

# Milk with Dignity: Worker-centered organizing for social responsibility

## Timeline

### 2009

Unsafe working conditions result in the death of a dairy worker. Workers organize to form Migrant Justice.

### 2011

Migrant Justice launches a worker rights hotline and surveys farmworkers to document pay and working conditions.

Migrant Justice launches the Milk with Dignity campaign at a supply chain level, with limited success.

### 2014

Migrant Justice surveys dairy farmworkers a second time.

They reorganize Milk with Dignity on a platform of worker-farmer partnership.

### 2015

Migrant Justice begins negotiations with Ben & Jerry's and re-launches the Milk with Dignity campaign.

### 2017

Migrant Justice and Ben & Jerry's announce a contract.

### 2018

Migrant Justice files a lawsuit against Immigration and Customs Enforcement (ICE) for unlawful targeting of Milk with Dignity organizers.



## Introduction

Milk with Dignity is a worker-centered social responsibility campaign aimed at strengthening community connections initiated by Vermont's dairy farmworkers and engaging the full supply chain. The first campaign of its kind in the dairy industry, Milk with Dignity defines and enacts a system of fair labor standards for milk produced for Ben & Jerry's, a B-corporation owned by Unilever that emphasizes ecological and social awareness as part of its brand. Milk is the most significant component of Ben & Jerry's frozen dairy products and the only key ingredient not covered by the company's fair trade certification.

The Milk with Dignity campaign implements enforceable fair labor standards by connecting workers and farmers with dairy brands at the top of the supply chain. Farmers who uphold Milk with Dignity's worker-authored Code of Conduct receive a price premium. Participating farmers increase workers' pay, improve housing and working conditions, strengthen communication with and among workers, and pay membership dues. Improving pay and working conditions stabilizes their labor force, as farmworkers are more likely to stay rather than look for better employment.

The Milk with Dignity approach to domestic fair trade seeks to implement a worker-authored contract while leveraging certification, supply chain negotiation, coalition building and supply chain policy. In contrast to the labeling-centered approaches of existing fair trade certification schemes, Milk with Dignity pursues a vision of fairness put forward by the farmworkers themselves.

## Migrant Justice

The roots of Milk with Dignity grew from a moment of tragedy. In 2009, a preventable workplace accident on a farm supplying milk to Ben & Jerry's resulted in the death of José Obeth Santiz Cruz, a migrant dairy farmworker from Chiapas, Mexico. This tragic loss galvanized farmworkers across Vermont, many of whom lacked legal immigration status and community

connections. Their collective outrage quickly turned to organizing. Within two months they founded Migrant Justice, a Burlington-based nonprofit advocating for the rights of dairy farmworkers.

For its first five years, Migrant Justice focused on worker-centered advocacy and issue-based direct action campaigns. It employed common labor organizing strategies, such as lobbying individual farms to improve working conditions and win back stolen wages. The group established a workers' rights hotline in 2011, staffed by bilingual community volunteers who connected farmworkers to advocates and legal aid. Efficient and effective, the hotline outreach model would later become an integral part of the formal enforcement mechanism of the Milk with Dignity campaign.

In 2011, Migrant Justice conducted a preliminary farm labor survey to capture information about dairy workers who, despite playing a crucial role in supporting Vermont's dairy

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economy, are an invisible subclass of people. This survey documented widespread problems at small- and mid-scale dairy farms across the state. These included wage-related issues in clear violation of federal and state law, such as withholding paychecks and making late payments. Wages were not the only—or even primary—point of contention, however. Results confirmed systemic social, political and economic issues among workers in the dairy industry, painting a dire picture of day-to-day life for farmworkers. Dispersed across a rural landscape and often unaware of their geographic location, workers reported severe

alienation and isolation. Despite the outrage over Cruz's death two years prior, there had been little improvement in worker safety or health. Many workers lived in substandard, overcrowded on-farm housing without heat or clean water. Virtually all the farms in the Ben & Jerry's supply chain employ too few workers to fall under the purview of rigorous federal Occupational Safety and Health Administration (OSHA) regulations.

Migrant Justice viewed the challenges revealed in the farmworker survey as a call to organize differently by tackling multiple, interconnected problems. Some workers reported having no recourse for vocalizing or addressing complaints. They reported multiple barriers to speaking up, including scanty enforcement of Vermont labor laws, isolation, fear of retaliation and insufficient access to reliable language translation services. Oftentimes, farmworkers and farmers relied on labor contractors to negotiate and manage terms of employment, which led to additional complications and miscommunication.

