

Sarbanand Farms



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State Court Rules in Favor of Sarbanand Farms; Cuts Fine in Half

A Washington state court has significantly reduced a fine imposed earlier this year by the Department of Labor & Industries (L&I) against Sarbanand Farms, LLC, based on asserted violations of agricultural workplace regulations.

L&I had fined the company \$73,000 in February for technical meal and rest break infractions found during one day in July 2017. This fine followed an audit by L&I where they found that employees received two rest breaks and two meal breaks during the course of the workday. However, L&I concluded that one of the meal breaks was provided later than required and that the employees should have received a third rest break.

The matter was referred to the Whatcom County District Court, which issued Tuesday's ruling. After listening to arguments from attorneys for both Sarbanand and L&I, the court determined that mitigation was appropriate, and directed that the fine be reduced by 50%. Significant in the court's determination was that Sarbanand Farms had fully cooperated with L&I during all phases of the audit. Legal counsel for Sarbanand Farms also informed the court that Sarbanand had not been previously cited by L&I for meal or rest break violations, yet it was confronted with what was one of the largest, if not the largest, fines ever imposed in the state of Washington for such violations. Further, the available guidance regarding the specific timing of the required rest break was less than clear when the audit was conducted.

Notably, the meal and rest break infraction involved in yesterday's hearing was unrelated to the death of Honesto Silva Ibarra in the summer of 2017. Earlier this year, L&I had separately looked into the circumstances surrounding Mr. Ibarra's passing, and Sarbanand Farms again fully cooperated with their efforts. After an extensive and thorough investigation, L&I concluded that Sarbanand Farms had not violated any workplace rules or regulations relating to the death of Mr. Ibarra. Mr. Ibarra became ill last summer while employed at the farm and sadly passed away at a Seattle hospital of natural causes.

Even though the court cut the fine in half, it was still required to assess the company an additional fee equal to 105% of the reduced amount for mandatory public assessments.

"The people at Sarbanand Farms take seriously their responsibilities with respect to worker safety and wellbeing, so in cooperation with L&I, we have updated our meal and rest break policies to ensure continued compliance with all applicable laws and regulations," a Sarbanand spokesman said. "We are glad to have this matter behind us as we begin to focus on this year's season."

Sarbanand acquired the Sumas blueberry farm in 2011 and since then has made significant improvements to the property, including new worker housing, dining and recreational facilities. The company is currently undergoing the certification process to become a FairTrade Farm, which will empower the workers to help shape the future of agriculture in Whatcom County.