (SOS Rosarno, 2015). The main citrus fruits cultivated are oranges, clementines, lemons, mandarins and bergamots. The Gioia Tauro Plain, including Reggio Calabria, is the second biggest orange growing area in the country after Sicily. The pyramid chart (Figure 1) illustrates the food-supply chain hierarchy for both the tomato and citrus industry.



**Figure 1.** Agri-food supply chain hierarchy: distribution chain at the top in dark green, production chain at the bottom in light green (Melossi, 2021)

The distribution chain of the produce is composed of three main segments: the producer organizations, the processing industries and large-scale organized distributors. Producer

organizations (POs) were founded to access the EU's Common Agricultural Policy (CAP) funds to aggregate farmers and make them more competitive, forcing the industry to negotiate with them as a group to close the pay distribution gap between large and small-scale producers. However, the majority of POs in southern Italy dealing with tomatoes are managed by former traders and not by actual producers (Ciconte & Liberti, 2016). In this way, farmers tend to be better organized in producer organizations, with the main aim of negotiating contracts with processing industries in the North rendering the supply chain more structured and formalized compared to the South. Processing industries are responsible for purchasing tomatoes from farmers from the end of July to the end of September and citrus fruits at the end of May. Many processing industries produce for the 'private labels' or rather the brands directly connected with the large-scale organized distributors. At the top of the food-supply distribution chain are the large-scale organized distributors, who control almost the entire supply chain (Figure 1). They dictate unsustainable purchase prices before the beginning of the harvest season through a variety of methods including the 'online double downward auctions' which further squeezes prices, forcing the industry to short-sell. The online double downward auctions function like this: large-scale organized distributors announce an auction on a virtual platform with farmers and producers, in which an offer is requested for a large quantity of a certain product (for example tins of peeled tomatoes). Once the proposals have been collected, the large-scale distributors call a *second* online auction, this time, with the lowest bid as the starting price. In this way, a tender is set up between farms to lower production costs, a direction that forces producers to submit bids below the cost of production (Ciconte & Liberti, 2016).

### ***The fight against caporalato: Towards a more transparent supply chain***

According to the Italian National Statistics Institute (ISTAT) the agricultural sector represents 2.1% of the entire Italian economy, and if considered together with the food industry, they account for 3.9% of the national GDP (ISTAT, 2020). Migrant farmworkers constitute a substantial part of the seasonal manpower needed to uphold this sector, those with irregular status accounting for a large portion of this labour force. According to the Report on Foreigners in the Labour Market (2020) by the Directorate General of immigration and integration policies, the agri-food sector in 2019 had the highest incidence of employment relationships with foreign workers (about 38 %) with a contract irregularity rate estimated at 23.8%.

These workers are forced to rely on an illegal gang mastering system called the *caporalato* whereby they are able to secure seasonal job opportunities. *Caporalato* is the Italian term for the system where informal mediators or gangmasters, the so-called *caporali*, step in to secure a cheap and flexible labour supply for producers. According to data elaborated on by the Osservatorio P. Rizzotto (2020), around 400,000 farmworkers are informally employed through the *caporalato* system. It is estimated that one fourth are subject to labour exploitation varying from inadequate housing to lack of access to potable water (Osservatorio P. Rizzotto, 2020). The *caporali's* mediation is usually remunerated with a fixed cut withheld from the workers' wage in exchange for the provision of several 'services' linked to the work in the fields, such as access to water, sanitation, food, transport etc. The *caporalato* in Italy has gradually become a synonym for the dramatic working and living conditions of migrant farmworkers in Southern Italy (Howard & Forin, 2019).

In 2011, a national law declared this form of mediation a criminal offence punishable by a prison sentence. In 2016, a new law (199/2016) extended this criminal offence to farmers and producers that consciously use the *caporalato* (Perrotta & Sacchetto, 2014). However, it has been recognized that addressing criminality, albeit important, is not sufficient in addressing the widespread labour exploitation to which migrant workers continue to be subjected. The contribution of all actors along the supply chain is needed to ensure that new, subtler forms of



exploitation do not resurface under the pressure of market constraints. To this end, local NGOs and activists are increasingly promoting projects aimed at fostering access to healthy, eco-friendly, fair and exploitation-free certified food. *Buoni e Giusti*, *NoCap*, *SOS Rosarno*, and *#FilieraSporca*, represent cases in point.