Other problems appeared to stem from workers' and farmers' shared vulnerability in the dairy commodity chain. Farmers, their processing cooperatives and hired labor are price-takers, beholden to wholesale buyers. Farmers have few options when caught in a commodity price squeeze. They often respond by decreasing both their own return on labor and the share paid to hired labor. This tends to reward unscrupulous means of securing cheap labor while increasing instability and volatility in low-wage labor markets.

Recognizing their limited success with traditional labor organizing strategies, a more ambitious and comprehensive approach soon took shape. Through Milk with Dignity, Migrant Justice sought to develop an organizational structure that would facilitate farmworkers' autonomy over their political and social livelihoods. Organizers focused on a set of strategies frequently used in fair trade campaigns—coalition building, supply chain negotiation, labeling and policy change. The result was a unified, synergistic program.

## Setting the stage for domestic fair trade: Putting workers first

Organizing a concerted effort to serve a dispersed and disenfranchised population posed significant challenges. Milk with Dignity organizers were conscious that, in order to succeed, they would need to leverage the unique situation of farmworkers within the punishingly thin margins of the dairy supply chain. They sought to reclaim power in this supply chain by forging connections between a beloved brand and its loyal customers. Organizers leveraged Ben & Jerry's social branding, which encompasses humane working conditions and fair pay, while aligning farmworkers' interests with those of the small- and mid-scale Vermont dairy farmers who employ them.

Despite three years of continual organizing, Migrant Justice's campaign met with limited success in securing occupational safety and economic security. A follow-up survey of Vermont dairy workers in 2014 reached 172 migrant dairy farmworkers across the state—approximately ten percent of Vermont's total migrant dairy worker population. Findings revealed that pay and working conditions for migrant labor in Vermont had seen little change, despite three years of steady advocacy. As in 2011, the 2014 survey revealed widespread wage, labor and housing violations. Other findings included reports of verbal abuse, intimidation, and poor treatment of migrant workers compared to white, native-born farmworkers, indicating ongoing isolation and invisibility.

Attempts to implement the Milk with Dignity campaign began in earnest in the fall of 2014, in reaction to this second survey of migrant dairy farmworkers. Migrant Justice organizers' ultimate goal was clear: to implement a fair trade campaign that would address the structural inequalities of a commodity system that disempowers both farmers and workers.

Migrant Justice leadership looked to the Coalition of Immokalee Workers (CIW) and its pioneering Fair Food Program as a model. A worker-centered human rights organization, CIW was the first group to achieve worker-centered social responsibility in a farming system dominated by low-wage labor—Florida's tomato plantations. Through years of organizing and advocating for workers' rights, CIW successfully established its Fair Food Program, which is anchored by five key elements:

- Fair labor standards are set via a farmworker-authored code of conduct, which includes standards for fair labor and humane housing.
- Farmworkers and farm management are guaranteed the right to education about their rights and responsibilities, as stipulated in a code of conduct.
- A third-party monitoring body conducts thorough and regular audits of farmer compliance with this code of conduct, receives and addresses grievances, charts plans for improvement, and enforces non-compliance consequences.
- Value is added to the supply chain by price-makers, or wholesale buyers who control pricing, through a small premium paid directly to both farmers and workers.
- The system is kept in place through a legally binding agreement signed by corporations at the top of the commodity chain.

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Like Migrant Justice, activists and tomato pickers in Florida initially pursued standard labor organizing strategies, but soon realized that a traditional union membership model would be difficult to establish with a vulnerable population of disenfranchised, low-wage farmworkers. The Fair Food Program instead developed a membership program for farmers. Farm owners who join agree to implement and enforce the program elements for all workers on their farms, whether those workers are hired through a labor contracting agency or directly by the farmer. Participating tomato processors pay a small premium of \$0.01 per pound of tomatoes to participating farmers. The premium is passed along to farmworkers through a line-item bonus on their paychecks.

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The migrant workforce in Florida, once volatile, transient and disenfranchised, stabilized significantly as a result of the Fair Food Program. Lower turnover and better employment conditions led to greater productivity and improved rapport between workers and supervisors. The number of complaints filed with auditors decreased each year following implementation, and those complaints grew more mundane. Despite the required premium, no participating processor has yet raised prices to their buyers as a result of joining the program.

