

# WE WANT TO KNOW HOW THE UNITED FARM WORKERS DEFINES “VICTORY”

## And why they chose to walk away from a ten year old lawsuit while gaining nothing?

Almost ten years ago, in August 2009, the United Farm Workers (UFW) filed suit against a dairy farm near Pasco, Washington. They made numerous accusations both in court and loudly through the media about abuse of workers by the family farm's owners. Two years later, the farmer and his wife countersued the workers and UFW. The UFW took its case against the farm to major retailers in the state selling dairy products, attempting to implicate the company that processes the milk in order to maximize the pressure on the farm. They attempted to pressure the companies to require dairy farms to accept UFW demands to unionize their workers

The ten year old litigation was scheduled to go to court this month. Instead, the UFW, its workers and the farmer ended the litigation. But the story of agreement to put an end to the lawsuits tells a lot about the UFW, its credibility and its complaints against dairy employers.

The email announcement (seen above) from the UFW loudly claims victory in this litigation. They say the case was “settled” and the workers will receive back pay for missed rest breaks as they demanded. But a [news story in Capital Press](#) paints a considerably different picture. Quoting the attorney for the farmer, the article noted: “Everybody released all the claims they had against each other and walked away,” Barnhart said. “Nobody had to pay any money of any kind for damages, attorney fees or costs or anything. They all walked away from each other.”

So the “settlement” wasn’t an agreement to pay the workers, to pay legal fees, even to pay anything at all. They just agreed, finally, to walk away. We say “finally” because the farmer states this offer had been made some time ago. How did the workers get paid their



### Dairy workers recover wages they say were stolen at Darigold farm

We've written to you about the grueling, decade-long battle dairy workers at a Darigold member dairy have been fighting. We want to share fantastic breaking news with you. A **settlement** has been signed between the "Darigold Dozen," the United Farm Workers and Ruby Ridge Farms.

The UFW is thrilled that the "Darigold Dozen" — the twelve dairy farm workers who filed wage and hour laws. It against Darigold member farm Ruby Ridge in 2009 — **will recover wages they say were stolen by Ruby Ridge.** The dairy has agreed to drop its lawsuit against the UFW and the twelve individual workers, which the workers and UFW maintain was filed in retaliation for workers seeking to recover their wages.

"I am satisfied and happy," said Jesus Perez, one of the "Darigold Dozen." "We are being recognized for the effort that was made to fight for others to receive breaks and lunch at work. That ten 10 years of struggle were not in vain. And we and my co-workers provided a real victory."

All 12 dairy workers — Margarita Escobedo Martinez, Miguel Espino, Elvis Ramonero, Miguel Cuevas, Rafael Mantua, Armando Herrera, Saul Salgado, Cirilo Ramirez, Teresita Anguiano, Manuel Reynaga, Jesus Perez and Gilberto Perez — will receive back pay that they earned they lost from not receiving their rest periods and meal periods. These unpaid wages will be paid by an anonymous supporter.

While this is a triumph for these twelve workers, the fight continues to advocate for the fair treatment and safety of thousands of other dairy workers still employed on Darigold member farms. **The UFW is determined to continue its fight to ensure dairy workers employed on Darigold dairies are protected from employer retaliation, sexual harassment and unsafe and deadly working conditions.**



back wages, the basis of the "victory" claimed by the union. They claim an "anonymous supporter." Why anonymous? If someone is willing to right what the UFW claims is an injustice against these workers (the farmer denies the workers claims) then why would they not want to be identified? Or, is it possible that UFW itself paid the workers to be able to claim a victory?

The bigger question must be, why after spending ten years pushing this lawsuit and no doubt spending tens of thousands of dollars (maybe hundreds of thousands) would the UFW just walk away? Dairy farmers across the state have expressed some disappointment in this settlement, while understanding that for the farmer putting an end to the stress and extreme cost of this kind of litigation provides a welcome relief. Farmers believed that the trial would provide an opportunity for the public, for government leaders and for farm workers to better understand the tactics of the UFW.

The March 2019 article in the Seattle Met focusing on this lawsuit may provide some clues. The first worker involved, according to the article, called in the UFW to complain of missed rest breaks and missed pay. But, that worker and a few others were fired. They claim retaliation for complaining and calling in the union. The owners of the Ruby Ridge farm, Dick and Ruby Bengen, tell a very different story, corroborated by several workers and taken from court records. The article reports:

*The Bengens say they saw Margarito Saucedo Martinez pull his car over by the barns. He "opened his trunk and proceeded to fill it with grain," reads Ruby's declaration. Other documents accuse him of filching liquid soap, towels, raw milk. When 11 cows died, the Bengens fired another worker who allegedly hadn't been properly feeding animals. They booted two more for violating instructions.*

The accusations the Bengen's made against the UFW leaders and farm workers working with the unions go far beyond this. They say the UFW attempted to force them to sign a union contract without workers having anything to say about it. Phone messages left on Ruby's phone used foul language and threatened her with death, a message recorded and filed with the Franklin County Sheriff's office. Workers loyal to the farm were told they would be shot with a shotgun unless they supported the union. Workers told the Bengens that they were told by the UFW they would receive tens of thousands of dollars for joining the union and workers aligned with the UFW forced cows together so that two were trampled to death. Another union-supporter worker was seen stabbing a cow with screwdriver. The Bengens found the wounded cow and fired the worker.

