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Wisconsin Sauerkraut Cannery Taken to Court by Farmworker Advocates

Charges Against World's-Largest Sauerkraut Company Include Wrongful Termination of Roughly 100 Mexican Guest Workers

GREEN BAY, WIS - Farmworker Justice and Chicago law firm Hughes Socol Piers Resnick & Dym (HSPRD) filed a class action lawsuit today on behalf of more than 100 Mexican guest workers brought to the United States to work at a sauerkraut cannery in Wisconsin, and fired after the threat of a government-mandated wage increase. Farmworker Justice, based in Washington, D.C., is a leading advocate for farmworkers' rights and working conditions.

The lawsuit, filed in a federal district court in Wisconsin, charges GLK Foods and its owner Ryan A. Downs with wrongful termination of the workers and multiple related violations of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA), the Fair Labor Standards Act, and the Wisconsin Migrant Labor Act.

GLK is the largest sauerkraut producer in the world and supplies America's top selling sauerkraut brands to retailers throughout the country.

"Producing sauerkraut need not be a sour experience for workers. Worker mistreatment and violation of federal labor laws like that at GLK are all too common for guest workers," said Bruce Goldstein, President of Farmworker Justice. "Employers like GLK should be held accountable for clear contractual violations and mistreatment of this vulnerable segment of the workforce."

The workers entered the country with H-2B guest worker visas in 2011, but were fired shortly after the U.S. Department of Labor issued a new prevailing wage formula that would have increased wages at firms that hire guest workers. While Congress later blocked DOL from implementing the wage increase, GLK fired the guest workers in favor of a migrant work crew provided by a farm labor contractor from Florida.

The guest workers' employment cutting, trimming, and preparing raw cabbage to make sauerkraut lasted less than two months; not nearly enough to repay thousands of dollars in recruitment fees and travel and immigration expenses which the workers were illegally required to pay in order to work for GLK. Summarily terminating the H-2B guest workers in 2011 was a clear violation of federal and state laws.

"These violations are a symptom of a larger disease. The guest worker system is fundamentally broken," said Goldstein. "Guest workers' 'non-immigrant' status deprives them of bargaining power with their employer and keeps wages low for both guest workers and their domestic counterparts. Recruitment abuses in the program have led to cases of debt peonage, human trafficking, forced labor and wage theft. Workers who hold a true immigration status can protect themselves more effectively."

Affected workers have received information and other assistance from the Mexican government's consulate, in accordance with the Vienna Convention of Consular Relations, to which both U.S. and Mexico are parties.

Farmworker Justice is a nonprofit organization that seeks to empower migrant and seasonal farmworkers to improve their living and working conditions, immigration status, health, occupational safety and access to justice.

Hughes Socol Piers Resnick & Dym, Ltd is a Chicago, Illinois law firm with a national practice and extensive experience in complex litigation, including civil rights and immigration law matters.

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