
MILK WITH DIGNITY

FIRST BIENNIAL REPORT: 2018-2019



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Standards Council

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otherwise noted



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PROGRAM GLOSSARY

Migrant Justice is a Vermont-based community organization founded and led by farmworkers. For over ten years, the non-profit has organized the immigrant farmworker community to promote human rights and economic justice. In collaboration with the Coalition of Immokalee Workers in Florida, Migrant Justice designed and created the Milk with Dignity Program.

Code of Conduct establishes detailed standards for labor and housing conditions within the Milk with Dignity Program. The Code was developed by farmworker leaders in Migrant Justice, drawing on existing law, established best practices, and workers' definition of dignified work and housing. The Code covers topics such as wages and pay, scheduling and hours, housing, health and safety, discrimination and harassment, workplace retaliation, and more.

Participating Buyers sign legally-binding agreements with Migrant Justice to preferentially purchase milk from dairy producers that meet the standards required by the Milk with Dignity Code of Conduct, and to pay a premium to support farms' compliance with the Code. In an historic 2017 agreement, Ben & Jerry's Ice Cream became the program's first participating buyer.

Participating Farms agree to implement the Code of Conduct, to allow Migrant Justice to conduct worker education, and to allow the Milk with Dignity Standards Council to monitor and investigate Code compliance. Farms that fail to come into compliance with Code standards are suspended from the Program until they do, losing purchase preference and the premium from participating buyers during that time.

Milk with Dignity Standards Council (MDSC) is the dedicated monitoring and complaint resolution organization within the Program responsible for enforcing Code of Conduct standards. Through rigorous auditing, a bilingual 24-hour worker support line, a timely complaint resolution process, and power to require corrective actions and market consequences where necessary, the MDSC ensures that both participating buyers and participating farms are in compliance with their responsibilities in the Program.

Qualifying Workers are employed by participating farms and are protected by the standards and enforcement mechanisms of the Milk with Dignity Program. They can report potential violations of the Code of Conduct through the MDSC's 24-hour worker support line and during annual audit interviews.

Milk with Dignity Working Group is composed of owners and workers from participating farms. The group convenes regularly to discuss Program implementation, consider and propose improvements, and gather resources that benefit farmworkers and farms.



EXECUTIVE SUMMARY

On October 3rd, 2017, dozens of farmworkers stood alongside the CEO of a major global dairy company on a crowded street in Burlington, Vermont and announced a monumental achievement. For the first time in history, the immigrant workers who milk cows and scrape stalls – those who work at the bottom of the supply chain – had partnered with a corporation at the top: together they signed a contract making Ben & Jerry's the first company to join the Milk with Dignity Program.

Developed by immigrant farmworkers in the state of Vermont, the Milk with Dignity Program brings together workers, farmers, and industry leaders to address persistent labor abuses in the dairy industry. The Program has adapted to dairy the innovative "Worker-driven Social Responsibility" model created by the Coalition of Immokalee Workers and their groundbreaking Fair Food Program. This model succeeds by calling on corporations to take responsibility for conditions in their supply chains and by offering solutions via binding, worker-designed programs with clear enforcement mechanisms.

On the day that Ben & Jerry's joined the Milk with Dignity Program, farmworker leader Enrique "Kike" Balcazar announced "a new day in dairy, a new day for human rights." This report is being released on the third anniversary of the initial agreement, and it documents the first two years of the Program's implementation.

The dramatic and concrete changes detailed in this report demonstrate the power of clear, enforceable standards and rigorous monitoring processes. This transformation has been made possible through the financial investment of a participating buyer and the application of real, market-based incentives and consequences. The movement towards accountability represents a marked departure from the industry norms of the past – and from top-down, corporate-led programs purporting to monitor working conditions. However, there is more work to be done.

Now, with the new and heightened risks posed by the coronavirus pandemic, the Milk with Dignity program is playing a crucial role providing health and safety information for workers and ensuring that best practices to protect the health of workers and of the public as a whole – such as paid sick leave, provision of personal protective equipment, and frequent communication about health – are in place.

This report documents the first two years of the Milk with Dignity Program and looks towards future opportunities for expansion. As readers will see, the Program has been singularly successful in bringing about the "new day for human rights" on the farms it covers. Yet severe problems persist outside the Program. Migrant Justice invites companies to follow the lead of Ben & Jerry's in joining the only program in the dairy industry capable of enforcing labor standards in their supply chains and ensuring workers' human rights.

IN ITS FIRST TWO YEARS, THE PROGRAM HAS:

- Grown to protect **262 qualifying workers on 64 participating farms** across two states
- Applied to 20% of Vermont's total dairy production
- Invested over **\$1 million directly in workers' wages and bonuses** and in improvements to labor and housing conditions
- Received over 300 inquiries from workers on the 24/7 Worker Support Line

- **Resolved 155 confirmed complaints** of Code violations through appropriate corrective actions; provided interpretation or a referral for medical or other services for another 70 callers
- Completed **105 farm audits**, including: 442 farmworker interviews, 155 management interviews, 119 worksite inspections, and 104 housing unit inspections
- Provided Program education sessions to more than 375 farmworkers and farm owners
- Achieved unprecedented and transformative improvements in workers' wages, schedules, housing, and safety

"The launch of the Milk with Dignity Program is a huge leap for Vermont dairy workers, and for the dairy industry as a whole. Thanks to the hard work and perseverance of Migrant Justice, the future for dairy workers is brighter than it ever has been."

- Coalition of Immokalee Workers



CREATING MILK WITH DIGNITY

MIGRANT JUSTICE AND THE ROOTS OF MILK WITH DIGNITY

The Milk with Dignity program was created by Migrant Justice, a human rights organization founded and led by immigrant farmworkers in Vermont. Migrant Justice formed following the 2009 preventable workplace death of Jose Obeth Santiz Cruz, a young dairy worker from Chiapas, Mexico. Jose Obeth's death shed light on an uncomfortable and disturbing reality: the bucolic image of Vermont's dairy farms failed to recognize the

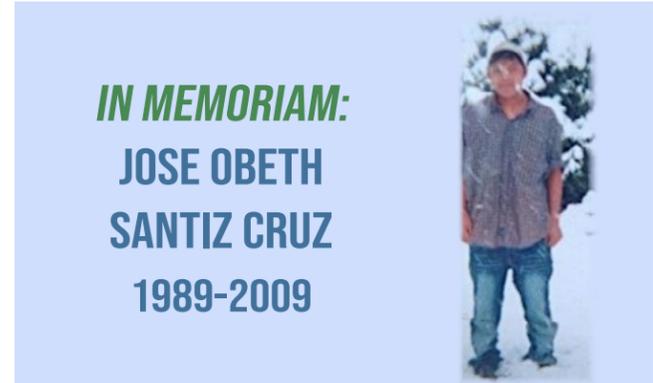
largely immigrant workforce sustaining the industry. His death also provided the spark for that community of workers – isolated, marginalized, and invisibilized – to begin to organize together.

Through Migrant Justice, farmworkers gather together in regional community assemblies to discuss common problems and create collective solutions, guided by a shared vision of human rights and economic justice. Leaders from each assembly form the Farmworker Coordinating Committee, Migrant Justice's governing body. Over the past decade, Migrant Justice has grown into a powerful organization, winning national acclaim for its blend of popular education, worker organizing, and policy advocacy. Guided by a human rights "roadmap," in its early years, the organization improved conditions and enforced labor rights on dozens of farms, passed groundbreaking legislation expanding access to driver's licenses, and wrote and implemented anti-discrimination policies for police departments and state agencies.

"On my farm, the hours were long, they didn't even pay minimum wage, and there was no day off. We lived in a house without heat, where sometimes the water ran out. I got involved in Migrant Justice to change the situation here in Vermont, because we want dignified work, and for our rights to be respected."

- Thelma Gómez

IN MEMORIAM:
JOSE OBETH
SANTIZ CRUZ
1989-2009



“Migrant Justice is organizing farmworkers to address the challenges they face and bringing about systemic change to improve and advance their fundamental human rights. They are a national model for their cutting-edge human rights organizing and concrete victories. Migrant Justice motivates us, inspires us through their deeds and actions.”

- Lily Eskelsen Garcia, President of the National Education Association, presenting Migrant Justice with the César Chávez Civil and Human Rights Award in 2017

In 2014, the organization conducted a survey of nearly 200 dairy workers across Vermont. The survey results demonstrated what was already clear to workers: the dairy industry suffered from severe and systemic human rights violations. Sub-minimum wages, long and grueling schedules, lack of rest, high rates of injury and illness, lack of access to medical diagnoses and treatment, poor housing conditions, no job protections, violence, and discrimination pervaded the industry. Migrant Justice understood that these conditions existed due to a mix of non-enforcement of the inadequate existing laws, and an industry structure that concentrates profits at the top of supply chains while driving many farms out of business.

Following the survey and analysis of underlying causes, Migrant Justice began to look around the country for instances where workers had faced similar structural

challenges in their industries. They learned about the Coalition of Immokalee Workers (CIW), a group of tomato pickers from south-central Florida. In 2001, the CIW had created the Fair Food Program based on an innovative model of supply chain organizing called “Worker-driven Social Responsibility.” Through a series of legally-binding agreements with some of the largest companies in the world, the Fair Food Program had transformed Florida’s tomato’s industry, raising wages and stamping out human rights abuses.

Dairy workers from Vermont traveled to Florida to meet with tomato pickers and learn from their successes. Astounded by the immense changes underway, Migrant Justice decided to pursue the strategy of worker-driven social responsibility, envisioning a day when dairy workers would achieve the same rights and protections. After several worker exchanges – and the generous, ongoing support of the CIW – Migrant Justice adapted the principles of the Fair Food Program to the context of the dairy industry, creating Milk with Dignity.

Thinking about who had the power to support important changes in Vermont, Migrant Justice approached world-famous ice cream maker Ben & Jerry’s with an invitation to sign onto the program. In 2017, Ben & Jerry’s became the first company to join Milk with Dignity and by 2018, 100% of the company’s Northeast dairy supply chain had enrolled in the program¹. On the occasion of the contract’s signing, farmworkers stood shoulder-to-shoulder with company executives to declare “a new day for human rights, a new day for dairy.”



“This is a win for farmers, a win for workers, and a win for Ben & Jerry’s.”

- Company CEO Jostein Solheim, at the signing of the first Milk with Dignity agreement

WORKER-DRIVEN SOCIAL RESPONSIBILITY

“In their effort to uphold the rights and dignity of all dairy workers, Migrant Justice is part of a growing movement using the worker-driven social responsibility model to end workplace violence and human rights abuses.”

- NoVo Foundation

Milk with Dignity follows the principles of “worker-driven social responsibility” (WSR), an innovative paradigm for protecting fundamental human rights in corporate supply chains. This approach emerged out of worker-led efforts, including the Fair Food Program in the US agricultural sector and the Accord on Fire and Building Safety in Bangladesh in that country’s garment sector.

The creation of the WSR model responds to the failure of governments to effectively ensure labor rights protections for marginalized workers and the hollowness of business self-regulation in the form of “corporate social responsibility” initiatives. WSR succeeds by calling on corporations to be accountable for conditions in their supply chains and offering a solution via binding, worker-designed programs with clear enforcement mechanisms.

In 2015, worker organizations, allies, and technical advisors came together to create the Worker-driven Social Responsibility Network for the purpose of expanding, promoting, and replicating this model

Migrant Justice adapted the principles of Worker-driven Social Responsibility to create the Milk with Dignity program:

- 1** Worker-authored labor standards
- 2** Worker-to-worker education
- 3** Independent monitoring, complaint resolution, and market consequences
- 4** Economic relief in the form of a premium paid by corporations to suppliers and workers
- 5** Legally-binding agreement governing buyers’ commitments

in supply chains around the world. Milk with Dignity is a ground-breaking step forward, as the first successful adaptation of the WSR model to another sector of U.S. agriculture.

WSRN FOUNDING ORGANIZATIONS



UNDERSTANDING THE DAIRY INDUSTRY

The United States dairy industry has undergone massive changes in recent decades and remains in a state of severe distress. Once primarily structured around local and regional markets, dairy has now become a globally traded commodity, with industry power increasingly consolidated in the hands of large corporate buyers. Government programs that were once designed to assist producers – including the Northeast Dairy Compact – have been steadily eliminated, leaving farmers at the mercy of the market.

