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**The Cows Don't Milk Themselves:**

**Using Worker-Driven Social Responsibility to Fight  
Labor and Housing Injustice on Vermont's Dairy Farms**

Thesis Defense date: April 30, 2020

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## ABSTRACT

Despite the importance of dairy to Vermont's state economy, the migrant farmworkers who have come to fill shortages in domestic labor suffer exploitation at the bottom of the supply chain. This is a result of price pressures imposed by large corporations on the farm owners, which cause them to abandon workers' rights because of the financial incentive. The structural inequalities within this system force many farmworkers to work under inadequate health and safety conditions for sixty to eighty hours per week without a day off, only to return to undignified housing provided by the farmers. Workers are also taken advantage of as the employers withhold or steal their wages. Retaliation is common when the workers complain.

Refusing to be silenced any longer, farmworker leaders have come together to bring justice to their community and to their system through a program called Milk with Dignity, which was designed in 2014 and officially implemented in 2018. This program follows a relatively new paradigm called Worker-Driven Social Responsibility (WSR) which contains five fundamental elements: a worker-authored Code of Conduct, education sessions, a third-party monitoring body, economic relief, and a legally-binding agreement. This thesis ethnographically explores the successes and limits that WSR has had in bringing labor and housing justice to Vermont's dairy farms. It argues that this model has not only begun to transform these conditions, but has been fundamental in bringing agency to workers and reconstructing the power structures that exist in the industry.

## ACKNOWLEDGEMENTS

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## TABLE OF CONTENTS

ABSTRACT.....	2
ACKNOWLEDGEMENTS.....	3
LIST OF FIGURES.....	5
INTRODUCTION.....	7
<i>A Note on Terminology</i> .....	13
METHODS.....	11
<i>Acknowledgement of Potential Bias</i> .....	17
<i>Limitations</i> .....	18
LITERATURE REVIEW AND CONTEXT.....	20
1. Corporate Pressures Changing Labor Practices.....	20
<i>Gloves Come Off</i> .....	20
<i>Pressures in Vermont</i> .....	22
2. Looking to Migrant Labor.....	23
<i>Immigration Policy and the Criminalization of the Migrant Workforce</i> .....	25
<i>The Importance of NAFTA</i> .....	29
<i>Vermont as a new Latinx destination</i> .....	30
3. Advocating for Better Labor Conditions and Standards.....	33
<i>Corporate Social Responsibility</i> .....	34
<i>Worker-Driven Social Responsibility</i> .....	35
RESULTS: CONSCIOUSNESS PLUS COMMITTEMENT EQUALS CHANGE.....	40
Developing Milk with Dignity.....	40
<i>Ben and Jerry's</i> .....	44
<i>Hannaford</i> .....	47
What Does the Program Entail? .....	51
<i>Farmworker-Authored Code of Conduct</i> .....	52
<i>Farmworker Education</i> .....	61
<i>Third-party Monitoring Body</i> .....	62
<i>Economic Relief</i> .....	73
<i>Legally-binding Agreements</i> .....	75

<i>Milk with Dignity During Covid-19</i> .....	77
DISCUSSION: A NEW DAY FOR DAIRY .....	78
Fair and Dignified Workplaces.....	78
Mutual Respect.....	80
Open Communication.....	81
Collaborative Problem-Solving.....	82
Deconstructing Power Dynamics.....	82
Expanding Milk with Dignity and WSR.....	84
CONCLSUION.....	86
BIBLIOGRAPHY.....	88

**LIST OF FIGURES**

Chart of the WSR Network.....12

Chart of Migrant Justice.....12

Results of 2014 Survey on Workplace Conditions.....41

Results of 2019 Survey on Farmworker Health and Safety.....55

## INTRODUCTION

“There are many people who drink a glass of milk every day, and they never ask, ‘where does the milk come from?’ Well look, milk comes from cows, but the cows don’t milk themselves!”

(Migrant Justice, 2014)

Coming out of the margins of Vermont—one of the most ethnically homogeneous states in the nation—migrant farmworkers are raising their voices, holding up their fists, and demanding long-term systemic and cultural change in a society which has long benefited from their forced silence and invisibility. They have come together in solidarity through a grassroots worker-driven organization called Migrant Justice. Migrant Justice was formed in 2009 when farmworker José Obeth Santiz Cruz’s winter clothing got stuck in a gutter scraper, strangling him to death. This would have been preventable had Santiz Cruz been provided with adequate safety protections while working in one of the most dangerous industries in agriculture. The poor working conditions that led to the loss of Santiz Cruz’s life are not an anomaly on Vermont’s famous dairy farms. Realizing they were not alone in suffering undignified labor and housing conditions on their farms, this tragic event lit a spark in the farmworker community and showed that these circumstances were more than just unfortunate; they could be a matter of life or death.

Now, the overarching mission of Migrant Justice is to “build the voice, capacity, and power of the farmworker community and engage community partners to organize for economic justice and human rights” (Migrant Justice, 2019). They intend to be a base where farmworkers from every county in a mostly-rural state can share their experiences, identify problems, and come together to find their own solutions. Problems and solutions are brought to the attention of

the organization through monthly community *Asambleas* (“Assemblies”) that are held in three of the states’ largest dairy regions. These meetings are not exclusive so that all farmworkers have the opportunity to be directly involved in the work of the organization. All decisions made for the organization, which are guided by the community problems and needs that come up in the *Asambleas*, are led by the Coordinating Committee (known as “the CoCo”). The CoCo is made up of seven farmworkers who have shown a particular commitment and connection to the organization through *Asambleas* or in other Migrant Justice events. The CoCo meets monthly to develop campaigns and strategies, put them into action, and reflect on their successes and limits in partnership with two staff organizers. The CoCo’s decisions are supported by a body of both allies and members of the farmworker community called the *Junta de Apoyo* (“Support Group”). Leadership for the CoCo and the *Junta de Apoyo* is appointed by Migrant Justice staff members, who work for Migrant Justice full time to ensure that the decisions that are made in these meetings are put into action. To do this, some tasks of Migrant Justice staff members include providing resources to farmworkers, doing field visits to farms, organizing allies for campaign support, facilitating fundraisers and events, and overseeing the finances of the campaigns.

In the ten years since its formation, Migrant Justice has had an impressive influence in Vermont through a variety of campaigns which have been decided upon by the workers themselves. Among their most prominent achievements are: (1) winning legislation granting the ability to obtain a driver’s license to all Vermont residents regardless of immigration status; (2) building a strong coalition to pass legislation for their campaign *No Más Polimigra* (“No More Police and Immigration Collaboration”), which aims to eliminate collaboration between the police and immigration agents and prohibit racial profiling; (3) successfully organizing the

public to free immigrants from detention; and (4) Milk with Dignity, a campaign that advocates for the right to just work and a dignified life. Though each of these accomplishments are notable and will be referenced throughout, this thesis primarily focuses on the Milk with Dignity program.

The Milk with Dignity program, which was designed in 2014 and launched as a public campaign in 2015, is designed “to encourage and support farm compliance and build participatory, fair and dignified workplaces characterized by mutual respect, open communication, and collaborative problem solving” (Migrant Justice, 2014). Through the program, Migrant Justice aims to do more than simply put an end to unjust conditions such as inadequate health and safety, undignified housing, unlivable pay, wage theft, long work days with no days off, poor communication, and more. It aims to completely restructure the systems which enable and encourage these practices.

The Milk with Dignity program is modeled after a relatively new paradigm, Worker-Driven Social Responsibility (WSR). Under WSR, industry and place-specific programs are created to demand that labor and human rights be respected. This model is revolutionary because the solution comes from the bottom of the supply chain, where workers have created their own program. Through this process, workers define their own rights under a formal Code of Conduct. Then, using pressure from the workers, consumers, and allies, they go straight to the top of corporations and pressure them to implement this program by signing a legally-binding agreement. Once this agreement is signed, the corporations are required to grant economic relief to the employers so that they have the means to respect the workers’ requests which are clearly outlined in their Code of Conduct. To ensure its sustained implementation, a third party is

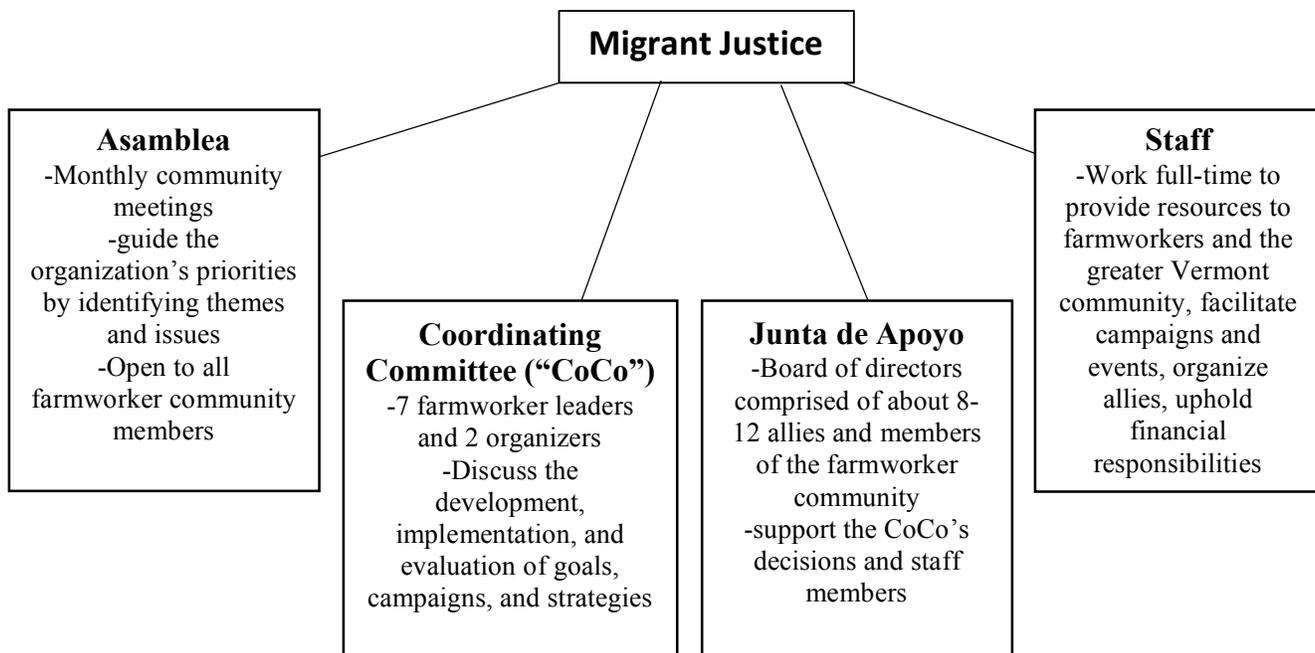
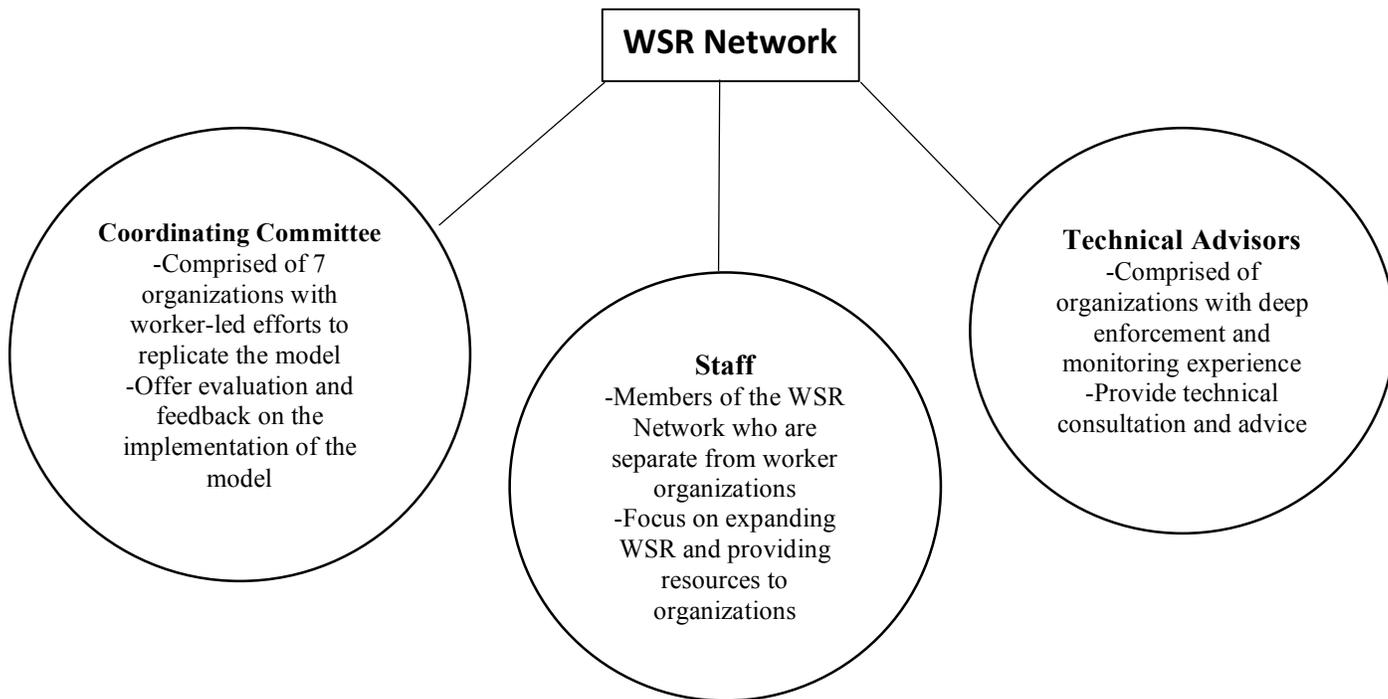
involved in the program's monitoring and enforcement, and the workers are guaranteed education on their rights.

This model and its fundamental elements were initially created by an organization in Florida, the Coalition of Immokalee Workers (CIW), who created the Fair Food Program to put an end to vast human rights violations like forced labor and sexual harassment that were taking place in Florida's tomato fields. The Fair Food Program has since inspired similar programs around the world and across industries such as Milk with Dignity, in the apparel industry in Lesotho, and an Accord on Fire and Building Safety in Bangladesh. In 2015, a formal WSR Network was formed around this model consisting of a coordinating committee which includes the above listed organizations, technical advisors, and staff members. Together, they aim to "build understanding of the model among a wide range of relevant stakeholders and audiences, provide support and resources for worker-led efforts to replicate the model, and offer feedback and evaluation on implementation" (WSR Network, 2017).

The model has now caught other workers' attention, such as poultry workers in Arkansas and construction workers in Minnesota. As the current programs continue to grow and new groups of workers around the world are looking to apply this model to their own industries, it is important to analyze the existing implementations of the model to determine best practices. This study asks the following questions: What successes and limits has Milk with Dignity had in accomplishing its goals under the WSR model? How have farmworkers' lives changed in the last ten years, since the foundation of Migrant Justice?

To answer these questions, I begin by presenting a comprehensive literature review and historical context to migrant labor and labor practices in the United States. I then explain my ethnographic methods and limitations. Next, I provide a more exhaustive explanation of the

successful Milk with Dignity campaign against Ben and Jerry's and the in-progress campaign against the supermarket chain, Hannaford. This is followed by an in-depth analysis of the five main elements of WSR—The code of conduct, worker education, a third-party monitoring body, economic relief, and a legally-binding agreement—as they are implemented in Vermont. I conclude with an analysis of my research questions and my own projections for the future of Milk with Dignity and WSR. By doing this, I will show that Worker-Driven Social Responsibility has been effective not only in improving conditions in low-wage labor industries, but has given agency to workers and deconstructed vastly unequal power structures. Because of this, as corporations become increasingly rich and powerful, WSR should expand to other industries and be seen as a legitimate solution to ensure the protection of the workers at the bottom.



*A Note on Terminology*

1. Latinx: I choose to use the term “Latinx” in this thesis to refer to people who are from Latin America as the gender-neutral alternative to Latino or Latina, though I acknowledge the contention around this terminology (Guidotti-Hernández, 2017; Vidal-Ortiz and Martínez, 2018).
2. Undocumented: I use the term undocumented rather than “illegal” when referring to migrants living in the United States without authorization to reject notions that human beings can be illegal and the social and political implications that come with this ideology. Undocumented has been expressed as the preferred term by many immigrants and advocates (Paspalanova, 2008).
3. Migrant/ Immigrant: “Migrant” refers to movement from one area to another more generally, whereas “immigration” refers to movement by humans when they are crossing the borders of nation-states. I use migrant/migration much more frequently to challenge concepts of borders and modern nation-states, but use immigrant/immigration when referring to certain policies or when it is used by participants in interviews or speakers at public events.

