

DFEH News Brief

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STATE ORDERS TERRA LINDA FARMS TO PAY \$111,000.00 FOR REFUSING TO REHIRE FARM LABORER WHO PROTESTED SEXUAL ASSAULT

ELK GROVE, CA -- The California Department of Fair Employment and Housing (DFEH) today announced the administrative decision that requires Fresno grower Terra Linda Farms to pay \$111,000 in damages in an employment discrimination case prosecuted by the DFEH before the Fair Employment and Housing Commission (Commission).

After a three-day hearing, the Commission, in a precedential decision, found that Terra Linda Farms retaliated against farm labor contract workers Maria Santillan and Maribel Rivas by refusing to rehire the women after Rivas obtained a restraining order and filed a sexual harassment complaint with the DFEH.

Rivas, a Salvadorian immigrant who speaks only Spanish, had obtained a temporary restraining order (TRO) in July 2005 after being assaulted on the job by a co-worker who had followed her home and pulled a gun on her five years earlier. Rivas asked her supervisor, Santillan, also Spanish-speaking, to serve the TRO on the co-worker and in July 2005 filed a sexual harassment complaint against him. For the remainder of the 2005 onion season, the women were subjected to repeated taunts and threats that they would be fired. In 2006, Terra Linda Farms refused to recall the women who had graded, sorted, and bagged onions for the company during each consecutive onion season since 1995.

"California will not tolerate such an egregious violation of civil rights," said DFEH Director, Phyllis Cheng. "The Fair Employment & Housing Act guarantees all California employees the right to be free from workplace discrimination, harassment and retaliation – regardless where they work."

Finding the Fresno grower liable for retaliation in violation of the Fair Employment and Housing Act (FEHA), the Commission ordered Terra Linda Farms to pay \$6,500.00 to compensate Maribel Rivas for her lost wages and \$90,000.00 to compensate Ms. Rivas and Ms. Santillan for their emotional suffering.

The Commission further found Terra Linda Farms liable for failure to prevent discrimination and harassment in the workplace and ordered the company to pay the state's General Fund a \$15,000.00 administrative fine, conduct retaliation prevention training, and post a notice stating that the Commission found the company violated the FEHA and ordered it to pay damages. Terra Linda Farms has appealed the Commission's decision.

"This case illustrates why vigorous enforcement of California's landmark civil rights law remains a California priority 50 years after the Act's passage," DFEH Director

Cheng stated. “Rest assured that for the next 50 years and beyond, the Department and the Commission will steadfastly uphold the law and prosecute civil rights violators.”

The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information, visit our Web site at www.dfeh.ca.gov.

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