



David MacLennan  
Chairman and CEO  
Cargill, Incorporated  
PO Box 9300  
Minneapolis, MN 55440-9300

April 18, 2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear David MacLennan,

We are writing to solicit your views for forthcoming research on workers' rights in meat and poultry slaughtering and processing plants in the United States. Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Our organization has been investigating the rights and conditions of workers at meat and poultry slaughtering and processing establishments across the United States. We plan to publish a report on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks that are predictable and preventable, and undermine the right to compensation and remediation for occupational injury and illness. These findings are based on extensive interviews conducted with current and former workers at meat and poultry slaughtering and processing establishments, primarily in Alabama, North Carolina and Nebraska, including establishments owned or operated by Cargill Meat Solutions. We plan to share a summary of our findings with you prior to publication.

Human Rights Watch is committed to producing research that is well-informed and objective. We hope you and your staff will respond to the attached questions so that your views may be accurately reflected in our reporting. We would appreciate a written response by 20 May 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues.

Thank you. We look forward to your response. We would also be happy to discuss this research with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

Handwritten signature of Nicole Austin-Hillery in black ink.

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

Handwritten signature of Arvind Ganesan in black ink.

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



**Questions for Cargill Meat Solutions:** We appreciate the responses to the following questions. Please answer all questions for establishments that you either own or operate, unless otherwise noted.

### General

- Under which brands or subsidiaries does Cargill Meat Solutions sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.
- How many workers does Cargill Meat Solutions employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?
- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide Cargill Meat Solutions? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?
- Does Cargill Meat Solutions participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?
- How many of your establishments currently have contracts with a union to represent the bargaining unit?

### Worker Health and Safety

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?
- Does Cargill Meat Solutions maintain infirmaries or other medical personnel at its? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.
- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?
- How do employees at your establishments report sexual harassment and assault?
- How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?
- How does Cargill Meat Solutions train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.
- Does Cargill Meat Solutions maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days



away from work, restricted work or transfer to another job; and medical treatment beyond first aid.

- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmity visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

### **Work Speed**

- Does Cargill Meat Solutions establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?
- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?
- How do you determine the rate of operation for slaughtering or processing lines at in your establishments?
- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.
- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?

### **Worker Grievances**

- What policies or practices does Cargill Meat Solutions have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.

**May 28, 2019**

**To: Namratha Somayajula, Associate, Business and Human Rights Division  
Human Rights Watch**

Thank you for the opportunity to share information regarding Cargill Meat Solutions Corporation's ("CMSC") commitment to human rights.

### **General**

Cargill Meat Solutions – which includes all of Cargill's North American beef, turkey, foodservice and food distribution businesses – is headquartered in Wichita, Kansas. Our customers include foodservice operators, retailers, food manufacturers and more.

Our business provides an equitable, safe and supportive workplace and operates in a way that protects the health and safety of our employees. As detailed in [Cargill's Human Rights Commitment](#), our focus on employees is underscored by an unconditional commitment to protecting human rights, treating people with dignity and respect, and operating responsibly across the agricultural, food, industrial and financial markets we serve and the communities where we do business.

Cargill's commitment to putting people first permeates throughout our culture and is referenced specifically in our [Guiding Principles and Code of Conduct](#), and our Cargill leadership expectations.

These serve as the foundation for the behaviors expected from all employees and leaders. The Code is reinforced through regular training to help ensure that employees' actions and behaviors align with our commitments on business conduct.

Cargill does not tolerate discrimination, harassment, relation or of any kind of inappropriate behavior in the workplace. We train employees at all levels about Cargill's expectations of behavior and treatment in workplace and we take appropriate action when any form of misconduct is found.

### **Workforce Overview**

CMSC employs 18,000+ workers in our U.S. protein production facilities. The majority of these employees are represented by a Union. We have worked in partnership with the Union on several issues of importance such as immigration, safety and access to healthcare, not just for our employees but for the industry as a whole.

CMSC has a robust program to ensure that only those who can properly verify who they are and that they are authorized to work in the U.S. are hired. Part of this program is use of the E-Verify system. E-Verify is the voluntary employment verification system provided by the U.S. government. In fact, CMSC was an early participant in the prior Basic Pilot program, a predecessor to E-Verify.

We do not generally use temporary or traditional staffing firms for production jobs in the U.S., although there may be short-term needs for which a temporary solution may be used. Any person, whether they have worked for a temporary agency or not, can apply for jobs with our business through our online postings and portal.

## **Worker Health and Safety**

Employee safety remains at the heart of Cargill's purpose to be the leader in nourishing the world in a safe, responsible and sustainable way. Our goal of keeping everyone safe at work includes more than physical safety, it also means that employees feel emotionally and psychologically safe, feel accepted, respected and welcome in the workplace.

A number of Cargill's corporate policies support this goal of psychological safety. For example, one of Cargill's Guiding Principles directs that "we treat people with dignity and respect", and our global anti-discrimination policy prohibits any form of discrimination or harassment based on a variety of factors, including an employee's race, ethnicity, color, religion, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, disability, pregnancy, genetic information, marital status, family status, citizenship status, veteran status, military status, union affiliation or any other status protected by law.

All employees have access to our employee assistance program, which includes information and referrals to such services as financial planning, counseling, childcare services, legal assistance, lifestyle coaching, elder care and mental health support.

Cargill complies with all health and safety laws in addition to our own programs and safety requirements, which often go beyond the requirements of the law. To ensure a safe and healthy workplace, CMSC has a set of key programs and policies to continuously improve workplace safety - such as Focus on LIFE, which is designed to eliminate serious injuries and fatalities, and ergonomics programs that address the risk factors associated with activities in protein production operations. In the circumstance that any work-related injury or illness occurs, we require immediate reporting and complies with all recordkeeping requirements under OSHA.

Cargill also has policies and procedures which facilitate employee requests for workplace accommodations. Accommodations could relate to religious beliefs, medical conditions or other personal needs. Although regular breaks and the ability to request additional time away from the production line to attend to personal needs are available each day, employees can request more formal accommodations through these policies.

We also have occupational health clinics at all of our U.S. protein production facilities. These clinics provide on-site medical treatment, and are staffed by licensed nurse professionals who are trained to follow CMSC guidelines and policies. Our employees are expected to visit the occupational health clinics for any concern or issue, and there are no limits to the number of visits an employee is allowed.

In addition to the occupational health clinics, CMSC has partnered with Marathon Health to open 12 clinics that provide an option for free healthcare to our employees and their dependents who are covered by a Cargill health insurance plan. These clinics provide easy access to preventative healthcare for our employees and their families.

## **Work Speed**

CMSC appreciates that the health and safety of our employees can be impacted by line speed, and we do not use quotas to drive production. We believe safe operations are the cornerstone of productive

operations. We take a balanced approach to incentives that focuses on factors such as safety performance, food safety and quality, employee engagement and process efficiencies and productivity.

When necessary, we adjust production and we reallocate labor based on facility capacity and demand. We are committed to ensuring that production only takes place at safe speeds, and is maintainable based on staffing levels.

### **Worker Grievances**

CMSC is committed to providing, creating and sustaining a culture of trust where our employees feel safe and respected. We encourage all employees to raise concerns or complaints, regardless of the issue and we look into concerns or complaints that are raised. There are many resources available for employees to report concerns for review, including an employee's supervisor, any manager, local or Corporate Security, through our Employee Relations team, Human Resources Support Center (phone, email or internal website), or by using the Cargill Ethics Open Line system, which is available anonymously via phone, email or online. In locations where employees have chosen to be represented by a Union, the Union provides an additional avenue to raise concerns.

Cargill abides by a strict Anti-Retaliation Policy, which ensures that our employees feel empowered and safe in speaking up and reporting concerns.

Cargill is unwavering in our commitment to putting people first – it is not only the right thing to do, but also critical to our success. We take pride in leading in our industry and work to ensure the best practices outlined above are implemented in the U.S., and in our operations around the world.



David MacLennan  
Chairman and CEO  
Cargill, Inc.  
PO Box 9300  
Minneapolis, MN 55440-9300

6/27/2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear David MacLennan,

Thank you for your May 28, 2019 response to our letter dated April 18, 2019, and the additional information shared with us on Cargill Meat Solutions' policies and practices. We welcome the opportunity to engage in constructive dialogue with Cargill Meat Solutions about workers' rights in the meat and poultry slaughtering and processing industry and hope that Cargill Meat Solutions can be an example of best practices in its approach to protecting and promoting the rights of workers.

We are writing to share findings from research that Human Rights Watch carried out regarding human rights abuses in meat and poultry plants in the United States, and to seek your response.

Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

As noted in our previous correspondence, we conducted research between December 2018 and May 2019, interviewing forty-nine current and former workers at meat and poultry slaughtering and processing plants, representing jobs at all stages of production, primarily in Alabama, North Carolina, and Nebraska. We documented hazardous conditions of work, serious health and safety risks, and other human rights problems, including at some establishments owned or operated by Cargill Meat Solutions.

We plan to publish a report that will include the individual rights abuses we documented as well as business practices that undermine workers' rights and fuel or give rise to serious risks to workers' safety and health that are predictable and preventable.

At this time, we are writing to share additional information about our findings but cannot share specific details about establishments owned or operated by Cargill Meat Solutions that were included within our research. The reason for this is that we must evaluate the potential impacts on sources when determining how much information we can divulge, for example, regarding specific facilities that were within the scope of our research. Our research and reporting worldwide is conducted following the principle of informed consent and strives to minimize the risk of retaliation to interviewees who consent to give us information.

We would be grateful for your response to our Summary of Findings, Request for Additional Information, and Additional Clarifications below, so that we may accurately reflect your views in our reporting.

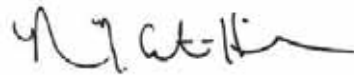
We would appreciate a written response by July 18, 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues. Thank you. We look forward to your response.

As always, we would also be happy to discuss this with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,



Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch



## Summary of Findings

### Workers' Health and Safety

Workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. Although workers at meat and poultry slaughtering and processing plants across the country interviewed by Human Rights Watch do not represent a statistically significant sample of the industry's workforce, their testimony indicates that the industry is far more dangerous for workers than federal data reflect.

### Traumatic Injuries & Cumulative Trauma

Workers at meat and poultry slaughtering and processing plants who spoke with Human Rights Watch face serious health and safety hazards. Most workers interviewed by Human Rights Watch for this report shared experiences with injuries or illnesses caused by their work.

Nearly all workers suffered from chronic nerve or muscle pain in their hands, arms, or shoulders because of their work. Many of these workers experience severe pain in their muscles and joints that wakes them at night or causes numbness, tingling, loss of grip strength and agility, twitching, or burning. Others had been diagnosed with carpal tunnel, tendinitis, or other nerve or musculoskeletal disorders, for which some have undergone surgeries. In interviews with Human Rights Watch, many of these workers described the disabling impacts of this chronic pain and debilitation on their daily lives, both inside and outside of the plant.

Human Rights Watch found that these musculoskeletal illnesses were common among interviewed workers and that the occurrence of such injury and illness experienced by workers are both fueled, and obscured, by some practices described below.

### Risks Fueled by Rapid Work Speeds

We documented some practices that appear to reflect efforts to maximize output and minimize labor costs, which expose workers to increased risk of injury and illness. Human Rights Watch found that many employers maintain work speeds that exceed workers' physical capacity and place them at risk of serious, potentially life-threatening, injury and illness. Nearly all workers who spoke with Human Rights Watch reported that their plants operate at work speeds that endanger their safety and health.

Human Rights Watch found that workers frequently have little to no ability to influence or regulate their work speeds and often cannot take breaks during their shift, even when experiencing pain. Many workers who spoke with Human Rights Watch reported that some corporate practices contribute to high work speeds, including goals, quotas, or bonuses relating to operations (e.g., yield, efficiency, etc.).

### *Rapid Line Speeds*

Workers who spoke with Human Rights Watch corroborated research that has found that rapid line speeds compound the highly-repetitive, forceful movements required by meat and poultry slaughtering and processing work, and increase the risk of developing musculoskeletal or cumulative trauma disorders.

Human Rights Watch found that supervisors at some meat and poultry plants operate their departments at line speeds that are not commensurate with workers' safety and health. Human Rights Watch found that workers frequently have little to no ability to influence or regulate the speed of their lines, or take breaks. Almost all workers who spoke with Human Rights Watch reported that their plants had increased line speeds since they first began working.

### *Inadequate Staffing*

Most workers who spoke with Human Rights Watch reported that plant officials operate lines at speeds that exceed available staffing. Moreover, many long-term workers who spoke with Human Rights Watch described the slow attrition in the number of workers from their stations, which has meant progressively more work for those who remain.

### *Mistreatment by Supervisors*

Human Rights Watch found that some supervisors in some meat and poultry slaughtering and processing plants push workers to labor at speeds that endanger their safety and health through abusive language and threats. Nearly all workers who spoke with Human Rights Watch described constant pressure to keep the line moving from their supervisors. Most workers reported that supervisors pressured them to labor at work speeds that caused, or placed them at risk of, injury or illness.

Workers who spoke with Human Rights Watch reported that if they complained to supervisors about the speed of the line or requested that it be slowed down, their supervisor would berate, threaten, or show them the door. Workers also reported that supervisors berated or threatened workers with termination for any decline in product quality that would result from these high work speeds.

Human Rights Watch found that treatment by supervisors impacts workers' mental health as well. Several workers who spoke with Human Rights Watch for this report cried during their interviews when relaying their experiences with abusive supervisors. Many more described the stress of dangerous conditions and how mistreatment by supervisors has an emotional and psychological toll on workers.

## Line Speed Increases Threaten Workers

Human Rights Watch found that increasing maximum line speeds for slaughter operations will increase workers' exposure to hazards that increase the risk of severe occupational injury and illness.

Workers who spoke with Human Rights Watch reported that line speeds in different departments, even those separated by full stops in processing, are still closely related. Many workers who spoke with Human Rights Watch reported that high rates of production in other departments contributed to pressure on them to labor at work speeds that are not commensurate with their safety and health.

## Harmful Chemical Exposure

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and their severe impact on their daily health. Human Rights Watch found that some poultry slaughtering and processing plants may expose workers for prolonged durations to airborne concentrations of chemicals used for sanitation or anti-microbial treatment, particularly peracetic acid, to the detriment of workers' health. Human Rights Watch found that workers at some poultry slaughtering and processing plants have little knowledge of, or ability to regulate or complain about, the airborne concentrations of chemicals to which they are being exposed.

