



The Agricultural Justice Project Revisions to the Food Justice Certified Standards 2019 Version 4

The Agricultural Justice Project (AJP), has published a revised version of our [Social Stewardship Standards for Farms, Ranches, and Other Food and Agriculture Businesses](#) (Spanish version being finalized). These are the standards for our Food Justice Certification program.

The objectives of AJP's standards are to:

- provide a concrete set of requirements for operating a fair and just farm or business;
- demonstrate a successful stakeholder-driven and governed process for setting the standards for what is defined as fair and just;
- ensure the bar set by these standards is both high, verifiable, and feasible for the smaller and mid-size farm and food businesses to adopt;
- maintain a transparent process of standards setting;
- reach consensus across sectors on the final standards as a method for balancing decision-making power;
- give eaters a market-based way to incentivize and support farms and businesses that are treating their workers and the farms they buy from fairly; and
- inspire change in our food system that will lead to all the people who work to feed us being respected, honored, and able to have a decent quality of life doing this work.

This is the fourth set of revisions to the Food Justice Certification Standards. AJP engages in revisions approximately every five years and does its best to adhere to the [guidelines of the ISEAL Alliance](#), the global association for credible sustainability standards. AJP staff and board reach out to stakeholders regarding their opportunity to comment on the standards, compile comments, complete a full revised draft, solicit a 2nd round of comments on the revision second draft, revise again if needed, and provide a public explanation of the decisions on changes. Many stakeholders, including farmers, farmworkers, co-op grocery store staff and other food system workers and organizations, contributed suggestions during two public comment periods. A diverse team of stakeholders, including farmers, farmworkers, a certifier, and a food co-op staffer, serve on the AJP governance committees and are responsible for writing the revisions, reviewing the changes and comments and suggesting edits and improvements. Decisions are made via consensus by all three of AJP's governance bodies (the Advisory Council, the Standards Committee and the Board). Comprehensive list of all [AJP governance stakeholders 1999-2019](#).

The changes to the FJC Standards come from AJP's experience with certifying and providing technical assistance to farms and food businesses, from stakeholder suggestions, from changes in labor law, from developments in the National Organic Program, as well as various certification programs for sustainable agriculture, and from comparing our standards with other high bar

domestic fair trade programs. The participation of the stakeholders and the consultation of other high bar fair trade standards has led watchdog organizations to evaluate AJP's Food Justice Certification standards at the highest level. Part of our role has been to use the rich and comprehensive fair labor and trade standards stakeholders insist on to advise other standard holders and corporate responsibility programs, which in some cases, have made important improvements as a result of our input.

Transparency is an important part of our justice work. Our [standards revision webpage](#) has documentation of the process for the revisions, as well as the comments received in both public comment periods and AJP's official responses to comments (available in both English and Spanish).

The AJP standards meet the highest level of Regenerative Organic Certification (ROC) allowing a Food Justice Certified entity to qualify for the ROC gold label. AJP's Food Justice Certification is one of the qualifying certifications for the fair component of the Real Food Challenge and qualifies suppliers as meeting the valued workforce criteria at level 2 of the Good Food Purchasing Program Standards.

The changes in this fourth set of revisions include fine tuning to clarify the language, as well as an extensive revision to the pathways to certification which outlines the environmental and management practices allowed and required in FJC. In the introductory section on Farmworker and Food System Worker Rights, we sharpened our emphasis on the importance of limiting exposure to all toxic and natural hazards and on planning and training in health and safety. It also includes clarification of requirements regarding overtime hours and added a requirement of providing paid sick leave for both farms and food businesses (previously encouraged). This set of revisions includes a new section that outlines additional requirements for non-profits (including non-profit farms) and non-profit co-operatives. AJP added new definitions of toxic materials and farm hazards, agroecological sustainability, hired labor, farm work, buyer, GMOs, cloning, transparency, democratic process, Material Safety Data Sheets, nanotechnology, transparency, whistleblower, working time, and continued to refine our understanding of the meaning of family-scale farms, as well as refining some other definitions.

