

Getting Your Farm Ready To Be an ***Attractive and Safe Place to Work***

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Fair farming
is
sustainable business

IFOAM Principles of Organic Agriculture

(International Federation of Organic Agriculture Movements)

FAIRNESS

Organic Agriculture should build on relationships that ensure fairness with regard to the common environment and life opportunities.

*Fairness is characterized by **equity, respect, justice and stewardship of the shared world**, both among people and in their relations to other living beings.*

*...those involved in organic agriculture should conduct human relationships in a manner that **ensures fairness at all levels and to all parties** – farmers, workers, processors, distributors, traders and consumers. Organic agriculture should provide everyone involved with a **good quality of life**, and contribute to **food sovereignty** and **reduction of poverty**...*

Defining justice & fairness

Fairness on farms means...

Farmers get a fair price

covering costs of production, living wages for all farm employees and farmers, and investment in the future of the farm.

Fair, negotiated, long-term contracts & agreements

Freedom of association for farmers and workers. Collective bargaining, basic workplace democracy, and shared leadership. Customers and buyers share risks of farming.

Living wage, dignity & respect, and basic elements of social safety net for all

Health, safety, wellness, and opportunities for personal growth & development. Financial stability. Reciprocal workplace and business relationships attend to everyone's needs. Equitable process for resolving grievances.

Children not exploited, protected from hazards

Work hours negotiated & limited, allow time for rest, social life, and recreation

Going beyond **legal** to **fair**

AJP's Food Justice Certification (FJC)

A gold standard for fairness on farms



Summary of FJC standards for [farm workers](#) & [farmers](#)



Labor law & workers' rights

Federal definition of **farm work**

the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market

Do I have to pay **overtime**?

Workers engaged in agricultural employment for **100% of the workweek** are “exempt” from overtime.

However, farm employees who perform **non-agricultural work** involving products not grown by their own employer must be paid overtime. This includes workers who sell gift items in a retail shop operated by a nursery, or who pack fruit grown by a neighboring farmer, must be paid overtime if they work more than 40 hours in the same workweek.

Workers' basic rights

- **Be paid** minimum wage and overtime on regular paydays.
- **Work free from discrimination** based on race, color, ethnicity, gender, sexual orientation, disability, being pregnant, or age.
- **Safe workplace** that does not pose a risk to your health or safety.
- **Workers' compensation** if you are injured on the job or get sick due to work. Cost and insurer vary by state (NY, RI –both state and private, MA, NJ, VT, CT, NH – private only.) In Ohio -Ohio Bureau of Workers' Compensation
- **Work free from sexual assault or harassment.**

Laws covering farm work

Workers' basic rights

- All workplace rights apply to all workers regardless of immigration status:
Undocumented workers have the same rights as any other worker.
- Time that is **mandatory & directly related to the worker's job** must be paid (training, travel from work area to work area)
- Employer cannot make any deduction from wages, unless:
required by law (taxes, child support orders), OR
worker agrees in writing & it is for the benefit of the worker
- Agricultural work does not have to be compensated at time and a half for overtime over 40 hours a week. However, when farmworkers do **non-agricultural work**, the farm must pay **time and a half**. (A few states – CA, NY, WA – have started requiring overtime for all farm work.)

Laws covering farm work

Workers' basic rights

Farm workers must be provided written information on wages and working conditions in language they understand.

Agriculture employers must keep accurate and complete payroll records. Records must include:

- Employee's full name
- Social Security Number
- Address
- Birth date, if younger than 19
- Sex and occupation
- Time and day of week when workweek begins
- Hours worked each day
- Total hours worked each workweek
- Basis on which employee's wages are paid
- Regular hourly rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from wages
- Total wages paid each pay period
- Date of payment and pay period covered by the payment

Workers' basic rights: Concerted Action

- Workers have the right to engage in **concerted action for mutual aid or protection**.
- Anytime an employee is going to talk to the employer about a workplace problem go with a co-worker, or on behalf of other workers
- Employers cannot **interfere with, restrain, or coerce** this right.
- Both **union & non-union workers** have this right.

