Your Rights & Privileges As A Worker

Under

The Agricultural Justice Project & Food Justice Certification

Updated July 2024.
Complies with 2019 AJP Standards revisions.

Employer Commitment to Fair Labor Practices

Your employer has agreed to meet fair labor standards developed by farmworkers, farmers, and other advocacy organizations as part of the Agricultural Justice Project (AJP). A certifier and a worker organization have certified that this business meets the requirements of AJP's standards. This means your workplace is now "Food Justice Certified" (FJC).

Your employer has volunteered to participate in this program and follow all of the AJP standards. Most of these standards are not required by US federal or state law, but some may be required by law. The standards are intended to offer workers additional rights and benefits above and beyond the minimum requirements of the law. Yet an important part of this program is that we also audit your employer's compliance with legal requirements.

If at any time you think your legal rights have been violated, or if you think your additional rights under AJP have been violated and your employer has not lived up to their agreements under the AJP, contact a worker advocate to get help. See contact information at the end of this document.

Overview: Additional rights for employees under AJP standards

You are entitled to many different benefits as an employee of an AJP-certified business. AJP standards also include opportunities for you to take an active part in ensuring that working conditions are safe and fair. Your additional rights and benefits include:

- Collective bargaining, no-contest unionization (also called "voluntary recognition"), and freedom of association
- Living wages and moderate work hours
- Due process for discipline, firing, and conflict/grievance resolution
- Direct hiring (no labor contractors)
- Safe working conditions and worker leadership in maintaining safety
- Respectful treatment
- Safe and decent housing if employer provides housing

This document summarizes these benefits below. Your employer must also provide all workers with a training that covers this information, including training in your legal rights, preferably by a worker organization. More detailed information is also available on the AJP's website at AgriculturalJusticeProject.org.

This document is just a summary. See the full standards for a detailed list of all the rights and benefits you have under Food Justice Certification, or contact AJP if you have questions. Your employer will provide you with the full standards, or you can access them online:

English
bit.ly/FJC-for-workers

Español
bit.ly/FJC-trabajadores

Wages & Hours

Standards 3.3 and 4.3

Your employer has promised to pay you a living wage, defined as a wage that can cover all your expenses, such as housing, food, healthcare, transportation, other cultural and communication needs, and a small amount for savings. This wage is calculated based on the local average cost of living minus any benefits the employer offers, such as food, housing, or health insurance. AJP requires that this living wage be calculated at a minimum for one person with no dependents, but we encourage the employer to calculate a living wage appropriate to employees' household sizes.

If your employer is not able to pay high enough wages to cover all these expenses, your employer must

Show the business's accounts to you and demonstrate why they cannot afford higher wages right now;

- Negotiate wages with employees or their chosen representative;
- Develop a plan to achieve living wages, with participation from employees;
- Raise wages if and when the farm makes more money.

You also have the right to

- Moderate working hours with additional hours by employee agreement only: Working more than 48 hours per week on average on a farm, or 40 hours per week in a non-farm business, is voluntary only.At least one day off per week. Working seven days in a row is voluntary only.
- Unemployment, Workers' Compensation, and Disability Insurance.

- Paid sick time: at least 1 hour earned per 30 hours worked.
- Right to take an unpaid leave of absence if you have a personal or family emergency.
- All required trainings and all official work duties must take place during paid work hours.

Due Process: Discipline, Firing, and Grievances

Standards 3.1.3, 3.1.6-7, 3.1.14 ; and 4.1.3, 4.1.6-7, 4.1.13

Your employer has agreed to only discipline or fire you for just cause. They must communicate to you

- The employer's expectations for respectful behavior, professional conduct, and work productivity; and
- A defined process for disciplinary action up to and including firing.

The disciplinary process must clearly communicate to you whether and how you have violated workplace expectations for behavior or productivity, how to remedy the problem, and what the consequences will be if the problem is not resolved. In serious cases, such as harassment or violence toward others, you may be fired immediately. In all cases you have a right to know why you were fired and appeal to the AJP if you feel you were fired unjustly. See below for filing a complaint with the AJP.

Your employer will also communicate any concerns about your behavior or productivity in an employee evaluation at least once per year/season. You will have an opportunity to share your own concerns about management and working conditions at this evaluation.

NOTE: Your employer may establish a limited, initial probationary period, during which time new employees can be fired without just cause and without recourse to the established disciplinary

policy. See your employee handbook for information.

Direct Hiring

Standards 3.1.9-10 and 4.1.9-10

Your employer has agreed to hire workers directly and not use labor contractors. If there is no alternative, the use of contractors will be limited and they will have to comply with all requirements of the program.

Freedom of Association and The Right to Organize

Standards 3.1.1-2 and 4.1.1-2

If you want to change something in your workplace, you can talk with other workers and make a plan to ask your employer for changes. This is called the right to organize and freedom of association.

In a few states (such as California) all farmworkers have the right to freedom of association, but in most of the United States this is not true. All non-farm workers have the right to freedom of association by federal law.

Regardless of your state's laws, your employer has agreed to respect your freedom of association and right to organize collectively. This means that as workers you can, without penalty or retaliation…

- Negotiate as a group with your employer over wages, terms of employment, or other issues;
- Elect one or more workers as representative(s) to communicate with your employer about work-related issues;
- Bring an advocate of your choosing into any meeting with management; and

- Choose to form or join a union if a majority of workers want to. Your employer will not interfere.

Health & Safety

Standards 3.5 and 4.5

Any workplace can be hazardous. By law, you have the right to a safe workplace. Your employer has agreed to do everything possible to prevent injury or exposure to dangerous substances while you are working, and to always use the least toxic materials available for a task.

