
Blood, Sweat, and Fear: Workers' Rights in U.S. Meat and Poultry Plants

Workers in American beef, pork, and poultry slaughtering and processing plants perform dangerous jobs in difficult conditions. Dispatching the nonstop tide of animals and birds arriving on plant kill floors and live hang areas has always been hazardous and exhausting labor. But workers in this industry face more than hard work in tough settings. They contend with treatment and conditions which violate their human rights.

Employers put workers at predictable risk of serious physical injury even though the means to avoid such injury are known and feasible. They frustrate workers' efforts to obtain compensation for workplace injuries when they occur. They aggressively block workers' self-organizing efforts and rights of association. They exploit the vulnerabilities of a predominantly immigrant labor force in many of their work sites.

These are not occasional lapses by employers paying insufficient attention to modern human resources management policies. These are systematic human rights violations embedded in meat and poultry industry employment.

Worker Health and Safety

Meatpacking work has extraordinarily and unnecessarily high rates of injury, musculoskeletal disorders (repetitive stress injuries), and even death. Whatever the inherent dangers of meatpacking work, they are aggravated by ever-increasing line speeds, inadequate training, close-quarters cutting, and long hours with few breaks.

Almost every worker interviewed by Human Rights Watch for this report began with the story of a serious injury he or she suffered in a meat or poultry plant, injuries reflected in their scars, swellings, rashes, amputations, blindness, or other afflictions. The federal Occupational Safety and Health Administration (OSHA) dryly records the fate of many meat and poultry workers:

Human Rights Watch documents human rights abuses and presses for change in the United States and worldwide.

***Blood, Sweat, and Fear* is a national report on workers' rights violations in the U.S. meat and poultry slaughtering and processing industry.**

- “Worker killed when hog-splitting saw is activated.”
- “Worker dies when he is pulled into a conveyer and crushed.”
- “Worker loses legs when a worker activates the grinder in which he is standing.”
- “Worker loses hand when he reaches under a boning table to hose meat from chain.”

**Worker loses hand.
Worker loses legs.
Worker killed.**

Many workers cannot get the compensation to which they are entitled for workplace injuries. Particularly in the case of musculoskeletal disorders, employers often deny that the injuries were work-related. With good reason, workers also hesitate to report injuries for fear they will be dismissed on other pretexts.

Freedom of Association

The meat and poultry industry is rife with unfair labor practices. Workers risk losing their jobs when they exercise their rights to organize and bargain collectively in an attempt to improve working conditions. Many workers who try to form trade unions are spied on, harassed, pressured, threatened, suspended, fired, deported, or otherwise victimized. But enforcement is so lax, remedies are so weak, and the labor law enforcement process so drawn out, that employers can become labor scofflaws with virtual impunity.

**Employers have
virtual free reign to
quash organizing
attempts.**

A worker at a poultry company explained that his employer “always gets rid of workers who protest or who speak up for others. When they jumped [the line speed] from thirty-two chickens a minute to forty-two, a lot of people protested. The company came right out and asked who the leaders were. Then they fired them.”

In worker organizing campaigns at a pork slaughterhouse in North Carolina, a judge found that the company illegally:

- threatened to discharge union supporters and to close the plant if workers chose union representation;
- threatened to call the U.S. immigration service to report immigrant workers if workers chose union representation;

Executive Summary

- threatened the use of violence against workers engaged in organizing activities;
- threatened to blacklist workers who supported the union;
- disciplined, suspended, and fired many workers because of their support for the union;
- spied on workers engaged in lawful union activities.

Immigrant Workers

Immigrant workers—an increasing percentage of the workforce in the industry—are particularly at risk of rights violations. Lack of familiarity with U.S. law and language difficulties often prevent them from being aware of their rights as well as specific hazards in their work. Immigrant workers who are undocumented, as many are, risk deportation if they seek to organize and to improve conditions. Fear of drawing attention to their immigration status also prevents them from seeking protection from government authorities for their rights as workers.

Immigrant workers face greater risks and fear.

One pork processing worker told Human Rights Watch: “I never wanted to make a claim against the company because they fire people and they might call Immigration.” According to a poultry worker, “My supervisor said they’ll call the INS [U.S. immigration service] if we make trouble.”

In 2002, the U.S. Supreme Court stripped undocumented workers of any remedies if they are illegally fired for union organizing activity. Under international law, however, undocumented workers are entitled to the same labor rights, including wages owed, protection from discrimination, protection for health and safety on the job, and back pay, as are citizens and those working lawfully in a country.

