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Summary of Preliminary Audit of U.S. Walmart Suppliers that Employ Guestworkers

622 Federal Labor Violations at 12 U.S. Walmart Suppliers Show Need for Investigation of Forced Labor Throughout Walmart's Supply Chain

H-2B guestworkers at C.J.'s Seafood, a Wal-Mart supplier in Breaux Bridge, Louisiana, have exposed forced labor by the employer, who forced workers to work up to 24-hour shifts with no overtime pay, locked them in the plant, threatened them with beatings to make them work faster, and threatened violence against their families back in Mexico after workers contacted law enforcement out of desperation.¹

In response, the National Guestworker Alliance has conducted an initial survey of other Wal-Mart suppliers that use guestworker programs.

The survey has uncovered preliminary evidence of forced labor conditions—federal labor violations in the context of structural constraints of the guestworker program—at two-thirds of the Wal-Mart suppliers sampled, 12 out of 18. The preliminary evidence includes **622 federal citations for safety, health, and wage and hour violations, as well as dozens of federal lawsuits alleging significant violations of civil and labor rights law**. These violations suggest a fundamental disregard for the law by the majority of U.S. Wal-Mart suppliers surveyed, and given the additional constraints of the guestworker program, amount to strong preliminary evidence of forced labor conditions for the guestworkers on Wal-Mart's U.S. supply chain.

These 12 Wal-Mart suppliers have been cited by the U.S. Department of Labor for a violation of minimum workplace standards related to safety and health or wages, have faced credible allegations of discrimination and violations of the right to organize, or both. These findings are cause for additional concern given that guestworkers generally under-report workplace violations out of fear of retaliation and blacklisting. Together, these violations suggest a fundamental

¹ The National Guestworker Alliance has deep experience working in the Louisiana seafood industry, which demonstrates the importance of the H-2B comprehensive regulations to ensuring protections for both H-2B workers and U.S. workers who work alongside each other in this industry, and for small businesses who lose ground when others operate below the standards set by federal law. NGA members also include seafood processing workers who have also reported violations of federal wage and hour law and H-2B program rules, and have invoked federal investigations at other Louisiana seafood processing employers in Louisiana, including Harvest Time Seafood, Viet Seafood Inc., Louisiana Blue Crabs, Crabs LLC, and Brunswick Seafood.

disregard for the law by the majority of U.S. Wal-Mart suppliers surveyed, and amount to strong preliminary evidence of forced labor conditions on Wal-Mart's U.S. supply chain.

Background

Over the past five years, the National Guestworker Alliance has worked with over a thousand guestworkers in situations of forced labor, involuntary servitude, labor trafficking, and other extreme forms of labor exploitation.

The National Guestworker Alliance has been involved in a number of emblematic cases across sectors that demonstrate how employers manipulate guestworker programs to hold workers in forced labor, captive labor, and other forms of extreme workplace exploitation. For example, J-1 student guestworkers at a Hershey's chocolate manufacturing plant exposed how employers and recruiters collaborated to threaten retaliation and blacklisting to keep students working round the clock in manufacturing jobs, while using subcontracting to willfully hide the dangerous conditions and extract unlawful deductions from the students' low wages.² H-2B guestworkers at Signal International's shipyards exposed an international labor trafficking ring where Immigration and Customs Enforcement ("ICE") colluded with the company shipyard to threaten workers with deportation into debt servitude when they organized in response to surveillance, inhumane living conditions, and discrimination.³ H-2A guestworkers at Bimbo's Best Produce partnered with community allies to perform a citizen's arrest on their employer after he held them in employment through fear and dehumanization, including confiscation of their passports, shooting a gun over their heads while they picked strawberries, spraying them with pesticides, and consistently paying less than minimum wage.⁴

In addition to the thousands of guestworkers across the United States the NGA has spoken to through our outreach and employer monitoring, we conducted a formal survey in 2009 of guestworker members in nine countries across visa categories addressing underreporting of workplace violations.⁵ As Ignacio Zaragoza reported to NGA surveyors, "Guestworkers are afraid to report abuse. I've known people in Mississippi that have even been assaulted and didn't report it because they were so afraid of losing everything—their job, their visa, everything. Guestworkers are really afraid of retaliation." In the survey, guestworkers consistently reported that they did not file complaints about illegal workplace situations because of risks related to the structure of U.S. guestworker programs—debts related to recruitment, visa, and transportation costs; visas tied to their employer; and retaliation including threats of deportation and long term blacklisting.

