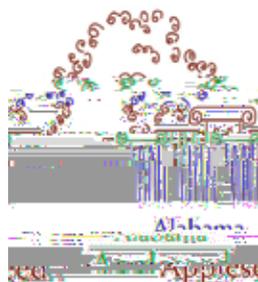


# UNSAFE AT THESE SPEEDS

*Alabama's Poultry Industry and its Disposable Workers*

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## About the Southern Poverty Law Center

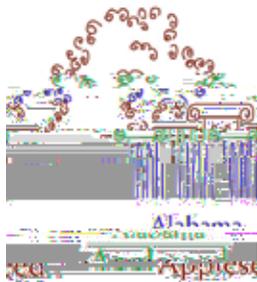
The Southern Poverty Law Center, based in Montgomery, Ala., is a nonprofit civil

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SPLC  Southern Poverty Law Center



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constant pain and even choosing to urinate on themselves rather than invite the wrath of a supervisor by leaving the processing line for a restroom break.

The stories in this report were collected by the Southern Poverty Law Center and Alabama Appleseed from interviews with 302 workers currently or previously employed in Alabama's poultry industry. These workers are among the most vulnerable in America.

OSHA, which regulates the health and safety of workers in this country, has no set of mandatory guidelines tailored to protect poultry processing workers. Workers cannot bring a lawsuit to prevent hazardous working conditions or even to respond to an employer's retaliation if they complain of safety hazards or other abusive working conditions. Many live in rural areas and have no other way to make a living, which means they must accept the abuse or face economic ruin.

Making matters worse, the U.S. Department of Agriculture is poised to enact a new regulation that will actually allow poultry companies to *increase* the speed of the processing line – from a maximum of 140 birds per minute to 175. The rule is part of the agency's overhaul of its food safety inspection program, changes that have been harshly criticized by food safety advocates. There is no state or federal line speed regulation designed specifically to protect the safety of workers who produce the food.

This is the face of the modern poultry industry in Alabama – an industry unfettered by serious regulation and blessed with a vulnerable workforce that has lacked a voice in the halls of government and has little power to effect change. This report presents survey findings and examines how flawed policy, lack of oversight and weak enforcement has allowed this exploitation to thrive. It also offers recommendations to end it.



Juan (not his real name) was told to get back to work after falling while lifting an 80-pound box of chicken. X-rays later showed two fractured vertebrae. He was fired, and the employer has not paid any of his medical bills.



SECTION ONE

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When Oscar heard that a poultry processing plant in Alabama was looking for workers, he thought he could apply the skills he learned from studying mechanical engineering in Cuba. “I

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@ lA f6g h6cg f6h6) f6h6) ny Ag6 p f6h6) Ag6 p f6h6) p6 p6 w6 p6 h6 f6 w6 f6

Consistent with the results of this survey, many medical studies have found high rates of injuries among poultry workers, especially repetitive motion and other musculoskeletal disorders (MSDs) such as carpal tunnel syndrome, where muscles or tendons develop chronic pain, swelling and numbness from overuse and the repetition of strenuous cutting, hanging and other motions.<sup>5</sup>

Two-thirds (66 percent) of the workers interviewed in this survey described suffering from hand or wrist pain, swelling, numbness or an inability to close their hands – symptoms of long-term repetitive motion-related musculoskeletal disorders.

This rate was even higher among workers doing the jobs most affected by the speed of the processing line – jobs that require workers to repeat strenuous motions thousands of times a day. Workers in these jobs who described such pain included:

- 86 percent of workers cutting wings;
- 80 percent of workers deboning chicken carcasses;
- 76 percent of workers doing deboning, cutting and trimming jobs; and
- 74 percent of workers doing hanging jobs.