- Your employer will not use synthetic pesticides or agricultural chemicals. Any pesticides or other chemicals used must be approved for organic farming.
- Your employer must train all new employees in safety before they are exposed to hazards and provide refresher trainings to all existing employees.
- Your employer must provide appropriate safety equipment at no cost to workers.
- Your employer will allow you regular breaks throughout the workday and constant access to clean drinking water and bathroom facilities.
- Your employer must discuss relevant health and safety issues with you on a regular basis and create opportunities for employee feedback regarding safety concerns.
- At businesses with 10 employees or more, the employer must form a Health and Safety Committee open to all interested employees or determined through a democratic process by employees. The committee must be empowered to meet regularly, monitor safety issues, and receive and act on employee safety concerns.

- You have the right to know about any potentially toxic materials that are used or stored on site, including access to Material Safety Data Sheets.

Respectful Treatment

Standards 3.1.5-6 and 4.1.5-6

Your employer has promised to treat all employees with dignity and respect.

There will be no discrimination in the workplace based on race, creed, color, national or ethnic origin, nationality, gender, gender identity, age, handicap or disability (including HIV status), union or political activity, immigration status, citizenship status, marital status, pregnancy, or sexual orientation. This policy applies to your employer, all supervisors, and co-workers.

Your employee handbook should cover additional expectations for respectful behavior and policies against harassment.

Housing

Standards 3.4 and 4.4

If your employer provides housing, then you have the following rights:

- All housing must be safe and in good condition.
- You have the right to have friends or family visit you, as long as the visits do not disturb others living there.
- Your employer has the right to enter the housing to inspect or make repairs but must give you notice whenever possible.
- If your employer charges you rent, it should be a fair amount based on your wages, the nature of the housing, and typical rents in your area.

Transparency & Access to Information

Standards 3.1.4 and 4.1.4

Under AJP standards you have a right to the following in a language that you understand:

- A copy of all workplace policies and terms of employment, including wages and benefits (often in the form of an employee handbook and work agreement);
- A copy of the AJP standards and related documents; and
- Full access to your complete employee file, including payroll, evaluations, and disciplinary documentation.

There will also be an oral presentation given to all workers explaining your legal rights, health and safety, and your rights under AJP. This will give you an opportunity to ask questions.

Fair internships

Standards 3.6 and 4.6

If you accept a position as an intern or apprentice at this business, you have a right to meaningful learning opportunities, wages for your work, and all the other rights of employees outlined here. In addition you and your employer must collaboratively write and sign a learning contract that lists 1) your learning goals, 2) a plan to measure progress toward those goals, and 3) a plan for regular feedback and evaluation.

Wages for interns may be less than living wages to reflect the costs and value of the training provided, but they cannot be less than minimum wage and should be higher than minimum wage if possible. If your internship does not include significant learning opportunities, you must be paid a full living wage like other employees (see wages section above).

Non-profit organizations

Standards 7.0

You have additional rights if your workplace is a non-profit organization. Your employer must communicate to you the major decisions that the Board is considering and offer opportunities for employees to participate in a defined decision-making process. Dates, times, and agendas of board meetings must be posted in advance. Staff members must have detailed job descriptions that allow for equitable distribution of the workload.

Your employer must also have a defined policy that outlines the different responsibilities of the staff and of the board, including the obligations of the staff and board to each other. The organization's grievance resolution policy must include a process for filing complaints against board members, whether by staff or by fellow board members. The board must use a transparent and democratic process to select its members, and board candidates must be qualified for the role, with direct experience relevant to the organization's mission.

No retaliation

Your employer cannot punish or penalize you in any way for exercising your legal rights or your rights under the AJP standards. This applies to reporting workplace safety concerns or violations; declining voluntary work hours; reporting harassment or abuse; filing a grievance or complaint; and all other rights and benefits summarized here and listed in detail in the standards.

Filing a complaint with AJP

Under AJP standards, your employer has agreed to respect all the rights described here and listed in more detail in the full standards.

If you feel that your employer is not complying with any of these provisions, or that you have been fired, suspended, or disciplined by your employer unfairly, AJP offers a grievance process that you can follow to resolve the disagreement. If you are a member of a union, you may have an additional grievance process defined in your contract. Contact the worker organization listed below if you are not able to resolve your issue directly with your employer.

Additional Information

If you:

- Have questions about the Agricultural Justice Project (AJP) or the information provided here;
- Want to learn more about your rights as a farmworker;
- Want to share any experiences you have had as worker on an AJP farm; or
- Have a conflict with your employer that you have not been able to resolve with them directly;

Please contact:

CATA: Comité de Apoyo a los Trabajadores Agrícolas /
Farm Worker Support Committee
Jessica Culley or Jose Manuel Guzman
P.O. Box 510, Glassboro, NJ 08028
856-881-2507
Toll-free: 1-(800)-989-2282

You may request that your call be confidential.

For general help and support, contact a worker organization in your area. The nearest worker organization that has partnered with AJP is:

About the Agricultural Justice Project

AJP is a non-profit initiative to foster fairness and equity in our food system, with shared leadership and oversight by workers, small-scale farms, and other stakeholders. One way we try to achieve this goal is through the development of social justice standards for organic and sustainable agriculture and a certification program based on those standards: "Food Justice Certified."

The goal of certification is to ensure just and fair working conditions for all those involved in growing, distributing, processing, and selling food, from the farm to the store or restaurant and everywhere in between. This includes:

- Justice for workers;
- Fair prices and fair trading relationships for farmers; and
- Just relationships throughout the entire supply chain, including buyers/retailers.

Find additional information about AJP at our website, AgriculturalJusticeProject.org