## Inadequate Bathroom Access

Human Rights Watch found that many workers in the meat and poultry slaughtering and processing industry cannot easily or regularly use the restroom during their shift. Some workers who spoke with Human Rights Watch reported that their supervisor routinely denies requests to use the restroom, requiring workers to wait until their break. Multiple workers who spoke with Human Rights Watch described coworkers urinating on themselves or wearing diapers at their workstations. No worker who spoke with Human Rights Watch about restroom access issues reported that their supervisors would lower line speeds when replacement workers were unavailable.

## Under-recording of Occupational Injury and Illness

Human Rights Watch found that some plant-level practices suppress the recording and reporting of occupational injuries and illnesses, and that the rates of work-related injury and illness sustained by workers captured in data on the industry do not accurately reflect the hazards facing workers.

Nearly all workers who spoke with Human Rights Watch reported practices that discourage workers, supervisors, and in-plant medical personnel from recording and reporting incidents of occupational injury and illness.

Several workers reported being told by supervisors not to report injuries or severe muscle or joint pain they experienced at their workstation. Many workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations when injured and kept their medical treatment at the level of first-aid without referral to a physical, sometimes for weeks or months, regardless of the severity of their injuries or illnesses.

Many workers who spoke with Human Rights Watch reported that they do not willingly report work-related injuries or illnesses that they sustain at work because they fear retaliation by supervisors or other plant-level officials. A widely-held perception among workers who spoke with Human Rights Watch was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about injuries or illnesses.

## Request for Additional Information

We are grateful for Cargill Meat Solutions' responses to our previous correspondence and for initiating a constructive dialogue regarding workers' right to health in the meat and poultry slaughtering and processing industry.

As noted above, we plan to publish a report this year on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks to workers' safety and health that are predictable and preventable. We are committed to the accuracy of our reporting and would hope to reflect relevant information about Cargill Meat Solutions' operations and policies in our report. We would be grateful for responses to the following questions:

- What processes or practices does Cargill Meat Solutions use to ensure that supervisors and other plant-level officials follow Cargill Meat Solutions' internal policies or guidelines regarding practices described above?
- Can Cargill Meat Solutions please provide us with additional information regarding your internal policies or guidelines regarding the following matters:
  - Referring injured or ill workers to physicians from in-plant medical units or stations.
  - Providing workers with breaks or the ability to step away from line work when experiencing pain.
  - Determining rates of operation in different departments at establishments that Cargill Meat Solutions owns or operates (e.g., who sets operation speeds, are lines allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).
  - Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.
  - Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.
  - Recording work-related injuries and illnesses in OSHA logs.
  - Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.
  - Responding to miscuts from production employees that workers believe are caused by rapid work speeds.
- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does Cargill Meat Solutions belong? Do you, either as a corporation or through any of your trade

associations, invest resources to lobby the government to increase line speeds at your facilities?

- According to the FSIS' Official Calendar of Meetings, Angie Siemens, Cargill Meat Solutions' Vice President of Food Safety, visited with Paul Kiecker, the FSIS' Acting Administrator in Washington D.C. to discuss "Inspection Modernization" on June 12, 2018. Additionally, in December 2018, Casey Gallimore from the North American Meat Institute, which Cargill, Inc. is a member, visited with Paul Kiecker to discuss "Beef Modernization." Could you provide Human Rights Watch with information regarding CMSC's engagement with the FSIS's "modernization" rulemakings? Has CMSC been engaged with lobbying on behalf of similar FSIS reforms in cattle slaughter operations?

### Additional Clarifications

Additionally, in order to ensure that we accurately understand your May 28, 2019 response to our letter dated April 18, 2019, we would also greatly appreciate your clarification of the following responses from your letter:

- *"Cargill complies with all health and safety laws in addition to our own programs and safety requirements, which often go beyond the requirements of the law. To ensure a safe and healthy workplace, CMSC has a set of key programs and policies to continuously improve workplace safety - such as Focus on LIFE, which is designed to eliminate serious injuries and fatalities, and ergonomics programs that address the risk factors associated with activities in protein production operations."*
  - Could you please provide us with additional information regarding the Focus on LIFE program?
- *"CMSC appreciates that the health and safety of our employees can be impacted by line speed, and we do not use quotas to drive production. We believe safe operations are the cornerstone of productive operations. We take a balanced approach to incentives that focuses on factors such as safety performance, food safety and quality, employee engagement and process efficiencies and productivity. ... We are committed to ensuring that production only takes place at safe speeds, and is maintainable based on staffing levels."*
  - How long has CMSC operated without the use of quotas to drive production? If there ever was a change in policy, can you please provide us with additional information about what informed CMSC's decision to operate without quotas?
  - Who qualifies or is eligible to receive the incentives mentioned above (e.g., all production staff, supervisors, plant managers, etc.)?

- Could you please provide us with more information about how incentives relating to efficiency and productivity are structured? Does this include the number of hours paid per particular amount of output?
  - Could you please provide us with more information about how incentives relating to safety performance are structured? How does CMSC measure or determine the health and safety outcomes of managers and supervisors?
  - What processes or practices does CMSC have to monitor and ensure that supervisors and other plant-level officials adhere to safe work speeds, both in terms of line speed and staffing levels?
- *“In the circumstance that any work-related injury or illness occurs, we require immediate reporting and complies with all recordkeeping requirements under OSHA.”*
    - What processes or practices does CMSC have to monitor and ensure that supervisors and other plant-level officials adhere to these recordkeeping requirements?

We would greatly appreciate a written response to this letter by July 18, 2019. Additionally, we welcome the opportunity to speak or meet with representatives from Cargill Meat Solutions to discuss our research findings. Please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org) with your response to these requests.



**We sent two letters to Case Farms regarding a range of issues covered in this report, requesting information regarding their policies and practices. They did not respond to our requests.**

Thomas Shelton, CEO  
Case Farms LLC  
385 Pilch Rd,  
Troutman, NC 28166

April 18, 2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Thomas Shelton,

We are writing to solicit your views for forthcoming research on workers' rights in meat and poultry slaughtering and processing plants in the United States.

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Human Rights Watch is committed to producing research that is well-informed and objective. We hope you and your staff will respond to the attached questions so that your views may be accurately reflected in our reporting. We would appreciate a written response by 20 May 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues.

Thank you. We look forward to your response. We would also be happy to discuss this research with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Austin-Hillery".

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

A handwritten signature in black ink, appearing to read "Arvind Ganesan".

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch





**Questions for Case Farms:** We appreciate the responses to the following questions. Please answer all questions for establishments that you either own or operate, unless otherwise noted.

### **General**

- Under which brands or subsidiaries does Case Farms sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.
- How many workers does Case Farms employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?
- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide Case Farms? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?
- Does Case Farms participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?
- How many of your establishments currently have contracts with a union to represent the bargaining unit?

### **Worker Health and Safety**

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?
- Does Case Farms maintain infirmaries or other medical personnel at its? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.
- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?
- How do employees at your establishments report sexual harassment and assault?
- How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?
- How does Case Farms train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.
- Does Case Farms maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.



- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmary visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

### **Work Speed**

- Does Case Farms establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?
- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?
- How do you determine the rate of operation for slaughtering or processing lines at in your establishments?
- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.
- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?

### **Worker Grievances**

- What policies or practices does Case Farms have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.

### **New Poultry Inspection System**

- Have any of your establishments implemented the New Poultry Inspection System (NPIS)?
- Has Case Farms obtained or requested any waivers of 9 CFR 381.69(a) from the United States Department of Agriculture's Food Safety and Inspection Service to operate line speeds up to 175 birds per minute at any establishment it owns or operates? If so, which of your establishments



have been granted waivers? Please provide Human Rights Watch with copies of any written requests for a waiver of 9 CFR 381.69(a).

- Have you implemented any policies or practices to prepare employees at establishments transitioning to operate at 140 birds per minute or above?

### **Chemical Use and Exposure**

- Does Case Farms use peracetic acid solutions at any of your establishments? If so, how are peracetic acid solutions used at these establishments? Do you use any other chemical agents for sanitation or the antimicrobial treatment of products during slaughtering or processing?
- Do you provide employees at your establishments with personal protective equipment that may limit or protect from physical or airborne exposure to peracetic acid? What about other chemical agents you may use?
- If you have any policies or practices related to the following topics, please explain:
  - The acceptable range for the concentration of peracetic acid solutions used at your establishments, and how this is monitored.
  - The acceptable range for the airborne concentration and exposure of workers to peracetic acid at your establishments, and how this is monitored.
  - Handling concerns or complaints from employees regarding the airborne concentration of peracetic acid.



**We sent two letters to Case Farms regarding a range of issues covered in this report, requesting information regarding their policies and practices. They did not respond to our requests.**

Thomas Shelton  
Case Farms LLC  
385 Pilch Rd,  
Troutman, NC 28166

6/27/2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Thomas Shelton,

We are writing to share findings from research that Human Rights Watch carried out regarding human rights abuses in meat and poultry plants in the United States, and to seek your response.

Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

As noted in our previous correspondence, we conducted research between December 2018 and May 2019, interviewing forty-nine current and former workers at meat and poultry slaughtering and processing plants, representing jobs at all stages of production, primarily in Alabama, North Carolina, and Nebraska. We documented hazardous conditions of work, serious health and safety risks, and other human rights problems, including at some establishments owned or operated by Case Farms.

We plan to publish a report that will include the individual rights abuses we documented as well as business practices that undermine workers' rights and fuel or give rise to serious risks to workers' safety and health that are predictable and preventable.

At this time, we are writing to share additional information about our findings but cannot share specific details about establishments owned or operated by Case Farms that were included within our research. The reason for this is that we must evaluate the potential impacts on sources when determining how much information we can divulge, for example, regarding specific facilities that were within the scope of our research. Our research and reporting worldwide is conducted following the principle of informed consent and strives to minimize the risk of retaliation to interviewees who consent to give us information.

We would be grateful for your response to our Summary of Findings and Request for Additional Information below, so that we may accurately reflect your views in our reporting.



We would appreciate a written response by July 18, 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues. Thank you. We look forward to your response.

As always, we would also be happy to discuss this with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Arvind Ganesan".

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch

A handwritten signature in black ink, appearing to read "Nicole Austin-Hillery".

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch



## Summary of Findings

### Workers' Health and Safety

Workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. Although workers at meat and poultry slaughtering and processing plants across the country interviewed by Human Rights Watch do not represent a statistically significant sample of the industry's workforce, their testimony indicates that the industry is far more dangerous for workers than federal data reflect.

### Traumatic Injuries & Cumulative Trauma

Workers at meat and poultry slaughtering and processing plants who spoke with Human Rights Watch face serious health and safety hazards. Most workers interviewed by Human Rights Watch for this report shared experiences with injuries or illnesses caused by their work.

Nearly all workers suffered from chronic nerve or muscle pain in their hands, arms, or shoulders because of their work. Many of these workers experience severe pain in their muscles and joints that wakes them at night or causes numbness, tingling, loss of grip strength and agility, twitching, or burning. Others had been diagnosed with carpal tunnel, tendinitis, or other nerve or musculoskeletal disorders, for which some have undergone surgeries. In interviews with Human Rights Watch, many of these workers described the disabling impacts of this chronic pain and debilitation on their daily lives, both inside and outside of the plant.

Human Rights Watch found that these musculoskeletal illnesses were common among interviewed workers and that the occurrence of such injury and illness experienced by workers are both fueled, and obscured, by some practices described below.

### Risks Fueled by Rapid Work Speeds

We documented some practices that appear to reflect efforts to maximize output and minimize labor costs, which expose workers to increased risk of injury and illness. Human Rights Watch found that many employers maintain work speeds that exceed workers' physical capacity and place them at risk of serious, potentially life-threatening, injury and illness. Nearly all workers who spoke with Human Rights Watch reported that their plants operate at work speeds that endanger their safety and health.

Human Rights Watch found that workers frequently have little to no ability to influence or regulate their work speeds and often cannot take breaks during their shift, even when experiencing pain. Many



workers who spoke with Human Rights Watch reported that some corporate practices contribute to high work speeds, including goals, quotas, or bonuses relating to operations (e.g., yield, efficiency, etc.).

### *Rapid Line Speeds*

Workers who spoke with Human Rights Watch corroborated research that has found that rapid line speeds compound the highly-repetitive, forceful movements required by meat and poultry slaughtering and processing work, and increase the risk of developing musculoskeletal or cumulative trauma disorders.

Human Rights Watch found that supervisors at some meat and poultry plants operate their departments at line speeds that are not commensurate with workers' safety and health. Human Rights Watch found that workers frequently have little to no ability to influence or regulate the speed of their lines, or take breaks. Almost all workers who spoke with Human Rights Watch reported that their plants had increased line speeds since they first began working.

### *Inadequate Staffing*

Most workers who spoke with Human Rights Watch reported that plant officials operate lines at speeds that exceed available staffing. Moreover, many long-term workers who spoke with Human Rights Watch described the slow attrition in the number of workers from their stations, which has meant progressively more work for those who remain.

### *Mistreatment by Supervisors*

Human Rights Watch found that some supervisors in some meat and poultry slaughtering and processing plants push workers to labor at speeds that endanger their safety and health through abusive language and threats. Nearly all workers who spoke with Human Rights Watch described constant pressure to keep the line moving from their supervisors. Most workers reported that supervisors pressured them to labor at work speeds that caused, or placed them at risk of, injury or illness.

Workers who spoke with Human Rights Watch reported that if they complained to supervisors about the speed of the line or requested that it be slowed down, their supervisor would berate, threaten, or show them the door. Workers also reported that supervisors berated or threatened workers with termination for any decline in product quality that would result from these high work speeds.

Human Rights Watch found that treatment by supervisors impacts workers' mental health as well. Several workers who spoke with Human Rights Watch for this report cried during their interviews when



relaying their experiences with abusive supervisors. Many more described the stress of dangerous conditions and how mistreatment by supervisors has an emotional and psychological toll on workers.

### Line Speed Increases Threaten Workers

Human Rights Watch found that increasing maximum line speeds for slaughter operations will increase workers' exposure to hazards that increase the risk of severe occupational injury and illness.

Workers who spoke with Human Rights Watch reported that line speeds in different departments, even those separated by full stops in processing, are still closely related. Many workers who spoke with Human Rights Watch reported that high rates of production in other departments contributed to pressure on them to labor at work speeds that are not commensurate with their safety and health.

### Harmful Chemical Exposure

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and their severe impact on their daily health. Human Rights Watch found that some poultry slaughtering and processing plants may expose workers for prolonged durations to airborne concentrations of chemicals used for sanitation or anti-microbial treatment, particularly peracetic acid, to the detriment of workers' health. Human Rights Watch found that workers at some poultry slaughtering and processing plants have little knowledge of, or ability to regulate or complain about, the airborne concentrations of chemicals to which they are being exposed.

