

Fair Farmwork Toolkit

A new perspective for a transparent and equitable food supply chain



**Toronto
Metropolitan
University**

**Canada Excellence
Research Chair in
Migration & Integration**

The logo for Toronto Metropolitan University, featuring the university's name in white text on a blue rectangular background.

**Canada Excellence
Research Chair in
Migration & Integration**



**University
of Windsor**

About the Fair Farmwork Project

In 2022, researchers at the Canada Excellence Research Chair in Migration and Integration program, Toronto Metropolitan University and the University of Windsor, joined together to investigate the effectiveness of social certification schemes in improving the living and working conditions for migrant farmworkers in Canada. The research project interviewed stakeholders and undertook comparative studies of programs throughout Europe and North America to identify best practices.

The Fair Farmwork Toolkit was prepared by Erika Borrelli, University of Windsor. We are grateful to Gabriel Allahdua and Naomi Alboim who provided valuable comments on early drafts.

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Introduction

What did we do?

As a component of the Fair Farmwork project, researchers at Toronto Metropolitan University and the University of Windsor undertook field research in Florida and California to understand existing social certification initiatives aimed at improving the working conditions for migrant farmworkers. Drawing from interviews with migrant farmworkers, growers, and representatives of these certification organizations, the research team adapted insights and best practices to develop a toolkit for the Canadian context. Please refer to the appendix for information on the Equitable Food Initiative and the Coalition of Immokalee Workers' Fair Food Program, the existing initiatives that were used as models for this Toolkit.

What will it cover?

The Fair Farmwork Toolkit will:

1. **Highlight** the necessity for protections for migrant farmworkers in Canada.
2. **Explain** the concept of a third-party social certification initiative and its supplementary role to state-sanctioned regulatory protections.
3. **Advocate** for a worker-focused approach to social certification.
4. **Provide** practical direction through our Fair Farmwork Framework, which will outline key steps in the development and implementation of a social certification initiative.

Who is it for?

The Fair Farmwork Toolkit serves as a resource for civil society organizations, NGOs, or non-profit organizations that are interested in joining together to improve working conditions among migrant farmworkers in Canada by establishing and overseeing social certification for employers who comply with a set of ethical labour standards. Such an organization, or group of organizations, will henceforth be referred to as the “certifying body”.

Migrant farmworker exploitation is a systemic issue

In Canada, the exploitation of migrant farmworkers has been a persistent and long-standing issue that has garnered increased public attention, particularly since the onset of the COVID-19 pandemic.

Migrants enter Canada for agricultural employment through the Seasonal Agricultural Worker Program (SAWP) or the Temporary Foreign Worker Program (TFWP) which issue fixed-term, employer-specific, contracts. These contracts grant agricultural producers (the employers of migrant farmworkers) the ability to terminate workers' employment, with or without just cause, leading to deportation. This immigration framework instills fear of reprisals among migrant farmworkers, hindering them from reporting grievances, addressing maltreatment or exploitation, and raising health and safety concerns with employers or relevant authorities.

Employment in the Canadian agricultural sector often involves hazardous working conditions. The agricultural sector in Canada has been recognized as an industry with insufficient regulatory protections, weak enforcement of provincially established employment and health and safety standards, and, in some provinces, such as Ontario, the inability of

agricultural workers to collectively organize and establish unions. Research has also shown that the Canadian agricultural sector relies on reactive inspections and lax enforcement that inadequately protects workers. The absence of adequate legislative and contractual safeguards coupled with the inability to collectively organize leaves migrant farmworkers in fear of reprisals, denying them the chance to advocate for and assert the rights and entitlements they do have.

To provide more robust protections for migrant farmworkers in Canada, the Fair Farmwork project proposes a social certification initiative that will 1) enhance ethical labour standards in agricultural workplaces 2) proactively inspect and enforce compliance with standards through a combination of regulation and market pressure from retailers and 3) put in place mechanisms to ensure that migrant farmworkers' voices are heard and that they are provided with training and education on their rights.

What is a social certification initiative for fair farmwork?

Social certification aims to transform the food supply chain by ensuring a socially sustainable farm-to-table experience. These initiatives involve collaborating with a variety of actors such as agricultural producers, retailers, consumers and farmworkers themselves to address inequities in food harvesting, production and distribution. To understand how this collaboration intends to address the vulnerabilities of workers at the beginning of the food supply chain, we must first address the role of the certifying body.

