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DEFENDING THE DIGNITY OF WORK

For Immediate Release

Major Settlement Reached to Protect American and Foreign Shepherders

November 21, 2019: Pursuant to a settlement of *Hispanic Affairs Project, et al. v. Scalia*, 15-cv-01562 (D.D.C.), a group of shepherders, some of the lowest paid workers in the American economy, have convinced the federal government to re-write the rules governing the use of guestworker visas for foreign shepherders working in the United States. The lawsuit challenged the ongoing use of temporary guestworker visas to fill permanent labor needs on sheep ranches across the Western United States. When working on temporary guestworker visas, foreign, mostly-Peruvian shepherders become indentured to the same ranch for many years where they work 80-90 hours per week for substantially less than minimum wage, until a few years ago only \$2-\$3 per hour. Under these conditions, most shepherders have no path to permanent residency, and like hundreds of thousands of other guestworkers, they do not benefit from one of the key foundations of dignity and bargaining power in the workplace: the threat of going to work somewhere else.

Under the settlement, ranches will no longer be able to use temporary or seasonal H-2A visas to fill permanent labor needs. Instead, to fill permanent labor needs, ranchers will have to hire American shepherders or bring shepherders into the country on permanent visas under which, among other things, they will be able to move between jobs to obtain better employment and higher wages. Pursuant to the settlement, the federal government has issued [new guidance](#) on “H-2A Petitions for Sheep/Goat Herders.” Comments on that guidance are due in mid-December.

David Seligman, Director of Towards Justice, which served as Plaintiffs’ counsel, said, “The use of H-2A guestworker visas for foreign shepherders who fill a permanent labor need is a sham that helps no one but the ranches who gain access to vulnerable foreign workers. It hurts American workers who miss out on jobs that they should have access to, and it hurts the foreign workers who are paid astonishingly low wages and lack the bargaining power to obtain better treatment. This settlement is an important step in the right direction, and we’re going to continue monitoring the industry to ensure that the government complies with settlement and the purposes of the H-2A program.”

The Hispanic Affairs Project, an organization with shepherder members, brought this case as a plaintiff. HAP Board President Thomas Acker said, “Shepherders working on foreign guestworker visas on sheep ranches across the West are among the most marginalized and underpaid workers in the United States. Going forward, we hope that if ranches want to continue to find workers capable of doing this work, they’ll need to pay those workers competitive wages and provide them with decent working conditions.”

About Towards Justice: Towards Justice is a nonprofit law firm that seeks to advance economic justice through impact litigation, strategic policy advocacy, and collaboration with workers, community groups, and governmental agencies. Towards Justice served as counsel to the plaintiffs in *Hispanic Affairs Project, et al. v. Scalia*, 15-cv-01562 (D.D.C.) in collaboration with co-counsel at Zuckerman Spaeder LLP.

About Hispanic Affairs Project: HAP is a grassroots organization in Western Colorado whose mission is to provide leadership development, advocacy, and key services for the integration of our community. HAP sued the government in *Hispanic Affairs Project, et al. v. Scalia*, 15-cv-01562 (D.D.C.) on behalf of its shepherd members.

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