### Inadequate Bathroom Access

Human Rights Watch found that many workers in the meat and poultry slaughtering and processing industry cannot easily or regularly use the restroom during their shift. Some workers who spoke with Human Rights Watch reported that their supervisor routinely denies requests to use the restroom, requiring workers to wait until their break. Multiple workers who spoke with Human Rights Watch described coworkers urinating on themselves or wearing diapers at their workstations. No worker who spoke with Human Rights Watch about restroom access issues reported that their supervisors would lower line speeds when replacement workers were unavailable.

### Under-recording of Occupational Injury and Illness

Human Rights Watch found that some plant-level practices suppress the recording and reporting of occupational injuries and illnesses, and that the rates of work-related injury and illness sustained by workers captured in data on the industry do not accurately reflect the hazards facing workers.





Nearly all workers who spoke with Human Rights Watch reported practices that discourage workers, supervisors, and in-plant medical personnel from recording and reporting incidents of occupational injury and illness.

Several workers reported being told by supervisors not to report injuries or severe muscle or joint pain they experienced at their workstation. Many workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations when injured and kept their medical treatment at the level of first-aid without referral to a physical, sometimes for weeks or months, regardless of the severity of their injuries or illnesses.

Many workers who spoke with Human Rights Watch reported that they do not willingly report work-related injuries or illnesses that they sustain at work because they fear retaliation by supervisors or other plant-level officials. A widely-held perception among workers who spoke with Human Rights Watch was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about injuries or illnesses.



## Request for Additional Information

As noted above, we plan to publish a report this year on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks to workers' safety and health that are predictable and preventable. We are committed to the accuracy of our reporting and would hope to reflect relevant information about Case Farms' operations and policies in our report. We would be grateful for responses to the following questions:

- What processes or practices does Case Farms use to ensure that supervisors and other plant-level officials follow Case Farms' internal policies or guidelines regarding practices described above?
  
- Can Case Farms please provide us with additional information regarding your internal policies or guidelines regarding the following matters:
  - Referring injured or ill workers to physicians from in-plant medical units or stations.
  - Providing workers with breaks or the ability to step away from line work when experiencing pain.
  - Determining rates of operation in different departments at establishments that Case Farms owns or operates (e.g., who sets operation speeds, are lines allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).
  - Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.
  - Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.
  - Recording work-related injuries and illnesses in OSHA logs.
  - Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.
  - Responding to miscuts from production employees that workers believe are caused by rapid work speeds.
  
- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does Case Farms belong?



Do you, either as a corporation or through any of your trade associations, invest resources to lobby the government to increase line speeds at your facilities?

- Could you please provide Human Rights Watch with your understanding of how the Department of Agriculture's Food Safety and Inspection Service's "Modernization" rulemakings in the poultry and swine slaughter industry will affect Case Farms' operations. What is Case Farms' position concerning these rulemakings?

We would greatly appreciate a written response to this letter by July 18, 2019. Additionally, we welcome the opportunity to speak or meet with representatives from Case Farms to discuss our research findings. Please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org) with your response to these requests.



Andre Nogueira  
President and CEO  
JBS USA Headquarters  
1770 Promontory Circle  
Greeley, CO 80634

April 18, 2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Andre Nogueira,

We are writing to solicit your views for forthcoming research on workers' rights in meat and poultry slaughtering and processing plants in the United States. Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Our organization has been investigating the rights and conditions of workers at meat and poultry slaughtering and processing establishments across the United States. We plan to publish a report on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks that are predictable and preventable, and undermine the right to compensation and remediation for occupational injury and illness. These findings are based on extensive interviews conducted with current and former workers at meat and poultry slaughtering and processing establishments, primarily in Alabama, North Carolina and Nebraska, including establishments owned or operated by JBS USA. We plan to share a summary of our findings with you prior to publication.

Human Rights Watch is committed to producing research that is well-informed and objective. We hope you and your staff will respond to the attached questions so that your views may be accurately reflected in our reporting. We would appreciate a written response by 20 May 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues.

Thank you. We look forward to your response. We would also be happy to discuss this research with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Austin-Hillery".

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

A handwritten signature in black ink, appearing to read "Arvind Ganesan".

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



**Questions for JBS USA:** We appreciate the responses to the following questions. Please answer all questions for establishments that you either own or operate, unless otherwise noted.

### **General**

- Under which brands or subsidiaries does JBS USA sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.
- How many workers does JBS USA employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?
- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide JBS USA? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?
- Does JBS USA participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?
- How many of your establishments currently have contracts with a union to represent the bargaining unit?

### **Worker Health and Safety**

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?
- Does JBS USA maintain infirmaries or other medical personnel at its? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.
- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?
- How do employees at your establishments report sexual harassment and assault?
- How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?
- How does JBS USA train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.
- Does JBS USA maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.



- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmity visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

### **Work Speed**

- Does JBS USA establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?
- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?
- How do you determine the rate of operation for slaughtering or processing lines at in your establishments?
- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.
- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?

### **Worker Grievances**

- What policies or practices does JBS USA have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.



MAKING YOUR WORLD STRONGER

VIA EMAIL

May 14, 2019

Namratha Somayajula  
[somayan@hrw.org](mailto:somayan@hrw.org)  
Dreisen Heath  
[heathd@hrw.org](mailto:heathd@hrw.org)  
Human Rights Watch

Dear Ms. Somayajula and Ms. Heath:

This letter is in response to the April 29, 2019, letter to CEO Andre Nogueira from Nicole Austin-Hillery and Arvin Ganesan. I trust that you will inform them of this response.

At JBS USA, our Mission is to be the best in all that we do in order to secure the opportunity of a better future for all our Team Members. Guiding us in this Mission are our core values: Determination, Discipline, Availability, Sincerity, Simplicity, Humility, and Ownership.

We are also committed to conducting business sustainably. Sustainability involves improving the short and long-term performance of our business by balancing and managing economic, societal, and environmental factors. Put simply, sustainability means responsibly meeting the needs of today, while improving the ability of the next generation to responsibly meet their needs in the future.

For convenience sake, your original questions are included below with our answers.

General

- Under which brands or subsidiaries does JBS USA sell protein products? Please specify the brands and subsidiaries.

**Information about our brands and subsidiaries are available on our public website under the “Our Business” dropdown menu: <https://jbssa.com/>**

Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.

**JBS USA and its subsidiary business units produce a variety of products that are used or sold by our customers under their own labels. This is proprietary business information that we do not release except upon a customer’s request.**

- How many workers does JBS USA employ at slaughtering or processing establishments it owns or operates?

**Our total workforce includes more than 100,000 team members—63,660 who are based in the U.S. and Puerto Rico, 2,900 in Canada, 10,670 in Mexico, 13,650 in Europe and 9,450 in Australia and New Zealand. Ninety-nine percent of our team**



members work in our production facilities, and 1 percent work at the JBS USA corporate offices around the world. Specific information for each of our North American facilities, including number of Team Members, is available on our public website referenced above: “About JBS” and “Where We Are”.

What is the turnover rate for employees at these establishments?

**Our turnover rate varies by facility but is generally in the standard range for our industry.**

- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments?

**JBS USA does not contract with any staffing agencies at the corporate level. Individual production facilities occasionally utilize staffing agencies, on an ad hoc basis, for temporary employees in specific circumstances. However, this is the exception, rather than the rule, and the number of temporary employees as a percentage of our total production workforce is statistically insignificant.**

If so, how many workers do staffing agencies or other third-party companies provide JBS USA? Can workers provided to you through any such staffing agency become regular employees, and If so, what are the conditions that a worker must meet in order to do so?

**JBS USA does not track this information at the corporate level. Workers from staffing agencies who are qualified for a particular job opening are eligible to become regular employees just like any other job applicant.**

- Does JBS USA participate in the United States’ E-Verify program?

**Yes**

Do any of your establishments not participate in the E-Verify program?

**No**

- How many of your establishments currently have contracts with a union to represent the bargaining unit?

**35 of our facilities currently have contracts with one or more unions to represent some or all of our Team Members.**

#### Worker Health and Safety

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?





**We operate all of our facilities in compliance with labor and human rights laws and adhere to strict internal policies and programs that provide additional guidance to best serve our Team Members. We are focused on promoting all aspects of our team members' well-being, including improving health and safety, diversity and inclusion, recruitment and retention and leadership development.**

**Team member health and safety is a key area of attention for our business and critical to the overall well-being of our team members. As such, it is a high-priority area in our 2020 sustainability strategy, and we have developed aggressive goals to ensure that team member health and safety continue to be prioritized from the frontline to executive management. Each business unit in the U.S. and Canada has developed a team member health and safety 2020 goal, and those goals form our JBS USA 2020 team member health and safety goal.**

**To ensure that our policies and programs are functioning correctly, JBS USA measures and evaluates leading and lagging health and safety, turnover, absenteeism and overtime indicators each week. This allows us to make immediate adjustments if necessary and make sure that team member health, safety and working conditions are upheld and implemented according to our high standards across all facilities.**

- Does JBS USA maintain infirmaries or other medical personnel at its [facilities]?

**Yes**

- Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.

**Yes, these are non-public, proprietary materials.**

- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?

**Determination of work-related injuries and illnesses is in accordance with applicable regulations and standards.**

- How do employees at your establishments report sexual harassment and assault? How do employees to [sic] report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers?

**Each JBS USA facility has both anonymous and non-anonymous ways to report grievances. Team members can bring their concerns directly to management, without retaliation or fear of retaliation. With our Open Door Policy, full- and part-time team members are encouraged to bring any issues that they feel are impacting their performance or the general working environment to their supervisor or the Human Resources department. Team members are also**



encouraged to talk with their supervisor about situations when they feel they have not been treated fairly.

In 2018, JBS USA adopted an updated team member reporting system, the Ethics Line. The JBS USA Ethics Line is available in every country in which the company operates and is provided in eleven languages to accommodate our diverse workforce. Through the Ethics Line, all JBS USA team members have access to a toll-free phone number and an online platform to securely and confidentially report all work-environment concerns, unethical behavior or policy violations. Reporting can also be done anonymously.

All team members are introduced to the Open Door Policy and Ethics Line during new-hire orientation, and all new managers discuss the Policy and related procedures with senior management when they assume their roles. Using data from Open Door Policy discussions and Ethics Line reports, we monitor overall team member perceptions. We also regularly conduct team member surveys so that we maintain an accurate understanding of team member engagement, perceptions and attitudes with regard to a variety of work-related topics, including pay and benefits, scheduling, safety and satisfaction with supervisors.

How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?

**Team Members' reports to Supervisors or Human Resources are handled by Supervisors or Human Resources, respectively. Ethics Line reports are handled in accordance with internal procedures, largely governed by the type of issue being reported. Corrective actions for violating the Code of Conduct & Ethics or company policies include coaching, written warnings, final written warnings and, if necessary, the termination of a team member's employment. Serious violations can result in immediate termination.**

- How does JBS USA train supervisors and managers at your establishments about physical and verbal abuse of employees?

**Yes. Our supervisor and manager training manuals are non-public materials. However, all of our employee policies derive from our Code of Conduct, which is publicly available here: <https://jbsusa.ethicspoint.com>**

Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.

**Yes. Our supervisor and manager training manuals are non-public materials. However, all of our employee policies derive from our Code of Conduct, which is publicly available here: <https://jbsusa.ethicspoint.com>**



- Does JBS USA maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.

**Yes. All publicly-available data regarding our facilities can be accessed through OSHA here: <https://www.osha.gov/oshstats/index.html>**

- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmary visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

**Yes. These are non-public policies and practices.**

#### Work Speed

- Does JBS USA establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?

**No**

- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?

**No**

- How do you determine the rate of operation for slaughtering or processing lines at in [sic] your establishments?

**Rates vary by location and are determined by a number of factors. The safety of our Team Members is a primary concern, and no location may operate at a rate that increases risk of injury to employees. Additional factors that influence rates of operation include demand for products, availability of raw materials, availability of personnel, and the types of products being produced.**



- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.

**Yes. This is proprietary, non-public information.**

- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?

**Team Member numbers for particular functions/positions are determined by how many Team Members are necessary to safely and effectively carry out the responsibilities of the position.**

Worker Grievances

- What policies or practices does JBS USA have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.

**Please refer to our answer beginning on the bottom of page three regarding reporting of grievances.**

If you have other questions or need additional information, you can reach me at [Lance.Kotschwar@jbssa.com](mailto:Lance.Kotschwar@jbssa.com) or 970-506-8389.

Sincerely,



**Lance Kotschwar**

JBS USA Head of Ethics & Compliance

[Lance.Kotschwar@jbssa.com](mailto:Lance.Kotschwar@jbssa.com)

O: 970.506.8389

C: 202.360.6725

[www.jbssa.com](http://www.jbssa.com)

1770 Promontory Circle  
Greeley, CO 80634

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DISCIPLINE | OWNERSHIP**



MAKING YOUR WORLD STRONGER



Andre Nogueira  
President and CEO  
JBS USA Headquarters  
1770 Promontory Circle  
Greeley, CO 80634

6/27/2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Andre Nogueira,

Thank you for your May 14, 2019 response to our letter dated April 18, 2019, and the additional information shared with us on JBS USA's policies and practices. We welcome the opportunity to engage in constructive dialogue with JBS USA about workers' rights in the meat and poultry slaughtering and processing industry and hope that JBS USA can be an example of best practices in its approach to protecting and promoting the rights of workers.

We are writing to share findings from research that Human Rights Watch carried out regarding human rights abuses in meat and poultry plants in the United States, and to seek your response.

Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

As noted in our previous correspondence, we conducted research between December 2018 and May 2019, interviewing forty-nine current and former workers at meat and poultry slaughtering and processing plants, representing jobs at all stages of production, primarily in Alabama, North Carolina, and Nebraska. We documented hazardous conditions of work, serious health and safety risks, and other human rights problems, including at some establishments owned or operated by JBS USA.

We plan to publish a report that will include the individual rights abuses we documented as well as business practices that undermine workers' rights and fuel or give rise to serious risks to workers' safety and health that are predictable and preventable.

At this time, we are writing to share additional information about our findings but cannot share specific details about establishments owned or operated by JBS USA that were included within our research. The reason for this is that we must evaluate the potential impacts on sources when determining how much information we can divulge, for example, regarding specific facilities that were within the scope of our research. Our research and reporting worldwide is conducted following the principle of informed consent and strives to minimize the risk of retaliation to interviewees who consent to give us information.

