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THE CALIFORNIA REPORT

California Contractor Accused of Firing Farmworkers Who Suffered in Extreme Heat Is Fined

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A Salinas farmworker pulls weeds and trims strawberry runners to focus the crop's energy on producing flavorful berries on April 13, 2017. Cal/OSHA announced yesterday it cited a California farm labor contractor for not protecting employees from heat illness. Farmworkers pushed for a bill that would have made

getting workers' compensation for heat-related illnesses easier. But that bill, SB 1299, was vetoed by Gov. Gavin Newsom a few days ago. *(Deborah Svoboda/KQED)*

California workplace safety regulators have fined a farm labor contractor for heat-related issues, months after former employees alleged they were fired for walking out amid extreme temperatures and called out the contractor as an example of the need for bolstering heat-illness protections for farmworkers.

The Division of Occupational Safety and Health, known as Cal/OSHA, **issued nearly \$17,600** in initial penalties against Ruiz Farm Labor on Monday for three serious heat-related safety violations, including failing to train employees on steps to prevent overheating.

“Employees deserve a safe work environment, especially in extreme conditions, and businesses that fail to follow the rules will be held accountable,” Cal/OSHA Chief Debra Lee said in a statement. “Every worker should be treated with dignity and respect, and no one should face retaliation for protecting their health.”

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Six workers who picked tomatoes for Ruiz Farm Labor **said they were fired** in June after

leaving their shifts early during triple-digit heat in Yolo County. Erika Barros, one of the farmworkers now known as the “Yolo Six,” said she experienced heat stroke symptoms, such as nausea and shivering, but didn’t know that she had the right to rest in the shade while on the job.

Barros told KQED she’s hopeful that the Cal/OSHA citations will push her former employer to improve conditions for current and future employees as heat waves continue.



A farmworker harvests mandarins in an orchard west of Fresno on March 21, 2017. (Alexandra Hall/KQED)

“The lack of shade, the lack of water, it was just something he wasn’t doing right,” Barros, a 32-year-old single mother of three who lives in Davis, said in Spanish. “One way or another, he’s going to have to comply with the law.”

Ruiz Farm Labor, based in Dixon, near Sacramento, has appealed the initial penalties. The company, which also contested a Cal/OSHA fine of more than **\$7,800** in 2020,

could not be reached for comment.

California employers **are required** to allow outdoor workers to take cool-down breaks in the shade when temperatures exceed 80 degrees Fahrenheit and provide clean drinking water.

Agricultural laborers, who often do strenuous physical labor in direct sun, are **more likely to die** from heat-related stress than workers in other industries. The federal government estimates that roughly **half of the farmworkers** in the U.S. are undocumented. Many don't know about their rights or worry that they could be fired if they complain about problems at their worksite.



➔ **California Farmworkers Call For More Employers to Comply with Heat-Illness Prevention**

Last month, Gov. Gavin Newsom **vetoed** a bill supported by the Yolo Six as well as the United Farm Workers. SB 1299 would have made it easier for agricultural laborers to win workers' compensation insurance if they were hurt by heat.

The proposed measure, opposed by a long list of agricultural and business groups, created a presumption that a farmworker's heat-related injury or death arose from their job if the employer was shown to have violated heat safety rules. Newsom concluded that it was not

an effective way to protect farmworkers from increasing heat hazards.

“I stand firmly committed to continuing to work with the Legislature and worker advocates on strengthening safety and health enforcement strategies to ensure aggrieved workers can come forward without fear of retaliation,” Newsom wrote in his veto message. “However, conditioning a workers’ compensation presumption on compliance with standards set and enforced by another regulatory division is not an effective way to improve working conditions.”

The California Labor Commissioner’s Office continues investigating the allegation of retaliation against Ruiz Farm Labor involving the Yolo Six. If the contractor is found guilty, remedies may include lost wages for the workers and other penalties.

Meanwhile, Barros said she hasn’t been able to find steady work to support her family, working only a couple of weeks in recent months.

“It’s been a really complicated and difficult situation,” she said. “But we are trying. Surviving day by day.”