Federal laws covering farm workers

- The Immigration and Nationality Act (INA)
- The Fair Labor Standards Act (FLSA)
- The Migrant and Seasonal Agricultural Worker Protection Act (MSPA)
- Occupational Safety and Health (OSH)

Requirements for having an employee

Personnel Records you must keep

- A. **US Form I-9**, Employment Eligibility Verification, filled out upon hiring
- B. **IRS Form W-4**, tax withholding, updated annually
- C. **Signed work agreement or written contract** including rights and responsibilities as employees, terms and conditions of employment, grievance procedure, and disciplinary procedure.

Payroll records include records of hours worked. Must pay weekly or in full after 2 weeks



From Legal to Fair

Freedom of Association

The right of workers to raise work-related concerns, negotiate terms of their employment, and lodge complaints or grievances without any employer reprisals.

This can be on an individual basis, in small groups, or collectively. It can be informal (such as workers simply coming to the employer or supervisor with concerns or requests) or formal (such as unionization and related collective bargaining) or anything in between – all based on the wishes and decisions of the employees themselves.

Going beyond **legal** to **fair**

Firing only for just cause

No employee who has completed a probationary period shall be discharged or otherwise disciplined without just and sufficient cause...

The farm has policies for appropriate workplace behavior. Minor first-time violations of farm policy will result in a verbal warning. Second offenses and more serious first time offenses will result in a written warning. Written warnings will be presented to the worker, reasons for the action will be discussed, and the worker will be asked to sign a copy of the written warning. The third offense will result in the termination of employment and the employee will be ineligible for rehire. The employee has the right to have a representative of their choosing present during discharge or disciplinary action.

Employment At-Will vs. Just Cause

Typical policy on farms: “At Will”

*“[Farm Name] exercises the At Will employment status provided to it in.... ‘At Will’ means that an employee’s employment with [Farm Name] is entered into at his/her own will and they are **free to resign at any time.** Similarly, [Farm Name] **may terminate his/her employment at will and with or without cause.** Only the [Title] of [Farm Name] (and then only in a signed writing) has the authority to enter into any agreement on behalf of [Farm Name] providing employment for any specified period of time or pursuant to any particular conditions, or to make **any agreement contrary to the at-will policy** expressed in this Handbook.”*

Michigan State Extension Farm Employee Handbook

Employment At-Will vs. Just Cause

Just Cause: Employer must provide...

Expectations of performance, behavior

Process for **discipline & termination**

Process for **conflict resolution & grievances**

Transparency about employees' status

Option of **probationary period** for new hires

Going beyond **legal** to **fair**

Food Justice Certification standards

Employers pay **living wages** OR share the farm's accounting with workers and **make a plan** to achieve living wages

Benefits: workers compensation, unemployment insurance, disability insurance, paid sick leave, and parental leave (paid or unpaid)

Disciplinary process that allows workers the chance to know and respond to the employer's expectations

Employees have **access to personnel files**, including all disciplinary records and evaluations

Going beyond **legal** to **fair**

Food Justice Certification standards

Evaluations at least once a year

Written policies for **conflict resolution** and grievances

No retaliation for whistleblowing, making a complaint, or raising concerns

Normal workweek is **48 hours or less; overtime is voluntary**

At least **one day off per week**

Seniority: right to return next season if in good standing

Going beyond **legal** to **fair**

Food Justice Certification standards

Health and safety training

Use only materials approved for organic production, **no toxic chemicals**

No full time employment for **minors under 16**

Written learning contracts for interns/apprentices

Going beyond **legal** to **fair**

FJC standards for buyers

Farmers enjoy **freedom of association** & **collective bargaining**

Fair prices, covering costs of production

Agreements are **negotiated** with farmers in good faith

Defined **conflict resolution** process

Agreements terminated only with **just cause**



Fair Pricing, Profits, & Revenues

Going beyond **legal** to **fair**

Fair pricing

Farmers and researchers have focused on production

Farmers have little say in setting prices

Myth of **cheap food**

Definition of a **fair price**:

*Farmers receive a price for the products that covers the **costs of production**, including **living wages** for the farmer and all employees, plus a surplus for **savings, investment** in the farm, and **retirement***

Calculating Production Costs

Hard to set price without knowing **costs**

Hard to know which crops most **successful** financially

Toolkit includes [financial trainings/resources](#)

Best guide we have found:

The Organic Farmer's Business Handbook: a complete guide to managing finances, crops, and staff – and making a profit, Richard Wiswall, 2009.

What is profit?

Profit = income – expenses

Profit ≠ farmer's salary

Corporations **pay salaries** for employees (including executives) including **benefits**

Profit = what is left after **all costs paid**

Farmer's salary is a **business cost**

You can **plan for profit**

Records you need

Income, sorted by market

Expenses

Crop by crop: how much time for soil preparation, seeding, greenhouse propagation, transplanting, cultivation, irrigation, harvesting, washing, sorting, packing, selling (delivery, farmers market, CSA), post harvest residue handling and cover cropping

Records you need

Machinery costs – tractors & implements

Labor costs – taxes, workers comp, non-assigned time, other benefits

Land costs – rent or taxes

Overhead costs – office, insurance, management, maintenance, depreciation, utilities, professional development, website and advertising, professional services (lawyer, accountant)



Health, Safety, & Wellness

Multiple dimensions of **SAFETY AT WORK**

Physical health & safety

Ergonomics & healthy movement

Relationships, mental & emotional wellness

Freedom from harassment & abuse

Clear work assignments

Each farm employee is an essential part of our farm system. It is important to remember that no matter how simple, tedious, or insignificant a task may appear, everything that you do is important to the overall success of the farm. Each employee has a focus area on an aspect(s) of the farm. We often work as a team on projects and there will be some overlap between the different aspects. It is important to communicate so everyone is getting the full picture, including updates, so that we are stronger as a whole, and we all can be helpful in all realms.

from the AJP's [Model Handbook for Employees](#)

Sexual harassment – [link to EEOC](#)

Sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Further resources

NY Center for Ag Medicine & Health – nycamh.org

[AJP Farmer toolkit](#)



Living wages

Defining a living wage

A living wage covers all your expenses: housing and utilities, food, healthcare, childcare, transportation, and a small amount for savings.

If employers are unable to pay a living wage, workers have a right to understand why. Employers must also make a plan to achieve living wages and increase wages as revenues increase.

Calculating a living wage

Living Wage | calculatorArticlesAboutFAQ

Living Wage Calculation for Hocking County, OH

The living wage shown is the hourly rate that an **individual** in a household must earn to support his or her family. The assumption is the sole provider is working full-time (2080 hours per year). The tool provides information for individuals, and households with one or two working adults and zero to three children. In the case of households with two working adults, all values are **per working adult, single or in a family** unless otherwise noted.

The state minimum wage is the same for all individuals, regardless of how many dependents they may have. Data are updated annually, in the first quarter of the new year. State minimum wages are determined based on the posted value of the minimum wage as of January one of the coming year (National Conference of State Legislatures, 2019). The poverty rate reflects a person's gross annual income. We have converted it to an hourly wage for the sake of comparison.

For further detail, please reference the [technical documentation here](#).

	1 ADULT				2 ADULTS (1 WORKING)		
	0 Children	1 Child	2 Children	3 Children	0 Children	1 Child	2 Children
Living Wage	\$15.37	\$28.71	\$35.76	\$47.63	\$23.69	\$28.32	\$32.99
Poverty Wage	\$6.19	\$8.38	\$10.56	\$12.74	\$8.38	\$10.56	\$12.74
Minimum Wage	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30

Living Wage | calculatorArticlesAboutFAQ

Living Wage Calculation for Columbus, OH

The living wage shown is the hourly rate that an **individual** in a household must earn to support his or her family. The assumption is the sole provider is working full-time (2080 hours per year). The tool provides information for individuals, and households with one or two working adults and zero to three children. In the case of households with two working adults, all values are **per working adult, single or in a family** unless otherwise noted.

