Overview of Achievements, 2020-2021

Despite the seemingly insurmountable challenges faced by the community we serve and by our organization in recalibrating how we effectively deliver services, we provided crucial legal education and services to 27,337 people, 16 groups, won $4,357,625.07 in damages through court orders and negotiated settlements, of which $2,533,675 has been successfully paid out to the workers we serve.

Our target population are low-wage workers, with an emphasis on farmworkers, working across New York State, mainly in rural areas. The overwhelming majority of our clients are foreign-born; some are immigrants who live in the US all year while others are guestworkers and come and go based on the seasonality of the industries they work in. The primary language for most of our clients is Spanish, although some speak an indigenous language as their primary language and speak Spanish as a second language, and some speak English as a second or third language. Many of the workers we serve live in farmworker housing provided by their employers right on the farms where they work; the farmer is both the boss and the landlord. Many low-wage workers are vulnerable to abuse and exploitation because of inherent power-imbalances between employers and employees and the view that hourly or low-wage labor is unskilled and replaceable. Further, because immigrants fill many of these jobs and have varying degrees of immigration statuses themselves and within their families, they are vulnerable to threats and intimidation from employers designed to force tolerance of substandard wages and working conditions or otherwise face termination and in the most egregious cases, family separation. This year, the phrase "essential and exploited" became a common descriptor of the population we serve. At the beginning of the pandemic, farmworkers and food industry workers were deemed essential. Despite this characterization, the reality was that these workers were treated with far less value than one would think the term “essential” would carry. The factors that contribute to these workers’ vulnerability were further exacerbated by economic precarity with little to no government support.

Population Served: Agricultural and Other Low Wage Workers
Area Served: Statewide
Total Funding: $2,473,091
Total IOLA Grant: $490,000
Staffing - Full Time Equivalents:
- Total Staff: 20.00
- Lawyers: 5.00
- Paralegals: 9.00
- Others: 6.00
**Examples**

**Mein v. Smith Family Farms:** This case is the first private action for overtime violations filed under the newly enacted Farm Laborers Fair Labor Practices Act. Plaintiff Mein alleged he was paid less than $4 per hour while working as much as 80 hours per week. The matter was quickly settled and Mein recovered $15,000 in wage damages.

Two Guatemalan workers, brought to the U.S. on fraudulent promises of work and then subjected to labor trafficking were forced by their employers to partake in a periodic "Fiesta," in which all employees at the company - undocumented Guatemalans and those on H-2B visas - were required to forcefully hit the exposed backside of whichever worker the owners selected that day; any worker who refused would be next in line. Our attorneys supported the workers in filing a USDOL claim as well as provided representation in filing T visa applications for the clients.
Other Services...

**Number of People Benefitted by Services Other Than Direct Legal Representation**

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<thead>
<tr>
<th></th>
<th>Total</th>
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<tbody>
<tr>
<td>Community Legal Education</td>
<td>22,265 people</td>
</tr>
<tr>
<td>Pro Se Assistance</td>
<td>64 people</td>
</tr>
<tr>
<td>Online Assistance</td>
<td>4,412 people</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>26,741 people</td>
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</tbody>
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**Other Legal Related Services: Overview**

Despite the many challenges associated with conducting outreach and community legal education during a global pandemic, our Outreach & Education (O&E) team successfully adapted to working remotely and embraced the use of new technologies that allowed us to continue serving farmworkers and other low-wage workers across the state. We quickly pivoted to using social media, videoconferencing software, phone banking, mass texting technology, and WhatsApp to get critical legal rights information out to communities impacted by COVID-19. Additionally, our team relied heavily on our partnerships with other farmworker-serving organizations to help us disseminate information and ensure workers knew where to turn for legal assistance when problems arose.

**O&E Numbers at a Glance**

Community Legal Education (italics denote metrics counted toward CLE in statistics report)

- Facebook Live broadcasts: 23
- *Facebook Live broadcast views: 15,176*
- *People reached via outreach, workshops, presentations, coalition meetings: 3,653*
- *Printed materials distributed: 3,436*
- Outreach phone calls to workers: 604
- La Voz Radio appearances: 22

Online Outreach (italics denote metrics counted toward “Online Outreach” statistics report)

- *Digital Know Your Rights toolkits unique page entrances: 4412*
- Text blasts w/ links to KYR info: 26 blasts sent out to 2,196 “textable” worker contacts from database, per blast
**Facebook Live Broadcasts:** Facebook Live was a particularly successful platform for engaging in community legal education on a range of topics related to workers’ rights in general, as well as legal protections specifically relevant to COVID-19. Over the course of the year, we broadcast 23 times via Facebook Live on different issues, garnering a viewership of 4412 people. Our most widely viewed broadcasts focused on workplace health and safety during COVID-19, paid sick leave rights, and immigration.

**Online KYR Toolkits:** Another successful strategy for us was the development of online know-your-rights toolkits, housed on our website. While we had already begun creating these tools prior to the pandemic, the COVID-19 shutdown prompted us to focus more time and resources on expanding our digital content. Our bilingual (English/Spanish) COVID-19 digital toolkit was especially well received, and brought together resources on labor rights, prevention and treatment, as well as direct aid. We shared these materials via social media and text messaging, and through email to community-facing partner organizations. In total, 4412 people accessed our digital know-your-rights toolkits over the course of the grant period.