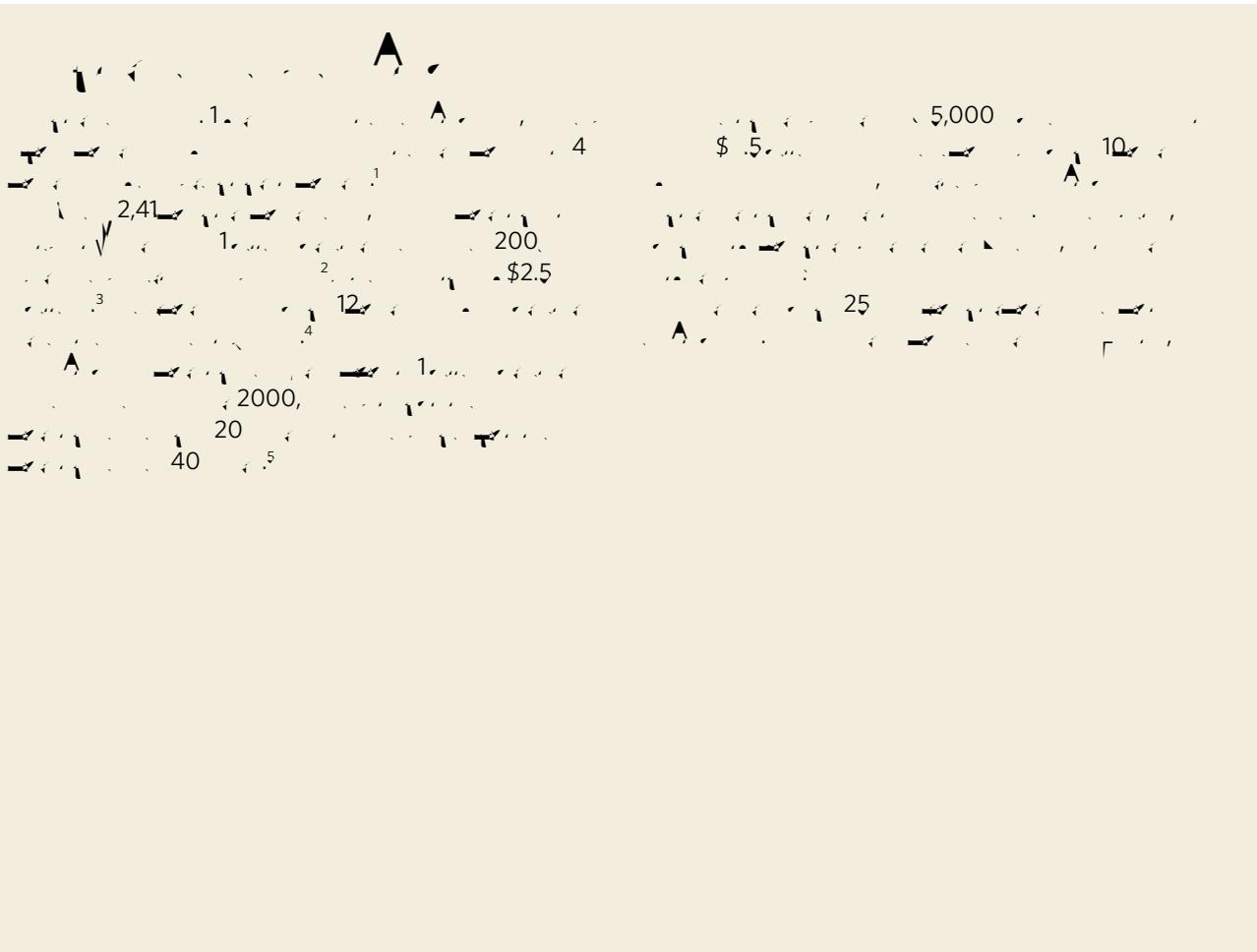
Musculoskeletal injuries and disorders extend beyond the symptoms of carpal tunnel syndrome and other hand and wrist pain. About one-third of the workers surveyed identified pain or injuries to their back, shoulder or arm.

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The workers in our survey attribute much of their pain and injuries to the speed of the processing line; 78 percent of workers surveyed said that the line speed makes them feel less safe, makes their work more painful and causes more injuries.<sup>6</sup> Few of these workers knew of instances where the line was slowed to address such concerns.

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5. L. A. ... , *Upper Body Musculoskeletal Symptoms of Latino Poultry Processing Workers and a Comparison Group of Latino Manual Workers*, *...* 1, (2012) L. A. ... , *The Prevalence of Carpal Tunnel Syndrome in Latino Poultry-Processing Workers and Other Latino Manual Workers*, 54 *...* 1, 201 (2012) L. A. ... , *Evidence of Organizational Injustice in Poultry Processing Plants: Possible Effects on Occupational Health and Safety Among Latino Workers in North Carolina*, 52 *...* 3, 3 (200.)




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1 Alabama Department of Agriculture & Forestry, *Alabama Agriculture: A Guide to the State's Farms, Food and Forestry* (2012).

2 Alabama Department of Agriculture & Forestry, *Poultry & Eggs: Statistics & Information*, [http://www.alabamadepartmentofagriculture.com/Portals/0/Statistics/Poultry & Eggs: Statistics & Information, http://www.alabamadepartmentofagriculture.com/Portals/0/Statistics/Poultry & Eggs: Statistics & Information, 2](http://www.alabamadepartmentofagriculture.com/Portals/0/Statistics/Poultry%20and%20Eggs/2012/Poultry%20and%20Eggs%202012.pdf) (2012).

3 See *id.*

4 Alabama Department of Agriculture & Forestry, *Alabama Agriculture and Forestry: Special Rept. No. 9* (2010), *supra* note 2.

5 Alabama Department of Agriculture & Forestry, *Alabama Agricultural Statistics: Bulletin 52* (2010).

Some workers recalled incidents in which other workers were fired or threatened for asking to slow the line (8 percent), and some (12 percent) said that supervisors actually *sped up* the line when workers asked to slow it down.



When I was in so much pain that I had to stop, I asked for breaks, but the company told me I had to keep working. I can't use my arms, wrists and hands the way I could before I worked in the poultry plant,

— CARLOS

jobs had suffered a cut serious enough to require some medical attention. Company nurses often just gave workers Band-Aids for lacerations and sent them back to the processing line.

One worker said that after such an experience, the “chicken water” – water that is on the bird carcasses and found throughout the processing plants – would get into his bandage, keeping his cuts wet and eventually dislodging his bandage as he worked. His cuts became infected and continued to bleed weeks after his initial injury.