² "Foreign Students in Work Visa Program Stage Walkout at Plant," Julia Preston, New York Times (Aug. 17, 2011) available at <http://www.nytimes.com/2011/08/18/us/18immig.html?pagewanted=all>

³ "Suit Points to Guestworker Program Flaws," Julia Preston, New York Times (Feb. 1, 2010). available at http://www.nytimes.com/2010/02/02/us/02immig.html?_r=1&scp=4&sq=&st=nyt

⁴ *Antonio Morales et al. v. Bimbo's Best Produce*, 8-cv-5105, U.S. Dist. Ct., E.D. La. (filed Dec. 2008) available at <http://www.guestworkeralliance.org/wp-content/uploads/2011/05/Bimbos-amended-complaint.pdf>

⁵ Testimony of Mr. Saket Soni, Executive Director, National Guestworker Alliance, "The H-2B Guestworker Program and Improving the Department of Labor's Enforcement of the Rights of Guestworkers," Committee on Oversight and Government Reform Subcommittee on Domestic Policy U.S. House of Representatives, April 23, 2009 available at <http://www.guestworkeralliance.org/wp-content/uploads/2010/09/Saket-Soni-testimony.pdf>

Methodology

After Wal-Mart's initial refusal in June 2012 to meet with the NGA and release information necessary for an independent audit of forced labor on its U.S. supply chain where guestworkers are employed, the NGA performed this preliminary audit based on publicly available information to identify strong indicators of forced labor.

First, researchers surveyed Wal-Mart shelves at five Louisiana stores to match products on Wal-Mart shelves with Department of Labor data on employers who rely on H-2A and H-2B guestworkers.⁶ Eighteen guestworker employers were identified for this preliminary survey.

Researchers then reviewed publicly available information from the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and Wage and Hour Divisions⁷, as well as public databases reporting federal court filings.⁸

Analysis of Preliminary Findings

The data shows an extreme number of violations of health and safety and wage law at these 12 Wal-Mart suppliers, as well as credible allegations of discrimination and violations of the right to organize. The majority of the workplaces evidence violations of multiple federal worker protection statutes, suggesting a fundamental disregard for the law. Health and safety and wage payment investigations also reflect common methods of control that rise to the level of coercion.

While wage, discrimination, and health and safety complaints alone do not constitute forced labor, such extensive violations of fundamental minimum standards are very strong initial indicators of forced labor conditions, and demand further inquiry into the factors *which kept workers working in those substandard conditions*.⁹

In addition, because guestworkers are less likely to report workplace violations than U.S. workers, the actual number of violations is likely much higher than even this extreme number—622 federal citations at just 12 workplaces—indicates.

The 2012 Trafficking in Persons Report¹⁰ issued by the U.S. State Department lists the following common elements of control, many of which would also be identified as violations of Occupational Safety and Health Act and the Fair Labor Standards Act:

⁶ <http://www.foreignlaborcert.doleta.gov/quarterlydata.cfm>

⁷ <http://ogesdw.dol.gov/search.php> (database including OSHA violations from 1972 to the present and Wage and Hour Division records from 2007 to the present).

⁸ <http://www.pacer.gov/pcl.html> (search engine for federal court records. Database range varies by court, with some going back as far as 1950).

