



In June 2016, the Equal Employment Opportunity Commission (EEOC), in the course of its nationwide study of harassment in the workplace, released a report identifying the Fair Food Program as a “radically different accountability mechanism” and adopting many of the FFP’s mechanisms as core recommendations.

Below is a brief excerpt from the report, highlighting the Task Force’s interest in the FFP:

Select Task Force on the Study of Harassment in the Workplace

Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic, June 2016

PART THREE MOVING FORWARD: PREVENTING HARASSMENT IN THE WORKPLACE

[...] Before moving on to detailed recommendations, we pause to highlight a radically different accountability mechanism that we find intriguing, and solicited testimony regarding at one of our public meetings. A number of large companies, such as McDonald’s and Wal-Mart, have begun to hold their tomato growers accountable by buying tomatoes only from those growers who abide by a human rights based Code of Conduct, which, among other elements, prohibits sexual harassment and sexual assault of farmworkers.

This effort, called the Fair Food Program, was developed and is led by the Coalition of Immokalee Workers (CIW), a farmworker-based human rights organization in Florida. The companies agreed to the program because of consumer-driven market pressures, and most of the agricultural companies that entered the program did so because of the resulting financial pressures.

As part of the program, the CIW conducts worker-to-worker education programs. There is also a worker-triggered complaint resolution mechanism, which can result in investigations, corrective action plans, and if necessary, suspension of a farm’s “participating grower” status, which means the farm could lose its ability to sell to participating buyers. There are currently 14 businesses and 17 growers participating in the program. [...]

[...] EEOC’s position, which after our study we believe remains sound, is that employers should adopt a robust anti-harassment policy, regularly train each employee on its contents, and vigorously follow and enforce the policy. EEOC recommends that a policy generally include:

- A clear explanation of prohibited conduct, including examples;*
- Clear assurance that employees who make complaints or provide information related to complaints, witnesses, and others who participate in the investigation will be protected against retaliation;*
- A clearly described complaint process that provides multiple, accessible avenues of complaint;*

- *Assurance that the employer will protect the confidentiality of harassment complaints to the extent possible;*
- *A complaint process that provides a prompt, thorough, and impartial investigation; and*
- *Assurance that the employer will take immediate and proportionate corrective action when it determines that harassment has occurred, and respond appropriately to behavior which may not be legally-actionable “harassment” but which, left unchecked, may lead to same.*

For additional analysis, visit: <http://bit.ly/eoc-2016-report-ffp>