We added an explanation of the kinds of farms that AJP supports to clarify that size in acreage or sales is not the most important factor, but rather who is in control and who benefits:

AJP aims to support farms that

- Conserve resources and contribute to a clean environment,
- Provide conditions of dignity, respect, safety, living wages for the people who work on them,
- Treat livestock humanely,
- Set fair pricing, and
- Are embedded in and contribute to feeding their local community and where the people doing the work have control over the resources necessary to farm successfully.

These are all possible on a farm where one person or one family lives and works, or on a farm with one hundred hired employees, or on a co-operative farm with any number of co-operating partners.

Specific and Substantive Revisions Made in the 2019v3 Standards for Food Justice Certification

Changes to the standards include the following.

1.0. Food Business Responsibilities to Farmers Introduction

Additional language in introduction to clarify that this section applies to non-farm food business entities - processors, brokers, brandholders or retailers - that buy directly from farmers.

1.1.1. Freedom of Association and Collective Bargaining (buyer responsibility)

(e.) Added that buyers must work with already existing farmer associations or groups when negotiating (if the groups already exist) and not circumvent them.

1.1.2. Negotiating Process (buyer responsibility)

Added (a.) that buyers may not offer farmer a ‘take it or leave it’ prices and must inform farmers of access to transparent and open negotiating process regarding pricing.

1.1.6. “Right to Know” and “Good Faith” clauses for farmer contracts and/or marketing agreements (buyer responsibility)

Added item 1. that prevents buyers from requiring that farmers who have lost crop due to weather extremes make up the contracted amount by purchasing from other farms. (to align with ROC requirements). Also revised language in (c.) and (e.).

1.1.8.a., 2.4, 3.1.5.a, 4.1.5.a, 7.4.a. Anti-Discrimination (buyer, farm, food business, and non-profit responsibilities)

Addition of “pregnancy” to all the sections that have non-discrimination clauses and changed term in b from “must not display favoritism” to “must not discriminate.”

1.1.9.b., 3.1.6.g., 4.1.6.g., and 7.4.b. Human Relations (buyer, farm, food business, and non-profit responsibilities)

Added language regarding ban on retaliation against whistleblowers with a lengthy explanation of the types of reports that might be made under this protection.

1.1.12. Right to Save Seed (buyer responsibility)

Added new standard that buyers must not limit farmers’ right to save and re-use seed or require use of varieties that are covered with intellectual property patents which would limit farmers’ right to save seed.

1.2.2.a. Minimum Price Fairness Protection (buyer responsibility)

Added how minimum price can be determined in cases when costs of production are not known.

1.2.7. Payments, penalties, and deductions (buyer responsibility)

Strengthened language by adding: (a.) Buyers will make payments in a timely way.

Added a suggested standard: buyers may provide farmers with a sourcing plan with estimates of future purchases (not required but suggested as a possible action to meet the continuing improvement requirement).

1.4.4., 2.1.1, 5.1.5.m. & n., and 6.10.b. Honest Audits (buyer, farm, food business, and grower group responsibility)

Additional new standard on honest audits, including auditor access to documents & prohibition of offering bribes (to align with ROC requirements).

1.6., 3.8. 4.8., and 5.6. Community Relations (farm, food business, and grower group responsibility)

Change to make engaging in beneficial community relations a requirement rather than a recommendation with suggested types of community engagement including: hiring and training local people, purchasing from local and regional suppliers, promoting fair labor practices and living wages through community, and supporting local schools, health and social services, cultural events, language and translation services.

2.8. Fair Trade Relationship (buyer/farmer responsibility)

Clarified that if a buyer has paid for a farm's certification and the farmer chooses to sell farm products to other buyers, the farmer and buyer must negotiate a fair arrangement regarding payment or reimbursement of the costs of certification.

3.1.1.a.i.-iii. and 4.1.1.a.i.- iii. Freedom of Association (farm and food business responsibilities)

Added (ii.), which lists the ways that employers might interfere with employees' freedom to organize themselves, and (iii.) Which states that employers do not institute unions or alternative associations and do not utilize protection contracts.