Situating the certifying body in the food supply chain

In North America, the food supply chain establishes its own ethical labour standards through individual retailers, such as Walmart, Costco, Target and Loblaws, who set and enforce their own codes of conduct for their suppliers. However, standards lack specificity towards migrant farmworkers' vulnerability and there is a lack of clarity about audits and enforcement procedures. Because of the autonomy of each retailer in setting its own standards and audit protocols, migrant farmworkers face inconsistent levels of protection from a food-supply-chain perspective.

For social certification initiatives to succeed as a non-state approach, and improve ethical labour standards for migrant farmworkers, they must leverage key market relationships and eliminate the lack of clarity and inconsistency noted above. Therefore, the certifying body, and its accompanying ethical labour standards, must be positioned directly between agricultural producers and retailers in the food supply chain.



Figure 1: Where the certifying body fits in the food supply chain



The social certification initiatives that we examined positioned themselves as intermediaries, between producers and retailers, in two distinct ways (see appendix for more details).

One way relies on **replacing** existing retailer ethical codes of conduct. Retailers would agree that the ethical labour standards set by the certifying body would replace their existing code of conduct and audit procedures.

The second approach does not involve these codes of conduct but, rather, focuses on new binding agreements between the certifying body and the retailer. Retailers sign a binding agreement that states that they will **only** source from certified producers under the certifying body. This agreement means that retailers and brands (like Subway, Taco Bell etc.) cannot source from producers that are not certified by the certifying body.

In both cases, when agricultural producers are non-compliant with the standards set by the certifying body or fail an audit, retailers do not buy from these producers. This relationship, and place in the food supply chain, is the main market mechanism for enforcement.

The function of the certifying body

The certifying body is responsible for developing a comprehensive set of ethical labour standards. These standards are all-encompassing and are designed to uphold, and sometimes strengthen, national and provincial employment regulations, occupational health and safety protocols, and criteria for employer-provided housing. Equally important, however, these standards must address common structural challenges faced by agricultural workers in Canada like, fear of retaliation, reluctance to voice grievances, and lack of awareness of rights and entitlements.

After joining a social certification initiative, agricultural producers would organize their facilities to align with these ethical labour standards. Any expenses incurred to achieve compliance would be the responsibility of the producer. An initial third-party audit would then confirm compliance, leading to certification through the certifying body.

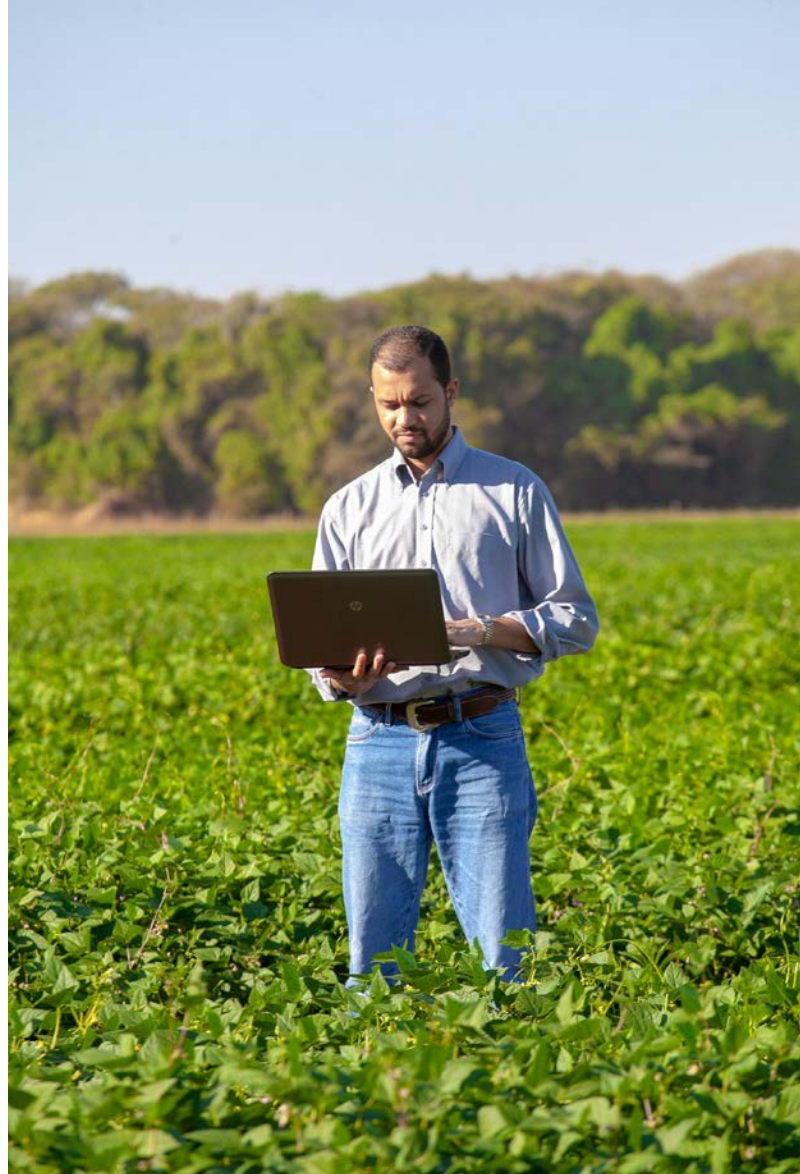
Certified producers have the option of labelling their products with an ethical label provided by the certifying body, assuring consumers of their dedication to ethical labour standards throughout production and distribution.

