



Defending the Right to Organize

Settlement for Goodness Gardens Workers

This June, WJCNY reached a settlement agreement resolving *The Matter of Goodness Gardens Inc.* before the National Labor Relations Board (NLRB) on behalf of two former Goodness Gardens employees in the amount of \$62,283. In its filing with the New York, New York Regional Office of the NLRB, former employees charged Goodness Gardens with interfering, restraining, and coercing employees in the exercise of their rights guaranteed by the National Labor Relations Act. The charge claims Goodness Gardens terminated, disciplined, and retaliated against employees who participated in protected concerted activities to try to improve their working conditions and address job-related problems.

When an employee asked Goodness Gardens for a day off to accompany her child during dental surgery, she was told to choose between her child and her job. When she questioned the fairness of the denial she was terminated on the spot. Co-workers heard of the termination and frustrations with Goodness Gardens' management, unfair scheduling practices, and routine rejections of leave requests reached a tipping point. The workforce decided to engage in an impromptu strike. Each employee lawfully stopped their work to demand answers from management. They humbly asked for fair working conditions and for their voices to be heard. Following lengthy discussions and numerous promises from management, employees returned to work feeling optimistic. That feeling was short-lived and soon after, Goodness Gardens terminated the employees who were most active in the concerted activity.

This filing highlights issues workers face across New York every day when they find themselves torn between demands of inflexible work environments and personal and familial needs. The resolution of this case shows that intimidation and retaliation are not lawful management tactics. Employees have the right to demand fair working conditions and employers who violate these rights will be held accountable.

Promoting Workplace Health & Safety

In May, WJCNY served as a plaintiff in a lawsuit filed by Earth Justice and Farmworker Justice suing the United States Environmental Protection Agency for its failure to implement new requirements on employers to provide enhanced training to protect farmworkers, pesticide handlers, and their families from injury and other forms of harmful exposure to pesticides. Within weeks of the filing of this litigation, the EPA agreed not to defend the lawsuit. The new training requirements will be fully effective on December 18, 2018 and our staff report that workers are already receiving the new training this season. WJCNY staff have been conducting trainings for farmworkers for over thirty years on working with and handling pesticides; it is crucially important that WJCNY staff can ensure that the workers we serve are able to access accurate and current data and information on the pesticides they handle.



SO FAR THIS YEAR, OUR TEAM HAS TRAINED A TOTAL OF 750 WORKERS ON HEALTH AND SAFETY PROTECTIONS AND ON WAYS TO PREVENT EXPOSURE TO PESTICIDES AND OTHER WORKPLACE HAZARDS.

Fighting Wage Theft

Through our partnership with the Westchester-based *Alianza Laboral*, WJCNy currently represents hundreds of low-wage workers in multi-plaintiff, collective and class action cases, including scores of immigrant laborers who for years performed landscaping and maintenance services for one of the New York area's largest real estate conglomerates but were never paid overtime and were often required to work "off the clock" without pay.

We are also representing immigrant construction workers who helped build major structures in New York, New Jersey and Pennsylvania, often starting their work days as early as 4am and toiling until late at night but were never paid overtime and were often paid nothing at all for many hours of labor. In another current construction worker case, our clients worked for months on the false promise of wages, were never paid anything for their labor and then told by their employers that a non-existent "sub-contractor" was responsible for paying them.

Protecting Immigrants

With escalating attacks against immigrant communities, WJCNy has been on the front lines of the fight to protect those at risk of detention, deportation, and family separation. Our immigration attorneys are currently providing free legal representation for 75 immigration matters, primarily on behalf of survivors of domestic violence, sexual abuse, and human trafficking. In addition, 38 individuals have received free immigration consultations to assess their eligibility for immigration relief and help them avoid falling victim to common immigration scams. This year, we are expanding the scope of our immigration practice by providing representation on a broader scope of immigration matters, including removal defense, asylum claims, and special immigrant juvenile status. In addition to legal representation, our team is actively involved in advocacy and community responses to this crisis. In partnership with the Cornell Farmworker Program and the Volunteer Legal Services Project, we are conducting Know Your Rights & Family Preparedness Clinics for immigrant families throughout rural Western New York and Finger Lakes Region. Three such clinics have taken place so far in 2018 serving dozens of children and farmworker families; up to seven more are planned for the harvest season.

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GREEN LIGHT NY

During the 2018 legislative session, the Green Light NY campaign successfully introduced bills into both the New York State Assembly (A.10273) and Senate (S.8680) aimed at amending New York State's Vehicle and Traffic Law to ensure driver's licenses to all qualified applicants, regardless of immigration status. WJCNy has been a driving force behind the effort to restore driver's license access to undocumented New Yorkers over the past several years, working tirelessly with directly impacted communities and advocates across the state. Lack of access to driver's licenses is a major contributing factor to the fear and isolation experienced by immigrants in our communities, especially farmworkers who often depend on employers or crew leaders for transportation. Most importantly, access to a New York State driver's licenses would significantly mitigate the risk of detention and deportation for undocumented immigrants resulting from routine traffic stops.