We would be grateful for your response to our Summary of Findings, Request for Additional Information, and Additional Clarifications below, so that we may accurately reflect your views in our reporting.

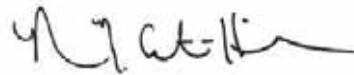
We would appreciate a written response by July 18, 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues. Thank you. We look forward to your response.

As always, we would also be happy to discuss this with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,



Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

## Summary of Findings

### Workers' Health and Safety

Workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. Although workers at meat and poultry slaughtering and processing plants across the country interviewed by Human Rights Watch do not represent a statistically significant sample of the industry's workforce, their testimony indicates that the industry is far more dangerous for workers than federal data reflect.

### Traumatic Injuries & Cumulative Trauma

Workers at meat and poultry slaughtering and processing plants who spoke with Human Rights Watch face serious health and safety hazards. Most workers interviewed by Human Rights Watch for this report shared experiences with injuries or illnesses caused by their work.

Nearly all workers suffered from chronic nerve or muscle pain in their hands, arms, or shoulders because of their work. Many of these workers experience severe pain in their muscles and joints that wakes them at night or causes numbness, tingling, loss of grip strength and agility, twitching, or burning. Others had been diagnosed with carpal tunnel, tendinitis, or other nerve or musculoskeletal disorders, for which some have undergone surgeries. In interviews with Human Rights Watch, many of these workers described the disabling impacts of this chronic pain and debilitation on their daily lives, both inside and outside of the plant.

Human Rights Watch found that these musculoskeletal illnesses were common among interviewed workers and that the occurrence of such injury and illness experienced by workers are both fueled, and obscured, by some practices described below.

### Risks Fueled by Rapid Work Speeds

We documented some practices that appear to reflect efforts to maximize output and minimize labor costs, which expose workers to increased risk of injury and illness. Human Rights Watch found that many employers maintain work speeds that exceed workers' physical capacity and place them at risk of serious, potentially life-threatening, injury and illness. Nearly all workers who spoke with Human Rights Watch reported that their plants operate at work speeds that endanger their safety and health.

Human Rights Watch found that workers frequently have little to no ability to influence or regulate their work speeds and often cannot take breaks during their shift, even when experiencing pain. Many workers who spoke with Human Rights Watch reported that some corporate practices contribute to high work speeds, including goals, quotas, or bonuses relating to operations (e.g., yield, efficiency, etc.).



### *Rapid Line Speeds*

Workers who spoke with Human Rights Watch corroborated research that has found that rapid line speeds compound the highly-repetitive, forceful movements required by meat and poultry slaughtering and processing work, and increase the risk of developing musculoskeletal or cumulative trauma disorders.

Human Rights Watch found that supervisors at some meat and poultry plants operate their departments at line speeds that are not commensurate with workers' safety and health. Human Rights Watch found that workers frequently have little to no ability to influence or regulate the speed of their lines, or take breaks. Almost all workers who spoke with Human Rights Watch reported that their plants had increased line speeds since they first began working.

### *Inadequate Staffing*

Most workers who spoke with Human Rights Watch reported that plant officials operate lines at speeds that exceed available staffing. Moreover, many long-term workers who spoke with Human Rights Watch described the slow attrition in the number of workers from their stations, which has meant progressively more work for those who remain.

### *Mistreatment by Supervisors*

Human Rights Watch found that some supervisors in some meat and poultry slaughtering and processing plants push workers to labor at speeds that endanger their safety and health through abusive language and threats. Nearly all workers who spoke with Human Rights Watch described constant pressure to keep the line moving from their supervisors. Most workers reported that supervisors pressured them to labor at work speeds that caused, or placed them at risk of, injury or illness.

Workers who spoke with Human Rights Watch reported that if they complained to supervisors about the speed of the line or requested that it be slowed down, their supervisor would berate, threaten, or show them the door. Workers also reported that supervisors berated or threatened workers with termination for any decline in product quality that would result from these high work speeds.

Human Rights Watch found that treatment by supervisors impacts workers' mental health as well. Several workers who spoke with Human Rights Watch for this report cried during their interviews when relaying their experiences with abusive supervisors. Many more described the stress of dangerous conditions and how mistreatment by supervisors has an emotional and psychological toll on workers.

## Line Speed Increases Threaten Workers

Human Rights Watch found that increasing maximum line speeds for slaughter operations will increase workers' exposure to hazards that increase the risk of severe occupational injury and illness.

Workers who spoke with Human Rights Watch reported that line speeds in different departments, even those separated by full stops in processing, are still closely related. Many workers who spoke with Human Rights Watch reported that high rates of production in other departments contributed to pressure on them to labor at work speeds that are not commensurate with their safety and health.

## Harmful Chemical Exposure

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and their severe impact on their daily health. Human Rights Watch found that some poultry slaughtering and processing plants may expose workers for prolonged durations to airborne concentrations of chemicals used for sanitation or anti-microbial treatment, particularly peracetic acid, to the detriment of workers' health. Human Rights Watch found that workers at some poultry slaughtering and processing plants have little knowledge of, or ability to regulate or complain about, the airborne concentrations of chemicals to which they are being exposed.

## Inadequate Bathroom Access

Human Rights Watch found that many workers in the meat and poultry slaughtering and processing industry cannot easily or regularly use the restroom during their shift. Some workers who spoke with Human Rights Watch reported that their supervisor routinely denies requests to use the restroom, requiring workers to wait until their break. Multiple workers who spoke with Human Rights Watch described coworkers urinating on themselves or wearing diapers at their workstations. No worker who spoke with Human Rights Watch about restroom access issues reported that their supervisors would lower line speeds when replacement workers were unavailable.

## Under-recording of Occupational Injury and Illness

Human Rights Watch found that some plant-level practices suppress the recording and reporting of occupational injuries and illnesses, and that the rates of work-related injury and illness sustained by workers captured in data on the industry do not accurately reflect the hazards facing workers.

Nearly all workers who spoke with Human Rights Watch reported practices that discourage workers, supervisors, and in-plant medical personnel from recording and reporting incidents of occupational injury and illness.

Several workers reported being told by supervisors not to report injuries or severe muscle or joint pain they experienced at their workstation. Many workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations when injured and kept their medical treatment at the level of first-aid without referral to a physical, sometimes for weeks or months, regardless of the severity of their injuries or illnesses.

Many workers who spoke with Human Rights Watch reported that they do not willingly report work-related injuries or illnesses that they sustain at work because they fear retaliation by supervisors or other plant-level officials. A widely-held perception among workers who spoke with Human Rights Watch was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about injuries or illnesses.

## Request for Additional Information

We are grateful for JBS USA's responses to our previous correspondence and for initiating a constructive dialogue regarding workers' right to health in the meat and poultry slaughtering and processing industry.

As noted above, we plan to publish a report this year on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks to workers' safety and health that are predictable and preventable. We are committed to the accuracy of our reporting and would hope to reflect relevant information about JBS USA's operations and policies in our report. We would be grateful for responses to the following questions:

- What processes or practices does JBS USA use to ensure that supervisors and other plant-level officials follow JBS USA's internal policies or guidelines regarding practices described above?
- Can JBS USA please provide us with additional information regarding your internal policies or guidelines regarding the following matters:
  - Referring injured or ill workers to physicians from in-plant medical units or stations.
  - Providing workers with breaks or the ability to step away from line work when experiencing pain.
  - Determining rates of operation in different departments at establishments that JBS USA owns or operates (e.g., who sets operation speeds, are lines allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).
  - Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.
  - Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.
  - Recording work-related injuries and illnesses in OSHA logs.
  - Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.
  - Responding to miscuts from production employees that workers believe are caused by rapid work speeds.
- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does JBS USA belong? Do you, either as a corporation or through any of your trade associations, invest resources to lobby the government to increase line speeds at your facilities?

- Could you please provide Human Rights Watch with your understanding of how the Department of Agriculture’s Food Safety and Inspection Service’s “Modernization” rulemakings in the poultry and swine slaughter industry will affect JBS USA’s operations. What is JBS USA’s position concerning these rulemakings?

## Additional Clarifications

Additionally, to ensure that we accurately understand your May 14, 2019 response to our letter dated April 18, 2019, we would also appreciate your clarification of the following responses from your letter:

- *“To ensure that our policies and programs are functioning correctly, JBS USA measures and evaluates leading and lagging health and safety, turnover, absenteeism and overtime indicators each week. This allows us to make immediate adjustments if necessary and make sure that team member health, safety and working conditions are upheld and implemented according to our high standards across all facilities.”*
  - What health and safety indicators does JBS use to determine whether an establishment is leading or lagging in this area? Does JBS monitor or measure the health and safety indicators of departments or supervisors within an establishment?
- *“Rates vary by location and are determined by a number of factors. The safety of our Team Members is a primary concern, and no location may operate at a rate that increases risk of injury to employees. Additional factors that influence rates of operation include demand for products, availability of raw materials, availability of personnel, and the types of products being produced. ... Team Member numbers for particular functions/positions are determined by how many Team Members are necessary to safely and effectively carry out the responsibilities of the position.”*
  - How often is the rate of operation determined based on these factors? On a day-to-day basis, who determines line speeds at your establishments and within individual departments?
  - Regarding the availability of personnel, does JBS have policies or guidelines for adjusting line speeds when there are fewer workers available to staff specific workstations on any given day? Are JBS facilities required to make line speed adjustments when workers leave the line to use the restroom, without replacement?
  - What processes or practices does JBS have to monitor and ensure that supervisors and other plant-level officials adhere to the rate of operation

determinations made by these factors, both in terms of line speeds and staffing, for each department?

We would greatly appreciate a written response to this letter by July 18, 2019. Additionally, we welcome the opportunity to speak or meet with representatives from JBS USA to discuss our research findings. Please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org) with your response to these requests.



MAKING YOUR WORLD STRONGER

VIA EMAIL

July 18, 2019

Namratha Somayajula  
[somayan@hrw.org](mailto:somayan@hrw.org)  
Human Rights Watch

Dear Ms. Somayajula:

Please consider this letter a response to the June 27, 2019, letter to CEO Andre Nogueira from Nicole Austin-Hillery and Arvin Ganesan. I trust that you will inform them of this response.

We have no comments or response regarding the “Summary of Findings” (pp. 3-6) included with the letter.

It appears that the questions in the “Request for Additional Information” (pp. 7-8) section are related to potential HIMP expansion at USDA. With respect to all the questions in this section, consider this as our general response: JBS USA does not have any plants slated to participate in the expanded HIMP pilot and we are not involved in—nor lobbying for—the proposed regulatory change.

With regard to the “Additional Clarifications” section (pp. 8-9), below are the 2 cited portions of our earlier response (italicized), your additional questions (in blue), and our answers (in bold):

*“To ensure that our policies and programs are functioning correctly, JBS USA measures and evaluates leading and lagging health and safety, turnover, absenteeism and overtime indicators each week. This allows us to make immediate adjustments if necessary and make sure that team member health, safety and working conditions are upheld and implemented according to our high standards across all facilities.”*

- **What health and safety indicators does JBS use to determine whether an establishment is leading or lagging in this area? Does JBS monitor or measure the health and safety indicators of departments or supervisors within an establishment?**

**JBS USA utilizes a non-public, proprietary in-house system for measuring leading/lagging safety indicators that is designed to allow us to proactively identify, correct, and monitor issues affecting employee safety, including physical hazards and ergonomic issues, among others. This system gives us the ability to monitor, measure and compare safety indicators in a number of ways, including among shifts, departments, supervisors, and other management metrics.**

*“Rates vary by location and are determined by a number of factors. The safety of our Team Members is a primary concern, and no location may operate at a rate that increases risk of injury to employees. Additional factors that influence rates of operation include demand for products, availability of raw materials, availability of personnel, and the types of products being produced. ... Team Member numbers for particular functions/positions are determined*



*by how many Team Members are necessary to safely and effectively carry out the responsibilities of the position.”*

- How often is the rate of operation determined based on these factors? On a day-to-day basis, who determines line speeds at your establishments and within individual departments?

**Our rates of operation are determined daily and modified as necessary during shifts, and are based on our internal crewing guides, which are based on proprietary time studies. While the plant manager is ultimately responsible for the plant’s rate of operation, given the number of factors that are involved in determining line speed, it necessarily involves constant input from all sections of plant management, including human resources, operational engineering, industrial engineering, line supervisors, and safety personnel.**

- Regarding the availability of personnel, does JBS have policies or guidelines for adjusting line speeds when there are fewer workers available to staff specific workstations on any given day? Are JBS facilities required to make line speed adjustments when workers leave the line to use the restroom, without replacement?

**Our internal crewing guides—which are used in determining line speeds—incorporate both available personnel and temporary breaks including employee restroom breaks.**

- What processes or practices does JBS have to monitor and ensure that supervisors and other plant-level officials adhere to the rate of operation determinations made by these factors, both in terms of line speeds and staffing, for each department?

**Any employee (including supervisors and other plant-level officials) who disregards company policy and procedures—especially those intended to protect employee safety—are subject to discipline, up to and including termination. The factors affecting line speed that are used by our personnel in determining line speeds are dynamic, and can change throughout a production shift as circumstances require. Finally, we would point out that at our facilities with United Food & Commercial Workers contracts, UFCW’s industrial engineer regularly checks our line speeds and crewing standards with on-site visits.**





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If you have other questions or need additional information, please contact me directly at [Lance.Kotschwar@jbssa.com](mailto:Lance.Kotschwar@jbssa.com) or 970-506-8389.

Sincerely,



**Lance Kotschwar**

JBS USA Head of Ethics & Compliance

[Lance.Kotschwar@jbssa.com](mailto:Lance.Kotschwar@jbssa.com)

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**DISCIPLINE** | **OWNERSHIP**



Kenneth M. Sullivan,  
President and Chief Executive Officer  
Smithfield Foods, Inc.  
200 Commerce Street,  
Smithfield, VA 23430

April 18, 2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Kenneth M. Sullivan,

We are writing to solicit your views for forthcoming research on workers' rights in meat and poultry slaughtering and processing plants in the United States. Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Our organization has been investigating the rights and conditions of workers at meat and poultry slaughtering and processing establishments across the United States. We plan to publish a report on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks that are predictable and preventable, and undermine the right to compensation and remediation for occupational injury and illness. These findings are based on extensive interviews conducted with current and former workers at meat and poultry slaughtering and processing establishments, primarily in Alabama, North Carolina and Nebraska, including establishments owned or operated by Smithfield Foods. We plan to share a summary of our findings with you prior to publication.

