



**Commissioner Brad Avakian**  
Bureau of Labor and Industries

**Press Release**

For Immediate Distribution

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**Avakian Applauds 9<sup>th</sup> Circuit Decision to Protect Farm Workers**  
*Decision affirms position taken by BOLI in amicus curiae brief filed before the court.*

PORTLAND – Commissioner Avakian applauded the 9<sup>th</sup> Circuit court decision yesterday to protect the rights of farm workers forced to pay the cost of housing after being relocated to Oregon. The decision affirmed BOLI’s position, taken in an amicus curiae brief, that when Bear Creek recruited approximately 350 workers from Arizona to come to Oregon for a month long harvest season, workers could not be charged for the housing provided. The payroll deductions, that dropped workers wages well below the state’s minimum wage, were found by the court to be unlawful.

“This decision affirms BOLI’s position and protects farm workers who are relocated for temporary work,” said Commissioner Avakian. “We wouldn’t expect someone sent out of town on a business trip to pay their own hotel costs any more than we should expect farm workers brought from out-of-state to pay their own lodging costs.”

The 9<sup>th</sup> Circuit decision relied heavily on the amicus curiae brief filed on behalf of the Bureau of Labor and Industries. A critical issue in the case was an administrative rule adopted by BOLI regarding employer charges for lodging, meals and other services. Because interpretation of this rule was a centerpiece of the case, the Bureau had an obvious interest in the correct judicial interpretation of its rule. In the brief, the Bureau argued that the housing provided was not for the “private benefit” of the employees and, as such, employees could not be charged. The court agreed and found that because Bear Creek was unable to recruit sufficient labor in the local area during peach and pear harvest, and that local housing is not available for employees coming from the outside area, its workers could not be charged for the housing provided.

“We applaud the Commissioner’s leadership in filing what turned out to be a pivotal amicus brief,” said Attorney General John Kroger. “The Court’s decision upholds the rights of farm workers and sets a precedent for protecting vulnerable workers brought in from out-of-state.”

The Bureau of Labor and Industries defends the rights of workers and citizens to equal, nondiscriminatory treatment in workplaces, housing and public accommodations and encourages and enforces compliance with state laws relating to wages, hours, and terms and conditions of employment. The bureau also partners with business and labor organizations to build a skilled workforce in Oregon and trains employers to understand and comply with civil rights and other labor and employment laws.

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*The mission of the Bureau of Labor and Industries is to protect employment rights, advance employment opportunities, and protect access to housing and public accommodations free from discrimination.*