Other workers also relayed stories that show they are expected to suffer in silence.

“These jobs were very repetitive,” said Carlos, who cut chicken wings and breasts. “My hands swelled up and were extremely painful. When I was in so much pain that I had to stop, I asked for breaks, but the company told me I had to keep working. Because of the pressure to work fast, I can't use my arms, wrists and hands the way I could before I worked in the poultry plant.”

Carlos eventually quit his job.

“I was afraid that I would lose my hands completely,” he said. “I am 43 years old. I have four kids, and I have to support a family. And the only thing I know how to do for work is with my hands. And I can barely use them now.”

It's difficult to determine the real number of injuries in the poultry industry because data compiled by OSHA often underreports the frequency and severity of injuries and illnesses in all workplaces.

One study suggests that Bureau of Labor Statistics data on workplace injuries, which is based on OSHA reports, missed between 33 percent and 69 percent of all workplace injuries in 2009 and that undercounting is likely an ongoing problem.<sup>9</sup>

Employers are supposed to log worker injuries on a *Log of Work-Related Injuries and Illness* (Form 300), also known as OSHA 300 logs. They are instructed to include work-related injuries and illnesses that result in death, loss of consciousness, days away from work, restricted work activity or job transfer, or medical treatment beyond first aid. They also must include any work-related injuries and illnesses that are significant<sup>10</sup> or meet any of OSHA's additional criteria.

Such injuries are often omitted, whether accidentally or intentionally, by employers.<sup>11</sup> This

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9. Bureau of Labor Statistics, *An Estimate of the U.S. Government's Undercount of Nonfatal Occupational Injuries*, 4 (Bureau of Labor Statistics, 2004).

10. See, e.g., Bureau of Labor Statistics, *Two-Thirds of Michigan Burn Cases Not Counted in BLS Survey*, Study Finds, 42 (Bureau of Labor Statistics, 2012).

11. Bureau of Labor Statistics, *Workplace Safety and Health: Enhancing OSHA's Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data*, 10-10 (Bureau of Labor Statistics, 2007), available at <http://www.bls.gov/iif/oshwc/osh/1010.pdf>.

underreporting on OSHA 300 logs is due in part to worker fear of retaliation.<sup>12</sup>

This survey found that 66 percent of participants believed workers were scared or reluctant to report injuries, and that 78 percent of respondents attributed this reluctance to fear of being fired.

Other studies have noted that employers have incentives to underreport workplace injuries. This practice can keep workers' compensation insurance premiums low, avoid triggering OSHA inspections, and promote an image as a safe workplace in order to avoid paying the higher wages workers might demand for hazardous work.<sup>13</sup> Many workers interviewed in this survey said they were required to work even when seriously hurt – a tactic that can help an employer keep the number of reportable lost-time injuries low.

On top of these incentives for companies to underreport injuries, there is little incentive to report them accurately. Among the 20 inspections of Alabama poultry processing plants conducted by OSHA since October 2007, six plants were cited a total of 16 times for record-keeping violations, but 10 of these citations were either deleted or the fines for the citations were reduced to zero.<sup>14</sup>

These factors render many of the injuries experienced by poultry workers invisible – at least in terms of official injury records. Even worse, musculoskeletal injuries, which plague workers in this industry, aren't tracked by OSHA. The agency doesn't even have a check box on the OSHA 300 injury logs to indicate a musculoskeletal injury.<sup>15</sup>



Workers like Gabriela find their employers have incentives to underreport injuries to OSHA.

12 See, e.g., *id.*, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. *Id.*

13 See, e.g., *supra* note 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. See *Statistics & Data*, *supra* note 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300.

15 See *supra* note 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. (1, 2011) (1, 2012) (1, 2013) (1, 2014).



## SECTION TWO

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When Diane\*





the company to quickly dispose of workers who have endured harsh working conditions as they've helped the company turn a profit.

This points system cost LaTonya, a young African-American woman, her job at a poultry plant in North Alabama where she cut chicken legs and thighs. She has asthma, which occasionally flared up and forced her to leave work. Sometimes her supervisors or the plant nurse ordered her to leave work to recuperate, an uncommon occurrence in an industry where injured and ill workers are often coerced into working even when ill or injured.

But even on the days LaTonya was told to leave the plant, she received a point under the points system. Her employer even denied her request to work in areas that did not aggravate her condition. Instead, she was forced to work in rooms that both she and her supervisors knew made it difficult for her to remain at work.

LaTonya received her final point when she needed emergency medical care.

On that day, her supervisors attempted to force her to stay at work. When she insisted that she needed medical treatment a plant nurse couldn't provide, her supervisor told her that if she left, she would "point out."

In other words, she would be fired.

LaTonya feared for her health. She made the difficult decision to go to the hospital, even though it meant losing her job.



Fernanda



Wilfrido

A recent lawsuit brought by the Equal Employment Opportunity Commission (EEOC) highlights a legal problem with points systems. In *EEOC v. Verizon Wireless*,<sup>18</sup> the EEOC alleged that no-fault attendance policies – such as the points system frequently used by poultry plants – violate the Americans with Disabilities Act.<sup>19</sup>

The EEOC argued that Verizon Wireless was required to provide reasonable accommodations to disabled employees that would allow them to continue working. Such reasonable accommodations include not receiving points for absences caused by their disability and its symptoms.

