



Charter and Operating Protocols *as of April 2022*

Background

The first organizing meeting of the Farm Labor Practices Group (the “FLPG”) occurred on April 18, 2012, in Raleigh, North Carolina, with a subsequent planning meeting held on November 1, 2012. Growing out of an initial discussion about tobacco production in North Carolina, deliberations at the planning meetings focused on key considerations in developing an ongoing dialogue on farm labor practices, identified substantive areas of focus and potential outcomes for the dialogue, explored information needs, and considered needed perspectives. As a result of the planning meetings, the group agreed to launch a multi-stakeholder initiative.

Current member organizations are listed in Appendix I. Over time, membership in the FLPG is expected to expand to include additional stakeholders from across the U.S. agricultural industry, government, and non-governmental organizations.

Purpose of the FLPG

The Farm Labor Practices Group brings together key stakeholders from industry (including growers/farmers, manufacturers and others who sell agricultural products to consumers), government and non-governmental organizations to facilitate constructive dialogue about labor practices in United States agriculture. The goal of the FLPG is to help both farmers and farmworkers in production of labor-intensive crops better understand and comply with applicable labor laws and regulations, and to foster improved practices, where needed, that shape a worker’s experience on the farm. An important part of the work of this initiative is to develop a robust, sustainable forum with the resources and tools to identify and build solutions to farm labor practice issues.

The FLPG provides: 1) a facilitated forum for learning from the diverse perspectives of members about labor-related issues affecting farms and farmworkers; 2) an opportunity to deepen mutual understanding and build productive new relationships through informal discussions with other members; 3) an opportunity for members to work collaboratively to address challenges of mutual interest; and 4) a means to offer constructive support to growers and farmworkers through the work products of the FLPG.

Scope

The FLPG seeks to identify, consider, prioritize and address issues related to farm labor practices in the U.S., with a focus on labor-intensive crops grown in major tobacco-producing states. These discussions will be wide-ranging and the FLPG will explore opportunities for improving farm labor practices across a broad range of topics. All discussions must fully comply with all



applicable anti-trust laws and regulations. The FPLPG will seek to avoid divisive political issues while respecting each member's right to engage in the political discourse as they deem appropriate outside of this group.

Areas of Interest

Within the context of farm labor practices, the FPLPG will periodically select specific issues to be addressed within a range of topics. Broad areas of interest include (but are not limited to) the following:

- Improving farm labor practices, including those related to a safe working and housing environment (especially those that fall below existing regulatory standards)
- Promoting worker/human rights considerations in U.S. Agriculture, including freedom of association and effective grievance mechanisms
- Creating and expanding farm labor education programs for growers and farm labor contractors to enhance their knowledge and compliance
- Improving employer and worker understanding and compliance with applicable labor, health, wage and safety laws and regulations
- Addressing emerging on-farm health and safety issues such as the COVID-19 pandemic
- Exploring policy solutions for labor and other relevant topics

See Appendix II for examples of expected discussion topics, and for the current list of active workgroups.

The FPLPG identifies specific topics for discussion at meetings and subsequent follow-up work based on the following criteria:

- Opportunity to address confusion/contradiction
- Opportunity to have a positive, substantive impact
- Existence of funding and program vehicles that may be able to implement potential recommendations
- Opportunity to provide a forum for information exchange and dialogue regarding emerging issues
- Opportunity to identify new common ground

Membership

The FPLPG seeks to maintain a diversity of stakeholder viewpoints from key sectors, such as but not limited to growers/farmers, manufacturers and others who sell agricultural products to consumers, non-governmental organizations, and government.



The dialogue group may expand and change in composition to add perspectives and expertise necessary to achieve the FPLPG's objectives. New members will be admitted to the FPLPG by a vote of the active FPLPG members in accordance with the Decision-Making Protocols and Member Voting section below. Potential new members may be nominated by any current member.

The dialogue group may choose to add *advisory members* with full voice in the discussions but without vote in formal decisions. A non-funding member organization may change its status at will from voting to advisory, providing justification to the group for doing so. Moving from advisory to voting status requires an affirmative vote by voting members.

All participating organizations are limited to one official representative per meeting of the FPLPG. In addition, each participating organization may designate up to two additional persons to attend the meetings as alternate participants. (FPLPG recognizes the value of including multiple functions and perspectives from a given member organization, but also the need to preserve a manageably sized discussion group.) Members are expected to participate actively by attending FPLPG meetings, contributing constructively to discussion and participating as appropriate in workgroup activity. Members who do not participate regularly and actively or in accordance with this Charter, including the Discussion Principles (below), may be excused from further participation by a vote of the active FPLPG members in accordance with the Decision-Making Protocols and Member Voting section below.

Each official representative of a member organization may designate a single, official alternate to participate in her or his stead if she or he cannot attend a FPLPG meeting. In general, the alternate should be from the same organization as the person she or he is representing, but the FPLPG recognizes that may not be feasible in the case of smaller member organizations. Alternates must be approved by the FPLPG meeting facilitators and will be noted as official alternates on the formal participant list.