## METHODS

To explore the application of WSR, I looked to ethnography to build an understanding of how Migrant Justice and Milk with Dignity have influenced migrants' experiences and everyday lives within an anthropological framework. This study is exploratory in nature and does not seek to find a black-and-white conclusion which defines WSR as entirely good or bad. This study took place across the entire state of Vermont due to the geographical spread of dairy farms in the state. To collect data, I interviewed three Migrant Justice staff members involved in the facilitation of Milk with Dignity; three members of the Milk with Dignity Standards Council, which is the program's third-party monitoring body, and three migrant farmworkers working on Vermont dairy farms and are leaders in Migrant Justice's CoCo. All of these interviews were conducted done in either English or Spanish, based on the participant's preference. They were recorded and transcribed immediately after. All participants were above eighteen years of age. Before starting any of my fieldwork, I received approval to do human subjects research from the Institutional Review Board (IRB). Pseudonyms will be used throughout the thesis, for both participants of private interviews and speakers at public events to protect the identities of the participants.

I also pull data from about forty hours of participant observation and twenty-five public speeches. This included:

- The second Milk with Dignity campaign launch with public speeches from three Migrant Justice staff members, one farm owner enrolled in Milk with Dignity, one farmworker protected under Milk with Dignity, and one farmworker leader
- Three demonstrations outside of Hannaford supermarkets which each had one speaker from Migrant Justice and one farmworker speaker

- Organizational holiday celebrations for La Candelaria and the Day of the Dead
- Two demonstrations led by Migrant Justice to protest deportations and detentions of undocumented workers
- A demonstration outside of Wendy's for the Coalition of Immokalee Workers' Fair Food Program
- Three public presentations given by Migrant Justice staff members on Milk with Dignity by Migrant Justice at the University of Vermont, at Saint Michaels College, and at a local middle school
- A public presentation at the Northeast Organic Farming Association (NOFA) conference which included two farmworker speakers and two Migrant Justice staff member speakers
- A WSR Panel at the NOFA conference which included a leader of the WSR Network, a leader from Migrant Justice, a leader from the Coalition of Immokalee Workers, and a leader of an organization for poultry workers in Arkansas which is in the process of implementing WSR
- Migrant Justice staff meetings related to Milk with Dignity, farmworker concerns, and ally support
- Shadowing Migrant Justice staff members during work days around their Burlington office
- Attending two online webinars about the Hannaford campaign which each included speeches from one farmworker

All of these events offered me insight into the details of how Migrant Justice operates, the priorities of the organization, and the aspects of Migrant Justice and Milk with Dignity that the

various speakers found the most important to highlight. My interviews complement the data from participant observation by providing in-depth and personal testimonies of the organization and the program.

For all participant observation experiences, I took handwritten field notes throughout the events and wrote brief summaries afterward. Certain Migrant Justice events were recorded and uploaded onto their website, such as for the campaign launch and NOFA Panel. In these instances, I also reviewed these recordings to confirm the accuracy of information and quotes I had previously written down.

Document-analysis is also a vital part of the data collection and analysis. The majority of these documents were acquired from the Migrant Justice office in Burlington, including educational pamphlets and handouts for allies, information on farmworkers rights used to educate the community about their rights in the state, documentation of the campaign's history, and notes from Migrant Justice staff members. I also pull substantial information from the resources that are publicly available on the Migrant Justice website. In particular, I use Milk with Dignity related survey results, video clips recorded by the education team, a documentary filmed and published by Migrant Justice called *Silenced Voices*, and other educational materials made for farmworkers which explain workers' rights and campaign goals.

Finally, my research process was guided by comprehensive scholarly literature about corporate influences on labor, patterns in low-wage labor standards and conditions, migration from Latin America to the United States, and on the dairy industry and Vermont specifically. I began the literature review process in August 2019 and continued throughout the entirety of my research process. My data collection took place between October 2019 and April 2020. All

qualitative data, including interview transcriptions and participant observation notes, were uploaded and coded using the NVivo Software.

### *Acknowledgement of Potential Bias*

It is also important to note that I had already established a personal connection with Migrant Justice prior to beginning this research. In July 2019, I started volunteering for Migrant Justice by driving farmworkers to organizational events, to the Department of Motor Vehicles (DMV), and to doctors' appointments across the state. I was also involved in giving presentations on the organization to local student groups, tabling outside of concerts and restaurants, and helping at various events and fundraisers.

I began a formal internship with the organization in August of 2019 where I continued the tasks I had been doing the previous two months with greater frequency and took on a few larger roles, including volunteer outreach for the Milk with Dignity campaigns, helping do research to inform future steps of the organization, phone banking, and helping at Milk with Dignity and other organizational events. I continued this internship throughout the entirety of my research.

Although this volunteer work and my internship have certainly influenced some of my ideas about the research topic, it is also important to note that many aspects of this study would not have been possible without first building this connection and trust with the organization and the farmworker community. As I began my data collection, I carefully navigated my roles as an intern and a researcher. Although the line did not always feel clear, I made sure to separate what I was told in confidence as an intern and what I was told as a researcher. I do my best throughout

the study to maintain objectivity while collecting and analyzing my data, but acknowledge the difficulties of separating activism and academic research.

### *Limitations*

I faced many obstacles while conducting this research. The biggest of these was trying to complete my fieldwork at the same time as the unprecedented Covid-19 global pandemic caused by Covid-19. In mid-March, I still had plans to conduct fieldwork, with around five formal interviews scheduled and important participant observation opportunities relevant to the ongoing Milk with Dignity campaign that will be discussed in upcoming sections. Because of the state mandated quarantine and social distancing measures, I was not able to complete this research with the depth I was hoping. I completed two more interviews over a video chat but could not move forward in scheduling the rest. Similarly, some Milk with Dignity related events took place online through webinars, but many others were cancelled or postponed to dates past the time period of this research since the community could not move forward with in-person gatherings. I will talk about the impact of this situation on the campaign and on the farmworker community as it comes up throughout my thesis.

Apart from trying to finish research amid global pandemic, there were also smaller obstacles in the research, such as the difficulty of accessing farmworkers. Given the intensive schedules that the dairy industry requires, the geographical spread of this community, and the understandable structural hesitations that many farmworkers have in sharing their experiences, there were many obstacles in interviewing farmworkers.

Similarly, when setting out to do this study, I was hoping to have the opportunity to talk to farm owners themselves about their experiences. As I started recruiting participants, it very

quickly became clear that this was too ambitious given the sensitive nature of this topic among farmers. I was unable to find farm owners who were willing to participate in my research (both a part of and separate from the Milk with Dignity program). For this reason, most of what is included in the data analysis about the experience of farm owners was gathered from interviews with other participants who spoke about their interactions and conversations with farmers. It also includes a speech given by one farm owner at the October campaign-launch.

Due to the limited number of interviews, this thesis in no way intends to speak to the experiences of all farmworkers, all farm owners, or all Migrant Justice staff members. Rather, it aims to recognize patterns and reaffirm already acknowledged pressures caused by supply chains which impact low-wage labor.

## LITERATURE REVIEW AND CONTEXT

### *1. Corporate Pressures Changing Labor Practices*

#### *Gloves Come Off*

Despite being a wealthy and developed nation, unethical labor conditions are not uncommon in America. On paper, federal, state, and local labor standards exist which mandate a minimum wage, maximum number of hours to be worked, compensation for overtime, required breaks, health and safety maintenance, and so forth. Looking at the actual compliance with these standards, one finds an entirely different reality. In what Bernhardt et al. (2008) refer to as the “gloves-off economy,” employers in low-wage industries and local labor markets are increasingly evading, violating, eroding, and abandoning the laws that are in place to actively protect their workers (p. 1, 5).

The decline in regulated work is explained as a result of structuralist forces whereby the profit motive of the capitalist economy has led to the development of strategies to keep labor costs low by avoiding standards and laws (Castells and Portes, 1989; Murray, 1996; Sassen 1997; Bernhardt et al., 2008). As put forth by Bernhardt et al. (2008), the employer-employee relationships started changing around 1975 when corporations became increasingly distanced from their supply chains, both physically and conceptually.

The growing rate of economic injustice and worker vulnerabilities can best be understood as a domino effect of pressures within industries. As some employers have realized that they can get away with breaking the rules, many have changed their business practices to benefit their capital at the cost of their workers. Ceding to the competitive market, employers who wouldn't otherwise twist the rules have had little choice but to give into these practices in order to hold their own against low-cost business strategies (Bernhardt et al., 2008, p. 2). Adverse and

dangerous conditions are becoming rapidly normalized as a consequence of pricing burdens placed on suppliers, subcontracting networks, inefficient enforcement and auditing practices, and the geographical spread of labor (Fine and Bartley, 2019).

### *Pressures in Vermont*

As corporations continue to grow, they create a top-down pressure which causes economic justice to be increasingly sacrificed the farther down the supply chain one looks. Vermont offers a unique case study in understanding how this pressure takes shape not only in industry, but in the livelihoods of those working in it. The state has a strong relationship with its dairy industry where items like milk, cheese, and ice cream generate about \$1.2 billion per year, accounting for upwards of eighty-three percent of the state's agricultural products' sales (Sawyer et al., 2013, p. 217). In fact, Vermont has the highest dependence on a single commodity in the United States (Wang et al., 2016).

These products are more than just a source of income. They are also deeply rooted in the state's identity as a progressive, socially-minded haven of Americans living and working on beautiful rural landscapes while championing local and ethical products. Famous companies with Vermont origins such as Cabot Cheese and Ben and Jerrys have used this image very carefully by associating themselves with backgrounds in simple, traditional farming. This is evident in the products' packaging which show happy farmers near traditional barns where cows walk freely on scenic hills (McCandless, 2010).

If this image ever was a reality, it was left in a distant past. Over nine decades, the number of dairy farms decreased by ninety-six percent (Sawyer et al., 2013, p. 209). Dairy farmers have been struggling as they battle the high cost of feed, unstable milk prices, irregular

weather patterns from climate change, a decline in water quality, and shifts to dairy alternatives (Mares, 2019; Conner et al., 2020). In recent years, farmers have been receiving checks below their production costs which have brought anxieties about the security of their jobs. While these external factors certainly contribute to the deterioration of the industry, the exacerbation of these struggles can be found within the industry itself.

Since the middle of the twentieth century, the agricultural sector has industrialized, transforming the land from the home to an abundance of family farms to a small amount of large, corporate farms (Mares, 2019; Orleck, 2018). Between 2000 and 2006, the number of dairy operations with 2,000 or more cows doubled. As farmers experience high expectations for production with underwhelming financial outcomes, they have been forced to reexamine their decision-making processes and business methods. In other words, to survive against these powerful forces, farmers have been forced to participate in the gloves-off economy because of overpowering structuralist forces. This has caused rise to a shortage of domestic labor in agriculture, both in and out of labor.

## **2. *Looking to Migrant Labor***

As anxieties about the sustainability of the agriculture industry grow, so have hesitations about entering farm work for U.S-born workers. Farm owners across the nation turned to migrant labor to compensate for the shortage of domestic work. The most recent National Agricultural Work Survey (NAWS) taken in 2019 by Trish Hernandez and Susan Gabbard found seventy-six percent of farmworkers in the United States were born in Mexico, Puerto Rico, or Central America (primarily El Salvador, Guatemala, and Honduras). Of these, forty-nine percent were undocumented workers. However, it is important to note that this data cannot be completely

accurate because many farmworkers hidden in the shadows of agriculture doing unauthorized work.

While it is necessary to acknowledge external factors causing emigration from home countries, the constant demand for low-wage labor in globalized capitalist economies is also a vital consideration (Gomberg-Muñoz, 2016; Massey et al. 2002, Fine and Lyon, 2018). The trend to hire migrants in low-wage sectors can be explained through Piore's (1971) Segmentation Theory which acknowledges a correlation between wages, social status, and prestige all of which exist together in a hierarchy which has been internalized by domestic workers. Because of this, raising wages for jobs that are perceived to be at the bottom of the hierarchy brings a supposed obligation to proportionately raise wages for all higher-up positions too. This must be done to reflect the social value of each job. This hierarchy dictates that workers at the bottom must prioritize the income acquired substantially more than prestige or status. Migrant workers are the ideal option for this demand because they generally look for temporary work and thus do not define their own social status by American standards. Instead, the measurement of social status comes from their home countries and is generally derived from how much money can be sent home. This allows employers to avoid the need to adjust their practices to appeal to American workers.

Consequently, Josiah Heyman (1998) puts forth that immigrant workers are "superexploitable" to labor abuse with workers in the agriculture sector noted as being the most vulnerable. In numerous studies done throughout the past two decades, scholars have found that employers in low-wage sectors struggle to find U.S. citizens because they would not accept the work conditions, causing them to rely on either guest workers or undocumented workers because they are perceived as being hardworking and the most hesitant to report poor labor conditions

because of their immigration status (Gray, 2013; Fine and Bartley, 2019; Bernhardt et al., 2013; Fine and Lyon, 2017; Gordon, 2005). Farm owners exploit undocumented workers by taking advantage of their “deportability,” as stated by De Genova (2002, 2005), because this allows them to repress migrant workers in ways that will not inhibit their labor.

In a case study about the working conditions of Florida’s tomato workers, Barry Estabrook (2011) called attention to the issues of superexploitation and deportability in his influential book, *Tomatoland*. He describes the extreme issues of injustice, including forced labor, modern-day slavery, and the adverse health effects caused from the pesticides used by farmworkers. He situates the root of these issues in the growing industrial agrifood sector.

Margaret Gray (2013) also discusses the vulnerability of the migrant workforce in agriculture in her book, *Labor and the Locavore*, but distinguishes her work from Estabrook’s by talking about local farms. In her book, she acknowledges yet rebuts a common misconception that locally grown and organic food is free of this form of worker exploitation. In her study of the Hudson Valley in New York, she reveals that workers on small, local farms are denied decent pay and benefits, work long hours doing difficult tasks, feel pressured to work while ill, and receive unequal treatment, in the same way as workers held subject to the capitalist industrial food system.

Two of the underlying causes pointed out by Gray are institutional marginalization of agricultural workers and paternalistic relationships. During the New Deal, farmworkers were excluded from the National Labor Relations Act of 1935 and the Fair Labor Standards Act of 1938 so that Southern Democrats could maintain the power they held over their workers. The legacy of this has been the ability to deny basic labor rights—such as days off and overtime pay—to agricultural workers without breaking the law. This vulnerability also comes from

paternalism or as Gray says, the “price of proximity,” where employers excuse the poor conditions on their farms because of pressures placed on them by larger systems. Instead of improving labor conditions, paternalistic farmers offer certain forms of assistance or benefits to their employees, such as living in farm-owned housing, which perpetuate hierarchal relationships and deter resistance.

Even more concerning is the vulnerability of female farmworkers who constitute a much smaller percentage of migrant farmworkers but experience discrimination and abuse to a much greater extreme. In 2010, eighty percent of female farmworkers reported experiences of sexual violence according to a study done by the Southern Poverty Law Center. These migrants in the workforce are now considered “ghost workers” wherein their presence is hidden from state and federal governments while the employers benefit from abuses like wage deductions (Horton, 2016). Employers intentionally suppress their agency for their own financial benefits.

### *Immigration Policy and the Criminalization of the Migrant Workforce*

Latinx migrants have a long history of contributing to the United States’ economy despite political moves to minimize their presence in the country. Both historically and currently, strict immigration policies in the United States have had more success ensuring economic injustice and superexploitable workers than they have in actually preventing the number of undocumented immigrants coming to the country (Bernhardt, 2008).

In 1942, the Bracero Program legally brought in immigrants to the United States to meet agribusiness labor needs. Although this offered 4.5 million work contracts to Mexican workers, this temporary program left many migrants victim to labor abuses from the farm owners who they were forced to remain tied to in order to stay in the country (Brenhardt et al. 2008).

Following community organizing efforts from the National Farm Workers Association and the Agricultural Workers Organizing Committee, the Bracero program was replaced by the H-2A Temporary Agricultural Worker program (and H-2B programs for non-agricultural work in 1964).