The EEOC's argument in this case, which was settled out of court, recognizes that points systems discriminate against workers with disabilities.<sup>20</sup> These workers could continue working if the company permitted them to take the time to seek medical treatment and recover as needed. Refusing to do so while forcing employees to engage in such demanding and dangerous jobs is unjust and illegal.

Until the poultry industry ends these policies, its workers will continue to discover what workers before them have learned about the industry.

"It's a house of pain in there," Kendrick said.

18. *EEOC v. Verizon Wireless*, 2011-1-01320 (C.L.D., 5/11/11).

19. *EEOC v. Verizon Wireless*, 2011-1-01320 (C.L.D., 5/11/11).

20. *EEOC v. Verizon Wireless*, 2011-1-01320 (C.L.D., 5/11/11). See *EEOC v. Verizon Wireless*, 2011-1-01320 (C.L.D., 5/11/11).



1. The Act, § 25-5-1(c) (2003), requires that the Commission determine whether the employee's conduct was "substantially related to the employee's job." (2003).

2. The Commission has held that an employee's conduct is substantially related to the employee's job if the conduct is "inherently dangerous to the public or the community." (2003).<sup>1</sup> In *USX Corp. v. Bradley*, 1997 WL 421,425 (Ala. 2003), the Commission found that an employee's conduct was substantially related to his job because the conduct was "inherently dangerous to the public or the community."<sup>2</sup>

3. The Commission has also held that an employee's conduct is substantially related to the employee's job if the conduct is "inherently dangerous to the public or the community." (2003).<sup>3</sup> In *USX Corp. v. Bradley*, 1997 WL 421,425 (Ala. 2003), the Commission found that an employee's conduct was substantially related to his job because the conduct was "inherently dangerous to the public or the community."<sup>4</sup>

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1. Ala. Code § 25-5-1(c) (2003).  
2. *USX Corp. v. Bradley*, 1997 WL 421,425 (Ala. 2003).  
3. See, e.g., Ala. Code § 25-5-1(c) (2003).  
4. *Blood, Sweat and Fear: Workers Rights in U.S. Meat and Poultry Plants* 5 (2005), available at [http://www.oxfordjournals.org/](#)

3. See, e.g., Ala. Code § 25-5-1(c) (2003).  
4. *Blood, Sweat and Fear: Workers Rights in U.S. Meat and Poultry Plants* 5 (2005), available at [http://www.oxfordjournals.org/](#)

5. *Blood, Sweat and Fear: Workers Rights in U.S. Meat and Poultry Plants* 5 (2005), available at [http://www.oxfordjournals.org/](#)

6. *Blood, Sweat and Fear: Workers Rights in U.S. Meat and Poultry Plants* 5 (2005), available at [http://www.oxfordjournals.org/](#)

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5. *Blood, Sweat and Fear: Workers Rights in U.S. Meat and Poultry Plants* 5 (2005), available at [http://www.oxfordjournals.org/](#)



## You need to cut the chicken, not go to the bathroom,

hazards – a fear that seriously endangers workers in a profession that reported 300,000 injuries between 1998 and 2008.<sup>21</sup>

The majority of workers uncomfortable asking for hazards to be addressed (58 percent) also said they were afraid they might be fired for reporting a safety violation or requesting an improvement in work conditions. This reluctance was particularly high among workers who have witnessed retaliation or some adverse response to such requests (see table below).

Even without the fear of job loss, some workers may believe their request will be ignored. Only a tiny percentage of respondents (8 percent) knew of an instance when they or a co-worker asked a supervisor to improve working conditions in some way and the request was granted. This sets a dangerous precedent for workers laboring in processing plants where chemicals, blood, animal waste and other hazards abound.

The health issues workers witness within the processing plants can be disturbing. Patricia,\* an indigenous woman from southern Mexico who has worked in two poultry processing plants, said she became frightened when her co-workers suddenly developed warts. The workers suspected it was caused by exposure to the “chicken water,” which can contain chemicals and waste from all over the plant.

Wilfrido, a 12-year veteran of Alabama’s poultry processing plants, has watched his co-workers’ fingernails blacken and fall off. Exposure to chemicals and other liquids apparently blackens their fingernails and causes the skin on their fingers to harden and retract from the nails, which ultimately fall off.

Behind these stories and others like them are workers coping with a variety of ailments.

The survey found that 14 percent of all participants reported skin problems, 18 percent described eye pain or vision problems, and 21 percent described respiratory problems. It found that 30 percent of sanitation workers, the workers most exposed to strong cleaning chemicals,

The responses in the table below suggest that when workers see retaliation against themselves or a colleague for attempting to report a problem, it makes them even more fearful of trying to do so in the future.

	Yes	No
Have you ever reported a safety violation or requested an improvement in work conditions?	58%	42%
Were you ever afraid you might be fired for reporting a safety violation or requesting an improvement in work conditions?	55%	45%
Have you ever witnessed retaliation or some adverse response to such requests?	5%	95%
Have you ever known of an instance when you or a co-worker asked a supervisor to improve working conditions in some way and the request was granted?	1%	99%
Have you ever known of an instance when you or a co-worker asked a supervisor to improve working conditions in some way and the request was ignored?	0%	100%

<sup>21</sup> L. & S. (2010). *The Perils of Processing*. (2010). *Injustice on Our Plates: Immigrant Women in the U.S. Food Industry*, 3 (2010) 25, 2010).