To maintain ongoing compliance, producers would be subject to annual third-party audits.

Should any standards not be met, the auditor will establish a corrective action plan or recommend withdrawing the certification. Failure to meet standards or address corrective action plans could lead to the producer losing certification, putting at risk their ability to supply produce to participating retailers. This serves as the primary compliance incentive for agricultural producers.

Participation in social certification initiatives benefits everyone involved:

- 1. For Farmworkers:** Their employers will follow enhanced compliance with national and provincial requirements and legislation such as employment, occupational health and safety, public health, and employer-provided accommodation standards.
- 2. For Agricultural Producers:** Certification guarantees compliance with retailer ethical requirements. A single audit to ensure certification can replace multiple retailer audits, alleviating audit fatigue. Ethical labelling attracts socially conscious consumers and provides market advantages. Upcoming policy changes, such as the introduction of sector-wide work permits, will heighten competition among agricultural producers for retaining workers, making participation in a social certification initiative that demonstrates their commitment to ethical standards a key strategy for maintaining a competitive advantage.
- 3. For Retailers:** Social certification assures retailers that the produce they purchase and sell is socially sustainable and ethically produced, reducing the risk of potential litigation.
- 4. For Consumers:** Certification and labelling increases transparency, giving consumers the opportunity to shop in a socially responsible manner and to participate in improving the working conditions of farmworkers. Certification also increases confidence in food safety.



A worker-focused approach to social certification

We advocate for a *worker-focused approach* to social certification that places a strong emphasis on migrant farmworkers' voices and on viewing them as key decision-makers, empowered to organize and serve as the primary advocates for their own rights.

This approach, as shown in Figure 2 below, involves migrant farmworkers at every stage of the certification process, from development to implementation. This includes both former migrant farmworkers, who have previously participated in Canada's temporary immigration pathways and current workers on certified farms.

Figure 2: The Fair Farmwork Framework



In the **development phase** of a social certification initiative, the certifying body would engage former temporary migrant farmworkers in their coalition of experts to create ethical labour standards. This approach also foresees workers on certified farms participating in audit procedures, where their insights take precedence in inspections and ensures compliance.

During the **implementation phase**, former migrant farmworkers are brought on board to advise and create training materials and take on important roles in delivering this material to current workers. Through this training, migrant farmworkers on certified farms are empowered to know their rights and play a role in continuously verifying standards in-between audits.



The Fair Farmwork Framework

This section provides practical tools for the certifying body following the Fair Farmwork Framework as shown in the figure above. Here, we will detail actionable steps for the development and implementation of a *worker-focused approach* to social certification.