Aware of the hard-won success of CIW in an industry fraught with comparable challenges, Migrant Justice invited a CIW delegation to help them envision a similar program for Vermont's dairies—one that would hold the top accountable for conditions at the bottom.

## **The Milk with Dignity campaign**

Instead of putting pressure on struggling farmers, Milk with Dignity set out to leverage the mutual interest of both farmers and workers in raising and stabilizing dairy pay prices. Their aim was to transform the entire production chain—farmworkers, farmers, dairy co-ops and Ben & Jerry's—with additional pressure applied by ice cream customers. By requiring a small premium above the wholesale market price of milk, the campaign would target a number of interrelated issues: rectification of the poor compensation and working conditions that directly and indirectly result from the limited profitability of commodity production; greater stability for producers in the volatile dairy commodity market; and a direct solution to the falling price of milk relative to inflation.<sup>1</sup>

In early 2015, Migrant Justice met with Ben & Jerry's to discuss the implementation of a comprehensive, worker-centered plan for securing human rights based on the CIW model. Ben & Jerry's encouraged Migrant Justice to instead explore fair trade standards that could be drawn from typical programs and translated to the needs of dairy industry workers. Milk with Dignity organizers thought this standards-focused approach was insufficient to address the needs of migrant farmworkers and detracted from the fundamental political problems of disenfranchisement and poor working conditions. Migrant Justice decided to remain focused on creating an agreement based on the Fair Food Program model.

Wary of the shortcomings of labeling schemes, which can add value in the marketplace without adequately improving workers' livelihoods, Milk with Dignity's approach is distinct from the typical "standards and enforcement" program of fair trade initiatives. These programs emphasize corporate social responsibility through third party audits certifying that supply chain partners adhere to a set of standards. Milk with Dignity, however, employs a worker-centered, social responsibility approach. Under this model, buyers of an agricultural

commodity signal their commitment to human rights by entering into a binding commitment directly with a worker's organization. This model is particularly unique as it is done through a nonprofit structure rather than unionizing workers.

Full implementation of the Milk with Dignity campaign required almost two-and-a-half years of steady organizing. In the spring of 2017, Migrant Justice expressed public skepticism that Ben & Jerry's was negotiating in good faith. The group organized a speaking tour to solidify connections with allied groups and individuals. They supported workers' visits to a number of prominent universities and conferences across the country, and staged protests at several retail locations.

## **From vision to reality**

On October 3, 2017, Migrant Justice and Ben & Jerry's announced they had signed a legally binding, historic agreement implementing a fair labor program in the Vermont dairy industry. The agreement, based on the five essential elements of the Fair Food Program, covers each of the 72 farms that are part of Ben & Jerry's Vermont supply chain.<sup>2</sup> The money for the enforcement mechanism comes from the entity at the top of the supply chain—Ben & Jerry's. The company awards a volume-based premium for high labor standards directly to participating farms to supplement the commodity price earned from selling to the St. Albans Cooperative Creamery.<sup>3</sup> In turn, participating farms agree to use the premium to comply with the Milk with Dignity Code of Conduct guidelines relating to worker health and safety, housing, labor practices and Vermont's minimum wage.

The farmworker-authored Code of Conduct is a central component of the program. Its implementation and enforcement falls to the Milk with Dignity Standards Council—an independent, nonprofit organization. Workers have access to a 24-hour support line, through which the Standards Council provides continuous monitoring and is able to answer and resolve complaints in a worker's native language. Additionally, a formal compliance audit takes place each year. The unique partnership between farmworkers, farmers and the Standards Council facilitates collaborative problem solving specific to the industry and region.

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As a workers' rights organization, Migrant Justice has met with significant political success beyond Milk with Dignity. The present political climate has increased participation from local allies eager to speak up and volunteer for the workers' rights support line. The group continues to build coalitions with social justice groups, faith communities, health service organizations and students across the country.

Migrant Justice is now in the process of refocusing its role as architect and advocate for the success and expansion of Milk with Dignity across Vermont's dairy industry. Because the campaign is not owned, implemented or enforced directly by Ben & Jerry's, Migrant Justice is planning a strategic expansion to recruit new farmers, buyers and brands into the program. It will initially target new farms in the St. Albans Co-op, followed by additional farms and co-ops across the state.

