

WORKER JUSTICE CENTER

2022-2023

OVERVIEW OF ACHIEVEMENTS

This year WJCNJ provided 23,456 unique community legal education services, conducted 781 intakes, closed 704 cases, and won \$1,275,396.00 in direct dollar benefits. The total number of people benefited from our direct civil legal assistance services was 1,401.

Our target population is low-wage workers across New York State, with an emphasis on agricultural workers and other vulnerable communities. Our clients include migrant and seasonal farm workers, as well as workers engaged in dairy production, meatpacking, packaging, and processing of agricultural products. We also provide services to low-wage workers in other low-wage industries, such as food service, factories, hotel and hospitality, landscaping, and construction. Our work involves providing services for both workers and their families, including individuals who are victims of domestic or human trafficking.

The overwhelming majority of our clients are foreign-born; some are immigrants who live in the U.S. year-round, while others are guestworkers who come and go based on the seasonality of the industries they work in. Low-wage workers are often vulnerable to abuse and exploitation because of power imbalances surrounding race, national origin, economic inequities, immigration status, access to formal education, literacy, and limited English proficiency. There is also a troubling but common view that workers in low-wage industries are easily disposable and replaceable. The communities we serve experience widespread fear of retaliation and the ever-present threat of immigration-related consequences for coming forward to exercise their rights or report legal violations in the workplace. This fear – of income loss, eviction from employer-provided housing, loss of work authorization, detention, deportation,



Population Served: Agricultural and Other Low Wage Workers

Total Funding: \$1,738,754

Total IOLA Grant: \$490,000

Staffing Full Time Equivalents:

- Total Staff: 21
- Paralegals: 7
- Lawyers: 5
- Other: 9

and/or family separation – contributes to the prevalence of substandard wages and working conditions.

We closed a total of 704 cases in the past year. These cases include litigation matters in both state and federal courts as well as one matter before the National Labor Relations Board. We also filed three new lawsuits in federal court, 10 complaints with government agencies, and provided direct legal assistance to hundreds of farmworkers and other low-wage workers throughout New York State. This includes advice and counseling, pre-litigation advocacy and representation in immigration legal proceedings, and other administrative law matters. We filed our first unfair labor practice charge with the NY Public Employment Relations Board under the Farm Laborers Fair Labor Practices Act, which protects farmworkers' rights to organize and engage in concerted activity. We are pleased to report that this charge was resolved pre-hearing during the reporting period. A major focus of our individual legal assistance programming was supporting workers who engaged in organizing activity to redress retaliation. We have devoted substantial time and energy to advising workers about the new DHS policy regarding labor-based deferred action, which potentially impacts many who seek our legal services.

Over the past year, we have also seen a significant uptick in the arrival of new immigrants to the regions we serve, including unaccompanied minors and asylum seekers who were transported to New York State from the U.S.-Mexico border region. Both groups are entering the workforce in desperate economic straits, often with no understanding of our labor laws, and will have little access to legal assistance or support services. Because of the many challenges our target population faces in accessing justice, our organization dedicates substantial resources to community outreach and legal education programming. This year, our advocates traveled thousands of miles to some of the most remote areas of New York State to reach workers directly to discuss labor conditions and other legal issues impacting their lives.

In collaboration with our Legal and Survivor Services teams, our Human Trafficking program assisted 33 clients who have been exposed to trafficking, representing multiple countries such as Australia, Laos, Dominican Republic, Suriname, Mexico, Guatemala, and Honduras. Thanks to 42 years of relationship-building with the communities we serve, we are considered one of the few organizations in the state positioned to investigate cases where law enforcement may not have the same trust and access. Through our participation in regional human trafficking task forces, we were able to provide technical assistance and consultation to 20 law enforcement agents. Our survivor services program directly served 37 clients, provided 160 referrals to assist with accessing basic needs, health and legal services, and more. We provided 4 trainings for 23 community members.

