



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

COURAGE CHANGES LIVES

# #NoMás

When the \$240,000 settlement was finally reached after three long years of legal limbo, the case made headlines throughout the state of California, with television, radio, and newspaper coverage. As part of the settlement, the company is bound by a two-and-a-half-year consent decree to ensure that they will comply with Title VII of the Civil Rights Act in the future.



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“I came to CRLA out of desperation,” says Francisca Alvarado Garcia, CRLA’s client in a lawsuit filed by the Equal Employment Opportunity Commission (EEOC). “Supervisors would touch my rear end, they would hug me and make comments about my body, they would ‘check’ on me in the bathroom, and they would tell me that Mexican women are lazy, and the reason we have so many children is because we like chaca-chaca [a derogatory term for having sex].”

Francisca went to work every day for years, knowing she and her co-workers would be groped, propositioned, or insulted. But as a single mom supporting a nine-year-old son, she was afraid to speak up for fear of losing her job. Finally, when Francisca bolstered her courage to complain, her worst fear was realized, she and a male co-worker who defended her were fired.

“Francisca was very isolated in terms of her day to day experience,” says Andres Garcia, Directing Attorney for CRLA’s Oxnard Migrant Office. “But after she talked with us, she recognized that what happened to her was not right or lawful. Her power came from finding out that she had rights. We helped her use her power, by way of this lawsuit, and the company settled this case because it was forced to recognize her power.”

CRLA filed initial charges with the EEOC in the Fall of 2008. After two years of investigation and an

**EVERY 2 MINUTES**  
someone in the U.S. is  
sexual assaulted



Female farmworkers are often left vulnerable to attacks by sexual predators. Photo by David Bacon.

unsuccessful attempt at mediation, the EEOC filed a lawsuit against Cyma and its predecessor, Taeon Orchids, in September 2010 on behalf of seven other greenhouse workers. CRLA then intervened in the EEOC lawsuit on behalf of Francisca.

When the \$240,000 settlement was finally reached in November 2011, after three long years of legal limbo, the case made headlines throughout the state of California, with television, radio, and newspaper

coverage heaviest in the Ventura County region. As part of the settlement, the company is bound by a two-and-a-half-year consent decree (see sidebar) to ensure that they will comply with Title VII of the Civil Rights Act in the future.

“The publicity is a deterrent for employers,” says Carol Igoe, Senior Trial Attorney with the EEOC. “It keeps them from tolerating or engaging in this behavior because many are motivated by money. And this lawsuit cost Cyma and Taaan a lot of money.

“I think the publicity also helps women who weren’t involved in the lawsuit. It makes it a little less scary for other women to speak up, and it makes something that seems impossible, possible.”

“We were able to prosecute this lawsuit effectively because of our partnership,” says Carol. “CRLA’s community workers helped us maintain contact with the clients. And their legal expertise in terms of strategy was very powerful—a real factor in moving the employer to such a high dollar settlement so early. We worked together seamlessly.”

“Even though the case lasted a long time, I couldn’t give up until I found justice. And now that I know about workers’ rights, if anything like this ever happens to me again, I know to come to CRLA.”

But the question remains: Is the agriculture industry’s track record on sexual harassment improving in response to these types of lawsuits?

“I think it’s getting better because there’s more information circulating among employers about what’s right and wrong,” says Andres. “But much more work needs to be done to educate the industry.”

## CONSENT DECREE DETAILS

“The consent decree is very robust - a positive culture shock for this employer,” says Carol Igoe, Senior Trial Attorney with the EEOC. “It assures employees that CYMA will hold everyone accountable for engaging in sexual harassment or discrimination. It also is binding on successors, so if the company is sold and becomes a different legal entity, they still have to follow the decree. And if it’s violated, we can get the decree extended.”

Overview of terms specified by the consent decree:

- Cyma may not discriminate or retaliate against former or current employees involved in the lawsuit.
- Cyma may not discriminate against or harass employees because of their sex, or tolerate a hostile work environment.
- Cyma will work with an EEOC coordinator for the duration of the decree to ensure compliance with Title VII requirements and this decree.

- Cyma must visibly post information about the decree or distribute copies to all employees annually for the length of this decree.
- Cyma must revise its policies and procedures related to sexual discrimination and harassment and make them available to employees in English and Spanish.
- The EEOC coordinator will ensure that Cyma provides regular mandatory training (a detailed description of training requirements is included in the decree) for all employees, including managers and human resource specialists, so that everyone knows how to recognize, report, and investigate sexual harassment and discrimination.
- Cyma is required to record and track attendance at trainings, all reported incidents and investigation details as well as associated resolutions, and provide this information in annual reports to the EEOC.

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CRLA Directing Attorney Andres Garcia with Ms. Garcia and her son.

“If there was no public monitoring like this lawsuit, sexual harassment in agriculture would be even more pervasive,” says Carol. “But something additional happens when CRLA is involved. Participants gain a sense of social agency that they carry with them into other jobs and other aspects of their lives. For example, another woman in this case has been quite active in fighting unfair employment practices in her new job.

“Enfranchisement of rights is incredibly powerful. It starts with the individual, then workers begin to empower each other. In this case, enfranchisement placed power in the hands of these low-wage workers who successfully held their boss accountable.” ■



Female farmworkers make up a large part of the farmworker workforce. Photo by David Bacon.