This program was enacted with the intention of controlling the flow of workers coming to do short-term work. While it allows them to receive authorization and social benefits, it is extremely flawed in practice. Farm owners hiring workers through H-2A must go through many obstacles in a tiresome and bureaucratic process with many difficulties coming from proving a farm's need for guest workers. Following this process, farm owners lose more money hiring guest workers than they would hiring undocumented workers. Moreover, farmers are not able to wait until the last minute to fill this shortage, and this requires substantial and often unrealistic planning. Even with an improved process, it still does not offer enough workers for the magnitude of farmworker jobs needed (Devadoss and Luckstead, 2018). H-2A is also inadequate in dairy farming because the visas only allow short-term, seasonal work preventing farmers and farmworkers from using the program for the year-long demands of the dairies. Nonetheless, these guest worker visa programs remain the primary alternative for hiring immigrant farm workers.

In another attempt to reform immigration policy, nearly three million immigrants were legalized in 1986 through the Immigration Reform and Control Act (IRCA). However, the IRCA also unprecedentedly criminalized employers who knowingly chose to hire undocumented immigrants, therefore pushing their workforce further into the margins of society where they were increasingly silenced and prone to workplace abuses because of growing relationships of fear and intimidation. Rather than preventing the employment of unauthorized workers, the

legacy of the IRCA was the development of an informal market selling work eligibility documents like Social Security cards (Gomberg-Muñoz, 2016; Massey et al, 2002). This changed the discussion on immigration because it presented it as an issue revolving around “criminal” activity worthy of charges for theft or fraud (Horton, 2015).

Discourse about migrant workers as criminals heightened following the attacks on the World Trade Center on September 11, 2001 as immigrants became associated with terrorists, justifying the expansion of immigration enforcement. This led to the securing and militarization of the border under the Bush administration. However, these actions had the opposite effect than was intended because migrants decided it was safer to stay in the United States rather than risk crossing the border again (Chomsky, 2018).

In many ways, this narrative advanced under President Barack Obama’s administration. During his presidency, he claimed to maintain a humane approach on immigration, encouraging Immigration and Customs Enforcement (ICE) to focus deportations on “felons, not families,” pairing this with an Executive Action in 2012 to offer temporary legal status through the program Deferred Action for Childhood Arrivals (DACA) and another Executive Action in 2014, expanding this protection to a program for Deferred Action for Parents of Americans (DAPA). However, criminal prosecutions for immigration violations constituted more than half of all federal charges by the US government by 2012, with up to 400,000 people being detained and deported annually after this year, causing many people to call him the “deporter in chief” (Light et al, 2014; Chomsky, 2018, p. xiv). Regardless of his intentions, Obama’s justification of deportations based on “felons, not families” solidified a polarizing concept of immigrants as either innocent and deserving of relief or as guilty which “emphasized vague threats, risks, and dangers that immigrants might pose; intertwines immigration law with criminal law; and

specifies categories of immigration violations that are defined as ‘egregious’ such as ‘illegal re-entry’ and engaging in ‘immigration fraud’” (Chomsky, 2019, xvi-xvii).

This paved a way for the blatant, all-encompassing criminalization that Donald Trump put forth from the beginning of his presidential campaign in 2015, generalizing immigrants as “criminals”, “rapists,” and “bad hombres.” President Trump made quick moves to eliminate many of Obama’s protective programs, like the Priority Enforcement system, called for a large increase in ICE and Border Patrol agents. Most infamous was the call for a border wall between the U.S. and Mexico border. Creating this climate of fear has served President Trump three purposes: “1) making vulnerable immigrants even more exploitable; 2) whipping his supporters into a frenzy; and 3) fomenting a sense of national insecurity that makes the population as a whole more amenable to authoritarianism and a growing police state” (Chomsky, 2018, p. xxiv). While Trump has certainly heightened sentiments of racism, xenophobia, and fear around this community, it is important to note that the criminalization of immigrants is not new in the United States nor has this conversation historically been clearly divided between party lines.

For years, many Americans have reacted to economic anxiety by pushing a narrative that immigrants are stealing jobs from hard working Americans and exhausting societal resources while not paying their taxes (Bellovary et al., 2020; Martin, 2017). These ideas have been continuously disproven by scholars, such as a recent study by Blau and Mackie (2016) that found that migrant workers have a very minor wage impact on U.S. born workers, that their fiscal impact on the federal government has been positive, and that undocumented migrants are less likely to commit crimes than U.S.-born individuals. Similarly, it is estimated that unauthorized immigrants contribute around \$12 billion in Social Security wage deductions with Social Security numbers that can’t be matched to a legal name (Schumacher-Matos,

2010). Nonetheless, this assumed link between job scarcity and the presence of immigrants has led to mass deportations and criminalization without acknowledgement of the economic structures and industries such as agriculture which depend on this workforce for successful and efficient operations (Gomberg-Muñoz, 2016).

### *The Importance of NAFTA*

One policy which requires particular attention in exploring US-Mexico migration trends is the North American Free Trade Agreement (NAFTA). NAFTA was signed by the United States, Mexico, and Canada on January 1, 1994 to liberalize trade in North America. The trade agreement was created using neoliberal ideology which claims that prioritizing the market will ultimately improve the wellbeing of citizens through the rise in capital of participating countries. The economists who proposed NAFTA anticipated that it would create opportunity in Mexico and reduce rates of international migration. When looking at cases of large farms in Northern Mexico, NAFTA appears to be successful in accomplishing its goals. Southern Mexico has not had the same relationship with this neoliberal policy (Gálvez, 2018; Otero, 2011).

NAFTA has had many adverse effects on rural economies which have not been able to compete in the free market. NAFTA caused hardship on Mexican farms which struggled to compete with United States subsidies of farmers. A common case study of this impact has been in the context of the dumping of American corn, which uprooted Mexican industry and eventually displaced rural Mexican farmers (Relinger, 2010).

However, as pointed out by Mares (2019), NAFTA's impact on the dairy industry remains relatively unexplored. As the U.S. dairy industry was shifting toward large corporate farms, Mexico's dairy industry suffered deregulations which overwhelmed Mexico with cheap

American milk and milk products. In both nations, small dairy farms suffered from these market changes (Mares, 2019; McDonald, 1995; Shields, 2010). Farmers are either forced to migrate to urban centers or accept low paying jobs on the new industrialized farms which replaced them, leading to displacement in both nations although it has been much more rapid in the case of Mexico (McDonald, 1995).

### *Vermont as a new Latinx destination*

Vermont, among other rural states who have historically had very low rates of immigrants, is now being considered one the country's "new Latino destinations" (ACS, 2019; Baker and Chapelle 2012, p. 277). In the 1990s, Latinx farmworkers started coming to New England due to a shortage in domestic farm labor causing Vermont's Latinx population to grow twenty-four times faster than its overall population between 2000 and 2010 (Baker and Chapelle, 2012). This demographic has continued increasing and migrants are now a fundamental part of Vermont's dairy farms. Farmworkers in the state are predominantly young men from Southeast and Central Mexico which are regions that historically sent very few workers to the United States (Massey et al. 2002). Specifically, many Mexican migrant farmworkers come from Chiapas, one of the poorest states in Mexico with one of the highest percentages of indigenous peoples (VMEP, 2011).

Approximately ninety-five percent of Latinx farmworkers who have arrived at Vermont have found employment on dairy farms, and are widely hired to milk the cows in the barn. Other jobs tasked to migrant workers include barn cleaning, feeding cattle, and taking care of young stock (VT Farm to Table 2019; Wolcott-MacClausland and Shea, 2014). In a study done in 2010, it was estimated that ninety percent of Mexican farmworkers in the state were undocumented,

which is unsurprising considering the inability of these workers to obtain seasonal work visas (Radel et al., 2010).

Even though Vermonters feel strong pride for their dairy products, the workers responsible for the production face constant marginalization. Vermont dairies check off two of the main elements of the “hardest-to-police sectors and among the hardest-to-protect workers,” which are those with high percentages of immigrants and those with less than twenty employees per establishment (Fine and Gordon, 2010, p. 554-5). As farm owners have had little choice but to give into the downward pressures explained above, they have denied many workers dignified work on their farms as will be discussed in greater detail. Despite the prominence of poor conditions, many farmworkers feel they can’t take a stand against this because of their immigration status, and these negative experiences do not end once they are done with their work.

Baker and Chapelle conducted a study in 2012 to examine Latinx farmworker’s barriers to health care and wellbeing because of their work on dairy farms in Vermont. They identified the main barriers to care as low educational attainment, cost, limited access to transportation, limited command of English, fear of law enforcement, and obstacles caused by cultural differences. From these barriers, they found high rates of mental illness in farmworkers. They have associated the source of this as a combination of factors, including physical isolation, loss of social capital, inadequate housing, and anxieties surrounding their legal status (p. 278). On average, workers have reported leaving the farm only between one to two times per month and about fifty-three percent have said they have no activities they do recreationally. Furthermore, farmworkers had limited access to health care for physical illness and injury. Even those with health insurance feared going to the doctor because they would prefer avoiding ICE. The fear of

ICE even trumped hesitations about the cost of healthcare in the United States. In a study done in 2013 by Baker, he found that seventy-six percent said their last visit to a health clinic was when they were living in Mexico and that twenty-five percent of farmworkers would return home if they had a major health issue rather than seeking help in Vermont.

Farmworkers also suffer food insecurity, as explored by Teresa Mares (2019) in her book *Life on the Other Border*. Through her ethnographic research, she discusses the structural vulnerabilities experienced by Vermont's migrant farmworkers living on the "Other Border," meaning the Canada-U.S. border which has widely been ignored by scholars. Though the structural vulnerabilities experienced by Latinx workers have permeated into the most basic parts of life, such as having access to food, she emphasizes the remarkable resilience of the farmworker community in their ability to sustain themselves and their families while holding up the state's food system and their resilience in their calls for change through food activism.

In a project done by Caleb Kenna and Chris Urban (2009) "The Golden Cage," they illustrated the contributions of the farmworker community to Vermont by photographing and interviewing Migrant Mexican farmworkers. Through this, they called attention to their presence and their value in the state. Still, every day, "the structural inequalities connected to race, ethnicity, and citizenship leave Latinx migrant workers simultaneously invisible in the workplace and hypervisible in public settings" (Mares, 2019, p. 6).

When Latinx farmworkers do find the opportunity to leave the farm, more barriers arise. In their previously referenced study, Baker and Chapelle found immigration enforcement was the main fear of Vermont's farmworkers (2012). The regions of the state which are 100-miles south of the border with Canada fall under federal jurisdiction, so the treat of Border Patrol and ICE is heightened. This can make Latinx peoples a particular target in the state because of law

enforcement's knowledge that the majority of the Latinx population in the state are undocumented (Baker and Chappelle, 2012; Mares, 2019).

### 3. *Advocating for Better Labor Conditions and Standards*

Many scholars have explored solutions to these unethical labor practices in supply chains. Many migrant workers have an especially difficult time bringing change to their workplaces, fearing that if they speak up or go against what their employer says, they could be fired or deported; Others lack effective solidarity on establishments with as few as three workers at some establishments, so collective action is not an effective option (Gray, 2013). Margaret Gray discusses obstacles faced by farmworkers in New York who have been trying to influence the state laws that permit institutional marginalization. However, these workers have had very little success in influencing policy where every year for over a decade, a proposed Farmworkers Fair Labor Practices Act has passed in the State Assembly but by 2013, had only gone to the State Senate once where it was voted down (p. 7).

Yet, even where laws already exist to protect workers, they have not improved the reality of the workers. Another justification used by employers for the exploitation of the workers is the weak enforcement strategies and low-risk penalties when workers' rights are violated (Bernhardt, 2013; Amengual and Fine, 2017). This allows employers to prioritize profits over what they interpret as inconsequential laws.

Moving forward, a promising strategy is co-enforcement, where workers are given the opportunity to be more than passive victims by creating a partnership between labor inspectors and worker organizations (Amengual and Fine, 2017; Fine and Gordon, 2010; Fine 2017). This follows Ayres and Braitwaite's model of tripartism, where worker organizations are fully

engaged in processes of enforcement with an equal standing to government and employers (1991). Fine (2017) has identified three aspects necessary for the endurance of co-enforcement:

(1) government agencies and worker organizations recognize each other's unique capacities, rather than attempt to substitute for one another; (2) the effort focuses on a specific industry; and (3) the collaboration receives strong political support. Sustaining the impacts of co-enforcement is found to require greater formalization of the partnership and funding streams (p. 362).

Partnerships are considered particularly strong because worker organizations can develop a level of trust which gives them more access to information about violations than would otherwise be possible; However, they receive criticism for sacrificing neutrality in enforcement because they are inclined to act too strongly in favor of their workers (Amengual and Fine 2017; Fine 2017).

### *Corporate Social Responsibility*

As workers continue searching for ways to make their voices heard, many corporations have tried to quell socially-minded consumers who could be deterred by products that are linked to human rights violations. To do this, many corporations have come up with their own solutions through a business model called Corporate Social Responsibility (CSR). CSR claims to monitor labor injustice and became a part of business strategy in the 1950s when scholars began studying the power and influence that corporation's actions had on citizens (Carrol 1999). Howard R. Bowen, who can be considered the "Father of Corporate Social Responsibility" due to his book, *Social Responsibilities of the Businessman*, cited a study published in a 1946 issue of *Fortune* magazine where about ninety-three percent of businessmen agreed that they "were responsible

for the consequences of their actions in a sphere somewhat wider than that covered by their profit-and-loss statements” (Carrol, 1999; Bowen, 1953, p.44). Since its foundations, the definition of CSR has continued to evolve as corporations have continued growing in size and power. Now, it is centered around a management practice which alludes to the relationship between the company and the members of society (Jamali et al., 2015). As outlined by Garriga and Melé (2004), it can be understood from four different angles: for profits, for responsible business, to meet social demands, and to genuinely do what is ethical.

While it has been praised for acknowledging the tendencies of corporations to take advantage of their workers, CSR is criticized for the ambiguity in what it means and how it should be practiced. One prominent problem is that of enforcement. The people at the top define what social accountability looks like on their own terms, deciding for the workers what their problems are and giving the suppliers loose guidelines for how these problems should be fixed. The standards outlined fail to address the problems workers themselves point out, and end up only serving the corporation's reputation (Mares and O’Neill 2019).

### *Worker-Driven Social Responsibility*

Recognizing the ineffectiveness of the commonplace CSR model, workers began to look for a new method to stand up against economic injustice, demanding that their voices are at the forefront of the conversation and that they are trusted with the solutions to the industry problems that they suffer from the most. CSR does not provide a platform for this to take place.

The use of union organizing to improve labor conditions has been analyzed extensively. Within the agriculture sector, the United Farm Workers (UFW) have received particular attention for their revolutionary approach in bringing farmworker rights to international attention (Garcia,

2012; Flores 2017; Shaw 2010). Through their organizing efforts, they fought for contracts with growers and union approved labels. The UFW, led by Dolores Huerta and Cesar Chavez, have inspired labor rights movements all across the country. However, unions are not always the most practical approach for advocacy, especially for migrant workers. Even if undocumented migrants want to join unions, there is hesitation because union support poses the threat of increased vulnerability to ICE. The threat of ICE also disrupts unions because it has been raiding workplaces where it suspects undocumented workers, causing leaders in union organizing campaigns to be detained or deported (Yates, 2009). As Marielena Hincapié of the National Immigration Law Center stated in an interview for Michael D. Yates's book, *Why Unions Matter*:

Raids drive down wages because they intimidate workers, even citizens and legal residents. The employer brings in another batch of employees and continues business as usual, while people who protest get targeted and workers get deported. Raids really demonstrate the employer's power (2009, p. 176).

Other barriers in union organizing include high rates of turnover, employment through subcontracts, and temporary and seasonal dimensions of many farm work jobs (Griffith, 2016). Considering this, unions are powerful but are not always the most effective strategy in protecting workers from the employer's power and are not always able to maintain sustained improvements.

Looking for an alternative to CSR and to union organizing, a Florida-based organization called the Coalition of Immokalee Workers (CIW) launched their Fair Food Program in 2011. Scholars have explored this program's successes and challenges in achieving wage premiums, better working conditions, and monitoring process (Griffith 2009; Orleck 2018; Fine and Bartley 2019). The CIW is credited for transforming the infamously exploited tomato fields of Florida into exemplary cases of improved labor conditions and the value of worker participation (Fine

and Bartley 2019; Drainsville 2008; Leary 2005; Sellers 2009). Emerging from the mechanisms within the Fair Food Program, the groundbreaking paradigm of Worker-Driven Social Responsibility (WSR) was born.

WSR makes worker involvement and protection a requirement, whereas the CSR model makes this an option. CSR decides for the workers what the problems in the industry are and widely falls short of addressing the risks and dangers that are unique to different industries. WSR, on the other hand, gives workers the responsibility to identify the industry problems since they are the victims of the problems within the market. While CSR generally uses rushed and superficial audits and does not give workers the opportunity to speak freely and honestly about the conditions they are facing, WSR provides a space for in-depth and transparent inspections with well-trained investigators who have a specialized knowledge of the workplace. While CSR is a voluntary model for corporations and their suppliers, WSR makes fair and dignified working conditions an obligation with consequences at every level of the supply chain (WSR Network, n.d.).