⁹ Pope, James Gray, *Contract, Race, and Freedom of Labor in the Constitutional Law of "Involuntary Servitude,"* 119 YALE L. J. (2010); *The Cost of Coercion: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labor Organization, International Labor Conference, 98th Session 2009 Report I(B), available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_106230.pdf

¹⁰ <http://www.adobe.com/prodindex/acrobat/readstep.html> at p. 17

- Restriction of movement:
 - Confiscating passports, visas, and/or identification documents
 - Constantly accompanying the victim,
 - Insisting on answering questions on behalf of the victim, and/or translating all conversations
 - Isolating the victim by not disclosing his or her location or address
 - Requiring the victim to live and work in the same location
- Harmful living conditions:
 - Restricting access to food and appropriate clothing
 - Forbidding access to appropriate medical care
 - Not allowing time off or sufficient time to sleep
- Harmful working conditions:
 - In exchange for work opportunity, charging a large fee that is difficult or impossible to pay off
 - Requiring unusually long work hours with few or no breaks
 - Restricting the number of days off
 - Providing little to no pay or irregular pay

In the Purposes and Findings section of the U.S. Trafficking Victim’s Protection Act, Congress recognized that too often, law enforcement failed to identify forced labor and trafficking, which include a range of collective illegal actions, and often punished traffickers “under laws that apply to lesser offenses so that traffickers typically escaped deserved punishment.”¹¹ Congress also recognized that because of immigration status related threats, victims “are repeatedly punished more harshly than the traffickers themselves.”¹²

Violations of minimum wage and health and safety requirements often suggest a workplace where workers are dehumanized, and imply unlawful coercion necessary to hold workers in dangerous jobs.

This is particularly likely when workers are guestworkers, who face structural barriers to exposing labor exploitation because of the structure of the guestworker visa program. Guestworker visas tie the worker to one employer, resulting in an inability to remain employed in cases of separation from employment. Because most guestworkers arrive in the U.S. with significant debts due to pre-employment costs paid to recruiters, guestworkers need to maintain employment to pay off those debts.¹³ Finally, both employers and recruiters often threaten blacklisting and long-term immigration consequences—threatening a guestworker’s ability to enter the U.S. as a migrant worker in the future.

Violations in agriculture, food processing, and other low-wage jobs which employ significant

¹¹ 22 U.S.C. 7101(14)

¹² 22 U.S.C. 7101(17)

¹³ See *Trafficking in Person’s Report*, U.S. State Department (2012) at p. 11 recognizing that fees to recruiters are an indicator of trafficking.

number of immigrants also merit further investigation of potential forced labor.¹⁴

Data from Preliminary Findings

The following 18 employers were identified as relying on guestworkers to supply products to Wal-Mart:

America's Catch Inc. Itta Bena Mississippi—Tilapia, Smoked Salmon
Aqua Farms Crawfish, MS, Crawfish Processor
Bland Farms, LLC, Glenville, Georgia—Onions
Blue Ridge Growers, Stevensburg, VA—Watermelon
Bruce Foods, New Iberia, LA—Canned Sweet Potatoes
Chelan Fresh Marketing, Chelan, WA—Apples
Gulf Island Shrimp, Dulac, LA—Shrimp
Legend Produce, Firebaugh, CA—Cantaloupe
Liuzza Produce Farms, Inc., LA- Strawberries
Matthews Ridgeview Farms, Wynne, AR—Sweet Potatoes
Motivatat Seafood, Inc., Houma, LA—Oysters
Ponchartrain Blue Crab, Inc., Slidell, LA—Fresh and frozen crab meat
Riceland Crawfish, Stuttgart, AR—Crawfish
Riceland Foods, Stuttgart, AR—Rice
Southern Pride Catfish, Greensboro, AL—Catfish
Tanimura & Antel Inc., Salinas, CA—Lettuce
Trident Seafood Corporation, Seattle, WA—Salmon
WP Rawl, Pelio, SC—Leeks, greens, beets, parsley