And the market has not been good to farmers. Forty years ago, farmers received nearly \$13 for 100 pounds of milk (the standard pricing unit in dairy, abbreviated as “cwt”). In 2018, when the Milk with Dignity Program was launched, that price averaged just over \$16 per cwt. If dairy prices had kept pace with inflation, the price would have risen to

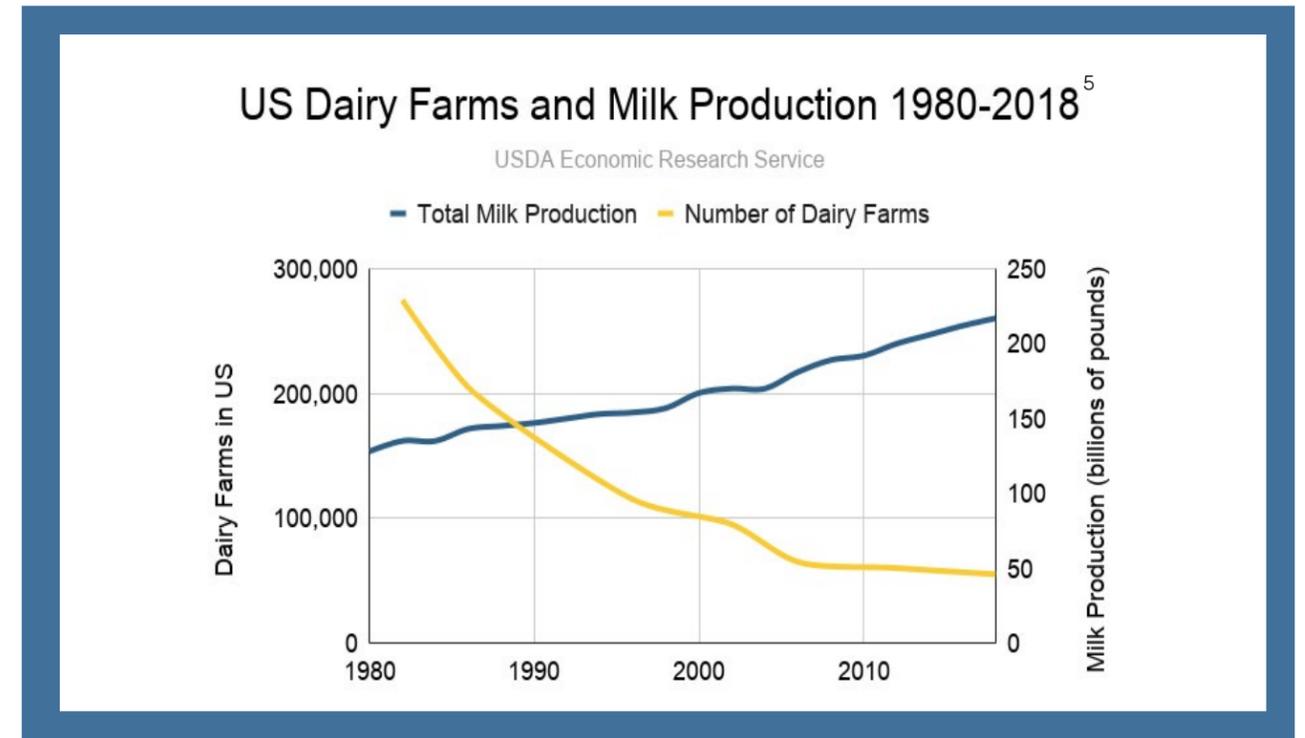
over \$47 per cwt. This represents an enormous drop in incomes for dairy farms across the country.

In response to these changes, farms have been forced to evolve and have cut costs to maximize profit. In 1950, 3.5 million farms across the country were milking cows. By 2012, that number had plummeted to 58,000.² While millions of small farms have gone under, those that continue to operate have grown to survive. Thirty years ago, the average dairy farm milked 80 cows; that number has now risen to over 1,300.³ This trend – along with increased milk production per cow – has meant that while fewer and fewer farms stay afloat, milk production continues to rise.

Corporate control, plummeting prices, and farm closures and consolidations have changed the nature of the dairy industry. Farms are increasingly characterized by greater mechanization and fast-paced, mass production. They are also increasingly in debt, with dairy farm debt in 2020 figuring at \$433 billion.⁴ Every year, farmers owe more and

own less. In just one year, 2017 to 2018, debt-per-cow in the Northeast increased \$3,814 to \$4,257.⁵ Dairy farms’ specific circumstances differ significantly from farm to farm and run a wide gamut with respect to their farm sizes, financial situations, ownership structures, approaches to farming, and

working conditions provided to employees. However, across the board, industry trends put immense pressure on farm owners to deprioritize working conditions and have contributed to a labor market characterized by low wages, poor conditions, and systemic abuses of workers’ human rights.



DAIRY WORKFORCE & LABOR CONDITIONS

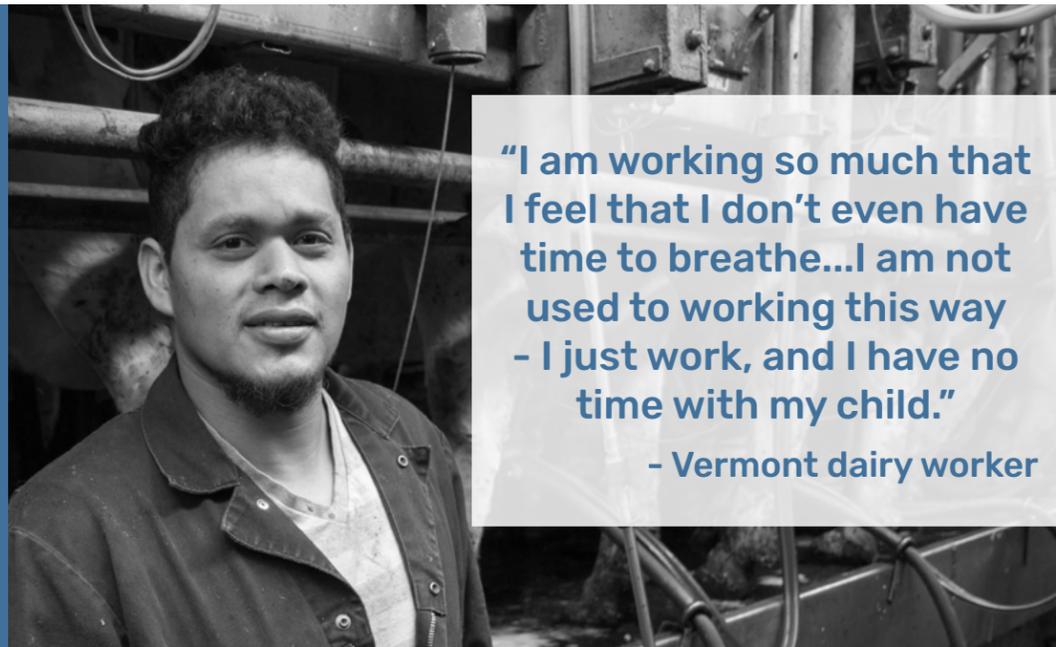


“Our work begins early. We arrive at 6:00 and turn on the machines and get everything in order-- taking the cows from the corral and getting each group ready in the milking barn. And that’s how it goes. Group after group. We milk until 10:30 or 11:00 and then we start to clean: washing the machines, checking the filters. When we finish we return home to rest and bathe and make food or clean the house or whatever there’s time for. We have like five or six hours and then we go back to work again in the evening and the routine begins again. We turn on the machines and take out the cows and milk group after group until 10:00 at night. And that’s a normal day. In the time that’s left we don’t have time to go out. Not even to a park or for a walk. It’s just the farm and work. Every day.”

- Vermont dairy worker

“Every time we ask [the boss] for something he gets mad at us. He will never say ‘okay, sure, I’ll get it for you tomorrow.’ If you ask for it, maybe it will come in a month. For us, it is easier to deal with the pain and then if we can, just to buy the equipment ourselves with our own money. Sometimes it is better to buy it instead of getting sick.”

- Vermont dairy worker



“I am working so much that I feel that I don’t even have time to breathe...I am not used to working this way - I just work, and I have no time with my child.”

- Vermont dairy worker

“We work with the powder that you use for the cows’ hooves. You put it into a tray or a tub and add water, but when you put it in, you have to hold your breath, because when you pour it, a fine powder comes up, and if you breathe it, then your nose starts to bleed.”

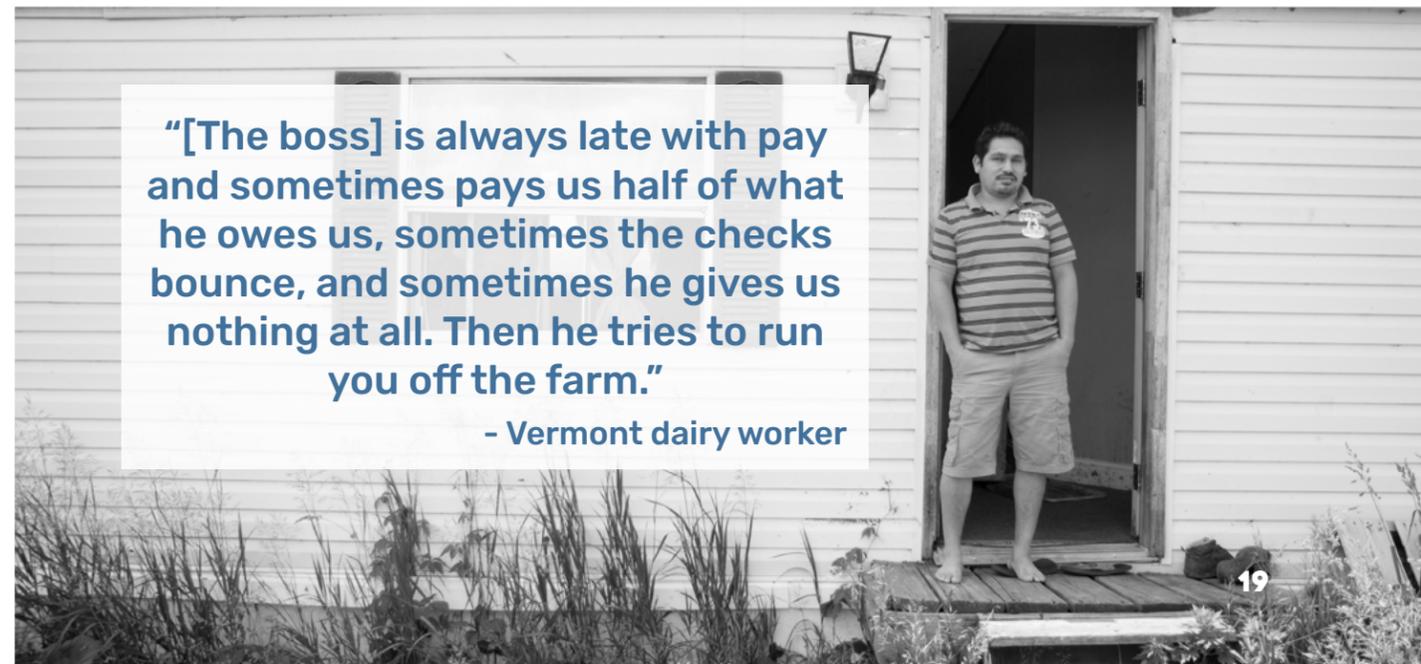
- Vermont dairy worker

“For four years it’s been the same routine. Every day. Seven days a week, with a half rest day on the seventh day. The truth is it’s too much work. And obviously not all farms are the same. There are farms where you work 12 hours straight and they only give a half hour for lunch. And that’s worse. There are farms where there’s no rest at all. And that’s even worse. But wherever you are the work is the same - and it’s tough.”

- Vermont dairy worker

“[The boss] is always late with pay and sometimes pays us half of what he owes us, sometimes the checks bounce, and sometimes he gives us nothing at all. Then he tries to run you off the farm.”

- Vermont dairy worker



The industry trends documented above – falling milk prices and larger farms in greater debt – have brought about tremendous changes in dairy’s workforce. While the work on dairy farms was once accomplished primarily by farm owners and their families, larger operations have created a new demand for labor. More farms are hiring more workers, yet the economic strains of the industry mean that this growing labor market is characterized by low wages, long hours, and dangerous conditions. The result: just as in other economic sectors experiencing similar trends, employers have turned to immigrant workers to meet labor demand.

