

## Telling the Story of Temporary Workers

*Across the province, more and more people are relying on temp agencies to find work.*

*When they do, statistics show they are more likely to get hurt on the job.*

***I am undercover to investigate why.***

-Sara Mojtehdzadeh

### Introduction

On September 8, 2017, the *Toronto Star* published a damning story on the abuse of temporary workers employed by the industrial bakery Fiera Foods. From flagrant health and safety violations to illegal pay practices, the company was skirting the law by hiring marginalized people through temp agencies, thus reducing Fiera's legal responsibility for worker welfare. The death of a young woman whose hijab had become entangled in the factory's equipment sparked the reporting. To reveal the real working conditions at the Fiera Foods factory, the *Toronto Star's* work and wealth reporter Sara Mojtehdzadeh courageously spent a month undercover as a temporary employee.

Undercover reporting has a long and storied history, including characters like Elizabeth Cochrane (Nellie Bly) feigning insanity to get herself committed to Blackwell's Island in the 1880s (Kroeger 2012). But, journalists only rarely resort to this means of today and there are professional norms around going undercover. This case study will explore Mojtehdzadeh's reporting choices, examine how she exemplified courage, and ask questions about her key decisions.

### Part A: Crafting a Plan

Press freedom in Canada is protected by section 2b of the Canadian Charter of Rights and Freedoms, which reads in part, "Everyone has the following fundamental freedoms...freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication." As in the United States, this is not a blanket safety net for journalists. Legally speaking, the First Amendment does not guarantee protection for journalists who misrepresent themselves to go undercover. In 1992, journalists from ABC fabricated references and tweaked their resumes to gain employment at Food Lion grocery stores. They subsequently went undercover and recorded evidence of unsafe meat handling practices. The chain sued the news network and ABC was found liable for fraud, trespass, and disloyalty, although the damages in the case were thrown out. The incident primarily hinged on the journalists recording secret videotape in the stores (Rasmussen 2012).

While there is no exact Canadian parallel to the *Food Lion, Inc. v. Capital Cities/ABC, Inc.* case, journalists in both countries have written norms for when it may be appropriate to go undercover. According to the [Canadian Association of Journalists](#):

We generally declare ourselves as journalists and do not conceal our identities, including when seeking information through social media. However, journalists may go undercover when it is in the public interest and the information is not obtainable any other way; in such cases, we openly explain this deception to the audience.

The Society of Professional Journalists employs similar language in its [code](#). According to the *Toronto Star*'s own Newsroom Policy:

*Star* journalists must clearly identify themselves as journalists gathering information for possible publication, be it in person, on the telephone or through social media platforms. Undercover reporting, photography and surveillance video should be used rarely and a case must be made that the story to be uncovered is of high public interest and the event to be investigated is a sustained, consistent practice, not a 'gotcha.' Advance approval by the managing editor (or ME designate) is required (Cruikshank 2011).

Before turning to undercover work, Mojtehdzadeh was investigating Fiera Foods through documents. In an "[Ask Me Anything](#)" thread on Reddit, Mojtehdzadeh reiterated that going undercover was not the beginning of her reporting, but rather followed background research. "I literally read hundreds of Ministry of Labour court bulletins about workers killed or injured on the job and isolated cases where the accidents involved temps... We really believed there was a huge public interest in telling this story." Notably, Fiera Foods had received public funding in the form of about \$4.7 million in government loans and grants in Canada, increasing the public interest in the case. Before going undercover, Mojtehdzadeh asked for and received approval from editors Michael Cooke and Irene Gentle, who concluded there was no other way to get the story.

From the onset of her reporting, Mojtehdzadeh was concerned with protecting temp workers—the story itself focused on their safety. A factor in going undercover was that it would reduce the risk of retribution toward any potential whistleblower source. "We looked at all of the information and concluded that my going undercover as a temp worker was the only way to get this story. We couldn't just ask precarious temp workers to tell us what is happening inside the factory," Mojtehdzadeh told the *Toronto Star*'s public editor (English 2017). "In the past, I have had cases of temp workers who were fired for speaking up to the *Star* and I did not want to put anyone at risk of losing their job." The risk to workers and the courage it takes to report on issues of institutional abuse are amplified by the journalism climate in Canada. In 2017, Canada fell out of the top 20 list on the World Press Freedom Index produced by Reporters Without Borders (Perkel 2017). The drop came after cases of government surveillance being deployed to try and identify journalists' sources (Freedom of the Press 2017).

In gaining employment with Fiera Foods through the agency Magnus Services, Mojtehdzadeh fabricated her name but otherwise omitted information about herself as a journalist (and was not asked detailed questions before her hire) rather than telling overt lies. She was not asked for her employment history (McKinstry 2017). “I can’t apply as a journalist who has written extensively about temp agencies, so I give Magnus my grandmother’s last name and put myself on a waitlist for work. The agency asks me if I have safety shoes and about my immigration status. They do not ask if I have any experience working in a factory around machinery,” Mojtehdzadeh wrote in the article.

Discuss:

- Could Mojtehdzadeh have told the story of Fiera Foods without going undercover?
- Is there anyone at the company she should have told before going undercover? Might this have compromised the accuracy of the report?
- What was the storytelling value of going inside the bakery? Was it necessary for Mojtehdzadeh to be the one who went into the bakery, or could the paper have hired someone for the task to create journalistic distance? What additional ethics questions would this approach raise?
- If Mojtehdzadeh was asked whether she was a journalist, how should she have approached the question? Did Mojtehdzadeh have proper contingency plans in place had she been asked questions about her identity?
- Did she properly assess the legal ramifications and the laws around undercover reporting?
- Is going undercover ever a justifiable reporting technique?

