

FOOD POLICY NETWORKS

Building Community | Applying Research | Cultivating Action

SHINING A LIGHT ON LABOR

HOW FOOD POLICY COUNCILS
CAN SUPPORT FOOD CHAIN WORKERS

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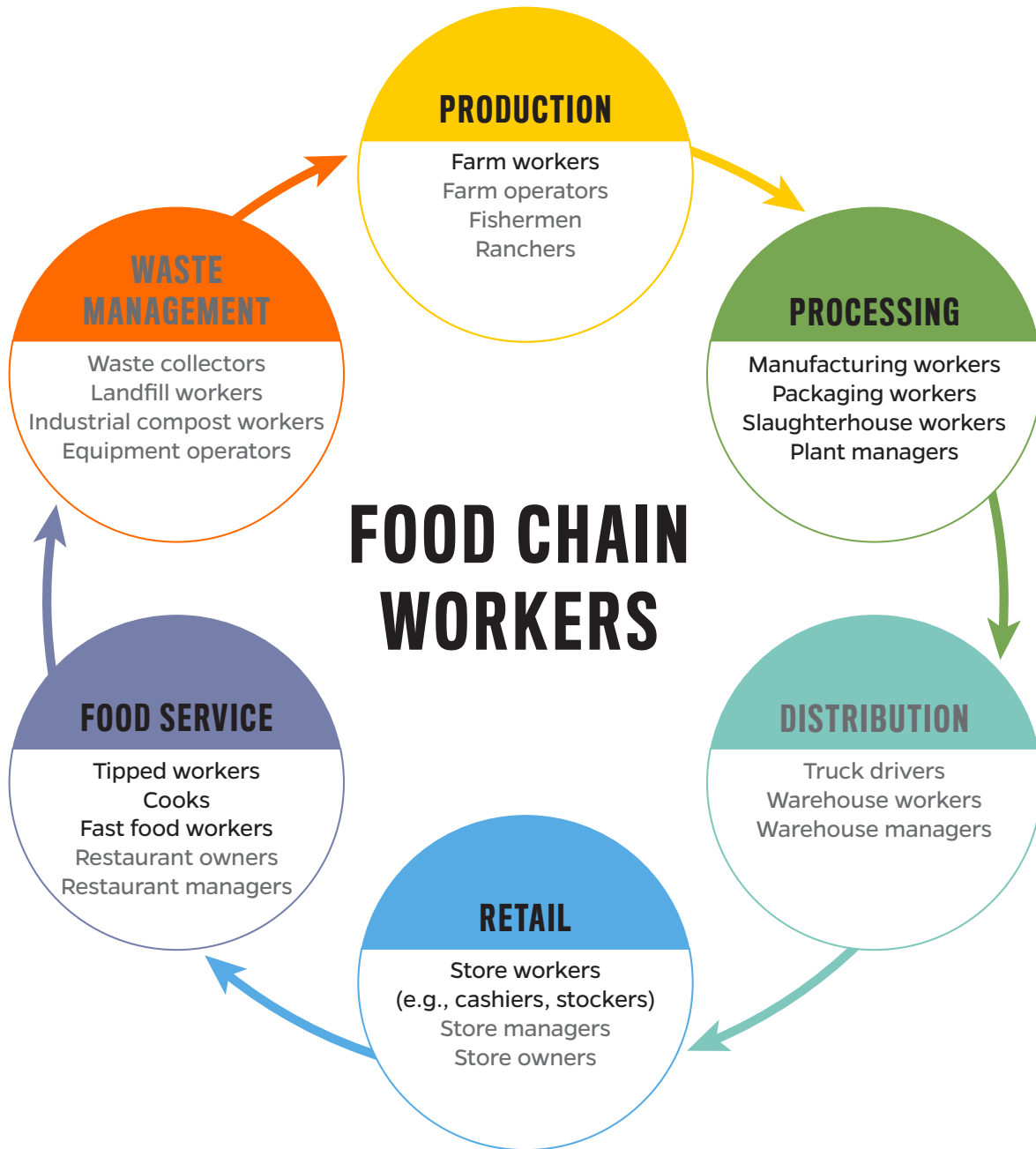
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Black type in the chart indicates the food chain workers most affected by the labor issues addressed in this guide.