Of the 18 employers, researchers found strong evidence of violations of federal minimum standards at 12. More information on the details of DOL OSHA and Wage and Hour Division citations is available from DOL at the following website by entering the employer name:

America's Catch Inc.¹⁵ – Catfish processor; Itta Bena, MS

- Civil Complaint, *Davis et al. v. America's Catch, Inc.*, (2009) (No. 4:09-CV-0053)
 - Summary of allegations: Collective action complaint filed against employer under FLSA in 2009; alleged that America's catch not paying overtime wages and also not paying employees for all time worked; also alleged that forcing employees to work through unpaid breaks.
 - Resolution: Settled. Back-wages and liquidated damages for employees (amount not available).
 - P.C.
- 16 OSHA citations
 - 16 serious citations in 1999, fined \$8,625

¹⁴ See, e.g., statistics from calls to Polaris anti-trafficking hotline by sector identifying small business, agriculture, and factories as more prevalent sites for forced labor *available at* https://na4.salesforce.com/sfc/p/300000006E4S11Sv6mFa.D_CBI0UueofejFjNL0=

¹⁵ Citations under: AMERICA'S CATCH, INC

Aqua Farms Crawfish¹⁶ – Crawfish processor; Basile, LA

- Civil Violation, *Bakken v. Aqua Farms Catfish* (1998) (complaint not available)
 - Summary of allegations: Employment discrimination, civil rights violations
 - Resolution: Settled (amount not available)
- 14 OSHA citations, fined \$5,400
 - 5 serious citations in 2004, fined \$3,475
 - 1 “other” citation in 2004, no fine
 - 1 “other” citation in 2004, fined \$350
 - 2 serious citations in 1999, fined \$1,575
 - 4 other citations in 1999, no fine
 - 1 “other” citation in 1992, no fine

Bland Farms¹⁷ – Sweet onion producer; GA, TX, UT, FL, NY, CA, PA

- 27 OSHA citations, fined \$10,705
 - 4 serious citations in 2011, fined \$7,200
 - 2 “other” citations in 2011, no fine
 - 2 serious citations in 1992, fined \$550
 - 12 serious citations in 1991, fined \$2,775
 - 1 “repeat” citation in 1986, fined \$180
 - 6 “other” citations in 1985, no fine
- 2 WHD violations –Total Civil Monetary Penalties Assessments (CMP) = \$14,560 (107 employees) and \$1,800 (1 employee)

Blue Ridge Growers¹⁸ – Vegetable, herb, flower growers; Stevensburg, VA

- 1 WHD violation

Bruce Foods¹⁹ – Manufacturer of Tex Mex and Cajun food products (types vary); New Iberia, LA; Cade, LA; Wilson, NC; El Paso, TX

- Civil Complaint: *Garcia v. Bruce Foods* (2000) (complaint not available)
 - Summary of allegations: Civil rights, FMLA complaint
 - Resolution: Settled (amount not available)
- 156 OSHA citations, fined \$73,680
 - 105 citations in Wilson, NC; fined \$59,150
 - 43 serious citations in 2009, fined \$34,600
 - 29 “other” citations in 2009, no fine
 - 2 serious citations in 2006, fined \$7,700
 - 1 repeat citation in 2006, fined \$100
 - 2 other citation in 2006, no fine
 - 1 accident citation in 2005
 - 4 serious citations in 2003, \$1,050 fine

¹⁶ Citations under: AQUAFARMS CATFISH, INC.

¹⁷ Citations under: Bland Farms, BLAND FARMS, BLAND FARMS NEW YORK LLC

¹⁸ Citations under: Blue Ridge Growers, Inc.