3.1.4.d. and 4.1.4.d. Transparency and Full Disclosure (farm responsibilities)

Added clarification that hiring and negotiation practices must be transparent and readily understandable.

3.1.6.b. and 4.1.6.b. Human Relations (farm and food business responsibilities)

Added that employer is responsible for disciplining personnel, including supervisors, who engage in any sort of harassment or abuse.

3.1.7.b. and 4.1.7.b. Regular Performance Reviews (farm and food business responsibilities)

Added that employees will have opportunity to provide feedback to employer/supervisors during evaluations.

3.1.8.a. and 4.1.8.a. Recruitment (farm and food business responsibilities)

Added: If the employer uses agencies to recruit employees, such agencies must be in compliance with all legal requirements. Use of a recruitment agency is permitted without restriction as long as the employer/farmer directly hires the employees, according to 3.1.9. Any labor brokerage fees must not be passed on to the employee to pay back.

3.1.9.c. & d. Direct Hiring and Permanent Positions (farm responsibilities)

Added both (c.) requiring farmer to set up a committee of employees to advise on labor decisions should the farm need short-term labor and (d.) that farm must not use part-time contracts to avoid hiring full-time positions or reduce the hours of fulltime employees to hire part time employees and includes thresholds.

3.1.10. Labor Contractors (farm responsibilities)

Added (a.) that farm must consult with the labor committed established in 3.1.9.c if sudden short term labor need emerges and how to proceed. Added (h.v.a.) which stipulates the documentation needed in order for farm to be granted an exemption to allow use of a labor contractor.

3.1.15. and 4.1.14. Training and Capacity Development (farm and food business responsibilities)

Added (f.) that all required trainings are on the clock and (g.) that employer works with employees to develop opportunities for capacity building and development for the employees and provides suggestions.

3.1.16. Volunteers (farm responsibilities)

Added this new standard (a.) to ensure respectful treatment of volunteers on the farm & (b.) posting this commitment where visible.

3.2. Child Labor (farm responsibilities)

(f.) was revised to clarify that farmers will make arrangements (which is more flexible and includes more options than previous standard) for childcare for workers living on the farm with young children.

3.2. and 4.2. Child Labor (farm and food business responsibilities)

Added new standards (g.) requiring written statement accessible to all staff that outlines the protections and prohibitions for minors working on the farm or at the food business.

3.3.1. and 4.3.1. Living Wages (farm and food business responsibilities)

(a.) Clarification that living wages must be based on the regular work week (40 or 48 hours, depending on FLSA work classification) and that regional or city-specific surveys can be used to determine the level of the living wage. The living wage is based on one individual and does not depend on the number of dependents, but we added an encouragement to employers to make adjustments based on dependents as a voluntary improvement. (b.) that part time workers must be paid an hourly rate that would equal a living wage for one individual at the full time equivalent of the rate. And (c.) that they receive same benefits as full time employees but pro-rated (e.g., based on their FTE), (h.) and (m). *prohibit double set of records and off clock requirements*, and added some optional practices.

3.3.3.d. and 4.3.3.d. Right to Benefits (farm and food business responsibilities)

Changed sick leave requirements. Previously only unpaid sick leave was required. Now: revision requires paid sick leave at 1 hour paid sick time for every 30 hours worked unless more is required by state, regional, provincial, or federal law.

3.3.4. and 4.3.4. Day of rest and overtime (farm and food business responsibilities)

These standards has been extensively revised to clarify requirements regarding maximum work hours, required versus voluntary overtime, and documentation of such. Therefore, the entire standard for each section is pasted below with the extensively revised sections highlighted in gray.

