

Evans Fruit to pay \$272K to 20 workers, ending appeals

- **By Kate Prengaman**
kprengaman@yakimaherald.com

Evans Fruit will pay \$272,000 to workers and former workers, ending their appeals of sexual harassment and retaliation cases that the company had earlier won in a lower court.

The 20 plaintiffs were represented by the U.S. Equal Employment Opportunity Commission, or EEOC, which announced the settlement Thursday along with the Northwest Justice Project.

The cases had been pending before the 9th U.S. Circuit Court of Appeals.

Cowiche-based Evans Fruit remains confident that the lower court rulings in its favor would have been upheld by the appellate court, but the settlement presented a good opportunity to bring the lawsuits against the company to an end, attorney Brendan Monahan said.

The settlement is a fraction of the multimillion-dollar demands that the EEOC originally made against Evans Fruit, Monahan said in an email interview. The company is one of the largest apple growers in the region.

When the harassment case was tried in the U.S. District Court for Eastern Washington in 2013, a jury in Yakima rejected claims by 15 women that they'd been subjected to a sexually hostile work environment. Most of the allegations centered on a former crew foreman at the company's Sunnyside operation.

Weeks later, Judge Lonny Suko dismissed the second lawsuit, which alleged that 10 workers - five of the women who reported harassment and five men - had been retaliated against for cooperating with the EEOC in the first lawsuit.

The EEOC appealed both rulings, but the settlement was reached before the appellate court heard the cases.

"I'm pleased that we were able to get some money for claimants, although it's not as much as we hoped given what they went through," EEOC senior trial attorney Carmen Flores said in a phone interview.

Monahan said he was surprised to see the EEOC frame the settlement as a success, since the trial verdict in favor of Evans Fruit stands and the settlement was small. None of the settlement money will go to attorney's fees, he added.

Flores said the larger impact from the litigation is that it brought attention to the issue of harassment of farm workers. The case also was featured on a PBS "Frontline" documentary in 2013.

"The word is out to ranches that they have to pay attention to what's going on in the workplace and that you have to train your foreman and managers that this is not acceptable behavior as a way to protect your business and your workers," she said. "We've heard anecdotally since we filed this case that other farms started putting on training and reporting systems."

Monahan agreed that farmers across the region have taken significant steps to protect workers from sexual harassment, including trainings, reporting hotlines and penalties for retaliation.

"If the EEOC would approach the Washington agriculture industry as an ally as opposed to an adversary, then the gains against harassment and discrimination would increase exponentially," he said.

509-577-7674

kprengaman@yakimaherald.com