4 Hawaii Farms Settle Thai Workers Discrimination Suit for $2.4M

JENNIFER SINCO KELLEHER, Associated Press

Khamjuan Namwichai, center, greets reporters at a news conference in Honolulu on Tuesday, June 3, 2013. Namwichai spoke in Thai to describe unsanitary conditions working at Hawaii farms, as Mimi Cheou, an Equal Employment Opportunity Commission (EEOC) investigator, left, translates. Also pictured are Anna Park, EEOC Los Angeles regional attorney, second from left, and Thai worker Likhit Yoo-on. The U.S. EEOC announced details of settlements totaling $2.4 million by four farms the agency sued for discriminating against hundreds of Thai workers. **(AP Photo/Jennifer Sinco Kelleher)**

HONOLULU (AP) — Four Hawaii farms are settling a discrimination lawsuit for a total of $2.4 million over allegations that they exploited hundreds of Thai workers.

The U.S. Equal Employment Opportunity Commission filed a federal lawsuit in 2011 against California-based labor contractor Global Horizons and six Hawaii farms, with allegations including subjecting workers to discrimination, uninhabitable housing, insufficient food, inadequate wages and deportation threats.

Mac Farms of Hawaii will pay $1.6 million, Kelena Farms will pay $275,000, Captain Cook Coffee Co. will pay $100,000, and Kauai Coffee Co. will pay $425,000, according to settlement agreements made public Tuesday.

A judge recently found Global Horizons liable for the discrimination and abuse of the workers.

Del Monte Fresh Produce Inc. settled for $1.2 million, the EEOC announced last

year. Global Horizons and Maui Pineapple Co., the last farm that hasn't settled, are scheduled to go to trial in November, said Anna Park, EEOC Los Angeles regional attorney, who traveled to Honolulu with other agency staff to announce the settlement details.

All of the $3.6 million in settlement funds will go directly to the workers, Park said, in a distribution process that involves determining who worked on the various farms, for how long and the severity of the abuse workers suffered.

Likhit Yoo-on and Khamjuan Namwichai told reporters through a translator Tuesday about how they were recruited in Thailand to do agricultural work in the United States with promises of earning enough money to support their families.

Their passports were taken away. Yoo-on said he had to sleep on the floor and was forced to harvest bananas even when sick. Namwichai said he lived in a bug-infested house where 26 workers shared one bathroom.

Among the allegations in the lawsuit is that 20 Mac Farms workers were living in a Naalehu house approved for only five people, which was cited because it "lacked a functioning toilet, toilet paper, and hot water and had a buckling kitchen floor."

The lawsuit also alleges Micronesian workers at Maui Pineapple were treated better than Thai workers, whose living conditions included portable toilets and five shower heads for 70 workers. The Thai workers were forbidden from using the Micronesian workers' bathroom, the lawsuit states.

The contractor sought impoverished Thai nationals, who they stereotyped to be docile and compliant, Park said, and charged them fees ranging from $9,500 to $26,000. The overcrowded housing was often infested with bed bugs and some workers even resorted to making "primitive slingshots to catch chickens so they could eat," Park said.

Mordechai Orian, president and chief strategic officer of now-defunct Global Horizons, said by phone Tuesday that he doesn't believe any of the allegations.

"We're filing motions and everything to dismiss the case," he said. "It's a baseless case."

The Hawaii farms that settled did so out of fear and for business reasons. "It's a strategy of any businessman: If I'm making money, I'll pay something and move on," Orian said. "It's cheaper than paying lawyers."

Attorneys for the farms couldn't immediately be reached for comment.

The farms also agreed to various anti-discrimination measures, according to the consent decrees on the settlements.

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