3.3.4. Day of rest and overtime (farms)

Employer/farmer will abide by regional employment laws. However, the following conditions must be met at a minimum even if regional laws do not cover workers or if laws are weaker than the following standard:

- a. Employer/farmer must comply with all laws pertaining to overtime and total hours worked per week, as well as the standards outlined here.
- b. The sum of regular and overtime hours shall not exceed 72 hours or the maximum allowed by law, whichever is less. Exceptions may be allowed in certain scenarios, such as during seeding and harvest (may not exceed three consecutive weeks), particularly for perishable crops as long as workers willingly engage in additional hours of labor and this is documented. If this total exceeds 60 hours per week, this does not occur for more than six months per year.
- c. Employer/farmer will provide all employees at least one day of rest out of every seven.
- d. Time lost due to machine stoppage and other events beyond the control of the employee other than adverse weather conditions will be fully remunerated even for short-term hourly paid labor.
- e. Employer/farmer will not require a worker to work more than 48 hours per workweek. Work beyond this is considered voluntary overtime and must be agreed to by the worker.
- f. Employer/farmer must develop an overtime policy (in negotiations with employees or their democratically chosen worker representatives if they so choose, free from employer/farmer influence or intimidation). This policy must:
 - i. Make clear the employee's opportunity to choose to work voluntary overtime.
 - ii. If an employee has accepted a work agreement in which the employer/farmer clearly states that overtime hours may be occasionally required, this overtime policy must make clear the boundaries on those overtime hours. Employees must not be required to work excessive overtime, or overtime on a consistent week after week basis.
 - iii. Make clear the terms for overtime pay and explain a clear path of continual improvement toward providing overtime pay (time and a half) when it is not required already by law.
 - iv. Make clear that voluntary overtime hours (and required overtime hours for employees that have agreed to them) will be well documented and this documentation will be shared with employees at their request.

- g. Employer/farmer will plan for and make every effort to provide alternative work to employees during otherwise unproductive time due to poor weather conditions.
- h. Employees must know if overtime is mandatory before signing an employee agreement or taking a job.
- i. Special consideration must be given regarding overtime requirements for employees who have children they must be home to care for.
- j. Employer/farmer must not retaliate or otherwise discriminate against employees for refusing voluntary overtime hours.
- k. In case of seasonal peak times, deadlines, or other urgent needs for overtime work, only those employees who have previously agreed to work overtime may be required to work overtime. This overtime work must be of a reasonable amount and must be carried out according to terms previously agreed upon in the work agreement or contract. Employees who have not agreed in their work agreement or contract to work overtime must not be required or otherwise pressured to work overtime. Instead, these employees may be offered a choice to do so. (Employer/farmer should seek to explain the need for overtime work to employees and agree upon a workplan that accomplishes the work and compensates employees fairly.)

4.3.4. Day of rest and overtime (food businesses)

Employers will abide by regional employment laws. However, the following conditions must be met at a minimum even if regional laws do not cover workers or if laws are weaker than the following standard:

- a. Employer must comply with all laws pertaining to overtime and total hours worked per week, as well as the standards outlined here.
- b. Employer will provide all employees at least one day of rest out of every seven.
- c. Time lost due to machine stoppage and other events beyond the control of the employee other than adverse weather conditions are fully remunerated even for short-term hourly paid labor.
- d. Employers will not require a worker to work more than 40 hours per workweek. Work beyond this is considered voluntary overtime and must be agreed to by the worker.
- e. Employers must develop an overtime policy (in negotiations with employees or their democratically chosen worker representatives if they so choose, free from employer influence or intimidation). This policy must:
 - i. Make clear the employee's opportunity to choose to work voluntary overtime.
 - ii. If an employee has accepted a work agreement in which the employer clearly states that overtime hours may be occasionally required, this overtime policy must make clear the boundaries on those overtime hours. Employees must not be required to work excessive overtime, or overtime on a consistent week after week basis.
 - iii. Make clear the terms for overtime pay.
 - iv. Make clear that voluntary overtime hours (and required overtime hours for employees that have agreed to them) will be well documented and this documentation will be shared with employees at their request.