DIRECT LEGAL SERVICES: CASES

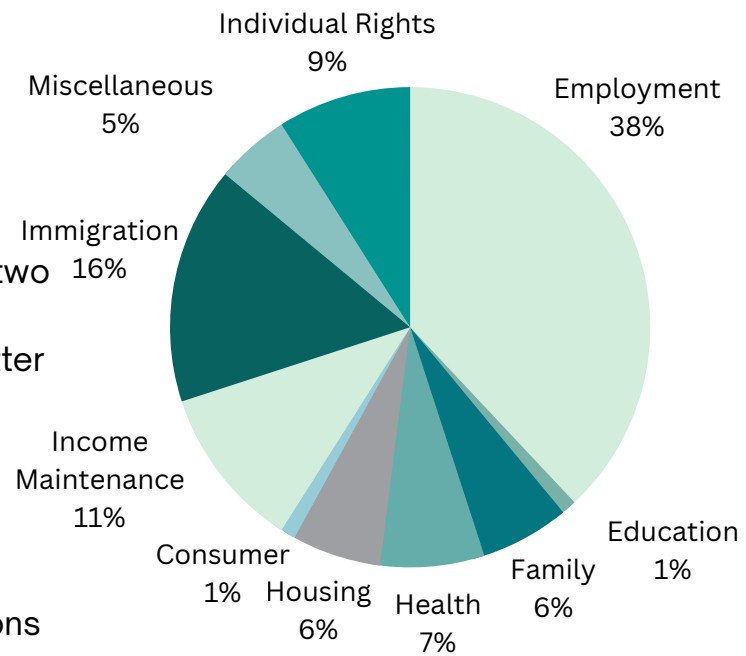
Other/Employment:

Our attorneys settled several lawsuits and administrative complaints during the past year, including a federal lawsuit on behalf of nine former employees of the Mount Kisco Diner in Westchester County, New York – our second multi-plaintiff case against this employer for wage theft, racial discrimination, and retaliation. Our clients, many of whom were long-time employees of the restaurant and believed that their substandard pay and hostile working environment were the status quo for work in the United States, recovered over \$850,000 in owed wages and other damages through the litigation. We also negotiated settlements on behalf of a female milker at a dairy farm in western New York who experienced sexual harassment and was fired for reporting it; a domestic worker who worked 15 hours a day until she was fired because her employers believed that she was seeking legal advice about not being paid for all of her hours; and two employees of a seafood distributor in the Hudson Valley who were fired for writing a letter to their manager, seeking to make the distribution of labor and rates of pay more equitable among the day shift and night shift.

Immigration:

Our attorneys secured bona fide determinations (a precursor to granting a visa, since the number of U visas available per year is capped by statute) for several clients whose U visa applications were filed many years ago; secured a T visa for an individual who was forced to live in the basement of the restaurant where he worked to pay off his “debt” to his traffickers; and won asylum for a student from Afghanistan. We also filed our first application under the new DHS policy for labor-based deferred action, on behalf of an individual who came to New York on an H-2B visa to work in the horse racing industry and filed a complaint about wage theft and other labor violations.