## **Buoni e Giusti**

In March of 2016 *Coop Italia*, a leading cooperative-based supermarket chain, initiated the *Buoni e Giusti* (good and right) campaign for an ethical production and supply chain. It was the first company in Europe and the eighth in the world to adhere to the SA8000 ethical standard. The SA8000 certification is an auditable, internationally recognized certification standard that encourages organizations to treat workers fairly. Social Accountability International (SAI), a multi-stakeholder initiative with representatives from the private sector, NGOs, labour unions, governments and academia, developed and maintains SA8000. The SA8000 references national laws and internationally recognized standards of decent work such as the Universal Declaration of Human Rights and the International Labour Organization. The Social Accountability Accreditation Services (SAAS) is an accreditation agency, that encompasses a variety of certification bodies, that works to evaluate, accredit, and monitor organizations that demonstrate competency to the SA8000. Members of the SAAS are accredited to deliver SA8000 audits and certificates of compliance.

The *Buoni e Giusti* campaign involves over 800 fruit and vegetable suppliers within the *Coop* network, which operate with over 70,000 farms (Corrado et al., 2018). Participating producers are obliged to sign the Code of Ethics and accept the control plan aimed at ascertaining compliance with the SA8000. Annual audits are organized through anonymous interviews with labourers on working conditions and the penalty for a farm not adhering to the standards of the Code of Ethics results in exclusion from the short list of suppliers (Corrado et al., 2018). *Coop* has also prepared a communication initiative through which it informs consumers about the company's commitment to legal migration in agricultural supply chains where consumers can make an informed purchase (Corrado & Zumpano, 2021). Additionally, *Coop* strove to link this approach with government initiatives by asking all companies that respect the standards of the campaign to join the Quality Agricultural Work Network (Corrado et al., 2018). The Quality Agricultural Work Network is an initiative of the Ministry of Labour and Social Policies, the Ministry of Food and Forestry, the Ministry of Economy and Finance and INPS. It attempts to encourage virtuous behaviour in the sector by whitelisting companies that stand out for their compliance with labour, social legislation, income, and value-added taxes.

**SA8000 Criteria**

**Child Labour:** Include checks for violations involving child labour

**Forced Labour:** no forced or slave labour including withholding personal documents, salary or benefits from workers.

**Health and Safety:** required to provide a safe and healthy workplace environment for workers including minimizing or eliminating safety hazards, providing effective health and safety training, providing adequate PPE, and clean access to facilities

**Freedom of Association and Collective Bargaining:** allows workers the right to organize trade unions of their choosing and to bargain collectively with their employer. Compliance with this requirement can vary based on local or national laws

**Discrimination:** protects workers from discrimination based on race, origin, caste, gender, religion, political affiliation and other attributes.

**Disciplinary practices:** requirement to treat staff with dignity and respect and forbids inhumane treatment, corporal punishment, and physical or verbal abuse of employees.

**Working hours:** allows workers at least one day of rest following six consecutive days of work

**Remuneration:** wages must cover the basic needs of staff and allow for discretionary spending

**Management System:** management must take additional steps regarding corrective action, preventative measures, policies and documentation

Source: [www.sa-intl.org/programs/SA8000](http://www.sa-intl.org/programs/SA8000)

**#FiliaraSporca**

The *#FiliaraSporca* campaign was born with the aim of tracing the entire agri-food chain, from the field to the shelf. It was initiated to give face to the real invisibles of exploitation and identify the distortions of an increasingly unsustainable system both at the social and environmental level (Ciconte & Liberti, 2016). This campaign argues that a law is not enough to eradicate the *caporalato*, where it is argued that it is a consequence of the larger supply chain. *#FiliaraSporca* was born from the awareness of the need for an integrated approach between environment, agriculture, and anti-mafia rights –organizations whose mandates include efforts at combatting the effects of organized crime, mainly the *caporalato*. The three associations responsible for launching the initiative are *Terra! Onlus*, an environmental association, *da Sud*, an anti-mafia association, and *Terrelibere*, a migration and anti-mafia organization. Ultimately *#FiliaraSporca* takes an integrated approach asking the question reflecting on the responsibility of multinationals, large-scale distribution, producer organizations, transport companies, and international temporary employment agencies in producing a transparent supply chain.