Human Rights Watch is committed to producing research that is well-informed and objective. We hope you and your staff will respond to the attached questions so that your views may be accurately reflected in our reporting. We would appreciate a written response by 20 May 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues.

Thank you. We look forward to your response. We would also be happy to discuss this research with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

Handwritten signature of Nicole Austin-Hillery in black ink.

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

Handwritten signature of Arvind Ganesan in black ink.

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



**Questions for Smithfield Foods:** We appreciate the responses to the following questions. Please answer all questions for establishments that you either own or operate, unless otherwise noted.

### **General**

- Under which brands or subsidiaries does Smithfield Foods sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.
- How many workers does Smithfield Foods employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?
- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide Smithfield Foods? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?
- Does Smithfield Foods participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?
- How many of your establishments currently have contracts with a union to represent the bargaining unit?

### **Worker Health and Safety**

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?
- Does Smithfield Foods maintain infirmaries or other medical personnel at its? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.
- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?
- How do employees at your establishments report sexual harassment and assault?
- How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?
- How does Smithfield Foods train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.
- Does Smithfield Foods maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.



- Have any of your establishments implemented policies or practices that require employees to sign any form of a document when leaving their workspace to use the restroom? If so, can you please provide us with your understanding of the purpose of this practice and in what ways you will, and will not, use the information you collect?
- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmity visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

### **Work Speed**

- Does Smithfield Foods establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?
- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?
- How do you determine the rate of operation for slaughtering or processing lines at in your establishments?
- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.
- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?
- Do any of your establishments participate in the United States Department of Agriculture's Food Safety and Inspection Service's Hazard Analysis and Critical Control Point Inspection Models Project ("HIMP")? If so, which?

### **Worker Grievances**

- What policies or practices does Smithfield Foods have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.



Good food. Responsibly.®

May 9, 2019

Nicole Austin-Hillery  
Executive Director, US Program

Arvind Ganesan  
Director, Business & Human Rights

Human Rights Watch  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, New York 10118-3299

Re: Response to Request for Information for Upcoming Report

Dear Nicole and Arvind:

I am responding to your request for information for your upcoming report on workers' rights in U.S. Meat and Poultry plants.

At Smithfield Foods, the health and safety of our employees is of utmost importance. We take great pride and responsibility in providing rewarding careers and a safe working environment to more than 54,000 employees, including the dedicated men and women who work at our more than 60 processing facilities globally.

We share information about our programs, policies, and procedures that uphold our commitment to our employees in the [People section](#) of our sustainability report. Our report includes much of the information you are seeking for your study and details the steps we take at Smithfield to ensure worker safety and promote our employees' wellbeing.

Our report also shares our [Human Rights Policy](#), which is provided to all employees and distributed to all major suppliers. This policy ensures the fair treatment of employees throughout our company and includes our expectations in the areas of equal opportunity, harassment and violence, the rights of employees, and other key topics.

Smithfield is a people-oriented company. We know that our people are our greatest asset, and we are committed to providing a safe, fair, ethical, and rewarding work environment.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink that reads "Keira Lombardo".

Keira Lombardo  
Executive Vice President, Corporate Affairs and Compliance  
Smithfield Foods, Inc.



Kenneth M. Sullivan  
President and Chief Executive Officer  
Smithfield Foods, Inc.  
200 Commerce Street,  
Smithfield, VA 23430

6/27/2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Kenneth M. Sullivan,

Thank you for your May 9, 2019 response to our letter dated April 18, 2019, and the additional information shared with us on Smithfield Foods' policies and practices. We welcome the opportunity to engage in constructive dialogue with Smithfield Foods about workers' rights in the meat and poultry slaughtering and processing industry and hope that Smithfield Foods can be an example of best practices in its approach to protecting and promoting the rights of workers.

We are writing to share findings from research that Human Rights Watch carried out regarding human rights abuses in meat and poultry plants in the United States, and to seek your response.

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At this time, we are writing to share additional information about our findings but cannot share specific details about establishments owned or operated by Smithfield Foods that were included within our research. The reason for this is that we must evaluate the potential impacts on sources when determining how much information we can divulge, for example, regarding specific facilities that were within the scope of our research. Our research and reporting worldwide is conducted following the principle of informed consent and strives to minimize the risk of retaliation to interviewees who consent to give us information.

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Sincerely,

A handwritten signature in black ink, appearing to read "Arvind Ganesan".

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch

A handwritten signature in black ink, appearing to read "Nicole Austin-Hillery".

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch



## Summary of Findings

### Workers' Health and Safety

Workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. Although workers at meat and poultry slaughtering and processing plants across the country interviewed by Human Rights Watch do not represent a statistically significant sample of the industry's workforce, their testimony indicates that the industry is far more dangerous for workers than federal data reflect.

### Traumatic Injuries & Cumulative Trauma

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Nearly all workers suffered from chronic nerve or muscle pain in their hands, arms, or shoulders because of their work. Many of these workers experience severe pain in their muscles and joints that wakes them at night or causes numbness, tingling, loss of grip strength and agility, twitching, or burning. Others had been diagnosed with carpal tunnel, tendinitis, or other nerve or musculoskeletal disorders, for which some have undergone surgeries. In interviews with Human Rights Watch, many of these workers described the disabling impacts of this chronic pain and debilitation on their daily lives, both inside and outside of the plant.

Human Rights Watch found that these musculoskeletal illnesses were common among interviewed workers and that the occurrence of such injury and illness experienced by workers are both fueled, and obscured, by some practices described below.

### Risks Fueled by Rapid Work Speeds

We documented some practices that appear to reflect efforts to maximize output and minimize labor costs, which expose workers to increased risk of injury and illness. Human Rights Watch found that many employers maintain work speeds that exceed workers' physical capacity and place them at risk of serious, potentially life-threatening, injury and illness. Nearly all workers who spoke with Human Rights Watch reported that their plants operate at work speeds that endanger their safety and health.

Human Rights Watch found that workers frequently have little to no ability to influence or regulate their work speeds and often cannot take breaks during their shift, even when





experiencing pain. Many workers who spoke with Human Rights Watch reported that some corporate practices contribute to high work speeds, including goals, quotas, or bonuses relating to operations (e.g., yield, efficiency, etc.).

### *Rapid Line Speeds*

Workers who spoke with Human Rights Watch corroborated research that has found that rapid line speeds compound the highly-repetitive, forceful movements required by meat and poultry slaughtering and processing work, and increase the risk of developing musculoskeletal or cumulative trauma disorders.

Human Rights Watch found that supervisors at some meat and poultry plants operate their departments at line speeds that are not commensurate with workers' safety and health. Human Rights Watch found that workers frequently have little to no ability to influence or regulate the speed of their lines, or take breaks. Almost all workers who spoke with Human Rights Watch reported that their plants had increased line speeds since they first began working.

### *Inadequate Staffing*

Most workers who spoke with Human Rights Watch reported that plant officials operate lines at speeds that exceed available staffing. Moreover, many long-term workers who spoke with Human Rights Watch described the slow attrition in the number of workers from their stations, which has meant progressively more work for those who remain.

### *Mistreatment by Supervisors*

Human Rights Watch found that some supervisors in some meat and poultry slaughtering and processing plants push workers to labor at speeds that endanger their safety and health through abusive language and threats. Nearly all workers who spoke with Human Rights Watch described constant pressure to keep the line moving from their supervisors. Most workers reported that supervisors pressured them to labor at work speeds that caused, or placed them at risk of, injury or illness.

Workers who spoke with Human Rights Watch reported that if they complained to supervisors about the speed of the line or requested that it be slowed down, their supervisor would berate, threaten, or show them the door. Workers also reported that supervisors berated or threatened workers with termination for any decline in product quality that would result from these high work speeds.



Human Rights Watch found that treatment by supervisors impacts workers' mental health as well. Several workers who spoke with Human Rights Watch for this report cried during their interviews when relaying their experiences with abusive supervisors. Many more described the stress of dangerous conditions and how mistreatment by supervisors has an emotional and psychological toll on workers.

#### Line Speed Increases Threaten Workers

Human Rights Watch found that increasing maximum line speeds for slaughter operations will increase workers' exposure to hazards that increase the risk of severe occupational injury and illness.

Workers who spoke with Human Rights Watch reported that line speeds in different departments, even those separated by full stops in processing, are still closely related. Many workers who spoke with Human Rights Watch reported that high rates of production in other departments contributed to pressure on them to labor at work speeds that are not commensurate with their safety and health.

#### Harmful Chemical Exposure

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and their severe impact on their daily health. Human Rights Watch found that some poultry slaughtering and processing plants may expose workers for prolonged durations to airborne concentrations of chemicals used for sanitation or anti-microbial treatment, particularly peracetic acid, to the detriment of workers' health. Human Rights Watch found that workers at some poultry slaughtering and processing plants have little knowledge of, or ability to regulate or complain about, the airborne concentrations of chemicals to which they are being exposed.

#### Inadequate Bathroom Access

Human Rights Watch found that many workers in the meat and poultry slaughtering and processing industry cannot easily or regularly use the restroom during their shift. Some workers who spoke with Human Rights Watch reported that their supervisor routinely denies requests to use the restroom, requiring workers to wait until their break. Multiple workers who spoke with Human Rights Watch described coworkers urinating on themselves or wearing diapers at their workstations. No worker who spoke with Human Rights Watch about restroom access issues reported that their supervisors would lower line speeds when replacement workers were unavailable.



## Under-recording of Occupational Injury and Illness

Human Rights Watch found that some plant-level practices suppress the recording and reporting of occupational injuries and illnesses, and that the rates of work-related injury and illness sustained by workers captured in data on the industry do not accurately reflect the hazards facing workers.

Nearly all workers who spoke with Human Rights Watch reported practices that discourage workers, supervisors, and in-plant medical personnel from recording and reporting incidents of occupational injury and illness.

Several workers reported being told by supervisors not to report injuries or severe muscle or joint pain they experienced at their workstation. Many workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations when injured and kept their medical treatment at the level of first-aid without referral to a physical, sometimes for weeks or months, regardless of the severity of their injuries or illnesses.

Many workers who spoke with Human Rights Watch reported that they do not willingly report work-related injuries or illnesses that they sustain at work because they fear retaliation by supervisors or other plant-level officials. A widely-held perception among workers who spoke with Human Rights Watch was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about injuries or illnesses.



## Request for Additional Information

We are grateful for Smithfield Foods' responses to our previous correspondence and for initiating a constructive dialogue regarding workers' right to health in the meat and poultry slaughtering and processing industry.

As noted above, we plan to publish a report this year on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks to workers' safety and health that are predictable and preventable. We are committed to the accuracy of our reporting and would hope to reflect relevant information about Smithfield Foods' operations and policies in our report. We would be grateful for responses to the following questions:

- What processes or practices does Smithfield Foods use to ensure that supervisors and other plant-level officials follow Smithfield Foods' internal policies or guidelines regarding practices described above?
- Can Smithfield Foods please provide us with additional information regarding your internal policies or guidelines regarding the following matters:
  - Referring injured or ill workers to physicians from in-plant medical units or stations.
  - Providing workers with breaks or the ability to step away from line work when experiencing pain.
  - Determining rates of operation in different departments at establishments that Smithfield Foods owns or operates (e.g., who sets operation speeds, are lines allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).
  - Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.
  - Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.
  - Recording work-related injuries and illnesses in OSHA logs.
  - Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.
  - Responding to miscuts from production employees that workers believe are caused by rapid work speeds.



- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does Smithfield Foods belong? Do you, either as a corporation or through any of your trade associations, invest resources to lobby the government to increase line speeds at your facilities?
- Could you please provide Human Rights Watch with your understanding of how the Department of Agriculture's Food Safety and Inspection Service's "Modernization" rulemakings in the poultry and swine slaughter industry will affect Smithfield Foods' operations. What is Smithfield Foods' position concerning these rulemakings?

### Additional Clarifications

Additionally, in order to ensure that we accurately understand your May 9, 2019 response to our letter dated April 18, 2019, we would also appreciate your clarification of the following component of your Code of Business Conduct and Ethics, Sustainability Report, and Human Rights Policy:

- *"SPEAK UP! is the term we use to describe the right and responsibility of every employee to tell management about any behavior that does not meet the standards outlined in this Code or to ask a question about those standards."*
  - Does Smithfield have any processes or practices, aside from employee reporting, to monitor and ensure that supervisory employees adhere to their responsibilities under the Code of Conduct or Human Rights Policy (e.g., concerning verbal harassment and threats, maintaining operations consistent with worker safety and health, etc.)?
  - Can Smithfield please provide us with additional information about how the resources mentioned on page twenty-three of the Smithfield Code of Business Conduct and Ethics, including the hotlines to the Smithfield Law Department or Smithfield Ethics Hotline, have been used by workers to raise concerns about safety and health issues?

We would greatly appreciate a written response to this letter by July 18, 2019. Additionally, we welcome the opportunity to speak or meet with representatives from Smithfield Foods to discuss our research findings. Please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org) with your response to these requests.



Good food. Responsibly.®

Keira Lombardo  
Executive Vice President,  
Corporate Affairs and Compliance

200 Commerce Street  
Smithfield, VA 23430

(757) 365-3050 office  
(757) 323-5025 cell

July 18, 2019

**VIA EMAIL**

Nicole Austin-Hillery  
Executive Director, US Program

Arvind Ganesan  
Director, Business & Human Rights

Human Rights Watch  
350 Fifth Avenue, 34th Floor  
New York, New York 10118-3299

Re: Response to Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants

Dear Ms. Austin-Hillery and Mr. Ganesan,

I am responding to your request for additional information for your upcoming report on workers' rights in U.S. meat and poultry plants. I have enclosed the information requested.

At Smithfield Foods, we are committed to the health and safety of all employees. Employee safety is one of our core values and we have out-performed the industry average for injury rates for years. We are proud of our strong safety culture and consistently seek opportunities for continuous improvement. Like your organization, we share a focus on upholding the well-being of workers in our industry. To that end, I would encourage you to read the [People section](#) of our recently released Sustainability Report.

Regarding your upcoming report, it is unfortunate that your organization is withholding "specific details about establishments owned or operated by Smithfield Foods that were included in within [your] research" based on a claim that it would "minimize the risk of retaliation to interviewees." At the very least, sharing information about the exact location(s) included in your report would assist us in exploring and addressing any allegations of mistreatment of our employees, which is a stated key objective of your organization. This would also in no way expose the interviewees given the fact that we employ hundreds or thousands of individuals at each of our facilities. Furthermore, retaliation or harassment is a violation of our [Human Rights Policy](#) and is not tolerated at Smithfield.

