

Additional Resources

If you:

- Have questions about the Agricultural Justice Project (AJP) or the information provided here
- Would like to learn more about your rights as a farmworker
- Would like to share any experiences you have had as worker participating in AJP
- Have a conflict with your Employer that you have not been able to resolve with him/her directly

Please contact:

- Farmworkers Association of Florida
1264 Apopka Boulevard
Apopka, Florida 32703
Telephone: (407) 886-5151
- CATA, el Comité de Apoyo a los Trabajadores Agrícolas:
Richard Mandelbaum (646) 942-7825
Toll-free: 1-(800)-989-2282

*You may request that your
call be confidential*

Agricultural Justice Project



Workers' Rights

*AJP is a collaboration between CATA, RAFI-USA, NOFA,
and FOG/QCS.*

www.agriculturaljusticeproject.org

What is the Agricultural Justice Project?

The farm or business you are working for is seeking certification or has been certified to meet a range of standards developed by the Agricultural Justice Project (AJP). AJP is a non-profit initiative to create fairness and equity in our food system through the development of social justice standards for organic and sustainable agriculture.

The goal is a food label that ensures just and fair working conditions for all those involved in the production and marketing of produce, from the farm to the store. This includes:

- **Justice for workers**
- **Fair prices for small-scale farmers**
- **Just relationships through the entire supply chain, including buyers/retailers**

By working for an AJP-certified farm or business, your participation in the program is both welcome and important. This pamphlet summarizes key aspects of the program for workers – more detailed information is also available for those who want to know more.

Your rights under AJP standards:

- **Freedom of association and right to collective bargaining**
- **Fair conflict resolution /grievance process**
- **Living wages**
- **Safe and adequate housing if employer provides housing**
- **Health and safety protections**

Freedom of Association and The Right to Organize

In some states such as California all farmworkers have the right to freedom of association, but in most of the United States this is not true. All non-farmworkers have the right to freedom of association.

As part of this project your employer has promised to respect your rights to organize.

This means that as workers you can:

- Negotiate as a group with your employer over wages or other terms of employment.
- Elect one or more workers as a representative to communicate with your employer about work-related issues.
- Speak with representatives of unions or other organizations whenever you wish, as long as it is not during work hours.

- Choose to form or join a union, if a majority of workers want to.

Wages and Benefits

As part of this project your employer has promised to pay you a living wage.

A **living wage** is not a specific pay scale – it means a salary high enough to cover all your expenses, such as housing, food, healthcare, the needs of your family, and a small amount for savings.

In some cases an employer may directly provide some of these things, such as housing or health insurance.

If your employer is not able to pay a high enough salary to cover all these expenses, you have a right to know the financial status of the farm – how much profit it is making, for example. Your employer has also promised to increase your wages as the farm or business makes more money in the future.

There will be no discrimination in the workplace based on race, creed, color, national or ethnic origin, nationality, gender, gender identity, age, handicap or disability (including HIV status), union or political activity, immigration status, citizenship status, marital status, or sexual orientation.

Wages and Benefits (continued)

Your employer will also provide you the following benefits:

- One day off per week. Working a seventh day, or more than 48 hours per week on average on a farm or 40 hours per week in a business, is voluntary.
- Overtime policy.
- For farms, the right to return to this farm for work next season.
- Right to take an unpaid leave of absence if there is a family emergency.
- Unemployment, Workers' Compensation, and Disability Insurance.

Respectful Treatment

Your employer has promised to treat all employees with dignity and respect.

Right to Full Disclosure

Under AJP standards you have a right to the following in a language that you understand:

- A copy of all workplace policies and terms of employment (including wages and benefits)
- A full understanding of the employer's discipline procedure *before* any problems occur
- A copy of the AJP standards and related documents
- Full access to your complete employee file
- Information on the financial status of the farm
- Information on any potentially toxic substances stored or used on the farm or business.

There will also be an oral presentation given to all workers explaining your legal rights, health and safety, and your rights under AJP. This will give you an opportunity to ask questions.

Direct Hiring

Your employer has agreed to not use labor contractors and to hire workers directly. If there is no alternative, the use of contractors will be limited and they will have to comply with all requirements of the program.

Housing Rights

If your employer provides housing, then you have the following rights:

- All housing should be safe and in good condition.
- You have the right to have friends or family visit you, as long as the visits do not disturb others living there.
- A right to privacy – your employer has the right to enter the housing to inspect or make repairs but should give you notice whenever possible.
- If your employer charges rent, it should be a fair amount based on your wages and the housing.

Health and Safety

Any workplace can be hazardous. *Your employer has agreed to do everything possible to prevent accidents or exposure to dangerous substances while you are working*, and to always use the least toxic alternatives available.

- You have the right to know about anything potentially toxic that is used or stored on the farm, including receiving a copy of the Material Data Safety Sheets.
- Any worker using potentially hazardous equipment or a potentially toxic substance must be adequately trained and given the necessary safety equipment.
- Your employer will allow you regular breaks throughout the workday, and constant access to clean drinking water and sanitary facilities.

- Your employer has agreed to discuss all health and safety issues with you on a regular basis. On larger farms or businesses, you may form a Health and Safety Committee to meet regularly with Management.

Conflict Resolution

Under AJP standards, your employer has agreed to respect all the rights described here.

If you feel that your employer is not complying with any of these provisions, or that you have been fired, suspended, or disciplined by your employer unfairly, there is a Conflict Resolution Process (sometimes called a Grievance Process) that you can follow to resolve the disagreement.

Step 1: Attempt to resolve the problem directly with your supervisor and/or employer, following the employee manual in your workplace. If you have a

Union or elected representative, you can ask for their help. You also have the right to ask anyone you want to go with you to speak to your employer.

Step 2:

If you are not satisfied with the decision and cannot resolve the conflict through direct dialogue, you can contact AJP. To do this, you can contact the farmworker organization listed on this pamphlet. A committee of the AJP Advisory Council will review the matter and will then assign an investigator.

Step 3:

The AJP investigator will make a recommendation and the Committee will follow up with a next step: this may include trying once again to resolve the issue directly, or it may be for your employer to revise

his/her policies. It also might be another option, such as to refer both you and your employer to a mediation service available in your area.

Step 4:

If these steps do not resolve the conflict, you can request a final appeal to an independent ombudsperson appointed by AJP and approved by both you and your employer.