DEVELOPMENT

Step 1: Form a coalition of experts

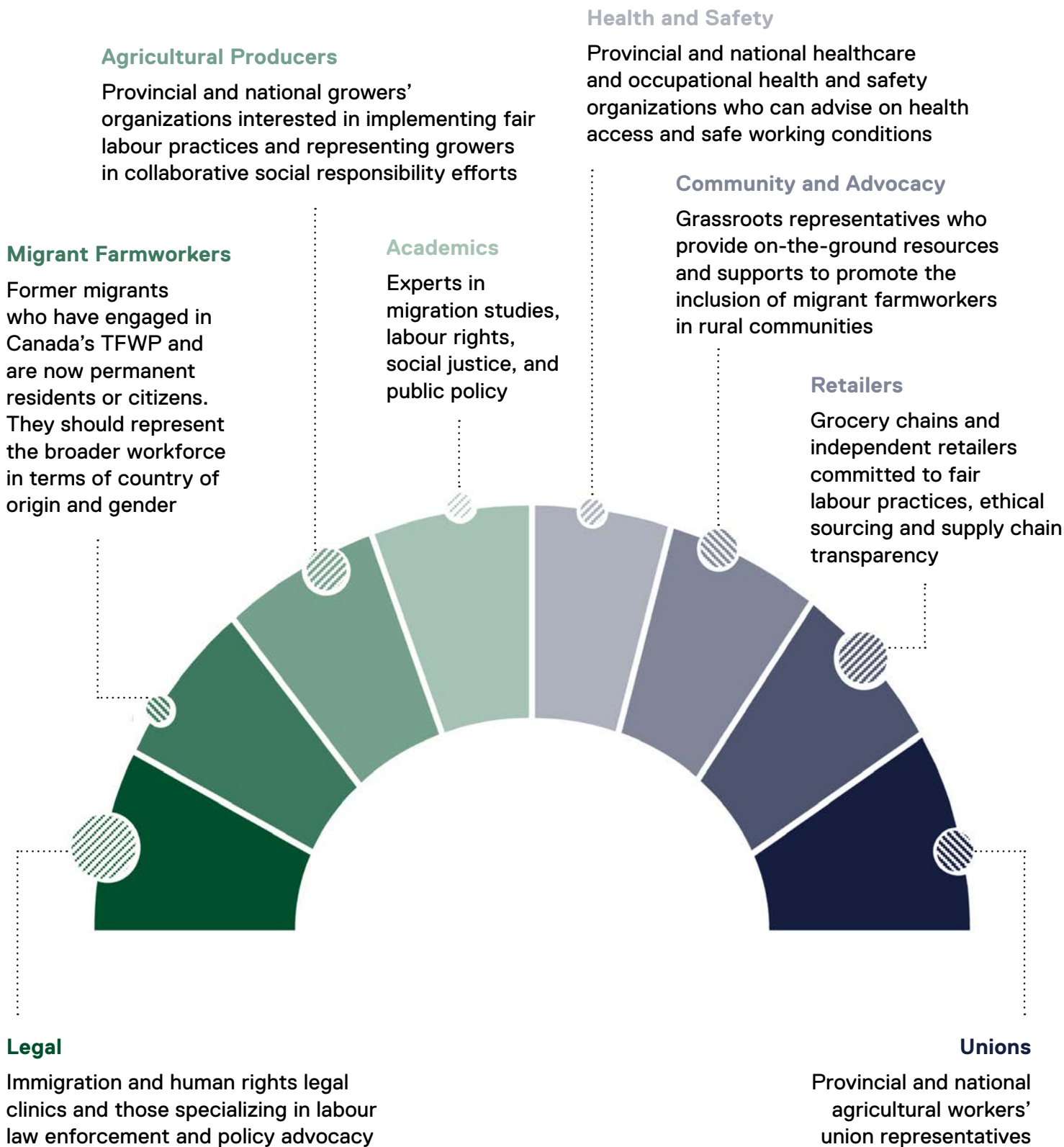
This framework recognizes experts in the welfare of migrant farmworkers, who can advise on distinct challenges of agricultural work in Canada. Central to this framework is that individuals who are experts in the welfare of migrant farmworkers are brought in to advise on distinct challenges of agricultural work in Canada. The certifying body will be responsible for working with, and drawing on the knowledge of, experts from various fields to continuously inform the development of the social certification initiative.

What is a coalition of experts and why is it important?

A coalition is a collaborative group of diverse stakeholders and organizations that work together to achieve mutual objectives or to address complex challenges. The strength of a coalition lies in the combined efforts and resources of its members, who bring varied perspectives and expertise to the initiative.

As its first step, the certifying body will invite a variety of experts to form a coalition that will operate as an advisory group to the social certification initiative. They will advise on the creation of ethical labour standards, inspection criteria, audit procedures, and effective engagement strategies with stakeholders, such as retailers and agricultural producers.

Figure 3: Examples of representatives for a coalition of experts



Step 2: Create comprehensive ethical labour standards

Advised by the coalition of experts, the certifying body is tasked with creating comprehensive ethical labour standards. By drawing on the advice of a well-represented coalition, the certifying body will ensure that their ethical labour standards gain acceptance from retailers, have considered the perspectives of agricultural producers, and are shaped by the experiences of former migrant farmworkers.

Adherence to laws and regulations

First, standards need to be designed to improve compliance with existing laws and regulations, while including ways to improve access to current legal provisions. Therefore, they will need to adhere to international, national, municipal and provincial laws and regulations, including occupational health and safety regulations, employment standards legislation, congregate housing standards, and human rights legislation.