According to its most recent report (Ciconte & Liberti, 2016), the *#FiliaraSporca* campaign has recommended the implementation of a transparency law that provides:

- The introduction of a narrative label on agri-food products and in particular on those products, such as citrus and tomato, where *caporalato* persists. This label should accompany the consumer towards a conscious choice on the origin of the product but also on individual suppliers. This would include the products' origin, harvest, and packaging dates, haulage company, number of workers in the field, hectares cultivated, and transparent price.
- The introduction of a public register of suppliers so they can be traced along the chain. This list of suppliers represented by the parties entering into a contract with the distributor to deliver goods, should be indicated on the label. For transparency reasons, the suppliers'

register is the main tool with which the consumer can reconstruct the supply chain behind the large-scale distribution brand, often bearing a code difficult for citizens to decipher.

#*FilieraSporca* also recommends that:

- Large-scale organized distributors develop a narrative label that contains information on price composition;
- Large-scale organized distributors publicly renounce the online descending price auction and the prohibition of this practice; and
- Producer organization headquarters be situated in the region where harvest is performed.

In 2018, the *In campo senza caporale* project was launched by *Terra! Onlus* in Apulia to develop transparent supply chains. It promotes the social inclusion of migrant farmworkers through professional training and work placement in selected organic farms, as well as housing in urban centres. Workers and farmers collaborated to launch a new product that was marketed through large retailers but with a 'transparent label' (Corrado et al., 2018).

## NoCap

The *NoCap* initiative founded by Yvan Sagnet, aims to counter exploitation by promoting an ethical food-supply chain. In this way, the *NoCap* association includes professionals with different backgrounds and skills – such as international cooperation experts, agronomists, journalists, lawyers, engineers etc. – with the goal of disseminating high-quality standards that protect both workers' rights and strive for environmental sustainability. The *NoCap* association was founded by a group of activists and currently finances itself through donations and relies on crowd funding for specific projects, including the initiation of an ethical seal (NoCap, 2022).

In operationalizing its objective of a more transparent and equitable food-supply chain, *NoCap*'s economic model involves a variety of actors along the agri-food supply chain. First, *NoCap* identifies large-scale organized distributors willing to work with them, and aims to trace a path that would focus on the benefits for both workers and producers. By including labourers and producers, this economic model includes the discussion of products' final sale price that eliminates the usage of the downward double auction that is highly responsible for weak supply chains and labour exploitation. This approach to pricing considers both workers well-being and cooperation with national legislation, as well as sustainability for consumers. As a result, producers themselves can be held responsible for below-cost prices and the subsequent exploitation needed in attempts to realize heightened supply demands. *NoCap*'s model also supports producers in their search for a distributor who is able to maintain the established price. Overall, this economic model is predicated on sharing the social responsibility among all actors along the food-supply chain: workers, farmers, consumers, marketing operators etc. Producers who share this model are awarded a Network Certificate, considered "NoCap Network Certification", and their products are thus capable of carrying the "NoCap Ethical Seal" (NoCap, 2022).

Through its experts, *NoCap* conducts promotional and improvement activities and conducts checks and controls all along the supply-chain in order to ascertain that all provisions and regulations regarding work and safety are being respected and applied according to national and international legislation.

### The Ethical Seal

**What:** NoCap Certifies the product and not the company

**Multicriteria Matrix:** There are six criteria, each divided into 5 indicators (indicated by 6 hands with five fingers each)

- *Ethical working relations:* this is the only compulsory criterion not only to be part of the NoCap network but also for granting of the seal. NoCap requires the full satisfaction of the five indicators, compliance with legislation and national collective bargaining, workplace safety and health, well-being and training.
- *Short Supply chain:* companies that favour sales systems closer to the consumer can guarantee competitive prices
- *Waste:* rewarding companies that have started a production cycle that reduces the quantity of waste material and reusable packaging
- *Power:* that electricity needs for production come from renewable sources
- *Added value:* companies who carry out processing and marketing of agricultural products add value, whether single or associated.
- *Animal welfare:* verifies whether the company preserves the health, well-being and vitality of animals.