Migrant Justice chose a strategic, unique approach that inverted the procedural expectations of domestic fair trade. Instead of beginning with a label or certification, Milk with Dignity put farmworkers first, centering on their needs and on-the-ground

experiences. In the words of a long-time Migrant Justice organizer, Milk with Dignity’s approach leveraged the fact that workers’ problems do not start at the farm gate, and therefore they do not end there. Through recognizing the common ground shared by farmers and workers, Migrant Justice found a way to shorten the distance between the Ben & Jerry’s brand and its essential agricultural workforce.

## Epilogue

Despite ongoing support from local allies, Migrant Justice organizers and activists continue to face backlash. A lawsuit filed on November 14, 2018 in federal court by Migrant Justice

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alleges that U.S. Immigrations and Customs Enforcement (ICE), the Department of Homeland Security (DHS), and the Vermont Department of Motor Vehicles (DMV) began cooperating as early as 2014 to conduct an “unlawful, multi-year operation to surveil, harass, arrest and detain the organization’s members and leaders.”<sup>4</sup> Migrant Justice played a pivotal role in the passage of a 2013 law that allows undocumented immigrants to obtain a driver’s privilege card, regardless of their immigration status. The lawsuit alleges that after the passage of this law, the Vermont DMV began to work directly with ICE and DHS to target Migrant Justice leaders and others on the basis of “racial and anti-immigrant

animus.” Upon filing a public record request, the American Civil Liberties Union (ACLU) found that DMV officials sent applicants’ information directly to ICE, often using racist language.<sup>5</sup> DHS policy prioritized immigrants with serious criminal records, yet two of the four plaintiffs named in the lawsuit—both vocal advocates and visible leaders within Migrant Justice—were labeled “high-profile targets” by ICE despite having no criminal record. The lawsuit argues that this example is part of a growing national trend, whereby immigrant rights activists are targeted for their advocacy efforts. ICE has arrested at least 40 immigrants involved in Migrant Justice since 2016.<sup>6</sup>

Just as fear of retaliation silenced workers in the early years of Migrant Justice’s work, organizers and activists today worry that they will be targeted for advocating for their rights. According to organizer Will Lambek, the impact of fear on the organization’s activity is palpable. While Migrant Justice has made historic strides in the face of great risk, it is difficult to say how this increasingly hostile environment will influence how they pursue their goals in the future.

The St. Albans Cooperative Creamery board of directors voted in June 2019 to merge with Dairy Farmers of America. If St. Albans Co-op members vote in favor of the merger, it is unknown what effect this might have on the relationships and agreements between Ben & Jerry’s and Milk with Dignity.<sup>7</sup>

## Endnotes

1. See [https://ycharts.com/indicators/milk\\_price](https://ycharts.com/indicators/milk_price) for detailed data.
2. Dillon, J. 2018. “Ben & Jerry’s ‘Milk with Dignity’ pact with farmworkers seems to be paying off.” National Public Radio: The Salt. <https://www.npr.org/sections/thesalt/2018/08/13/634962251/ben-jerrys-milk-with-dignity-pact-with-farmworkers-seems-to-be-paying-off>
3. The St. Albans Cooperative Creamery is an intermediary processor for Ben and Jerry’s. A majority of the workers involved with Migrant Justice are employed and housed by farmer-members of St. Albans Cooperative. The exact price premium (a dollar amount per 100 lbs. of milk) and length of the legally binding agreement remain confidential.
4. ACLU Vermont. 2018. “Lawsuit alleges ICE, DHS, and Vermont DMV targeting immigrant leaders in retaliation for activism.” American Civil Liberties Union. <https://www.acluvt.org/en/press-releases/lawsuit-alleges-ice-dhs-and-vermont-dmv-targeting-immigrant-leaders-retaliation>
5. Mukpo, A. 2018. “ICE is targeting activists in Vermont. And the state’s DMV has been helping them.” American Civil Liberties Union. <https://www.aclu.org/blog/immigrants-rights/ice-targeting-activists-vermont-and-states-dmv-has-been-helping-them>
6. Migrant Justice. 2018. “Migrant Justice v. ICE.” <https://migrantjustice.net/MJ-v-ICE>
7. Allen, AW. 2019. “St. Albans Co-op to merge with Kansas City-based Dairy Farmers of America.” VTDigger. <https://vtdigger.org/2019/06/24/st-albans-coop-to-merge-with-k-c-based-dairy-farmers-of-america/>

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