The FPLPG members have agreed to intellectually and, where possible, financially support and participate in the FPLPG process.

Leadership

The FPLPG may establish a Steering Committee to help guide the FPLPG's initial planning work. (The Committee historically has been composed of industry, grower, and NGO perspectives.) While the Steering Committee will make no formal decisions for the FPLPG, it can help inform agenda development, support new member recruitment, and consult with the facilitators on emerging topics.

Representation on the Steering Committee may rotate among the membership, as determined by the FPLPG, based on its needs at future meetings. As the FPLPG moves forward, it will evaluate



whether to utilize a Steering Committee structure or establish a different formal structure for internal governance.

The Role of the Third-Party Facilitators

As designated by the FPLG, third party facilitators may help plan meetings, including providing strategic process direction for the overall activities of the FPLG, managing meeting logistics and follow-up, developing agendas in consultation with the Steering Committee, facilitating FPLG interactions, preparing meeting summaries and coordinating the efforts of any work groups as needed.

As designated by the FPLG, third party facilitators will serve as the independent convener in this process and will make process decisions that are in the best interest of the FPLG. All member participants, however, have a voice in decision-making and discussions will be facilitated in a fair and impartial way. Should any member of the FPLG become concerned about any aspect of the facilitation, they should either discuss it with a member of the facilitation team or bring it to the attention of a member of the Steering Committee who will serve as a colleague-to-colleague liaison for the FPLG.

Meeting Formats and Schedules

The FPLG holds at least 2 plenary meetings per year (fall and spring) with smaller working groups or task forces to function between meetings. FPLG meetings are “closed” to non-members to allow for constructive, productive dialogue, although discussion may occasionally necessitate the involvement of guest presenters or invited experts or observers. Meetings are held in different venues and may include day-long deliberation that also include invited presentations or mini-seminars by other knowledgeable experts from the public, private, civic or academic sectors. Read-ahead materials may be developed for meetings and webinars may be used for some mutual learning.

Workgroups

Workgroups may be established by the FPLG to work between FPLG meetings on designated issues. Such workgroup activity would take place largely via conference call and e-mail.

The FPLG may vote to form new workgroups at any time. Voting should be based on a written proposal that includes the workgroup’s intended scope and objectives as well as what will be expected of workgroup participants.

Decision-Making Protocols and Member Voting

The power of a group such as the FPLG is its ability to bring together a diverse group of stakeholders with a range of interests and perspectives around specific public policy-related



topics. Each FLPG full (distinct from advisory) member will have one vote on any proposal or action to be voted upon by the FLPG.

At any meeting of the FLPG, 75% of all voting member organizations must be present to constitute a quorum. Unless otherwise specified in this Charter, all decisions of the FLPG require the affirmative vote of 75% of those voting members present at a meeting where a quorum has been met. On occasions when a member organization recuses itself from voting on a given topic (rather than abstaining), that organization should not be counted as present in determining a quorum for purposes of that decision.

While in-person voting is preferred, remote decision-making by email vote may be utilized – in limited circumstances, and via the third-party facilitator – to provide opportunity for resolution of FLPG matters in between scheduled meetings. Remote decision-making is limited to proposals that have been discussed during an in-person or virtual meeting of the full group. Preceding a call for a vote, FLPG members will be given an opportunity to provide feedback or to request a real-time discussion, along with a timeline for comments and voting. Decisions by remote voting require the affirmative vote of 75% of FLPG members eligible to vote.

Decisions regarding external communications from the FLPG require consensus support from members.

Outputs

The facilitator will prepare summaries of each meeting, capturing key issues, conclusions, and agreed-upon next steps. This record keeping will not seek to be a verbatim or near-verbatim record of the proceedings. Summaries will not attribute statements to individuals, except where specific commitments are made, comments are made as part of a specific presentation, or where individuals wish to note their personal objections.

Summaries will be distributed to all members and are not for distribution outside of the membership. The FLPG may develop special agreements as needed regarding the potential need of participating organizations to communicate progress to a wider circle of constituents.

In addition to providing a forum for information exchange and networking, the FLPG will endeavor to produce substantive outputs designed to make marked progress in addressing farm labor practices. The desired output will be assessed on a topic-by-topic basis, taking into account FLPG member interests, resource needs and feasibility of implementation.

Funding and Finances



Ideally, funding for FPLPG activities will come from a combination of sponsoring entities, including industry, government, non-government organizations and/or private foundations. All sources of funding will be fully disclosed to any interested person or organization.

One of the FPLPG's priorities is to identify and pursue potential funding sources. In general, the FPLPG will seek to maintain as low-budget an enterprise as possible while still having sufficient resources available to conduct meetings, maintain work streams and prepare written products.

Discussion Principles for the FPLPG

Respect for the collaborative process. We are in search of shared solutions to shared challenges. Actively listen to others, maintain focus, and be sensitive to the length, tone and pertinence of your own comments. Please keep individual comments brief so that multiple individuals have an opportunity to contribute on a given question or topic.