**How:** through a field and supply chain processing plants control that accompanies the drafting of the specifications and Memoranda of Understanding

**Who issues the Ethical Stamp:** CREI-NoCap Verification Team

**Who verifies NoCap's work:** DQA Food Quality Department Agency accredited by the Ministry of Agriculture, Food and Forestry-which certifies our evaluation systems

Source: NoCap, 2022

### 'IAMME-NoCap'

The MEGAMARK group is a Large-scale organized distributor in Southern Italy that includes 400 affiliated supermarkets in Puglia, Campania, Molise, Basilicata and Calabria. MEGAMARK has partnered with NoCap and launched a trader called 'IAMME-Free to Choose'. 'IAMME' is the name of a line of ethical products grown and harvested in compliance with NoCap's criteria and stamped with the NoCap ethical seal. This brand currently offers seven processed tomato products as well as fresh fruit and vegetables.



Sources: NoCap, 2022; <https://liberidiscegliere.eu/>

### SOS Rosarno

SOS Rosarno was launched as a solidarity economy project with the goal of reversing structural conditions of the supply chain which impoverish small farmers and let migrant farmworkers be exploited. The SOS Rosarno association was created by local farmers, activists, and African workers to promote a transparent and fair citrus fruit supply chain (Mostaccio 2013 Iocco & Siegmann, 2017; Semprebon et al., 2017; Iocco et al, 2018; 2019). Through the promotion of

alternative agriculture practices, based on fair relations and short supply chains, *SOS Rosarno* aims to promote better living and working conditions for agricultural workers and to support their inclusion in local communities addressing “simultaneously the crisis of social reproduction of both small-scale farmers and of migrant farmworkers” (Iocco et al. 2017). The *SOS Rosarno* association includes 15 small producers that work with citrus, olive oil, and honey, and 30-35 migrant farmworkers (Oliveri, 2015).

In their aim to achieve adequate and ethical wages for farmworkers and producers *SOS Rosarno* has created a coalition of different networking groups that relies on the relationship between farmers and citizens. This network primarily includes Solidarity Purchasing Groups (SPG), the Italian Rural Association (ARI), and Fuorimercato. Through this collaboration, *SOS Rosarno* aims to give an economic base that guarantees that all workers are regularly employed, with full pay and decent conditions. Producers through *SOS Rosarno* come strictly from certified organic farming, and they are all small owners, single or associated in cooperatives (Oliveri, 2015). Functioning in tandem, SPGs act as the selling-side of the short food-supply chain. SPGs are composed mostly of self-organized groups of citizens who collectively buy from small organic producers. Utilizing this voluntary mechanism, producers working through *SOS Rosarno* drastically cut down share of the final price of the product appropriated by traders and retailers.

The price of products is the first mechanism through which *SOS Rosarno* uncovers and reverses unfair power relations within the current agri-food regime. Against the effects of low farm prices, imposed on small and medium farmers by big traders and retailers, the members of the association set prices for citrus fruits, olive oils, marmalades, and cheese. Through the sale of products at a fair price – which means higher than market prices imposed by mass retailers – it ensures an equitable wage for workers, a fair return to producers and a fair price to consumers. This “solidarity quota” or “quota for the alternative” (*SOS Rosarno*, 2015) includes the dissemination of funds to projects that promote the rights of rural workers and aimed at improving living and working conditions of seasonal workers in the Gioia Tauro Plain. New ethical agriculture projects modelled on *SOS Rosarno* have emerged in other southern regions: *Funky Tomato* (Basilicata and Campania), *SfruttaZero* (Apulia), and *Contadinazioni* (Sicily).

### **France: The Case of *C'est qui le Patron***

Some label and certification schemes have put consumers at the forefront, providing them with a further decisive role in an attempt to guarantee fairer food chains. One example is The *C'est qui le Patron* (CQLP) movement that started in France in 2016. A brand called *Marque du Consommateur: C'est qui le Patron* was created to provide consumers power to decide which products would be placed on the shelves. It was created through the CQLP cooperative which offers fair prices to producers, encouraging consumers to fix the price (White, 2020). Their goal was a bottom-up approach, involving consumers in all phases of the food supply. The initiative has rapidly expanded, and it currently sells more than 30 products in France, including dairy products, sardines, yogurt, tomatoes, eggs, honey, pasta, canned vegetables, and chocolate. CQLP can ensure that all the producers of multi-ingredient processed food receive fair remuneration (Southey, 2021).