While WSR is working within the same market as CSR, it is a response to workers' realizations that employers and world governments "have succeeded in creating a global economy, one in which both production and workers are constantly on the move, the former in search of profits and the latter in search of employment" (Yates, 2009, p. 181). As employers and buyers continue participating in the market and becoming ever more powerful through it, workers have realized they have little choice but to participate. Considering this, it is important that so long as they are the backbone of the products that sustain the market, they find ways to assert their own power within it. While it may seem like they are accepting the system in the same way as CSR, they are rejecting the status quo by demanding a shift in the role of workers

and are criticizing the prioritization of profits over people through a program which aims to fundamentally uproot this ideology and fight against the devaluation and dehumanization of workers at the bottom of the supply chain.

The model also distinguishes itself from union organizing because it works within the market, aiming to shift corporate behaviors. Rather than creating a worker-based certification through unionization, for example, WSR has created a program that “ensures that those changes are continually monitored and evaluated” (Mares, 2019, p. 173). The established continuity of this program is especially important because it protects the WSR programs from the structural disruptions that can come with high worker turnover rates and the threats of detention and deportation.

In addition to WSR’s implementation in Florida and in Vermont, there are two other programs in Bangladesh and Lesotho. In the Bangladesh garment industry, WSR was applied in 2013 for the creation of the Accord on Fire and Building Safety to improve safety conditions following the Rana Plaza Factory Collapse. Although more work still needs to be done—primarily being that factories need to carry out agreed upon renovations to meet new safety standards—the existence of the Accord still represents successful organizing (Blasi and Blair, 2019; Outwaite and Martin-Ortega 2019; Brown 2017; Yusha 2018). WSR has also been used by apparel workers at Nien Hsin Textile Company in Lesotho in 2019 to fight against gender-based violence, which has not yet been explored by scholars.

Although Milk with Dignity’s use of WSR briefly appears in some scholarly literature (Mares, 2019; Leipziger, 2018; Blasi and Bair, 2019), the effectiveness of the model in accomplishing Milk with Dignity’s goals remains unexplored. Therefore, this study aims to build on discussions of WSR within the Fair Food Program by applying in to Milk with Dignity. It

additionally distinguishes itself from research done on Vermont's dairy farms and farmworkers through its focus on this model.

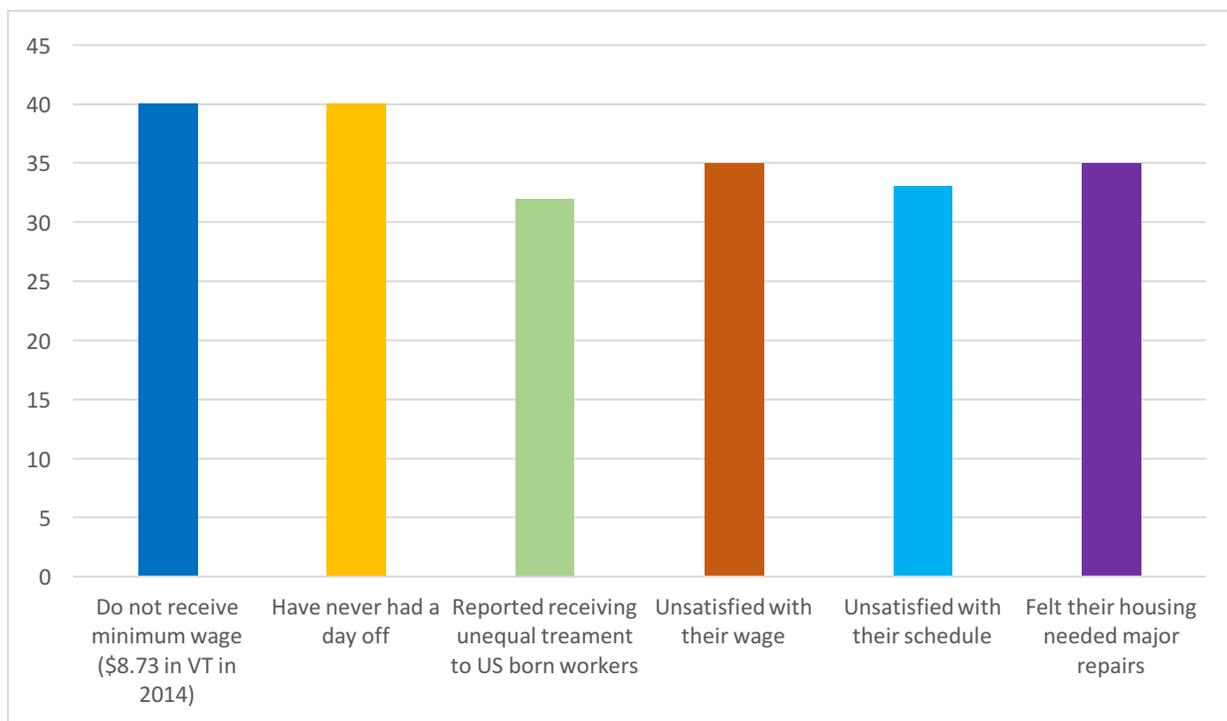
## **RESULTS: COMMITMENT PLUS CONSCIOUSNESS EQUALS CHANGE**

### ***Developing Milk with Dignity***

In just five years following its foundation as an organization, Migrant Justice publicly launched its groundbreaking campaign, Milk with Dignity. As a Migrant Justice staff member, Carmen, told me in an interview, their previous successes in gaining licenses and passing legislation for *No Mas Polimigra* created a powerful foundation for the organization and a more independent community, inspiring them to expand their focus. As their next step, the organization decided to tackle living and working conditions. In meetings with farmworker leaders, they began building their understanding of what the problems on the farms are, why are they there, what the community wants, and what methods would best address the identified needs.

To do this, they gathered a quantitative understanding of the realities of living and working conditions through a survey conducted in June and July of 2014. As Migrant Justice's education coordinator, Luis, told me, this survey is revolutionary, not only because it guided the future of the organization, but because it was completely designed and conducted by the farmworkers themselves. To this date, it remains one of the largest and most extensive public surveys conducted about Vermont's migrant farmworker community, continuing the organization's narrative that the workers at the bottom of supply chains should not be underestimated or left out in the research and problem-solving processes.

Through this survey, 172 dairy farmworkers were interviewed on their wages, their hours, their living situation, their relationship with their bosses, and beyond. Some of the results are highlighted below.



Furthermore, they found that the average work week for dairy farmworkers was eighty hours long. Moreover, since 2011, Migrant Justice has kept track of patterns in the calls to their worker's rights hotline, as will be discussed further, they found that fifty-two percent of the calls were related to stolen or late payment of wages, which they calculated as being worth \$17,625 withheld (Migrant Justice, 2015).

Addressing housing and workers' rights is undeniably ambitious for Migrant Justice, not only because of the prominence of the issues but because it means untangling numerous power structures that have historically been untouched and are deeply-ingrained in the industry. Prior to the survey, the organization had addressed cases individually, farm-by-farm. However, to Carmen, who is in charge of coordinating Milk with Dignity, it quickly became clear that they needed to look for something more collective. They could criticize a farm for violating workers' rights and tell them they had to make changes, but in reality, there was no actual way for them to enforce this. Every interview I had with Migrant Justice staff and members of the Milk with

Dignity Standards Council, they brought up the lack of enforcement mechanisms as one of the main sources of labor rights violations. For this reason, a solution that could ensure that dignified standards were being upheld was a priority. Similarly, they all brought up the systemic pressures being put on the dairy supply chain. The team sought a solution that wouldn't just help the workers, but would similarly help the farmers who were also suffering economic injustice from corporate supply chains.

With these priorities in mind, the team underwent extensive research and comparative analysis on advocacy models and movements that already exist around the world, from Brazil to Mexico. When asked about this process, Luis said that initially nothing they came across struck them as having the capacity to accomplish the goals the community wanted. As they continued searching for something that would not only bring light to the mistreatment on farms but could bring meaningful change, the team found a movement taking place in Florida's tomato fields.

In 1998, a group of ten people—primarily workers, and a few allies—from Immokalee in Southwest Florida came together in the basement of a small local church, reading the Universal Declaration of Human Rights and talking about how they could incite change. They have since grown into the famous, influential organization: The Coalition of Immokalee Workers (CIW).

In 2011, the CIW launched their famous Fair Food program after noticing that their “human rights were constantly being stepped on by the industry in the way of stagnant wages, violence in the fields, sexual harassment... situations of modern day slavery,” as Carlos, a leader of the CIW, recounted at the NOFA WSR Panel held in Vermont. Because of this, he stated that the farmworkers who created the Fair Food Program began with a theory of change: “If the market is responsible for--in the way it is used--creating the poverty and perpetrating it for workers at the bottom, then the market has a responsibility to be used to reverse its own impact

on people's rights." Using this idea as the driving-force behind their corporate campaigns, they have successfully arrived at fourteen Fair Food Program agreements with multinational corporations.

As Migrant Justice learned about the CIW's history and accomplishments, they reached out to gain more information and initiated what is now a longstanding partnership and friendship between the two organizations. In 2014 and 2015, the groups began exchanging ideas. CIW leaders travelled to Vermont to start to plan how the elements of the Fair Food program could be transferred from tomato fields to dairy farms. Around the same time, numerous Migrant Justice leaders travelled to Florida and went out to the tomato fields, talked with their farmworkers, sat in on education sessions, and toured their worker housing. As Luis remembered at the time:

We could have never gone to a farm and sat down with the boss, and the workers, and the manager, and the English-speaking workers, to talk about our rights... It seemed impossible to do, so to see this was shocking for the leaders... From this we said, 'How would life in Vermont be on the farms if we had these things?'

From these exchanges, the WSR model travelled over 1,500 miles to Vermont and the Milk with Dignity program was officially formed.

Along with the elements of WSR, an important phrase guiding the mentality of the CIW also came up North to encourage Migrant Justice: "consciousness plus commitment equals change." Both organizations have worked to inform consumers and allies of the foundations of dehumanization that provide them with the food they keep in their refrigerators. They emphasize that the migrant workforce is the reason that there is food on the table for every family in this nation, yet these same workers struggle to do the same for their own families. Playing with the ideology that "you are what you eat," both Milk with Dignity and the Fair Food Program have

exposed the reality that Americans are putting injustice into their bodies with nearly every milk product or tomato slice. As Shannon mentioned in our interview, they make sure to tell people “even if you’re lactose intolerance or even if you are vegan, this is a human rights issue... It’s about creating a society where all people can live and flourish with dignity and justice.”

### *Ben and Jerry’s*

Migrant Justice decided to publicly launch their Milk with Dignity campaign in 2015, looking to Ben and Jerry’s as the first corporation asked to sign on to the program. Farmworker leaders in the organization decided to approach Ben and Jerry’s first because it maintains its Vermont roots and has marketed itself as a conscious brand with a commitment to social justice. Ben and Jerry’s has taken a stand for their cows since 1989 by avoiding Recombinant Bovine Growth Hormones (rBGH) acknowledging their “adverse economic impact on family farming and public confidence” (Ben and Jerry’s, 2019). They have advocated for animal rights, joining the cage-free agreement with the Humane Society. Since 1996, every pint of ice cream states that their ingredients are fair trade, giving international farmers fair prices for their harvests of vanilla, cocoa and coffee beans. They openly support climate justice and even spoke out for Occupy Wall Street where they joined in protests against “high unemployment, mortgage fraud, and too much corporate influence in American politics” (Orleck, 2018; Ben and Jerry’s, 2019). Yet, at the start of Migrant Justice’s campaign about six years ago, the cows in Ben and Jerry’s supply chain maintained more rights than the farmworkers from the corporation’s home state who woke up every morning to milk them.

Ben and Jerry’s was not blindsided by the launch of the campaign. Prior to even developing the Milk with Dignity program, Migrant Justice officials met with representatives from their “Caring Dairy” program, their Social Mission team, and the public relations

department where they informed various levels of the company about the realities of their supply chain (Mares, 2019, p. 158). When I asked about this conversation with Ben and Jerry's in our interview, Carmen told me that the Ben and Jerry's teams acknowledged that the situation was bad, but did not see it as their problem. Instead, they suggested Migrant Justice pursue immigration reform or go to the department of labor.

They continued searching for case-to-case solutions with farmers, but knew this was not enough. After formally developing the program, Migrant Justice officially asked Ben and Jerry's CEO, Jostein Solheim, to sign on to Milk with Dignity but he did not agree. Rather, the company stated that they were willing to incorporate some aspects of the Code of Conduct into their existing Caring Dairy program, which is entirely voluntary, allowing farmers to decide for themselves what aspects they want to improve by self-evaluation. In exchange, the farmers receive bonuses of thousands of dollars. This Corporate Social Responsibility program perfectly demonstrates the flaws of this commonplace model used by corporations to make claims of their social consciousness. Caring Dairy lacks any objective methods to evaluate a farm's operation, does not include the workers themselves, and minimizes monitoring to ensure the upkeep and accountability of acceptable standards.

Since this agreement was far from the goals that the Milk with Dignity program sought to achieve, Migrant Justice's Coordinating Committee and staff members gathered together and brainstormed a series of public actions, looking to their allies for support in pressuring the corporation to listen to the workers in their supply chain.

After publicly launching the campaign, supporters all over the nation joined the Burlington-based organization on June 20, 2015 in public rallies outside of seventeen Ben and Jerry's scoop shops from Florida to North Carolina to California. Additionally, they organized a

March and Rally for Dignity in Vermont where over 200 people (around sixty of which were farmworkers) marched from Burlington, Vermont to the local headquarters to give the CEO a letter urging him to join the program. Shortly after, the company verbally accepted.

Yet, two years later, Stolheim had still not signed the agreement. On June 17, 2018, Migrant Justice leaders, farmworkers, and allies decided to restart their campaign, marching thirteen miles from Vermont's state house to the company's headquarters. With a crowd of over 250 people chanting "one, two, three, four, Milk with Dignity at the Door; five, six, seven, eight, two years too late," the group arrived outside of Ben and Jerry's to deliver another letter of support.

On October 3, 2017, the Milk with Dignity program became official when Solheim signed a legally-binding contract with Migrant Justice officials to join the program. The use of the consumers to support the campaign was a vital part of their success. As mentioned by Migrant Justice's volunteer coordinator, Shannon, they were "calling on allies to amplify to call as consumers and mobilize their power as consumers to show Ben and Jerry's that they really needed to listen to the farmworkers." Since reputation and brand equity are prominent concerns of corporations, organizing consumers and dismantling the brand's image by exposing the realities of their supply chain has been an effective method to force a conversation and incite change.

Farms officially started enrolling in Milk with Dignity in February of 2018 after this historic agreement was signed. There are now sixty-five farms operating under the program, covering about twenty percent of Vermont's dairy industry and around 250 workers. While this agreement was monumental, the organization knew that "there was still work to be done," as Carmen said in our interview. Knowing they couldn't be satisfied until every worker enjoys these protections,

the organization went back to the drawing board and continued conducting research about corporations who source their milk from Vermont dairy farms in order to determine the new direction of the campaign.

### *Hannaford*

Two years after Ben and Jerry's officially joined the program, Migrant Justice decided they were ready to launch their second campaign. On October 3, 2019, Migrant Justice leaders, members, and allies gathered together in a local park in Burlington to celebrate the two-year anniversary of the program becoming official and announced the campaign's next step: to ask the supermarket chain Hannaford's CEO, Mike Vail, to follow Ben and Jerry's lead by joining Milk with Dignity as well.

On this brisk fall Thursday morning, the campaign launch began next to a parking lot in Burlington's Leddy Park. For a cold, weekday morning, there was an impressive crowd of over 150 people, including farmworkers, Migrant Justice leaders, allies, college and high school students, and news reporters. Migrant Justice leaders stood in the back of a pick-up truck with a painted Milk with Dignity banner and the signed agreement from the Ben and Jerry's campaign both proudly displayed. Leaders of the organization, farmworkers, and a farm owner who has enrolled in Milk with Dignity all spoke to a crowd through a bullhorn about the progress the campaign has made and their hopes for its future. Every silence was filled with chants of Dolores Huerta and Cesar Chavez's empowering, "*Si Se Puede*" ("Yes We Can!").