The certifying body will need to collaborate with legal experts on its coalition to understand the existing legal framework and to create standards that clearly outline expectations for complying with specific laws and regulations.

Going beyond legal requirements

While ethical labour standards are designed to enhance compliance *within* the legal framework, they can also extend **beyond** existing laws to address structural vulnerabilities and barriers faced by the migrant farmworker population. Consider the following suggestions for expanding standards by including criteria for non-retaliation, clear workplace policies, and information dissemination requirements.



TIP

Despite potential regional or provincial differences and specificities, consolidate all standards into a single document applicable across a variety of contexts. A set of unified standards will help to ensure consistency and get approval from participating retailers.

Figure 4: Suggestions for incorporating standards that go beyond legal requirements



Step 3: Develop inspection and audit procedures

Alongside standards, the certifying body must also outline inspection criteria, audit procedures and penalties for non-compliance.

Inspection Criteria

The certifying body will need to develop comprehensive inspection criteria for each standard and clearly outline them in the standards document for maximum transparency. The document should include visual observation and document review procedures. Given that a worker-focused approach necessitates that insights and experiences of migrant workers must be considered, incorporate confidential interviews with migrant farmworkers in inspection requirements. However, preserving their confidentiality is paramount. Pay attention to the scale of operations (size of farm and number of employees), interview methods (conduct interviews away from management's view) and reporting violations (provide enough detail to facilitate corrective action but avoid excessive or unnecessary detail).

Methods and Regularity

Consider various audit methodologies. Audits should be conducted at least annually and should include some degree of unannounced inspections. However, incorporating scheduled inspections, where producers schedule their own audits from a list of approved auditing companies, may facilitate greater producer engagement. Adopting a hybrid approach that combines both unannounced and scheduled inspections could be beneficial.

Violation Procedures

Develop penalties for violations, but recognize they may be context dependent. Consider implementing graded levels for standards and penalties specifying which infractions are more likely to lead to withdrawal of certification. Introducing corrective action plans for less severe violations can foster compliance and trust among all actors. Set timelines for corrective action plans to ensure prompt resolution.



TIP

While the involvement of a third-party in conducting the audit is crucial, it's equally essential that auditors understand the unique contexts and experiences of migrant farmworkers in Canada. In addition to training on the expected standards to be met, consider developing training courses for auditors with a focus on trauma-informed approaches, as well as in identifying issues related to gender and race. This training can enable auditors to pick-up on important details during worker interviews in instances where workers are not forthcoming.

Step 4: Engage with key actors

Harness the relationship between retailers and agricultural producers

Retailers and agricultural producers play key roles in shaping the trajectory of a certification initiative. The enlistment of retailers is a critical step in the initiative's development as they wield substantial influence over supply chains, and their advocacy for socially certified products can prompt their suppliers to meet additional standards.

When retailers require their suppliers to meet higher standards, agricultural producers must do more to protect their workers.

The role of consumers

Consumers have the power to bolster demand for certified products by actively choosing retailers that recognize and source from ethical producers. This market power can drive retailers to seek and uphold certification requirements from their suppliers to meet market expectations.

Crafting comprehensive marketing strategies, therefore, to engage and educate consumers becomes crucial for the sustained success of a social certification program.



TIP

The level of buy-in from retailers will determine what consequences will be imposed in cases of non-compliance. At this stage in the development process, it is essential to consider retailers' and brands' needs for socially sustainable or certified produce. Consider what other approaches you can include in your certification model to increase the likelihood of their buy-in. Draw on the expertise of retailer representatives in your coalition.



TIP

Create a market for ethically sourced produce. Develop strategies for educating consumers on how to recognize not only your brand, but participating retailers. Help consumers understand what social certification is and garner appreciation for ethically sourced produce.

Spotlighting participating retailers can serve as positive recognition, attracting more business. These strategies are important beyond the development phase to continually attract consumers and drive retailer buy-in.



IMPLEMENTATION

Step 5: Choose an information and training approach

The success of a social certification initiative goes beyond heightening protections and inspections in agricultural workplaces. A *worker-focused approach* views social certification not merely as a remedy for deficiencies in the inspection and enforcement regime, but as a means to empower workers for the long-term through training.

Training materials

Training programs should encompass two key components. First, the certification scope which provides information on ethical labour standards, outlines the role of the certifying body and available grievance mechanisms. Second, information should be provided on workers' rights and entitlements as temporary migrant farmworkers in Canada. While the scope of certification and available grievance mechanisms will remain the same, training on rights and entitlements may differ by province.



