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# The New York Times

National Edition

Florida: Clouds and sun. Isolated showers. Highs in 70s. Clear tonight. Lows in 40s and 50s north, 60s south. Partly sunny tomorrow. Weather map appears on Page A20.

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## After Long Fight, Farmworkers In Florida Win an Increase in Pay

By KRISTOFER RIOS

IMMOKALEE, Fla. — After fighting for more than a decade for better wages, a group of Florida farmworkers has hashed out the final piece of an extraordinary agreement with local tomato growers and several big-name buyers, including the fast-food giants McDonald's and Burger King, that will pay the pickers roughly a penny more for every pound of fruit they harvest.

Farm laborers are among the lowest-paid workers in the United States, and the agreement could add thousands of dollars to their income.

Though the hamburger chains and others agreed to the increase years ago, the money they have been paying — an estimated \$2 million now held in an escrow account — could not be distributed to tomato pickers until the state's largest trade association, which acts as a middleman, agreed to lift a ban preventing their farms from passing along the extra wages.

That happened in November, when the farmworkers' group, the Coalition of Immokalee Workers, and the Florida Tomato Growers Exchange, a trade association, completed details of a code of conduct that included not only the wage improvement but also guarantees of in-

Carolina Hidalgo contributed reporting.

creased workplace protections — like minimum-wage guarantees and a zero tolerance policy on forced and child labor — for the laborers.

Some labor experts said the agreement could set a precedent for improving working conditions and pay in other parts of the agriculture and food industries, nationally and worldwide.

"This can and will be extended to other areas of the agricultural industry," said Chris Tilly, director of the U.C.L.A. Institute for Research on Labor and Employment, who said this type of agreement was uncommon. "There are potentially interesting implications for supply chains that reach outside this country."

Tomatoes are a \$1.3 billion industry in the United States, and Florida farmers lead the nation, producing \$320 million worth of the crop, followed by California. Workers earn, on average, an estimated \$10,000 to \$12,000 a year. The new agreement could increase earnings to about \$17,000 if new buyers come to the table.

At least nine major buyers — including the Whole Foods Market supermarket chain, as well as McDonald's and Burger King — have been paying the penny-per-pound price increase. Still, some in the industry worry, the unusual agreement could be undermined

if enough buyers turn to competitors in California and Mexico willing to sell to markets at a cheaper price.

"We hope that socially responsible businesses will purchase tomatoes from our growers and not cheaper tomatoes from Mexican farm competitors," said Reggie Brown, executive vice president of the Florida Tomato Growers Exchange, a trade association that represents 80 percent of the state's tomato farmers. "Everybody in the system has to be invested for it to work."

Whole Foods supported the coalition because helping laborers earn a better wage was in line with the company's core values and did not cost much, said Karen Christensen, regional vice president.

"The impact of the penny per pound is a minimal addition to our purchase," Ms. Christensen said. "We have not seen a noticeable impact on the consumer."

Melissa Greenawald, vice president of the catering company Bon Appetit, which serves hundreds of colleges in the United States, said her company was paying more for tomatoes because it had a policy to work with agricultural companies that follow ethical practices. "Having a food system that keeps prices artificially low by enslaving workers is not acceptable," Ms. Greenawald



A market in Immokalee, a town that has long been home to many of the state's 33,000 tomato pickers.

wald said.

But not everyone is on board. Maria Brous, a spokeswoman for Publix Super Markets, based in Lakeland, Fla., said the extra money farmworkers want to be paid should come from the growers who employ them.

Regardless, Ms. Brous added, whatever the tomatoes cost, "customers will make their own purchasing decisions."

The Immokalee agreement is a result of a 15-year campaign for better pay and working conditions for the roughly 33,000 tomato pickers in the state. The Coalition of Immokalee Workers represents about 4,000 of those workers, but the agreement will cover all tomato pickers who work for growers that are

members of the trade association, as well as those employed by independent farms participating in the agreement.

The agreement between laborers, growers and buyers is unique because it resembles a legally binding contract that includes an accountability mechanism to ensure that tomato pickers will be treated and paid fairly, said Prof. Caroline Beitzinger-Lopez, director of the Human Rights Clinic at the University of Miami School of Law.

Cruz Salucio, a member of the Coalition of Immokalee Workers, said the agreement had created a new feeling of respect between workers and growers.

"In the past, the companies would shift blame to the contractors and wipe their hands clean of any complaints of abuse," Mr. Salucio said. "With these agreements, the growers have to work with us, and the workers can report abuses without fearing reprisals."