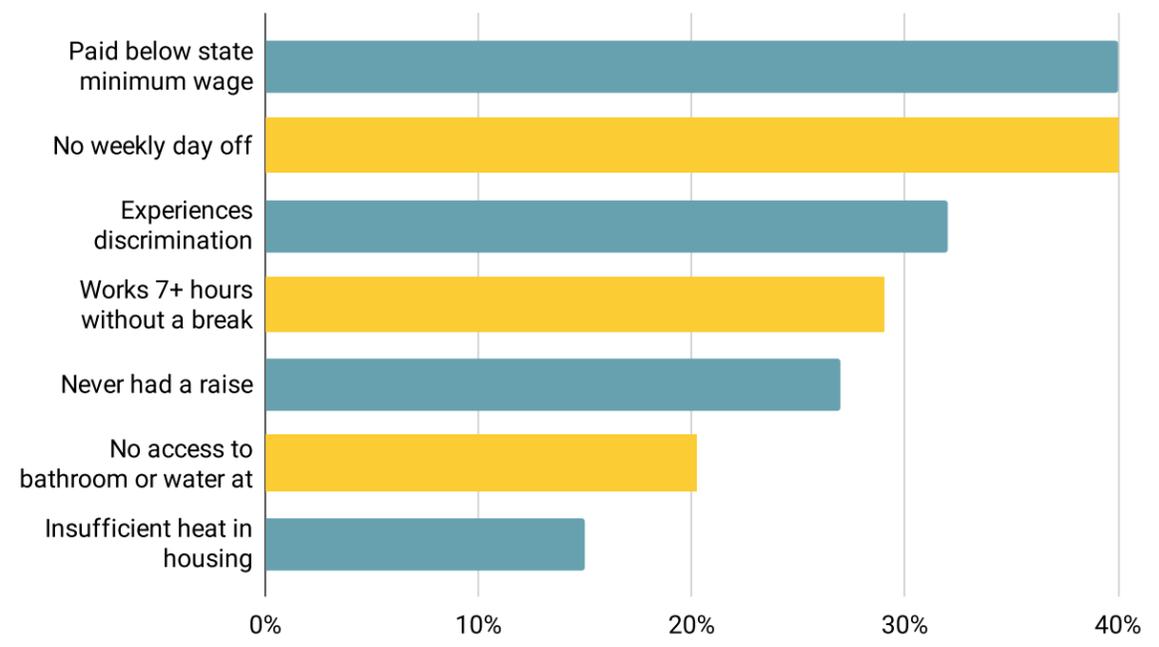
Nationally, immigrant workers account for over half of all dairy labor, and dairies that employ immigrant workers produce 79% percent of the U.S. milk supply.⁷ Though farm consolidation and growth has not occurred as rapidly in the Northeast as elsewhere, farms in the region have nonetheless come to

rely on immigrant labor to the same degree. This trend, paired with a pervasive lack of oversight from external governing agencies, has created an environment primed for human rights violations.

Multiple studies conducted in recent years have documented the experiences of dairy workers. In 2014, Migrant Justice conducted a worker-to-worker survey with 172 farmworkers on dairies throughout Vermont. The results demonstrate the prevalence of substandard housing, sub-minimum wages, and insufficient rest, undergirded by a lack of legal protections and a pervasive fear of retaliation for speaking out.⁸

These conditions are made possible by a combination of exclusion from labor laws and a lack of enforcement of those that do apply. Agricultural workers are excluded from minimum wage, overtime, and collective bargaining protections in most states.

2014 FARMWORKER-TO-FARMWORKER SURVEY OF CONDITIONS ON VERMONT DAIRY FARMS



Regarding workers’ health and safety, Congress has prohibited OSHA enforcement of any safety or health standards on farms with ten or fewer non-family employees. This means that in practice, the large majority of dairy farms in the Northeast are almost never inspected. The knowledge that no one is watching results in more dangerous workplaces.

In order to understand in greater depth the issues of health and safety on farms, Migrant Justice followed its 2014 survey with a 2018 study developed in collaboration with a researcher at the Tufts School of Public Health. The survey focused on health and safety conditions and was conducted with over 100 workers at non-Milk with Dignity farms, and the results were analyzed by the Columbia University Law School Human Rights Clinic. The results provide insight into an industry with workers overworked to exhaustion, astronomical rates of injury

and illness, and an acute lack of training, protection, and access to healthcare.

While Migrant Justice’s research has focused on the dairy industry in Vermont, the conditions cited are symptomatic of the industry at large. Multiple studies, including a 2017 comprehensive report on New York dairy workers,⁹ have demonstrated similar abuses.

Of course, it’s important to note the positive conditions on some farms that are also captured by these statistics. There are farms who provide safe and dignified workplaces for their employees. These farms confirm that better conditions are possible. And indeed, these workplaces were part of the inspiration for farmworker leaders who created the Milk with Dignity Program through Migrant Justice. They knew it was possible to ensure that all farms meet adequate standards, in spite of the systemic countervailing pressures and the overarching context of exclusion and neglect.

UNSAFE CONDITIONS

34% have access to first aid on the job

18% have access to personal protective equipment

Only 6% report sufficient health and safety training on the job

FREQUENT HARMS

78% have been kicked or otherwise injured by cows

93% of workers have suffered illnesses and injuries related to working with chemicals like acid, chlorine and formaldehyde

77% report harm from machinery or repetitive stress injuries

From 2018 survey of workers on non-MD dairy farms



HOW THE PROGRAM WORKS

PROGRAM STRUCTURE AND ENROLLMENT

The Milk with Dignity Program applies the Worker-driven Social Responsibility model to the dairy industry, bringing together farmworkers, farmers, buyers, and consumers to secure dignified working conditions. The Program enlists the resources of food industry leaders to make legally-binding commitments to protect workers' human rights in their dairy supply chains. Those participating buyers provide a premium to participating farms that agree to work towards compliance with the labor standards in the Code of Conduct. Annual worker education sessions ensure

all employees understand their rights under the Program, and know how to report Code violations in their workplace. And the MDSC monitors conditions and works with farmers and workers to achieve compliance with the Code. Subsequent sections will go into more detail on each element of the program structure.

Ben & Jerry's became Milk with Dignity's first participating buyer in October, 2017. By early 2018, the company had achieved full enrollment: participating farms' total milk production equaled at least 100% of the milk needed for Ben & Jerry's Northeast dairy purchases. Participating farms spanned Vermont and New York, with the participating farms in Vermont comprising 20% of the state's entire dairy production.

	2018	2019
Number of qualifying workers	255	262
Total participating farms	71	64
"Active" farms (employ at least one qualifying worker)	54	51
"Inactive" farms (no non-family, non-managerial hired employees who milk or do other qualifying work)	17	13
Ben & Jerry's Northeast dairy purchases ¹⁰	100%+	100%+

As part of the enrollment process, the MDSC conducted orientations for each farm as they joined the program, talking about the standards and how the program works and answering questions from farm owners. The farms participating in the program have many shapes and sizes; some have as few as one employee. They use different technologies, raise different breeds of cows, and have different workforce compositions, job assignments and work schedules. Farm orientations helped address farm owners' varying questions about how their operations would meet the program's standards.

Though the number of farms decreased in the program's second year, the production from the remaining farms increased enough to make up for the milk production lost from the farms that sold their cows or were removed from the program. Correspondingly, the number of workers protected by the program also increased. While the decrease in participating farms is part of the larger industry trend noted above, Milk with Dignity may be helping to arrest that trend. In 2018 and 2019, 16% of Vermont dairy farms shut down.¹¹ In contrast, only 7% of Milk with Dignity participating farms closed during those two years.

"The [Milk with Dignity premium] might make the difference between us still having a farm a year from now or not."

- Participating farmer

MILK WITH DIGNITY PROGRAM STRUCTURE

MIGRANT JUSTICE

- Signs agreements with participating buyers
- Designates MDSC as Program compliance monitor
- Conducts education sessions
- Convenes working group

PARTICIPATING BUYERS

- Sign legally-binding agreement with Migrant Justice
- Purchase from suppliers enrolled in Program
- Pay premium to suppliers
- Suspend purchases and/or premiums when directed by MDSC

QUALIFYING WORKERS

- Rights protected by Code of Conduct
- Receive Program bonus
- Have access to worker support line
- Participate in audits and complaint resolution

PARTICIPATING FARMS

- Agree to implement Code of Conduct
- Invest premium in Code compliance
- Host worker education sessions
- Participate in MDSC's monitoring of Code compliance

WORKING GROUP

- Composed of participating farmers and qualifying workers
- Meets regularly to discuss program
- Makes recommendations to improve implementation

MILK WITH DIGNITY STANDARDS COUNCIL

- Orients farms to Program
- Monitors conditions through worker support line and annual audits
- Enforces Code through complaint resolutions and corrective action plans
- Informs participating buyers of farm suspensions



A FARMER'S PERSPECTIVE ON THE PROGRAM

On October 3rd, 2019, at a celebration of the two year anniversary of Ben & Jerry's entrance into the Milk with Dignity Program, participating farmer Matt Maxwell spoke of the Program's benefits. His speech is included below:

My family operates a dairy farm in Newport, Vermont. Our farm has been enrolled in the Milk with Dignity program since it first became available in Vermont in 2018. Like many farms in Vermont and New England we have employed Hispanic men and women for a number of years and we intend to continue to do so into the future. The agriculture industry in the State of Vermont has seen many changes to its infrastructure over the last 20 years. Small and medium sized conventional dairies are continuing to disappear with some being replaced by organic farms and other specialized dairies. Large farms are consolidating, making them even larger.

The dairy industry is a very important piece of the overall economy in the state of Vermont and because of the need to keep dairy strong in this state. Farmworkers in the past have found themselves marginalized in negative ways. Low wages and substandard housing being the main culprits. In a lot of ways, my

farm was no different and for many years our employees, while always treated well, were paid a low hourly wage and at times expected to live in below average housing. This was not something that my family did intentionally, but were simply adhering to the industry standard.

The majority of agricultural jobs involve long hours and are labor intensive. The Milk with Dignity Program allows us to pay the people that do these very important jobs an acceptable wage. Since joining Milk with Dignity our farm has maintained a 85% employee retention rate. Less turnover has led to higher morale and greater workplace continuity. The program has helped us make huge strides in employer - employee communication. Where before we may have had a company wide meeting once a month, now they are held weekly. The increased interaction has been a benefit to us both. Problems are identified earlier and corrections made where necessary. The fact that we can now offer a competitive wage has led to the retention of many skilled employees. Our employees now have much easier access to healthcare and other social services that in the past were not available.

The Milk with Dignity program has given our farm an organizational structure, as far as personnel, that it never had before. Now all parties are aware of their responsibilities allowing us to operate more efficiently. The lines of communication flow more freely, everyone has a job description and has been trained on safety and procedural protocols.

After two years in the program, the experience has been a positive one for our farm. We have seen improvements on both the business and employee relations sides of the operation.

Of course, there are always areas where we feel we can do better. Upgrades in housing for the on farm employees are needed and we always hope for better freedom of movement in our area, so that on their off time employees can enjoy some of the wonderful amenities that Vermont has to offer.

Left: Participating Farmer Matt Maxwell speaks during the two-year anniversary of Ben & Jerry's entrance into the Program and calls on other dairy buyers to follow suit.

THE CODE OF CONDUCT

Milk with Dignity is rooted in the Program's Code of Conduct, created by the very workers whose rights it protects. The Code sets standards for conditions relating to wages, health and safety, housing, schedule and rest, non-retaliation, nondiscrimination, and other labor conditions. It incorporates rights protected by existing laws that are rarely or never enforced on farms, extends the protection of laws otherwise exempt farmworkers, and sets certain standards specific to dairy workers' conditions which are not included in any legal structures. The Code further improves over time through feedback from farmworkers, farmers and the Milk with Dignity Working Group.

One of the most important areas of the Code addresses health and safety. As outlined previously in the accounts of the workers, dairy is a dangerous industry. The Code requires workplace policies, training, and protective equipment to ensure a safe working environment. This includes, but is not limited to, proper training on the operation of farm machinery, safe storage of chemicals and potentially hazardous materials, avoiding repetitive stress and other musculoskeletal disorders, and proper ventilation. Safety on the job is also facilitated through the enforcement of paid sick leave rights and scheduling practices that ensure workers can get eight consecutive hours of sleep.

The Milk with Dignity Code also establishes the prevailing minimum wage as the highest of the federal, state, or municipal minimum wages of the jurisdiction in which their farms are located, notwithstanding any provisions that may exempt farmworkers. In Vermont, this means that the state's minimum hourly wage (\$10.96 in 2020) applies to participating farms, even though agricultural workers are legally exempt from the state's minimum wage. Without the Program's protections,

"Before the program, if we wanted face masks, we would have to buy them ourselves. Breathing in that dust every day – the dried manure – it gets in your lungs and makes you sick. But with the program, we talked with the boss and now he provides masks, safety glasses, anything we need to keep ourselves safe. Before we didn't have any power; with the program we know what we can demand. We know our rights as workers."

- Hector, Qualifying worker

farmworkers are only guaranteed the federal minimum wage of \$7.25, a difference of nearly \$3.75 per hour.

Many other Code rights come directly from existing laws that apply to farms and are supposed to be followed but are never enforced in practice. For example, Vermont Rental Housing Code applies standards for fire safety and other housing conditions, such as minimum square footage per occupant. No coordinated mechanism exists to ensure that farms providing employee housing meet these standards.

