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GROUPS SUE DEPARTMENT OF LABOR OVER FOREIGN GUESTWORKER DOCUMENTS

DOL fails to release information to farm worker advocates about employers who hire foreign guestworkers before U.S. workers

(Washington, D.C.) The nation's leading farmworker advocacy organizations today filed a lawsuit against the U.S. Department of Labor (DOL) under the Freedom of Information Act for its failure to release information about employers who have used the H-2A visa program to hire foreign guestworkers instead of U.S. workers. The lawsuit, by United Farm Workers and Farmworker Justice, was filed in the U.S. District Court for the District of Columbia. The groups are represented by attorneys with Public Citizen and Farmworker Justice.

"U.S. employers must publicize jobs to U.S. workers before they are allowed to hire foreign workers," said Erik Nicholson, international director of the United Farm Workers' guestworker program. "The Department of Labor has a legal obligation to issue public information about these hiring practices so that U.S. workers can apply for the jobs in time and so that advocates can protect farmworkers."

The H-2A program permits agricultural employers to import foreign guestworkers only if they can prove that there are not sufficient workers for the job within the U.S. To prevent undermining U.S. farmworkers' standards, the employers have to prove they are offering acceptable wages and working conditions. Farmworker advocates suspect many employers have violated this practice and that DOL documents would provide evidence. The groups want copies of applications to ensure employers and the DOL are complying with laws that regulate wages, benefits and working conditions within the United States.

"The Department of Labor has been secretly planning a major revision of the H-2A program to lower wage rates and enable employers to hire guestworkers instead of U.S. workers," said Bruce Goldstein, executive director of Farmworker Justice. "The DOL must produce the records of employers who may have already been illegally hiring foreign workers. We hope this lawsuit pressures the Department of Labor to comply with the law and protect U.S. workers' rights," he concluded.

The United Farm Workers and Farmworker Justice have been requesting the information from the DOL for nearly a year. The DOL has either not provided the information or has released it months after the request – after it is too late for U.S. workers to apply for the jobs and after it is too late to oppose DOL approval of the application. The lawsuit seeks the release of public information in a timely manner and also asks the court to overturn the Department of Labor's unlawful decision to charge fees for disclosing the public information.

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