Immokalee, about 30 miles southeast of Fort Myers, has been drawing workers, many of them from Latin America, since the 1950s. The workers gather nearly every morning before dawn in a dusty parking lot in front of the La Fiesta No. 3 market waiting to board the buses that will ferry them to the fields.

Leonel Perez, a 25-year-old from Guatemala, has worked on farms since 2005, often pulling 16-hour days for relatively little pay. For the last four years he has also worked with the Coalition of Immokalee Workers to organize his peers.

"Even though it's a small increase, we see that they're treating us fairly," Mr. Perez said. "Now we're working comfortably, and contractors can't abuse their power or reprimand us unfairly."

# The New York Times

## The Opinion Pages

Editorial

### One Penny More a Pound

Published: December 3, 2010

Fair trade is finally coming to the tomato fields of Florida, where farmworkers have won a remarkable victory in a 15-year struggle for better pay and working conditions. Last month, they struck a deal with growers to raise workers' pay and to create an industry code of conduct, a health and safety program and a system to resolve worker complaints.

The agreement arose from a campaign organized by the Coalition of Immokalee Workers. The workers, mainly from Central America, Mexico and Haiti, were asking for a modest penny more per pound of tomatoes picked. Growers insisted they could not afford it.

The coalition tried the usual tactics — hunger strikes, marches, boycotts directed at the growers. But they also pressed major tomato buyers to pay for the raises themselves, by accepting a penny-per-pound surcharge on their purchases. That worked, first with Taco Bell, then McDonald's, then a long list of other companies in the fast-food and food-service industries.

The Florida Tomato Growers Exchange, which represents 90 percent of the state's tomato growers, still fought back, threatening huge fines against members who participated. The extra pay sat in escrow.

Then, in October, a family-owned producer, Pacific Tomato Growers, sided with the pickers. In November, the exchange relented. The supermarket chains — except for Whole Foods — are still refusing to participate.

For workers who lug two tons or more of tomatoes a day, a penny raise might bring a \$10,000 yearly income to \$17,000. A raise from abject to survivable poverty for 30,000 tomato pickers is a victory to welcome, but not rest upon.

Workers in Immokalee have defended their rights, but America's fields are still too often open-air sweatshops. Farmworkers lack federal labor protections like overtime pay and the right to organize. Most states do no better. A bill to expand farmworkers' rights languishes in Albany. The Immokalee victory won't impose fairness overnight, but after generations of exploitation, part of the farm industry is pointing in the right direction.

A version of this editorial appeared in print on December 4, 2010, on page A22 of the New York edition.



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BUSINESS | OCTOBER 13, 2010

## Major Grower to Join Wage Plan

After Years of Pressure, Tomato Producer Agrees to Pass Along Surcharge to Boost Field Workers' Pay

By EVAN PEREZ

A major Florida tomato grower agreed to join a program aimed at raising wages and improving working conditions for migrant fruit pickers, after years of boycotts and federal probes into the treatment of workers.

Family-owned Pacific Tomato Growers, one of the biggest U.S. producers, said Wednesday it would distribute to workers a penny-per-pound surcharge that major tomato buyers such as McDonald's Corp. have offered to pay for their product.

The agreement marks a milestone in a decade-long campaign by a Florida-based farm-workers group called the Coalition of Immokalee Workers to increase pay and improve working conditions in agricultural fields. The group has targeted major fast-food chains and food-service companies with protests and boycotts to pressure them to pay the surcharge.

### A Tomato Stew

Tomato buyers and growers have agreed to a surcharge to boost pickers' pay.



Federal investigators have likened abuses of farm workers to modern-day slavery. Since 1997, the Justice Department has prosecuted seven operations that allegedly abused hundreds of workers in Florida and elsewhere. All seven prosecutions ended with plea agreements or convictions and prison time.

Many of the workers are Central American or Mexican migrants, but some cases involve homeless U.S. citizens recruited from cities around the South. Prosecutors have alleged a range of abuses, from withheld pay to beatings to workers being locked inside farm trucks.

Growers typically hire contractors to supply laborers, and in most cases owners of farms say they aren't aware of abuses committed by recruiters. The Florida Tomato Growers Exchange, which represents growers, initially forbade its members from participating in pay-surcharge agreements, calling them illegal. The group has since begun its own "social responsibility" program, which it says involves using outside auditors who monitor contractors to ensure laborers are being paid proper wages and aren't mistreated.

