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DFEH Settles Farmworkers Sexual Discrimination Case
Company refused to hire women and provide separate toilet facilities

SACRAMENTO-The Department of Fair Employment and Housing (DFEH) on Wednesday settled a sex discrimination and retaliation complaint filed by eight farm workers against a Napa Valley vineyard owner, a vineyard management company with a policy of not hiring women, and a Fresno-based farm labor contractor who refused to provide separate toilet facilities for men and women.

The complaint, filed by two female laborers and their male co-workers who supported them, settled for $65,000 and significant changes in the companies' future business practices related to hiring of women, training and providing adequate toilet facilities.

The workers allege that they were fired from their work on a 38-acre vineyard owned by Alsace Co. LP in June, 2013 after repeatedly requesting a second bathroom as required by law for their crew, which included both men and women.

"When farmworkers in California's multibillion dollar agricultural industry labor in unlawful conditions, it is of extreme concern to the Department, which is charged with protecting the people of California from employment, housing and public accommodations discrimination," said Kevin Kish, DFEH Director.

"Many farmworkers who lack formal education and English-language skills are unaware of their rights under the law and are reluctant to demand better working conditions, fearing that their demands will lead to their firing," said Kish. "This is what happened in this case. We are gratified that this group of farmworkers came forward and we were able to negotiate a just resolution."

According to the workers, there was only one portable toilet at the workplace for two work crews, which included men and women. California law requires at least two separate toilet facilities when both men and women are working together in agricultural operations.

Alsace vineyard manager, Jeff Roberts of Farm West LLC, acknowledged that he was unhappy when women showed up in the crew, as he had a policy to hire only men in the vineyards he manages. Workers stated that their foreman told them that Roberts demanded that either the men or the women leave.

When the women refused to leave and again complained about the restrooms, they were fired. The farm labor contractor, DJRAS Corp., doing business as Prime Harvest Contracting, admitted that the workers' supervisor received no training in anti-discrimination and retaliation laws.
Even more important than the monetary settlement in this case is the "affirmative relief" which calls for significant changes in business practices, Kish said.

As part of the settlement, Farm West, LLC, the vineyard management company, has agreed to change its policy to allow the hiring of women, will regularly report to DFEH on all company hires during the next three (3) years, and will receive training on anti-discrimination laws. Prime Harvest Contracting has agreed to train its staff and ensure that its crews have adequate restroom facilities at all work locations. The vineyard owner, Alsace Co. LP, has agreed to ensure that women are not discriminated against in hiring and employment in its vineyards, and that adequate toilet facilities are provided. The parties settled the farmworkers' claims at a mediation conducted by the Department of Fair Employment and Housing, after the agency determined that laws it enforces were violated.

The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information, visit the Department's Web site at www.dfeh.ca.gov.