



KEY FINDINGS AND EXCERPTS

from the Sep. 2011 report of Human Rights Expert Commission on allegations of exploitation of J-1 student workers at Hershey's packing plant

([Download](http://goo.gl/ZtwN9) full report: <http://goo.gl/ZtwN9>)

Background and conditions

“In summary, the workers’ allegations implicate a number of potential legal violations, including discrimination, forced labor, substandard conditions of work, wage theft, and infringement on associational rights.” p.24

“The students’ complaints mirror a national narrative in which employers are increasingly relying on layers of contracting and subcontracting in an effort to shield themselves from their moral and legal obligations to their workforce, resulting in a rapid decline in terms and conditions of work for the average worker.” p.6

“The students shared with the Delegation stories of a workplace lying far outside national and international health and safety standards. Surrounded by physical hazards, students are required to work at a dangerously rapid pace and engage in repetitive heavy lifting. ... Students described working conditions so dangerous that they feared for their lives.” pp.16-17

Coercion, threats, retaliation by Hershey’s subcontractors

“The Delegation heard evidence that suggests management engaged in a widespread coercive campaign to undermine the students’ freedom of association and right to engage in concerted activities protected by international and US law.” p.21

“Another disturbing element in reports received by the Delegation was testimony that the level of local law enforcement response was disproportionate to the action, and significantly greater than local community members had seen in labor disputes in the recent past, raising questions as whether the police presence was increased with the purpose of intimidating the students and undermining their freedom of association and right to engage in concerted activities related to their employment.” – p.21

“[R]eports received by the Delegation indicate that students were subjected to active and escalating intimidation when they showed signs of organizing to protest their treatment. In these circumstances it is urgent that investigators take adequate preventive measures to guard against reprisal and against intimidation of workers through threats of reprisal.” – p.23

Failures of oversight and concerns over investigation by U.S. State Department

“[W]e are extremely concerned about the lack of government oversight in the J-1 Summer Work Exchange Program, and the apparent failure of the U.S. government to

fulfill its obligations under international human rights law to protect and promote the rights of all workers, regardless of their national origin or migration status.” p.4

“The U.S. Department of State does not have adequate monitoring mechanisms in place to ensure that the employment and housing conditions of the student workers meet basic human rights standards under international law, as well as under U.S. federal and state law.” p.4

“[B]ased on accounts in the media and from the J- 1 students in Hershey, it appears that the scope of official inquiry by the State Department has been too narrowly defined at least until now, and that the methodology employed does not adequately account for the students’ collective and individual circumstances.” p.3

Recommendations: Suspend CETUSA, investigate thoroughly, protect students

“Recommendations on Response to Events in Hershey: Suspension of CETUSA contracts. In the most orderly manner possible, suspend CETUSA J-1 work pending release of the results of all relevant investigations into the concerns that led to this report.” p.25

“We urge a thorough investigation that includes individual, confidential meetings in which the relevant government agencies meet with each student involved to assess his or her situation, to ensure his or her current safety and safety upon leaving the United States, as well as the safety of his or her family. At these meetings, the students should have the option of being accompanied by a representative of their choosing. Individuals, agencies or entities about which the students have made allegations should not be involved in any way in setting up, monitoring or attending such interviews.” p.25

“[R]eports received by the Delegation indicate that students were subjected to active and escalating intimidation when they showed signs of organizing to protest their treatment. In these circumstances it is urgent that investigators take adequate preventive measures to guard against reprisal and against intimidation of workers through threats of reprisal.” p.23