\* Name changed.

My hand always sells a lot – and even more if I don't have time to sharpen the knife,

— SANDRA

described experiencing respiratory problems at work. Yet, fear silences them.

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This silence even extends to the most basic request: Permission for a bathroom break.

Of the 266 workers answering questions about bathroom breaks, nearly eight in 10 (79 percent) said they are not allowed to take breaks when needed.

The long-term health consequences of being unable to use the bathroom when the body needs this relief are well-documented and serious.<sup>22</sup> But such findings do little to deter supervisors determined to keep workers on the processing line at all costs.

“You need to cut the chicken, not go to the bathroom,” was the response one worker said he got from his supervisor. This worker eventually walked off the processing line because he could wait no longer.

Workers have reported policies limiting bathroom breaks to five minutes – a period during which they must remove protective gear, leave the processing floor, return to the floor and put their protective gear back on. This leaves very little time for actual human necessities. Workers described stripping off their gear while running to the restroom, an embarrassing but necessary action to meet the strict five-minute time limit. This race to the bathroom is also dangerous because processing plant floors can be slippery with fat, blood, water, and other liquids.

Some workers said they dealt with the issue of bathroom breaks by not consuming water before and during shifts – a serious health risk. Others, fearful of losing their jobs, said they had no choice but to relieve themselves as they worked the processing line.

Even without these issues, workers on the processing line still face a painful problem – dull knives. Access to sharp knives is one of the most basic recommendations from the U.S. Occupational Safety and Health Administration (OSHA)<sup>23</sup> and the Government Accountability Office.<sup>24</sup> Quite simply, dull knives require workers to exert more stress in



When Lilia asked for sharper knives, her supervisors became angry. A year after leaving the industry, her left arm still goes numb and she can't sleep at night.

22. L. ... & ... , *Void Where Prohibited: Rest Breaks & the Right to Urinate on Company Time* 4, 54 (1... ) C...

23. ... , *Guidelines for Poultry Processing: Ergonomics for the Prevention of Musculoskeletal Disorders*, ... 3213-0... , 2004, available at ...

24. ... -05-... , *supra* ... 5, ... 31-32.



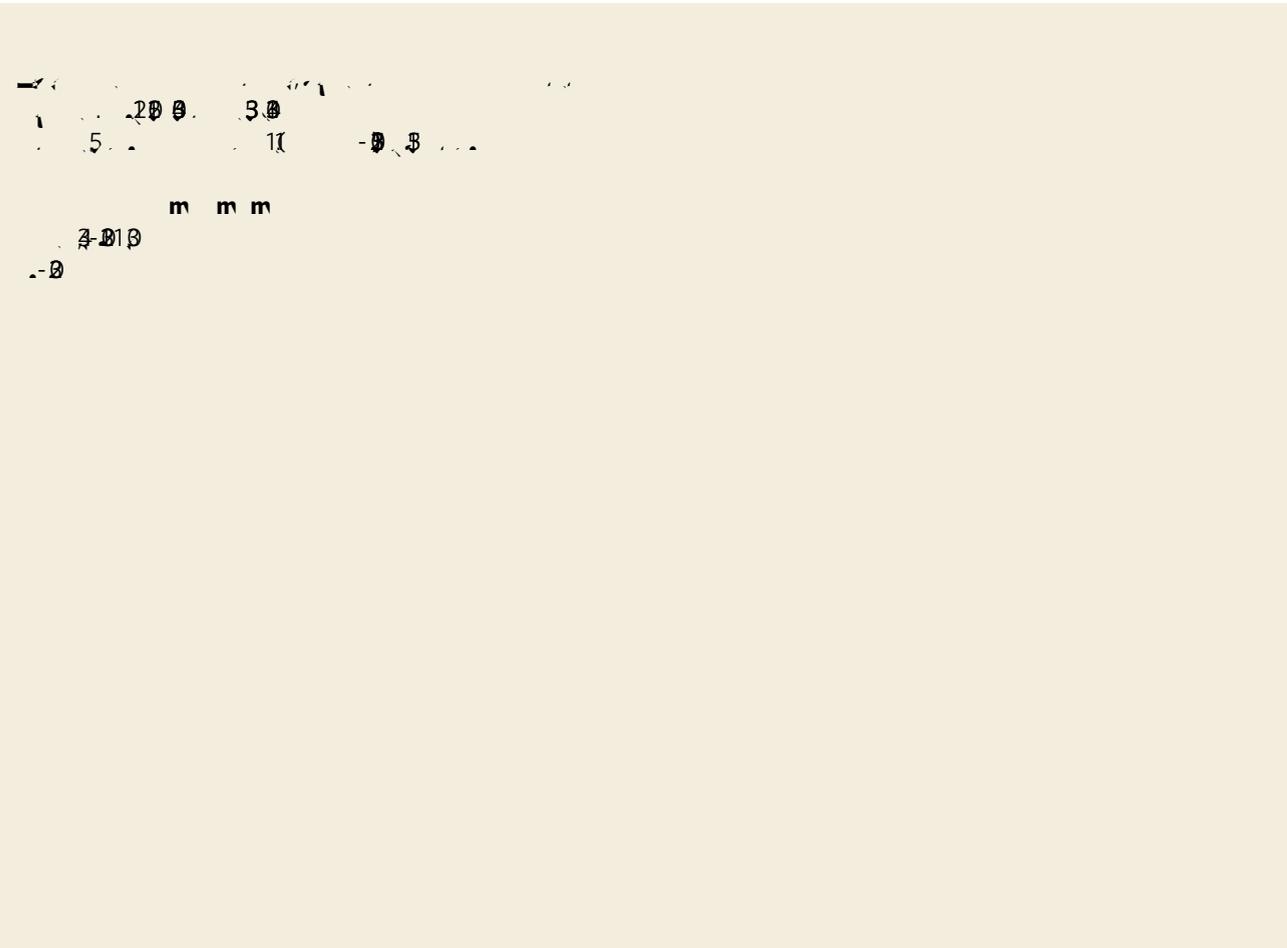
difficult and painful.