When the next step was finally announced, two farmworkers opened up a new banner with "Join Milk with Dignity/ Únete a Leche con Dignidad" written surrounding the Hannaford logo while other volunteers handed out signs for the supporters, saying things like "*Hannaford,*

*!No nos Deje en Visto!*” (Hannaford, Don’t Leave Us On Read!), “Put People First,” and “*Los vacas no se ordeñan solas*” (The Cows Don’t Milk Themselves) as well as noise shakers made out of gallon milk jugs with the Migrant Justice logo placed on the side. Everyone in the crowd marched from the park to the closest Hannaford, chanting “Get Up, Get Down, Milk with Dignity is Coming to Town,” and “*Leche Justa, A Mi Me Gusta!*”(Fair Milk, I like it!).

At first glance, Hannaford seems like an odd choice to be the second corporation asked to join the program. Unlike Ben and Jerry’s ice cream, Hannaford supermarkets don’t have the clear, straight-forward connection to dairy nor to the state of Vermont. As Carmen clarified in our interview, while Ben and Jerry’s has a smaller level of production, its distribution is national. Hannaford has a level of production much larger, but the distribution is more localized in the Northeast. However, Hannaford is in many states beyond Vermont, with its headquarters in Maine and belongs to a European corporation based in the Netherlands, called Ahold Delhaize. At many public events, this has caused people to ask Migrant Justice: Why did the farmworker community decide on a supermarket instead of a more specialized local company?

After conducting research on Vermont’s connection to corporate supply chains, the organization concluded that Hannaford’s store-brand milk is bottled by the processor H.P. Hood at facilities located all around the Northeast and many stores source their milk from the H.P. Hood plant located in Barre, Southern Vermont. This dairy is then distributed to their nearly 200 stores in the Northeast. Consequently, the program would have a substantial impact, not only in Vermont, but across the Northeast. Furthermore, Ahold Delhaize, like Ben and Jerry’s, profits from its alleged commitment to respecting human rights and has already come to agreements with the CIW to join the Fair Food Program for some of its other supermarket brands. Given this, Ahold Delhaize is already familiar with the program and the elements of WSR. Finally, while the

size of the corporation is intimidating, it has what I find the most convincing argument as to why it makes sense for Hannaford to join: for the simple reason that they can afford it. Ahold Delhaize brings in about \$75 billion annually in global sales, which comes predominantly from supermarket chains like Hannaford.

As the campaign has continued, Shannon has also noticed a new opportunity presented by Hannaford that separates it from the Ben and Jerry's campaign:

Ben and Jerry's is a specialty product. It's expensive and people don't often buy Ben and Jerry's as part of their weekly groceries, it's not a staple in the same way whereas Hannaford is just seen as the local grocery store. It's not a fancy place, it's where all types of people from the community go to just get their basic food needs met... The campaign then has the opportunity to bring in a much wider group of people and really build stronger alliances around class because it's not something that only wealthy people can afford, it's just a basic thing that everyone is accessing supermarkets and grocery stores. This campaign is still in full force, and continues to use many of the campaign strategies which were clearly effective in their first campaign. As Migrant Justice leaders and allies continue campaigning around Hannaford stores both in Vermont and across the country, more and more consumers are being informed about the program and urging Hannaford to join it.

On November 2, 2019, the organization held a Regional Day of Action. Doing this just one month into the campaign felt ambitious and intimidating to some of the staff members, but when it began, Shannon remembered being "inspired at how enthusiastic and ready allies were." There were twenty-five actions outside of Hannaford supermarkets in Vermont, Maine, Massachusetts, New Hampshire where letters were delivered to store managers urging them to support Milk with Dignity. Since this day, Migrant Justice has continued organizing their allies

to campaign outside of Hannaford stores around the country, encouraging face to face conversations with consumers and with store managers.

Migrant Justice is still asking Hannaford to engage in conversations with the organization. The company has yet to respond. Starting in early March, they began taking the next step to urge CEO Mike Vail to pay attention to the demands of the workers. They decided to go on tour throughout the Northeast, visiting all seven states where there are Hannaford supermarkets. On these stops, leaders of the organization planned to give twenty-four presentations to universities, high schools, local worker groups, and faith organizations. Unfortunately, Migrant Justice only got to do eight presentations before the tour was cancelled because of social distancing measures put in place due to the Covid-19 global pandemic. Starting on March 11th, 2019, when it started to become clear that turning people out to large rallies and demonstrations was not going to be possible, Migrant Justice staff got together to regroup and plan alternatives. The remaining tour presentations were done as webinars with English and Spanish versions.

Migrant Justice members have emphasized that even though many of their planned actions have been cancelled, the campaign is ongoing. In fact, the need for the program is clearer than ever. The majority of workers in the nation have been asked to stay home with one of the few exceptions being to get food from the grocery store. It is more important than ever for consumers to remember that the food they buy at the grocery store is being produced by farmworkers who do not get the option to stay home.

Many of the eighty percent of dairy workers who are still not protected under Milk with Dignity do not get paid sick leave. They live in crowded housing and at times, do not even have access to basic sanitation. As Migrant Justice stated in an announcement about the crisis: We

must “reevaluate the meaning of ‘essential work,’ ... 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” (Migrant Justice, 2020).

Migrant Justice has been creative in adapting to this unprecedented situation by finding new ways to organize farmworkers and allies online through webinars, petitions, and requests to send emails. In the meantime, they have been lifting the workers’ demands through a petition to government officials calling for full labor protections for front line food workers, urging Vermont representatives to make workers the focus of crisis response measures and supporting a hunger strike by immigrants in detention protesting the unsanitary and dehumanizing conditions which make them especially vulnerable to the deadly virus.

### ***What does the program entail?***

Through the WSR Network, there are six principles which organizations must follow in order to implement the model. The first is that all labor rights initiatives must be worker-driven, giving the workers agency. For this reason, they are not only entitled to a seat at the table when creating the program. They are the head of it. The second principle is that the obligations for global corporations must be binding and enforceable. Through this, the network requires a method to enforce the commitments through a signed contract and explicit consequences. Third, buyers must afford suppliers the financial incentive and capacity to comply, meaning that corporations must make up for the pressures they have been putting on the suppliers through price premiums, negotiated higher prices, and/or other financial inducements. Fourth, consequences for non-compliant suppliers must be mandatory. If suppliers refuse to respect and implement the program, they will lose the buyer’s business. Fifth, gains for workers must be measurable and timely. Finally, there must be verification of workplace compliance which is

rigorous and independent, through a body which is separate from the supplier, buyer, and the worker organization.

Migrant Justice follows each of these principles within the five main elements of Milk with Dignity: A farmworker-authored Code of Conduct, Farmworker Education, Third Party Monitoring Body, Economic Relief, and Legally-binding agreements. In this section, I go through each of these elements as they are applied in Milk with Dignity.

### ***Farmworker-authored Code of Conduct***

The Code of Conduct is groundbreaking in its acknowledgement that since the workers know the realities of their industries the best, no one else should have the power to define their rights. Only the workers at the bottom can truly know and understand the solutions. When the Milk with Dignity program was created, the farmworker community sat down together and outlined in great detail every standard and condition which must be in place to make their work fair and dignified. Since the workers are also in control of reviewing the Code of Conduct and maintain the ability to amend it as they see fit in order to adapt to the inevitability of changed circumstances over time. In an interview with one of the first members of the Milk with Dignity Standards Council, Frank, he remarked that when the first audit was done to assess farms in accordance with the Code of Conduct, “the farms that were already complying with the entire Code of Conduct was an extremely limited number.” Since then, every farm owner has been required to make steady progress in amending each area they were violating. The demands included in the Code of Conduct now function as the foundation for the rest of the program and for Migrant Justice as a whole.

The first part of the Code of Conduct discusses the logistics of entering the program. It states that all the participating buyers *must* get their dairy from enrolled farms and that every farm in the supply chain must individually enroll. After farm owners look over the details of the program with Migrant Justice staff and/or members of the Milk with Dignity Standards Council, they can decide whether or not they will agree to follow the entirety of the program. If a farmer chooses not to enroll, the farm will lose business with the participating buyer. If a farmer chooses to enter, they will receive a preliminary orientation of the program, an education session, and a baseline audit with the Milk with Dignity Standards Council.

From this point, cooperation with all the conditions outlined in the Code of Conduct is not voluntary. Farmers are required to display the entire Code of Conduct, in both Spanish and English, in a place on their farm where it will be seen and can easily be read.

The biggest section of the Code of Conduct defines what labor and housing justice should look like with specific details for mandatory standards, conditions, and employment practices. In an industry which already overlooks existing labor standards, it is revolutionary that the farmer is no longer in control of defining what are acceptable work conditions. In addition to reiterating basic human rights such as freedom from violence, harassment, abuse, threat, and discrimination, it addresses things that affect dairy farmworker's day-to-day lives, such as health and safety, wages, schedules, and housing. They leave no room for loopholes or misunderstandings. While there are many important nuances and complexities in this document, I will only discuss the aspects of the Code of Conduct which have been expressed as the most meaningful in my interviews and at events. The Code of Conduct also includes parts of education, on the third party, and on what happens when farms are in violation with the Code, which guide the

remaining four elements of WSR. These aspects will be included in conversations within their respective sections.

### *Health and Safety*

In an interview with a member of the Milk with Dignity Standards Council, I was told that health and safety violations were the most commonly identified issues on dairy farms. At the campaign launch against Hannaford, one farmworker, Cesar, stood up in front of the crowd and emphasized the difficulties and dangers of the dairy industry. Although his farm is now protected under the Milk with Dignity, he expressed frustration with the circumstances he used to face and the circumstances which many migrant farmworkers still suffer from today, saying:

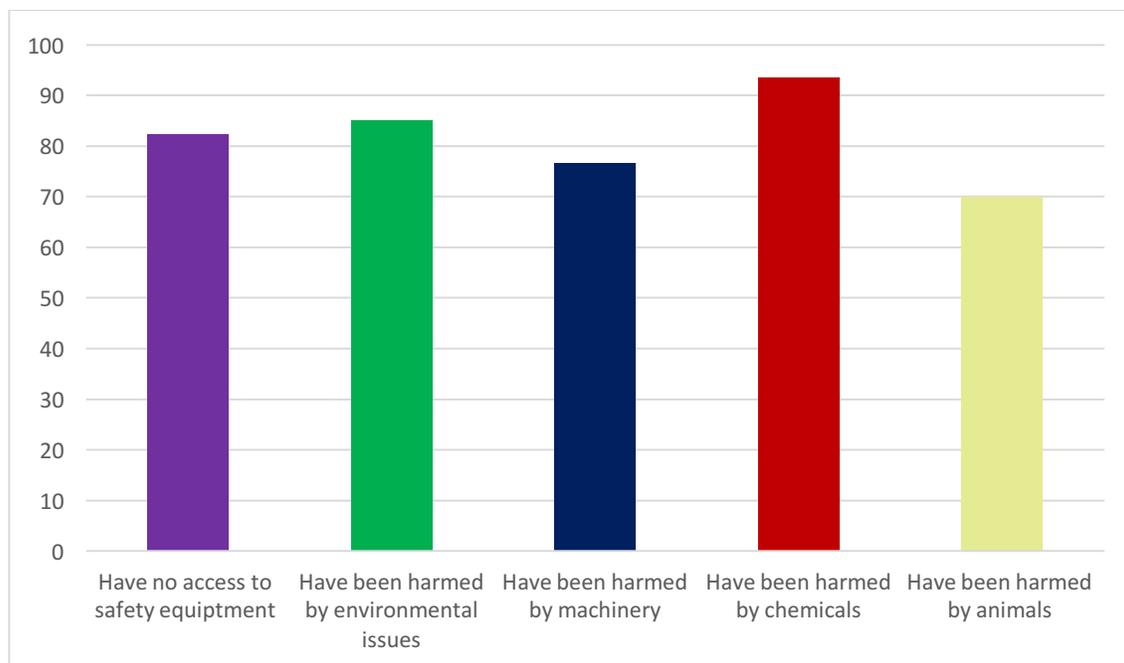
We work with many chemicals and we don't have training to do this type of work. We're exposed to many risks. I've worked with many chemicals on the farm. But then there's also the risk of being stepped on or kicked by cows, and we don't have sufficient safety equipment to protect ourselves from these risks for this type of work.

Many farmworkers are dealing with footbath chemicals and breathe in toxic substances like formaldehyde several days a week in enclosed spaces for years. Others suffer respiratory problems related to breathing in things like sawdust or dried manure or sand, as Hannah, a Milk with Dignity Standards Council Member, clarified to me in an interview.

Another risk specific to this industry, as Cesar mentioned, comes from working with large animals and driving large machinery. In an interview with a farmworker who is now protected under the Milk with Dignity program, Orlanda, revealed to me that in her experience, the farm owner played no role in the training she received when she first came to work on a dairy

farm in Vermont. Everything she learned about the work, she learned from some of the older farmworkers on her farm.

To evaluate farms that are not protected under the Milk with Dignity program, farmworker leaders conducted a new survey in 2018 and 2019. Through it, they identified health and safety as a pressing issue for the majority of farmworkers in Vermont.



The Code of Conduct makes health and safety a priority on participating farms and forces dairy buyers to address these urgent problems. In addition to intensive and paid health and safety training for every employee, the Code of Conduct dictates the creation and use of policies--in accordance with manufacturer's instructions and laws and regulations--which address:

- a) maintenance and operation of farm machinery;
- b) avoiding repetitive stress and other musculoskeletal disorders;
- c) safe handling and storage of needles, chemicals, potentially hazardous materials, electrical equipment, manure, and grain;
- d) safe animal handling;
- e) safe maintenance of farm structures;
- f) proper ventilation;
- g) extreme temperatures;
- h) safe staffing;
- i) communication of emergency procedures and protocols;
- and j) proactive

information sharing about potential workplace risks and hazards, including by providing access to Safety Data Sheets or similar information and by providing applicable training (MD Code, 2018).

Farmers are held accountable for work-related injuries and illnesses, which must be tracked somewhere that the MDSC and the workers can both access at any time. Access to healthcare is also a part of protection from workplace accidents; a protection that very few farmworkers have if they are not protected under the program. Additionally, because of Milk with Dignity, farmworkers will receive workers' compensation insurance, sick leave, and will be included in all laws mandated under state and federal family and medical leave acts, even if they technically exempt farmworkers. Thinking back to Migrant Justice's origins, these written protections for health and safety are deeply meaningful because no one deserves to be put at risk because of negligence and for the marginal profits of their employer. Many workers, who previously would have suffered from farm owner neglect and misplaced profit motives, are now protected.

### *Wage Justice*

Just two months ago, a farmworker named Rodrigo had a door slammed in his face after being forcefully shoved from his bosses' barn after asking for \$600 that he was never paid for his work. Rodrigo ran away in fear after he and a Migrant Justice organizer accompanying him were screamed at as one of the farm owners threatened to call the police. As they drove away, another farm owner followed their car. Later in the week, he returned, supported by fifty workers and allies who picketed the wage theft and violence at this farm.

Wage theft, abuse, mistreatment, and fear have been reported numerous times to Migrant Justice staff members, not only about this particular farm but about many others throughout the

state (Migrant Justice, 2020). Although Migrant Justice is quick to support workers who experience things like wage theft by accompanying farmworkers to express concerns, organizing rallies, and publicly denouncing farmers, the organization alone has no way to prevent this from happening.

When writing the Code of Conduct, farmworkers knew that wage justice was a top concern. Farms who have enrolled in Milk with Dignity are required to have a system which accurately tracks all compensable hours--meaning *any* time a farmworker is doing *any* work-related activity--through a time card which the worker controls. All wages and benefits are to go directly to the worker and workers must be paid at least twice per month, following a written schedule. To prevent wage theft instances such as that which happened to Rodrigo, all workers protected under the program must receive pay stubs giving them tangible access to all the information which allows them to calculate whether or not they are receiving the correct amount. Finally, the Code of Conduct overrides the federal law which legally allows farmers to pay their workers below minimum wage, stating that all participating farms are required to pay at least the prevailing federal, state, or municipal minimum wage.

If Rodrigo's farm were enrolled in the Milk with Dignity program, he would have a written document to point to when his rights were being violated. Furthermore, he would either have the resources to prove that he had not received hundreds of dollars, through timesheets and pay stubs, or would be able to take the absence of transparent documents like timesheets and pay stubs to an objective third party to make the situation right.