*Adapted from the Food Chain Workers Alliance

INTRODUCTION

Food policy councils (FPCs) can play an important role in raising awareness of the value of food chain workers and the issues they face. Ensuring fair labor conditions throughout the food system—which rests on the shoulders of these workers—is a crucial component of a more equitable food system.

The food system employs 21.5 million people (one out of seven workers)—more than any other sector in the United States.¹ However, from farmworkers and restaurant staff to grocery store and factory workers, many people working in the food system often face long hours and unsafe working conditions for low wages and few benefits. They experience higher levels of food insecurity and are more likely to use federal food benefits, such as the Supplemental Nutrition Assistance Program, than the rest of the United States workforce.¹ They are also often immigrants and people of color^{2,3}, and consequently are more vulnerable to discrimination and limited career advancement opportunities.¹

Issues regarding the treatment of this workforce could be elevated in food policy and purchasing decisions. The “invisibility” of workers contributes to their vulnerability to unfair—and at times, illegal—labor practices. This guide outlines why and how FPCs are well-positioned to advocate for food chain workers by delving into four main issue areas: wages, healthcare, worker safety, and paid sick days. We highlight illustrative examples of successes and challenges that several FPCs have experienced while engaging in labor policy in different ways. Lastly, we conclude with a list of key actions steps that FPCs can take to support food chain workers.

WHO ARE FOOD CHAIN WORKERS?

Throughout this guide, we refer to people working in the food system as “food chain workers,” which encompasses all those involved in producing, processing, distributing, selling, and serving the food we eat. While there are many types of workers in the food system, this guide focuses primarily on those individuals along the food

supply chain that work for wages, as opposed to business owners (e.g., restaurant owners, food entrepreneurs, and farm operators, among others.) In particular, we look at issues facing farmworkers and processing, manufacturing, foodservice, and retail employees.



KEY ISSUES AFFECTING FOOD CHAIN WORKERS

Below, we focus on four key issues—wages, healthcare, worker safety, and paid sick days—that affect food chain workers and their families. We discuss important facts and current policies related to each issue, valuable sources for accessing more information, and third-party organizations that FPCs may want to partner with. This is certainly not a comprehensive list, and there are many other issues affecting these workers, including bargaining rights, sexual harassment, and immigration policy. We decided to focus on these four key issues because they can be addressed at the local or state level, where FPCs are already most active.

WAGES

People in households experiencing poverty are less likely to have consistent, dependable access to enough food for an active, healthy life (i.e., they are more likely to be “food insecure”).⁴ They are also more likely to experience stress, depression, and other adverse health outcomes.^{5,6} The issue of wages is particularly important for food chain workers because farmworkers and tipped workers are exempt from most federal minimum wage and overtime standards.⁷ Between 2013 and 2014, US farmworkers’ mean family income ranged from \$20,000 to \$25,000.⁸ In 2016, the median salary for fast food workers was \$21,040 in the United States, and for waiters and waitresses, it was \$20,820.⁹ These salaries are below the federal poverty level for a family of four.¹⁰ These types of jobs, and most jobs in the food system overall, are also mostly hourly wage rather than salaried, which contributes to **food chain workers’ elevated rates of food insecurity, stress, and depression** due to the lack of stable income^{7,11,12}

While tipped employees and farmworkers are exempt from the federal minimum wage and many

state minimum wages altogether,⁸ many other food chain workers live at or just above the poverty level by earning minimum wages.¹³ The 2009 Fair Labor Standards Act established a federal minimum wage (\$7.25 per hour) and overtime pay for full-time and part-time workers, which can be increased at the state or city level. As of January 2018, 29 states and Washington, DC, as well as 41 cities and counties, have passed a minimum wage higher than the federal minimum wage.¹⁴

Learn more from third party organizations that support a living wage:

Fight for \$15: Works toward a \$15 minimum wage through community organizing at the state and local levels. Much of their focus is on fast food workers, but they have recently expanded their efforts to include low-wage jobs in all sectors.