“My hand always swells a lot – and even more if I don’t have time to sharpen the knife,” said Sandra, a Latina mother of four with eight years in the industry.

**A**

Workers also reported being denied the opportunity to rest muscles fatigued from repeating the same motion thousands of times. OSHA recommends such breaks,<sup>25</sup> but many workers described being permitted only two breaks in a shift – one lasting 30 minutes and another lasting 15 minutes.

But even the 30-minute break offers little time for rest. Just as workers must race to the



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25 <sup>A</sup>, *Guidelines for Poultry Processing*, *supra* 23.





suggests that training has a positive effect.

# United Nations: Human Rights Include Worker Rights

Human rights are the rights that all people are entitled to, regardless of their race, sex, religion, or national origin. These rights are enshrined in the Universal Declaration of Human Rights, which was adopted by the United Nations in 1948. The Declaration states that everyone has the right to work, to just and favorable conditions of work, and to the right to form and join trade unions for the protection of their interests.

**7%**  
of the U.S. workforce is made up of immigrant workers.

Immigrant workers are a vital part of the U.S. economy, contributing to the growth and development of the country. They are often employed in low-wage, high-risk jobs, and they face many challenges, including discrimination, exploitation, and limited access to social services.

The United Nations has long been a leader in the promotion and protection of human rights. It has established a comprehensive system of human rights treaties, monitoring mechanisms, and reporting procedures. The United Nations also provides technical assistance and capacity building to help countries improve their human rights records.

Human rights are not just a moral imperative; they are also a practical necessity. They are essential for the development of a just and equitable society. When human rights are violated, it leads to social instability, economic stagnation, and human suffering. The United Nations has a responsibility to ensure that human rights are protected and promoted in all parts of the world.

Worker rights are a fundamental part of human rights. They are the rights that workers are entitled to in the workplace, including the right to fair wages, safe working conditions, and the right to organize and join trade unions. These rights are essential for the well-being and dignity of workers.

The United Nations has a long history of advocating for worker rights. It has established a system of human rights treaties that include provisions for the protection of worker rights. The United Nations also provides technical assistance and capacity building to help countries improve their worker rights standards.

1 See *Immigrant Workers in the United States Meat and Poultry Industry*, U.S. Department of Labor, Bureau of Labor Statistics, 15, 2005.

2 *Human Rights and the Environment*, U.N. Doc. E/CN.4/Sub.2/1993/12/Add.1, 2003 (U.N. Doc. E/CN.4/Sub.2/1993/12/Add.1, 2003).

3 *Human Rights and the Environment*, U.N. Doc. E/CN.4/Sub.2/1993/12/Add.1, 2003 (U.N. Doc. E/CN.4/Sub.2/1993/12/Add.1, 2003).

## SECTION FOUR

# A

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A remarkable transformation took place at one Alabama poultry plant whenever the U.S. Occupational Safety and Health Administration (OSHA) conducted an inspection.

“When the big shots visit the plant, we’re told to clean, work and follow policies,” a poul











The low level of civil penalties is visible in the data on OSHA's enforcement efforts in Alabama's poultry processing plants, which have seen 20 inspections in the past five years, resulting in 78 citations and slightly more than \$184,000 in fines actually paid. Twenty-two of these citations were deleted or excluded from the formal record. These 22 citations include three citations assessed at the most serious level.<sup>47</sup>

Most fines are low, often \$5,000 or less.<sup>48</sup> These fines are often waived or greatly reduced during settlement. Alabama poultry plant employers paid the full fine issued for only 17 of the 78 citations issued for workplace safety violations during the past five years.<sup>49</sup>

Quite simply, it is often cheapest for employers to settle than to fight a citation. In fact, the vast majority of citations are settled, and the vast majority of fines are waived or reduced.

SECTION FIVE

**A m B 56 m**



When Alabama (B10)



processing line.