Consumers have direct participation by ‘voting’ and sharing their views on product attributes via online questionnaires. Fair farm practices and compensation, traceability of the product, ingredients, and ecofriendly practices are essential criteria in the voting process. Based on the decisions made during the voting process, the products are then manufactured by participating farmers, who take part in a quality-assurance process that *C'est qui le Patron* and an independent auditor coordinate. This process is comprised by two different strategies: ‘corporate’ visits and inspections.

Corporate visits are carried out by the CQLP cooperative annually to “understand how the products are made, to learn more about the production process and to discuss with producers the compensation provided collectively” (CQLP, 2022). Producers and manufacturing partners “open the doors” to the cooperative and together they discuss if the producers are paid according to the program’s standards and the quality procedures the program set. The three main criteria in these conversations are transparency in the food chain processes, fair trade, and good will (CQLP, 2022).

Bureau Veritas, a French company specialized in testing and certification in a variety of sectors including the agrifood system, carry out the inspections. For us, as consumers, it is difficult to monitor all the producers and manufacturers. This is why we work hand in hand with Bureau Veritas [...] This organization verifies that the producers and manufacturers associated with the process comply with the specifications voted collectively. These controls allow us to have a neutral and external view of consumer products while meeting our expectations of transparency and traceability (CQLP, 2022).

For each product, Bureau Veritas and CQLP develop a “control plan,” which determines all the quality specifications to be checked and how to evaluate them. Regarding noncompliance, they have developed a scheme with three levels for process improvement: minor, major, and critical.

According to each case, CQLP supports them so that they can adapt their practices to comply with the collectively voted specifications. This scheme has been implemented since 2018. “Each time a new CQLP product is approved, we inform the Bureau Veritas teams to organize the first checks” (CQLP, 2022).

### Comment ça marche ?



While in its first phase, CQLP has focused only on **processed food**, it now plans to expand the initiative to **fresh fruits and vegetables**. The cooperative’s success has led to the largest retail organizations in France, such as Carrefour and Leclerc, selling their products as well as other big agrifood players such as Danone or Bel expressing interest in the initiative.

CQLP products have proven to be competitive not only against branded products but also compared to some supermarket own-brand labels, which represent up to 45% of the market in France (Ceccarelli & Fattibene, 2020). They have empowered national food chains and given its members the chance to participate actively in the cooperative’s activities, from product identification to inspections at company sites. The initiative’s current success shows that introducing ethical food products has the potential to affect positively all actors of the food supply chain. The program is not considered solely a commercial tool but rather a way to establish a new pact between producers and more important, consumers.

### CQLP: Main components

CQLP focuses the attention on a set of factors, which are based on fair compensation to the production chain actors and their workers sustainability. The program's main components are:

- transparency on products' origins and ingredients provenance
- nutrition information on processed foods, and
- supervision and audits on the whole supply chain by independent, third-party monitors.

Participants' roles are defined in the following ways:

1. Through online questionnaires, consumers initially aimed to share views on the importance of single attributes within the value of each food product.
2. Selected producers (and/or their organizations) adhere to the expressed values and commit to respecting the program's criteria
3. Retailers decide whether they want to purchase and distribute the Consumers' Brand products.

By 2019, *C'est qui le Patron* had reached 8 million consumers who regularly bought one of their products in over 12,000 points of sale in France (CQLP, 2022). Moreover, due to the success of these types of initiatives, the range of products available for local consumption is expected to increase simultaneously with the development of good and fair products, as well as to be in line with sectoral changes to the agricultural supply chain. *C'est qui le Patron* already ranks 22nd in the French market, with a penetration rate of 14% (Dongo, 2019)

### Moving Forward: What have we learned?

Scholars have developed extensive research on some of the label and certification initiatives analyzed in this paper. Exploring the impact and limitations of these programs in Europe and North America's agrifood systems, experts agree that these kinds of schemes' success rely on a number of elements that are required to foster an effective fair farm work initiative. The chart below provides a summary of initiatives discussed in this report and some of the important elements that are necessary for a successful certification scheme.