One Fair Wage: Campaigns at the state level to require tipped workers (primarily restaurant workers) to be paid the minimum wage.

WORKER SAFETY

Stronger health and safety requirements and regulations—and increased funding for monitoring and enforcement of existing ones—are needed to better protect food chain workers.¹⁵ **Food chain workers have notoriously high occupational hazard rates;** they are 1.6 times more likely to be injured or get sick, and 9.5 times more likely

to die on the job than those working in other industries not related to food.¹⁶ For instance, the Centers for Disease Control and Prevention (CDC) estimates that every day, 167 agricultural workers are injured “to the extent that they become at least temporarily unable to work (5% of these injuries result in permanent impairment).”¹⁷ Pes-

ticide exposure is one of the most common risks for agricultural workers, poisoning an estimated 10,000 to 20,000 farmworkers each year.¹⁸ Additionally, in a survey conducted by Hart Research Associates on behalf of the National Council for Occupational Safety and Health, four out of five fast food workers reported having been burned on the job within the past year.¹⁹ Furthermore, according to a survey of pork processing plants, meatpacking workers are injured at rates that are more than 2.4 times higher than the national average for all industries.²⁰

At the federal level, the Occupational Safety and Health Administration (OSHA) is responsible for regulating workplace safety. OSHA requires employers to inform workers about hazards, provide safety training, and maintain records of work-related injuries. OSHA also carries out inspections. Some states also have a State Plan that goes above and beyond the standards set by OSHA.

Gaps in workplace safety, including limited federal standards, variations in standards across states, and lack of enforcement, place food chain workers at risk. This represents a clear opportunity for FPCs to act at the local or state level. For instance, there are state laws that concern exposure to pesticides and protection from extreme heat. California and Washington State have

incident reporting systems for acute pesticide poisoning incidents. California and Washington State also passed heat stress regulations for farmworkers. Other states provide regulations that require business owners to provide access to drinking water and a “safe working environment.”²¹ Other states have adopted policies that provide seasonal or undocumented farmworkers workers’ compensation,¹⁵ which is especially important because the federal government does not provide guaranteed workers compensation to these types of workers.

Learn more from third party organizations that support worker safety:

Farmworker Justice: Advocates for major occupational safety policies for farmworkers including protection from heat stress, improvements in field sanitation, workers compensation, and pesticide safety

Pesticide Action Network: Campaigns for improved national rules to protect farmworkers from pesticide exposure on the job

United Food and Commercial Workers: Improves education for their members about their rights under OSHA by providing guides and trainings in a variety of languages

HEALTHCARE

Since food chain workers are at a higher risk of suffering an injury at work, securing healthcare for food chain workers is particularly important. People without insurance receive less medical care and have poorer health outcomes.²² **According to a survey conducted by the Food Chain Workers Alliance, 58% of food chain workers lacked health insurance in 2012.**¹³ The survey also found that due to a lack of employer-provided health benefits, more than one third of all workers surveyed (34.8%) reported using the emergency room for primary health care.¹³ Additionally, healthier workers are more productive, innovative, creative and resilient.²³

Federally, the Affordable Care Act (ACA) provides farmworkers and other food workers with new options for providing healthcare to themselves and their families. The Congressional Budget Office estimates that 22 million people will lose their health insurance over the next ten years if the ACA’s individual mandate is repealed.²⁴ Each state also has its own laws regulating health insurance, causing there to be a good deal of variation in healthcare policies and implementation by state. To better understand health reform policy by state, visit Kaiser Family Foundation’s website on health reform: <https://www.kff.org/health-reform/>

Although each state has specific challenges related to healthcare access, FPCs may encounter

some common barriers across regions. For example, many rural areas are experiencing chronic shortages of physicians, including primary care,²⁵ dentistry,²⁶ and mental health²⁷ professionals, compared to urban areas. FPCs could explore ways to address these inequities in healthcare access, such as by advocating for funding hotlines for mental healthcare.²⁷ Hotlines not only help food chain workers but also farm owners themselves, as has been recently recognized in light of rising rates of farmer suicide.²⁸ FPCs could also advocate for school dental programs, which provide basic dental care at schools through partnerships with dentists.²⁹

