

Stronger Together US

Florida Roundtable Report

October 2019

Introduction

Stronger Together US aims to motivate the U.S. fresh produce sector to recognize and reward responsible recruitment (RR), thereby boosting the supply of ethically sourced labor and reducing the risks for workers and businesses across the labor supply chain. Stronger Together recognizes that to enable collective action and reach scale, RR work must be business-friendly and solutions-oriented. Keeping in line with our target – to facilitate stakeholder dialogue and cooperation to drive alignment and collaboration on an industry framework to promote responsible recruitment - we hosted a Responsible Recruitment Roundtable (Roundtable) event on September 27, 2019, in West Palm Beach, Florida. Over 45 organizations cutting across retailers, growers, government agencies, standards systems, and civil society stakeholders attended.

Summary

After the keynote address, and a plenary panel of growers, retail, and a legal services NGO, participants worked together to explore key questions on where we are now and key ideas of what to do in the future. Some of the key challenges discussed included (not exhaustive):

- General labor shortages and retention of quality workers in the U.S. fresh produce sector. While farmers have been competing for a shrinking pool of workers by raising wages and offering benefits and bonuses, some reported having had to leave crops rotting in the fields, and switching to other crops, or expanding crops to enable year-round employment to workers. Some were considering investments in more automation for their operation.
- There is no clear path to immigration reform in the current administration to give undocumented farmworkers and their families a chance to legal resident status and U.S. citizenship.
- The main avenue for growers to secure a stable, legal workforce is through the H-2A program. Both advocates and farmers want the H-2A program to continue to grow, but want it reformed, though in very different ways. Worker advocates say the program's current structure creates a fundamental power imbalance and makes it ripe for abuse because guest workers are bound to a single grower and their livelihoods—their visas, housing, food, and wages—are completely dependent on that employer. Since they are not at-will employees, they cannot “vote with their feet” and if they are fired, they must leave the country immediately. Growers also dislike the program, but for very different reasons. They say it's onerous, expensive, complex to navigate, and fraught with bureaucracy.
- Cross-border recruitment adds significant risks, such as corruption, illegal charging of fees, labor chain layers and absconding (i.e., disappearing) after crossing the border. The circumstances of recruitment, employment, and the level of protection afforded foreign migrants are highly variable and greatly affected by policies in both Mexico and the U.S.

- Growers are becoming more and more dependent on farm labor contractors (FLCs) to provide them with workers. There is not enough government enforcement and oversight of FLCs, and a lack of communication when investigations are done. Listing and delisting by the U.S. Department of Labor is not enough to understand which FLCs to work with.
- Challenges in assessing compliance include whether metrics would be valuable, whether reporting should be mandatory, and then how and by whom the reporting should be evaluated. There is tension around maintaining flexibility, accommodating the fact that different businesses are at different stages.
- Pressures faced by small and medium farmers/growers from all areas of the marketplace.
- Price matters: some companies lamented that because their prices are higher as a result of due diligence and ensuring that they pay for higher labor standards in their supply and labor chains - it makes them less competitive. There is not yet enough of a commercial imperative for responsible suppliers/FLCs to be rewarded for higher standards, or for unscrupulous businesses to lose business.
- Human trafficking and broker-induced forced labor are complex issues. They are hidden, characterized by deception, and typically the result of pressures, abuses, and exploitation leveled not by the final grower where the worker is working or a single employer, but by a number of abusive actors at different stages of the recruitment, hiring, and employment processes.

At the end of the day, participants voted on the top ideas or topics that emerged from the sessions. The ideas reflect what participants felt is needed today to overcome challenges and create, recognize and reward responsible recruitment in the U.S. fresh produce sector. The selection (in no specific order):

1. **Support for small farmers:** Small and medium growers need alliances to survive - such as with large growers (consortium) - or, alternatively, an innovation in purchasing can help them survive. Put resources into developing an infrastructure to advise and assist small growers, particularly to build the capacity of businesses that do not know how to identify or manage these risks.
2. **Business models:** Embed sustainability into business model: RR should be part of the industry culture and business strategies. New models should be explored to build common approaches to contracting with financial incentives and pressures to comply with requirements.
3. **Education:** All groups including workers, FLCs, growers, and retailers can benefit from more education, awareness, and tools for continuous improvement. Cross-industry procurement and/or human resources guidance and practical tools could support some industry members to develop ethical and outcome-based systems. A knowledge database for procurers to review best practice and lessons learned would also be extremely valuable. Sharing tools and guidance would be effective in improving standards, harmonizing messages, cooperating with suppliers, and could contribute to better measures of impact.
4. **Worker capacity building:** Development programs and future workforce recruitment/retention plans may be leveraged to recruit and retain workers. Use of mentoring and training could also help workers understand the farm culture and processes.

5. **Community of origin verification:** Strengthen methods and tools to gain full insight into the recruitment, selection, and hiring procedures used by brokers in Mexico (or other communities of origin), and assess the conditions facing migrant workers relating to their pre-deployment, transportation, arrival, and placement.
6. **FLC ratings:** A means to identify poor, better, and best providers would increase transparency and motivate better operating practices. Certifications could be used to recognize good players, but other models such as self-assessments, FLC risk screens, etc. should also be explored.
7. **Direct connections and relationships with workers:** Growers need to know their workforce and understand their needs. What keeps them wanting to come back or not?
8. **Support domestic workers:** Domestic workers that are not part of the H-2A program need to be supported so that they may continue to participate in the industry. Joint advocacy on immigration reform across the industry is needed.
9. **Open data sharing:** Open data sharing on practices and expertise should be promoted across the industry, as well as between businesses, civil society, and government. Technology solutions may enable data sharing. Specific attention should be given to creating conditions for transparency and a “safe space” in which information and data can be shared.
10. **Industry Engagement:** Bring in more retailers, growers, and workers into the discussion.

Evaluation Summary

Immediately following the roundtable event, attendees were asked to fill out paper evaluations on-site. The post-event survey contained a mix of questions regarding the quality of the event sessions and impact. Twenty-five (25) people completed and submitted the post-event survey. The overall assessment of the event was 4.78 out of 5 (average). The topics or aspects that were most interesting or useful were sharing other's perspectives, talking about the challenges of the H-2A program, discussing FLC functions and responsibilities, and understanding the challenges faced by growers, especially small growers. Most respondents commented that what they liked most about the event was the open dialogue, high quality participation from attendees, and a mix of diverse stakeholders. Aspects to improve upon are bringing workers, FLCs, and more retailers into this type of conversation.

With few exceptions, respondents indicated that their knowledge and information gained from participation at this event increased. The majority indicated that the event: "Definitely" met my expectations; Was useful/applicable to my work; Will help me build dialogue/cooperation with others (Scale: Definitely, Mostly, Somewhat, Not at all). When asked if the event "increased my understanding of responsible recruitment", 15 respondents said "Definitely"; 10 said, "Mostly or Somewhat". This is an area to address moving forward.

All respondents said they plan to take action to understand, adopt, or promote RR in their organization or the industry, and would attend a Stronger Together event in the future.

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