Finally, the Code prohibits sexual harassment and other forms of workplace discrimination on the basis of race, gender, and other protected characteristics. Title VII of the Civil Rights Act of 1964, the federal law establishing major protections from workplace discrimination, including sexual harassment, only applies to employers with at least 15 employees, leaving many dairy farms exempt.

Know your Rights and Responsibilities in the Milk with Dignity Program!



MDSC
802-881-1087
Milk with Dignity
Standards Council

Right to Information

- You have the right to know and protect your rights both in and out of the workplace.
- Each year, you have the right to at least one, and as many as two, paid hours of Education about the Program.



Right to Dignified Wages

- You have the right to:
- Have a system for recording your work hours.
 - Be treated like a direct employee of the farm, without any "middleman" or farm labor contractor
 - Receive your pay at least twice a month, delivered directly to you. Payment cannot be more than one day late from the agreed payday.
 - Receive a pay stub which shows the Milk with Dignity Bonus and the hours you worked.
 - Define a time-bound plan to start receiving at least the state minimum wage, if you aren't already receiving it. (2018: \$10/50/hr in Vermont and \$10.40/hr in New York)
 - Not have your wages withheld.
 - Receive a Milk with Dignity Bonus if you work more than 30 hours a week and your wages are less than \$12.98/hour (without Code-compliant housing) or you make less than \$11.48/hour (with Code-compliant housing).

Support Line: 802-881-1087

Employee Name	Supervisor	Employee ID	Check No.	Pay Period	Hourly Rate	Total Pay
John Doe	John Smith	12345	1001	10/1-10/7	\$10.00	\$70.00
Jane Smith	Jane Doe	54321	1002	10/1-10/7	\$10.00	\$70.00
Bob Johnson	Bob Johnson	98765	1003	10/1-10/7	\$10.00	\$70.00
MDA with Deputy Executive Director	MDA	MDA	MDA	MDA	MDA	MDA
VTDC	VTDC	VTDC	VTDC	VTDC	VTDC	VTDC
VTDC	VTDC	VTDC	VTDC	VTDC	VTDC	VTDC

Right to Health and Safety

- You have the right to a workplace that:
- Allows you to participate and create a safer and healthier work environment.
 - Allows you to stop working if you feel like your health or life is danger, without any retaliation.
 - Provides training on how to do your job.
 - Maintains the machinery of the farm and structures in safe condition (for example, the foundation of the house, the milking parlor and barn)



- Reduces dangers and risks of injuries caused in the workplace.
- Employs enough workers to do the job in a safe manner.
- Provides Personal Protective Equipment in order to do your job with minimum risks.
- Allows you to make recommendations to improve health and safety conditions on the farm.
- Provides Workers' Compensation for work-related illnesses or injuries.
- Provides up to 12 weeks of (unpaid) leave for medical or family needs, without losing your job.



Right to Dignified Schedules and Rest

- You have the right to:
- One day off**, per week. (this is 24 consecutive hours of rest and is optional).
 - Enough breaks to **eat 3 times a day and have 8 consecutive hours of sleep** in each period of 24 hours.
 - 5 days of paid** vacation per year.
 - 5 paid** sick days per year.
 - Written schedule which clearly states the hours you will work within the first 24 hours of the start of your employment.
 - Reasonable time off to attend to your basic needs such as going to the doctor.

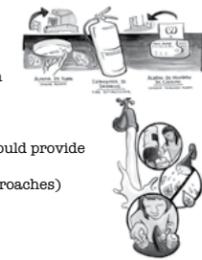


Right to Dignified Housing



What does dignified housing include?

- Is provided to you in clean, safe, and healthy conditions
- Fire alarms, carbon monoxide alarms, fire extinguisher, and railing in any staircase
- Adequate bathrooms (for example, shower, sink, toilet)
- A place to throw away trash
- Clean water (if the water from the tap is not drinkable, the farmer should provide you with drinkable water without any additional cost)
- Housing that is free of any pests (example: ticks, bed bugs, mice, cockroaches)
- Appropriate ventilation (minimum one window per room)
- Electricity
- Adequate heating.
- Have your bedroom with a closing door for sufficient privacy
- The right to remain in the housing for up to 14 days in case you are fired, in order to find another place to live.



Other Rights under the Program

- You have the right to:
- Come and go from the farm without having to ask permission from anyone.
 - Have visitors in your home.
 - Not have anyone keep your identification documents or charge fees for applying or getting hired for a job.
 - Be free from threats, abuse, and discrimination.
 - Make suggestions on how to improve your job, such as in regards to health, safety, hours or schedules, production, or housing, without retaliation.
 - Not be disciplined without just cause
 - Not have your salary or benefits reduced in anticipation of joining the MD Program

What is a safe and dignified work place?

- No one should ever experience any type of sexual harassment in the workplace.
- Some examples of sexual harassment are:
 - Verbal:** Like vulgar jokes, threats, promises or benefits in exchange for sexual favors, or decrease in pay for refusing any unwanted advances.
 - Physical:** Such as unwanted touches or hits. (if this happens to you, it is very important to report it to the MDSC as soon as possible)
- Being free from discrimination: you should not be treated differently for reasons such as: your nationality, your language, your religion, your sexual preference, your age, any disability, or for raising a complaint.

What are the zero tolerance violations?

- In the MD Program, there are "zero tolerance" violations (for your protection and to avoid any type of severe human rights violation). If they happen in your work place, you need to report this immediately, and they can result in the suspension of the farm from the program.
- These include:**
- Forced Labor
 - Systemic violations of child labor laws (for example: if more than 3, or the majority of the workers, are children under the age of 16 and do certain tasks that are dangerous and are legally defined as limited to workers above the age of 16, such as driving heavy tractors)
 - Retaliation for participating in the MD Program or for complaining
 - Use of physical violence or threat of use of violence
 - Sexual Harassment with physical contact.



Right to Complain without Facing Retaliation

- In the MD Program, this right allows you to have your voice heard to prevent and correct dangers and abuses on the farm.
- You have the right to:**
- Report a complaint without anyone treating you worse for doing so
 - Not be fired or punished for speaking with the MDSC
 - If you think a part of the Code is not being fulfilled, you should report it to the MDSC as soon as possible so a solution can be reached.

How and Where to Make a Complaint?

You can call the MDSC directly. The MDSC has a 24-hour support line answered in English and Spanish: **802-881-1087**. And text through WhatsApp. You can ask the MDSC for your complaint to be **CONFIDENTIAL**.

Responsibilities as a Worker:

- Make sure you have a good record of the hours you work.
- Call the MDSC with any questions, or to report any kind of issue in the workplace and housing.
- Communicate with your employer if you want to take a day off a week (if you don't have this already) with enough time to make this change.
- Create a work environment free of discrimination, abuse, sexism, and oppression among ourselves as workers, and in the same way, between workers and farm owners.
- Take care of common spaces.
- It is recommended that you give your employer 2 weeks notice of your departure if you plan to leave the job. Unless you have to leave the farm because you don't feel safe or are facing problems, or for other urgent unpredictable reasons.

Support Line: 802-881-1087

The Milk with Dignity Standards Council (MDSC) is the organization in charge of verifying that your rights in the program are honored and respected. In order to make sure your rights are honored, your participation is essential, by reporting problems that you encounter or someone else encounters in the workplace. Trust and speak openly with the members of the MDSC. The MD Program depends on your participation. Call the MDSC Support Line 802-881-1087



HEALTHY WORKERS, HEALTHY FAMILIES

When Luisa participated in her first Milk with Dignity education session, she was pregnant. Her mind wasn't on personal protective gear, or even minimum wage. She was worried she was going to lose her job. Unfortunately, her concerns were legitimate. Women in the dairy industry routinely face this form of workplace discrimination upon becoming pregnant. Even if Luisa wasn't fired, juggling a grueling seven day a week milking schedule as a young parent is a daunting task.

Fortunately for Luisa and her husband Efrain, the Milk with Dignity program provided additional protection at this crucial juncture. Luisa's job was secured by anti-discrimination provisions, and she was allowed paid sick time to visit the doctor. She reflects:

There have been a lot of important changes but for me the most important is for my health. Before nobody cared if you got sick. We had to work and if we couldn't, that day was taken off our paycheck. Now that we have Milk with Dignity, we're paid that day and the farmers will take us to the doctor. And that's important for me, for all of us.

After the birth of their daughter, Luisa and Efrain used the Code's standards for



photo credit: Migrant Justice

scheduling, rest, and family leave to ensure they could be present with their young family in a way that would be impossible outside of the program. Because of these standards, the farm's management worked with them to make needed changes. Efrain notes the importance of a full rest day each week:

With a full day off and our daughter we can finally make plans and go out with her. The day goes by quickly with her. It's different than during the week because you can really focus on her.

For Luisa, Efrain, and other working parents across the state, the Milk with Dignity program has created a more stable and nurturing environment to raise a family. Parents get to

see their children grow, and children get to see their parents healthy and thriving in a dignified workplace. Luisa observes:

Now that I have my baby I'm able to spend more time with her. Before we never spoke up, now we have the freedom to speak, without any fear that we'll be fired. You feel more secure, with all the benefits and knowing all your rights.

“We wouldn’t want to work anywhere else, it **wouldn’t be the same after working at a farm with Milk with Dignity.”**

- Qualifying worker



THE MILK WITH DIGNITY STANDARDS COUNCIL

Compliance with the Code of Conduct is facilitated through a unique partnership and problem-solving approach among farmers, farmworkers, and the Milk with Dignity Standards Council (MDSC). The MDSC is an independent non-profit third party auditor created to objectively monitor participating farms’ compliance with the standards in the Code. The MDSC’s trained investigative staff confirms to the participating buyers that participating farms are in good standing in the Program and notifies them if suspensions are necessary.

Unlike many “corporate social responsibility” programs, companies do not develop the standards and do not conduct the enforcement. Under Milk with Dignity, participating buyers rely on the MDSC to provide an objective assessment of conditions on farms in their supply chains and work to ensure continuous improvements.

The MDSC works with farmers and farmworkers to understand and achieve the labor standards outlined in the Code. There are two primary mechanisms to ensure that participating farms are meeting or progressing towards the Code standards: investigations of complaints made through the Worker Support Line and annual audits. While audits provide detailed snapshots of conditions on each farm, the support line provides continuous real time information.

The MDSC investigates complaints as they arise and acts immediately to support necessary improvements if farms are found in violation of Code standards.

These mutually reinforcing mechanisms allow the MDSC to both understand the complex realities that workers and farms are experiencing, and to craft appropriate corrective measures for participating farms. As full compliance is the ultimate goal of the Program, the MDSC works collaboratively with farms to create plans, with timelines, that are reflective of each farm’s unique circumstances. However, if farms are consistently unwilling to make the necessary adjustments to meet Code standards, they will face suspension from the Program and the market consequences that follow. While suspended, farms lose purchase preference and the premium paid by participating buyers. Farms may appeal a final Corrective Action Plan, complaint resolution, or suspension. Appeals are heard by arbitrators outside of the program and follow a rapid timeline to ensure prompt resolution.

The iterative process of reporting and enforcement through market consequences rests foundationally on the ability of workers to speak freely about their workplace and housing conditions. It also requires that workers have access to information about their rights, the standards in the Code, and how to report possible Code violations. Annual worker-to-worker education sessions ensure that all qualifying workers understand the crucial role they play in making their rights a reality.

Left: MDSC Staff speak with a worker during an annual farm audit. In the Program’s first year 87% of workers were interviewed during audits.



FROM EMPTY STANDARDS TO ENFORCEABLE RIGHTS

For eight years prior to the Milk with Dignity's launch, two workers on a small Vermont dairy farm, Yaya and David, worked seven days a week, with no vacations. Despite regularly requesting a six day workweek, they were coerced by their employer, through a corporate social responsibility program, to sign an agreement saying they did not want any days off. Incidents such as these are common when corporations attempt to establish supply chain standards without any meaningful enforcement mechanisms; workers are not informed of their rights, documents are not translated, or complaints are met with retaliation, if they are heard at all. Under such programs, when an employer tells a worker to sign a paper falsifying conditions, workers are obliged to comply.

When Migrant Justice began developing the Milk with Dignity Program, Yaya and David immediately understood the need for such a program and became leaders in the organization. They participated in meetings to talk about their working conditions and

strategies to improve them, and they supported other workers facing problems on their farms. They marched to demand better conditions and encouraged other workers to join in the push for Milk with Dignity. When Ben & Jerry's signed onto the program, their farm was among those that enrolled, and the workers gained a new set of resources and tools to help them make their rights a reality. David reflected on the change:

Before Milk with Dignity, I just had a half-shift off every week. When the farm entered the program I called the MDSC. The communication with my boss is a lot better now because he learns when he joins the program what benefits we have.