The workers were hired, but they had to pay their own way to Alabama. Once they arrived, they discovered they had been lured to the mainland with false promises. Instead of hanging live chickens for \$10.50 an hour, they were tasked with deboning chickens for \$8.90 an hour. Their pay shrank even more as deductions were taken for company housing, temporary use of furniture and other fees.

Gabriela, Ivan, Rodrigo and Jessica\* were among these workers. They, like other Latino workers, said they faced discrimination at the plant. They were required to perform more work than their non-Latino co-workers, harassed and insulted with comments such as “andale, andale” – apparently a mocking reference to Looney Tunes character Speedy Gonzales. Some workers even had feathers and bloody chicken parts thrown at them while working.

Their complaints were met with the same excuse: “If you don’t like it here, you can go back to Puerto Rico.”

The workers felt trapped.

Jessica attempted to make the best out of a bad situation. But things went from bad to

## Doing the Work of Three People



worse. She was sexually harassed at work. It continued even after she rejected her harasser's advances. Jessica was trapped in an unfamiliar region where she didn't speak the language.

"I couldn't leave because I had nowhere else to go," she said.

Ultimately, Jessica and her three co-workers were fired. They were never told why. And they never had an opportunity to defend their rights. A subcontractor even cut off the electricity and heat to their company housing. They were forced to leave.

The message was clear: The company had gotten what work it could get out of them. Now it was finished with them.

Some Alabama companies sought out political refugees to fill vacant jobs in the wake of HB 56.

"The demand is still there," Albert Mbanfu, refugee employment director for Lutheran Services of Georgia, told Bloomberg Businessweek in October 2012. "Even now, if I called [Wayne Farms], they would say, 'Send all of them.'" <sup>58</sup>

But refugees and others unfamiliar with rural Alabama are often vulnerable to exploitation. The promises companies make to these potential workers are too often false. The work conditions are almost always grueling and harsh. And on p. 61 of a report by the U.S. Dept. of Justice, Office of Inspector General, titled "Immigrants and Refugees in Alabama: A Study of the Impact of HB 56 on the Labor Market," it is noted that many of these workers are exploited and their rights are often violated.

Americans eat more than 50 pounds of chicken each year, on average, making it the country's most popular meat.

But while Americans enjoy the luxury of this relatively inexpensive and always available food, tens of thousands of low-paid workers who produce this bounty are paying a steep price.

They spend long hours keeping pace with relentless poultry processing lines and endure grueling conditions that leave many with painful and, often, permanent injuries from the stress of countless, repetitive motions required to turn chicken carcasses into consumer products. They are treated by their employers as a resource that can be tossed aside once they are used up or broken beyond repair.

Yet, they're the reason Americans can count on finding boneless, skinless chicken breasts at their local supermarket. They're the reason a fast-food joint can churn out an endless stream of chicken nuggets or a platter of Buffalo wings.

While the poultry industry has been built on the backs of these workers, they enjoy few legal protections, and federal regulations do little to protect their health and safety. In fact, a new rule proposed by the U.S. Department of Agriculture (USDA) will make their jobs even more dangerous by increasing the speed of poultry processing lines up to 175 birds per minute.

But reforms can help protect poultry workers and improve their working conditions.

The U.S. Occupational Health and Safety Administration (OSHA) should stop the epidemic of repetitive motion injuries in poultry processing plants by limiting line speeds and the number of repetitions required of workers; by enforcing rights to bathroom and other rest breaks; and by requiring other ergonomically sound practices. The USDA should withdraw its proposed rule that would allow companies to increase line speeds.

State lawmakers can also take action. In 2003, Nebraska enacted a Meatpacking Workers Bill of Rights. Among other rights, this state law included the right of workers to have proper tools, the right to be free from discrimination, and the right to a safe workplace.<sup>59</sup> Currently, all Nebraska employers within the meatpacking industry must follow the bill of rights.<sup>60</sup> Alabama, Georgia and Arkansas, the three leading poultry-producing states, are not among the 27 states that have job safety and health standards approved by OSHA as being at least as effective as federal standards.<sup>61</sup>

It is the responsibility of policymakers to protect the hard-working people who produce our nation's food. The current system may provide greater profits to the nation's large poultry companies, but it relies on systematic exploitation of workers. It must be reformed. Detailed recommendations are proposed on the following pages.

59. Nebraska Statutes, §§ 4-220, 4-2214. (2003).

60. *Dignity On The Line: An Evaluation of The Nebraska Meatpacking Workers Bill of Rights*, 1 (2003), available at [http://www.osha-slc.org](#).

61. *Occupational Safety and Health Administration*, supra note 50, available at [http://www.osha-slc.org](#).

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## Federal Recommendations

Mandate a decrease in poultry processing line speeds.

→ A “... 15...”

→ A “... A...”

Reinstate a federal ergonomic standard.

→ A “... recommends”  
2

→ A “... ”

2. See, e.g., *Statistics & Data, supra* 14.





## Alabama Recommendations

Follow Nebraska's lead and enact a Meatpacking Workers Bill of Rights.

