

The Burger King Campaign

Frequently Asked Questions

November 24, 2007

What is the CIW asking of Burger King?

The Coalition of Immokalee Workers is asking Burger King to

- a) pay a penny per pound increase directly to the farmworkers harvesting tomatoes for Burger King's FL-based suppliers.
- b) Work with the CIW to develop and enforce a *rigorous* Code of Conduct to end human rights abuses and require higher standards for FL-based tomato growers who supply the corporation.
- c) Insure a voice for farmworkers in decision that affect their lives by working with the CIW to monitor the wage increase and code of conduct.

Why is the focus on Burger King?

Burger King has publicly refused to work with the CIW and tried to undermine the agreements the CIW has made with Yum! Brands and McDonald's. The PC(USA) has been calling on Burger King to work with the CIW since early 2005.

How has Burger King responded?

Burger King has claimed that farmworkers in its supply chain are not poor, citing both a discredited study produced by McDonald's in 2006 (which McDonald's itself has stepped away from) and by citing unverified figures provided by the Florida Tomato Growers' Exchange, the lobby for Florida growers. It has further made false statements publicly about CIW and its agreements with McDonald's and Yum! Brands implying that the agreements were not working and that CIW might be pocketing money. These claims were publicly challenged by The Carter Center, the PC(USA), and Yum! Brands. Burger King has offered to give money to an Immokalee charity or to retrain farmworkers to work in its Burger King restaurants instead of correcting the adverse effect its high-volume/low cost purchasing practices are having on farmworkers' wages and working conditions.

Is there currently a boycott of Burger King?

No. In April 2007 as the CIW and McDonald's announced their agreement, the CIW said that it would give Burger King until the end of the year to forge an agreement with them or face an "intensification of the campaign." CIW has not yet announced what that intensification will be if Burger King does not act.

Has the CIW asked for these things from other fast-food companies?

Yes. The CIW and its network of allies called the Alliance for Fair Food, have written to all major fast-food and grocery retail corporations calling on them to work with the CIW to rectify the poverty wages and deplorable working conditions created by their high volume-low cost purchasing practices. Thus far Yum! Brands and McDonald's, the two

largest fast-food companies in the world, have responded positively and created groundbreaking agreements with CIW.

How are the agreements with Yum! Brands and McDonald's going?

Extremely well. Originally the CIW had an agreement with Yum! Brands that only applied to Taco Bell (2005) but in spring of 2007, Yum! Brands voluntarily included its other brands in this agreement because it had been going so well. The McDonald's agreement began with the fall 2007 picking season and is in full force. A particular aspect worthy of note in this agreement is that McDonald's and CIW are working together to create a third party independent monitoring organization, capable of monitoring and enforcing codes of conduct industry-wide.

Didn't Florida Growers say they wouldn't participate in these agreements?

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The Florida Tomato Growers Exchange, the growers' lobby, sent out two press releases in 2007 claiming that their members would not participate in the penny per pound agreements. However both the Yum! Brands and McDonald's agreements *are* in force; the companies open their books to the CIW so that they can verify the agreements are working. Both companies are paying the penny per pound. However the FGTE, according to the Associated Press, is threatening any of its members that participate in these agreements with a \$100,000 fine. (Read the AP article printed in the Miami Herald <http://www.miamiherald.com/business/AP/story/318308.html>). Yum! Brands and McDonald's are working together with their suppliers to find away around this obstacle. What these press statements indicate is the utter intransigence of the growers in the face of a growing consumer and corporate demand that farmworkers' human rights be respected. The Stated Clerk of the General Assembly has made a public statement to both Burger King and the FTGE concerning their coordinated efforts to roll back what are significant advances in farmworkers' human rights (<http://www.pcusa.org/fairfood/cliff-openlettertobk-112807.htm>)

Why is there a focus on corporations rather than the government to solve these problems?

Because giant retail food corporations (fast-food and grocery) have a hand in creating farmworker poverty and the conditions that allow modern-day slavery in the fields to flourish. Major corporate buyers — companies like WalMart, McDonald's, and Yum!, whose sheer economic muscle is unprecedented — have increasingly used their buying power to drive down their costs, squeezing their suppliers for the deepest possible discounts on produce. In turn, growers have sought to maintain their margins by squeezing their suppliers, and in particular the one supplier with the least power to negotiate its price, labor.

While growers cannot demand cheaper tractors from John Deere, cheaper chemicals from Monsanto or a break on the interest rate from their bank, they can hold wages stagnant, or even cut the piece rate, and still obtain desperately poor workers to pick their crops. In its 2003 study "Like Machines in the Fields: Workers Without Rights in US Agriculture," Oxfam America concludes: "Squeezed by the buyers of their produce, growers pass on

the costs and risks imposed on them to those on the lowest rung of the supply chain: the farmworkers they employ" (page 36).