Yaya and David succeeded in accomplishing their goal of one day off a week. Their call to the MDSC's support line led to a mediated problem-solving conversation with their employer, resulting in agreement on a plan to immediately allow more time off and to gradually adjust the schedule to end up with a full day off per week. And with the support of the program, Yaya and David made other important gains, including respiratory and eye protection paid for by the farm, paid sick days, and the repayment of wages that had been illegally retained when they first started working at the farm. David spoke about the shift in power attained through the program:

We know exactly who to go to if we need support. I can call the support line with any little thing, even if it's just to help with translation. It's good for both the farmer and the workers. We can speak up now to say: "You know what? I want a day off. I want this or that." Having each worker feel safe to speak our mind is so important. We don't feel afraid anymore, we have the freedom to say what we want, without fear.

The experience of Yaya and David is emblematic of the stark difference between the so-called "corporate social responsibility" programs that set empty standards and worker-driven programs that create meaningful mechanisms for accountability and change.

WORKER-TO-WORKER EDUCATION

Migrant Justice conducts annual education sessions on all participating farms. Recognizing the expertise of workers in their own field, curriculum and materials are created through in-depth consultation with farmworkers, and the majority of the education team are former farmworkers themselves. The MDSC also attends the sessions, providing simultaneous interpretation between Spanish and English to ensure that all workers and management can participate equally. Workers must be paid by the farm for their time during the education sessions.

When a participating farm joins the Program, the first education session marks a pivotal moment. In many instances this is the first

time owners, supervisors, and workers have sat together, with translation, to openly address workplace conditions, risks, and hazards. The sessions clearly communicate to all parties the protections that workers have under the Program – and the consequences for violating those measures.

The education team uses images and examples to illustrate the Code, including demonstrations of personal safety gear, appropriate housing standards, paystubs, and more. They distribute bilingual program handbooks (the *librito*) containing information about the rights enshrined in the Code and what workers can do to make their rights a reality. The session explains and establishes the 24-hour Worker Support Line, providing employees a continuous, secure method of reporting Code violations. The MDSC's in-person presence at the sessions shows farmworkers that calls to the Worker Support Line will be answered by real people

based in the area who have expertise in the Program. When a worker is hired after the farm has received its annual education session, they are provided with the written education materials and can watch a video created by the education team detailing their rights in the Program.

The second year of education saw an increase in farmworkers' confidence to ask questions, point out issues of non-compliance, and request improvements during education sessions. This realtime feedback indicates that workers trust the non-retaliation clause of the Code and feel safe sharing Code violations in front of their employers. It also highlights the power of having workers, farmers, auditors and interpreters together in a room to discuss issues of worker safety. The worker-to-worker education session represents more than just a transfer of knowledge. It is when rights become tangible and workers assume their role in the Program as frontline defenders of their own human rights.

The education [session] helped me learn a lot of things because now we know our rights and that we have the freedom to speak up. Before we didn't say anything because it was always: "Will they fire us? What will they say?" Not anymore. Now we speak up without fear that we'll be fired.

- Luisa, worker on a Milk with Dignity Farm



Migrant Justice education team members conduct an education session on a Milk with Dignity Farm. During the coronavirus pandemic, the education team has implemented new safety protocols to protect the health of workers and staff alike.

THE PREMIUM

As result of the industry pressures described in previous pages, many farms lack the resources to make the changes needed to achieve full compliance with the Code of Conduct. When milk prices drop below the costs of production, farmers are hard pressed to give workers a raise. When a farm is already deeply in debt, the owner can't find a loan to build needed worker housing. Farmers themselves often can't afford to take sick days, and so workers go without as well.

Milk with Dignity recognizes the need to provide farms with the resources to make needed investments in working and housing conditions. The Program achieves this through the payment of a premium by participating buyers to participating farms. This premium redistributes profits from the companies at the top of dairy supply chains to the farmers and farmworkers at the bottom.

Paid as an additional price per hundredweight in participating farms' regular milk checks,

the premium incentivizes farms' participation in the Program and subsidizes the costs of compliance with the Code of Conduct. The MDSC monitors the payment of the premium and ensures that the money is appropriately used for purposes of Code compliance. Farms already in compliance with the Code are able to retain the premium and apply the funds towards operating costs, a boon to the farm's bottom line. The percentage of the premium retained by farmers will continue to rise as more and more farms achieve full compliance with the Code.

In the first two years of the program, over \$1 million of premium funds from Ben and Jerry's have been directly allocated towards improvements to working and housing conditions. This includes nearly \$200,000 passed through directly to workers via a monthly bonus, with the remaining \$800,000 invested in raises, vacation and sick leave, improvements to employee housing, and other changes needed to comply with the Code. Without such an investment from participating buyers, these changes would not be possible.

OVER \$1 MILLION INVESTED IN FARMWORKER RIGHTS

- **\$200,000** passed through directly to workers
- **\$800,000** in improvements to working and housing conditions in order to meet Code standards, including:
 - **\$525,000** in raises to meet Program minimum wage
 - Paid vacation and sick leave
 - Improvements to worker housing and construction of new housing units
 - Personal protective equipment
 - Other changes to increase worker safety

Plus additional premium funds retained by farms as economic relief

As a farmer I believe the Milk with Dignity program adds value to our farm at a time when milk prices are at a historic low. Not only do we receive a premium for our milk, but the practices encouraged by the program increase the effectiveness of our workforce and improve communication on the farm.

- Participating farmer



DIGNIFIED HOUSING

Jose Luis has lived and worked in the Vermont dairy industry for four years. Much of his experience has been positive:

At the farm things have always been good. The boss has taken care of the workers and paid attention to us. If we ask for a facemask, gloves, anything we need for protective equipment, he gets it.

But as is the case on too many farms, housing at Jose Luis's farm had fallen to the bottom of the priority list. Five workers shared a three-bedroom trailer. One worker's room was so small he had to lay his dresser on its side to have space to open it. Another expressed the impossibility of sleeping, as his room's thin door was next to the trailer's main entrance, wash area, and kitchen. The workers were all on different milking schedules, meaning someone almost always needed to cook or clean as others attempted to sleep. The walls of the trailer were riddled with holes that predated the current residents. The cold water faucet in the shower was broken, meaning showers were regularly scalding. Jose Luis reflects:

Before, we lived stacked on top of each other. We had a very little space, a very small kitchen and not enough space to store our food for the week. We had to leave food on the floor or on top of the refrigerator because there was not enough space in the refrigerator. It was uncomfortable to live there in that house.

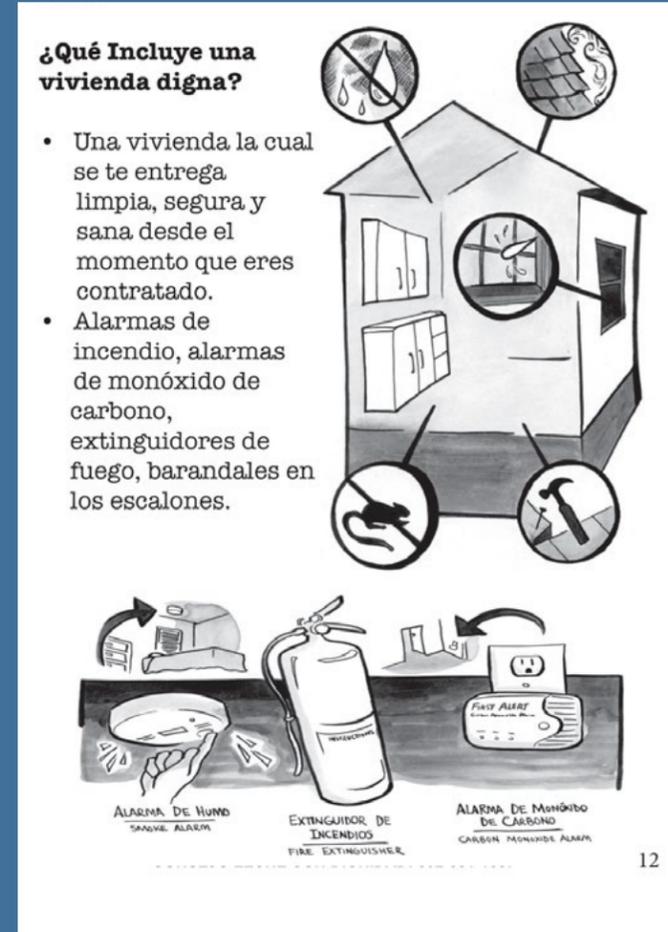
By June of 2018 – with the farm now enrolled in Milk with Dignity – workers took action.. They called the Worker Support Line concerning the overcrowding, lack of privacy, faulty wifi connection and poor housing maintenance. The

MDSC immediately went to the farm to confirm the reports and interpret a conversation with the farm owner. Within three days, workers, MDSC staff, and the farm owner had taken steps to address the most glaring issues, including fixing the cold water faucet, patching wall holes, and contacting the internet provider. They also confirmed a plan to address overcrowding.

With the Code's standards as a backdrop – and the financial security provided through the Milk with Dignity premium – the farm owners were able to prioritize the construction of brand new housing for workers. They took it seriously and moved forward swiftly to build clean, safe, and dignified housing, which has completely transformed quality of life on the farm.

Quality housing lays the foundation for quality life, work, and relationships on the farm, for workers and owners alike. Legal standards for safety and quality of employee housing are almost never enforced. Without the program there is no path forward for addressing these housing and quality of life issues. But through the Milk with Dignity Program, Jose Luis and his fellow workers were able to write a new chapter for this farm.

“With the new housing everything is different, the beds are new, everything is new. Now it’s possible to keep everything clean. The other one was so run-down it was impossible to keep it clean. Now we are more at ease, workers are less stressed out, people arrive after work, relax, things are organized, there is no stress about the house because everything is running so well.”





I think every worker feels more secure knowing that there is a support line you can call. Now we know exactly who to communicate with, who to file complaints with, and if the boss doesn't listen, we know someone will have our back.

- Qualifying worker

ENFORCING HUMAN RIGHTS

COMPLAINT INVESTIGATIONS AND RESOLUTIONS

When a farm joins Milk with Dignity, workers gain access to the Program's Worker Support Line. Workers receive information about the 24/7, bilingual hotline during the worker-to-worker education sessions, on posters hung in workplaces and housing, and in handbooks distributed to each worker. Workers are encouraged to call with any questions or concerns related to their workplace and the Program.

The MDSC conducts a complete intake for each call and asks for details regarding any complaints of potential violations of workers' rights under the Code. MDSC staff then complete investigations into alleged Code violations. Possible investigative steps include conversations with farm management, interviews of witnesses, review of payroll or other records, or inspections of housing and worksite conditions. If the evidence indicates the farm has not complied with the Code, the MDSC discusses action steps with farm management in order to resolve the complaint and make improvements to meet the Code standards.