TIP

Develop training materials and resources for the migrant farmworker population on food safety, occupational health and safety, and pesticide safety. Explore additional training materials on soft skills to develop confidence in communicating and participating in self advocacy.

“We learned, for example, that if I go to the bathroom I have to wash my hands. I may not have really paid much attention to that before, but the training makes you see that. Then you think “Oh that’s true because I’m the one that sends the fruit to packaging from here, and then they send it to the truck driver, where it eventually reaches someone’s table.” How am I going to send that fruit so it reaches people like that? Because I am the first person who is going to grab it, and then I have to send it so that it reaches its destination safely. They show you the importance of things like that, and the job, and how to do it safely. That was my perspective or what I learned from that [training].”

— Migrant farmworker from EFI-certified farm

Deliver training material

Delivering training on large-scale farming operations can be resource intensive and difficult to achieve. The certifying body can explore various methods of training such as point-of-hire, cascade, and annual workshops.

Point-of-hire methods involve training workers individually or within their cohort as they are onboarded. In contrast, cascade methods train a select few leaders or delegates, who then take the responsibility for training the rest of the work force.

Training initiatives should include a variety of approaches – such as in-person training, accessible, online modules, booklets, or information boards – and should address common barriers to migrant farmworkers' knowledge acquisition. All training materials should be available in the languages of the workers and in accessible wording.

“They give it [training] to you all the time, for example, when the cold season is about to start, or the hot season. They give you classes on the weather. It’s really frequent here and I think its better this way because the more you do it the more you know. They give us training every three to four months.”

— *Migrant farmworker from EFI-certified farm*



TIP

Former migrant farmworkers bring invaluable real-world experiences and insights and help to foster peer connections and tacit knowledge transfer, all crucial for effective training. Involving professional trainers from the certifying body or trained and recommended by the body can also ensure consistency, expert knowledge and objectivity.

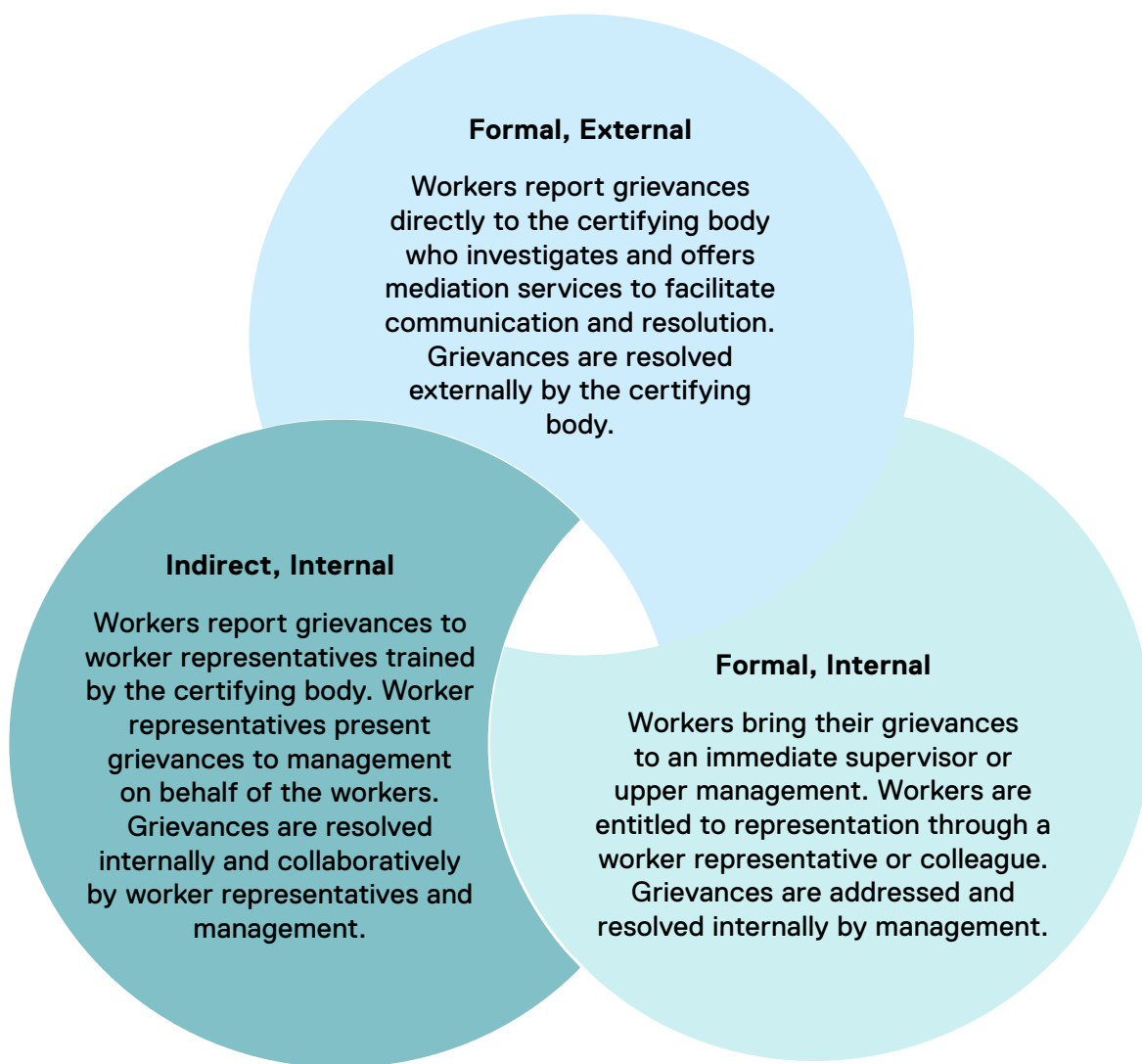
Include both former workers and professional trainers in your training approach. This will enhance the overall quality and impact of your training program.

