

FOR IMMEDIATE RELEASE

***The Federal Government Has Failed In Its Duty to Protect Workers  
and Prevent Wage Stagnation, Shepherds Allege***

**Denver, November 6, 2015:** Today, current and former shepherds added new claims against the United States Departments of Labor and Homeland Security, alleging that these federal agencies—charged by Congress with preventing the influx of cheap foreign labor and the creation of a permanent underpaid foreign workforce—have failed in these duties in violation of federal law. All plaintiffs seek correction of the regulatory mess these agencies have created, and one current shepherd also seeks back wages from his employer, the Western Range Association, which has paid him the illegally low wage of \$750 per month (or \$2-3 per hour) for years.

Last year, after a finding by a federal court that the Department of Labor had illegally failed to take into account the perspective of workers in crafting rules governing their living and working conditions, the Department of Labor sought input from workers and the ranching industry in crafting a new rule. What emerged from this process, however, is an industry-friendly regulation that creates a permanent foreign labor force that will lock American workers out of ranching jobs, allow shepherds to be paid roughly \$3 per hour less than other agricultural workers, and grossly under-estimates the number of hours shepherds work. Although the new rules increase the minimum wage and other protections for H-2A shepherds, they fall far short of achieving justice for this long-exploited group of workers.

“The Department of Labor has created a regulatory scheme that ignores the on-the-ground reality of ranch work and is divorced from what Congress intended,” explained Dermot Lynch, a Skadden Fellow at Towards Justice and an attorney for the plaintiffs. “In caving to industry pressure not to bring these workers on par with all other foreign agricultural workers, the Department of Labor is creating an unjust system that arbitrarily singles out H-2A shepherds for inferior treatment.”

“Although the new regulations are an improvement, they do not fix the problems that members of my organization have endured as shepherds,” said Ricardo Perez, Executive Director of the Hispanic Affairs Project, a plaintiff in the case. “We cannot accept baby steps when what these shepherds need is justice.”