



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

TERROR IN THE FIELDS

#NoMás

For a farmworker woman, sexual violence is typically suffered in silence. She may not know her legal rights. Employers and supervisors frequently use these fears to exert power and control over farmworker women.



“Georgina stood there, heart racing, shaking, and full of fear and panic. She had no one to go to.”

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Sexual assault is a potential threat faced by everyone, but farmworker women often encounter conditions that exacerbate the risk. Out in the fields, long and bushy crops create a natural cover, thus leaving female farmworkers vulnerable to attacks and easy targets for predators.

CRLA began fighting sexual harassment and sexual assaults in the fields back in 1999. CRLA partnered with the Equal Employment Opportunity Commission (EEOC), and the Golden Gate University Law School’s Women’s Employment Rights Clinic to file the first sexual harassment case on behalf of a farmworker, Blanca Alfaro, in the case *EEOC vs. Tanimura & Antle*. The case, which started as a \$600 wage and hour claim, ended with a \$1.8 million settlement.

Since the Blanca Alfaro case, sexual harassment and sexual assault is still a major problem and sadly common in the fields. CRLA continues to stand with survivors of violence in hopes of making it uncommon.

The case that you are about to read is just one example from 2015, but it is representative of the experiences farmworkers face in the fields.

Georgina began working for Reiter Berry Farms in 2004 to pick crops. Field work is hard and only offered seasonally, but she enjoyed her work. That enjoyment ended in 2011 when Jesus Garcia joined her crew.

80% of farmworker women have been sexually harassed or assaulted on the job.



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

Garcia instantly began to harass Georgina. He leered at her constantly, looking at her from head to toe. He blew kisses at her when she walked by. He violated her personal space as she worked. He left notes telling her to call him. She never asked for this attention but it did not matter to Garcia. It did not matter that she was happily married and that her husband and children worked with her at Reiter Berry Farms.

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Georgina complained to her foreman and supervisor, Aaron Lozaro, about Garcia's sexual harassment: how it bothered her and made it hard for her to work. She wanted it to stop. Lozaro spoke to Garcia about it, but Garcia ignored the foreman's request and continued to harass her. Lozaro did not report Garcia, instead he protected him, allowing Garcia to continue harassing Georgina for the remainder of the season.

A year later, Georgina returned to Reiter Berry Farms for another season only to learn that Garcia had become her foreman. Lozaro, the old foreman, was promoted to be the assistant ranch manager, and he then promoted Garcia to be his replacement as the new foreman of Georgina's crew. Lozaro knew that Garcia had been sexually harassing Georgina and was a threat to her safety, but he decided to give that person control, authority and power over his victim.

Management from Reiter Berry knowingly and recklessly put Georgina in direct harm.

One hot July afternoon, Garcia, who had all the authority and power over Georgina at work, got close to her, groped her and boasted, "I can do with you whatever I want." Georgina stood there, heart racing, shaking, and

full of fear and panic. She had no one to go to—Garcia was the only supervisor in the fields that Sunday, and she did not want to upset him because he could have her fired. She stood in the fields alone and afraid.

Just four days after this incident, Garcia assigned Georgina to work in a thick and overgrown part of the berry fields. It was an isolated area that put Georgina in an unprotected and dangerous place.

Georgina was alone picking berries when Garcia appeared with his pants unzipped. He ordered her to touch him. She tried to walk away but he grabbed her, and as she moved away, he pulled and ripped her pants and sexually attacked her.

Georgina called Reiter Berry management and asked the assistant ranch manager to meet her privately because she was too scared to talk over the phone.

The assistant ranch manager, the old foreman who put Garcia in charge of Georgina, who had known her for over two years, listened to Georgina cry and shake while holding her torn pants up with her hand. The assistant ranch manager called the main manager, and she had to relive the experience again as she told him



Photo by David Bacon

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what happened, too. The manager told her that they would talk to Garcia, but if his side differed from hers, they would all sit down together and talk about what happened. The very idea of sitting across from her attacker terrified Georgina.