Step 6: Decide on a continuous verification strategy

Since third-party audits are conducted intermittently through the certification initiative, a continuous verification strategy is essential to ensure constant compliance. As workers engage in training and education programs they gain knowledge about standards, rights, entitlements, and responsibilities, and are able to assume a crucial role in ensuring the farming organization complies with the standards.

Grievance mechanisms

A continuous verification strategy should include effective grievance mechanisms for workers to lodge complaints or report non-compliance with standards. Consider a combination of these three approaches.



Formal, external grievance procedures prioritize independence and impartiality, offering workers a direct avenue to report issues independently of the organization's internal hierarchy. Consider easy and transparent communication pathways such as confidential hotlines, online platforms or emails.

Formal, internal approaches enable internal resolution, fostering trust and transparency between management and workers. However, because there are inherent power imbalances between migrant farmworkers and agricultural producers, workers should be encouraged to bring a colleague or worker representative to meetings to ensure fairness and accountability.

Introducing indirect, internal mechanisms where designated workers act as representatives establishes a structured platform for collective expression of concerns. This approach facilitates communication between worker representatives and management and attempts to empower workers with decision-making authority.



TIP

It is essential that all reports and complaints are supported by written record and/or witness corroboration. For internal mechanisms, these reports, that include how issues were resolved, will be reviewed and monitored during audits to ensure that investigations of complaints are conducted fairly and in a timely manner. For all methods, documented procedures ensure accountability in cases that result in dismissal.

"You know before [certification] we would complain and nothing was done, but now there have been many changes. For example, when we would leave late at night it was very dark. So we mentioned to the team [Leadership Team] 'hey it's really dark and its scary walking out in the parking lot'. And we didn't know what would happen, but then they put up more lights."

— Migrant farmworker from EFI-certified farm

Thinking ahead: Going beyond the food supply chain and expanding state engagement

As we have discussed, the effectiveness of social certification initiatives largely relies on their position within the food supply chain and the resulting market mechanisms for enforcement.

However, relying on non-state approaches **alone** is not sufficient to address structural vulnerabilities ingrained in governmental policies and inspections.

These non-state initiatives aim to bridge the significant gaps within the Canadian inspection and enforcement regime, which has failed to adequately protect migrant farmworkers. This issue has been addressed in a recent [policy brief](#).

Therefore, a crucial question remains: are there opportunities for collaboration between social certification initiatives and the state that can effectively address the shortcomings inherent in each approach?

Because ethical labour standards in non-state initiatives are designed to align with federal, provincial and local laws, there may be opportunities for collaboration. Here, we discuss some possibilities.

Out of whose pocket?

Social certification functioning strictly as a non-state approach, places the bulk of financial responsibility on agricultural producers. This includes the costs associated with coming up to standards, training and workforce development as well as audits and inspections. This can be a major disincentive to voluntary participation.

Funding and grants: The state can provide funding or grants to the certifying body which can cover expenses associated with audits, inspections and training for agricultural producers and workers.

Subsidies or tax incentives: Governments can offer subsidies or tax incentives to agricultural producers who participate in social certification programs. These incentives can help reduce the financial burden and encourage voluntary participation.