¹⁹ Citations under: BRUCE FOOD CORPORATION, PLANT #1, BRUCE FOODS CORP., BRUCE FOODS CORP PLANT 2, BRUCE FOODS CORP., BRUCE FOODS CORPORATION, BRUCE FOODS CORPORATION (PLANT 1), BRUCE FOODS SERVICES LLC., Bruce Foods/Amerimex Resources/Premier Staffing

- 4 “other” citations in 2003, no fine
 - 11 serious citations in 1993, fined \$12,900
 - 7 “other” citations in 1993, no fine
 - 26 citations in El Paso, TX; fined \$11,255
 - 11 serious citations in 2007, fined \$9,600
 - 3 “other” citations in 2007, no fine
 - 1 serious citation in 1996, fined \$1,125
 - 3 “other” citations in 1996, no fine
 - 1 serious citation in 1983, fined \$180
 - 5 “other” citation in 1983, \$350 fine
 - 4 citations in Cade, LA
 - 4 “other” citations in 1993, no fine
 - 19 citations in New Iberia, LA; fined \$1,485
 - 2 serious citations in 1991, fined \$975
 - 3 “other” citations in 1991, no fine
 - 3 serious citations in 1977, fined \$360
 - 2 “other” citations in 1977, no fine
 - 9 “other” citations in 1974, fined \$150
 - 5 citations in St. Martinville, LA; fined \$2,140
 - 4 serious citations in 2010, fined \$2,040
 - 1 “other” citation in 2010, fined \$100
- 1 WHD violation

Chelan Fresh Marketing Co.²⁰ – Marketer of fruit products; Chelan, WA

- 5 OSHA citations (safety violations), 2010

Liuzza Produce Farms Inc.²¹– Strawberry grower; LA

- 2 OSHA citations (1991)

Riceland Foods Inc.²² – Miller and marketer of rice; Stuttgart, AK

- Civil Complaint, *Tiller v. Fluker et al.*, (2005) (No. 5:05-CV-0352)
 - Summary of allegations: Sex discrimination, sexual harassment complaint brought under Title VII of the Civil Rights Act of 1964 and the Arkansas Civil Rights Act, against supervisor at Riceland for harassment and against Riceland for failure to take action to stop harassment
 - Resolution: Claims against Riceland dismissed on summary judgment
- Civil Complaint, *Walker v. Riceland Foods Inc.*, (2005) (No. 2-05-CV-0030)
 - Summary of allegations: Employment discrimination on grounds of race brought under Title VII of Civil Rights Act of 1964 and the Arkansas Civil Rights Act; discriminatory conduct and discriminatory terms and conditions of employment, and retaliation

²⁰ Citations under: CHELAN FRESH MARKETING

²¹ Citations under: LIUZZA PRODUCE FARMS, INC

²² Citations under: RICELAND FOODS, RICELAND FOODS ELEVATOR, RICELAND FOODS FAIR OAKS DIVIS, RICELAND FOODS INC, Riceland Foods Inc.

