

Workers with Intellectual Disabilities Abused by Texas-Based Company for Years, EEOC Charges



Article By

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Men Subjected to Verbal and Physical Harassment, Housed in Substandard Facilities, and Denied Lawful Wages at Iowa Plant, Federal Agency Alleges

DALLAS - Hill Country Farms, doing business as Henry's Turkey Service ("Henry's Turkey") subjected a group of 31 men with intellectual disabilities to severe abuse and discrimination for more than 20 years, the U.S. Equal Employment Opportunity Commission (EEOC) alleged in a lawsuit filed today in Davenport, Iowa. The company is based in Goldthwaite, Texas, but the work and abuse occurred in West Liberty and Atalissa, Iowa.

According to the lawsuit, No. 3:11-cv-0004 CRW-TJS, filed in U.S. District Court for the Southern District of Iowa, Henry's Turkey exploited these workers, whose jobs involved eviscerating turkeys, because their intellectual disabilities made them particularly vulnerable and unaware of the extent to which their legal rights were being denied. The affected men lived in Muscatine County, Iowa, where they worked for 20 years

as part of a contract between Henry's Turkey and West Liberty Foods, an Iowa turkey processing plant.

"This case is a stark reminder of how important it is for the EEOC to ensure that the Americans with Disabilities Act is fully enforced," said EEOC Chair Jacqueline A. Berrien. "Workers with intellectual disabilities should never be subjected to the demeaning and discriminatory treatment alleged in this case."

Specifically, the complaint alleges that the owners and staffers of Henry's Turkey denied the workers lawful wages, paying them only \$65 a month for full-time work; subjected them to abusive verbal and physical harassment; restricted their freedom of movement; and imposed other harsh terms and conditions of employment such as requiring them to live in deplorable and sub-standard living conditions, and failing to provide adequate medical care when needed.

Verbal abuses included frequently referring to the workers as "retarded", "dumb ass" and "stupid". Class members reported acts of physical abuse including hitting, kicking, at least one case of handcuffing, and forcing the disabled workers to carry heavy weights as punishment. The Henry's Turkey supervisors, also the workers' purported caretakers, were often dismissive of complaints of injuries or pain.

Such alleged conduct violates the Americans with Disabilities Act (ADA), as amended by the Americans with Disabilities Amendments Act (ADAAA), which prohibit discrimination on the basis of disability, including intellectual disabilities, in terms and conditions of employment and wages; and bars disability-based harassment. The EEOC filed suit after first attempting to resolve the matter through conciliation.

"This case illustrates the importance of continued vigorous enforcement of the law in this area. The victims in this case were subject to a hostile work environment and discriminatory treatment because of their disability," said P. David Lopez, EEOC General Counsel. "The EEOC stands ready to litigate such cases, wherever in our nation such employment discrimination might take place, to make victims whole and to bring workplaces into compliance with the ADA."

The EEOC will seek to recover lost wages for two years prior to the time that the Henry's Turkey operations were brought to a halt in 2009. The EEOC seeks amounts consistent with minimum wages and based on pay levels commensurate with the work performed by non-disabled workers occupying the same job positions. The agency will also seek the award of compensatory and punitive damages resulting from adverse employment actions and abusive treatment. During its investigation, the EEOC worked closely with Disability Rights Iowa, an organization that works to advance and protect the rights of people with disabilities and its Executive Director, Sylvia Piper.

"The isolation and exploitation these men suffered for many years, while the fruits of their labor were cruelly consumed by their employer, cannot be explained away by good intentions, nor can the violations of the ADA be excused as antiquated social policy," said Robert A. Canino, Regional Attorney of the EEOC's Dallas District Office, which investigated the case and is bringing the lawsuit. "Our society has come a long way in learning how persons with intellectual disabilities should be fully integrated into the mainstream workplace, without having to compromise their human dignity. The ADA provided us with a law enforcement tool to ensure fair treatment for persons with physical and mental disabilities. We are asking the court to apply this law to the fullest extent possible."

The lawsuit follows an EEOC Commission meeting held March 15, 2011, that explored the issue of discrimination on the basis of mental disabilities. On March 24, the EEOC issued its final regulations interpreting the ADAAA, which simplified the determination of who has a "disability" and made it easier for

people to establish that they are protected by ADA.

In addition to the EEOC's ADA claim of disability-based wage discrimination, the U.S. Department of Labor is pursuing a separate minimum wage and overtime suit against Henry's Turkey under the Fair Labor Standards Act, which is set for trial later this year. Additionally, a Final Agency Decision issued on March 8, 2011, by the Iowa Department of Workforce Development, Division of Labor, found Henry's Turkey and its principals responsible for substantial fines for violations of Iowa's wage and hour laws.

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