Corporate and Government Responsibility

Any individual meatpacking or poultry processing company which by itself sought to respect the rights of its workers—and hence incurred additional costs—would face undercutting price competition from other businesses that did not. Unfortunately, the industry as such has shown little inclination to work collectively to increase respect for

workers' rights, either through trade association standards or through joint support for legislative safeguards.

But an equal or greater responsibility for halting workers' rights violations in the meat and poultry industry lies with government at both federal and state levels. Only governmental power can set a uniform floor of strengthened industry-wide rules for workplace health and safety and for workers' compensation benefits. Only government agencies can effectively enforce workers' organizing rights and ensure effective and timely recourse and remedies for workers whose rights are violated. Only government agencies can provide the strong legal enforcement required to deter employers from violating workers' rights. Finally, only government policy can change the vulnerable status of the hundreds of thousands of immigrant workers in the meat and poultry industry.

Responsibility for halting rights violations lies with the government.

Unfortunately, the United States is failing on all these counts. Health and safety laws and regulations fail to address critical hazards in the meat and poultry industry. Labor laws that are supposed to protect workers' freedom of association have fundamental gaps, and government agencies fail to enforce effectively those laws that do purport to protect workers rights. Employers are able to manipulate these laws and agencies to frustrate worker organizing. Federal law and policy on immigrant workers are at best a mass of contradictions; at worst they contain incentives for employers to violate their rights.

In sum, the United States is failing to meet its obligations under international human rights standards to protect the human rights of meat and poultry industry workers.

International Human Rights

The international community has adopted universally recognized standards on workers' rights. The *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* establish the following workers' rights:

The right to freedom of association with others includes the right to form and join trade unions.

- a safe and healthful workplace,
- compensation for workplace injuries and illnesses,

- freedom of association and the right to form trade unions and bargain collectively,
- equality of conditions and rights for immigrant workers.

The United States government has committed itself to protecting these rights. It was a principal sponsor of the Universal Declaration; it has signed and ratified the ICCPR; and it has signed the ICESCR. Moreover, the United States sponsored and endorsed the International Labor Organization (ILO)'s 1998 *Declaration on Fundamental Principles and Rights at Work*.

Recommendations

The United States must act to secure and protect the rights of all workers. Specifically, Human Rights Watch recommends:

**The United States
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rights of all workers.**

Health and Safety:

- New federal and state laws and regulations are needed to reduce line speed in meat and poultry plants to reasonable levels that do not create a constant, foreseeable, and preventable risk of injury.
- Further legislative and regulatory reform should establish new ergonomics standards reducing risk of musculoskeletal injury due to repetitive physical stress.
- Government health and safety authorities must devise stricter injury reporting requirements and thoroughly audit such reports to end the chronic underreporting of injuries in this industry.
- Health and safety authorities must also apply stronger enforcement measures, including use of criminal referrals to the Justice Department in cases of willful repeated violations, to enhance safety conditions in the industry.

Workers' Compensation:

- States must develop stronger laws and regulations to halt widespread underreporting of injuries to avoid claims by injured workers.

- States must also enforce anti-retaliation laws meant to prohibit the firing of employees who file workers' compensation claims, but widely recognized as un-enforced and ineffective.
- Immigrant workers in particular must be informed of their rights under workers' compensation and assured of their ability to file claims without fear of reprisal.

Freedom of Association:

- Employers must honor workers' right to organize and bargain collectively and halt aggressive, intimidating campaigns taking advantage of loopholes, weaknesses, and delays in the U.S. labor law system to violate those rights.
- Governmental authorities must enforce more effectively existing labor laws protecting workers' organizing rights.
- Federal labor law reform is needed to bring the United States into compliance with international standards on workers' freedom of association. Such reform should start with enactment of the Employee Free Choice Act (EFCA), which would allow workers to join unions and bargain collectively free of employer threats and intimidation and create stronger remedies for violations of workers' rights.

Labor rights must be honored, and labor laws must be reformed and enforced to comply with international standards.

Immigrant Workers:

- New laws and policies are needed to ensure that immigrants' basic human rights, including rights as workers, are respected whatever their immigration status.
- Law and policy must also provide the same workplace protections as those applied to non-immigrants, including coverage under fair labor standards and other labor laws, access to the labor law enforcement system, and remedies when their rights are violated.

To download free of charge the full text of ***Blood, Sweat, and Fear***, please visit Human Rights Watch's website at: <http://hrw.org/reports/2005/usa0105/>.

Unfair Advantage, a 2000 Human Rights Watch report, details workers' rights to organize in a dozen segments of the U.S. economy, and it is available online at: <http://hrw.org/reports/pdfs/u/us/uslbr008.pdf>.