Program \ Element	Worker-led participation	Coalition	Clear set of Standards	3rd-party Monitoring and Evaluation	Sanctions (Blacklisting)	Highlighting Good Practices (Whitelisting)	Worker Education Strategies	Food Label	Consumer Inclusion
Fair Food Program	✓	✓	✓	✓	✓	✗	✓	✓	✗
EFI	✓	✓	✓	✓	✓	✗	✓	✓	✗
AHIFORES	✗	✓	✓	✓	✓	✗	✓	✓	✗
Buoni E Giusti	✗	✓	✓	✓	✗	✓	✗	✓	✗
#FilieraSporca	✗	✓	✗	✗	✗	✗	✗	✓	✗
NoCap	✓	✓	✓	✓	✓	✗	✗	✓	✗
SOS Rosarno	✓	✓	✗	✗	✗	✗	✗	✗	✗
CQLP	✗	✓	✗	✓	✗	✗	✗	✓	✓

Imperative elements for the establishment of certification scheme of this caliber include: consideration for worker-driven models and initiatives; the development of a coalition among key stakeholders who are experts in their field; a clear set of rigorous standards (Haedicke, 2020;

Scully-Russ & Boyle, 2018; Zoller et al., 2020); third-party certification and checks (Hitow & Asbed, 2017; Mieres, 2020; Renault, 2019; Scully-Russ & Boyle, 2018; Zoller et al., 2020); clear enforcement and auditing strategies (Anner, 2019; Hitow & Asbed, 2017); worker education and representation (e.g. women, indigenous migrants); a narrative or clear food labelling strategy; and finally community engagement to raise awareness and render these efforts visible to consumers (Haedicke, 2020; Renault, 2019).

Researchers and community-based organizations in the United States have studied the impact of programs such as the *Equitable Food Initiative* and *The Fair Food Program*. Both models have tackled the most pernicious, and previously intractable, problems in corporate supply chains (Anner, 2019; Hitow & Asbed, 2017; Scully-Russ & Boyle, 2018; Zoller et al., 2020). In both cases, workers' inclusion and participation have been instrumental in addressing the most pressing issues in the agriculture sector: forced labour, discrimination, and harassment and sexual violence. While more research is needed, the literature has pointed to the promise of worker participation or 'worker-driven Corporate Social Responsibility' models in driving equity and sustainability innovations in food-chains (Zoller et al., 2020).

The development of a coalition of key stakeholders has been crucial to the success of initiatives such as the *Fair Food Program*, the *Equitable Food Initiative*, *NoCap*, AHIFORES and *SOS Rosarno*. The expertise of stakeholders working within or alongside the agrifood sector, such as migrant farmworker organizations, consumer organizations, health and safety organizations, NGOs etc. should indeed be leveraged to develop appropriate standards that are catered to national and regional contexts. For example, *SOS Rosarno* and the smaller initiatives that sparked from it, consist of relying on networks and coalitions to develop transparent food-supply chains (Oliveri, 2015). While no label or certification per se is involved in this initiative, the *SOS Rosarno* association provides a relevant example for the coordination among a variety of actors for the goals of an alternative food-supply chain that focuses on alleviating migrant farmworker exploitation.

Within the governance of these initiatives a clear set of standards must be employed. This may include legally binding agreements with buyers, transparent codes of conduct, rigid supply chain protocols, and strong monitoring and sanction schemes (Hitow & Asbed, 2017; Lagana, 2020 Scully-Russ & Boyle, 2018). Many standards in the initiatives discussed above have drawn on international legislation to leverage compliance. For example, EFI has drawn on Oxfam International, AHIFORES standards have been developed or expanded in accordance with the Chapter 23 of the USMCA agreement, and the *Buoni e Giusti* campaign has effectively utilized the SA8000 standards which have been formulated in accordance with the Universal Declaration of Human Rights, and the ILO. These methods have been done in efforts to render certification standards beyond the scope of state legislation to foster a compliance to a higher degree of requirements.

Dedicated third-party audit organizations have a key role in enforcement and auditing. As shown by the EFI, FFP and *NoCap*, these organizations should have the power to suspend suppliers who fail to bring their operations into compliance with the programs' codes and standards. Comparatively, the *Buoni e Giusti* campaign functions by 'whitelisting' and highlighting good practices for compliance. Zoller et al. (2020) state that third-party verification by auditors of certified farms of the *Equitable Food Initiative* are a key structural mechanism for ensuring improved treatment and safety. Additionally, the *Fair Food Program* monitors and enforces their standards which are legally binding agreements.