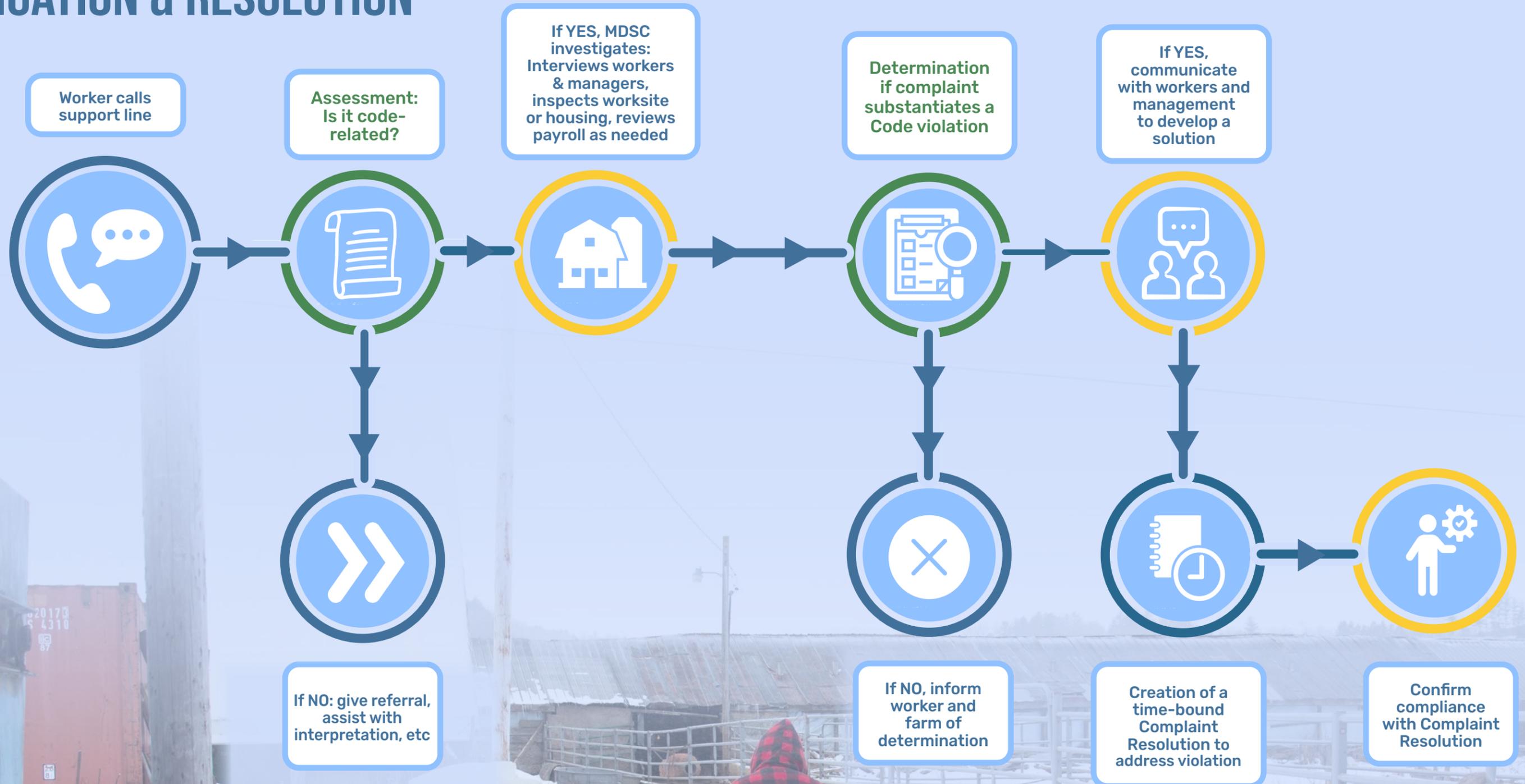
Worker Support Line data (see page 47) reflect distinct inquiries, not necessarily numbers of conversations. For example, some complaints were addressed and closed within as little as one phone call, if a question was asked that could be answered immediately. In other instances, a single complaint can result in dozens of phone calls, emails, and farm visits.

In the Program's first two years, median time for complaint resolution has been six days. The most complex and multifaceted complaints have taken as long as six months to resolve. The legal system, insofar as it has capacity to redress workers' rights at all, takes years. Before and outside of the Program, workers who make complaints to their supervisor often end up facing one of three outcomes: the complainant suffers some form of retaliation; the employer denies the request; or the employer verbally grants the request, but never follows through, leaving workers to eventually give up hope of any improvement.

Dynamics of fear and futility that pervade many low-wage workplaces, especially among immigrant workers, are breaking down little by little. Not only are workers seeing that it is safe to participate in the Program, they are also realizing that it is worth participating. An increasing call volume indicates both hope and expectation for real change. The MDSC receives a new inquiry every 2.5 days, on average. High call volume is evidence of tremendous faith by workers in the efficacy of the Milk with Dignity Program.

Through the Worker Support Line, the MDSC is able to continuously monitor conditions throughout the Program and take swift, meaningful action to collaboratively resolve complaints and achieve compliance with the Code of Conduct. The ongoing monitoring achieved through Complaint Resolutions is complemented by the deeper investigations and more expansive changes enabled through audits and Corrective Action Plans.

INVESTIGATION & RESOLUTION



COMPLAINT RESOLUTIONS ACHIEVE SMALL FIXES WITH BIG IMPACTS

Three farmworkers living in a small trailer called the Support Line because they had been asking their employer to fix the heat since mid-September, and he had not done so. By mid-October, the weather had turned cold, with several consecutive nights in the 30s. After hearing from the workers, the MDSC followed up with the employer, who insisted that the heat was working and that no action was required. MDSC staff inspected the housing in person and confirmed that the furnace was not igniting. After further follow up with the employer, he finally arranged for a technician to inspect the furnace. The technician replaced a broken part in the furnace and workers avoided a Vermont winter in an unheated trailer.

CODE COMPLIANCE CREATES BENEFITS FOR WORKERS AND FARMERS ALIKE

One farmer reported that he was initially skeptical of the change to provide paid sick days under the program. After making the change, however, he has seen that providing sick days allows workers to get treatment for minor ailments before they get worse, helping reduce the risk of long-term absences. Recently, a worker was able to get surgery on a serious dental problem and use two paid sick days to recover enough to resume working. The farmer reported that the dentist said that if the issue had gone untreated for much longer, the worker would have needed to be hospitalized and missed more than a week of work. The farmer noted that in the past, this is probably what would have happened, because the worker would not have been able to miss two days' pay to get the issue treated before it became an emergency.



In the first two years of the Worker Support Line's operation, **workers made 309 distinct inquiries.** As a result of these inquiries:

The MDSC investigated **226 complaints**

Code violations were found in **172 of those complaints**

155 confirmed complaint violations were resolved through corrective action, with the remaining complaint resolutions either still in process or addressed through the audit process instead

The MDSC provided either **interpretation or a referral for medical or other services** for **70 callers**

6 calls raised complaints regarding conditions on dairy farms not participating in the Milk with Dignity Program

7 calls solely requested clarification of a provision in the Code of Conduct or other basic information about the Program



FREEDOM FROM GENDER-BASED VIOLENCE

Protection against gender-based violence is a central tenet of the Milk with Dignity Program. All people, regardless of where they live and work, should have agency over their bodies. At many farms, however, the lack of oversight and accountability leaves workers vulnerable. Workers are frequently unwilling to come forward with their experiences of sexual harassment or violence for fear of retaliation in the workplace.

And too often their fears are justified. This summer, Migrant Justice received a call from a farmworker named Luvia who works on a farm that is not protected by Milk with Dignity. Luvia had found out from fellow workers that a male coworker was saying sexually explicit things about her, including plans to make sexual advances. She and her husband approached the coworker, who denied and mocked their concerns, threatening that the boss would never believe them. They then took their concerns to their supervisor, explaining that Luvia no longer felt safe

working shifts with her harasser. Not only were their concerns dismissed, Luvia was fired without explanation the next week, and her husband's hours were dramatically reduced. As the farm is outside of the Milk with Dignity Program, there was very little Migrant Justice staff could offer by way of support.

Consider, in contrast, the story of Lina, who also received unwanted propositions for sex from a male coworker. His propositions culminated in an incident in which the male coworker went to her house at a time when he knew her family members who live with her would all be at work or not at home. He pounded on the door and demanded sex. She prevented him from entering her home but was terrified. She brought the incident to her supervisor, who confirmed through an interview that the male coworker had sexually harassed Lina and was unrepentant. Fortunately, the supervisor had previously participated in two Milk with Dignity education sessions and knew what to do. The male coworker was fired, but the story doesn't end there.

Lina and her family continued to receive threatening messages from her harasser after he was fired, so she reached out to the Worker Support Line for help. The MDSC facilitated and interpreted a conversation between Lina and her supervisor to develop a safety plan.

Lina was afraid to involve law enforcement, because as an immigrant she was concerned about repercussions. The MDSC, the workers, and the supervisor together developed a safety plan that left law enforcement as a last resort. And with support from the employer, the MDSC spoke with the fired harasser to de-escalate his anger and secured his commitment to refrain from further harassment.

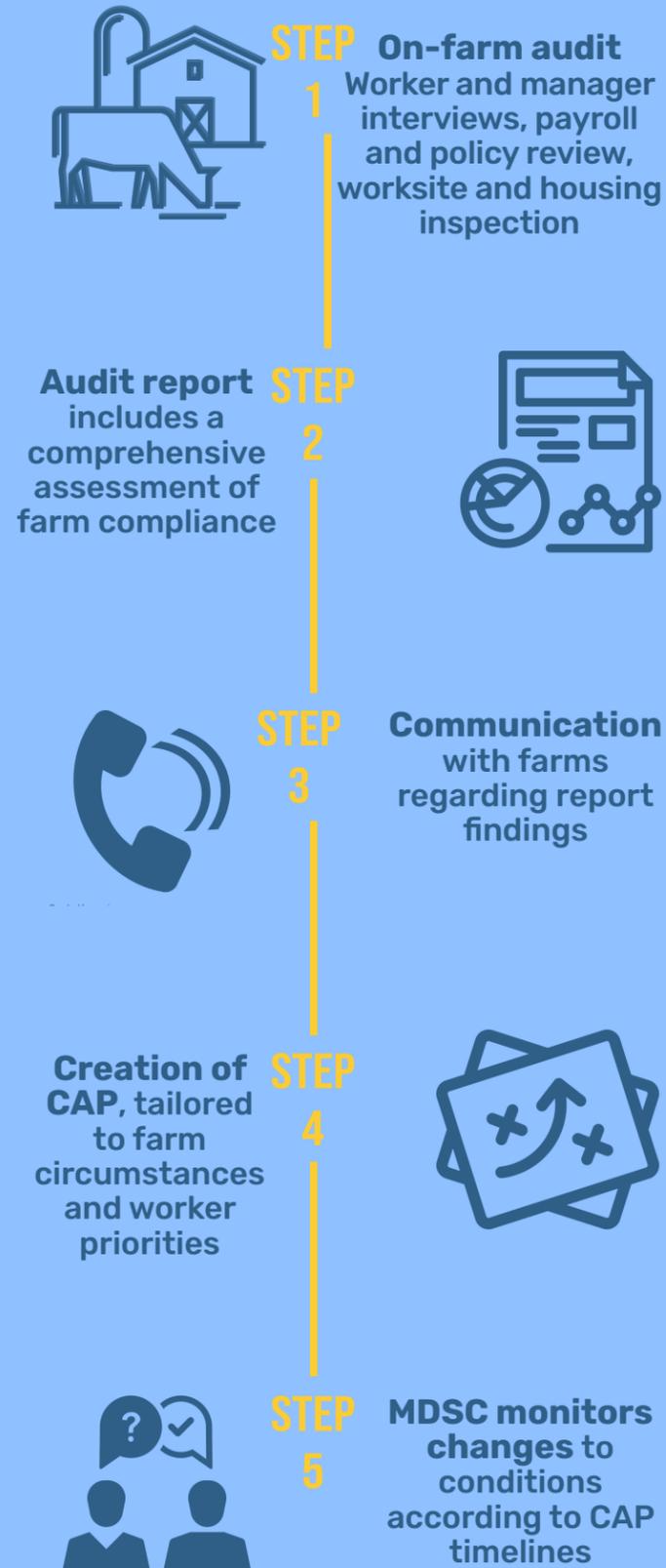
Lina still works at the farm and has suffered no retaliation. She later shared that two other women who had worked at the farm had previously confided in her that the same man had made aggressive, unwanted sexual advances towards them in the past. Those women had never come forward about the problem, because they occurred before the Milk with Dignity Program existed, and the women feared that their supervisors would defend the harasser, as he had seniority on the farm.

The contrast between Lina's story and the story of Luvia is heartbreaking. Luvia too deserves to feel safe in her workplace. Without the program, Lina says she would not have felt safe coming forward about the harassment. Milk with Dignity makes possible nuanced and timely interventions that empower and support workers to stamp out workplace harassment and gender-based violence.

AUDITS AND CORRECTIVE ACTION PLANS

This continuous enforcement mechanism of the Worker Support Line and Complaint Resolutions is supplemented by an annual audit, in which MDSC staff interview farm owners, managers, and workers, review payroll and other records, and inspect both the worksite and employee housing. The MDSC's interviews with farm owners, managers, and workers go in-depth about the full range of working and housing conditions covered by the Code. For example, these include specific conversations about how each farm addresses alley or gutter scrapers that are stuck or broken, and whether farms could improve the safety of these practices. For another example, auditors ask farm owners or managers where fire extinguishers are kept, ask farmworkers if they know where fire extinguishers are kept at the worksite, and also look for extinguishers to make sure they are present where management and workers said they are and are properly charged (and they are not always present or properly charged).

Audits provide an in-depth baseline assessment of each participating farm's compliance with the Code. They also provide an opportunity for workers to ask questions and note grievances they might not yet have reported to the complaint line. These detailed conversations and inspections are unprecedented. OSHA (including Vermont's equivalent agency, VOSHA) is legally prohibited from enforcing safety and health standards on farms with ten or fewer non-family employees. No participating farm had been subject to an outside workplace health and safety inspection in at least ten years before the Milk with Dignity Program launched. It is possible that none had ever been inspected before at all.



There is a high degree of trust between our team here at the farm and the MDSC, and that is the primary reason why the program is successful in my opinion. The audit process was straightforward and did not take much time out of my schedule. As a result of the audit we have improved employee training on the farm, which helps prevent workplace accidents and improves the quality of our milk.