Comments made during meeting discussions are off the record and not for attribution. Participants are welcome to share their personal views and ideas regarding the dialogue with others outside of this process. A third-party facilitator or other designee of the Steering Committee will produce general meeting records without attributions of specific statements. Similarly, no participant should quote another participant or characterize their views outside of FPLPG meetings without her/his express permission, nor should they attempt to speak on behalf of the entire FPLPG membership unless authorized by the full group.

External communications. Any official inquiries from the media, trade journals or other private, public, civil or academic sector organizations should be forwarded to the third-party facilitator or other entity as designated by the FPLPG. The third-party facilitator is Keystone Policy Center (www.keystone.org).

Brad Sperber
Keystone Policy Center
bsperber@keystone.org or 301-233-0734

The FPLPG will, as needed, prepare statements about its work for use with external audiences, including the media. Either after each meeting or at major junctures of the dialogue, the FPLPG will jointly issue a release as needed to update interested parties on the dialogue's progress. ***Individual members are not authorized to speak on behalf of the FPLPG without the consent of the FPLPG.***

Member organizations may reserve the right to add a brief disclaimer statement to official work products regarding their relationship to the group's decision. (FOR FUTURE CONSIDERATION. NOT PART OF TODAY'S AGREEMENT.)



Participants are expected to focus on the substance of a given topic. Participants are strongly encouraged to “go tough on the issues, and easy on one another.”

Participants are understood to represent their personal views and not necessarily those of the organizations with which they are affiliated, unless otherwise specified. Viewpoints and proposals offered during in-person meetings and other interactions in the context of the dialogue should not be construed as organizational positions unless so specified by the speaker.

Individuals are asked to participate in the full FLPG meeting. If they cannot do so, then they are asked to inform the facilitators prior to the meeting out of courtesy to other participants, invited presenters, and staff.

Maintain a gadget-free zone. Please silence cell phones and other devices during meetings.

It is assumed that all FLPG members participate in good faith and in search of clarity, insight and solutions.

Ongoing Assessment, Transparency, and Governance

As the number of members grows and the FLPG evolves, the FLPG will review this Charter annually and consider any revisions necessary to ensure that its provisions and protocols, as well as the FLPG’s organizational structure, remain suited to the ongoing work of the group, are consistent with best practices for governance of multilateral stakeholder groups, and foster appropriate transparency.

Amendments, modifications, or supplements to this Charter can only be made by a vote of the members in accordance with the Decision-Making Protocols and Member Voting section above.

As the members reach consensus on the scope, funding, and governance of the FLPG, the FLPG may elect to form a corporate entity to institutionalize its precepts and advance its purpose.



Appendix I: Current Members

Alliance One International

Altria Client Services, Inc.

Consulate General of Mexico in Raleigh (*Advisory Member*)

Interfaith Center on Corporate Responsibility

North Carolina Agribusiness Council (*Advisory Member*)

North Carolina Agromedicine Institute (*Advisory Member*)

North Carolina Department of Agriculture and Consumer Services (*Advisory Member*)

North Carolina Department of Commerce – Division of Workforce Solutions (*Advisory Member*)

North Carolina Department of Labor – Bureau of Agricultural Safety and Health (*Advisory Member*)

North Carolina Farm Bureau (*Advisory Member*)

RAI Service Company

Tobacco Growers Association of North Carolina

Universal Corporation

U.S. Department of Labor – Wage and Hour Division



Appendix II: FPLG Areas of Interest

At the present time, FPLG programmatic activity is organized into workgroups focused on the following topics:

- Compliance and performance of farm labor contractors
- Health and safety
- Training and education of employers and workers
- Communications and governance
- Outreach and recruitment

The following outline provides further detail regarding the scope of dialogue.

- Farm labor practices, especially those that fall below existing regulatory standards, e.g. –
 - Working conditions on the farm
 - Housing conditions
 - Green Tobacco Sickness and crop protection agents (information and protections for workers)
 - Field sanitation
 - Basic safety considerations, including transportation safety
 - Utilizing a documented workforce that is compliant with current state and federal laws (wages, recordkeeping and disclosure requirements, insurance obligations, transportation licensure requirements, farm labor contractor requirements, penalty structure and legal remedies)
 - Consistent implementation of Good Agricultural Practices (GAP) standards
- Worker / human rights considerations, e.g. –
 - Freedom of association
 - Workers' access to effective grievance mechanisms and support for workers to ask for help from / report issues to government enforcement agencies, Consular services, and supportive services organizations.
 - Retaliation against workers for complaints or addressing conditions
 - Disclosure regarding terms and conditions of union membership
 - Forced labor and child labor
 - Recruitment of workers
- Grower and worker training and education, including roles and accountabilities for growers, workers, contractors and crew leaders.
 - Determining how a cross-sector, common training and education program can address key farm labor practice issues
 - Priority training needs (the basic issues)
 - Helping workers understand the needs of growers



- Needed policy changes (potentially including State and Federal laws, regulations, and enforcement practices affecting growers and farmworkers)
 - Inventory of past and current reform efforts
 - Enlarging coverage and effectiveness of the H-2A visa program
 - Enforcement priorities and opportunities
 - Pitfalls and challenges of various policy approaches