Reggie Brown, executive vice president of the growers' group, said the surcharge would force consumers to pay higher prices for domestic tomatoes relative to Mexican imports. He said the abuse cases have unfairly tarnished growers who weren't involved in such conduct, and said the tactics of the workers' group are based on "inaccurate" information. "This type of tactic could be used against any company in corporate America. They'd be well advised to take note," Mr. Brown said.

Jon Esformes is operating partner of Pacific Tomato Growers, a fourth-generation family-owned company that is one of the five largest tomato producers in the country. He said his company decided to publicly agree to a deal with the farm-workers group to encourage other growers to help end abuses of workers.

"There have been continued abuses in agriculture throughout the country. By announcing this publicly, we hope to raise this issue as a public conversation," Mr. Esformes said in an interview.

The agreement signed by Pacific Tomato and the Coalition of Immokalee Workers allows for outside audits of working conditions for laborers. It is a U.S. version of the "fair trade" programs typically associated with developing countries.

Mr. Esformes said his company already has staffers who monitor contractors, but that he welcomed transparency to improve the image of tomato producers.

The penny-per-pound surcharge is the product of an unusual tactic the farm-workers group has used to pressure well-known consumer companies into increasing the price they pay for tomatoes. After years of unsuccessfully trying to pressure farm producers to negotiate better pay, the coalition took aim at name-brand tomato buyers.

Taco Bell was the first target. After four years of protests and boycotts, Taco Bell corporate parent Yum! Brands Inc. in 2005 agreed to pay the surcharge to suppliers that would be passed along to workers. Next, the farm workers group went after McDonald's, which signed a similar agreement in 2007, and then Burger King Holdings Inc. a year later. So far, nine corporate large-scale buyers of tomatoes, including Whole Foods Market Inc. and big food-service companies Aramark Corp. and Compass Group PLC, have signed fair-trade agreements.

Farm workers' wages vary widely, in part because they are paid mostly based on the amount of fruit they pick. The Florida Tomato Growers Exchange

says its members typically pay wages of between \$10.50 and \$14.86 per hour for harvesters. The Immokalee farm-workers group disputes those figures, saying workers are paid 50 cents for every 32-pound bucket of tomatoes, which it says yields annual pay of between \$10,000 and \$12,000.

Lucas Benitez, a former tomato worker who is a founder of the workers' group, said Wednesday's agreement helped "to create a workplace that meets high standards of social responsibility and human rights that will improve the lives of hundreds of workers that labor here."

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# Fla. Tomato Pickers Announce New Deal With Growers

Florida tomato pickers announce new deal with growers to improve worker conditions

By LAURA WIDES-MUNOZ AP Hispanic Affairs Writer

MIAMI October 13, 2010 (AP)

A group representing Florida farmworkers and one of the country's largest tomato growers said Wednesday they reached an agreement that will finally guarantee higher pay and better conditions for the workers.

The Coalition of Immokalee Workers has successfully pressured major chains like McDonald's, Taco Bell and Whole Foods to pay a penny more per pound of tomatoes, with the extra money going to the farmworkers. But the deal remained mostly on paper because Florida growers who supply the chains balked at implementing them.

The agreement announced Wednesday with Pacific Tomato Growers will be put into practice during the current growing season, which has already begun. The company employs about 1,500 workers at the height of the season. It sets up several measures, including:

- Establishing an accounting system to pay the extra penny to workers, with third-party auditing. (Farmworkers earn about 45 cents per 32-pound bucket picked.)
- Involving workers in implementing and promoting health and safety programs
- Creating worker-to-worker education program on employee rights
- Providing a system for workers to file complaints against their employers in which a neutral party can help resolve disputes.

Jon Esformes, an operating partner of Pacific, said in a statement that the company believes it is time to speak out publicly about working conditions in agriculture.

Palmetto-based Pacific is one of several companies owned by the Esformes and Heller families under the Sunripe Produce brand, and the agreement won't cover workers at Sunripe farms in California or Mexico.

"It is an absolute that farmworkers must have the same protections as people working in the white-collar world," Esformes said.

Former President Jimmy Carter, whose Carter Center in Atlanta has long supported the farmworkers, said the agreement "clearly demonstrates that significant improvements can be made that benefit all parties if there is open discussion between employers and workers."

Lucas Benitez, a co-founder of the coalition, lauded Pacific for coming to the talks with "an open heart."

Benitez said the deal is in many ways a first step.

"Today, Pacific and the CIW are embarking together on a road toward real social responsibility. And if that road leads us where we think it will, it will be a model for generations of farmworkers — and farmers — to come."