- Participating farmer



MDSC staff interviews a farm manager during an annual audit. The MDSC designs corrective action plans to meet the unique circumstances of each farm.

	2018	2019
Farm audits	54	51
Farmworker interviews	221	221
Percentage of workers interviewed during audits	87%	84%
Management interviews	78	77
Worksite inspections	58	61
Housing inspections	50	54

Audit findings are synthesized into a report which is shared with farmers and serves as the starting point for a conversation about next steps. While the audit report aims to comprehensively appraise the farm's implementation of Code standards, the Corrective Action Plans (CAPs) that follow are co-created to incorporate unique farms' timelines and circumstances. Some Code violations, particularly those relating to housing or workplace structures, may require months or years to address. The MDSC works with each participating farm to outline clear deadlines and support in achieving those deadlines. Transparency among workers, management, farm owners, and the MDSC is crucial for accountability among all parties.

Audits often identify crucial, but less high profile, Code violations. For instance, in 2019, workers were alerted to the presence of a fire in their employer-provider housing by the new smoke detector the MDSC had required. They then put out the fire with their new MDSC-mandated fire extinguisher. Before the Program, workers would likely have never reported the lack of fire detectors and extinguishers, in part because there was no one to report it to other than their bosses. A detailed audit, comprehensive CAP, and their employer's follow-through on the CAP steps gave them the tools they needed to avert disaster.

Other examples of improvements made as a result of the audit and corrective action process include include rearranging complicated work schedules to provide more consecutive rest or accommodate family needs; grooving concrete ramps or steps to improve traction in worksite areas where workers had been hurt by slipping and falling; and the provision of new first aid kits or protective equipment and protocols for communicating when supplies need to be restocked.

Sometimes the process includes problem-solving conversations to prevent recurrence of a workplace injury or to address a hazard revealed through a near-miss. For example, one worker was rammed unexpectedly by a cow while he was in a birthing pen to move a newborn calf, a job done at least daily on most dairy farms. The cow knocked him down and fractured his collarbone. He feared for his life, as the cow charged him again. He was able to escape under the metal bars of the pen to avoid even more serious injury. After the injury, the MDSC asked the farm about a range of measures that could be taken to reduce the risk of a similar injury occurring again. The farm owners thought that the MDSC's proposals would not work for their operation, and came up with another solution, by which another farm employee reconfigured the gates in the birthing pen to allow workers a way to safely isolate the adult cow first and prevent the risk of workers being charged unawares while they move calves. The farm ensured that the injured worker got the medical care he needed and was paid his lost wages through workers' compensation insurance. Now that he has recovered, he is back to work in a safer environment. This is one of many examples of the safety improvements that occur when farmworkers and farm owners have the tools of a set of standards to raise expectations, a premium to support changes where needed, and regular communication that prioritizes workers' rights.

MILK WITH DIGNITY: BY THE NUMBERS

These figures provide examples of some areas of measurable progress on Milk with Dignity Farms from the first to second year of program audits. Farms that have not yet met these standards have committed to time-bound plans to make further improvements.

FIGURE 1: MINIMUM WAGE COMPLIANCE

Since the program's launch, at least 34 participating farms have raised wages in order to reach or approach prevailing minimum wage rates. Some of those raises occurred prior to the MDSC's 2018 audits, so the 2018 MD audit's findings of minimum wage compliance reflect some preemptive steps by farms to meet MD Code standards, as well as several complaint resolutions that farms implemented prior to that year's audits. Farms not currently paying the minimum wage required by the Code have time-bound plans to reach the minimum wage.

	2014 Survey of pre-Milk with Dignity Vermont farms	2018 MD Farms	2019 MD Farms
Workers were paid at least the state minimum wage	60%	68%	73%
Vermont state minimum	\$8.73	\$10.50	\$10.78

FIGURE 2: ACCESS TO SICK LEAVE ON MD FARMS

Outside of the program, paid sick leave is almost unheard of. When the Milk with Dignity Program was launched, some farms immediately began taking steps to meet code standards prior to their entry, bringing initial compliance to nearly half.

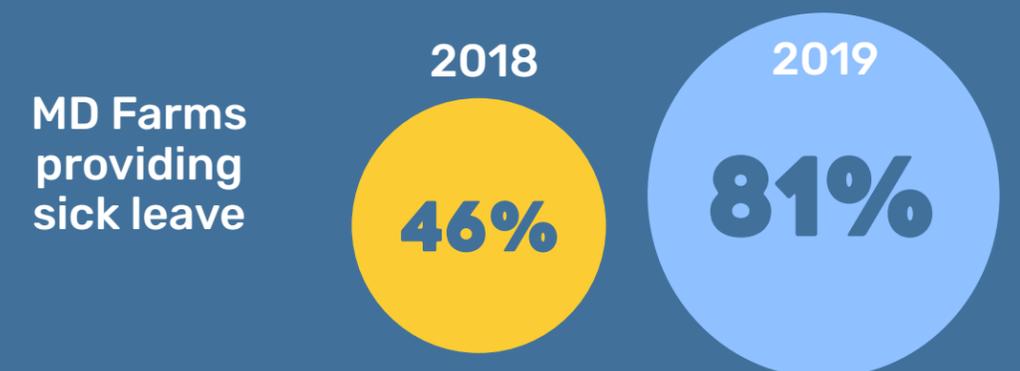
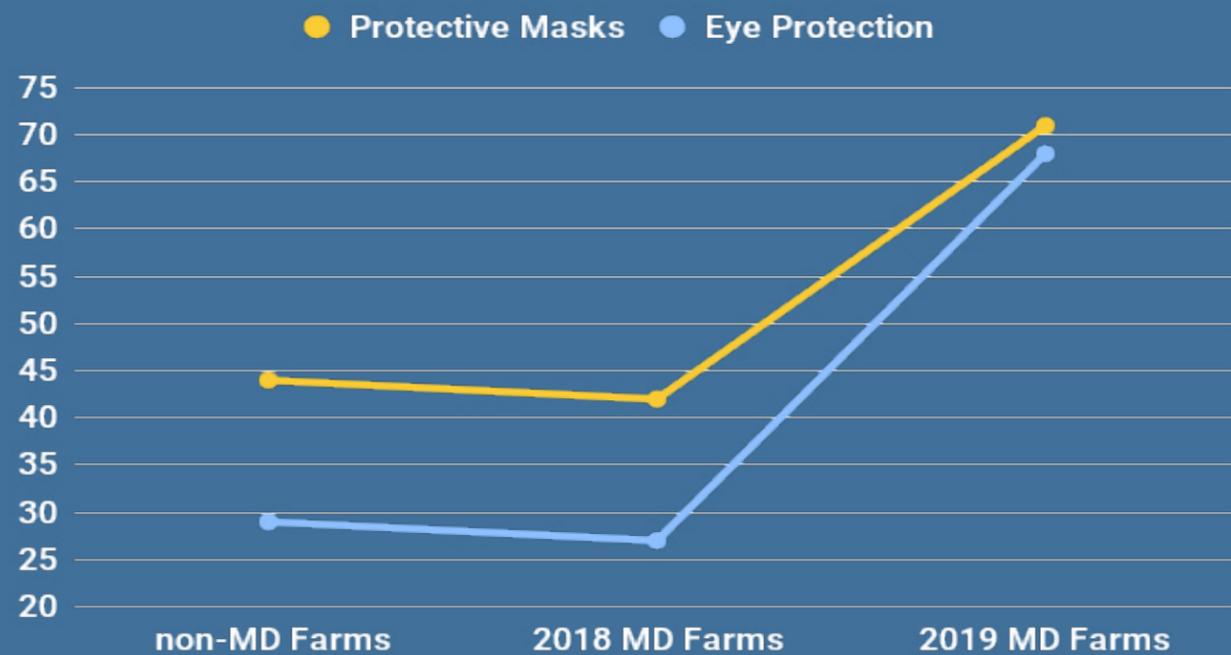


FIGURE 3: PERCENTAGE OF WORKERS WITH ACCESS TO PERSONAL PROTECTIVE EQUIPMENT:

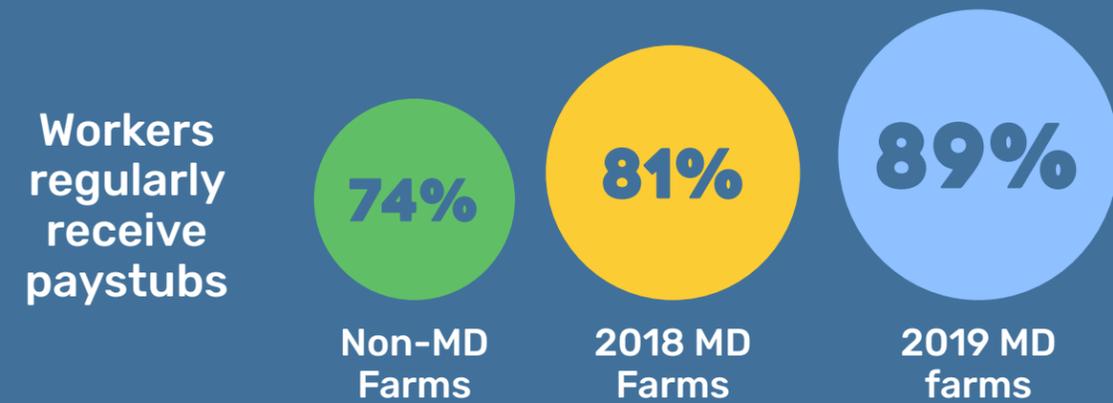


In 2018, farms enrolled in Milk with Dignity and farms not enrolled were providing personal protective equipment at roughly similar rates. After farmworkers and farm owners participated in the MDSC's first round of audit and corrective action processes in 2019, these rates increased dramatically.

FIGURE 4: ACCESS TO FIRE SAFETY DEVICES IN EMPLOYER-PROVIDED HOUSING

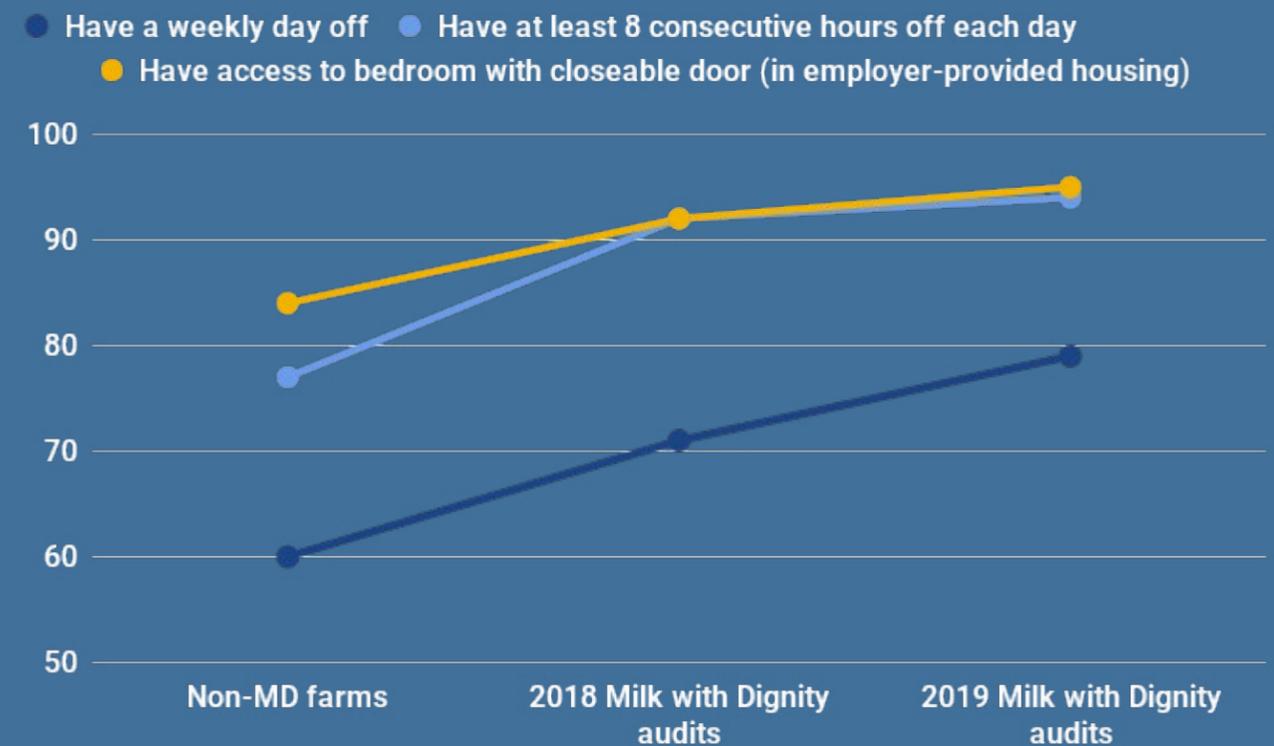
	2018 MD Farms	2019 MD Farms
Workers with smoke detectors in their housing	44%	64%
Workers with carbon monoxide detectors in their housing	24%	55%
Workers with fire extinguishers in their housing	32%	65%

FIGURE 5: REGULAR PROVISION OF PAYSTUBS



Paystubs are required by Vermont law and provide farmworkers with essential information that they need to know whether they have been paid for all of their work, what they are being paid, whether they are eligible for the Milk with Dignity Premium pass-through bonus and if they are receiving it. Workers also need paystubs as proof of income or employment for medical and other purposes.