- Resolution: Plaintiff's claims dismissed with prejudice on summary judgment.
- Civil Complaint, *Gates v. Riceland Foods Inc.* (1992) (complaint not available)
 - Summary of allegations: Employment discrimination
 - Resolution: Settled (amount not available)
- Civil Complaint, *Thetford v. Riceland Foods Inc.*, (2005) (No. 3:05-CV-00041)
 - Summary of allegations: Employment discrimination on basis of disability, complaint brought under Title VII of Civil Rights Act of 1964
 - Resolution: Voluntary dismissal by plaintiff (no settlement)
- Civil Complaint, *Marshall v. Riceland Foods* (1993) (complaint not available)
 - Summary of allegations: Employment discrimination, complaint brought under Title VII of Civil Rights Act of 1964
 - Resolution: Dismissed w/o prejudice after plaintiff filed for motion to dismiss and said she might re-file (she never did)
- Civil Complaint, *Johnson v. Riceland Foods* (1994) (complaint not available)
 - Summary of allegations: Employment discrimination, complaint brought under Title VII of Civil Rights Act of 1964
 - Resolution: Dismissed for failure of plaintiff to file charge with EEOC within 180 days.
- Civil Complaint, *O'Neal v. Riceland Foods* (1996) (complaint not available)
 - Summary of allegations: Job discrimination (age)
 - Resolution: Likely settled (amount not available)
- Civil Complaint, *Smith et al. v Riceland Foods Inc.*, (1996) (No. PB-C-96-332)
 - Summary of allegations: Two employees alleged denial of promotion and subsequent termination on grounds of race and gender; also allege retaliation; complaint brought under Title VII of Civil Rights Act of 1964
 - Resolution: Judgment for plaintiffs by jury, awarded approx \$20,000 each in back-pay, \$10,000 in compensatory damages, and two years of front pay.
- Civil Complaint, *Lamb v. Riceland Foods Inc.*, (1999) (No. PB-C-99-230)
 - Summary of allegations: Racial discrimination by supervisor, discriminatory and retaliatory termination; complaint brought under Title VII of Civil Rights Act of 1964
 - Resolution: Settled (amount not available)
- Civil Complaint, *Story v. Riceland Foods Inc.*, (2010) (No. 5:10-CV-090)
 - Summary of allegations: Sexual harassment, gender discrimination, retaliation by termination of employment; brought under Title VII
 - Resolution: Judgment for Riceland Foods on summary judgment
- Civil Complaint, *Sager v. Riceland Foods Inc.*, (2011) (No. 4:11-CV-333)
 - Summary of allegations: Retaliation for requesting FMLA leave, discrimination in violation of ADA; complaint brought under Title VII
 - Resolution: Ongoing
- Civil Complaint, *Bennett and Turney v. Riceland Foods Inc.*, (2011) (No. 5:11-CV-104)
 - Summary of allegations: Retaliation for complying with discrimination investigation; brought under Title VII of Civil Rights Act of 1964
 - Resolution: Ongoing (on appeal)
- 148 OSHA Citations –\$26,470

- 1 “other” citation in 2011, fined \$2,550
- 3 serious citations in 2008, fined \$1,755
- 2 “other” citations in 2008, no fine
- 5 serious citations in 2007, fined \$7,500
- 5 serious citations in 2006, fined \$1,950
- 3 “other” citations in 2006, fined \$5,000
- 1 accident in 2006
- 1 fatality from asphyxia, 2005
- 3 serious safety violations, 2005 – fined \$2,337.50
- 8 serious health citations, 2005 – fined \$1,687.50
- 2 serious citations in 1986, fined \$400
- 2 repeat citations in 1986, fined \$1,000
- 13 “other” citations in 1986, no fine
- 6 serious citations in 1984, fined \$960
- 23 “other” citations in 1984, no fine
- 7 serious citations in 1983, fined \$850
- 36 “other” citations in 1983, fined \$280
- 2 “other” citations in 1979
- 25 “other” citations in 1976, fined \$200
- 3 WHD violations

Southern Pride Catfish Co.²³ – production, marketing, sale, and distribution of catfish; Greensboro, AL (subsidiary of American Seafoods Group)

- Civil Complaint, *Rhodes v. Southern Pride*, (1992) (complaint not available)
 - Summary of allegations: job discrimination (age), civil rights complaint
 - Resolution: Settled (amount not available)
- Civil Complaint, *Lee v. Southern Pride*, (1998) (complaint not available)
 - Summary of allegations: ERISA complaint (employee retirement)
 - Resolution: Not available
- Civil Complaint, *Scott v. Southern Pride*, (1995) (complaint not available)
 - Summary of allegations: Civil rights – job discrimination (age)
 - Resolution: Settled (amount not available)
- Civil Complaint, *Williams v. Southern Pride* (1995) (complaint not available)
 - Summary of allegations: civil rights – job discrimination (age)
 - Resolution: Settled (amount not available)
- Civil Complaint, *Rogers et al. v. Southern Pride*, (2005) (No. 1:05-CV-00502)
 - Summary of allegations: *Civil rights* - Employment discrimination based on gender and sex, hostile work environment, sexual harassment, retaliation, invasion of privacy; brought under Title VII
 - Resolution: Settled (amount not available)
- Civil Complaint, *Tucker v. H&S Holmes*, (2003) (No. 2:03-CV-00093)