### *Schedules*

Every day, Isaac wakes up around 2:30 AM to begin his work day, where he cleans areas around the dairy farm, mixes the food to feed the cows, and milks them. He continues activities such as this until the evening, clocking in around fourteen hours daily with one meal break accommodated in his schedule, as he told me in an interview. He continued, sharing that he has very little free time to himself because of how demanding his work schedule is. If he could see any change on his farm, it would be more breaks and time for rest. The long and intensive schedules required by dairy farming have been emphasized numerous times, at public events and in my interviews. Farmworkers live under tight routines where oftentimes they have very little time or energy to do anything aside from working, sleeping, and eating.

The Code of Conduct ensures that workers receive sufficient breaks, including time for three meals each day, rest, and time for leisure activities. They have the right to eight consecutive hours off from work within twenty-four hours, and one full day off each week. Furthermore, workers are entitled to five paid vacation days, and upon request, are allowed unpaid time for non-work-related needs, like doctors' visits or religious practice.

Workers who now receive these protections are guaranteed daily and weekly breaks to step away from the workplace. In our interview, Orlanda said that in her free time, she is able to do things like clean, cook, relax, and sleep. However, she noted that her days are much shorter than many other workers in the industry, such as her sister who works over double the time than Orlanda on a farm that is not enrolled in Milk with Dignity.

## *Housing*

Many farmworkers in Vermont are provided housing by the farm owners which is either on or next to the work site. It is not uncommon to hear stories of farmworkers living in crowded, run-down trailers. In our interview, Isaac reflected on the housing conditions on a Vermont farm he used to work on, where he and six of his coworkers split a small space alongside the farm's tractors. This was not a normal living set up. It was ugly with run down cement walls. If one person got sick, everyone would become ill. Reflecting on the conditions that Isaac suffered on his old place of employment reminded me of a story that a leader of the CIW shared at the NOFA panel. He said:

a tomato grower was asked by another grower of a smaller size: "Why was it so hard as an industry to sit at the table with the workers?" And their response to this grower was, "I am going to put it to you this way, a tractor doesn't tell a farmer how to run his farm." So that pretty much encapsulated this mentality that we are not even people.

Isaac's experience shows that this mentality is not only on Florida's tomato fields. It is also up North, where farm owners dehumanize their workers, making them share an undignified space with the tractors as if they are just another type of farm equipment.

Following the Code of Conduct, if housing is provided to a worker, it must be voluntary, clean, functional, in compliance with housing, zoning, and building codes, and cannot be used to justify reducing net wages below the minimum wage. All federal, state, and municipal standards for tenants must be respected in the same way that they would for any other person living in the United States. All housing must offer sleeping areas with privacy and protection from health and safety threats like chemicals and extreme temperatures. Farmworkers are also granted freedom of movement and can come and go from the farm as well as have visitors in their own space.

However, it is important to note that there are also cases where farm owners do not necessarily lack the will to give their workers comfortable housing, but lack the financial means to make the significant and expensive improvements that housing amendments require. WSR does acknowledge this issue. This will be discussed in later sections.

### *Protection Against Retaliation*

Additionally, one of the most notable parts of the Code of Conduct is the protection against retaliation. This addresses a widely-expressed fear that if a farmworker complains or calls attention to a concern about their workplace, they will be fired or suffer other consequences from their employers. In our interview, Hannah talked about these deeply-felt anxieties that have been expressed to her by the farmworker community:

If you're a migrant worker and you're living on farm property and maybe you're also undocumented, you could be worried about things like, maybe you do want to tell the farmer, "oh, look, I really don't like this footbath chemical, it gives me a headache," because then if they start thinking worse of you or if they're upset with you, well, then there goes your housing. There goes your job. And you're in a particularly vulnerable position.

Under this protection, participating farms are not allowed to hide the existence of the worker support lines, complaint resolution processes, nor impede any complaint investigations.

Similarly, farms are prohibited from exacting any consequences for workers who utilize the Milk with Dignity Standards Council's complaint processes, participate in education sessions on their rights, or share information during audits and similar activities.

### ***Farmworker Education***

The educational component of Milk with Dignity has been fundamental in making workers aware of their rights under the Code of Conduct and the tools available to ensure that these rights are being respected. This begins with an orientation session within the first three months of joining the program, conducted by representatives from Migrant Justice's education team or *Equipo del campo* (Field Team). After the Milk with Dignity orientation, the farmers commit to scheduling annual paid education sessions. These meetings are scheduled ahead of time in consultation with the farm owner at a time when the Migrant Justice staff, the farmworkers, the bosses, and the managers, and members of the Milk with Dignity Standards Council, can all sit together on the farm and talk face-to-face about workers' rights.

Supported by some printed materials and a PowerPoint presentation, the Milk with Dignity representatives lead a conversation on workers' rights and farmers' responsibilities. Other topics cover the tools that are in place to ensure fair and dignified work and what will happen in the case that these rights are violated. These sessions, which only last a couple of hours, are supplemented by a bilingual handbook given to farmworkers, clearly outlining their rights which they can reference year-round.

These education sessions have been fundamental in changing relationships between farmers and their farmworkers. As a leader of Migrant Justice's education team, Luis, told me in an interview, even though it doesn't always feel like it at the moment, these sessions are something beautiful; something empowering. In fact, this process was one of the first things that caught the Migrant Justice leaders' attention when they visited Immokalee, Florida to learn about the Fair Food Program. It is revolutionary for a worker, who could be experiencing some form of

injustice or abuse, to hear in front of their bosses that they are not just deserving of, but entitled to these rights. And, a worker cannot face any form of retaliation should issues be raised.

In my interview with Orlanda, she acknowledged that overall, there are many instances where farmworkers hesitate to voice concerns about injustices taking place on their farms. At times, she states this is because farms don't have any tools to get around language barriers, or because there is not much opportunity to express a concern or complain, or because there is a fear. However, in her experience, she has found that since she is conscious of her own rights, it is easier to say something knowing it isn't her fault and knowing she can defend herself with the backing of the program. This knowledge can widely be linked to the tools offered through Milk with Dignity and Migrant Justice's work at large and access to open conversations through a space which accommodates both English and Spanish speakers. These meetings challenge the power dynamics that enable fear, not only by the content of the sessions but by the mere representation of worker-centered organizations.

Nonetheless, even after enrolling in the program, some farmers are not as welcoming to the changes which come from the program, since "farmers don't always want their workers to know their rights," Luis conceded. While some farmers have expressed appreciation for the increased communication brought by resources such as education sessions, other farmers are less receptive. However, this has been changing overtime as new structures are implemented and become normalized.

### ***Third-party Monitoring Body***

The presence of a third party is a necessary means for making the Code of Conduct and farmworker education meaningful to the farm owners. As previously stated, the neglect of

workers' rights in many cases is not due to an absence of written standards and laws but rather an absence of mechanisms to enforce the protections that are already in place. Under the WSR model, the third-party monitoring body is a way to fill this gap. Within Milk with Dignity, this body is called the Milk with Dignity Standards Council (MDSC).

The MDSC was formed and employed in 2017 as it became clear that Ben and Jerry's was moving toward joining and commencing the program. The Milk with Dignity Standards Council is made up of four Burlington-based employees who are completely independent from the corporations, the farm owners, the farm workers, and Migrant Justice. While small in number, the MDSC has a large responsibility. For every farm which is now a part of Milk with Dignity, this third party upholds yearlong programmatic processes where farms are audited for compliance with the Code of Conduct. The audit process involves extensive examination of the work site, payroll records, and housing. It also maintains a focus on personal engagement at each farm by holding interviews both with farmworkers and farm owners. These interviews are not intended to blindside anyone, so all field visits are scheduled in advance in order to coordinate with the milking schedule for the workers. Following the visit, the auditor writes up detailed field notes which guide a corrective action plan.

This main challenge of this process has been the slow nature of auditing and creating corrective action plans. As Frank mentioned in our interview, there are some complaints that can be resolved through a few text messages, some that require a few hours, and others that are extremely time-consuming, requiring thorough and extensive problem solving conversations. This also varies depending on each farm and the type of change. Hannah mentioned similar issues, giving the example that for some farms it takes months just to get dust masks; for others, it takes weeks.

Moreover, as Michael highlighted in our interview, there are many times where large issues prompting farmworkers complaints oftentimes are inevitably slower to change, such as non-code compliant housing, due to costs and logistics. As negotiations urging for concrete action steps with the farm owner continue, the team makes every effort to address smaller issues such as with payment concerns so that the farmworkers still feel like the program is working for them and see progress. Overall, the members prioritize clarity, accuracy, and depth over speed and brevity.

In addition to audits, the MDSC also supports farmworkers protected by the program on a 24/7 bilingual hotline, which provides a constant and convenient resource to express concerns, fears, and complaints. For farmworkers who are not yet protected by Milk with Dignity, Migrant Justice offers a service, *teleayuda*, which allows a farmworker to call staff members 24/7 about issues on the farm. While still a valuable resource, *teleayuda* falls short in its enforcement mechanisms, having no real way to place meaningful consequences on farms when workers complain about workplace and housing conditions.

The MDSC has taken the relationship of trust that farmworkers find in *teleayuda* one step further by fostering confidence in their ability to find solutions. Workers not only have a personal and accessible platform for complaints, but have a body that they can trust has enough influence to incite meaningful and long-term change. As put by the director of the MDSC, their biggest strength has been in their gradual ability to build “trust and faith” over time. The program has continued strengthening as the MDSC has shown its reliability and responsibility when concerns are raised by “taking in complaints calmly, investigating them thoroughly, protecting confidentiality, and bringing complaints to farmers in a sensitive manner,” as Hannah said in our interview.

The whole team further noted that progress in relationship-building started small. When workers used the MDSC tools to address seemingly small things and realized that they were not going to get retaliated against, they started to build up to the larger, more pressing concerns which they had previously hesitated to speak out against.

This trust has also been strengthened off-the-clock by MDSC members' participation in Migrant Justice events. MDSC members can be seen at nearly every Migrant Justice event, whether it is a campaign launch, a *No Más Polimigra* action, organizational events, or holiday-related celebrations. At a recent event in the Migrant Justice office to celebrate *La Candelaria*, all four members took a moment amid the festivities to publicly introduce themselves to the crowd, even though they were already familiar to most workers (even those that are still not protected under Milk with Dignity). The team believes it is important that workers put a face to the standards council in order to humanize the receiving-end of their complaints and to continue reminding the farmworkers that there is a small, accessible, bilingual team with a deep and specialized knowledge of their industry and place.

While many often see the third-party building relationships with the workers as a strength that builds a platform for trust-building and transparency, third-party organizations have also received criticism for this same connection because it is seen as lacking in neutrality and creating a bias that inclines them to act too strongly in favor of the workers (Fine, 2017). However, as said by a member of the MDSC in an interview,

It is hard to talk about neutrality in isolation from power... We need to take into account the varying amounts of power between massive multinational conglomerates and farmers who in many situations, have comparatively less power than the other institutional bodies they are dealing with, and farmworkers, who again, relative to the people that they're in

contact with in the dairy industry, have relatively less power. So, neutrality doesn't make that much sense as a way to critique the program when it's within this framework of vastly unequal amounts of power. Multinational corporations don't need us fighting for their rights because they have the money and power to uphold their rights. And farmworkers absolutely can and do fight for their rights.

Even though the MDSC aims to resituate the power dynamics within the dairy industry, some farmworkers still hesitate to take advantage of the program having been discouraged with failed efforts in the past from dismissed issues arising from a farm's lack of resources or due to a lack of external accountability. Therefore, after enduring years of raising issues that never resulted in any change, it is understandable that some workers are skeptical that the MDSC's results will be any different.

Other farmworkers have not used the MDSC resources, not because they didn't feel the need for change or because of a lack of trust in the organization, but simply because the time constraints of their schedule leaves little room for anything but sleep and work. Considering these limitations, the MDSC's combination of audits, interviews, and a hotline is an important way to make it as likely as possible that problems on the farms will be exposed.

Farm owners' feelings toward the MDSC and the Milk with Dignity program are as diverse as those of the farmworkers. Those who view the program positively value it as a communication resource. One farmer, Mason, spoke publicly about this at the Hannaford campaign launch:

The program has helped us make huge strides in employer-employee communication, where before we may have had one company-wide meeting a month, now we have them

on a weekly basis. This increased interaction has been a benefit to both of us. Problems are identified earlier and corrections are made when necessary.

These farmers' relationships with their own workers have grown stronger now that their employees are offered a safe outlet for comments, suggestions, and complaints.

Stronger communication channels have also strengthened retention on the farms.

Vermont's dairy industry has suffered from high turnover rates for decades. In this industry, high employee turnover rates are uniquely problematic because there are not seasonal workers in dairy so a stable workforce to stay through the winter months is imperative to the operation's success. However, many farmworkers have worked on numerous farms since migrating to Vermont, moving just a few towns away out of frustration and discontentment.

The program's ability to improve working conditions and communication has been a value to farmers because turnover has decreased. As their workers stay on their farms longer, they become more skilled in the farming techniques and in the particularities of their specific operations. In his speech, Mason emphasized that his farm has maintained an eighty-five percent employee retention rate because of higher morale, competitive wages and benefits like health care. The MDSC should be credited not only for implementing healthier communication between the employers and employees, but also for bringing objective improvements to working and housing conditions as reasons for increased retention.

In spite of these benefits, other farm owners remain hostile toward the program. All the members of the MDSC have pointed this tension to a changing power dynamic and the understandable tensions that come from a loss of control. For some farmers, the MDSC's demands and expectations are seen as a burdensome new direction of pressure, adding on to the extreme amounts of downward economic pressure that they already feel. From my interview

with Frank, he clarified that many farm owners have grown accustomed to having out-sized power over employees. This is something that some farmers hold onto closely in an industry where everyone above them has substantially more power than they do. Ceding some of this power to the workers brings a discomfort to the farm owners.

These feelings are also not linear, as Frank clarified:

I think there are some [farmers] who probably are more welcoming to the program now than they were two years ago and some who are more hostile now than they were two years ago. There's a lot of factors that go into that. Frankly, even within the same farm, when there's two family members who are both a part of the ownership of the farm, they could have different perspectives on the program. Maybe one person is pretty supportive and the other one is hostile. And even, when you get way into the details, there could be one farm that's... more willing, for example, to work with the program on improvements to scheduling issues or health and safety issues but is really opposed to making improvements to housing, for just one example of many. It's almost like you can make a matrix of each farm changing overtime, and issue by issue, and of the different perspectives from farm owner to farm owner within one farm.

In spite of this tension and hostility, the MDSC emphasizes their role as an objective fact-finder.

In times of conflict between workers and the farm owners, the MDSC has been called upon to look at and settle disagreements from an outside perspective. One instance which is particularly illustrative of this role of the MDSC, as Frank told me, was on a farm in mid-October, the time of year when Vermont starts to get cold. Some workers had reached out to their farmer, saying that the heat in their trailer hadn't been working since they first attempted to turn it on in September. As they got closer to Vermont's extreme winter months and the furnace

had still not been fixed, the workers' anxieties grew. After hearing about this, Tom reached out to the farm worker who insisted that the furnace was working fine, prompting further investigation. He went to the trailer to determine if there was a miscommunication or if the workers simply didn't know how it worked. After getting all of the details, in Spanish, and trying to turn it on himself, Tom concluded that it really wasn't working. After his next conversation with the farm owner, a technician came and fixed it the next day. Tom avoided coming to any conclusions about why the farm owner was claiming it was working, proposing that he could have just been mistaken, or not wanted to deal with it, or had too many things to handle at the time, or merely didn't see it as a priority. All of these potential explanations aside, without the intervention of the MDSC as an objective investigator with the ability to place pressure on the farm owner, this group of workers could have returned home from work every day to a freezing cold trailer for the entirety of New England's long, brutal winters.

As is demonstrated in this example, after concerns are raised and issues are identified, the MDSC moves from the fact-finding phase to the problem-solving phase. One important realization that the MDSC has come to in the last three years is that there are no universal solutions to their problems. Different farms may require different solutions to the same concern. Because of this, the MDSC stresses open dialogue between the farm owners, workers, and standards council members.

In our interview, Frank mentioned their approach at problem-solving with the farmers, saying:

We really try as hard as absolutely possible to reach an agreement with a farm on a list of action steps that the farm will agree to do and at a deadline that they agree is workable. Partly just because it's the best process where you're likely to end up with the best and most effective action steps but also, follow through is generally going to be better if

someone has agreed to that. But that being said there are for a variety of reasons where there are situations where we have had to make a set of action steps final even though a farm has not responded or hasn't really engaged in a process to problem solve or has made a counter proposal that is just unreasonable.

Following this plan, the MDSC follows up with reminders and deadlines to ensure the farm is staying on track.