What do farmworkers harvesting tomatoes in FL earn?

Farmworkers earn 40-50 cents per 32 pound bucket of tomatoes. The range in earning accounts for differences in various growers and at different times of the harvest. Farmworkers wages have remained stagnant since 1980. According to the National Agricultural Workers Survey (US Department of Labor) farmworkers' average wages are \$10,000 to \$12,499; below the U.S. poverty Line.

But haven't the FL growers and Burger King said farmworkers aren't poor? Burger King and the growers have claimed that workers make more than \$12 an hour (according to *unverified* payroll records). Clearly there is a great discrepancy between this figure (which would place farmworkers among the highest hourly wage earners in FL) and the figures from the US Department of Labor, academic experts and other independent and governmental organizations. The Florida Tomato Growers Exchange (FTGE) is the lobby for Florida tomato growers. As such, it is not likely to point out that Florida tomato-growers' operations have been the subject of lawsuits and U.S. Department of Labor actions for systematic wage violations — including the suit filed earlier this year by more than 170 farmworkers against Ag-Mart Produce Inc., one of Florida's largest vegetable growers. To learn more visit

http://www.naplesnews.com/news/2007/sep/30/guest_commentary_it_costs_tomato_growers_nothing_b/

Do farmworkers earn the minimum wage?

By law, farmworkers are covered under the minimum wage portion of the Fair Labor Standards Act, but are excluded from the FLSA's overtime provision. However since tomato harvesters' wages have been stagnant since 1980 and the minimum wage (both federally and in FL) has increased significantly since then, it becomes apparent that there is a significant problem here. The National Agricultural Workers Survey reports on farmworker earnings to the federal government and has continually emphasized that farmworkers are a population in severe economic distress, living and working below the poverty line.

Are farmworkers covered under the National Labor Relations Act?

No. Farmworkers are explicitly excluded from the NLRA which gives workers in *other* industries the right to organize and bargain collectively with their employers as well as have recourse to the National Labor Relations Board for grievances.

Is there really slavery in the fields?

Yes. The Coalition of Immokalee Workers has worked with the U.S. Department of Justice and the F.B.I. to expose and prosecute five cases of slavery in recent years, freeing more than 1,000 slaves. These are not instances of poverty wages, but of forced labor where men and women are forced through violence or threat of violence to work and are unable to leave. The cases mentioned above were prosecuted using laws put on

the books during Reconstruction as well as the recent anti-trafficking law passed in 2000 and reauthorized in 2003.

In November 2007, the Coalition of Immokalee Workers received the premiere international anti-slavery award from Anti-Slavery International for their “extraordinary contribution to ending slavery in the US agricultural industry.” Founded in 1839 in England, ASI is the world's oldest international human rights organization. The CIW has previously won the Robert F. Kennedy International Human Rights award (2003) as well as commendations from the F.B.I. and the U.S. Department of Justice for their groundbreaking work.

How did the PC(USA) become involved in this work?

When the CIW was first forming in the early 1990s, it received a Self Development of People grant and met for a while in a Presbyterian church. Local congregation who were providing emergency food and clothing to farmworkers began to question why farmworkers, who work six days a week, often 12 hours a day, needed such charity. As the farmworkers engaged the FL growers and the FL state government, Presbyterians marched with the workers, prayed with the workers, and wrote letters. When the CIW declared a national consumer boycott of Taco Bell, one of the fast-food companies known to be purchasing tomatoes from FL, members of the Tampa Bay Presbytery brought an overture of support to the 214th PC(USA) General Assembly in 2002. That launched wider church support and initiated a partnership between the CIW and the Presbyterian Church (U.S.A.). The PC(USA) and its members have been instrumental in helping the CIW to win groundbreaking agreements with Yum! Brands, Taco Bell's parent company, and McDonald's.

What is the General Assembly policy basis for this work?

The 217th General Assembly passed a resolution in support of an ongoing partnership with the Coalition of Immokalee Workers and the Campaign for Fair Food in 2006. Prior to this, the 214th GA voted to support the Taco Bell boycott in 2002 and the General Assembly Council celebrated the CIW-Yum! Brands agreement in 2005. The PC(USA) has supported justice for farmworkers, the right for farmworkers to bargain collectively, and a variety of boycotts over the last century as a nonviolent way to express our Christian values and urge social change.

Where can I find more information about the PC(USA) Campaign for Fair Food?

Visit www.pcusa.org/fairfood for background, educational and worship resources, and take action opportunities. Or contact the Rev. Noelle Damico, National Coordinator of the PC(USA) Campaign for Fair Food at noelle.damico@pcusa.org or 631-751-7076.