When "he said, she said" stories like this happen, the truth will often come out through sworn testimony and witnesses. It is interesting that as the trial approached, the UFW altered some of its accusations for the court. Of the 25 initial workers part of the



*Court records show that, according to farm workers, one union supporter employed by the farm stabbed a dairy cow with a screwdriver. The farmer related death threats against his wife and workers supporting the farm as well as theft, damage and other harmful actions by workers supporting UFW. Did UFW walk away from this lawsuit because of concerns about these strong accusations being proven in court?*

complaint only 12 were left for the trial. The accusations of retaliation were all removed. But that did not stop the loud and vicious media and public campaign waged by the UFW. They dubbed the twelve the "Darigold Dozen" even though Darigold, as the processor of milk for about 440 Washington family farms does not own or control any of the farms, including Ruby Ridge. They conducted a five day fast in front of Darigold headquarters in Seattle, and protested to Costco and Starbucks, even bringing in Jesse Jackson to try to pressure the Starbuck's board of directors.

The website pick [justice.com](http://justice.com) documents the efforts of farm workers in California to fight against the UFW and the collusion with the state agricultural labor board. In the most visible case of this collusion and action by farmworkers against the UFW, workers at the Gerawan farm voted to decertify the union. But for five years, the labor board refused to let the worker's voice be heard. It took the California Supreme Court to force the state agency to count the votes. Finally, it was revealed that about 90% of the workers voted out of the union and the UFW was decertified. From its once honorable days under the leadership of Cesar Chavez, the UFW has fallen in farm worker and public support because of its own documented mistreatment of its own employees and illegal actions. From the tens of thousands represented by the UFW in the days of Mr. Chavez, the union now represents less than 1% of all farm workers in California. According to Anthony Raimondo, a California labor attorney involved in litigation involving the UFW, farm workers in every dairy farm in California that had a union contract voted to decertify the union.



*A farmworker milking cows in a Washington dairy farm. Dairy farms part of the Northwest Dairy Association cooperative are required to promote farm employee social welfare and safe, positive and productive work environments for their employees. Independent third-party audits provide assurance of compliance with the highest standards of employee care. The union role of looking out for farm worker interests has largely been assumed by state and federal agencies. Washington has some of the most rigorous worker protections of any state.*

Save Family Farming is a Washington state farm advocacy group led by farmers of various commodity types from across the state. We strongly oppose the tactics of the UFW. We stand strongly in support of farm workers and their rights. We know that with very rare exception, Washington's family farmers place a very high value on their employees, treat them well, and offer some of the highest pay and benefits in the nation. One of our goals is to better inform the public about the way farm workers are treated by their employers and the numerous laws and regulations that protect them. It is our commitment to not allow a union whose primary interest is extracting funds from farm workers pay checks to force representation when workers neither need nor want their representation.

The "victory" declared by the UFW further underlines their growing lack of credibility. Farm workers, farmers and consumers alike can only hope for more such "victories."

## **STATEMENT PROVIDED BY NORTHWEST DAIRY ASSOCIATION AND DARIGOLD FOLLOWING THE RUBY RIDGE/UFW “WALK AWAY” AGREEMENT**

Northwest Dairy Association & Darigold Statement  
May 2019 – Ruby Ridge litigation outcome

- We understand that the Ruby Ridge Dairy lawsuit has been settled.
- We’re not surprised. Ruby Ridge Dairy has a demonstrated track record of good working conditions, as judged by regular independent labor evaluations. They continue to be in good standing with the cooperative.

More info about Ruby Ridge, Darigold and the Northwest Dairy Association:

- Darigold was not part of this 10-year litigation between Ruby Ridge, former farm employees and a labor union. Neither Darigold nor the Northwest Dairy Association (NDA) are privy to the details of its termination.
- It’s important to remember that NDA member farms, such as Ruby Ridge, are independently owned and operated. Ruby Ridge markets its milk to Darigold. Darigold is a wholly-owned subsidiary of NDA that processes and markets the milk produced by NDA member farms.
- At Darigold and NDA, we take worker welfare and safety seriously. We are committed to the ethical treatment of all those who our business touches because it’s the right thing to do and because we care.
- We can’t deliver great-tasting, fresh dairy products without a positive working environment both in Darigold plants and on NDA member farms. People are important to our shared business success.
- NDA member owners are committed to being good stewards of the environment and the animals in their care. Their future and their family’s future depend on it.
- The farmers of NDA operate under a rigorous and comprehensive program to ensure leading edge dairy stewardship and sustainable farm practices. Underlying principles set high standards for all NDA members. One of the four major components of this program promotes farm employee social welfare and safe, positive and productive work environments. Through deployment of these standards and guiding principles, the farmer owners are held accountable to a system of expectations and industry best practices. This is done with professional third-party on-site audits and verified evaluations.
- All NDA farms with 5 or more employees go through regular independent evaluations for working conditions and a positive work environment. NDA has not been able to find anything to support the allegations which a labor union organization continues to claim about member farms. In fact, the results of our inquiries suggest the opposite – a good work environment, and good labor standards practiced across the cooperative with a commitment to continuously improve.