



**Nebraska Meatpacking Industry
Workers Bill of Rights 2015 Annual Report**

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Meatpacking Industry Overview:

The meatpacking industry is one of the most labor intensive, and in some cases one of the most dangerous, of all manufacturing businesses. Over 250 head of cattle or over 600 hogs can be slaughtered and dressed in one hour. In meatpacking plants workers can be exposed to loud machinery for prolonged periods of time as well as a variety of extreme temperatures in order to preserve, cook or cure meat, and facilitate processing.

The Meatpacking Workers Bill of Rights Coordinator keep tracks of reported activity, refers complainants to other agencies, helps educate the meatpacking industry, and provide workers with the correct resources.

Visits and Observations

In the past nine months, since my appointment as the Meatpacking Industry Worker Rights Coordinator, I've visited and inspected a total of 13 meat processing facilities in the state. The selections of the facilities were based on high employee count and location. Furthermore, I saw the need to visit facilities surrounded by high minority counts and assess each facility's accommodations for their non-English-Speaking workers. The following cities were visited: Omaha, Grand Island, Lexington, Hastings, Gibbon, and Crete. I continue to work with facilities in these locations on the following issues.

- Ten out of 13 meatpacking facilities visited were not familiar with the Meatpacking Industry Workers Bill of Rights. Overall, facility representatives lacked knowledge of the Coordinator's efforts and responsibilities and fell short of providing non-English Speaking workers accurate information regarding workers' rights, including Workers' Compensation procedures.
- Six out of 13 meatpacking employee manuals lacked complete information. Examples include: lack of complete description of salary plan and benefits plan, lack of employee's job description, lack of description of work hours and work hours policy, and lack of description of the occupational hazards known to exist relating to the position. Evidence has not been provided to date which would indicate compliance with the information requirements of Neb. Rev. Stat. § 48-2213 (2) or any alternative methods.
- Five out of 13 meatpacking facilities discouraged their employees from organizing. Notices were posted on bulletin boards instructing employees to turn down union representation.
- One of the facilities had subpar privacy and hygienic standards in break room and restroom areas. Two toilets were out of service in the women's bathroom and had not

been replaced. A bathroom stall in the women's bathroom was missing and they used a shower curtain instead. In the same facility, the men's bathroom contained a stall door with growing mold and the break room area needed maintenance, as I found crawling roaches behind hung posters. When speaking to employees, the issues had already been previously expressed to management, but they were never addressed. After I addressed issues to the facility, all were resolved immediately.

- One facility was out of compliance with the Nebraska Wage Payment and Collection Act. The violation was addressed and the meatpacking facility discontinued the practice that led to the violation.

Recommendations:

The meatpacking industry has increasingly relied on the minority labor force to keep up with production levels and to remain competitive in the industry. Minority groups that often re-establish in the state of Nebraska find the meatpacking industry as an opportunity to earn above minimum wage. Applicants are accepted with limited knowledge and skills. Due to the complexity of language barriers and lack of understanding of customs and domestic laws, this labor force becomes increasingly vulnerable to abuse. This enhanced vulnerability dictates the necessity of the following recommendations:

- Measures should be taken to encourage employers to provide employees complete information not only orally, but also in writing in their identified native language, in order for employees to have full comprehension of company policies, employee benefits, and worker's rights.
- Additional training of supervisors and staff in the meat and poultry industry regarding the Meatpacker Worker's Bill of Rights training would be beneficial.

Direct Complaints and Solutions:

In order to directly identify normal business operations and develop factual information, I maintain an open line of communication with workers and employers. This gives the opportunities for employees to express their concerns without the fear of retaliation and helps me address unlawful practices directly with the employer. For example:

The quality assurance team in a Fremont facility was instructed by their manager to not speak "Spanish" in her presence. After speaking to the employees, I was able to identify that some team members were not fluent English speakers and needed assistance with translation and interpretation. Employees made previous attempts to bring this issue to Human Resources, but were instead turned away and instructed to follow management's orders. The issue was brought

up to Human Resources officials who did not believe it was done with discriminatory purposes. I informed that under Non-English Speaking Workers Protection Act, any employee may not be denied from speaking their native language in order to understand assigned job duties and functions. This case was referred to the Nebraska Equal Opportunity Commission who provides guidance that English-Only rules are justified by 'business necessity' if it is needed for an employer to operate safely and efficiently.

Conclusion:

The safety and protection of meat packing workers is an ongoing concern, particularly among the non-English speaking workforce. Several facilities are working to identify non-English speaking employees' needs and are willing to take a positive approach in embracing change. Such facilities have invested in promoting programs that will encourage non-English speakers to learn English or even get their high school diploma.

Moving forward, I hope to continue to establish relationships with meatpacking industry leaders and work together to keep worker's rights as the top priority.

2015 Activity Log in support of Meatpacking Industry Worker Rights Programs inspections, investigations, consultations, conferences, business meetings and training sessions:

<i>Conferences/ Training Attendance:</i>	<i>12</i>
<i>Lunch Hour & Breaks:</i>	<i>12</i>
<i>Wage Garnishments:</i>	<i>43</i>
<i>Meatpacking plant facility inspections:</i>	<i>13</i>
▪ Crete	1
▪ Gibbon	1
▪ Grand Island	1
▪ Hastings	1
▪ Lexington	1
▪ Omaha	8
<i>Meatpacking Employment Discrepancies, wages, safety & health:</i>	<i>32</i>
<i>Consultation /Referrals to government agencies& community service units:</i>	<i>194</i>
▪ Equal Opportunity Commission	23
▪ Heartland Worker’s Center	13
▪ Human Rights Commission	3
▪ Nebraska Appleseed	3
▪ Nebraska Legal Services	17
▪ Occupational Safety and Health Administration	12
▪ Social Security Referrals	5
▪ Unemployment Insurance Referrals:	24
▪ United Food & Commercial Workers International Union (UFCW)	7
▪ U.S. Department of Labor	35
▪ Worker’s Compensation Court	52