Learn more from third party organizations that work on improving healthcare access:

PAID SICK LEAVE

Improving policies regarding sick leave not only improves quality of life for food chain workers but can help improve food safety for consumers, too. Improper food handling is a contributing factor in up to two thirds of restaurant-related foodborne outbreaks.³⁰ Additionally, **almost 60% of food workers report working while ill, and the lack of paid sick leave was the most prevalent reason they gave.**³⁰ Paid sick leave can also significantly affect workers' budgets: if a low-wage worker takes off a half day of work due to illness, their lost wages are equivalent to their household's monthly spending for fruits and vegetables.³¹

There is currently no federal law ensuring workers have access to paid sick leave in the US. Since 2012, five states have been successful in passing laws requiring paid sick leave, including Con-

Health Leads: Health Leads USA is a program that trains medical professionals to connect patients with community-based resources that may be at the core of their healthcare needs such as transportation or healthy food

HIREDnAg: An initiative funded by the US Department of Agriculture that works with farmers, ranchers, extension workers, and technical assistants to understand the health insurance needs of the agriculture sector.

National Rural Health Association: Provides leadership on rural health issues through advocacy, communications, education and research.

necticut (January 2012), California (July 2015), Massachusetts (July 2015), Oregon (January 2016), and Vermont (January 2017).³¹ Additional laws could increase this number over the coming years. Thirty-one cities and counties have also passed laws supporting sick leave policies.³¹

Learn more from third party organizations that support paid sick leave:

A Better Balance: Drafts and works to pass and implement at the state and federal level to guarantee paid sick leave for all workers, with a focus on restaurant workers

National Partnership for Women and Families: Supports city sick leave campaigns and a national campaign to pass the Healthy Families Act

OTHER ISSUES TO CONSIDER

There are many other issues affecting food chain workers that are beyond the scope of this guide. Below we highlight a few such issues and some articles discussing them in more depth:

SEXUAL HARASSMENT

- ▶ Sexual Harassment is Pervasive in the Restaurant Industry. Here's What Needs To Change. *Harvard Business Review*
"More sexual harassment claims in the U.S. are filed in the restaurant industry than in any other, where as many as 90% of women and 70% of men reportedly experience some form of sexual harassment."
- ▶ The glass floor: Sexual harassment in the restaurant industry. *Restaurant Opportunities Center*
"The Glass Floor examines the incidence of multiple sexual behaviors that workers were exposed to from restaurant owners, managers, and supervisors."
- ▶ Invisible survivors: Female farmworkers in the United States and the systematic failure to report workplace harassment and abuse. *Texas Journal of Women, Gender and Law*
"Studies report that almost all female farmworkers experience sexual harassment and abuse in the workplace."

LACK OF BARGAINING RIGHTS AND THE RIGHT TO FORM UNIONS

- ▶ Why Aren't Fast-Food Workers Unionized?. *Eater*
"Collective bargaining gives employees more leverage to demand higher wages and other benefits by backing up those demands with the credible threat of strikes."

IMMIGRATION POLICY

- ▶ Public Health, Immigration Reform, and Food System Change. *Johns Hopkins Center for a Livable Future.*
"...health risks and barriers to advocating for improved working conditions jeopardize the resiliency of the food system by maintaining an unstable and vulnerable workforce, which may threaten the supply and safety of food."
- ▶ If You Care About Food, You Need to Care About Immigration Policy. *Eater*
"Top to bottom, the American food system relies on immigrant labor more than any other cross-section of the economy."

HOUSING CONDITIONS

- ▶ Migrant Farm Worker Issues: Housing. *National Farm Workers Ministry.*
"Not only do many workers live in crowded, unsanitary conditions, but they often lack basic utilities, live in isolated areas far away from important services like health clinics, grocery stores, and public transportation, and in many cases must pay exorbitant rates for rent."