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	1 ADULT				2 ADULTS (1 WORKING)			
	0 Children	1 Child	2 Children	3 Children	0 Children	1 Child	2 Children	3 Children
Living Wage	\$16.09	\$32.59	\$41.91	\$56.04	\$25.12	\$29.92	\$35.49	\$38.99
Poverty Wage	\$6.19	\$8.38	\$10.56	\$12.74	\$8.38	\$10.56	\$12.74	\$14.99
Minimum Wage	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30	\$9.30

Calculating a living wage

See livingwage.mit.edu

By county or metro area

Add 10% for savings

*Note: MIT data may not be up-to-date, so we
recommend the [AJP's calculator worksheet](#)*

Ways to reduce risk, raise revenues

Diversify crops & markets

Reduce costs of production, eliminate crops sold at a loss

Increase **direct sales** – no middleman

Season extension

Cooperative marketing

Values-based marketing & community relations

Increase worker **efficiency, engagement, & buy-in**

Raise wages, improve working conditions to **attract & retain workers,**
reduce on-boarding & training costs, reduce injuries & burnout

A photograph of two men working in a field of green and purple leafy plants. The man on the left is wearing a black cap and sunglasses, and the man on the right is wearing a straw hat and a white shirt. They are both leaning over the plants, which are growing in rows. The background is a blurred field of trees.

Evaluations & Skill development

Evaluations

What to include

Appreciation

Check in on how things are going

Refer to previous evaluation if goals were included to check on progress

Problems that may have arisen

What additional skills are sought?

Ask for reflections on management – two way evaluation

See also [Real Talk](#) (Soul Fire Farm) - peer feedback



Conflict resolution

Conflict Resolution Guidelines: A Quick Guide

Conflict is inevitable when people work together.

We have different beliefs, life experiences, and values. It is critical to the smooth workings of a farm that the people who work there take the time to resolve conflicts in a respectful way. When conflict occurs, harm comes to the community, not just the people immediately involved. Work to resolve conflicts in ways that contribute to the health and harmony of the entire farm community.

Adapted from materials from the Olympia Washington Food Coop

Included in the AJP's [Model Handbook for Employees](#)

Conflict Resolution Guidelines: A Quick Guide

Here are some suggestions to get started:

Treat the other person with respect.

Sarcastic, condescending, and angry tones of voice block communication and create wounds that can fester for years.

Meet in a calm, neutral space.

Conflict Resolution Guidelines: A Quick Guide

Step 1

- Maintain confidentiality
- Confront the problem
- Define the conflict
- Acknowledge power imbalances
- Keep the goal of resolution in mind
- Evaluate, adjust as necessary

Step 2

- Meet with supervisor if necessary

Step 3

- Get help from trained mediators

Conflict resolution

Further resources

Community Agreements

[Soul Fire Farm](#)

[Rock Steady Farm](#)

Faves from AJP Farmer Toolkit

[Courageous Conversations](#) & [Real Talk](#) (Soul Fire Farm)

[From Conflict to Cooperation](#) (uk.coop)

[In It Together: A Framework for Conflict Resolution...](#)
(Dragonfly Partners)

Agricultural Mediation Programs (eg, [RSI](#), [NYSAMP](#))

Resources from the AJP

See linktr.ee/ajpworkshops for all links & presentation

Technical assistance: jon@agriculturaljusticeproject.org

Take a [self-assessment survey](#), get a report + resources

AJP's [Farmer toolkit](#)

[Model handbook for employees](#)

[Health & safety plan template](#)

[Food Justice Certification](#)

Thank you!



Questions?