The coalition, which claims membership of about 4,000 mostly migrant workers, gained national attention in recent years when it reached deals with some fast-food chains. Its most recent deal came with food service giant Aramark, which agreed April 1 to provide 1.5 cents more per pound of tomatoes and to abide by a supplier code of conduct.



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## The Wall Comes Tumbling Down

Greg Kaufmann | October 18, 2010

It was an unlikely place to hear Abraham Joshua Heschel quoted, and the rabbi's words came from an unlikely messenger.

At a news conference on a farm outside of Immokalee in southwest Florida, Jon Esformes, operating partner of the fourth-generation <sup>[1]</sup>, family-owned Pacific Tomato Growers — one of the five largest growers in the nation with more than 14,000 acres in the US and Mexico—declared, “In a free society, few are guilty, but all are responsible.”

And with that he announced an agreement with the 4000-member Coalition of Immokalee Workers <sup>[2]</sup> (CIW) to implement a penny per pound pay raise <sup>[3]</sup>— which stands to increase workers' annual earnings from about \$10,000 to as much as \$17,000 <sup>[4]</sup>— and establish a code of conduct that includes an external complaint resolution system, shade and protective equipment in the fields, and a worker-to-worker education process on their rights under the new agreement.

“For us, you wake up and you realize that maybe this is something we could have done yesterday, but I am certainly not going to wait until tomorrow,” said Esformes.

For those who have followed CIW's decade-long fight to raise farmworkers' sub-poverty wages and remedy oppressive working conditions—including slavery <sup>[5]</sup>—this agreement marks the moment when a wall of denial maintained by the Florida agricultural industry came tumbling down.

When the Department of Labor reported “sub-poverty annual earnings,” the growers denied it, claiming tomato harvesters averaged \$12-\$18 per hour.

When the USDA described farmworkers as “among the most economically disadvantaged groups in the US” with “poverty more than double that of all wage and salary employees,” the growers maintained that they were performing a service by providing needed entry-level jobs.

When the Department of Justice worked with CIW to prosecute seven slavery operations <sup>[6]</sup> in Florida over the last fifteen years, resulting in the liberation of over 1,000 farmworkers, the growers claimed that these were isolated cases and there was no need for systemic reforms.

When a detective with the Collier County Sheriff's Office testified <sup>[7]</sup> in Congress that human

trafficking in Florida agriculture was “probably occurring right now while we sit here” and the growers “isolate themselves from what is occurring, and benefit from what’s going on,” the growers insisted they were victims of a sophisticated public relations campaign ginned up by CIW.

And when CIW attempted to talk to the growers, they simply refused. During a 1997 worker hunger strike, one grower told CIW co-founder Lucas Benitez that industry would never meet the workers’ single demand for dialogue.

“Let me put it to you like this,” said the grower. “The tractor doesn’t tell the farmer how to run the farm.”

Even when CIW won penny per pound pay raises and code of conduct agreements with the four largest fast food companies in the world, the three largest food service <sup>[8]</sup> companies, and finally, the largest organic grocer, the growers still stood in the way.

A Senate hearing <sup>[7]</sup> convened by Senator Bernie Sanders and the late Senator Edward Kennedy revealed that the Florida Tomato Growers Exchange (FTGE), representing 90 percent of the state’s growers, went so far as to declare that any members who implemented the pay raise would be fined \$100,000 for *every worker* who benefited. So millions of dollars in checks that buyers were cutting directly to the workers languished in escrow. An industry that had profited from 300 hundred years of forced labor <sup>[9]</sup> in Florida’s fields wasn’t about to allow its workers—who have no right to organize, no right to overtime, and no right to bargain collectively—to receive a pay raise from its customers, much less win a seat at the food industry table.

But standing in the crowded field during the announcement of this unprecedented agreement was the vice president of the FTGE himself, Pacific CEO Billy Heller.

“Pacific truly came to the talks that led to today’s announcement with an open heart,” said Benitez. “Without that spirit of partnership, it wouldn’t have been possible to even talk about the kind of changes contemplated in this agreement, much less hammer out the concrete systems necessary to make those changes real and sustainable.”

Senator Sanders, who has visited <sup>[10]</sup> Immokalee and held Congressional hearings to shed light on the workers’ struggle, saw the agreement as a model for the industry. “This historic agreement should finally put an end to the harvest of shame that has existed for far too long in Florida’s tomato fields,” he told me in an e-mail. “It is now past time for all tomato growers to participate in the penny-per-pound program and ensure that no tomato worker lives in extreme poverty or is forced into slavery.”