²³ Citations under: SOUTHERN PRIDE CATFISH, LLC

- Summary of allegations: *Civil rights* - Employment discrimination based on race, incl. but not limited to discriminatory promotions, job opportunities, termination, retaliation; brought under Title VII
- Resolution: Settled (amount not available)
- Civil Complaint, *Eady v. Southern Pride*, (2007) (No. 7:07-CV-00834)
 - Summary of allegations: *Labor* - Unpaid wages and overtime compensation, retaliation, brought under FLSA; *Sexual harassment, civil rights* - sexual harassment, discriminatory and retaliatory discrimination, brought under Title VII
 - Resolution: Settled (amount not available)
- Civil Complaint, *Allen v. Southern Pride*, (2008) (No. 7:08-CV-01125)
 - Summary of allegations: *Labor* – owed unpaid overtime wages, hourly wages; wages have been depressed by company’s harboring of large numbers of illegal workers, brought under FLSA
 - Resolution: Settled (motion sealed)
- Civil Complaint, *Scott v. Southern Pride*, (2003) (No. 2:03-CV-00469)
 - Summary of allegations: Wage discrimination and termination based on age and gender, brought under Title VII and Age Discrimination based on Employment
 - Resolution: Settled (amount not available)
- *In re Southern Pride Catfish*, 331 NLRB No. 81 (2000)
 - Summary of decision: Violated FLSA by discharging employee based on union support and creating impression of surveillance of union activity

Tanimura & Antle Inc.²⁴ – lettuce grower/distributor; Salinas, CA

- *Equal Employment Opportunity Commission v. Tanimura & Antle Inc.*, (1999) (complaint not available)
 - Summary of allegations: Sexual harassment and retaliation against class of workers, brought under Title VII
 - Resolution: Settled, plaintiffs awarded 1,855,000
- Civil Complaint, *Gonzalez et al. v. Tanimura & Antle Inc.*, (2006) (No. 2:06-CV-02485)
 - Summary of allegations: 51 workers brought class action for failure to pay minimum wage, failure to pay wages when due, failure to compensate for all time worked, and breach of employment contract, among other claims; brought under the FLSA, AWP, and California and Arizona employment laws
 - Resolution: Settled, plaintiffs awarded \$221,500
- *OSHA Citations*
 - 33 citations, fined \$56,150
 - 4 “other” citations in 2010, fined \$2,240
 - 2 serious citations in 2009, fined \$18,000
 - 4 “other” citations in 2009, fined \$995
 - 1 serious citation in 2008, fined \$2,700
 - 3 “other” citations in 2007, fined \$1,000

²⁴ Citations under: TANIMURA & ANTLE, Tanimura & Antle, TANIMURA & ANTEL, Tanimura & Antle (H2-A), TANIMURA & ANTLE FARMS, TANIMURA & ANTLE FARMS INC., TANIMURA & ANTLE FRESH FOODS INC, Tanimura & Antle Fresh Foods Inc, TANIMURA & ANTLE FRESH FOODS, INC, TANIMURA & ANTLE FRESH FOODS, INC.

