

A Federal District Court Judge in Fort Myers, Florida has ordered a crewleader for Clewiston-based C&C Agricultural Farms pay US\$3.5 million in damages to five migrant farmworkers for various abuses committed between 2008 and 2012.

The ruling against Reyes Tapia-Ortiz on Feb. 10 followed several court reviews last year to determine the nature of the charges and extent of the damages applicable to be paid to the workers from Mexico and Guatemala.

In June, the court heard Tapia recruited agricultural workers from day labor lines and stores in Immokalee, Clewiston and elsewhere in Florida with "false promises including wages higher than they were earning and more work hours than they had been working".

But false promises were just the tip of the iceberg.

Plaintiffs alleged they worked seven days a week and as much as 17 hours a day without being paid overtime; in fact, payments were sporadic at best, sometimes non-existent, and when workers tried to complain or leave they were threatened with guns or deportation.

The court heard the case of plaintiff M. Perez who claimed Tapia made numerous unwelcome sexual advances including groping and other improper touching.

"When Perez threatened to call the police, Tapia said if she reported him to the police he would have her deported because she was in the country illegally," the court said.

"Tapia further threatened Perez by showing her his gun tucked in his waistband if she resisted his sexual advances. He told her that he would track her down and kill her if she ever left his crew."

Tapia delivered on some threats too, delivering plaintiff J. Velasco to police after he tried to leave the crew.

"Tapia eventually falsely imprisoned Velasco, had him hand cuffed, and delivered him to the police for leaving his work crew for another crew that paid better. Velasco was subsequently deported.

"Tapia would threaten Plaintiffs with guns and deportation when they would complain to him. He further exposed workers to pesticides by making them work in the fields when they were being sprayed.

"The pesticides caused health problems such as burning eyes and skin."

Velasco was awarded the biggest sum in damages of just over US\$1 million, while Perez was awarded US\$959,644.

The investigation was launched in 2010 when a worker brought a complaint to the Coalition of Immokalee Workers (CIW) - founder of the Fair Food Program to which C&C Agricultural Farms is not a partner - about conditions on the farm.

After the initial report, the investigation stalled until a new call came in through the nascent Fair Food Program hotline in 2012. Two women who had worked at C&C Farms — and who had learned about their rights at a worker-to-worker education session on an Fair Food Program-participating farm — called to report the abuses they had encountered at C&C.

The CIW claims this is the ninth forced labor operation brought to justice by its anti-slavery program.

"The conditions these workers endured were typical of Florida fields before the Fair Food Program," the coalition said in a release.

"Unfortunately, so too was the justice that they eventually secured: slow (seven years from first report to final judgment), frustrating (many workers originally involved in the case long since moved on before its resolution), and ultimately largely symbolic (most of the \$3.5 million judgment, while an excellent precedent, will almost certainly never be collected).

"Indeed, the Tapia case — while providing long-overdue closure for the workers who bravely persevered through years of investigation and court procedures — is an important reminder of why consumer demand for farm labor justice, and the Campaign for Fair Food, remain so vital today."

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