

# State Supreme Court rules in favor of orchard workers

By Mark Morey  
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A state Supreme Court ruling issued Thursday clears the way for several hundred Lower Valley orchard workers to receive part of a \$1 million judgment in a case alleging that they worked years for an unlicensed farm labor contractor.

A defense attorney, meanwhile, said the case could have much broader implications for the agricultural industry, fundamentally changing who qualifies as a farm labor contractor.

"It's hard to overstate the impact this will have on agriculture in Washington," said Yakima attorney Brendan Monahan, who has represented companies in a variety of major labor cases.

A spokesman for the state Department of Labor and Industries, which oversees farm labor contracting, said the agency agreed with the ruling.

"For us, the decision upholds what we have been doing all along," Matthew Erlich said.

Plaintiffs' attorney Lori Isley said she was not sure whether the case will have the broad impact foreseen by some in the industry. But she said the ruling clarifies protections for workers.

"Had the companies' arguments prevailed, any corporate farmer would have been able to avoid Washington state law requirements providing basic protections for farm workers," she said in a statement.

The state high court's ruling grew out of a defendants' appeal in a federal lawsuit filed in 2012 by workers at three Lower Valley orchards near Sunnyside. The workers alleged they were fired after reporting to authorities that a Northwest Management supervisor often intimidated workers by firing a gun while at the orchards.

The plaintiffs were represented by Columbia Legal Services. Defendants in the case were John Hancock Life and Health Insurance, which owned the orchards; Farmland Management Services, a California company that contracted to manage the properties; and Northwest Management and Realty Services, a now-defunct Pasco company that subcontracted with Farmland to manage the properties, including hiring workers.

The Ninth Circuit Court of Appeals asked the justices to resolve two questions of state law, a common move when case law does not address the issue under appeal.

The Supreme Court ruled that Northwest Management qualified as a labor contractor because it received a fee for providing various labor services. Also, the court found the

companies that hired the firm had a responsibility under state law to confirm it was properly licensed as a contractor.

The parties will now return to the Ninth Circuit, which will likely proceed with arranging distribution of the \$1 million to the more than 700 workers who were part of the class-action case.

509-577-7671

[mmorey@yakimaherald.com](mailto:mmorey@yakimaherald.com)