LABOR TRAFFICKING

- ▶ Labor Trafficking in Florida's Agricultural Sector. *Human Rights First.*
"...labor trafficking is endemic in Florida especially in the agricultural industry. Unfortunately, this is not unusual in our nation's agricultural sector, where trafficked farm workers suffer horrific working conditions, brutality at the hands of supervisors, withholding of wages, and threats of deportation."

CHILDCARE

- ▶ Raising the Profile of Restaurant Workers in the Fight for Food Justice. *Civil Eats.*
"The combination of low wages, shrinking childcare subsidies, and limited availability of affordable childcare makes it difficult for mothers working in restaurants to provide for their families."

STORIES FROM THE FIELD

In the following section, we highlight how five FPCs from across the United States have worked to support food chain workers in different ways. In some cases, the councils advocated for specific policies that would affect food chain workers in their jurisdictions; in others, they incorporated food labor considerations into other council initiatives. Informed by our discussions with these councils and other experts, we conclude with a range of actions councils could take to support food chain workers.

AUSTIN TRAVIS COUNTY FOOD POLICY BOARD (TEXAS)

SUBMIT A RESOLUTION TO SUPPORT A LABOR POLICY THAT AFFECTS FOOD CHAIN WORKERS

In fall 2017, the Austin City Council proposed a paid sick leave policy. A working group of the Austin Travis County Food Policy Board (ATCFPB) focused on healthy food access sent a recommendation to the ATCFPB supporting the City Council's proposal. They pointed to the lack of paid sick leave as a barrier to healthy food access. The ATCFPB edited the recommendation to City Council, supporting the *process of developing* a paid sick leave policy with the "input of local experts on economic and health equity, as well as workers and business owners representing the diverse segments of our regional food system."

Once the City Council voted to begin the process of exploring the Paid Sick Leave Policy, the Healthy Food Access Working group met again and developed a recommendation for the ATCFPB to support the policy itself. The ATCFPB, however, received substantial negative feedback about the paid sick leave policy from their network of community organizations—the majority of which comprised restaurant associations, distribution companies, food retail companies, business owners, and trade organizations that

felt that the policy was an example of government overreach. Some board members also felt that it was going to negatively affect small food businesses in Austin, especially locally owned restaurants. For this reason, the ATCFPB decided to neither support nor oppose *the policy itself*.

TENSION BETWEEN SMALL FOOD BUSINESS OWNERS AND WORKERS

As experienced by the ATCFPB, policies to support food workers' wages and benefits may be contentious among different FPC members. Many small business owners, including farm, restaurant, and store owners, may struggle to stay profitable and even pay themselves a living wage when competing with large corporations' global "race to the bottom" to find the highest profits for the lowest costs.³⁵

It is important to design advocacy strategies that bring both business owners and workers to the table in order to discern shared interests. Although some labor policies benefit one over the other, there may be room for collaboration on policies that strengthen the local food system as a whole.³⁶

During a separate community input session held by the City Council, attendees provided overwhelmingly positive reactions to the policy. Hence the City Council voted to enact the policy in February 2018. This discrepancy between the feedback received by the ATCFPB and City Council may speak to whom the Board is attracting to their network.

Lessons learned: When asking for feedback on policies related to labor, be sure to include representatives of workers themselves, rather than only business owners. Perhaps host a roundtable discussion where all the stakeholders can hear each other's perspective. It might also be valuable to gather broader community input rather than focusing solely on the opinions of people who show up to a meeting. Your efforts may not result in a different outcome, but more voices will have been heard.

CONNECTICUT FOOD SYSTEM ALLIANCE

TALK ABOUT LABOR AS PART OF AWARENESS CAMPAIGNS

The Connecticut Food System Alliance (CFSA) is a statewide network of individuals, institutions, and organizations including local FPCs. CFSA held a Food Justice and the Labor Movement gathering in the spring of 2016. They worked with

unions—particularly food service workers—to identify speakers and panelists, featured a panel of New London cafeteria workers, and showed an abbreviated cut of the film *Food Chains* about the Immokalee tomato pickers.