FIGURE 6: ACCESS TO REST AND PRIVACY



ENFORCEMENT THROUGH MARKET CONSEQUENCES

The Milk with Dignity Program rigorously monitors and enforces its worker-authored Code of Conduct to ensure compliance with workers' human rights. This enforcement is backed up by the program's structure, which uses market consequences to achieve compliance. If a participating farm is unwilling to work towards compliance with the Code it will lose the Milk with Dignity premium and its place in participating buyers' supply chains.

Suspensions, however, are treated as a last resort. The Program's ultimate goal is to

ensure that every participating farm meets the standards in the Code. This means the MDSC makes every effort to hear from farms and develop workable solutions. The Code is organized into a hierarchy of articles, so that some violations require faster correction than others.

For Code violations that are not of Article I standards (see next page), the MDSC provides multiple opportunities for farms to come into compliance. Most of the time farms have engaged productively with the MDSC's investigative and problem-solving processes, contributing to concrete improvements and placing Milk with Dignity farms and workers on a positive trajectory.

The Milk with Dignity Program provides market incentives for farms to not only meet standards, but to be transparent in creating deadlines, providing information for workers, and verifying working and housing conditions. A farm that has violated Article I standards or has repeatedly failed to fulfill its Corrective Action Plans or address Complaint Resolutions, is placed on probation. Probation provides a final deadline for the farm to comply in order to avoid programmatic suspension. If the farm still does not meet the deadline given in the notice of probation, it will be suspended from the Program and lose access to the premium. The suspension lasts until the farm takes the corrective actions required to comply with the Code, or for a set period of time defined in the Code, whichever

is longer. For most farms, this market-based incentive is enough to spur corrective action.

During the Program's first two years, five farms were placed on probation, one of which was due to failure to take action to protect employees from violence and harassment. Four of the five farms eventually took necessary actions in time to avoid suspension and remain in good standing in the program. The fifth farm was suspended until it took concrete corrective actions verified by the MDSC. Conditions have improved for farmworkers at each of these sites through the process, illustrating the power of both market incentives and market consequences.

Stratified Response Structure to Enforce Code Violations¹²

Article I Violations

Require swift corrective action

Farms not immediately addressing these violations are suspended from program:

- Retaliation
- Forced Labor
- Systemic, unlawful child labor
- Sexual harassment with physical contact
- All violence and threats of violence

Article II & III Violations

Require prompt attention and response

Plans are crafted together with farms to reflect each farm's unique circumstances

Action steps have timelines, and MDSC monitors to ensure progress



FREEDOM FROM FEAR, FREEDOM FROM RETALIATION

Part of the power of the Milk with Dignity program is its ability to make meaningful and concrete improvements, even at farms where individual actors are resistant to change. Because the Program pairs legally binding contracts with market-based incentives, farms are supported and rewarded for meeting Code standards, and they face consequences if they violate the terms of their agreement.

One farm's evolution in particular illustrates this push and pull. This farm's management was notoriously resistant to change. For years, the farm had housed three workers in a converted office inside the barn. They slept next to the milking parlor in a room with bare concrete floors. Another eight or nine farmworkers were housed in an old single wide trailer with four small bedrooms. The appliances and utilities often broke, the trailer had multiple infestations, and the pipes often froze in winter. Workers once went eleven days without running water and had to cook, shower and use the bathroom inside their dairy barn.

The inhumane housing, however, wasn't the only Code violation on the farm. For many months even after entering the program, the farm neglected to issue paystubs or documentation of hours to workers and refused to pay the minimum wage required by the program. The farm also failed to adopt or enforce a policy of anti-violence and anti-harassment on the farm, even after a series of fights and credible reports of sexual abuse.



When receiving complaints, the farm manager responded by threatening retaliation. In one instance, when the MDSC approached the manager with a confidential complaint, he tried to guess which worker had made the complaint and responded: "I'd like to fire [worker's name]; he causes me a lot of trouble."

Because of its repeated failure to comply with the Code, this farm was temporarily suspended. Upon being suspended and losing its premium, the farm took action to better protect workers and comply with urgent Code violations. While there remain a number of changes still to be made, the farm has now reentered the program and is continuing to move forward. Workers at the farm now benefit from new, much healthier housing, payment of the minimum wage, paystubs that accurately explain their wages, and clear, enforceable policies to stop violence and harassment. One worker described the new employee housing as "a blessing" and said that "it really makes a big difference, because from a trailer to new housing – I don't know when people

started living in that trailer, but you can see the difference. The bathrooms, the kitchen, the bedrooms, the changes here are huge. The housing is beautiful, and any person would want to come work here because of the better housing...It's one thousand times better."

Despite the threats of retaliation, no worker was reprimanded or fired. The manager who had made the threats, however, is no longer with the farm. Apparently as a result of the lost income from the farm's suspension from the program, he was made to leave. The workers persisted – and with the Program's support – have outlasted their abusive employer, a reversal of power unthinkable before the creation of Milk with Dignity.

Unfortunately, the manager has moved to another farm not enrolled in Milk with Dignity, and Migrant Justice has already received reports of new cases of abuse, threats of retaliation. His continued presence on a farm emphasizes the need to further expand the Milk with Dignity Program to protect workers across the industry.



LOOKING TOWARDS THE FUTURE

THE CORONAVIRUS PANDEMIC: IMPACT AND RESPONSES

The COVID-19 pandemic has both revealed and compounded the pervasive instabilities of the dairy industry. In the spring and summer of 2020, sharply falling demand caused farm incomes to drop precipitously, bringing new financial strain to already burdened farms. Processing plants scrambled to shift supplies from restaurants and schools to grocery stores, resulting in the dumping of millions of gallons of milk.¹⁴ Farms were encouraged to reduce milk production, which in turn created ripple effects for workers' hours and job security. While many schedules remained unchanged, some farmworkers have seen incomes shrink by up to 33%. Layoffs on dairy farms outside the Program have been somewhat common. Many farmworkers have expressed fear that if they are fired or laid off, they will be unable to find another job and left without housing.

The nationwide shortage of N-95 masks and other personal protective equipment has meant that more farmworkers are handling harmful substances with reduced respiratory protection. And cramped and substandard employee housing - especially on farms outside the program - enhances the risk of

community spread, as workers are unable to maintain sanitary and appropriately-distanced living conditions.

While not designed with a global pandemic in mind, the Milk with Dignity Program has effectively adapted to address the new health concerns raised by COVID-19. The infrastructure of communication built through the program has served as a crucial link among farmers, workers, and public health officials. The Program has provided bilingual information about public health guidelines, changing labor regulations, and federal and state aid, along with cloth face coverings, hand sanitizer, and cleaning supplies. These interventions have helped keep not only farmworkers safe, but the community as a whole, as the nation increasingly comes to recognize the interconnected nature of public health.

Indeed, across the country the COVID-19 crisis is forcing a reevaluation of the meaning of "essential work," as many develop a deeper appreciation for the jobs needed to sustain, nurture, and care for one another. At the same time, the pandemic is laying bare a deeper, long-standing human rights crisis: many of the workers taking care of the rest of society lack the rights and protections to sufficiently take care of themselves. As farmworker Gregorio put it: *"Without us, there is no production. We demand more recognition for dairy workers."*

EXPANDING MILK WITH DIGNITY

Following the successful implementation of the Milk with Dignity Program in Ben & Jerry's supply chain, Migrant Justice has extended the invitation to other industry leaders to join in this groundbreaking approach. The Program represents a demonstrated solution for farmers, buyers, and consumers alike. It has given farmers financial support during difficult and unpredictable times as well as

tools with which to meet important standards for their employees' safety and other working conditions. It has created an opportunity for companies to partner with a Program truly capable of verifying labor conditions in their dairy supply chains, mitigating risks and creating long-term stability. And it has provided consumers with confidence that the dairy products they choose can be free from human rights violations.

Most recently, Migrant Justice has extended the invitation to Hannaford, a Northeast-based supermarket chain owned by the

multinational conglomerate Ahold-Delhaize. Ahold has expressed a commitment to ethically-sourced products, and indeed, Ahold is not new to the Worker-driven Social Responsibility model. Ahold-owned supermarket chains Giant and Stop & Shop joined the CIW's Fair Food Program in 2015. In the corporation's 2020 Inaugural Human Rights Report, they promised, "If we find ... serious violations of occupational health and safety regulations, we will suspend our relationship with that supplier."

Not only are there serious and documented

violations of occupational health and safety regulation in Ahold's dairy supply chains, but there is a proven solution. The Milk with Dignity Program provides both a rigorous set of standards and a set of enforcement mechanisms to make those standards a reality for workers. For industry leaders who are serious about creating a supply chain free from human rights violations, the way forward is clear. The Milk with Dignity Program provides a proven path towards a more just and equitable supply chain and ushers in a new day for human rights in the dairy industry.

photo credit: Terry Allen





ENDNOTES

- 1 Ben & Jerry's primarily uses butterfat, and not whole milk, to make its ice cream. The size of their supply chain has been calculated equivalent to the amount of whole milk needed to produce the dairy that Ben & Jerry's needs, so the total milk production by participating farms adds up to a little more than the equivalent of the mass of milk it would take to make the company's products.
- 2 Sananes, Rebecca. "As Big Milk Moves In, Family-Owned U.S. Dairy Farms Rapidly Fold," Vermont Public Radio. January 11, 2017. <https://www.npr.org/sections/thesalt/2017/01/11/509135189/as-big-milk-moves-in-family-owned-u-s-dairy-farms-rapidly-fold>.
- 3 MacDonald, Law, and Mosheim. "Consolidation in U.S. Dairy Farming," ERR-274. July, 2020. <https://www.ers.usda.gov/webdocs/publications/98901/err-274.pdf?v=3363.6>.
- 4 USDA. U.S. farm sector financial indicators, 2013-20F.
- 5 Laughton, Chris. "2018 Northeast Dairy Farm Summary," Farm Credit East, ACA. May, 2019. https://issuu.com/farmcrediteast/docs/19-0110_fce_dairyfarmsummary2018_fi/2?ff&e=4614739/69508758.
- 6 USDA Economic Research Service (using data from USDA, National Agricultural Statistics Service and Census of Agriculture).
- 7 Anderson, Adcock, and Rosson. "The Economic Impacts of Immigrant Labor on U.S. Dairy Farms," 2015. http://www.agworkforcecoalition.org/wp-content/uploads/a6_NMPF-Immigration-Survey-090915.pdf.
- 8 Migrant Justice. "Farmworkers Document Abuse & Propose Solution: Milk with Dignity!" 2015. <https://migrantjustice.net/sites/default/files/FinalSurveyMay2015.pdf>.
- 9 Fox, Fuentes, Ortiz Valdez, Purser, and Sexsmith, "Milked: Immigrant Dairy Farmworkers in New York State. A report by the Workers' Center of Central New York and the Worker Justice Center of New York." 2017.
- 10 See Endnote 1.
- 11 Harriger, Jennifer. "10 percent of Vermont dairy farms closed in 2018," MyNBC5. January, 2019. <https://www.mynbc5.com/article/10-of-vermont-dairy-farms-close-in-2018/26103853>; Rathke, Lisa. "Number of Vermont dairy farms drops to an average of 677," Associated Press, January 30, 2020. <https://apnews.com/f8d70b7f0992a555ec908f7379e2e115>.
- 12 If the MDSC determines through investigation that a farm manager or other employee has committed sexual harassment with physical contact against a farmworker, then the farm must terminate the employment of the perpetrator. In instances of forced labor, or of violence or sexual assault where the perpetrator is a farm owner, the farms will face immediate suspension.
- 13 Migrant Justice would like to thank an anonymous photographer for contributing this photo.
- 14 Townley, Ed. "Dairy farmers are dumping millions of gallons of milk. This could make it stop." CNN Business. June 8, 2020. <https://www.cnn.com/2020/06/08/perspectives/cabot-dairy-farmers-pandemic/index.html>.



MILK WITH DIGNITY

**A NEW DAY FOR
HUMAN RIGHTS IN DAIRY**