According to Hitow and Asbed (2017), binding agreements should be a strict condition for participation with a robust system that allows monitoring, compliance and sanctions when necessary (including exclusion from the program if organizations are not able to meet quality standards). This effectively sets certification initiatives, such as the *Fair Food Program*, apart from traditional Corporate Social Responsibility regimes that are business as usual, but with a friendlier face (Maurer, 2009). Ultimately, scholars argue that in contexts where recruitment is based on



seasonal, employer-led guestworker programs, evaluation and strong policy regulations are required (Andrees, Nasri & Swiniarski, 2015; Mieres & McGrath, 2021). Both the *Buoni e Giusti* campaign and the *NoCap* initiative have drawn on the power of large-scale distributors to develop and enforce standards. Both initiatives draw on extensive standards and audits for the *entire* food-supply chain mainly focused on the tomato and citrus industries (Corrado et al., 2018; NoCap, 2022).

In order to continuously involve workers in the design or certification schemes meant for their benefit comprehensive education strategies, training, and capacity building strategies have been developed to focus on workers' inclusion (Lagana, 2020; Mieres, 2020; Zoller et al., 2020). Several case studies have revealed the importance of capacity-building strategies aimed at providing workers with the tools to participate in the application and evaluation of labour standards and quality-related processes in the agrifood sector. For this, it is relevant to put farm workers front and centre. Creating positive change and deepening the impact of these kinds of strategies, certification plans, and systems should guarantee that farmers and farm workers have access to the necessary tools, training, and support they need to continuously improve their practices and avoid labour and human rights violations.

Thanks to comprehensive education strategies developed by both the EFI and FFP, workers have become aware of their rights, they have been helped to organize collectively and to communicate the need for complaint resolution mechanisms that bypassed their fear of retaliation generated by guest worker programs. These methods are referred to by some scholars as 'co-determination' (Zoller et al., 2020; Haedicke, 2020), where workers and employers work collaboratively to actively identify problems and construct solutions. According to Scully-Russ & Boyle (2018), the lynchpin of education initiatives is that it provides structured opportunities and a space for farmworkers to spend significant time interacting as equals with each other and their supervisors and managers to identify and resolve issues in the fields. It also provides workers with information regarding the initiatives so that they may communicate across different organizational levels.

The EFI and FFP have demonstrated commitment to inclusion by actively checking worker understanding using different communication methods and languages and even creating literacy programs to address educational differences (Zoller et al., 2020; Anner, 2019; Arango & Krishen, 2017). Moreover, the inclusion of women and indigenous communities on farm leadership teams (particularly in the case of the *Equitable Food Initiative*), has created new channels for workers to raise and address grievances related to the use of derogatory language, sexual harassment and violence, as well as racial and ethnic discrimination on the farm (Scully-Russ & Boyle, 2018; Zoller et al., 2020)

Essential to certification processes, is the quality of information on food labels with aims to promote reflexive consumerism. Food labels must include strong awareness-raising campaigns that allow consumers to become literate in the social sustainability of the products they purchase. Food labelling has been touted as a strategy to promote legibility by providing consumers with the information about the conditions under which the products, or in this case, the food they purchase, have been produced (Allen & Kovach, 2000). Much like the *#FiliaraSporca* campaign the proposition of a narrative label has been promoted as a strategy to increase consumer awareness. This can arguably lead to a heightened awareness among consumers which contributes to the overall sustainability of certification schemes more generally, resulting in a lasting positive impact for migrant farmworkers. Ultimately, initiatives must seriously consider the content, and quality of their labels or ethical seals.

Certification programs should consider mechanisms to engage with consumers. To achieve this, scholars and economists agree that product location and affordability are two other important factors. Products certified by some schemes in the United States and Europe can be easily found on large retailers' shelves and in some cases, their products do not cost more than standard ones (Ceccarelli & Fattibene, 2020), which has become a key element to ensure

consumer engagement and participation. This accordingly demonstrates that fair, certified products, contrary to the generalized assumption, are not only good for producers in terms of quality assurance but are also increasingly affordable for consumers. Further, it is necessary to develop strong community engagement initiatives that aim at connecting with civil society organizations, including community leaders, community-based organizations, and worker and migrant organizations. Advocacy can play a crucial role in promoting strategies focused on the empowerment of workers (particularly migrant workers). As Haedicke (2020) claims, direct action campaigns promoted by coalitions in the agriculture sector have the potential not only to educate the community about exploitation and discrimination, but also to create more multifaceted and powerful platforms to address issues related to workers' rights.