**Family Preparedness Clinics:** Since 2017 we have been partnering with the Volunteer Legal Services Project of Monroe County and the Cornell Farmworker Program to offer Family Preparedness Clinics to farmworker families in Western NY. The Family Preparedness Clinics were created in response to the immigrant community’s fears that American-born children may end up in the foster care system should a family member or loved one be detained or deported. With fear and risk ever increasing for undocumented families, immigrants need to be legally prepared in case they are targeted. Through this collaboration, we provide clients with access to immigration Know-Your-Rights Training, screen families and individuals for immigration remedies and potential labor violations, as well as connect them with resources for accessing health insurance and other basic needs assistance. Volunteer attorneys assist clinic participants with a variety of family preparedness tools and forms, including parental designation, parental permission for child to travel, power of attorney, passport statement of consent for minor, and authorization to pick up paycheck. This year, we were able to continue offering these services in a virtual format using Zoom. In total, we conducted 7 virtual Family Preparedness Clinics, serving a total of 64 clients.
Significant Collaborations

In addition to continued participation in regional and statewide coalitions and strong partnerships with local services providers, our team made a special effort to coordinate our community legal education work in concert with other farmworker-serving agencies. At the start of the pandemic, we convened a weekly call among farmworker-serving organizations with the aim of coordinating pandemic response efforts. While the frequency of these meetings has diminished, a year later we continue to work together with this ad-hoc coalition that include the Cornell Farmworker Program, the Workers’ Center of Central New York, Rural and Migrant Ministry, and the Alianza Agricola, among others. This network of organizations has been instrumental in linking us to farmworkers facing issues on the job such as violation of COVID-related health and safety guidelines, illegal evictions, and failure to comply with new paid leave laws.

One example of a highly successful collaboration with community partners occurred in April and May of last year when there were numerous COVID-19 outbreaks at poultry farms, meat packing, and food processing plants in Sullivan County. When the outbreaks occurred, we worked with local services providers and advocates to convene weekly, Spanish-language, virtual “town hall meetings” via Zoom to talk directly with worker about their legal rights, prevention protocols, and available services. Many participants were actively symptomatic with COVID during these virtual meetings, driving home the urgency of the issue at hand and the importance of a strong on-the-ground response.

Additionally, our litigation team is co-counseling with the law firm Getman Sweeney & Dunn on the Batavia Detention Facility litigation. We are also working in close partnership with Prisoner Legal Services on this matter which affects PLS’ clientele. Further, we have engaged in a revitalized partnership with Farmworker Law Project to coordinate our respective services to farmworkers. Our organizations are currently developing a farmworker housing litigation matter in which we will co-counsel.
**Impact Cases**

**Corea et al. v. Café Spice et al.**

We obtained a $1.6 million settlement on behalf of approximately 700 current and former employees of a New Windsor, NY food plant who were illegally underpaid for their labor.

**Morales et al. V. Three Diamond Diner Corp. et al.**

We obtained a $900,000 settlement for eight former employees of the Mount Kisco Diner who suffered wage theft, racial discrimination and illegal harassment in their workplace. When the Mount Kisco Diner sought to avoid its payment obligations under the settlement agreement through an improper bankruptcy filing, our attorneys successfully challenged the bankruptcy petition and secured full payment.

**Yeend et al. v. Akima Global Services, Inc.** [Batavia Detention Facility]

We brought suit against Akima Global Services, Inc. (AGS), the private, for-profit prison company that manages the Batavia Detention Facility, for failing to pay immigrants held in civil detention at least the New York State minimum wage. AGS pays detainees $1 per day or less for hours of their physical labor cooking and cleaning the facility. This lawsuit alleges violations of New York Labor Law and the New York State Constitution.
Pro Bono Volunteer Involvement

We are a member of the New York State Unified Court System Attorney Emeritus Program and are currently supported by two pro-bono attorneys from this program who provide immigration legal representation to human trafficking survivors. We also work with two additional pro bono volunteer attorneys in our Human Trafficking and Survivor Services departments; one provides ongoing consultation on individual human trafficking cases and public policy and the other works with law enforcement, district attorneys and family law judges to train professionals on the availability and requirements of U and T visas and VAWA petitions for immigration relief. Our legal staff also regularly receive advice and consultation from a Hudson Valley-based private law firm, Getman, Sweeney & Dunn, specializing in class and collective actions for wage theft. This year, we sought out additional support from pro bono counsel in preparing our action against Akima Global Services, Inc. (Batavia Detention Facility).

We hosted four remote interns this spring semester who provided a range of administrative and legal education support. One of our interns coordinated and moderated a webinar panel discussion concerning the future of farmworker organizing resulting from the passage of the Farm Laborers’ Fair Labor Practices Act in 2019. This webinar was attended by nearly 100 people during a weekday lunch hour – a huge success. Our communications intern was instrumental in supporting the creation of graphic content for worker-facing social media messaging and in promoting our online “know your rights” toolkits.

### Pro Bono Statistics

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<thead>
<tr>
<th></th>
<th>Attorneys</th>
<th>7 Volunteers</th>
<th>519 Hours</th>
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</thead>
<tbody>
<tr>
<td>Others</td>
<td>4 Volunteers</td>
<td>520 Hours</td>
<td></td>
</tr>
</tbody>
</table>

Sources Of Funding

- IOLA Grant: $490,000
- Foundations: $697,000
- State Funding: $588,591
- Other: $697,500
- Total: $2,473,091