I would like to reiterate that Smithfield is a people-oriented company. The health and safety of our employees is of utmost importance. We appreciate your support in providing a safe, fair, ethical, and rewarding work environment for all employees. We look forward to your response.

Sincerely,

Keira Lombardo  
Executive Vice President, Corporate Affairs & Compliance  
Smithfield Foods, Inc.

### Request for Additional Information

- What processes or practices does Smithfield Foods use to ensure that supervisors and other plant-level officials follow Smithfield Foods' internal policies or guidelines regarding practices described above?

Ethical and lawful conduct is an essential part of Smithfield Foods' culture, and we are committed to conducting our business with the highest standards every day. Smithfield maintains a Code of Business Conduct and Ethics (the Code) for all employees and corporate officers. We publish the Code in the four major languages of the countries where we have operations. It conveys policies and practices for conducting business in accordance with applicable laws and the highest ethical standards. All employees are asked to sign a statement upon joining the company indicating they have read the Code and that they will act in full compliance. Our executive-level Ethics and Compliance Committee, chaired by our chief legal officer, oversees the full range of compliance issues for Smithfield and administers the Code. We also provide employees with opportunities to report ethics violations or similar concerns through an anonymous telephone hotline. The company takes all hotline complaints very seriously and promptly investigates and responds. In an effort to help ensure adherence to our policies and guidelines, Smithfield also provides employee training, corrective action, and internal and third-party auditing.

- Can Smithfield Foods please provide us with additional information regarding your internal policies or guidelines regarding the following matters:

- Referring injured or ill workers to physicians from in-plant medical units or stations.

Smithfield facilities have either licensed medical providers or trained staff on site to assist workers with first aid. Any needs beyond first aid, as well as all emergency care, are referred to outside medical providers.

- Providing workers with breaks or the ability to step away from line work when experiencing pain.

It is our policy that all employees immediately report to their supervisor any onset of pain, injury, or illness. Employees are provided the opportunity to be evaluated by trained first aid providers.

- Determining rates of operation in different departments at establishments that Smithfield Foods owns or operates (e.g., who sets operation speeds, are line allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).

Line rates are established by facility management, industrial engineering, and in some cases, United States Department of Agriculture (USDA) standards. Line rates vary during operations and are slowed for a number of reasons including staffing, new employee onboarding, and quality improvement initiatives, among others. Lines do not run faster than established speeds.

- Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.

Smithfield does not incentivize or reward supervisory employees for production volume or productivity.

- Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.

Smithfield has established an effective Ergonomics Program that includes task assessments as the baseline for the program. Ergonomic Committees that include hourly employees and management have been established to evaluate the assessments, suggestions, and observations from employees to identify ergonomic opportunities. Ergonomics are considered during all new and modified installations to identify risks and take actions to reduce or eliminate musculoskeletal risks. Employees are trained on ergonomics during new-hire orientation that includes the signs and symptoms of musculoskeletal and Cumulative Trauma Disorder (CTD) and the importance of early detection. Whenever an employee experiences musculoskeletal or potential CTD symptoms, protocols have been established and approved to ensure that employees receive preventative and immediate care. Smithfield also has other ergonomic-related activities that are effective in reducing and eliminating the risk of musculoskeletal and

CTD issues, such as job rotation, tasks-based exercising and stretching, ergonomic training, ergonomic tools, and ergonomist reviews that utilize administrative and engineering controls.

- Recording work-related injuries and illnesses in OSHA logs.

Work-related injuries and illnesses are recorded utilizing the OSHA 300, 301, and 300-A forms following the OSHA criteria for recording and posting.

- Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.

Smithfield's operations and industrial engineering teams determine proper staffing levels. If staffing levels are reduced due to absenteeism or other reasons, lines are slowed down accordingly.

- Responding to miscuts from production employees that workers believe are caused by rapid work speeds.

Smithfield monitors our workmanship and line speeds. Line speeds are set so our staff can meet our quality specifications.

- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does Smithfield Foods belong? Do you, either as a corporation or through any of your trade associations, invest resources to lobby the government to increase line speeds at your facilities?

Smithfield is part of a number of stakeholder organizations that represent the interests of our industry and employees. To view a list of the organizations of which we are members, please visit our website here:

<https://www.smithfieldfoods.com/sustainability/report/2018/governance-management/stakeholder-engagement>.

Smithfield engages in a variety of public policy issues that are relevant to our company and our employees. We have not invested resources to lobby the government with the intent to increase line speeds at our facilities. To view a list of the variety of public policy issues we are involved in, please visit our website here:

<https://www.smithfieldfoods.com/sustainability/report/2018/governance-management/public-policy>.

- Could you please provide Human Rights Watch with your understanding of how the Department of Agriculture's Food Safety and Inspection Service's "Modernization" rulemakings in the poultry and swine slaughter industry will affect Smithfield Foods' operations. What is Smithfield Foods' position concerning these rulemakings?

Smithfield supports modernizing the swine slaughter rules based on updated scientific data that improves efficiency and demonstrates equivalent or better public health protection compared to the existing inspection system.

#### **Additional Clarifications**

- Does Smithfield have any processes or practices, aside from employee reporting, to monitor and ensure that supervisory employees adhere to their responsibilities under the Code of Conduct or Human Rights Policy (e.g., concerning verbal harassment and threats, maintaining operations consistent with worker safety and health, etc.)?

Smithfield supervisors are provided Safety & Health Training that includes all aspects of their responsibilities for employee safety. New supervisors are required to complete a seven module Supervisor Safety & Health Training. Employees are trained during orientation that they have the right, without fear of reprisal, to stop production when they feel their safety is at risk. Supervisors and employees are asked questions during internal and external audits to confirm that they are aware of the right to stop production and bring safety concerns to the management team to address their concerns. Human Resources conducts regular training for employees on anti-harassment, civil treatment of employees, leadership coaching and development, and other similar types of relevant training through Smithfield University, webinars, and other training formats.

- Can Smithfield please provide us with additional information about how the resources mentioned on page twenty-three of the Smithfield Code of Business Conduct and Ethics, including the hotlines to the Smithfield Law Department or Smithfield Ethics Hotline, have been used by workers to raise concerns about safety and health issues?



In addition to receiving information contained in the Code at the time of hire, information pertaining to the Smithfield Ethics Hotline is communicated through posters, company websites, training, and the human resource office that typically leads the investigation. Employees are encouraged to SPEAK UP! regarding any behavior that does not meet the standards outlined in the Code. The Hotline is anonymous, and employees are protected from retaliation. Remediation, if warranted, is promptly addressed.



Noel White  
Chief Executive Officer  
Tyson Foods, Inc.  
2200 W Don Tyson Pkwy  
Springdale, AR 72762

April 18, 2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Noel White,

We are writing to solicit your views for forthcoming research on workers' rights in meat and poultry slaughtering and processing plants in the United States. Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

Our organization has been investigating the rights and conditions of workers at meat and poultry slaughtering and processing establishments across the United States. We plan to publish a report on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks that are predictable and preventable, and undermine the right to compensation and remediation for occupational injury and illness. These findings are based on extensive interviews conducted with current and former workers at meat and poultry slaughtering and processing establishments, primarily in Alabama, North Carolina and Nebraska, including establishments owned or operated by Tyson Foods. We plan to share a summary of our findings with you prior to publication.

Human Rights Watch is committed to producing research that is well-informed and objective. We hope you and your staff will respond to the attached questions so that your views may be accurately reflected in our reporting. We would appreciate a written response by 20 May 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues.

Thank you. We look forward to your response. We would also be happy to discuss this research with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,

Handwritten signature of Nicole Austin-Hillery in black ink.

Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch

Handwritten signature of Arvind Ganesan in black ink.

Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



**Questions for Tyson Foods:** We appreciate the responses to the following questions. Please answer all questions for establishments that you either own or operate, unless otherwise noted.

### General

- Under which brands or subsidiaries does Tyson Foods sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.
- How many workers does Tyson Foods employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?
- Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide Tyson Foods? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?
- Does Tyson Foods participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?
- How many of your establishments currently have contracts with a union to represent the bargaining unit?

### Worker Health and Safety

- Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?
- Does Tyson Foods maintain infirmaries or other medical personnel at its? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.
- How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?
- How do employees at your establishments report sexual harassment and assault?
- How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?
- How does Tyson Foods train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.
- Does Tyson Foods maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.



- Have any of your establishments requested employees to sign documents that stipulate, in sum, that employees agree to not come to work if they are experiencing some form of illness (e.g., sneezing, coughing, etc.) or have some form of laceration (e.g., scrape, scratch, cut, etc.)? If so, can you please provide us with a copy of this agreement?
- Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
  - The stress, resiliency and mental health and wellness of employees.
  - Preventing, reporting and disciplining sexual harassment and assault.
  - Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - The total number or frequency of infirmity visits that an employee is allowed.
  - Reporting an injury or illness that the employee believes to be work-related.
  - When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.

### **Work Speed**

- Does Tyson Foods establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined?
- Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?
- How do you determine the rate of operation for slaughtering or processing lines at in your establishments?
- Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations.
- How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?

### **Worker Grievances**

- What policies or practices does Tyson Foods have to address concerns or complaints from employees regarding the following topics:
  - Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.
  - The line speed of slaughtering or processing operations.
  - The crewing or number of employees working at a specific position or function.
  - The ergonomic design, accessibility or comfort of their workspace.

### **New Poultry Inspection System**



- Have any of your establishments implemented the New Poultry Inspection System (NPIS)?
- Has Tyson Foods obtained or requested any waivers of 9 CFR 381.69(a) from the United States Department of Agriculture's Food Safety and Inspection Service to operate line speeds up to 175 birds per minute at any establishment it owns or operates? If so, which of your establishments have been granted waivers? Please provide Human Rights Watch with copies of any written requests for a waiver of 9 CFR 381.69(a).
- Have you implemented any policies or practices to prepare employees at establishments transitioning to operate at 140 birds per minute or above?

### **Chemical Use and Exposure**

- Does Tyson Foods use peracetic acid solutions at any of your establishments? If so, how are peracetic acid solutions used at these establishments? Do you use any other chemical agents for sanitation or the antimicrobial treatment of products during slaughtering or processing?
- Do you provide employees at your establishments with personal protective equipment that may limit or protect from physical or airborne exposure to peracetic acid? What about other chemical agents you may use?
- If you have any policies or practices related to the following topics, please explain:
  - The acceptable range for the concentration of peracetic acid solutions used at your establishments, and how this is monitored.
  - The acceptable range for the airborne concentration and exposure of workers to peracetic acid at your establishments, and how this is monitored.
  - Handling concerns or complaints from employees regarding the airborne concentration of peracetic acid.

Tyson Foods, Inc.  
*Responses to Human Rights Watch Information Request*  
May 20, 2019

General

- *Under which brands or subsidiaries does Tyson Foods sell protein products? Please specify the brands and subsidiaries. Do you manufacture protein products for other companies or organizations to use or sell under their brand? If so, which ones.*
  - We are a company guided and grounded by our purpose: raising the world's expectations for how much good food can do. We have a broad portfolio of products and brands including Tyson®, Jimmy Dean®, Hillshire Farm®, Ball Park®, Wright®, Aidells®, IBP® and State Fair®. We are committed to sustainably offering the protein and food products that consumers want, and are proud to offer brands and products to satisfy a variety of palettes. For additional brand information, please [CLICK HERE](#).
  - We do produce products for other companies to sell or incorporate into their own brands. This, however, is confidential customer information and we cannot disclose the details.
  
- *How many workers does Tyson Foods employ at slaughtering or processing establishments it owns or operates? What is the turnover rate for employees at these establishments?*
  - As of September 29, 2018, the end of our fiscal year 2018, we employed approximately 121,000 team members globally.
  - We are constantly improving our support of our hourly team members in the areas of workplace training, safety, compensation and benefits and life skills through numerous programs and initiatives. To measure progress against these initiatives, we are working toward three workplace goals which include 1) aspiring to offer English as a second language and financial literacy training to all employees, 2) creating a safe workplace by reducing OSHA recordables by 10% year-over-year, and 3) building a highly engaged team with a 10% increase in retention year-over-year. In fiscal year 2018, retention decreased slightly over the previous fiscal year.

Wage pressure combined with the lowest unemployment rates the U.S. has experienced in decades have made it increasingly difficult to stabilize our workforce and achieve the desired level of improvement in retention. A strong focus on becoming the employer of choice and investing in our team members, however, has led to improvements in wages, work schedules, facilities, recognition and engagement. [CLICK HERE](#) to learn more about our workplace programs and initiatives.

- *Do you contract with staffing agencies or any other third-party company to provide workers for any of your establishments? If so, how many workers do staffing agencies or other third-party companies provide Tyson Foods? Can workers provided to you through any such staffing agency become regular employees, and if so, what are the conditions that a worker must meet in order to do so?*
  - On occasion, we do use the services of staffing agencies and other third-party companies to provide workers for our facilities. The number of workers contracted through this approach is nominal as we maintain our own facility and corporate-level human resource teams for recruiting and hiring practices. Contracted workers can become full-time team members under the same employment conditions as any other applicant.
  
- *Does Tyson Foods participate in the United States' E-Verify program? Do any of your establishments not participate in the E-Verify program?*
  - Since 1998, Tyson has voluntarily participated in the U.S. government's Basic Pilot/Employment Eligibility Verification Program, which is now known as E-Verify. Tyson has also voluntarily chosen to use the Social Security Number Verification System (SSNVS). This is an on-line service offered by the Social Security Administration (SSA), which allows registered users (*employers and certain third-party submitters*) to verify the names and Social Security numbers of employees against SSA records.

In addition to government-provided tools, we train all of our hiring managers and human resources staff on employment documentation procedures and work to increase their awareness of identification fraud. We regularly audit our Form I-9s and our hiring process, including work authorization documents. In addition, we use an independent, outside company to conduct social compliance audits which include an audit of our hiring processes.

In January 2011, Tyson Foods became the first major food company to become a full member of the IMAGE program with U.S. Immigration and Customs Enforcement (ICE). IMAGE is short for 'ICE Mutual Agreement between Government and Employers.' The program enables businesses, if they meet rigorous standards, to voluntarily partner with the federal government to ensure they are employing people who are legally authorized to work in the United States. Within the last year, we successfully completed compliance reviews and inspections by Homeland Security Investigations. Through this long-term partnership, we collaborate on hiring practices to ensure we are maintaining a lawful workplace.

If we learn any of our workers may not have proper documentation evidencing their ability to work in this country, we take immediate corrective measures. If they are unable to provide proper documentation, they are released from employment.