- 2 serious citations in 2006, fined \$16,870
 - 2 “other” citations in 2006, fined \$370
 - 1 “other” citation in 2002, no fine
 - 8 “other” citations in 2001, fined \$2,505
 - 1 serious citation in 2001, fined \$1,800
 - 6 “other” citations in 2000, fined \$1,350
 - 1 serious citation in 1999, fined \$5,000
 - 2 serious citations in 1993, fined \$3,200
 - 2 “other” citations in 1991, no fine
 - 1 serious citation in 1990, fined \$120
- 1 WHD violation

Trident Seafoods Corp.²⁵ – harvester, processor, and marketer of seafood; Seattle, WA

- *Trident Seafoods Corp.*, 293 NLRB No. 125 (May 12, 1989)
 - Summary of decision: Company denied Unions’ agents access to its cannery premises, in violation of Section 8 of FSLA
- 212 OSHA citations, fined \$102,738
 - 10 serious citations in 2012, fined \$17,450
 - 7 serious citations in 2011, fined \$15,172.50
 - 2 serious citations in 2011, fined \$2,125
 - 1 “other” citation in 2011, no fine
 - 6 serious citations in 2010, fined \$12,250
 - 2 “other” citations in 2010, no fine
 - 20 serious citations in 2009, fined \$2,475
 - 1 “other” citation in 2009, no fine
 - 6 serious citations in 2007, fined \$1350
 - 8 “other” citations in 2007, \$2,730
 - 1 “other” citation in 2006, no fine
 - 1 serious citation in 2005, fined \$280
 - 1 serious citation in 2003, fined \$5,000
 - 1 serious citation in 2002, fined \$956
 - 3 “other” citations in 2002, no fine
 - 2 serious citations in 2000, fined \$510
 - 9 “other” citations in 2000, no fine
 - 3 serious citations in 1998, fined \$812.50
 - 4 “other” citations in 1998, fined \$325
 - 2 serious citation in 1997, fined \$1,932.50
 - 6 “other” citation in 1997, no fine
 - 2 serious citations in 1995, fined \$200
 - 1 “other” citation in 1995, no fine
 - 9 “other” citations in 1992, no fine
 - 6 serious citations in 1991, fined \$1,200

²⁵ Citations under: TRIDENT SEAFOOD, TRIDENT SEAFOOD CORP., TRIDENT SEAFOOD CORP, TRIDENT SEAFOOD CORPORATION, TRIDENT SEAFOOD, INC., TRIDENT SEAFOODS, TRIDENT SEAFOODS CORP, TRIDENT SEAFOODS CORP PIER 91, TRIDENT SEAFOODS CORP., TRIDENT SEAFOODS CORPORATION

- 12 serious citations in 1989, fined \$17,500
- 12 repeat citations in 1989, fined \$12,000
- 13 “other” citations in 1989, fined \$500
- 7 serious citations in 1987, fined \$2,460
- 4 serious citations in 1988, fined \$1,760
- 3 “other” citations in 1987, no fine
- 14 serious citations in 1986, fined \$2,940
- 15 “other” citations in 1986, fined \$60
- 1 serious citation in 1984, fined \$350
- 1 repeat citation in 1984, fined \$160
- 12 “other” citations in 1984, no fine
- 2 serious citations in 1983, fined \$240
- 2 “other” citations in 1983, no fine

Walter P Rawls & Sons Inc.²⁶ – vegetable producer; Pelion, SC

- 1 OSHA citation

* * *

The National Guestworker Alliance (“NGA” – guestworkeralliance.org) is a membership organization representing thousands workers across sector and industry who enter the United States through the U.S. guestworker program. The NGA was formed as the Alliance of Guestworkers in the aftermath of Hurricane Katrina, when thousands of guestworkers were brought to the United States to work in the Gulf Coast, and subjected to forced labor. Organizing in labor camps across the Gulf Coast, guestworkers formed a vehicle for building power and shifting the national understanding of the guestworker program. Today, NGA is a rapidly expanding national organization of guestworkers across many industries including metal work, construction, landscaping, factory work, food processing, janitors services, and hospitality.

NGA’s members are committed to working in partnership with U.S. workers in the same sectors to transform their workplaces from exploitative to dignified, to transform the terms of migration, and to expand the right to organize for all excluded workers, reversing a long legacy of retaliation against workers of color who organize to win dignity and freedom.

²⁶ Citations under: WALTER P RAWLS & SONS INC.