

Avoiding and Surviving Undercover Video Investigations on the Farm

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Unfortunately, the use of undercover videos by animal rights activists is an issue the dairy industry knows all too well. This presentation will offer tips for dairy farmers to avoid finding themselves the subject of an undercover investigation by focusing on hiring practices, employee training & policies, and crisis response.

I. HIRING PRACTICES

- a. Consult with attorney to ensure hiring practices are legal. (Most importantly, be consistent to avoid discrimination against protected class!)
- b. Seek specific information in the job application.
- c. Require a signature of application under the penalty of perjury.
- d. Google the employee's name.
- e. Look for a social media presence by the employee.
- f. Contact each reference and confirm they are legitimate.
- g. Complete a background check.
- h. Beware of common warning signs:
 - i. Seeking employment below employee's skill level;
 - ii. Previous jobs are wholly out of character with position sought;
 - iii. Providing a newly obtained or out - of - state license;

- iv. Usually young (18 - 30);
- v. Volunteering to work for no pay;
- vi. Seeking short-term work;
- vii. Asking questions about security procedures;
- viii. Seeking jobs because they have "always wanted to see something done";
- ix. Frequently seen in places job duties do not take them; and
- x. Lurking around animal areas before or after shift.

II. POLICIES AND TRAINING

- a. Consult with attorney to review all handbooks and contracts. (Most importantly, be sure not to unintentionally modify at will relationship!)
- b. Develop detailed animal care and handling policies.
 - i. Common issues involve downed animals, euthanasia, medical procedures, and general animal handling.
- c. Consider adopting policies banning recording/photography.
- d. Require signature that employees received, read, and understands policies.

- e. Provide necessary tools and equipment to carry out policies.
- f. Offer ongoing, mandatory training.
- g. Enlist trusted employees.
- h. Require immediate reporting of animal abuse.
- i. Conduct your own audit/undercover investigation.
- iii. Consider sending a spoliation letter.
- iv. Consider seeking an injunction against video being released/played.
- v. Open the barn doors.
- vi. Accept responsibility—do not blame others.

III. CRISIS RESPONSE

- a. Pre-crisis
 - i. Have a crisis response team in place.
 - 1. Attorney
 - 2. Veterinarian
 - 3. Media firm/trained spokesperson
 - ii. Develop a communications policy.
 - 1. Who speaks and who does not!
 - iii. Engage in detailed recordkeeping.
 - iv. Store up goodwill in the community and industry.
- b. Post-crisis
 - i. Notify and involve crisis team.
 - ii. Immediately engage spokesperson.

IV. ADDITIONAL RESOURCES

- a. Dairy Management Inc.'s Crisis Training Schools.
- b. Dairy Management Inc.'s Anticipate. Prepare. Protect. <http://www.progressivedairy.com/topics/management/is-your-dairy-ready-for-an-animal-activist-attack>
- c. National FARM (Farmers Assuring Responsible Management) Program: <http://www.nationaldairyfarm.com/animal-care-program>
- d. National Milk Producers Federation: See it? Stop It.: <http://www.seeitstopit.org/>
- e. Audit companies like Validus www.validuservices.com and Paredium: <http://praediumventures.com/>
- f. Forthcoming: Ohio Farm Bureau Livestock Farm Labor and Crisis Prevention Guide