

BLUEBERRY GROWER TO PAY \$3.5 MILLION IN BACK WAGES AND PENALTIES

*Washington-California Collaboration with Federal Wage and Hour Division Results
in Court Ordering Blueberry Grower to Pay \$3.5 Million in Back Wages, Penalties*

In May 2017 a news network was doing a story on H-2A workers in California. An H-2A worker who wished to remain anonymous contacted the story's producer to report worker rights' violations including unsafe working conditions. The producer then reached out to the California State Workforce Agency (SWA) to report what the H-2A worker relayed. The California State foreign labor certification (FLC) analyst, Francisco Macias, inquired about the safety of the workers and recommended that the complainant contact the local authorities if the worker continued to feel an immediate threat on his life. Francisco then informed the representative that he would contact the WA Employment Security Department (ESD) for assistance because the workers had been transferred to Sumas, Washington to harvest blueberries. Francisco talked with the Washington State FLC coordinator to inform him of the situation. The FLC coordinator informed the Washington State Monitor Advocate, Bertha Clayton and the two worked together to ensure the situation was followed through to resolution.

The case was referred to the U.S. Department of Labor's Wage and Hour Division (WHD). After a thorough investigation, WHD investigators found Munger Bros., Crowne Cold Storage LLC, and Sarbanand Farms LLC violated the H-2A program by unlawfully giving preferential hiring treatment to temporary foreign agricultural workers; and for failing to recruit, contact and re-hire U.S. workers, including those previously hired through farm labor contractors. The investigation also revealed the grower failed to provide safe housing to the H-2A workers, pay workers the required rates of pay, including for time spent traveling and waiting for transportation to and from job sites, and provide safe transportation to H-2A workers. Investigators also found the employers used farm labor contractors to provide transportation services without being authorized, failed to provide workers with all the terms and conditions of employment, and failed to keep accurate records of actual hours worked each day for all employees.



As a result, Munger Bros. Delano, California-based blueberry grower Munger Bros. LLC and the two related companies will pay \$2.5 million in back wages to approximately 3,000 workers to resolve violations of the H-2A visa program and the Migrant and Seasonal Worker Protection Act. The two related companies will also pay \$1 million in civil money penalties due to the seriousness of the violations found during the 2017 blueberry harvest season in California and Washington.

The National Monitor Advocate Team appreciates the collaborative efforts of the California and Washington State Workforce Agencies, as well as the Regional WHD for its investigation. This is a key example of the Employment Service and Employment-related Law Complaint System working at its best to ensure farmworkers have access to the protections they deserve and to a supportive system that will follow complaints through to resolution.