In April, on a brisk, sunny morning, I did something that would have been unthinkable only a few months earlier. Accompanied by four members of the Coalition of Immokalee Workers (CIW), a grassroots labor-rights group based in southwestern Florida, I drove through the security gates of a packing plant owned by Pacific Tomato Growers, a major fruit and vegetable producer with farms in Florida, Georgia, Virginia, California, and Mexico that sells under the brand names Sunripe and Suncoast. During the course of more than fifteen years of struggling to improve working conditions and end abuses in Florida’s fields, the CIW had come to the Pacific facility on numerous occasions to present its demands, each time to be met with locked gates and, in some cases, armed sheriff’s officers.

But that morning we cruised past the unmanned security station and stopped at a modular building with a sign near the door that said, “Training.” A group of about fifty pickers were lined up in front of a newly built shed nearby doing something that would have been equally as unheard of in Florida’s tomato industry as our unchallenged entry: They were punching a time clock. For as long as anyone in the CIW can remember, there had been no time clocks in Florida’s tomato fields. But today, there are, making sure workers get paid for every minute they are on the worksite, including the time the Pacific crew was about to spend in a CIW-led training session where they would learn about their rights and responsibilities under a new program called the Fair Food agreement.

The Fair Food agreement was signed last November by Reggie Brown, executive vice president of the Florida Tomato Growers Exchange, an agricultural cooperative whose members grow virtually all of Florida’s tomatoes, and Lucas Benitez and Gerardo Reyes, two longtime members of the CIW. The signing ceremony, which took place on a folding table in the sandy backyard of the CIW’s headquarters, marked a historic moment in American agriculture. Shaking hands and signing a feel-good agreement in the shade of a backyard tree is one thing, but making that agreement work in a Florida tomato field is an entirely different matter.

agreement also requires that companies use time clocks like the one the workers were punching that morning to make sure that they earned at least the $7.25 minimum wage to which they are entitled. A system was put in place so workers could complain about injustices without fear of being fired. Health and safety rules were established, requiring farms to provide shade for workers; guaranteeing them a sufficient number of work breaks, including time for lunch; and introducing a stern policy to combat sexual harassment, once all too common in the fields.

It is difficult to deny that the Florida tomato business had a lot to atone for. Since the 1990s, nine major slavery cases from Florida’s fields, including several in the tomato
Beginning in 1993, the CIW set out to change that. At first their pleas to their agribusiness employers fell on deaf ears—what influence could a rag-tag group of migrant laborers have on the huge companies that control the tomato industry? Besides, the packers claimed that if they gave the workers a raise, their customers would simply buy tomatoes from cheaper competitors.

At one of the CIW’s weekly meetings, a young member came up with what amounted to an end run around the farmers’ arguments: Let’s take our case directly to their customers, in this case the large fast-food companies. The campaign for Fair Food was born, and with it the catchy slogan, “a penny per pound.” The CIW singled out Taco Bell as the first target. It took four years of demonstrations, petitions, hunger strikes, boycotts, and shareholder votes, but in 2005, Taco Bell became the first company to sign the agreement for Fair Food. Over the ensuing few years, all of its fast-food competitors came aboard, not without a lot of prodding from the CIW. Bon Appetit Management, a socially and environmentally conscious company that provides food services to colleges, museums, and other institutions, voluntarily signed the agreement, and soon all the other major food service firms followed its example.

industry, have been successfully prosecuted. More than one thousand workers were freed. We’re not talking about virtual slavery or near slavery. Unscrupulous bosses kept workers in chains, locked them behind high fences, beat them if they refused to work, and threatened them with guns (and sometimes used them) to prevent escapes. They paid the workers little or nothing. Douglas Molloy, the United States attorney who prosecuted some of the most violent slavery cases, told me in late 2008 that he considered the Immokalee area to be “ground zero for modern day slavery.”