- *How many of your establishments currently have contracts with a union to represent the bargaining unit?*
  - As of September 29, 2018, the United Food and Commercial Workers Union (UFCW) held 22 labor contracts with us that represent nearly 30,000 employees. Approximately seven-percent of those employees are at locations either under negotiation for contract renewal or are included under agreements expiring in fiscal year 2019. While UFCW is the largest union, there are several other unions who have labor contracts in place at various facilities. Additionally, we have approximately 3,000 employees in foreign countries subject to collective bargaining agreements.

### Worker Health and Safety

- *Please provide Human Rights Watch with your understanding of whether and how the health and safety of your employees may be affected by the increases in line speed? What about decreases in crewing?*
  - We take the safety of our team members very seriously. We maintain policies and practices that allow any team member to stop a line at any time for worker or food safety issues. Additionally, we are committed to operating at production rates that protect the safety of our team members as well as the food we produce. We use industrial engineers to evaluate line speeds and, in general, don't implement increases without improvements in technology, additional staff or both. We are also committed to ensuring the availability of lead team members, supervisors and others who can step in when someone needs to leave the line.
- *Does Tyson Foods maintain infirmaries or other medical personnel at its facilities? Do you have guidelines, training manuals, or other materials for infirmary staff regarding the provision of medical treatment (i.e., first aid)? If so, please provide us with any such written guidelines, training manuals, or other materials.*
  - We maintain Occupational Health Services departments at the majority of our processing facilities. This team is charged with promoting and protecting team member health; providing work-related health services; and managing curative and rehabilitative care for work-related injuries and illness. We maintain standard operating procedures related to multiple occupational health services roles and responsibilities including, but not limited to, hiring and licensing; examination procedures; health and injury management; emergency preparedness; health and wellness education; and recordkeeping. These procedures are confidential to Tyson and cannot be shared.
  - At some of our larger facilities, we have on-site case managers who attend post-injury medical appointments with team members to ensure they understand medical issues and the road to recovery and rehabilitation. These managers also assist in identifying light or limited duty work for team members that is consistent with any medical restrictions.



- *How do you determine that an employee's injury or illness is, or is not, related to their work at your establishment?*
  - We maintain guidelines and procedures for evaluating and determining if an injury or illness is work related. More specifically, we conduct a team member evaluation and root cause analysis. This not only allows us to determine if an injury or illness is work-related, but better enables us to determine the root cause of an incident so that if the injury or illness is work-related corrective actions can be implemented to prevent future recurrences.
  
- *How do employees at your establishments report sexual harassment and assault?*
  - We provide several ways for team members to report concerns without fear of retaliation. This includes any alleged misconduct, including sexual harassment and assault. Team members may directly raise concerns to their supervisors, any member of management, local human resources representative, Help Line, Web Line or the Ethics & Compliance department. The Help Line is operated by an independent third-party and is available 24 hours a day, seven days a week by phone, and in multiple languages. The Web Line is available at [TellTysonFirst.com](https://www.tysonfoods.com/telltysonfirst). Team Members who use the Help Line or Web Line may choose to remain anonymous.
  
- *How do employees report mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers? How do you handle these reports and how do you discipline supervisors or managers for mistreatment of employees?*
  - The mechanisms to report alleged misconduct are not dependent upon the allegation. As noted above, team members have various ways to report concerns without fear of retaliation. We take reports of alleged misconduct seriously. Each allegation is reviewed, analyzed, and forwarded to the appropriate parties for handling. Tyson has policies and procedures governing when and how different types of allegations are handled internally. Any team member who violates our Code of Conduct, company policies or laws is subject to disciplinary action, up to and including termination depending on the nature and severity of the violation.
  
- *How does Tyson Foods train supervisors and managers at your establishments about physical and verbal abuse of employees? Do you have guidelines or training manuals or materials for supervisors, area managers or plant managers at your establishments that concern the physical and verbal mistreatment of employees? If so, please provide Human Rights Watch with any such written guidelines, training manuals or materials.*
  - We expect all team members to act ethically regardless of their position and we believe our management team members have a responsibility to lead by example. This means living out – both in word and deed – the principles set forth in our [Code of Conduct](#), [Core Values](#), and [Team Behaviors](#). Those materials and other policies, which are available in multiple languages, address how all team members should treat each other. We strive to operate with integrity, and to create an environment of trust where team members are comfortable asking questions and raising concerns without fear of retaliation.

Team members complete onboarding and annual compliance training curriculum on a variety of conduct-related topics, including harassment and discrimination, dignity and respect and

workplace violence. During training, team members certify individually that they understand and agree to follow the provisions of the Code of Conduct. Team members may also complete additional trainings throughout the year based on job responsibilities.

- *Does Tyson Foods maintain internal records or statistics of occupational injuries or illnesses reported to federal or state-based Occupational Safety and Health Administrations from your establishments? If so, please provide Human Rights Watch with data: work-related deaths; severe injuries and illnesses resulting in hospitalization, amputation or loss of consciousness; days away from work, restricted work or transfer to another job; and medical treatment beyond first aid.*
  - As required by federal and state OSHA, we do maintain records of workplace injuries and illnesses. [CLICK HERE](#) to review this data.
  
- *Have any of your establishments requested employees to sign documents that stipulate, in sum, that employees agree to not come to work if they are experiencing some form of illness (e.g., sneezing, coughing, etc.) or have some form of laceration (e.g., scrape, scratch, cut, etc.)? If so, can you please provide us with a copy of this agreement?*
  - Although we do not require documentation related to the above items, we train our team members on the circumstances under when they should not come to work due to illness.
  
- *Do you have any policies or practices related to the following topics? If so, please provide a copy of the policy, or explanation of the practice.*
  - Preventing the development and progression of cumulative trauma and musculoskeletal disorders among employees.
    - We follow a systematic approach for the early reporting, intervention, evaluation and treatment of injuries and illness.
  - The stress, resiliency and mental health and wellness of employees.
    - Along with our [Code of Conduct](#), [Core Values](#), and [Team Behaviors](#), we offer an employee assistance program and chaplains to aid employees. Our Occupational Health Services team also provides health and wellness education for team members.
  - Preventing, reporting and disciplining sexual harassment and assault.
    - As noted previously, team members have several ways to report any alleged misconduct, including sexual harassment and assault. Team members may directly raise concerns to their supervisors, any member of management, local human resources representative, Help Line, Web Line or the Ethics & Compliance department.

- Access to restroom facilities for employees and the differing needs of employees based on gender, age or medical condition.
  - We are committed to protecting the rights of our team members and maintaining a workplace that is consistent with state and federal laws including reasonable accommodation, access to clean and working restroom facilities and reasonable time for necessary restroom breaks during production time. We have regular work breaks and also allow team members to leave the production line if they need to use the restroom. We do not tolerate the refusal of requests to use the restroom.
- The total number or frequency of infirmary visits that an employee is allowed.
  - We do not limit the number of visits a team member makes to our Occupational Health Services department.
- Reporting an injury or illness that the employee believes to be work-related.
  - We encourage early reporting of symptoms that could indicate injury or illness.
- When medical treatment must raise beyond first aid and when an employee can see a physician or doctor for diagnosis or medical treatment beyond first aid for work-related medical concerns.
  - We follow a systematic approach for the early reporting, intervention, evaluation and treatment of injuries and illness, including treatment by a medical profession when necessary or requested.

### Work Speed

- *Does Tyson Foods establish or otherwise set any form of production quota for your establishments? If so, how are these quotas determined? Do you maintain information or statistics about the work speed, based on line speed and crewing of positions or functions, of various departments? If so, please provide us with data on the line speeds that you run your slaughtering and processing operations. How do you determine the number of employees to allocate to a certain position or function and under what circumstances will you lower the number of employees working at a certain position?*
  - Within our manufacturing facilities, we utilize accepted industrial engineering principles and practices to establish the proper expectations for each process. Tyson has dedicated teams that are responsible for conducting the proper analysis for each product code, work-in process, and finished goods. Each analysis will evaluate the rate of each process and assure that the direct labor requirements align with food safety, human safety and ergonomic principles.

In addition to these teams having the responsibility of developing the proper expectations for the manufacturing processes, they also are constantly striving to improve the math and science that supports each analysis. The results of these analysis are utilized and shared across our manufacturing facilities and key support teams to help assure that they are armed with the right information to help guide pertinent decisions our facilities make.

- *Do you provide any form of financial incentive or bonus for managers or supervisors that reward production volume or productivity? If so, under what circumstances, and to whom, do you provide such reward?*

- Managers and supervisors receive financial rewards based on overall company performance, which can include metrics related to operating income and workplace safety. The allocation of these rewards at the facility level may be adjusted based on facility performance. At the individual level, managers and supervisors are held accountable for meeting goals related to health and safety, food safety, team member retention, and operations (e.g., yield, efficiency, variances).
- *How do you determine the rate of operation for slaughtering or processing lines at in your establishments?*
  - Production line speeds in our plants follow USDA limits and vary based on stage of production, layout and capacity of a plant and number of workers available. Appropriate staffing for a production line is set by industrial engineers who conduct studies to determine the number of people needed to safely yet effectively process certain product mixes. Safety is a key consideration, and any team member may stop a production line at any time for worker or food safety issues, without fear of retaliation.
  - Additionally, our safety committee members help ensure team members feel comfortable asking for a line to be stopped when necessary. These committees advocate for safety in Tyson plants, raise health and safety concerns to management, and work collaboratively with management to create action plans and solutions to address concerns. Committee members encourage safety awareness, promote team members' interest in health and safety issues, assist in engaging team members in our safety initiatives, and help motivate team members to follow safe work practices.

### Worker Grievances

- *What policies or practices does Tyson Foods have to address concerns or complaints from employees regarding the following topics:*
  - *Mistreatment, physical or verbal abuse, or other malfeasance by supervisors or managers.*
  - *The line speed of slaughtering or processing operations.*
  - *The crewing or number of employees working at a specific position or function.*
  - *The ergonomic design, accessibility or comfort of their workspace.*
    - As previously noted, team members have multiple communication channels they can use to report alleged misconduct or concerns. These channels are available regardless of the allegation and are available for concerns regarding line speeds, staffing, and ergonomic design, accessibility, and comfort of the workspace.

### New Poultry Inspection System

- *Have any of your establishments implemented the New Poultry Inspection System (NPIS)?*
  - Yes

- *Has Tyson Foods obtained or requested any waivers of 9 CFR 381.69(a) from the United States Department of Agriculture's Food Safety and Inspection Service to operate line speeds up to 175 birds per minute at any establishment it owns or operates? If so, which of your establishments have been granted waivers? Please provide Human Rights Watch with copies of any written requests for a waiver of 9 CFR 381.69(a).*
  - We have two locations (one in Arkansas and one in Mississippi) that were part of the original 20 pilot plants for the Food Safety and Inspection Service HACCP-Based Inspection Models Projects (HIMP) for 75 bpm. These two locations still maintain the waiver. No other locations have a waiver and we have not submitted a waiver request.
- *Have you implemented any policies or practices to prepare employees at establishments transitioning to operate at 140 birds per minute or above?*
  - Not applicable

### Chemical Use and Exposure

- *Does Tyson Foods use peracetic acid solutions at any of your establishments? If so, how are peracetic acid solutions used at these establishments? Do you use any other chemical agents for sanitation or the antimicrobial treatment of products during slaughtering or processing?*
  - Peracetic acid (PAA) is used in our harvest and further processing facilities as an antimicrobial in spray cabinets, chillers, dip tanks, etc. Numerous products are used for sanitation purposes, but PAA is not commonly used for sanitation.
- *Do you provide employees at your establishments with personal protective equipment that may limit or protect from physical or airborne exposure to peracetic acid? What about other chemical agents you may use?*
  - We maintain personal protective equipment requirements for team members working with (e.g., changing chemical totes) and around chemicals, including PAA. First and foremost, we follow manufacturer's recommendations regarding personal protective equipment requirements. For PAA, the point of application (e.g., dips and sprays) is usually less than 1000 parts per million (0.1%). We require the use of safety glasses in and around these areas. We also make voluntary N-95 odor masks available for team members.
  - Additionally, we collaborated with the United Food and Commercial Workers Union to develop PAA awareness training. This training has been implemented at all union and non-union facilities. Currently, the training is available in five languages including English, Spanish, Somali, Arabic and Burmese.
- *If you have any policies or practices related to the following topics, please explain:*
  - *The acceptable range for the concentration of peracetic acid solutions used at your establishments, and how this is monitored.*

- The acceptable range for PAA is determined by the approval the chemical supplier has received from USDA as well as the processing facility's site-specific Hazard Analysis and Critical Control Points plan. Most often, the point of application for PAA (e.g., dips and sprays) is usually less than 1000 parts per million and there is commonly a blending (e.g., diluting with water) station provided by the chemical supplier. These stations often have an in-line meter for measuring the pH or PAA concentration and facility Quality Assurance team members perform PAA concentration checks at the point of application regularly.
- *The acceptable range for the airborne concentration and exposure of workers to peracetic acid at your establishments, and how this is monitored.*
  - We maintain a PAA sampling and response plan that provides guidelines for testing when PAA is in use and controls in the event of elevated parts per million.
- *Handling concerns or complaints from employees regarding the airborne concentration of peracetic acid.*
  - We require that team members working in areas with PAA to have awareness training that includes developing an understanding of the warning properties of eye and upper respiratory irritation that could occur with exposure to PAA. Team members are instructed to report any irritations immediately to their manager. If a complaint is received, the work area is surveyed to determine if there are any on-the-spot remedies to control PAA in the work area.
  - If an immediate remedy is not identified, or the complaint persists or worsens, the safety manager or other designee is contacted for an investigation. Area air samples are taken and the liquid concentration of PAA is tested to determine if the concentration is in the expected range. Response actions are implemented as needed. A complaint log is maintained to record the complaint area, air testing results, PAA liquid concentration, and response actions if needed.

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Noel White  
Chief Executive Officer  
Tyson Foods, Inc.  
2200 W Don Tyson Pkwy  
Springdale, AR 72762

6/27/2019

**Re: Upcoming Human Rights Watch Report on Workers' Rights in U.S. Meat and Poultry Plants**

Dear Noel White,

Thank you for your May 20, 2019 response to our letter dated April 18, 2019, the additional information shared with us on Tyson Foods' policies and practices, and for speaking with us on May 29. We welcome the opportunity to engage in constructive dialogue with Tyson Foods about workers' rights in the meat and poultry slaughtering and processing industry and hope that Tyson Foods can be an example of best practices in its approach to protecting and promoting the rights of workers.

We are writing to share findings from research that Human Rights Watch carried out regarding human rights abuses in meat and poultry plants in the United States, and to seek your response.

