

Florida Tomato Grower Code of Conduct

INTRODUCTION

As key contributors to the food supply chain, we participating growers take an interest in the conditions in which we grow and harvest our products. We constructively engage with our customers, employees, and other stakeholders as we strive for continuous improvement. We understand that our reputations, and those of our customers, depend upon the quality of the products that we provide, and that this quality includes not merely the freshness, taste, cost, and timeliness to market of our products, but also that our labor force is afforded all of the rights entitled them. Consequently, we are committed to the development of tools that will enable us to satisfy our own expectations, those of our customers and, in turn, those of their customers and stakeholders.

What follows is a statement of principles that set forth, at a general level, the principles by which we commit to grow and harvest agricultural products. These principles define benchmarks against which we can be measured with respect to a variety of criteria of interest and importance to all stakeholders.

PRINCIPLES

I. General Employment Practices:

- Each participating grower commits to comply with all applicable laws and regulations governing employment in the jurisdictions in which they operate. Migrant and seasonal agricultural workers will be treated fairly and have a workplace free of intimidation, violence, and harassment. Each participating grower is an equal opportunity employer and complies with all relevant nondiscrimination laws and regulations. Participating growers are committed to respectful and open communications with their employees. Each participating grower agrees that when it's necessary to do so, it will only obtain the services of migrant and seasonal agricultural workers from or through a third party that adopts and adheres to these same employment practices and standards.

II. Employment Standards:

- **Employer Status:** Participating growers will hire migrant and seasonal agricultural workers as employees. For purposes of this Code of Conduct ("Code"), migrant and seasonal agricultural workers employed by crew leaders shall be considered and treated as employees of the participating grower for whom the crew leader provides services.

- **Compliant System:** Participating growers will establish, implement, and enforce a process for migrant and seasonal agricultural workers to pursue work-related complaints without fear of retribution.
- **Worker Rights:** Participating growers will develop a system for informing and educating their migrant and seasonal agricultural workers of all applicable laws, codes and regulations, including, but not limited to, this Code and any local, state or federal laws regarding wages and benefits, immigration rights, working hours, and equal employment opportunity. This information/education will at a minimum address the following:
 - Use or threat of physical violence against any migrant or seasonal agricultural worker(s) by or at the direction of either supervisor(s) directly employed by the supplier or by crew leader(s) will not be tolerated.
 - Use or display of weapons of any kind at any point for the explicit or implicit purpose of intimidation of migrant or seasonal agricultural worker(s) will not be tolerated.
 - Base all employment decisions exclusively upon a migrant or seasonal agricultural worker's ability to perform the specific job, and will not base employment decisions upon non-permissible factors such as race, gender, marital status, religion, age, disability, nationality, ethnicity or genetic information. "Employment decisions" include hiring, wage rates, benefits, promotion and advancement, discipline, and termination.
- **Forced Labor:** Participating growers will not use forced labor. Forced labor includes prison labor, indentured labor, or any other activity in which the worker's freedom is improperly or unlawfully restricted.
- **Child Labor:** Participating growers will not use child labor, as defined by the laws and regulations regarding agriculture activities of the jurisdiction in which the work is being performed.
- **Wages and Benefits:** Each participating grower commits to pay no less than the established lawful minimum wages to migrant and seasonal agricultural workers. Migrant and seasonal agricultural workers will receive all benefits required by the laws and regulations of the jurisdiction in which the work is being performed.
- **Employment Records:** Each participating grower commits to keep and/or maintain payroll records in a complete and accurate manner as required by law. Each participating grower also agrees to provide clear and understandable wage statements to each employee at the time of payment, which shall be no less than semi-monthly. These statements include the basis upon which wages have been paid; if piece rates were used, the number of units produced; hours worked; any

lawful deductions from wages; and all other information required by law. In addition, participating growers will:

- Keep accurate records of hours worked through a time clock or comparable system operated consistently with applicable laws and regulations of the jurisdiction in which the work is being performed;
 - Pay wages directly to their migrant and seasonal agricultural workers.
- **Healthy and Safe Work Environment:** Participating growers will provide a safe and healthy working environment for their employees. Workers will be trained to ensure safe procedures and proper use of pesticides in the work environment, in accordance with the laws and regulations of the jurisdictions in which the work is performed, including the following:
 - Provide employees with protective equipment adequate for its intended purpose, including shade when necessary to avoid danger from excessive heat, and provide training on company time on the use of such equipment.
 - Take reasonable steps consistent with applicable laws and regulations of the jurisdiction in which the work is being performed to promote the safety of migrant and seasonal agricultural employees, including but not limited to educating such employees on the following:
 - Consistent with Florida's applicable general employment law principles, migrant and seasonal agricultural workers employed by participating growers are at-will employees who are free to terminate their employment or withhold their services for any lawful reason.
 - Ensure plans and facilities are in place to insure the timely and adequate treatment of migrant and seasonal agricultural workers in the event of injury or sickness that may occur on the participating grower's property.
 - Ensure plans and facilities are in place to insure migrant and seasonal agricultural workers have sufficient breaks during the day, including adequate time for lunch, without unreasonably compromising such workers' ability to earn applicable minimum wages for all hours worked.
- **Housing:** Participating growers who own or control housing will ensure that it meets all the applicable health and safety laws and regulations of the jurisdictions in which it is located. No employee will be required to live in participating grower owned or controlled housing as a condition of employment. Participating growers who provide housing to migrant agricultural workers will provide such individuals with written terms of occupancy as required by applicable federal law.

III. Implementation: Participating growers commit to develop implementation, training, third-party monitoring, and corrective action programs to ensure the principles set forth in this code of conduct become part of our daily work environment.