Slavery was but one step on a grim continuum of abuses. Tomato pickers were generally paid on an antiquated piece system—a base rate of about fifty cents per bushel-sized bucket. In theory, they were guaranteed at least the minimum wage (currently $7.25 per hour in Florida) for every hour worked regardless of how many baskets they picked, but field bosses found ways around that technicality. Workers would be taken to fields and made to wait for hours as dew or rain evaporated from plants. If the weather turned bad during the day, they stopped picking. If the truck that they were expected to load got stuck, they waited unpaid until a replacement arrived. Workers received no medical insurance (doing jobs where the incidence of injury is high), no sick leave, no paid vacation, and no overtime, even if they put in more than eight hours a day or forty hours a week.
But there were two groups that prevented the Fair Food agreement from being rolled out across the industry. First, with the notable exception of Whole Foods Market, large supermarket chains did not cooperate. Second, the tomato growers themselves refused to recognize the Fair Food initiative. At one point, the Tomato Growers Exchange threatened to slap a $100,000 fine on any member that passed along the extra penny a pound, even though the additional penny would be coming from the fast-food chains and other corporate buyers, not the growers. Threats of the fine were eventually removed, but not a single large tomato grower signed the Fair Food agreement. Without their cooperation, there was no practical way to get the extra penny per pound to the workers or to monitor conditions in the fields.

In the fall of 2009, one large company, East Coast Growers and Packers, quit the tomato exchange and signed a Fair Food agreement. But if supporters of the workers thought that East Coast’s defection would have an immediate domino effect, they were wrong. The dozen or so large farming operations that were still in the exchange refused to budge. It looked like a stalemate had been reached.

But then events conspired to help the CIW’s drive. In late 2009, a particularly ugly slavery case involving an Immokalee-based work crew was successfully prosecuted. At the sentencing hearing small leaders were given twelve-year prison terms. Stung by that revelation and struggling with the effects of a disastrous freeze in early 2010 that wiped out much of the Florida tomato crop, two more firms, Pacific and Six L’s Packing, joined the campaign for Fair Food. Quoting the rabbi and philosopher Abraham Joshua Heschel, Jon Esformes, managing partner at Pacific, said, “Few are guilty, but all are responsible.” The transgressions that took place are totally unacceptable today and they were totally unacceptable yesterday.” With three of their largest competitors taking part, it was no longer feasible for the exchange’s other members to hold out.

Shaking hands and signing a feel-good agreement in the shade of a backyard tree is one thing, but making that agreement work in a Florida tomato field is an entirely different matter. The coalition members and company executives, who had not even been on speaking terms, suddenly found themselves in a position where they would have to communicate and work cooperatively to transform the fine words of the Fair Food agreement into tangible deeds. Together, the growers’ and workers’ representatives decided that the 2010–2011 growing season would be a period of transition. Pacific and Six L’s would work with the coalition to find practical ways of introducing a new Code of Conduct. Once they had ironed out practical realities, the new policies would be rolled out during the 2011–2012 season to every member of the exchange who had signed the Fair Food agreement—meaning that virtually every tomato picker in Florida will benefit from higher wages, more stringent safety standards, a clear system for lodging complaints, and protection from sexual harassment, enslavement, and other abuses. To make sure that they understand their rights and responsibilities under the new system, all thirty-three thousand Florida tomato workers will attend classes like the one I joined last spring.

The CIW’s Benitez (the group has no official titles, but Benitez frequently serves as its spokesman) stepped out of his car and was immediately greeted by Angel Garcia, the human resources manager of Pacific. Physically, the two men were a study in contrasts. Benitez compact with a wrestler’s build and an intense demeanor; Garcia large, bearlike, and quiet. In the 1990s, Benitez had toiled as a picker in the fields spreading out to the horizon behind the packing house. That day, he and one of the company’s senior managers would together address members of a crew much like the one to which Benitez once belonged.