- f. Employers using exempt status salaried employees must have a policy in place stating the expected workload for each exempt employee and the accuracy of the stated workload should be evaluated annually during the employee's annual evaluation.
- g. Overtime is paid at time and a half.
- h. Employers will plan for and make every effort to provide alternative work to employees during otherwise unproductive time due to poor weather conditions.
- i. If accommodation or other in-kind remuneration is offered, worker can choose freely between in-kind and cash payment.
- j. Employees must know if overtime is mandatory before signing an employee agreement or taking a job.
- k. Special consideration must be given regarding overtime requirements for employees who have children they must be home to care for.
- l. Employers must not retaliate or otherwise discriminate against employees for refusing voluntary overtime hours.
- m. In case of seasonal peak times, deadlines, or other urgent needs for overtime work, only those employees who have previously agreed to work overtime may be required to work overtime. This overtime work must be of a reasonable amount and must be carried out according to terms previously agreed upon in the work agreement or contract. Employees who have not agreed in their work agreement or contract to work overtime must not be required or otherwise pressured to work overtime. Instead, these employees may be offered a choice to do so. (Employers should seek to explain the need for overtime work to employees and agree upon a workplan that accomplishes the work and compensates employees fairly.)

3.3.12.a. and 4.3.12.a. Payment of wages from settlements (farm and food business responsibilities)

Clarification that employers may not be allowed to pay employees first if the law requires that other payments besides those owed to employees take priority when an employer goes out of business or files for bankruptcy.

3.4.2. Protection from contamination (farm responsibilities)

Addition of 'natural dangers' to possible hazards related to need for buffer and (c.) how hazardous materials need to be stored, addition of (d.) the requirement that if a farm uses hazardous inputs, it must have a system for workers and neighbors to report and track exposure or contamination that is due to the farm's activities, and (e.) the requirement for a drift management plan to minimize drift of applied hazardous materials or natural dangers.

3.5.1. and 4.5.1. Safe Workplace (farm and food business responsibilities)

(d.) Added requirement that all exits must be able to be unlocked from the interior.

(g.) Added employers will allow extra rest periods during excessively hot or cold or smokey work conditions.

(i./j./k. of farm responsibilities only) how to handle pesticides and other hazardous materials and records of such.

(m./j.) Added employer cannot retaliate against a worker who reports safety concerns or injuries.

(n./k.) Added requirement that new buildings be designed to minimize energy and water use as well as waste and use low volatile organic compound paints and materials.

3.5.2. and 4.5.2. Safety training (farm and food business responsibilities)

(a.) Added emergency preparedness to the list of required trainings. (f./g.) Added that workers using pesticides or other hazardous materials must be trained upon hire and annually in safety and application and these trainings must be on the clock.

3.5.4. and 4.5.4. Rest and Sanitary Facilities (farm and food business responsibilities)

(h.) Added that employer must provide for maintenance and cleaning of necessary protective equipment and (i.) farmer must ensure workers use personal protective equipment.

3.5.9. Pathways to Certification (farm responsibilities)

Extensive changes were made to this section; therefore, the entire standard is provided below.

3.5.9. Pathways to Certification

These standards allow three pathways to certification:

1. Certified organic, biodynamic, or certified by a Participatory Guarantee System (PGS) like Certified Naturally Grown that is recognized by IFOAM-OI.
 - a. In these cases, the farmer shall provide organic, biodynamic or PGS certification certificate, plus a copy of the section of their organic plan where materials in use are listed
2. Farm claims to use organic practices, but is not certified organic, biodynamic or PGS
 - a. In these cases, farmer must fill out the section of the organic certification application where materials in use are listed.

Principle: Path #3 addresses the constraints found across the country for livestock farmers where access is limited to certified organic processors and / or slaughterhouses, and certified organic feed to comply with National Organic Program certification requirements must be shipped from a great distance.