1,401
people
benefitted from
704
legal cases
closed

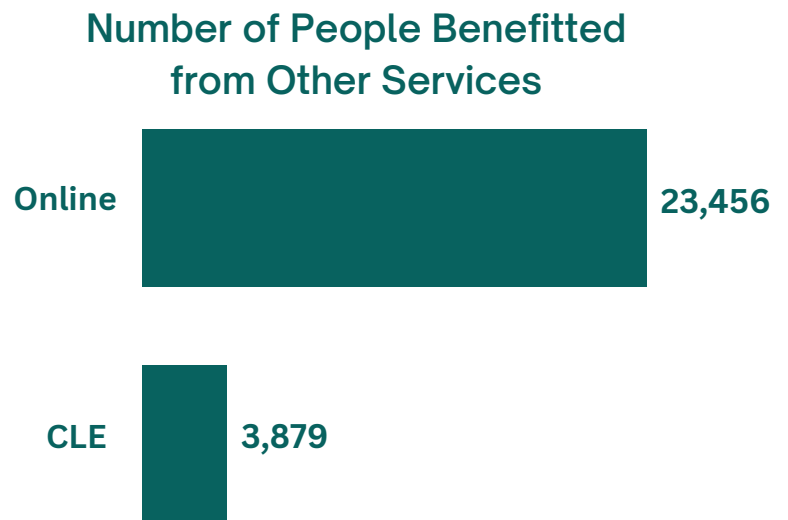


**Cases by
Legal Problem Area**

OTHER SERVICES: OVERVIEW

Our community legal education activities focus on reaching the most vulnerable, geographically and culturally isolated, and hard-to-reach workers in New York State. We focus particular attention on farmworkers and other rural immigrant workers, as well as on the organizations and service providers who directly interface with these groups of workers. This year, we reached 4,200 people through in-person outreach activities, including 1,891 people through outreach to farm labor camps and other agricultural worker housing locations. These interactions ranged from direct one-on-one conversations about legal rights to more formal know-your-rights workshops and trainings. Through our outreach efforts, we distributed a total of 16,153 printed legal education materials on a range of workers’ rights issues, including workplace health and safety, wage theft, employment discrimination, paid leave rights, and retaliation protections. We facilitated a total of 43 interactive know-rights-workshop and community legal education training sessions, which engaged a total of 1,709 people (304 in person and 1,405 online), including both low-wage workers and front-line service providers. These workshops provided in-dept information on specific worker rights issues. Popular topics included wage theft, injured workers’ rights, and paid leave rights. We provided information to 24 individuals seeking legal assistance in areas defined as “other”, which included a variety of issues such as being unable to withdraw money from a bank’s ATM, being fired from a job with no reason given for termination, and not being able to access the Excluded Workers’ Fund. Our online outreach resulted in 1,674 downloads/views of our digital know-your-rights toolkits, recorded presentations, and other static know-your-rights materials. In total, we provided 23,456 unique community legal education services.

27,335
 people
 benefitted from
 Services Other
 Than Direct
 Legal Services



OTHER SERVICES: TECHNOLOGY

We have continued and expanded our use of NationBuilder, WE Connect, Zoom, Canva, Microsoft 365, WhatsApp, and a range of social media platforms. This year, we invested in further customizations to Legal Server in our continued effort to improve upon our organization’s workflow, data capture, and reporting accuracy. These customizations, including the addition of a new “prescreen” form have significantly improved the efficiency of our process and overall workflow.

OTHER SERVICES: TRAININGS

Our organization sends all new legal and program staff to the National Farmworker Law Conference. In fall 2022, seven staff members attended. We maintain a “privileged” membership with the Practicing Law Institute (PLI), which provides free unlimited continuing legal education opportunities. We provide regular 1.5-hour monthly staff trainings on topics identified by staff and management. Areas for professional development are identified for staff in annual performance reviews and relevant training opportunities are regularly identified by management for staff to attend. Trainings are identified and encouraged for all staff, attorneys, paralegals, worker rights advocates, case managers, advocates and management.

IMPACT CASES

Yeend et al. v. Akima Global Services:

We continue with our litigation against Akima Global Services (AGS), the private, for-profit company that manages the Buffalo Federal Detention Facility, for failing to pay immigrant workers held in civil detention at least the New York State minimum wage. AGS pays detainees \$1 per day or less for hours of their physical

1,709
beneficiaries
were affected by
19 Impact Cases

labor performing the essential functions of the facility. In the past year, we amended the complaint to add three additional named plaintiffs, assert labor trafficking claims, and allege that the claims apply to detained workers class-wide. Two of our clients have been deposed, and discovery continues.

Murray’s Chicken:

We brought a third-party unfair labor practice charge with the NLRB on behalf 10 workers who were discharged from their jobs at a poultry processing plant in Sullivan County, New York after they protested terms of continued employment they believed to be unfair. The matter resolved with the workers receiving severance payments and reference letters from the employer.

Alvarez Garcia et al. v. Berkshire Nursery & Supply Corp. et al.:

We filed litigation in the Southern District of New York on behalf of two individuals who were brought to New York on H-2A visas, ostensibly to work in the defendants’ nursery and greenhouse in Putnam County. Instead, they were tasked with a variety of non-agricultural duties, including landscaping and construction work, for which they were not paid minimum wage or overtime. They were forced to continue working due to, inter alia, the defendants’ threats to have them immediately deported. The lawsuit alleges violations of the Trafficking Victims Protection Act, Fair Labor Standards Act, New York Labor Law, and the contractual obligations of the H-2A visa program.