That vision is now shared by CIW and Pacific. With this agreement, a new standard for social responsibility and accountability in Florida’s tomato industry is set. There is no more room for denial, no more room for excuses. These two partners have finally opened the new chapter in Florida agricultural history that CIW has long been fighting for.

“The transgressions that took place are totally unacceptable today and they were totally unacceptable yesterday,” said Esformes. “Now is the time to ask responsible agricultural companies to join in the effort to bring positive change to our industry. It is an absolute that farmworkers must

have the same protections as people working in the white-collar world.”

**Source URL:** <http://www.thenation.com/blog/155437/wall-comes-tumbling-down>

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# Univ. of Florida Senate passes resolution calling on Publix to meet with tomato pickers

By Brett Ader | 02.01.11 | 1:55 pm | [More from The Florida Independent](#)

The University of Florida Student Senate approved legislation last week calling on Publix to meet with the Coalition of Immokalee Workers in an attempt to pressure the state's largest supermarket chain to adhere to the labor demands many other national grocers and fast food chains have agreed to in recent years. <#>

The resolution addresses a number of issues, including cases of modern day slavery in Florida's fields, and notes UF Student Senate support for a previous successful Immokalee Workers campaign against campus food provider Aramark and the fact that students make up nearly half of the population of Gainesville, which currently boasts 12 Publix locations. <#>

As reported by the [Alligator](#): <#>

“Justice is not 50 cents for a 32-pound bucket of tomatoes,” said Senator Cassia Laham, who helped draft the resolution. <#>

Oscar Otzoy, a member of the coalition, shared his personal experiences with the working conditions of the immigrant farm workers. His testimony was translated by Mark Rodriguez. <#>

“Our basic rights are not respected,” Otzoy said. “We receive wages which are below the poverty level. All we want is for Publix to do the same thing that other companies have done.” <#>

In November, [the Immokalee Workers celebrated a victory against The Florida Tomato Growers Exchange](#), a trade group representing 90 percent of tomato producers in the state. The group has led successful campaigns in recent years against Taco Bell, McDonald's, Subway and Aramark, who all agreed to a penny-per-pound wage raise — amounting to a nearly 50 percent increase in earnings per bucket of tomatoes picked for the average farmworker. <#>

Publix currently operates 735 stores in Florida, and in 2006 was ranked the 15th largest retailer in the U.S. The company has thus far refused to meet with the Immokalee Workers, who received the State Department's 2010 Hero Acting to End Modern-day Slavery Award. The group is set to launch its [“Do the Right Thing” campaign](#) later this month, drawing its motto from a [business philosophy](#) espoused by Publix CEO William “Ed” Crenshaw: <#>

Obviously, my hero in the business world has been and will always be George Jenkins, “Mr. George,” the founder of Publix and my grandfather. He was a genius with the unique ability to combine a keen business sense with his love and appreciation for people. He started Publix to make a living, but his drive for success was the result of his competitive spirit and his desire to help others. I doubt it was ever to grow his personal wealth, which is why our company is associate owned today. Much of his joy was seeing others succeed and grow. George Jenkins set a wonderful example for me and taught me many valuable lessons, but the one that stands out, and the one I think about most often is very simply, “don’t let making a profit stand in the way of doing the right thing.” <#>

Publix has also taken criticism in recent weeks following a company spokesman’s comments in December on the issue of harsh labor standards in Florida’s tomato fields. <#>

Via a recent [Palm Beach Post](#) letter to the editor: <#>

In South Florida, deemed “ground zero for modern slavery” by a chief assistant U.S. attorney who has prosecuted multiple servitude operations, we need look no further than our local supermarket to find indifference to the plight of Floridians held against their will. Publix, a major buyer of Sunshine State produce, recently made known its lack of concern for abuse in its supply chain. When asked by The Bulletin in Alabama last month about exploitation on the farms where it buys its produce, Publix spokesman Dwaine Stevens responded: “If there are some atrocities going on, it’s not our business. Maybe it’s something the government should get involved with.” <#>

The UF resolution ends with the following: <#>

The University of Florida Student Senate urges Publix to meet with the CIW and agree to improve the wages and working conditions of the Florida tomato pickers in its supply chain by agreeing to pay at least one penny more per pound for its tomatoes – to be passed directly to the workers – and, together with the CIW, implement an enforceable, human rights-based Code of Conduct for its supply chain. <#>

Read the resolution in full: <#>

[UF Student Senate Resolution Calling on Publix to Meet with the CIW](#) <#>

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