In terms of community and consumer engagement, examples such as *C'est qui le Patron* have shown that empowerment can lead to rebalancing of power between consumer and producer. According to Renault (2019) the program highlights several good practices. The empowerment strategy contributes to the commitment and ultimately to the loyalty of consumers who participate directly in the initiative. Consumers vote and set the standards with the support of coalitions and independent audit organizations which in turn creates communities that address issues related to the agriculture sector in Europe: "It is towards their peers that the consumers of the brand express confidence both in the determination of the characteristics of the products and in the checks carried out at the producers" (Renault, 2019). The deployment of *C'est qui le Patron* is based on a community of consumer-actors invested in their acts of purchase but also by their various actions in favour of a fairer food chain.

#### **Inclusion Criteria for Future Consideration**

Based on the governance of the programs discussed in this report, we have outlined the following recommendations to include when designing and implementing a certification scheme.

1. Consideration for worker-driven models.
2. Forming a coalition among key stakeholders who are experts in their field who can promote and develop standards according to national and regional contexts. Additionally, this coalition will openly discuss the implementation of the strategies outlined below.
3. A clear set of enforceable standards.
4. Rigorous checks, enforcement and auditing strategies that a third party carries out and that entail sanction mechanisms for non-compliance.
5. Worker education strategies and training.
6. Clear food labelling.
7. Community and consumer engagement strategies.

#### **Final Remarks**

As the historically invisible contribution of farmworkers in the agriculture system gains more attention – which the COVID-19 pandemic rendered particularly visible – so too do the dangerous, often-unsanitary working conditions and low-pay governing farm labor. Although these conditions have been contested, efforts have focused mostly on governmental regulation and the utility of international human rights discourses (see Basok & Carasco, 2010). Less attention has been paid on the effect that consumer power, via ethical consumerism, can have on supermarkets, producers, and ultimately, migrant farmworkers. At the time of this writing, there are only three EFI-certified farms in Canada: one in British Columbia and two in the Windsor-Essex region.

Of particular importance in the creation and governance of social certification schemes is the participation and collaboration of large retailers and farmers who employ migrant farmworkers. As some of the schemes analyzed in this paper have demonstrated, large retailers' participation

in label or certification initiatives, is a powerful incentive to garner support from other stakeholders, including farmers. From this perspective, retailers not only play a functional role by purchasing labelled produce that is socially sustainable, they also have the capacity to harness consumer power through their Corporate Social Responsibility mandates or engagement campaigns, that can potentially lead to a substantive change in addressing unfair migrant labour conditions. As a Canadian Policy expert asserts:

There are more and more consumers that are willing to buy products that are labelled 'organic', or products that are made without animal testing [...] there are people who actually look at the labels and want to know the kind of products they are buying. We need to know more about this population in Canada, those who are politically committed to these causes. I think there is more of a possibility to develop these kinds of initiatives now that we have people willing to be more informed about food production and issues that surround it.

In order to develop a successful certification initiative in Canada, future action must consist of forming a coalition among stakeholders including, but not limited to, migrant farmworker organizations, local authorities, academics, and policy experts. This effort should include, development of clear and specific guidelines for the consolidation of an independent certification body that is able to instrumentalize, monitor, and evaluate the certification scheme. Likewise, a coalition among experts in their field would have the potential to outline and adopt the successes of existing initiatives to a certification scheme that accounts for Canada's unique legislative context. To be successful, it is necessary to develop a space for active discussions among these key stakeholders to discuss strategies and recommendations for engaging large retailers and facilitating partnerships with farmers and producers. Complimentary to legislative action and efforts to draw on national or international policy, consumer power can be a remarkable tool at our disposal to harness market power for positive changes. Consideration should be given to marketing strategies and engagement campaigns necessary to render these efforts visible to consumers and citizens alike. Certification schemes must seriously consider the impetus for consumers to influence large retailer's approaches to social sustainability, and their transformative power for addressing inequitable farm labour regimes.

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