Collaborative auditing: Rather than relying solely on third-party auditors, non-state organizations and state agencies may be able to collaborate on auditing procedures. This can include joint inspections, where representatives from both parties assess compliance or government agencies take on the role as the primary auditor, eliminating the need for a third-party. For the latter, the assumption

would be that the government agency would inspect according to the standards set by the certifying body. By sharing responsibilities, the cost of auditing can be distributed and can contribute to alleviating audit fatigue for producers.

Communication and information sharing

Social certification initiatives and government agencies can collaborate and facilitate information sharing through various mechanisms.

Data sharing agreements: Formal agreements between non-state organizations and state agencies to share relevant data and information can be established. These agreements can outline the types of data to be shared, the frequency of sharing and protocols for maintaining confidentiality and security.

Shared databases or platforms: Shared databases or online platforms where both parties can input and access data can streamline information sharing, enhancing efficiency and effectiveness.

Recognition and interagency coordination: Government agencies can minimize redundancy in agricultural inspections by formally acknowledging ethical labour standards established by social certification initiatives. This recognition can expand to other related state agencies with mandates regarding human rights, public health, environmental regulation and food safety.



Conclusion

Migrant farmworkers are key. Throughout the development and implementation phase of the certification process, migrant farmworkers should be active participants in decision-making processes. To actively involve workers, they must be adequately represented, hold key roles, and contribute to all aspects of the certification initiative. By including their experiences in auditing and inspection procedures, and by introducing effective grievance mechanisms, migrant voices are front and center in the pursuit of increased compliance to labour standards in the agricultural sector.

Training and education matter. Implementing a structured and formalized strategy for educating migrant farmworkers in Canada about their rights and entitlements and their role in the scope of social certification is crucial. An educated and informed migrant workforce is an empowered one.

Beyond proactive inspections. While the primary objective of social certification initiatives is to ensure compliance with workplace standards to protect workers, their broader goal is to improve communication and amplify workers' voices through education and training and available grievance mechanisms. This focus on worker well-being and, more importantly, worker empowerment, yields overall benefits to the communities where migrant farmworkers live and work. It also ensures safe, high-quality, and ethically produced food.



Appendix: Examples of Social certification initiatives in North America

THE EQUITABLE FOOD INITIATIVE

United States, Canada and Mexico <https://equitablefood.org/>

THE PROGRAM

The Equitable Food Initiative is a multi-stakeholder certification scheme that replaces retailer codes of conduct to provide retailers and consumers assurance that their food was ethically produced. It also serves as a voluntary certification model where producers can opt-in to the program for more market-recognition.

WORKER BONUS

Some retailers agree to pay a monetary bonus for produce from EFI-certified suppliers that is transferred to migrant farmworkers.



THE LEADERSHIP TEAM

The Leadership Team, comprising both worker and management representatives, undergoes 40-hours of training led by EFI. Serving as an internal grievance mechanism, workers voice concerns to worker representatives on the team. Complaints and concerns are confidentially and collaboratively addressed at monthly Leadership Team meetings.



FOOD-SAFETY AND SOFT-SKILLS TRAINING

Utilizing a cascade training methodology, Leadership Team training emphasizes soft-skills training like effective communication and problem-solving, empowering both workers and management to internally resolve issues efficiently. The training course also integrates food-safety information, educating workers on practices such as cross-contamination and hygiene, ensuring superior food quality. By promoting fair treatment and providing food safety education, EFI-certified producers ensure high-quality produce for consumers and retailers.

COALITION OF IMMOKALEE WORKERS – FAIR FOOD PROGRAM

The United States <https://fairfoodprogram.org/>

THE PROGRAM

The Fair Food Program is a social certification initiative that began in the tomato industry in Immokalee, Florida. This program was developed in response to significant consumer boycotts and public pressure for ethically sourced produce.



LEGAL COMPLIANCE

Brands, retailers and agricultural producers sign legally-binding agreements with the certifying body where non-compliance leads to cessation of supply.

TRAINING

Worker-to-worker education sessions throughout the season supplemented with point-of-hire training through videos and an information booklet. Curriculum is developed and delivered by farmworkers employed by the CIW.

COMPLAINT RESOLUTION

Workers can report complaints through a toll-free phone line, which is accessible in multiple languages. The CIW conducts investigations into complaints and strives for an educational resolution by collaborating with producers and workers. This approach aims to demonstrate responsiveness without retaliation and to strengthen the farm's dedication to the program.



Notes:

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