3. Crops are certified organic or biodynamic, however, livestock is not certified but producer is claiming to use organic or biodynamic livestock practices.
 - a. It is the responsibility of the farmer to uphold humane practices for livestock in addition to maintaining organic or biodynamic and sustainable practices on the farm.
 - b. The farmer must document to FJC certifier:
 - i. Lack of availability and / or cost of certified organic feed
 - ii. Lack of availability of a local certified organic slaughterhouse within a reasonable and humane distance

- iii. Feed must be verifiable as non-GMO
- iv. Farmer will not use nanotechnology
- v. Farmer will not use cloned animals
- vi. Farmer will not use growth hormones

4.5.9. Least Toxic Alternative (food business responsibilities)

Previously (in 2012 standards) the same as the farm section, which was substantially revised in 2019v3, the new least toxic alternative for businesses was also revised in a way more appropriate to non-farm businesses and now includes only the following standards:

- a. Employer will reduce exposure and potential exposure of employees to toxic materials in the workplace and while working.
- b. If toxic substances of any kind are used in the workplace, (including cleaning, pest control, or other) the employer must provide written documentation about how these meet the least toxic alternative.
- c. Chemical, physical and biological substances and agents used on the business site must be stored, issued, handled and used in such a way that health risks are minimized.
- d. In using or applying chemicals on the business site, re-entry intervals as specified on the product label, MSDS, or user instruction manual must be strictly observed.

3.6.1. and 4.7.1. Intern/Apprentice Rights (farm and food business responsibilities)

Clarified wage requirements: (b.) minimum compensation will be valued at no less than minimum wage for interns and may include additional benefits valued at a reasonable rate if permitted by law. Also added (e.) to require trainings must be compensated and (f.) interns must be trained in AJP standards and their rights.

3.6.2. and 4.7.2. Contracts (farm and food business responsibilities)

Added that intern/apprenticeship evaluation and feedback should occur mid-season, as well as end of the term.

5.1.1. Compliance (grower group responsibilities)

We changed the labor criteria for qualifying as a grower group for Food Justice Certification by increasing the percentage of farms within the group that are allowed to have hired labor from 15% to 50%. We retained the limit on employees per farm to less than 10, but clarified that the 10 does not include non-farm staff.

5.1.5. Internal control system (ICS) (grower group responsibilities)

(c. and f.) We clarified that grower group members who have not been selling into the FJC labeled product do not have to comply with AJP standards unless they plan to sell into the FJC labeled product and then must be in compliance and have an internal audit prior to selling any product under the FJC label.

(e.) Added language allowing the internal and external inspections to occur simultaneously, provided that the certifier retain control over the decision of which member farms to visit and inspect for the external inspection and retain the right to visit any farms the certifier inspector deems necessary even if the internal audit has already occurred or was not planned to occur simultaneously with the external inspection.

(h.) clarifies that it is the grower group internal control system that is to develop the list of major and minor non-compliances, based on AJP criteria.

(j.) clarifies that AJP approved worker representatives who attend the internal audits are provided with the final internal review conclusions before they are sent to the farmer.

6.0. Food Business Responsibilities to Other Food Businesses

6.9.a. Fair Pricing (food business responsibilities)

(a.) Fair Pricing is a new standard in this section. It defines the prices that certified businesses charge one another, which are to be based on: documented costs, fair and open negotiations that set a fair price that is acceptable to both parties, the world price or regional price for that specific product if appropriate, and the product's specific market qualities.

7.0. Non-Profits and Non-Profit Cooperatives

This entire section is new and includes standards for the following areas that apply to non-profits (which may also be required to comply with other sections of these standards). See the standards document for the detailed standards.

7.1. Democratic Board Member Selection and Processes

7.2. Clarity of Responsibility and Tasks – changed language here from 2019v3 of standards to focus on lead staff rather than all staff (who are already covered in sections 4.0 and 3.0).

7.3. Conflict Resolution for Board Members and Staff

7.4. Anti-Discrimination and Whistleblower Protection Clauses

8.0. Labor Contractor Responsibilities to Employees

Although we have yet to identify a labor contractor anywhere in the US who is willing to consider our standards, we continue to improve them.

8.3.d. Terms of Employment (labor contractor responsibilities)

Added language that prohibits labor contractor from obligating workers to pay back any labor brokerage fees.