She asked them to call the cops, but they responded with silence.

The manager told Georgina they needed to start their investigation, and told her to go back to the fields and finish working. Georgina told them that she could not because her pants were ripped and could not stay up by themselves.

The manager gave her a safety pin.

Upset, embarrassed, and traumatized, Georgina wrapped her sweatshirt around her waist and walked back to the place where she was assaulted and returned to picking berries.

Garcia, with Georgina's blood still on his pants, admitted to the assistant ranch manager that he sexually assaulted Georgina, and Reiter Berry immediately suspended him—for three days.

Hours after the sexual assault, the cops were finally called and Garcia was arrested. Garcia was later convicted for his crime, something that rarely happens to those that attack female farmworkers.

Georgina's nightmare did not end with the arrest of Garcia. Her co-workers did not stand up for her and instead ostracized Georgina for getting Garcia in trouble. They spread vicious rumors about her and stopped talking to her. She told Reiter Berry about what her co-workers were doing to her, but they responded with silence.

Sexually assaulted and alone, Georgina fell into a deep depression and could no longer sleep. She had

STATISTICS ON SEXUAL ASSAULT

Farmworkers in the United States work long and hard hours in the fields, facing extraordinary challenges and dangerous conditions. They lack basic worker rights and earn some of the lowest wages in the country.

EVERY 2 MIN
SOMEONE IN THE U.S. IS
SEXUALLY ASSAULTED

10 MINIMUM AGE
FOR FARMWORK

ONLY 2 out of 3 OF SEXUAL
ASSAULTS ARE ACTUALLY REPORTED

75 % OF VICTIMS ARE ASSAULTED BY
SOMEONE THEY KNOW

FARMWORKER
WOMEN
80 %

Have experience
some form of
SEXUAL
HARASSMENT

Sexual Assault is not just forcible rape, sexual assault is any type of sexual behavior or contact where consent is not freely given or obtained and is accomplished through force, intimidation, violence, coercion, manipulation, threat, deception or abuse of authority.



Photo by David Bacon

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nightmares of the assault and would replay it in her head.

Just like the first time she made a complaint to Lozano about Garcia's sexual harassment, Georgina stood up against Garcia and Reiter Berry Farms. This time, she didn't face it alone. She talked to CRLA's Lisel Holdenreid and Michael Meuter. Lisel and Michael did not respond with silence, but with a lawsuit against Reiter Berry Farms with the help of Kathryn Dickson and Emily Nugent of the law firm Dickson Geesman, LLP.

A neutral arbitrator listened to the facts and awarded Georgina over \$800,000 and required Reiter Berry to change their sexual harassment policies. This award is one of the largest awards for a case representing only one client in CRLA's history.

The decision was based on the fact that Reiter Berry failed to protect Georgina after her first complaint about sexual harassment and instead promoted her harasser. And, no investigation was known to have taken place to see if there were other survivors of Garcia's torment. Further, his promotion signaled to Georgina that she had

no one to go to, and that Reiter Berry Farms would not do anything to protect her.

The arbitrator also considered that even after the attack, those in power at Reiter Berry did not demonstrate anything that showed they understood the severity of what happened or that Georgina was even a victim. Reiter Berry Farms failed to protect her from Garcia and failed to protect her from the co-workers that ostracized her after the attack.

In addition to the money, the arbitrator required that Reiter Berry's staff receive new sexual harassment training with the hope that what happened to Georgina would never happen to another person on that farm. CRLA is hopeful that this award will signal the end of this type of attack at the company.

Georgina stood up multiple times to end her harassment. Reiter Berry Farms tried hard to silence her and worked hard to keep her powerless. In the end, Georgina could not be silenced. With CRLA by her side, Georgina never stopped fighting, and found her dignity and respect. ■



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