While the standards are centered around the workers and their Code of Conduct, the investigation process is objective. In this sense, the MDSC has acknowledged that although it could be in a worker's interest that they take a complaint and "push it as far as it can go," this is not about a bias. It benefits both the farmer and the farmworker alike to have problems analyzed by an external body which is separate from the financial incentives and pressures within the industry.

As previously mentioned, when the auditing process first began, the vast majority of farms were meeting few of the standards outlined in the Code of Conduct. In the three years since the initiation of the standards council, hundreds of success stories, both big and small, have been documented.

As each member of the MDSC mentioned in our interviews, housing issues remain a top farmworker concern and similarly have been identified by the MDSC in audits. Unfortunately, this is one of the hardest and slowest issues to address. In my interview with Michael, he mentioned that frequently, farmers are not surprised when the MDSC brings up the need to improve their on-site housing. Yet, it goes without saying that redoing housing is not a simple process. It takes a considerable amount of time and money to carefully draft plans, acquire

zoning permits and all the materials, not to mention the actual process of relocating the workers while building the housing.

In our interview, Hannah and I discussed the ways that the MDSC has approached these core issues. She described a farm in the program that had extraordinarily bad housing conditions from the first audit done after enrollment. At times, there would be around eight to nine workers living in a single trailer. On multiple occasions, these workers would go over twenty-four hours without electricity, heat, and running water. In one instance, the plumbing went out for eleven days, leaving the workers with no bathroom, sink, or shower. However, this terrible circumstance turned into a testimony of the program's success. Just a few days before the interview, these workers were moved into a new housing unit built by the farm because of Milk with Dignity's pressures and the financial resources provided by the premium given to the farmers by the corporations, which will be discussed in detail in the next section. Each worker now has their own room and working amenities.

Farmers are never left alone in the planning and implementation, especially in issues as large as housing. One way the MDSC helps in the process is by bringing in other local organizations such as in their partnership with Efficiency Vermont and Zero Energy Modular Homes. These groups work to build higher quality trailers using high efficiency design and solar. For farmers interested in this option, these organizations and the MDSC will bring the owners to tour a trailer park where these trailers are built. An open conversation about the possibility of implementing this housing follows. About this, Michael said:

In some cases, it's sort of a no-brainer, where there are farms paying, say \$400 a month in utility bills to either heat a really inefficient trailer in the winter or to run a bunch of air conditioning units in the summer. And to get one of these zero energy modular homes

built on their land, their mortgage payment might be around \$300 with various grants and subsidies involved, so it's like okay, you can have this awful trailer and have people live in squalor and, just generally be like a slumlord, or you can pay pretty much the same amount of money and be able to provide adequate, legally compliant housing for your employees. We have a few farmers who are very seriously considering that right now and we've got a few farmers who have said, thanks, but I'll just build my own housing.

Though changes in housing have been slow, these successes should not be underestimated. As farmworkers begin moving into new, clean, comfortable spaces, workers regain dignity.

The seemingly smaller successes are equally meaningful and imperative. For example, as Hannah further described in an interview, one farm who enrolled in the program was required to put smoke detectors and fire extinguishers in the workers' housing after the MDSC found during an audit that they weren't provided. The workers living in this housing worked during the night shift, and slept during the day. While they were asleep one day, a dryer caught on fire and their new smoke alarms woke them up. She continued, acknowledging that "this sounds like a small story in that everything was okay, it's not a dramatic ending," but in reality, this small change was a matter of life or death.

As the Milk with Dignity program expands, the Milk with Dignity Standards Council will as well. Moving forward, they are prepared to increase staff and hope to continue improving the speed at which they approach the audit report process so that both the farm owners and the farmworkers can reap the benefits of a healthier workplace faster.

### *Economic Relief*

Many buyers and suppliers ignore workers' rights because there is a financial incentive to do so. As Mason admitted in front of many farmworkers at the Hannaford campaign launch, "[his] farm was no different, for many years, than many of the others... [he] paid [his] employees below the state minimum wage, and the housing wasn't as great as it could be... that was the industry standard," which he stated was a result of large farms consolidating small- and medium-sized farms and pushing down prices. In his words, "to keep the machine moving forward, state farmworkers have found themselves marginalized in negative ways."

The element of economic relief within WSR serves as an acknowledgement that the big buyers at the top, regardless of the industry, can set parameters that everyone below must follow. Every leader within Migrant Justice and the MDSC acknowledges this phenomenon. For this reason, both organizations are careful in their discussions about the farm owners to not overly criticize their employment practices. They are not the root of the problem. In our interview, Tom recognized this, saying:

Historically, in a lot of supply chains, big buyers can say, 'well you're going to get a little bit less for your product than you did this year and we need the product a little bit faster... And a lot of times when the buyer is saying they need a product for a lower price and they need it faster, all those pressures mean what drops off the list of priorities? Workers' rights.

Milk with Dignity and other WSR programs ensure that regardless of what the industry's conditions are, workers' rights are not seen as dispensable. The wellbeing of human beings should never be something that can just be crossed off a list to save some money. Milk with

Dignity flipped the industry's financial incentive from marginalizing workers to making it more cost effective to respect workers' rights.

Yet, while farmers should not be excused for violating human rights and enabling economic injustice, they too are in precarious situations because of corporate influences coming from the top of the supply chain. Because of this, even if farm owners do not want to disregard the rights of their workers, they often lack the resources to address the problems and requests that are taking place on their farms. If farm owners are expected to follow the Code of Conduct, their own financial difficulties must also be recognized.

Under the Milk with Dignity program, this is done through premiums which are paid by the corporations (as of right now, just Ben and Jerry's) to the participating farms per unit of dairy product. In other words, all farms that agree to comply with the Milk with Dignity Code of Conduct will be provided the financial means to implement and maintain the changes necessary to put them in accordance with the regulations (MD Code, 2017). These premiums are also, in part, passed on to the workers in the form of bonuses.

The premiums paid through the Milk with Dignity Program have been put toward a variety of changes on the farms, in consultation with the workers. Since 2017, participating farms have put over \$825,000 toward health and safety improvements such as better personal protective equipment, increased wages, bonuses, paid vacation days and paid sick leave, repaying old wages that workers never received, fire safety devices, dignified employee housing, and more, according to a progress document shown to me in the MDSC office.

Furthermore, many farms are receiving more money through these premiums than they need to spend to come into compliance, as Michael told me. Even though the premiums are bonuses for participation and are not directly related to buying and selling milk, farms who are

assessed by the MDSC and determined to be in good standing with the Milk with Dignity program are additionally rewarded by receiving purchasing preferences for products from the corporate buyers. This creates an additional incentive for farm owners to maintain socially responsible conditions and standards because it fosters loyalty between them and the corporations at the top.

This part of the program is important because even though WSR is created and led by workers, it recognizes that the root of the issues they face come from the corporations rather than the suppliers they work for. In the case of Vermont, as a Migrant Justice leader stated at the NOFA Panel, “We see that the farmers are struggling here... we see how they are in debt. So, the program is what really brings economic justice.” Even though many of the farmworkers face immense violations of their rights, this campaign was not formed over resentment for the farmers, but rather resentment for the system that has prioritized keeping money at the top over keeping basic rights at the bottom.

### ***Legally-binding Agreements***

The final element of WSR is that all the elements previously discussed are legitimized through a contract making the program legally enforceable. This agreement, which is made at the top of the supply chain, establishes market consequences when there are persistent code violations. In other words, after enrolling in the program, farm owners will lose their contracts within the Ben and Jerry’s supply chain if the MDSC determines that the farmer refuses to abide by the regulations put forth in the program. As has already been emphasized, farmers are given many opportunities to come into compliance with the program and its Code of Conduct with the

support of the MDSC. Nonetheless, there are levels of violations that will lead to suspension from the program and the supply chain.

The Milk with Dignity program defines five specific zero-tolerance violations within the Code of Conduct which would lead to an immediate suspension: forced labor, sexual assault, retaliation for a worker who makes or attempts to make a complaint or participates in the education or audit processes, systemic unlawful child labor, and physical violence or threat of violence. Forced labor and the use of child labor will both result in the immediate suspension of the farm.

Cases of violence and sexual harassment will also result in automatic suspension, except in cases wherein the guilty party is not the owner of the farm and is fired immediately and removed from the premises. Similarly, any cases of retaliation will lead to suspension unless a time frame determined by the MDSC to remedy the situation is implemented. If any investigation confirms one of these violations and the farm does not implement these immediate resolutions, it will lose the premium causing prompt financial consequences. Farm owners will also face suspension for consistent non-compliance with the MDSC, even if the violations are not in the list of zero-tolerance standards, should it be determined that they are completely unwilling to abide by the program.

The goal of Milk with Dignity and the enforcement mechanisms used by the MDSC are not used to say “gotcha” to the farms who are not in compliance with the Code of Conduct. At large, the program strives for actual and sustained compliance rather than suspension so they do their best to support the farm owners as they adjust their operations to adhere to the Code of Conduct. Even missed deadlines are not considered deal breakers. It is also important to acknowledge that there is an appeal process in place for instances when farms want to dispute the

MDSC's findings and/or conclusions. but the threat of suspension usually encourages the farm owners to follow through with the action steps. Even though suspension is extremely rare, the threat of it has been effective in ensuring that farm owners abide by action steps and make the Code of Conduct a reality.

### *Milk with Dignity During Covid-19*

The global pandemic has caused inevitable disruptions in various aspects of Milk with Dignity. While the Code of Conduct provides very important health and housing protections to workers who are especially susceptible to the virus, many other parts of the program have not been able to continue in the ideal forms right now. During this time of year, the Migrant Justice team and the MDSC would be doing education sessions, which have been temporarily put on hold. As they move forward, the teams are in discussions about having these sessions over a video chat or some other remote form. However, as Michael mentioned to me in our interview, there is hesitation on that from everyone involved because they all know the importance of in-person interactions. A current concern is that as the yearly routine of the Milk with Dignity program, things will continue getting pushed back. When Covid-19 is controlled, it will be important to examine and document the ways the program has adapted to the crisis and the resilience that farmworkers have had in spite of it.

## **DISCUSSION: A NEW DAY FOR DAIRY**

“Why does it have to be this model? Why does it have to have these five elements?” the leader of the WSR panel asked the three organization’s leaders at the NOFA conference. Carlos, a leader of the CIW, quickly responded “I can answer that... because it works!”

These five elements of WSR cannot be seen in isolation. For any one element to be successful, all need to be in place. While considering their implementation in Vermont, it is important to return to the goals that Migrant Justice set out with when they created the program in 2014: to create fair and dignified workplaces, to build mutual respect, to facilitate open communication, and to create collaborative problem solving.

I will analyze each of these objectives to claim that Milk with Dignity has widely been successful in achieving its purpose and that this success stems from the guidelines outlined in the WSR model. I also discuss Milk with Dignity’s ability to deconstruct unequal power dynamics in the industry and the benefits and tensions that come with this process. Finally, I discuss the most prominent limit of Milk with Dignity, being that it is only helping a small number of workers in Vermont.

### ***Fair and Dignified Workplaces***

Under the farmworker-authored Code of Conduct, the workers themselves have clearly defined what it means to have fair and dignified workplaces based on their own experiences in the industry. By collecting data and listening to personal testimonies, this document directly addresses the people’s concerns who are the most vulnerable to supply chain pressures and the subsequent marginalization. However, the mere existence of the Code of Conduct is not enough. The legally-binding agreement and the MDSC work together to make it legitimate and

enforceable. Milk with Dignity has made sure that every farm is being objectively evaluated in relation to these conditions and standards and that the farms who were not already in compliance are making steady progress toward meeting the workers' demands for labor and housing justice. These evaluations are made meaningful by the threat of marketplace consequences.

This amends a big problem within CSR where the potential issues on farms are identified but there is very little push to fully remedy these conditions. This is evident with the example of the Ben and Jerry's "Caring Dairy," where farm owners are encouraged, rather than obligated, to make repairs and/or better their practices. They do this through a process of self-evaluation where farm owners identify one area where they pledge to make improvements based on their own terms. Under Milk with Dignity, respecting workers' rights is not an option for the farms within the Ben and Jerry's supply chain. Farm owners do not get to pick one problem for improvement. Each is held accountable for every area of non-compliance which is uncovered by an objective third party and based on the workers' definitions.

Now that farm owners are responsible for resolving workers' complaints and following specific guidelines for their workplaces, workers report feeling more protected in health and safety, receiving just wages, being moved into dignified housing, feeling safe from consequences if they complain, and other meaningful advancements.

However, a roadblock in creating fair and dignified workplaces has been the long delays in implementing changes. For farms that are currently enrolled in the program, the improvements are time-consuming and do not offer shortcuts so even workers already covered by Milk with Dignity still may not see concrete changes over present issues frequently raised. Nonetheless, the program is still young and evolving, and it is understandable that many of the standards and conditions of the Code of Conduct take more than two years to implement. The very fact that

workers' demands continue to be respectfully surfaced until every requirement in the Code of Conduct is met is an impressive step. Regardless, until a substantial portion of farms covered by Milk with Dignity come into total compliance with the Code of Conduct, its success in bringing justice to the workplace cannot be evaluated with certainty.

### ***Mutual Respect***

The program inherently emphasizes the value of workers' voices because they are the authors and the driving-force behind it. Through the program, workers not only getting a say in conversations; they are leading them. The element of guaranteed education has been fundamental in fostering mutual respect because both the farmworkers and the employers are included in lessons and conversations about workers' rights and what their shared-workplace should look like. Because of these sessions, participating farm owners in the program have little choice but to listen to what the farmworkers have to say. As they realize the validity of their employees concerns, effective suggestions and solutions, and a deep knowledge of their rights as workers, respect has been growing on farms. Furthermore, farm owners lose the incentive to disregard workers' rights, which has slowly been changing the mentality of workers as mere objects, rather than active participants and valuable contributors.

This level of respect has not only grown between the workers and the employers, but also between the workers and the corporations at the top of the supply chain. When the workers go directly to store managers and CEOs of large brands, they are demanding recognition for the critical role they play in the industry. In the case of Ben and Jerry's, the farmworker community's refusal to be silenced and their mobilization of consumers was met with a sign of respect in the form of a deeply meaningful signature on the Milk with Dignity contract. This

served as a direct acknowledgement of the workers doing the dirty work that brings companies extraordinary profits.

### ***Open Communication***

With greater respect comes open-minded communication and tolerance for criticism. The farms enrolled in Milk with Dignity have had healthier conversations between farm owners and the farmworkers. In general, farms have English-speaking farm owners and Spanish-speaking farmworkers, creating a widely unavoidable restriction in effective communication. The existence of a bilingual third-party that is knowledgeable about the industry has given both the farmers and their workers a tool to facilitate a healthier relationship and a stronger understanding between the two parties.

The built-in protection against retaliation has also been groundbreaking in creating a space where farm workers feel that they can speak up for themselves and defend their rights without risking being fired or punished. Many workers across the agricultural sector still suffer from relationships of fear and intimidation which prevent hazards and weaknesses from resolutions, consequently inhibiting farmworker's wellbeing. Since the workers protected under Milk with Dignity feel that they now have control and power over their wellbeing because of more open channels of communication, morale has risen. Overall, this has created a more skilled and productive workforce in the industry. Milk with Dignity and WSR have designed a mechanism to emphasize the importance of communication which has been one of the program's most lauded benefits.

### ***Collaborative Problem-Solving***

When approaching disagreements or attempting to mend a problem, farm owners no longer have the authority to determine that they have the final say or declare that their solution is the correct solution. Because of the program, collaborative problem solving comes from various directions by including the workers, the employers, Migrant Justice, and the MDSC. This emphasizes the idea that effective problem solving must include open dialogue where multiple perspectives are given a seat at the table. The MDSC plays an important role as an objective fact finder, preventing circumstances where it is the farm owners word versus the farmworkers word.

Collaborative problem-solving has brought considerable changes on farms that have overall improved the day-to-day lives of the workers such as moving workers to dignified housing or ensuring that they have access to dust masks and fire alarms. The partnerships formed between the MDSC and the farm owners, while creating corrective action plans, has been effective in ensuring that each farm is not given a blanket solution.

By following the Milk with Dignity program, the MDSC pushes farm owners to make as much progress in all non-complaint areas as fast as possible. This ensures that progress continues and personal nable relationships will grow between all parties as the program matures.

### ***Deconstructing Power Dynamics***

Overall, Milk with Dignity has had impressive success in dismantling unequal and unjust structures of power which have existed in the dairy industry for decades and which have been growing with the consolidation of the industrial food system. The corporate buyers are now forced to acknowledge the resulting inhumane conditions when unrealistic economic parameters are placed on the suppliers for no reason other than to keep amassing immense wealth and

power. By signing a legally-binding agreement and giving economic relief to the suppliers, corporations are providing farms with long-overdue money which empowers the farm owners with more financial control over their operations.

