



TAYLOR FARMS

CRIMES AGAINST WORKERS

In Tracy, California 900 Taylor Farms workers have been organizing a union since September 2013. They have been met with repeated violations of their rights and inhumane treatment reminiscent of earlier immigrant workers' struggles.

VIOLATION OF FREEDOM OF ASSOCIATION

The Company has habitually violated workers' freedom of association and the National Labor Relations Act:

- 13 workers have been terminated because of their union activities.
- Nearly every member of the union organizing committee has suffered retaliation and discrimination including multiple-day suspensions, loss of work hours, demotions, cuts in pay, erratic schedules, loss of responsibility, and undesirable shifts.
- Immigrant workers have been told they cannot vote for the union, and could never belong to a union, because they are not real employees and do not count. If they vote for or support the union, they are told they will be fired, E-Verified or deported, and ICE will know how they vote. CEO Bruce Taylor threatened to bring in ICE while conducting a captive audience meeting with workers.
- The union filed nine unfair labor practice complaints since October 2013, covering numerous and diverse violations of the National Labor Relations Act. Since February 26, the union has collected nearly 100 additional individual unfair labor practice charges, including three new terminations, which the union is preparing to file.
- The company has hired LRI, a union avoidance consulting firm with a money-back guarantee (i.e. "You Don't Win, You Don't Pay!"), that has placed 12 consultants at the Taylor Farms plants to run a vicious brain-washing operation. Anti-union consultants work on the production lines alongside workers, sit with them at their lunch tables and repeatedly meet with them both individually and in small groups while spewing half-truths and lies about the union. Company propaganda is displayed on TV monitors and anti-union material is posted to create an overwhelming environment of negativity toward the union.
- Meanwhile, union supporters are not permitted to distribute pro-union literature or wear union stickers; they are stopped if they try to talk to workers about the union in a positive way. It is estimated that the company has spent over \$500,000 on its campaign to keep workers from forming a union.
- The company has organized and permitted a goon squad of supervisors and lead workers to intimidate workers and union representatives. On election day, this group sat near one entrance of the facility and called union representatives and workers "whores", "cunts", "faggots" and other obscene slurs. The company goons spat and stomped on a union t-shirt in order to provoke violence.
- On election day, the company posted armed security guards and patrol cars at the front of the plant; it called the police four times in order to create an escalated atmosphere of intimidation.
- There is evidence that the company engaged in outright voting fraud by hiring workers on the condition they vote "no" and encouraging anti-union workers to vote more than once under different names.

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- In response to the extreme company misconduct, the NLRB has taken the rare step of impounding the ballots in the union election.

BLATANT DISCRIMINATION AND HARASSMENT

Latino and immigrant workers have been the target of repeated, deliberate, and grossly regressive abuse.

- Before the election, a high-level manager directed the dehumanizing slur “*burro*” (jackass; stupid, thickheaded, ignorant person; literally, donkey) at Mexican-American workers supportive of the union. The next day, the attached degrading image, depicting a donkey dressed as an impoverished Mexican farmworker, was posted throughout the facility. After worker complaints, the company shirked responsibility, and failed to remove the image. Humiliated workers were left to tear it down themselves – but it was repeatedly reposted.
- The plant manager mockingly shouts “*No se puede!*” at union supporters, perversely gutting Cesar Chavez’s empowering declaration, “*Sí, se puede!*” (Yes, it can be done!). “*No se puede!*” harkens back to the days when farmworkers were viewed as powerless, subhuman actors whose efforts to unionize would be futile against the Goliath grower lobby.
- One of the hired anti-union consultants, Amed Santana, has referred to workers as “Latino pieces of shit.” He also grabbed, pushed, and threatened a pro-union worker.
- Monolingual Spanish-speaking workers are coerced into signing English write-ups stating that they agree with the company’s accusations against them, without understanding what the write-ups say. The company uses the write-up as a legitimate pretext for progressive discipline leading to termination.
- When Spanish-speaking workers need medical care for workplace injuries, the company sends them to a doctor who does not speak Spanish and unabashedly insists he has no duty to provide an interpreter when treating patients because he is not paid enough money.
- Immigrant workers have faced an unrelenting campaign of fear, including thinly veiled threats to call immigration authorities, which could implicate workers, their families, and communities (e.g. “*Remember, anyone can call ICE at any time. Be careful, you never know who you can trust!*”).