All Impact Cases

Bisono et al. v. TDL Restoration, Inc.

Anton et al. v. Go Green Finish et al

Cardenas et al. v. Piedimonte Agricultural Development et al

Corea et al. v. Café Spice et al

Yeend et al. v. Akima Global Services

Catsmo, LLC
resolved NLRB proceeding

Pascual et al. v. Three Diamond Diner Corp. et al.

Gutierrez et al. v. Gurda et al.

Ultan Interiors
resolved demand letter

Murray’s Chicken
resolved NLRB proceeding

PERB Charge by J.G.
resolved PERB proceeding

Alvarez Garcia et al. v. Berkshire Nursery & Supply Corp. et al.

Valdes et al. v. North East Site Works, Inc. et al.

O & Sons Landscaping
filed government agency complaint

Bakery in Orange County
government agency complaint

Racetrack Employer
government agency complaint

Gladys House Cleaning
government agency complaint

Farm in Hudson Valley
government agency complaint

Bagels by Sofia
demand letter

PRO BONO VOLUNTEERS

We are a member of the New York State Unified Court System Attorney Emeritus Program and are currently supported by one pro-bono attorneys from this program who provide immigration legal representation to human trafficking survivors and on matters of workers' compensation. We also work with two additional pro bono volunteer attorneys in our Human Trafficking and Survivor Services departments: one, a retired public defender, provides ongoing consultation on individual human trafficking cases, public policy, and technical assistance for U visa cases; the other works with law enforcement, district attorneys, and family law judges to train professionals on the availability and requirements of U and T visas and VAWA petitions for immigration relief, and represents one of our U visa clients and children while also providing consultation and support on other client cases. The human trafficking program also receives advice from the Human Trafficking Legal Center in Washington D.C., particularly from its Founder and President, Martina Vandenberg, who advises our attorneys on how to tackle difficult and complex cases, such as one current case involving a foreign Diplomat. For this particular case, the Human Trafficking program has been working in tandem with the U.S. Department of State, particularly with its Diplomatic Security Services department. Former Legal Director Robert McCreanor has continued to counsel several immigration and employment cases on a pro bono basis.

We periodically host interns and fellows, with an organizational commitment to ensuring participants receive payment and/or course credits. During the grant period, we hosted two summer legal interns and continue to host a Legal Fellow through the Yale Public Interest Fellowship. Our Fellow's primary focus is on advancing farmworker rights through litigation and support for organizing.



3 Attorneys volunteered 76 hours

2 Law Students volunteered 180 hours

Each  icon is equal to 1 volunteers.

Attorneys are represented through the Green Figure.

Law Students and Other Volunteers are represented through the Grey Figure.

SIGNIFICANT COLLABORATIONS

We participate in numerous regional and statewide multi-agency coalitions, which helps us build relationships, facilitate interagency referrals, and ensure access to a broad array of legal and human services for the communities we serve. We make a special effort to coordinate outreach and community legal education work alongside other farmworker-serving agencies. Some key partners include:

- **Cornell Farmworker Program:** CFP is instrumental in organizing mobile consulate events for Mexican and Guatemalan communities in Upstate NY, where we commonly conduct in-person outreach.
- **Workers’ Center of Central New York:** This organization is dedicated to organizing farmworkers and other low-wage immigrant workers across Central NY and the North Country. We conduct joint outreach to farmworkers and provide know-your-rights workshops for their members.
- **NYS Migrant Education Program:** We collaborate through regular meetings with their statewide support team to ensure we are able to provide up-to-date information and legal resources to the migrant families they serve.
- **Westchester Labor Alliance:** This coalition of five Westchester-based worker centers work primarily with immigrant communities to combat labor violations in low-wage industries. Our collaboration includes providing legal rights training for their staff, conducting regular intake clinics with workers at their worker center locations, and providing legal representation to their members who experience exploitation and abuse on the job.

SOURCES OF FUNDING

Worker Justice Center received

\$1,738,754

in total funding this past year

Foundations	\$245,000
IOLA Grant	\$490,000
State Funding	\$879,634
Fundraising	\$35,507
Other	\$88,613
Total	\$1,738,754