INCLUDE LABOR AS A PRIORITY IN YOUR STRATEGIC PLAN OR MISSION STATEMENT

The CFSA explicitly calls out labor rights as a crucial element of a just, equitable, and sustainable food system in its vision and goals. As part of its goal to support strong communities, the CFSA aims to: “Encourage food and agriculture-related businesses that result in stronger

community economies through creation of jobs with livable wages, fair pricing for consumers and producers, and recirculation of financial capital in the community.”

Additionally, the CFSA recognizes labor rights in its values:

- ▶ “Living wage for all types of work in the state
- ▶ Farmworkers, especially migrant farmworkers are protected, earn living wages, and are empowered to advocate for their rights
- ▶ Restaurant and food service workers are protected, earn living wages, and are empowered to advocate for their rights”

LOS ANGELES FOOD POLICY COUNCIL (CALIFORNIA)

INCORPORATE FAIR LABOR STANDARDS INTO PROCUREMENT POLICIES

After extensive collaboration between different food system stakeholders—including labor representatives—the Los Angeles Food Policy Council developed the Good Food Purchasing Policy in 2012.³² One of the policy’s five key criteria centers around “a valued workforce,” aiming to “provide safe and healthy working conditions and fair compensation for all food chain workers and producers from production to consumption.” Since 2012, the policy has expanded to a nationwide initiative through the Center for Good Food Purchasing.

In 2015, a coalition of food chain worker advocates, led by the Food Chain Workers Alliance and the Teamsters labor union (comprised of drivers

and warehouse workers) demonstrated how the Los Angeles Unified School District’s commitment to the Good Food Purchasing Policy could help to improve labor conditions for the drivers of a local food distributor. The Teamsters, along with their coalition of supporters, used the Policy as an accountability tool to help secure a union contract between truck drivers organizing to join the Teamsters and Gold Star Foods, the Los Angeles’ school district’s bread and produce distributor. These drivers negotiated a contract that guaranteed significant wage increases for the lowest paid drivers, whistleblower and job protections, and safer working conditions for 165 employees.³³

PHILADELPHIA FOOD POLICY ADVISORY COUNCIL (PENNSYLVANIA)

CREATE A WORKING GROUP THAT FOCUSES ON LABOR ISSUES

During Philadelphia's Food Policy Advisory Council's (FPAC) annual membership survey in 2013, their members recommended that the FPAC expand its scope to include labor issues. In response, FPAC began to recruit members with experience in workforce and economic development as well as community organizing. This included an organizer for food workers and a lawyer who had represented farmworkers.

These efforts eventually expanded into the formation of a subcommittee in 2016 to support workers across the food chain. According to their website, "[The Workforce & Economic Development Subcommittee](#) guides the City of Philadelphia in developing and implementing policies and practices to build a stronger regional economy and just food system in which workers along the entire food chain enjoy quality jobs that provide economic stability and upward mobility."

The Subcommittee has developed resources related to labor in the city, including the [Good Food Caterer Guide](#). FPAC created this guide to redirect city department catering purchases

(often petty cash reimbursements with a lot more flexibility than a food contract/bid) towards healthy, sustainable, locally-owned, and fair options. FPAC developed a set of criteria for 'fair food' that meets businesses where they are at, but also pushes them a little bit farther to make changes to their business practices.

They are currently in the process of creating a Good Business Resource Guide. Because so few businesses achieved the 'fair' category in the Good Food Caterer Guide, FPAC wanted to create a resource for businesses that want to move towards fairer labor practices but do not know where to turn for help.

They also developed two Philadelphia Sick Leave Infographics in response to a recently passed paid sick leave law. FPAC found the outreach language about the law to be unclear so they created infographics for both [employees](#) and [employers](#) to help them understand their rights and responsibilities related to this new law. They are in the process of translating these infographics into Spanish as well.

FAIR FOOD

A variety of international fair trade and domestic fair labor labels have arisen to designate that a specific product was produced according to specific labor standards.

International fair trade certifications (e.g., Equal Exchange, Fair Trade USA) focus primarily on providing fair prices for small-scale, independent, and ecologically sustainable producers, most often with the goal of challenging the inequities that arise from trading in global capitalist markets.