INHUMANE CONDUCT

Disabled, injured, and sick workers suffer inhumane and illegal treatment.

- Employees continue to work while injured due to empirically justified fear of retaliation, including immediate termination, for reporting industrial injuries and illness. Workers with injuries, including broken and crushed bones, continue to work in extreme pain in order to keep their jobs.
- One worker was fired hours after he complained that the company’s industrial cleaning products were making him sick. The man was unable to sleep for weeks, during which time he was coughing up blood.
- Workers who are seriously injured must insist on making a report of injury and obtaining medical care. Some workers report being told that the company does not have workers’ compensation insurance. Workers’ compensation insurance companies report repeated incidents of uncertainty as to the identity of the employer of injured workers. Workers who file workers’ compensation claims or retain attorneys are questioned and harassed.

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- The company doctor often fails to provide treatment, sends employees back to work prematurely, provides them with inadequate work restrictions, and diagnoses serious injuries due to falls and accidents as arthritis or other unrelated conditions.
- One worker waited for hours before he was brought to the doctor for a broken bone that ruptured the skin. A high-level manager simply dropped him off, making him walk for miles back to the plant. He was sent back to work the next day, despite a 100.9 degree fever, and was required to work outside of his restrictions within a week. The company's failure to accommodate his limitations meant that his broken bone was repeatedly disturbed, causing him intense pain and potentially interfering with his permanent recovery. Another worker who fell and hurt her back was left in a pool of water and waited a long time before medical help arrived.
- The company fails to grant injured and disabled employees reasonable accommodations and modified duty, forcing a choice between one's livelihood and one's health, including excruciating, yet avoidable pain.

POVERTY PAY AND MISERABLE CONDITIONS

Most workers earn minimum wage and until the union became active did not receive a raise for many years.

- Most workers are forced to survive on minimum wage, consigning them to poverty despite the fact that Taylor Farms made \$1.8 billion in profit in 2012 and can afford to provide middle-class jobs. Many families live together under the same roof in poor housing conditions because of the low pay. Workers have even been forced to live in their cars because they cannot make their rent.
- The health insurance is too expensive for workers to afford. One line worker is a single mother with four children. She earns \$9/hour and pays \$80 a week for her health insurance. After paying her rent, she has no money left to spend.
- Workers are treated with contempt. They are cursed and yelled at by their supervisors and leads. They are denied adequate bathrooms and break facilities to accommodate the number of workers.
- Workers toil endless hours and never know how long they will need to work. Workdays often last 10 hours and at times 16 hours. Workers cannot go home until their crew leads and supervisors tell them they can leave – even if they have children to care for. Workers have been fired because they have childcare responsibilities or school to attend.

DANGEROUS WORK ENVIRONMENT

Workplace hazards at the facility persist unabated alongside high rates of injury.

- Temperatures at the facilities at Taylor Farms range between 32 and 38 degrees, yet the company fails to provide workers with warming rooms mandated by California law.
- The facility floor is chronically wet, sometimes with standing water, and/or littered with slippery food product. This results in repeated falls leading to severe musculoskeletal injury. Workers exposed to this hazard report not being provided with non-slip boots, or being forced to pay for them with the meager wages they earn.
- Workers report not being provided with other protective gear such as safety glasses, gloves for cutting, and insulated clothing for extreme cold. Workers must pay for this gear out of their own pocket, or even out of their paychecks.

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- Workers report not being sufficiently trained on the chemicals used at the facilities. Many cannot identify the products they use or the health and safety risks they present.
- In the past two months, there have been at least two serious chemical fume incidents making workers sick. The company continued production.