### **Part B: Building Relationships**

In addition to keeping her true identity concealed from Magnus Services and Fiera Foods, Mojtehdzadeh had to be careful when interacting with other women at the factory. Before embedding at the factory, her editors warned her that it would be difficult lying to people she would likely form relationships with. When asked on Reddit about having to keep her identity from her fellow workers, she said, “That was tough personally - I really hated not being able to be fully honest.” In an interview [accompanying the story](#), she reiterated this point, “The emotional toll was quite hard, essentially lying to people for a month about who I was and what I was doing there.” Mojtehdzadeh said she tried to get to know her fellow women working on the line “as any new worker would,” observing without being “too nosy.”

Mojtehdzadeh’s co-workers were all women, and mostly new immigrants of color. She was cognizant throughout the project that the work was temporary for her, and she could leave if needed, but her co-workers did not have that freedom. “It feels like chance that I have the choice to leave, anyway,” she wrote in the story, reflecting on her personal, family connection to this

type of work. “There is no difference between the hard work of my parents, immigrants who worked in a factory too, and that of people inside Fiera. But my parents built their lives in another era, before the rise of precarious employment.” On the Investigative Reporters and Editors podcast, she said she had to work hard to maintain a sense of objectivity while talking with fellow workers not required with a usual story (McKinstry 2017). If she was not undercover, but rather a regular worker, she would have offered to drive the women home, but instead had to “build a little bit of a wall.” Her key concern was that if she became too visibly friendly with any of the women, they might get in trouble after the reporting was published.

To record the situation at the factory, Mojtehdzadeh used a spy camera, but blurred the faces of other workers for clips used in the article. She did engage in conversations with the workers to get information relevant to her reporting, but omitted their names. For example, she wrote in the story, “Back at the factory, I chat with some of the women in the break room about our wages. We try to calculate if we’ve been paid the right amount, and wonder why the transaction was so bizarre.”

Discuss:

- During the course of her reporting, Mojtehdzadeh avoided befriending her co-workers to maintain a level of journalistic separation.
  - Was this effective?
  - Was it an appropriate choice to be vague about her position with her co-workers?
  - Was the privacy of co-workers from the bakery adequately maintained in the story?
- When going undercover, is it possible to remain unbiased about fellow workers? How can one remain objective while reporting in this way?
- Mojtehdzadeh worked at the factory for one month. Was that an appropriate length of time, or should she have left as soon as she had pinned down the story? Should the length of time an individual goes undercover impact how they interact with sources?
- What is the ethical way for a journalist to follow up with sources who he or she meets while working undercover? Should fellow workers (in the context of this factory case) be informed before a story is published?

### **Part C: Informing the Companies**

Mojtehdzadeh went undercover at Fiera Foods in May 2017. In July 2017, before publishing its story, the *Toronto Star* sent an initial letter to the company with questions about worker treatment. After giving Fiera a chance to reply, the paper followed up in August with a letter which informed the company of the undercover reporting. The company responded by citing the Canadian Association of Journalists ethics guidelines mentioned in Part A and

accusing Mojtehdzadeh of forgery. “We have no faith in your professed objectivity or fairness,” [wrote David Gelbloom](#), general counsel for the company. Gelbloom pointed out that Mojtehdzadeh did not obtain information directly from Fiera before going undercover (although she had documents providing evidence of poor factory conditions).

Prior to publishing the story, the *Toronto Star* also reached out to the temp agency, Magnus Services. In response, they sent back a note via legal counsel saying Mojtehdzadeh’s use of ID with a different name than her own was misguided. “When your reporter presented herself as an employee, she produced two pieces of identification; a social insurance card and a Province of Ontario Health Card Please see attached. The names are different. I do not think it is appropriate for a resident or a citizen of Canada to carry and present identification that is not their proper name,” [Brian Greenspan wrote](#) on behalf of Magnus.

The *Star*’s Newsroom Policy on going undercover states, “the extent of and reason for the deception should be clearly communicated in the *Star*’s published reports.” The paper was transparent in posting all of these letters on their website at the bottom of the published story. Both Magnus and Fiera Foods representatives declined interview requests.

Discuss:

- Was the company (Fiera Foods) engaged appropriately before the story was published? Should Mojtehdzadeh have tried to interview someone from the company before going undercover? Would that have compromised her ability to go undercover later?
- How might Mojtehdzadeh’s undercover reporting impact future attempts to cover the issue of temporary workers in Toronto?
  - Will factories be more cautious/suspicious in who they hire?
- Is it ever appropriate to falsify documents when going undercover?

### **Conclusion: Disclosing the Process**

After the *Star* published its investigation, Fiera Foods was fined \$300,000 under Canada’s Occupational Health and Safety Act and hired auditors to examine its health and safety practices and temp agency contracts. On September 15, 2017, a week after the original story came out, the paper’s public editor, Kathy English, wrote a defense of Mojtehdzadeh’s undercover reporting. “On one hand, some of the most celebrated reporting of the past century or so resulted from courageous reporters who went undercover to expose injustices and wrongdoing,” English wrote, reminding readers that it takes courage to report in this manner. English noted that undercover storytelling is ultimately a journalistic gray area where reporters are helping to determine the truth but paradoxically lying to do so. In the case of Fiera Foods, the practice did reveal misconduct and the journalistic process and careful disclosure of that process has affected change.

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