- ➔ [Nebraska Meatpacking Workers Bill of Rights](#), available at [https://www.nebraska.gov/documents/legislative/legislation/2019-2021/bills-200-399/2019-02-01-2019-02-28/2019-02-01-2019-02-28\\_bill\\_0001\\_0001.pdf](https://www.nebraska.gov/documents/legislative/legislation/2019-2021/bills-200-399/2019-02-01-2019-02-28/2019-02-01-2019-02-28_bill_0001_0001.pdf)
- ➔ [Alabama Meatpacking Workers Bill of Rights](#), available at <https://www.alabamapublicaccess.gov/bills/2019/2019-0001>
- ➔ [Alabama Meatpacking Workers Bill of Rights](#), available at <https://www.alabamapublicaccess.gov/bills/2019/2019-0001>

Strengthen state health and safety laws to improve working conditions.

- ➔ [Alabama Occupational Safety and Health Act](#), available at <https://www.alabamapublicaccess.gov/bills/2019/2019-0001>
- ➔ [Alabama Occupational Safety and Health Act](#), available at <https://www.alabamapublicaccess.gov/bills/2019/2019-0001>

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<sup>3</sup> [Alabama Occupational Safety and Health Act](#), available at <https://www.alabamapublicaccess.gov/bills/2019/2019-0001>





The Southern Poverty Law Center and Alabama Appleseed interviewed 302 workers currently or previously employed in the state's poultry industry. We interviewed workers who resided in more than 20 cities and towns across North and South Alabama.

Survey participation was voluntary. No material incentive was offered to participants. No participants were pre-screened for their point of view.

The workers were employed in 20 poultry plants owned by eight different companies. Chicken catchers employed by subcontractors affiliated with several of these companies were also interviewed. Most of the workers identified by name in this report appear under pseudonyms to protect them from possible retaliation.

We interviewed a diverse sample of workers: 54 percent were Latino, 37 percent were African American and 9 percent were white. Our sample was 56 percent male and 44 percent female.

At least 10 percent of the workers surveyed speak an indigenous Latin American language. We found that 53 percent of survey participants speak at least some Spanish. Forty-two percent speak English as their primary language. Among the immigrant workers participating in the survey, 64 percent had lived in the United States for 10 years or less.

We conducted interviews lasting 45 minutes, on average, with workers whose experience covers all aspects of the poultry industry.<sup>64</sup> Fifteen current or former supervisors participated in our interviews. We restricted our sample to include only workers with more than one month at a job and those who had held a job in the industry within the last five years.

Participants were asked approximately 70 questions about safety practices and equipment in the workplace as well as their experience with line speed, workplace safety and rights enforcement. We also asked workers about their experience with injuries and employer response to injuries. We asked about employment discrimination and other working conditions, including wages and work hours, bathroom and rest breaks, and access to medical care.

The survey found that 37 percent of participants had worked in two or more poultry plants – a reflection of the heavy turnover in the industry and the lack of other job opportunities in many poultry towns. Since we often declined interviews with workers who had worked in poultry jobs for short periods of time, this survey likely reflects a higher level of worker experience and longevity than is typical for the industry. The data in the table on page 50 is intended only to provide a picture of the experience level of the workers providing information for this report.

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<sup>64</sup> See <https://www.splcenter.org/sites/default/files/2019-08/Alabama%20Appleseed%20Poultry%20Industry%20Survey%20Report%20-%20Final%20-%208-2019.pdf>.

	N = 302	N = 253
1	24%	3.1%
1 - 3	21.4%	2.1%
3 - 5	1.1%	12.1%
5 - 10	2.4%	1.1%
> 10	12.2%	3.1%

Interviews were conducted primarily in individuals' homes, though some were conducted in church halls. A handful of interviews were completed by telephone. Participants were not interviewed at their worksites – a step taken to ensure workers felt they could speak openly about their experiences.

While the goal was to obtain a response to all of the survey's questions, workers could decline to answer any question. In some surveys, time and the demands of the worker's life – such as the need to attend to a family member or to leave for work – left a survey unfinished.

In such cases, interviewers attempted to complete the survey questions by telephone or at a later date. However, this was not always possible. This "item non-response" is typical in



David Bundy Cover, pages 2, 6, 9, 10, 14, 21, 23, 27, 28, 30, 37  
Edward Badham Pages 2, 5, 13, 16, 18, 38, 52  
Verónica Bustabad Pages 9, 19  
Getty Images Cover

**A** The Southern Poverty Law Center and Alabama Appleseed Center for Law & Justice would like to thank the many individuals and organizations who gave their time, space and expertise to the project, particularly the courageous women and men who agreed to share their stories. This report would not have been possible without their participation.

Church leaders, union members, small business owners and other community leaders provided invaluable assistance by identifying areas for outreach and providing secure spaces to hold community discussions and interviews. We hope that our work builds on the longstanding efforts of the many workers, medical researchers and members of the labor movement who have dedicated their lives and careers to protecting the health and safety of workers everywhere. We owe a great debt for their insight, analysis and inspiration.

Special thanks are due to the dedicated interview team for their long hours spent listening carefully, and also to Micah Gell-Redman, José Aguilar, Charlotte Sanders Alexander, Leah Lotto, Jeremy Blasi, Scott Nova, and the supporters of the Southern Poverty Law Center and the Alabama Appleseed Center for Law & Justice.

