



PRESS RELEASE
FOR IMMEDIATE DISTRIBUTION
June 12, 2019

Contact:

Ana Vicente de Castro, CRLA Salinas Migrant
Directing Attorney
(831) 757-5221 ext. 1408, avicente@crla.org

Amanda Caldwell, Community Legal Services
Arizona, Managing Attorney Farmworker,
Employment, and Low Income Tax Clinic.
(602) 258-3434 ext. 2385, acaldwell@clsaz.org

Erandi Zamora, CRLAF
Staff Attorney, Labor & Civil Rights Litigation
(916) 446-7904 ext. 115, ezamora@crlaf.org

FARMWORKERS AWARDED \$2.2 MILLION SETTLEMENT AND TRIUMPH OVER EXPLOITIVE EMPLOYER

*Case underscores potential for increased employer abuse as U.S. Department of Labor's
H-2A temporary worker program triples in a decade.*

Salinas, CA. Thousands of H-2A farmworkers working under California and Arizona contracts will finally receive compensation as part of a \$2.2 Million settlement with Dole Fresh Vegetables, Inc., Taylor Farms California, Inc. and Foothill Packing, Inc., one of the largest farm labor contractors in the western United States.

The plaintiffs named in the settlement allege that the farmworkers were cheated out of their wages, required to travel in the employer's vehicles for several hours a day without pay as mandated by California Law, and required to do preparatory work and exercise before harvesting lettuce without being paid for that work time.

The settlement is a result of a case brought by California Rural Legal Assistance Inc. (CRLA), Community Legal Services of Arizona (CLS) and California Rural Legal Assistance Foundation (CRLAF) on behalf of 11 named plaintiffs and over 3,900 additional farmworkers who were employed by Foothill Packing, Inc. to harvest lettuce for Dole Fresh Vegetables, Inc. and Taylor Farms California, Inc. during the 2016, 2017 and 2018 work seasons.

:continued

“Vulnerable H-2A workers who come to the United States with hopes of better-paying jobs are frequently taken advantage of by their employers. These workers are often unaware of their rights and secluded. This settlement is a message to H-2A workers and employers that the law will protect these workers from wage theft,” said Ana Vicente de Castro, CRLA Salinas Migrant Directing Attorney.

The number of farmworkers employed through the U.S. Department of Labor’s H-2A temporary agricultural worker program tripled from 2008 to 2018, with over 242,000 H-2A visas issued nationwide last year. With that growth comes increased incidence of employer abuse and negative impact on rural communities.

“H-2A guest workers are brought to the U.S. by employers who control where they live, when and how they get to work, and oftentimes even what they can and cannot do on their free time. In this case, the employer-provided housing was located far from the fields, which means that the workers had to spend an average of 1.5 hours a day on Foothill’s buses in addition to long days of physical labor,” said R. Erandi Zamora, Staff Attorney with CRLAF. “The workers should have been paid for this time, and this \$2.2 Million settlement finally brings them justice.”

“Along the Arizona-California border, many farmworkers work in both states within the same day. In California, these workers are entitled to stronger protections including break laws, travel time, and shade protection. In addition, they also receive higher wages in California,” said Amanda Caldwell, Managing Attorney of the Farmworker Unit at CLS. “Often farmworkers find it confusing to know their rights, which may change within a single shift depending on their location.

“Community Legal Services is proud to be the expert on handling these complex inter-state farmworker issues,” added Ms. Caldwell. “We are committed to improving the working conditions of farmworkers in Arizona and thrilled to co-counsel with CRLA and CRLAF.”

“CRLA will continue to bring cases challenging practices that hurt workers and their communities in California. We hope that this settlement acts as a deterrent to employers from engaging in practices that violate the law,” added Ms. Vicente de Castro.

“Workers often think they cannot stand up to big corporations like Dole, Taylor Farms, or Foothill Packing, but this settlement is proof that they can and should stand up for their rights,” Ms. Zamora emphasized.

“I participated in this demand for my rights as a person...because we left our families with a dream of getting a better life for them,” said Gustavo Ceja Alvaro, one of the farmworkers named in the case, “We are separated from our families and we leave our children. Therefore, [employers] have to treat us according to the laws as the state requires.”

:continued

California Rural Legal Assistance, Inc. (CRLA)

Founded in 1966, CRLA's mission is to fight for justice and individual rights alongside the most exploited communities of our society. Through a network of regional offices in 20 California cities and communities, CRLA provides legal services to over 40,000 people through specialized programs focusing on the needs of farm workers, housing, environmental justice, education, individuals with disabilities, immigrant populations, LGBT rights, and women, children and families. For more information on CRLA, please visit www.crla.org.

CRLAF

CRLAF is a statewide non-profit civil legal aid organization that provides free legal services to and policy advocacy for California's rural poor. We focus on some of the most marginalized communities: the unrepresented, the unorganized and the undocumented. We engage in community education and outreach, impact litigation, legislative and administrative advocacy, and public policy leadership at the state and local level. For more information on CRLAF, please visit www.crlaf.org.

Community Legal Services, Inc.

Community Legal Services desires to be Arizona's leading legal voice for communities in need by protecting rights, increasing fairness and providing access to justice for underserved communities. For more information on CLS, please visit www.clsaz.org.

###