Over the next forty minutes, Benitez and three other members of the coalition addressed the workers. In Spanish, they explained that the minimum wage in Florida was $7.25 per hour and that the company was required to have a time clock to keep track of the hours worked. “The $7.25 is the minimum,” Benitez said. “If you’re waiting for dew to dry, it counts as time worked. The same if a truck has not arrived or if it begins to rain and you have to stop picking but are not taken home.” He stressed that the $7.25 minimum applied even if they were working by the piece (paid per bucket picked). If they picked enough buckets to exceed $7.25 per hour, that was a bonus for their hard work.

Benitez then lifted one of the buckets that workers use to collect tomatoes onto the table in front of him. Called cubetas, the flower-pot-shaped buckets are meant to hold thirty-two pounds of slicing tomatoes when properly filled. The cubeta that Benitez had put on the table was piled high with bright green tomatoes (Florida tomatoes are picked before they redden) that were mounted above the rim of the container like ice cream scooped on top of a cone. Benitez swept his arm over the top of the cubeta, knocking some of the heaped tomatoes onto the table. “This is what a full cubeta is supposed to look like,” he said. “There should be no tomatoes in it that are fully above the rim.” The workers stood, peered, and began talking animatedly among themselves.

Later that day, Greg Asbed, another coalition member, explained that the definition of what constituted a full bucket had long been a source of tension and disputes in
the fields. Workers, he said, carry the filled buckets to a truck and heave them up to a low-level field manager called a dompeador who takes the bucket, dumps the tomatoes into a bin, and returns it empty along with a ticket that the worker pockets. At the end of the day, pickers count their tickets and are paid accordingly. But it was common for bosses to insist that workers overfill their buckets. The CIW calculated that mounding tomatoes resulted in workers picking about 10 percent more tomatoes than they were paid for—the difference going to the leader of the field crew and the company. Often a dompeador would refuse to give a picker a ticket for a bucket he deemed insufficiently full or send the worker back to the field to top one up. “It was a constant source of friction and humiliation for the workers,” said Asbed. Earlier this year, the growers and members of the CIW met in the CIW offices and, standing before a cubeta and a pile of tomatoes, determined exactly what a full cubeta would look like.

The coalition members also outlined new safety policies under the Fair Food agreement and warned the workers (most of whom were men) that there would be no tolerance of sexual harassment—no dirty jokes, unwelcome touching, demands for sex, promise of job benefits for sex, or sexual assault of any kind.

At the end of the meeting Garcia, Pacific’s HR man, stood up and passed a wallet card to each worker with the number of a twenty-four-hour employee hotline. “Call us if you need help,” he said. “It is confidential.” Then he told his employees, “If you see something, talk to somebody—the guy next to you, your boss, me, the CIW—anybody, but say something.”

As the workers filed out of the classroom on their way to a day of picking grape tomatoes, the CIW members handed each a booklet. Printed on thick glossy paper and illustrated with color photographs, the booklet outlined in twelve pages of simple Spanish the new rights that the coalition had worked for nearly two decades to bring to the fields.

There is still one major impediment to tomato pickers fully enjoying the benefits of those rights. Although the fast-food and food-service industries have agreed to the Fair Food agreement, the nation’s supermarket chains, with the notable exception of Whole Foods Market, refuse to deal with the CIW. This not only prevents the workers from getting the full benefit of the “penny-per-pound” deal (grocery store chains buy about half of Florida’s tomatoes), but leaves entire sectors of the workforce without the protections of the moral and financial clout of major buyers agreeing not to deal with growers who willfully violate the Code of Conduct.

Now, the CIW has turned its attention to convincing supermarkets to join the agreement for Fair Food. The organization has held frequent protest marches at Publix Super Markets, a large southeastern chain based in Florida, and earlier this year picketed Stop & Shop, Giant Food Supermarkets, and Trader Joe’s in the Northeast. There has been no headway. “There is still a lot of work to be done on the supermarkets,” said Asbed. “But we didn’t come this far by fainting if companies didn’t come to the table the first time we call. We are living proof that protest can lead to change.”