

Female farm workers win \$17 million sex-harassment case in Miami federal court

By Jay Weaver

The five female vegetable packers say they felt terrified every time their supervisors threatened to take them to the cooler and trailers at a Florida farm.

The women say they feared harassment, coercion and sexual assault at the hands of Omar and Oscar Moreno, whose father owned the family farm and packaging facility east of Fort Myers.

On Thursday, the five Hispanic immigrant workers — all fired after confronting the brothers and a third supervisor about their sexual harassment — were awarded a \$17.4 million judgment by a Miami federal jury.

Their lawsuit, filed last year by the U.S. Equal Employment Opportunity Commission, aimed to address the plight of “this vulnerable segment of workers who are often reluctant or unable to exercise their rights under equal employment laws,” according to the agency’s attorneys.

Moreno Farms, Inc., whose principal place of business was in southwest Miami-Dade County, was the only named defendant in the civil case. The business, which state records show dissolved in May, did not respond to the women's complaint. As a result, U.S. District Judge Darrin Gayles issued a default judgment against the company earlier this year.

The jury, which deliberated this week, granted the women \$2.4 million in compensatory damages and \$15 million in punitive damages.

The women, who had been employees of Moreno Farms Inc. in the Hendry County community of Felda, said they suffered sexual harassment and retaliation from two sons of the company’s owner, Oscar B. Moreno, and a third male supervisor, Javier Garcia.

The women said the men “engaged in graphic acts of sexual harassment against female workers in Moreno Farms’ packaging house, including regular groping and propositioning, threatening female employees with termination if they refused the supervisors’ sexual advances, and attempting to rape, and raping, multiple female employees,” according to an EEOC news release.

Moreno Farms, which grew a variety of produce, operated a packaging and distribution facility. It was housed in a large warehouse with a cooler area to store produce. Outside, two mobile home trailers were used for storing supplies and office space.

According to the EEOC's complaint, the female employees at the packaging facility generally worked together in groups or stood next to one another along a conveyor belt.

One of the women, who was hired in December 2011, accused her supervisor, Omar Moreno, of frequently grabbing her butt and other body parts during the work day in front of the other employees. She complained about his touching and advances and told him to stop, the complaint said.

"Omar Moreno repeatedly demanded that Aguilar have sex with him and stated that he would fire her if she did not do so," according to the complaint.

Moreno would order the woman out of the work line and take her to the cooler or trailer, where she had sex with him "on three occasions because she feared losing her job if she did not do so," the complaint said. He told her "not to tell anyone about having sex with him."

On one occasion, Moreno instructed the woman to go to the trailer to have sex with his brother, Oscar. She refused to enter the trailer or to have sex with him.

"Omar Moreno became enraged and told [her] that he would terminate her employment," the complaint said. She was eventually fired in March 2012.

The other four female packers who sued Moreno Farms made similar claims in the EEOC's lawsuit.

The agency's regional attorney, Robert Weisberg, said the Miami federal jury's verdict sent a "clear message to the agricultural industry that the law will not tolerate subjecting female farm workers to sexual harassment and that there are severe consequences when a sex-based hostile work environment is permitted to exist."

EEOC General Counsel David Lopez said the agency was "committed to ensuring that all immigrant and vulnerable populations are protected by the anti-discrimination laws."