Similarly, this program is revolutionary in that workers, who for hundreds of years have been exploited, marginalized, and silenced can enjoy much more power than ever before. From the start of the campaign against Ben and Jerry's, workers have shown they will no longer be pushed into the fringes of a society which wholly depends on their labor. Similarly, they have proven that they should be trusted with the solutions to the industry-wide problems.

Workers have demanded that they be seen as equals within the supply chain regardless of immigration status, language barriers, or job description. At large, they have significantly more control over their experiences, both in and out of work, than they had before the program and that workers outside of the WSR programs still lack.

However, the shifting power dynamics that have come with the program have also been a point of tension for suppliers. For farm owners who have substantially less power than everyone above them in the supply chain, they have had a harder time letting go of the control they have over their workers and may feel like they have been left out of the solution because the program is worker-driven. This is rooted in a fear of change and a perception that the program is going to be intervening and meddling with their operations.

Carmen emphasized that many farmers have tried for years to find their own answers to the price pressures that have been squeezing them, but have had little success. Rather than applauding the workers for forming their own solution, some farmers have belittled them, feeling that if they couldn't find the solution themselves, it couldn't be possible that their "lesser" workers would either. Considering this, another big accomplishment of the WSR model is even

if the only reason a farm owner follows the program is because they are obligated to, they achieve compliance regardless. In other words, they don't really have to like the program for the workplace to change.

While the people driving Milk with Dignity feel that the changing power dynamic is a positive impact, trying to work through the hostility of some farm owners has been one of the greatest challenges so far for Migrant Justice and the MDSC, and one that likely will not go away any time soon. However, it is equally important to mention that other farm owners have been very receptive to the program, and others have realized over time that the Milk with Dignity program is ultimately helpful for them.

### ***Expanding Milk with Dignity and WSR***

One of the main limits of Milk with Dignity currently is that it moves corporation by corporation, supply chain by supply chain. As a result, eighty percent of dairy farmworkers in Vermont are still not benefiting from the protections coming from the program. There is still significant work to be done to continue advancing workers' rights to the remaining workers of this community. As Shannon and I discussed in our interview, the campaign against Hannaford is already a step forward and a much bigger goal because of its size. The organization is following the lead of the CIW by slowly working up to larger targets like Walmart and Whole Foods, where they hope to have the opportunity to expand the protections offered in Milk with Dignity to many more states across the nation. The organization will not be satisfied until every worker is free from exploitation and injustice. Even the CIW continues campaigning—and are currently calling for a boycott on Wendy's—despite already having fourteen agreements and seeing

incredible success in their home state, acknowledging that outside of the program, poor conditions continue to exist.

This is not only true for dairy workers outside of the Milk with Dignity program or for tomato workers outside of the Fair Food Program. Similar conditions of labor injustice are taking place all across US agriculture. Workers of every stripe are squeezed at the bottom of supply chains. Because of this, these organizations and the WSR Network have been very hopeful about the future of their model. The members of the WSR Network have been in touch with many other workers across industries and around the world, feeling confident that this model can work anywhere and for anyone. Conversations have been initiated, hoping to bring change to melon fields in Honduras, poultry workers in Arkansas, and construction workers in Minnesota.

## CONCLUSION

Overall, Worker-Driven Social Responsibility has been a valuable paradigm in changing industry norms and bringing justice to the workers at the bottom of corporate supply chains. As we see in the case study of Vermont's dairy farms, the elements outlined in WSR have enabled workers to demand that their voices be heard and that their wellbeing be respected under the Milk with Dignity program.

The farmworker-authored Code of Conduct, education sessions, Milk with Dignity Standards Council, guaranteed economic relief, and the existence of a legally-binding agreement have all been fundamental in Milk with Dignity's success so far in accomplishing Migrant Justice's goals. Through the implementation of each of these elements, they have begun a time-consuming but necessary process for improving the standards and conditions of individual farms. This is accompanied by collective problem-solving, healthy communication, and respect.

In the midst of working toward these original goals, Milk with Dignity has also given long-marginalized workers agency and power while unraveling complex systems that have allowed companies at the top of supply chains to aggregate power and money at the cost of the worker dehumanization and suffering.

Going forward, an important next step for Milk with Dignity will be to continue pushing its campaigns to protect a greater percentage of workers. Furthermore, as the program continues growing and workers in Vermont are widely enjoying its protections, it should follow the lead of the CIW and take on larger corporations beyond Vermont and upstate New York. The leaders of Migrant Justice themselves have acknowledged that Vermont is not even one of the biggest states for dairy in the nation, making it especially important to continue expanding to protect workers across the nation. It is also worth mentioning that there are other migrant communities

working in other agricultural industries on other Vermont farms who could also benefit from this program.

Although WSR only has four active programs, the model shows impressive promise. Many worker leaders in other industries, both in and out of agriculture, are looking to implement it. As corporations continue growing and amassing wealth, WSR should be seen as a legitimate model to prevent the abandonment of workers' rights that comes with the prioritization of capital over justice.

In the words of Carlos: "For people who really want to see change... build consciousness. Help us build consciousness, not only of the horrific conditions but of the fact that workers have a solution... so that when the campaign launches, we have already seeded consciousness. And we have already built commitment."

## BIBLIOGRAPHY

- Amengual, M, Fine, J (2017) Co-enforcing labor standards: The unique contributions of state and worker organizations in Argentina and the United States. *Regulation and Governance* 11(2): 129–142.
- Ayres, I., & Braithwaite, J. (1991). Tripartism: Regulatory capture and empowerment. *Law & Social Inquiry*, 16(3), 435-496.
- Baker, D. & Chapelle, D (2012). Health status and needs of Latino dairy farmworkers in Vermont. *Journal of Agromedicine*, 17 (3), 277- 287.  
doi:10.1080/1059924X.2012.686384.
- Baker, Daniel. 2013. "Latino dairy workers in Vermont." *Communities and Banking*: 5-7.
- Bellovary, A., Armenta, A. D., & Reyna, C. (2020). Stereotypes of Immigrants and Immigration in the United States. *Stereotypes: The Incidence and Impacts of Bias*, 146.
- Bernhardt, A., Boushey, H., Dresser, L., & Tilly, C. (2008). An introduction to the “gloves-off” economy.
- Bernhardt, A., Spiller, M. W., & Polson, D. (2013). All work and no pay: Violations of employment and labor laws in Chicago, Los Angeles and New York City. *Social forces*, 91(3), 725-746.
- Blasi, Jeremy, and Jennifer Bair. 2019. *An Analysis of Multiparty Bargaining Models for Global Supply Chains*. International Labour Organization.
- Bowen, H. R., & Johnson, F. E. (1953). *Social responsibility of the businessman*. Harper.
- Carroll, A. B. (1999). Corporate social responsibility: Evolution of a definitional construct. *Business & society*, 38(3), 268-295.

- Castells, M., & Portes, A. (1989). World underneath: The origins, dynamics, and effects of the informal economy. *The informal economy: Studies in advanced and less developed countries*, 12.
- Chomsky, A. (2018). " *They take our jobs!*": and 20 other myths about immigration. Beacon Press.
- Conner, D., Becot, F., Kahler, E., Claro, J., & Harlow, A. (2020). Counting Local Food Consumption. *Journal of Agriculture, Food Systems, and Community Development*, 9(2), 1-14.
- Dahlsrud, Alexander. 2008. "How Corporate Social Responsibility is Defined: An Analysis of 37 Definitions." *Corporate Social Responsibility and Environmental Management* 15 (1): 1-13.
- De Genova, Nicholas. (2002). "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31: 419–447. doi: 10.1146/annurev.anthro.31.040402.085432
- Devadoss, S., & Luckstead, J. (2018). US immigration policies and dynamics of cross-border workforce in agriculture. *The World Economy*, 41(9), 2389-2413.
- Estabrook, B. (2012). *Tomatoland: How modern industrial agriculture destroyed our most alluring fruit*. Andrews McMeel Publishing.
- Fine, Janice. (2017). Enforcing labor standards in partnership with civil society: Can co-enforcement succeed where the state alone has failed? *Politics & Society* 45(3): 359–388.

- Fine, Janice, and Tim Bartley. (2019). "Raising the floor: New directions in public and private enforcement of labor standards in the United States." *Journal of Industrial Relations* 61 (2): 252-276.
- Fine, Janice, Gordon, J. (2010). Strengthening labor standards enforcement through partnerships with workers' organizations. *Politics & Society* 38(4): 552–585.
- Fine, Janice and Lyon (2017). Enforcing labor standards in partnership with civil society: Can co-enforcement succeed where the state alone has failed? *Politics & Society* 45(3): 359–388.
- Flores, L. A. (2015). The Willing Choice of Farm Labor in the UFW "Take Our Jobs" Campaign. In *Disturbing Argument* (pp. 83-88). Routledge.
- Flores, Yolanda. (2017). "Latino farmworker activism in Vermont: Migrant Justice/Justicia Migrante." *Latino Studies* 15 (4): 516-521.
- Gallardo-Vázquez, Dolores, and M. Isabel Sanchez-Hernandez. (2014). "Measuring Corporate Social Responsibility for competitive success at a regional level." *Journal of Cleaner Production* 72: 14-22.
- Gálvez, A. (2018). *Eating NAFTA: trade, food policies, and the destruction of Mexico*. Univ of California Press.
- Galvin DJ. (2016) Deterring wage theft: Alt-labor, state politics, and the policy determinants of minimum wage compliance. *Perspectives on Politics* 14 (2): 324–350.
- García, J. R. (2012). *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century*.

- Garriga, E., & Melé, D. (2004). Corporate social responsibility theories: Mapping the territory. *Journal of business ethics*, 53(1-2), 51-71.
- Gomberg-Muñoz, R. (2016). Hardship politics: The strategic sharing of migration stories. *Journal of Contemporary Ethnography*, 45(6), 741-764.
- Gordon, J. (2005). *Suburban sweatshops*. Harvard University Press.
- Gray, M. (2013). *Labor and the locavore: The making of a comprehensive food ethic*. Univ of California Press.
- Guidotti-Hernández, N. M. (2017). Affective communities and millennial desires: Latinx, or why my computer won't recognize Latina/o. *Cultural dynamics*, 29(3), 141-159.
- Hernandez, Trish, and Susan Gabbard. 2019. "Findings from the National Agricultural Workers Survey (NAWS) 2015-2016: a demographic and employment profile of United States farmworkers."
- Heyman, J.M. (1998). State Effects on Labor Exploitation: The INS and Undocumented Immigrants at the Mexico-United States Border. *Critique of Anthropology*, 18(2).
- Holt-Giménez, E. (2010). Food security, food justice, or food sovereignty? Food First Backgrounder. Institute For Food and Development Policy, 16 (4), 1-4. Retrieved from [https://foodfirst.org/wp-content/uploads/2013/12/BK16\\_4-2010-Winter\\_Food\\_Movements\\_bckgrndr-.pdf](https://foodfirst.org/wp-content/uploads/2013/12/BK16_4-2010-Winter_Food_Movements_bckgrndr-.pdf)
- Horton, S. B. (2016). Ghost Workers: The Implications of Governing Immigration through Crime for Migrant Workplaces. *Anthropology of Work Review*, 37(1), 11-23.
- Jamali, D. R., El Dirani, A. M., & Harwood, I. A. (2015). Exploring human resource management roles in corporate social responsibility: The CSR-HRM co-creation model. *Business Ethics: A European Review*, 24(2), 125-143.

Kades, V. (2019). Stress and stressors affecting Latino migrant dairy farmworkers in Vermont:

An exploratory analysis.

Kenna, Caleb and Chris Urban. 2009. "The Golden Cage." Middlebury, Vermont: Vermont

Folklife Center.

Leary, E. (2005). Immokalee workers take down Taco Bell. *Monthly Review*, 57(5), 11.

Leipziger, Deborah. 2018. "Protecting Rights at the End of the Line."

Mares, Teresa M. 2019. *Life on the Other Border: Farmworkers and Food Justice in Vermont*.

University of California Press.

Mares, Teresa. 2018. "Cultivating Comida: Dignity and devastation in Vermont's dairy

industry." *Journal of Agriculture, Food Systems, and Community Development* 8 (3): 1-4.

Mares, T. M., & O'Neill, B. (2019). "Cultivating Comida: A New Day for Dairy?". *Journal of*

*Agriculture, Food Systems, and Community Development*, 8(4), 1-4.

Massey, D. S., Durand, J., & Malone, N. J. (2002). *Beyond smoke and mirrors: Mexican*

*immigration in an era of economic integration*. Russell Sage Foundation.

McCandless, S. (2010). Conserving the landscapes of Vermont: Shifting terms of access and

visibility. (Doctoral dissertation: Obtained through personal communication). Clark

University, Worcester, MA.

McDonald, J. H. (1995). NAFTA and the milking of dairy farmers in central Mexico. *Culture &*

*Agriculture*, 15(51-52), 13-18.

Migrant Justice. 2019. "About the Milk with Dignity program."

Murray, G. (1996). Global 'who can I kill today?' capitalism: top business in the 90s. *Social*

*Alternatives*, 15(1), 26.

- National Academies of Sciences, Engineering, and Medicine, Di Blau, F., & Mackie, C. (2016). *The economic and fiscal consequences of immigration: A report*.
- National Agricultural Workers Survey (NAWS). Farmworker Ethnicity. US Department of Labor. Retrieved from: <https://naws.jbsinternational.com/2/2fwis.php>
- Orleck, Annelise. 2018. *"We are All Fast-food Workers Now": The Global Uprising Against Poverty Wages*. Beacon Press.
- Otero, G. (2011). Neoliberal globalization, NAFTA, and migration: Mexico's loss of food and labor sovereignty. *Journal of Poverty*, 15(4), 384-402.
- Outhwaite, O., & Martin-Ortega, O. (2019). Worker-driven monitoring—Redefining supply chain monitoring to improve labour rights in global supply chains. *Competition & Change*, 23(4), 378-396.
- Paspalanova, M. (2008). Undocumented vs. illegal migrant: Towards terminological coherence. *Migraciones internacionales*, 4(3), 79-90.
- Portes, A., Castells, M., & Benton, L. A. (Eds.). (1989). *The informal economy: Studies in advanced and less developed countries*. JHU Press.
- Radel, Claudia, Birgit Schmook, and Susannah McCandless. 2010. "Environment, transnational labor migration, and gender: case studies from southern Yucatan, Mexico and Vermont, USA." *Population and Environment* 32 (2-3): 177-197.
- Relinger, R. (2010). NAFTA and US corn subsidies: Explaining the displacement of Mexico's corn farmers. *Prospect Journal of International Affairs at UCSD*.
- Sassen, S. (1997). *Informalization in advanced market economies* (Vol. 20). Development Policies Department, International Labour Office.

Sawyer, S., Calderwood, L., Bothfeld, D., & Perkins, K. (2013). Farm to Plate strategic plan:

Appendix B - revitalizing Vermont's dairy industry. Montpelier, VT: Vermont

Sustainable Jobs Fund. Retrieved from:

[http://www.vtfarmtoplate.com/assets/plan\\_sections/files/Appendix\\_B\\_Revitalizing](http://www.vtfarmtoplate.com/assets/plan_sections/files/Appendix_B_Revitalizing)

Vermonts Dairy Industry\_MAY 2013.pdf

Schumacher-Matos, E. (2010). How illegal immigrants are helping Social Security. *Washington Post*, 3.

Sellers, R. S. (2009). "*Del Pueblo, Para El Pueblo*": *The Coalition of Immokalee Workers and the Fight for Fair Food* (Doctoral dissertation, University of Texas at Austin).

Shaw, R. (2010). *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century*. Univ of California Press.

Southern Poverty Law Center. "Injustice on Our Plates: Immigrant Women in the U.S. Food Industry." 2010. <https://www.splcenter.org/20101107/injustice-our-plates>

Thompson Jr, C. D., & Wiggins, M. F. (Eds.). (2009). *The human cost of food: Farmworkers' lives, labor, and advocacy*. University of Texas Press.

Vidal-Ortiz, S., & Martínez, J. (2018). Latinx thoughts: Latinidad with an X. *Latino Studies*, 16(3), 384-395.

Wang, Q., Parsons, R., Colby, J., & Castle, J. (2016). Value-Added Dairy Products from Grass-Based Dairy Farms: A Case Study in Vermont. *Journal of Extension*, 54(3), n3.

WSR Network. 2019. "What is WSR?"

Yates, M. (2009). *Why unions matter*. NYU Press.