Domestic fair labor certifications (e.g., Food Justice Certified) ensure safe working conditions, fair and equitable contracts, clean and safe housing, freedom of association, and collective bargaining rights for farmworkers.³⁷

WORCESTER FOOD POLICY COUNCIL (MASSACHUSETTS)

SUPPORT A PARTNER CAMPAIGN THAT WORKS ON LABOR ISSUES

The Worcester FPC decided to seek out a campaign that was working on raising the minimum wage to partner on because they saw wages intertwined with many of their existing initiatives. For example, they noticed that 20-25% of their clients who come to the food pantry were already working—and many of them were food chain workers—so they needed higher wages to have higher food security. They also observed that people with more economic resources were more likely to participate in the local food system activities encouraged by their council.

Given these observations, the Worcester FPC recently partnered with [Raise Up Massachusetts](#) to support raising the minimum wage as well as paid family and medical leave. These are both legislative campaigns as well as ballot initiatives. The council has participated in lobbying, public action, collecting signatures for the ballot initiatives, and hosting community forums on the issue. The Worcester FPC believes that their resources are best used by collaborating with a partner campaign that is already working on labor issues.

These websites might help you find a local partner campaign working on labor issues:

[Food Chain Workers Alliance's member map](#)

[Raise the Minimum Wage](#)

[Healthcare is a Human Right](#)

[Paid Sick Days](#)

ACTIONS YOUR COUNCIL CAN TAKE

FPCs have an important role in raising awareness of the issues faced by food chain workers, with the goal of increasing the economic and social well-being of individual workers, families, and communities. Here are some ideas to get your council started:

1. Host an educational session among FPC members:
Create a space for your members to talk with and learn from diverse voices, including workers and business owners, representing various perspectives on food labor issues. This may reduce conflict and avoid alienating some of your council's membership when tackling labor issues.
2. Talk about labor as part of awareness campaigns:
While educating the public about the food system or disparities in food access, include discussions about how labor is a part of the food system. Improving the visibility of food workers can help institutional buyers and consumers make more informed choices about where they buy food. You can screen films about labor, such as *The Hand that Feeds* or *Food Chains*. You could also organize a panel of speakers to discuss labor conditions and laws in your region.
3. Include labor as a priority in your strategic plan or mission statement:
Only six (~2%) FPCs in the Food Policy Networks list labor among their top three priorities according to the 2018 annual survey of FPCs.
4. Invite representatives who are active in improving labor conditions onto your council:
Provide labor with a seat on the council by inviting food chain workers or people who are active in improving labor conditions to join your FPC.
5. Create a working group that focuses on labor issues:
Assemble members interested in labor issues into a working group. The group can connect labor issues to your other council priorities, and propose new initiatives related to labor.
6. Partner with academic institutions to research how labor policies would affect local businesses and local food workers:
It will be easier to advocate for a certain policy if you understand how it might affect your larger local or regional economy. The [USDA local food systems toolkit](#) is a great place to start to assess your local food economy.
7. Support a partner campaign that works on labor issues:
We have suggested several national organizations throughout this guide that concentrate on different labor issues from wages to healthcare. You could also support a partner campaign that works on food labor issues more generally, such as the Food Chain Workers Alliance.
8. Submit a resolution to support a labor policy that affects food chain workers:
Write a letter to your local or state legislature in support of policies that affect food chain workers. States and municipalities can mandate higher wages and greater benefits over federal minimums.

9. Incorporate fair labor standards into procurement policies:

Encourage the inclusion of fair labor standards when working to increase local and sustainable food purchasing by schools, hospitals, government agencies, and other institutions.

10. Understand current and potential state policies, such as preemption, that can affect local policies:

Many localities (and states) have successfully passed stronger labor policies than state (and federal) minimums. Some states, however, have passed or are working to pass laws that prevent (“preempt”) local control over a variety of issues, including many issues that concern FPCs.³⁴ For example, some states have passed laws prohibiting localities from requiring paid sick leave or raising the minimum wage. Make sure to understand preemptive laws in your state in order to determine where to focus your efforts, and partner with other organizations to prevent or overturn the adoption of these preemptive laws.

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