

For Immediate Release  
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Contact: Aidan O'Shea  
(410) 294- 9956 | [aoshea@publicjustice.net](mailto:aoshea@publicjustice.net)

IN WAKE OF MISSOURI COURT DECISION IN SMITHFIELD PACKING PLANT CASE,  
WORKPLACE ADVOCATES SAY INDUSTRY IS ON NOTICE THAT CHANGES MUST BE MADE

*Court Finds Federal Government Has Authority to Exercise Oversight*

In a decision released this afternoon, the U.S. District Court for the Western District of Missouri dismissed a suit brought by workers at a Milan, Missouri, meat packing plant operated by Smithfield Foods who were seeking workplace safety protections for themselves and their co-workers during the COVID-19 pandemic. Workers in the suit cited insufficient social distancing policies, a lack of available supplies for maintaining hygiene consistent with CDC standards and policies to incentivize employees to report for work without proper testing as examples of dangerous workplace conditions at the plant. Today's ruling from the court finds that Smithfield has taken steps to address some of those issues in light of the workers' suit, but advocates for the workers maintained that more must be done.

"While we disagree that Smithfield has implemented sufficient changes to address workers' concerns and protect their safety, any changes that have been implemented are the result of the courageous workers who came forward to demand better from the company," said David Muraskin, Litigation Director for the Public Justice Food Project and counsel for the workers. "Their unprecedented stand for workplace safety has resonated across the entire meat packing industry. Smithfield, and other companies across the country, are now on notice that the entire nation is watching their actions and insisting on fair treatment for their employees. The industry's actions moving forward will be carefully scrutinized by both consumers and the public at large. Our clients, empowered by the nationwide support they have received, will continue to work so that they, their families and communities are treated with the dignity and respect they deserve."

Noting that "the regulatory environment in which meat-processing plants operate is constantly changing during this unique national emergency," today's decision finds that the Occupational Safety & Health Administration (OSHA) has oversight authority for ensuring Smithfield operates its plants in a manner deemed safe by OSHA officials. Workplace advocates have noted that OSHA's oversight is discretionary, meaning today's decision does not adequately address concerns about the reliability of that oversight to protect workers from the pandemic and does not necessarily mitigate the need for further litigation if the agency fails to take proper action.

In the days following the workers' filing with the court, President Trump also signed an Executive Order mandating that meat packing plants continue to operate during the pandemic, but requiring no additional safety precautions for plant workers. The Department of Labor also announced, seemingly in response to the workers' complaint, that the agency would rely on companies within the industry to self-report compliance with CDC and OSHA guidelines, creating a vacuum of any real oversight of the industry.

"The brave workers in this case have shined a national spotlight on the reality that employees in the meat packing industry face every day," said Axel Fuentes, Executive Director of the Rural Community Workers Alliance. "Because of their efforts, a national movement for change has begun, and it does not

end with today's decision. From this moment forward, corporations will understand that, regardless of the protections that powerful people or companies may try to shield them with, they do not have immunity in the court of public opinion. Every employee at every plant in America can rest assured that, given the public response to this case, they now have millions of allies on their side. This is just the decision in one case. Undignified and dangerous conditions for meat processing workers will continue tomorrow, but a growing movement to change things will continue tomorrow as well."

"We're disappointed with the Court's decision to defer to the Trump Administration's process, but we also note that even under the Court's reasoning, the only thing that made Smithfield's operation of this plant no longer a clear 'offense against the public order' was the changes that they'd made since our clients filed this lawsuit. The civil justice system is and will continue to be a powerful force to challenge life-threatening working conditions due to COVID-19," said David Seligman, Executive Director of Towards Justice and counsel for the workers.

RCWA and plaintiff Jane Doe are represented by the Public Justice Food Project, Towards Justice, and Heartland Center for Jobs and Freedom. The ruling is available here: <https://www.publicjustice.net/wp-content/uploads/2020/05/RCWAvSmithfieldPIRuling.pdf>