Human Rights Watch is an independent organization dedicated to protecting and promoting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change.

As noted in our previous correspondence, we conducted research between December 2018 and May 2019, interviewing forty-nine current and former workers at meat and poultry slaughtering and processing plants, representing jobs at all stages of production, primarily in Alabama, North Carolina, and Nebraska. We documented hazardous conditions of work, serious health and safety risks, and other human rights problems, including at some establishments owned or operated by Tyson Foods.

We plan to publish a report that will include the individual rights abuses we documented as well as business practices that undermine workers' rights and fuel or give rise to serious risks to workers' safety and health that are predictable and preventable.

At this time, we are writing to share additional information about our findings but cannot share specific details about establishments owned or operated by Tyson Foods that were included within our research. The reason for this is that we must evaluate the potential impacts on sources when determining how much information we can divulge, for example, regarding specific facilities that were within the scope of our research. Our research and reporting worldwide is conducted following the principle of informed consent and strives to minimize the risk of retaliation to interviewees who consent to give us information.

We would be grateful for your response to our Summary of Findings, Request for Additional Information, and Additional Clarifications below, so that we may accurately reflect your views in our reporting.

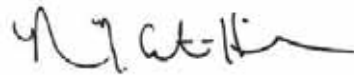
We would appreciate a written response by July 18, 2019, so that we have the opportunity to incorporate your answers in our reporting and continue engagement with you on these issues. Thank you. We look forward to your response.

As always, we would also be happy to discuss this with you or your staff in person or by telephone. If you have any questions or would like to schedule a meeting, please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org), or Dreisen Heath at [heathd@hrw.org](mailto:heathd@hrw.org).

Sincerely,



Arvind Ganesan  
Director, Business & Human Rights  
Human Rights Watch



Nicole Austin-Hillery  
Executive Director, US Program  
Human Rights Watch



## Summary of Findings

### Workers' Health and Safety

Workers in the meat and poultry industry have some of the highest rates of occupational injury and illness in the United States. Although workers at meat and poultry slaughtering and processing plants across the country interviewed by Human Rights Watch do not represent a statistically significant sample of the industry's workforce, their testimony indicates that the industry is far more dangerous for workers than federal data reflect.

### Traumatic Injuries & Cumulative Trauma

Workers at meat and poultry slaughtering and processing plants who spoke with Human Rights Watch face serious health and safety hazards. Most workers interviewed by Human Rights Watch for this report shared experiences with injuries or illnesses caused by their work.

Nearly all workers suffered from chronic nerve or muscle pain in their hands, arms, or shoulders because of their work. Many of these workers experience severe pain in their muscles and joints that wakes them at night or causes numbness, tingling, loss of grip strength and agility, twitching, or burning. Others had been diagnosed with carpal tunnel, tendinitis, or other nerve or musculoskeletal disorders, for which some have undergone surgeries. In interviews with Human Rights Watch, many of these workers described the disabling impacts of this chronic pain and debilitation on their daily lives, both inside and outside of the plant.

Human Rights Watch found that these musculoskeletal illnesses were common among interviewed workers and that the occurrence of such injury and illness experienced by workers are both fueled, and obscured, by some practices described below.

### Risks Fueled by Rapid Work Speeds

We documented some practices that appear to reflect efforts to maximize output and minimize labor costs, which expose workers to increased risk of injury and illness. Human Rights Watch found that many employers maintain work speeds that exceed workers' physical capacity and place them at risk of serious, potentially life-threatening, injury and illness. Nearly all workers who spoke with Human Rights Watch reported that their plants operate at work speeds that endanger their safety and health.

Human Rights Watch found that workers frequently have little to no ability to influence or regulate their work speeds and often cannot take breaks during their shift, even when experiencing pain. Many workers who spoke with Human Rights Watch reported that some corporate practices contribute to high work speeds, including goals, quotas, or bonuses relating to operations (e.g., yield, efficiency, etc.).

### *Rapid Line Speeds*

Workers who spoke with Human Rights Watch corroborated research that has found that rapid line speeds compound the highly-repetitive, forceful movements required by meat and poultry slaughtering and processing work, and increase the risk of developing musculoskeletal or cumulative trauma disorders.

Human Rights Watch found that supervisors at some meat and poultry plants operate their departments at line speeds that are not commensurate with workers' safety and health. Human Rights Watch found that workers frequently have little to no ability to influence or regulate the speed of their lines, or take breaks. Almost all workers who spoke with Human Rights Watch reported that their plants had increased line speeds since they first began working.

### *Inadequate Staffing*

Most workers who spoke with Human Rights Watch reported that plant officials operate lines at speeds that exceed available staffing. Moreover, many long-term workers who spoke with Human Rights Watch described the slow attrition in the number of workers from their stations, which has meant progressively more work for those who remain.

### *Mistreatment by Supervisors*

Human Rights Watch found that some supervisors in some meat and poultry slaughtering and processing plants push workers to labor at speeds that endanger their safety and health through abusive language and threats. Nearly all workers who spoke with Human Rights Watch described constant pressure to keep the line moving from their supervisors. Most workers reported that supervisors pressured them to labor at work speeds that caused, or placed them at risk of, injury or illness.

Workers who spoke with Human Rights Watch reported that if they complained to supervisors about the speed of the line or requested that it be slowed down, their supervisor would berate, threaten, or show them the door. Workers also reported that supervisors berated or threatened workers with termination for any decline in product quality that would result from these high work speeds.

Human Rights Watch found that treatment by supervisors impacts workers' mental health as well. Several workers who spoke with Human Rights Watch for this report cried during their interviews when relaying their experiences with abusive supervisors. Many more described the stress of dangerous conditions and how mistreatment by supervisors has an emotional and psychological toll on workers.

## Line Speed Increases Threaten Workers

Human Rights Watch found that increasing maximum line speeds for slaughter operations will increase workers' exposure to hazards that increase the risk of severe occupational injury and illness.

Workers who spoke with Human Rights Watch reported that line speeds in different departments, even those separated by full stops in processing, are still closely related. Many workers who spoke with Human Rights Watch reported that high rates of production in other departments contributed to pressure on them to labor at work speeds that are not commensurate with their safety and health.

## Harmful Chemical Exposure

Nearly all poultry workers who spoke with Human Rights Watch reported regular exposure to strong, irritating chemicals and their severe impact on their daily health. Human Rights Watch found that some poultry slaughtering and processing plants may expose workers for prolonged durations to airborne concentrations of chemicals used for sanitation or anti-microbial treatment, particularly peracetic acid, to the detriment of workers' health. Human Rights Watch found that workers at some poultry slaughtering and processing plants have little knowledge of, or ability to regulate or complain about, the airborne concentrations of chemicals to which they are being exposed.

## Inadequate Bathroom Access

Human Rights Watch found that many workers in the meat and poultry slaughtering and processing industry cannot easily or regularly use the restroom during their shift. Some workers who spoke with Human Rights Watch reported that their supervisor routinely denies requests to use the restroom, requiring workers to wait until their break. Multiple workers who spoke with Human Rights Watch described coworkers urinating on themselves or wearing diapers at their workstations. No worker who spoke with Human Rights Watch about restroom access issues reported that their supervisors would lower line speeds when replacement workers were unavailable.

## Under-recording of Occupational Injury and Illness

Human Rights Watch found that some plant-level practices suppress the recording and reporting of occupational injuries and illnesses, and that the rates of work-related injury and illness sustained by workers captured in data on the industry do not accurately reflect the hazards facing workers.

Nearly all workers who spoke with Human Rights Watch reported practices that discourage workers, supervisors, and in-plant medical personnel from recording and reporting incidents of occupational injury and illness.

Several workers reported being told by supervisors not to report injuries or severe muscle or joint pain they experienced at their workstation. Many workers who spoke with Human Rights Watch also described how their plant's in-house medical units encouraged workers to return to their workstations when injured and kept their medical treatment at the level of first-aid without referral to a physical, sometimes for weeks or months, regardless of the severity of their injuries or illnesses.

Many workers who spoke with Human Rights Watch reported that they do not willingly report work-related injuries or illnesses that they sustain at work because they fear retaliation by supervisors or other plant-level officials. A widely-held perception among workers who spoke with Human Rights Watch was that supervisors at meat and poultry plants are keen to penalize workers for reporting injuries or complaining about injuries or illnesses.

## Request for Additional Information

We are grateful for Tyson Foods' responses to our previous correspondence and for initiating a constructive dialogue regarding workers' right to health in the meat and poultry slaughtering and processing industry.

As noted above, we plan to publish a report this year on individual rights abuses we documented as well as business practices that fuel or give rise to serious risks to workers' safety and health that are predictable and preventable. We are committed to the accuracy of our reporting and would hope to reflect relevant information about Tyson Foods' operations and policies in our report. We would be grateful for responses to the following questions:

- What processes or practices does Tyson Foods use to ensure that supervisors and other plant-level officials follow Tyson Foods' internal policies or guidelines regarding practices described above?
- Can Tyson Foods please provide us with additional information regarding your internal policies or guidelines regarding the following matters:
  - Referring injured or ill workers to physicians from in-plant medical units or stations.
  - Providing workers with breaks or the ability to step away from line work when experiencing pain.
  - Determining rates of operation in different departments at establishments that Tyson Foods owns or operates (e.g., who sets operation speeds, are line allowed to fall above or below these rates, under what circumstances may lines do so, who can make these adjustments, etc.).
  - Providing financial incentives or bonuses for supervisory employees that reward production volume or productivity, how these incentives may be structured, and how productivity is measured, if relevant.
  - Preventing, detecting, and treating musculoskeletal or other cumulative trauma disorders relating to work.
  - Recording work-related injuries and illnesses in OSHA logs.
  - Determining adequate staffing at workstations, and under what situations staffing levels may be reduced.
  - Responding to miscuts from production employees that workers believe are caused by rapid work speeds.
- Could you please provide us with additional information regarding your involvement in lobbying concerning regulatory matters? Additionally, to which trade groups or associations that engage in lobbying does Tyson Foods belong? Do you, either as a corporation or through any of your trade associations, invest resources to lobby the government to increase line speeds at your facilities?

- Could you please provide Human Rights Watch with your understanding of how the Department of Agriculture’s Food Safety and Inspection Service’s “Modernization” rulemakings in the poultry and swine slaughter industry will affect Tyson Foods’ operations. What is Tyson Foods’ position concerning these rulemakings?
- Nearly all workers who spoke with Human Rights Watch from a Tyson poultry slaughtering and processing plant in Albertville, Alabama, which implemented the New Poultry Inspection System (NPIS), reported that the changes, including the removal of USDA inspectors, resulted in a substantial increase in line speeds throughout departments of the plant — and a related increase in their work speeds. Can you provide us with your understanding of how the implementation of NPIS could increase line speeds and impact workers’ health and safety?

### Additional Clarifications

Additionally, in order to ensure that we accurately understand your May 20, 2019 response to our letter dated April 18, 2019, we would also appreciate your clarification of the following responses from your letter:

- *“Within our manufacturing facilities, we utilize accepted industrial engineering principles and practices to establish the proper [work speed] expectations for each process. ... Each analysis will evaluate the rate of each process and assure that the direct labor requirements align with food safety, human safety and ergonomic principles.”*
  - On a day-to-day basis, who determines line speed within each process? Are supervisors or other plant-level management allowed to change the rate of operations within your establishments, either below or above these proper work speed expectations?
  - Does Tyson have policies or guidelines for adjusting line speeds when there are fewer workers available to staff specific workstations than established by these proper expectations?
  - What processes or practices does Tyson Foods have to monitor and ensure that supervisors and other plant-level officials adhere to these proper work speed expectations, both in terms of line speeds and staffing, for each process?
- *“We maintain policies and practices that allow any team member to stop a line at any time for worker or food safety issues. ... Additionally, our safety committee members help ensure team members feel comfortable asking for a line to be stopped when necessary.”*
  - What kind of worker issues are referred to here?

- Do team members have the ability to request that line speeds be slowed down instead of stopped?
- What processes or practices does Tyson Foods have ensure that supervisors and other plant-level officials adhere to these policies and practices regarding workers' ability to stop the line?
- *"We maintain Occupational Health Services departments at the majority of our processing facilities. ... We maintain standard operating procedures related to multiple occupational health services roles and responsibilities. ... These procedures are confidential to Tyson and cannot be shared. ... We follow a systematic approach for the early reporting, intervention, evaluation and treatment of injuries and illness, including treatment by a medical profession when necessary or requested."*
  - When, or under what circumstances, do health service providers at Tyson Foods establishments consider treatment by a medical professional necessary?
  - What processes or practices does Tyson Foods have ensure that supervisors and health service providers at your establishments adhere to these policies and practices regarding reporting injuries and illnesses, and evaluating and referring workers?
- *"Managers and supervisors receive financial rewards based on overall company performance, which can include metrics related to operating income and workplace safety. The allocation of these rewards at the facility level may be adjusted based on facility performance. At the individual level, managers and supervisors are held accountable for meeting goals related to health and safety, food safety, team member retention, and operations (e.g., yield, efficiency, variances)."*
  - How are goals for managers and supervisors relating to operations structured? Do goals relating to efficiency include the number of hours paid or workers needed?
  - How are goals for managers and supervisors relating to health and safety structured? How does Tyson measure health and safety outcomes for managers or supervisors?
  - How are managers and supervisors held accountable for meeting these goals?
- *"We have regular work breaks and also allow team members to leave the production line if they need to use the restroom. We do not tolerate the refusal of requests to use the restroom. ... We are also committed to ensuring the availability of lead team members, supervisors and others who can step in when someone needs to leave the line."*
  - What processes or practices does Tyson Foods have to monitor and ensure that supervisors and other plant-level officials adhere to your

requirements regarding restroom access? What are managers or supervisors supposed to do if there is no one available to step in for when someone needs to leave the line?

- *“We maintain a PAA sampling and response plan that provides guidelines for testing when PAA is in use and controls in the event of elevated parts per million. ... If a complaint is received, the work area is surveyed to determine if there are any on-the-spot remedies to control PAA in the work area.”*
  - How does Tyson Foods define elevated parts per million in the context of airborne concentrations of PAA? Do you follow any external guidelines or recommended benchmarks regarding the occupational exposure limits to airborne PAA for workers at your establishments?

We would greatly appreciate a written response to this letter by July 18, 2019. Additionally, we welcome the opportunity to speak or meet with representatives from Tyson Foods to discuss our research findings. Please contact Namratha Somayajula at [somayan@hrw.org](mailto:somayan@hrw.org) with your response to these requests.