

US Department of Labor charges poultry processor a measly \$3.8 million for child labor violations, wage theft and retaliation by firing

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The US Department of Labor (DOL) has fined a California poultry processor a measly \$3.8 million for illegally employing and endangering children, cutting wages and firing workers who worked with investigators. The company, The Exclusive Poultry, Inc., is a supplier to major supermarkets and food distributors like Ralphs, ALDI, Grocery Outlet and SYSCO Corp.

The DOL report lists gross violations, such as the illegal employment of “children as young as 14 years old to debone poultry using sharp knives and operate power-driven lifts to move pallets.” Additionally, workers were paid less than minimum wage, children worked excessive hours, in violation of federal regulations, and the company cut the wages of those workers cooperating with investigators.

The report details that “[company founder Tony] Bran, The Exclusive Poultry and their associated companies willfully failed to pay required overtime wages to their employees, paying them either a piece rate or a straight time hourly rate even when they worked 50 or 60 hours per week.”

On October 16, a preliminary injunction through the US District Court for the Central District of California was filed by the DOL warning Bran and owners of associated front companies, Karen Rios, Juan Valtierra, Javier Meza and Jacqueline Garcia, that The Exclusive Poultry Inc., Valtierra Poultry LLC and Meza Poultry LLC controlled by Bran “directed employees under 18 years-old to use sharp knives to debone and cut poultry and employed children to work longer and at times not permitted by the law. They also directed minors to work in prohibited facilities and failed to pay overtime wages, all violations of the Fair Labor Standards Act

[FLSA].”

The injunction directed the defendants to “not employ oppressive child labor, as defined in 29 U.S.C. § 203(1), in violation of Sections 12(c) and 15(a)(4) of the FLSA,” more specifically to “not suffer or permit to work any person under the age of 16 years in violation of 29 C.F.R. § 570.35” or “any person under the age of 18 years in any hazardous occupation prohibited by 29 C.F.R. § 570.61, including but not limited to all boning occupations.”

Moreover, the company was prohibited from “retaliating, intimidating, or discriminating in any way against any current or former employee of Defendants who exercises their rights under the FLSA,” including “telling employees that communication with the Acting Secretary will result in immigration or other legal action against them, and otherwise deterring employees from cooperating with or speaking to the Acting Secretary’s representatives through threats, bribes, or intimidation.”

In other words, the company was ordered to stop blackmailing workers on the basis of their immigration status. Most working children in the US are immigrants: agriculture alone employs about 500,000 children between the ages of 12 and 17. Farms enjoy exemptions from the law, allowing children as young as 10 to work with their guardian’s permission. Federal minimum wage, moreover, is not applicable to agriculture.

The Exclusive Poultry has a long record of violations. Last April, it reached a \$1.47 million settlement with the California Labor Commissioner for wage theft. Yet, despite such history, the business got away with a fine and a three-year monitor. In other words, business as

usual. What this development evinces is the criminal and abusive conduct of corporations, which continues virtually unpunished. For corporations, fines are a small operating expense in the pursuit of profit.

This is not a unique instance of a company being exposed for relying on child labor. Last February, meatpacking plant contractor Packers Sanitation Services Inc. was fined \$1.5 million for similar violations, a slap on the wrist for the largest cleaning service for food processors, owned by the private equity firm Blackstone, with 17,000 employees.

Last year, it was revealed that, for the last several years, at least four part suppliers to automakers Hyundai and Kia employed children as young as 12 in Alabama. More than 10 plants have been under similar investigation.

Additionally this year, in Louisville, Kentucky, it was discovered that at least two 10-year-olds worked at a McDonald's. According to a DOL report, they served customers, cleaned the restaurant and manned the deep fryer, sometimes until 2 a.m. in the morning.

USA Facts has reported on the basis of DOL data that child labor in the US has increased 300 percent from 2015 to 2022. According to UNICEF, one in 10 children worldwide is subjected to child labor, for a total of 160 million children, many of whom are forced into hazardous work. In poorer areas such as West, East, South and Sub-Saharan Africa, one in four children is in the workforce. Most of them are victims of imperialist wars and have been displaced by conflict, disaster or poverty. Human trafficking and child migrant labor is a direct product of the brutal influence of US and European imperialism in large parts of the world.

In California, the richest state in the US, where The Exclusive Poultry, Inc. operates, child labor is such a serious issue that the Democratic Party has attempted to conceal its gravity by requiring schools to teach students about their rights at work and how to defend themselves against workplace abuses.

Such measures will do nothing to stop the exploitation of children, especially immigrants, whose vulnerable status is a direct consequence of the draconian anti-worker and anti-immigrant policies pursued by both Democrats and Republicans at home and abroad. The ongoing killing of children in Gaza made possible by President Joe Biden and the

Democratic Party flies in the face of these empty initiatives and is only the most recent and tragic example of the violent brutality of capitalism.

A measure of social progress is undoubtedly the development and treatment of society's most vulnerable members, children and the elderly. On both counts, capitalism has failed miserably.



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