

## Smithfield Workers Ask Court to Force Company to Protect Them From COVID-19

*First suit seeking to change working conditions in response to COVID-19*

With food chain workers being deemed “essential,” but allowed to fall ill, workers at Smithfield’s pork processing plant in Milan, Missouri are taking legal action to secure basic protective equipment and protocol changes that will stop the spread of COVID-19 in the plant and the surrounding community.

Their action filed yesterday is the first lawsuit seeking to secure injunctive relief to protect frontline workers from the coronavirus. The plaintiffs in the suit are the local nonprofit workers’ rights group Rural Community Workers Alliance and an anonymous worker who is a veteran of the facility’s “cut floor” who fears contracting the disease in the plant and spreading it in the community. The complaint filed by Public Justice, Towards Justice and the Heartland Center for Jobs and Freedom alleges Smithfield’s “current operations constitute a public nuisance because they unreasonably interfere with the common public right to public health” and because they are a breach of Smithfield’s duty to provide its workers with a reasonably safe workplace. The suit does not seek money damages, but asks the Court to force Smithfield to comply with CDC guidelines, state public health orders, and the guidance of health care professionals.

Currently at the Smithfield plant, the company is providing insufficient personal protective equipment, including forcing workers to wear dirty masks, it forces workers to perform their work tasks while standing shoulder to shoulder and it schedules their worktime and breaks in a manner that forces workers to be crowded into cramped hallways and restrooms, it refuses to provide workers sufficient opportunities or time to wash their hands, and it discourages workers from taking sick leave, offering a \$500 bonus to workers who do not miss a shift in April . These conditions endure at Smithfield’s Milan plant despite the outbreak at a Smithfield facility in South Dakota earlier this month through which hundreds of the company’s employees were stricken with COVID-19, and at least one has died, which put not only meat processing workers but the whole community at serious risk.

In yesterday’s complaint, the plaintiffs demand the following relief immediately:

- i. Providing sufficient personal protective equipment, including clean masks;
- ii. Creating and implementing a social distancing plan for the plant that will allow the workers to stay 6 feet apart to the extent possible, including on the line;
- iii. Providing breaks so workers can wash their hands and providing handwashing stations for them to use;
- iv. Providing tissues;
- v. Creating and implementing a protocol to clean surfaces;

- vi. Altering leave policies to allow workers showing COVID-19 symptoms to stay home without any form of punishment to their wages or future prospects; and
- vii. Developing and implementing a plan to test workers showing symptoms and perform contact tracing for those they have been near who could have been exposed.

“Rural Community Workers Alliance has joined this legal action because every day we fight for the safety and dignity of workers who are essential to our food system and our society, and their health and safety have never been more at risk than during the COVID-19 pandemic. This terrible peril is a result of what Smithfield has failed to provide and to do for their employees,” said Axel Fuentes, Executive Director of the Rural Community Workers Alliance. “On a personal note, as a resident of nearby Kirksville, I fear that a serious outbreak will spread from the plant, endangering my family and our rural Missouri community.”

Several workers have thus far stayed home with symptoms of COVID-19, though there have been no confirmed cases among the Milan plant workers yet.

“Few things are more essential during the current pandemic than our food system, yet corporate-owned facilities like the one in our suit continue to put workers, communities and public health at risk,” said David Muraskin, Litigation Director for Public Justice’s Food Project who is counsel on the lawsuit. “These workers, through the civil justice system, are standing up for their co-workers, and the health and safety of their families, by demanding that Smithfield take common-sense steps to protect its workforce from the serious and urgent risk of contracting coronavirus. As the lawsuit filed yesterday makes vividly clear, Smithfield’s tagline – ‘Good food. Responsibly.’ – is more of a marketing ploy than a promise to its people or customers.”

“Workers typically rely on government agencies to enforce workplace safety laws and bring employers into line. But workers have been waiting for far too long for the Trump Administration’s OSHA to do something. People’s lives are on the line,” said David Seligman, Executive Director of Towards Justice. “I’m so proud to represent these courageous workers who have taken the bold step of fighting for the health and safety of their fellow workers and the health and safety of their entire community.”

RCWA and Jane Doe are represented by the Public Justice Food Project, Towards Justice, and Heartland Center for Jobs and Freedom. A copy of the complaint is available [here](#).