

Abused Disabled IA Plant Workers Awarded \$240M

Ryan J. Foley, Associated Press

IOWA CITY, Iowa (AP) — An Iowa jury on Wednesday awarded a total of \$240 million to 32 mentally disabled Iowa turkey processing plant workers for what government lawyers described as years of around-the-clock abuse and discrimination by the Texas company that oversaw their care, work and lodging.

The federal jury in Davenport determined that Henry's Turkey Service, of Goldthwaite, Tex., violated the Americans with Disabilities Act by creating a hostile living and working environment and imposing discriminatory conditions of employment. The jury also found that the company acted with "malice or reckless indifference" to the men's civil rights.

Jurors awarded each of the men \$7.5 million apiece after a weeklong trial that featured emotional testimony from social workers who described the physical and verbal abuse they suffered. That includes \$5.5 million apiece in compensatory damages for their pain and suffering and \$2 million apiece to punish the company for knowingly violating the law.

The company, which is now defunct, is not expected to be able to pay anywhere near the full amount of damages. The Equal Employment Opportunity Commission has suggested it will go after the defunct company's assets, including up to \$4 million that was transferred to founder T.H. Johnson's widow after he died in 2008.

The employees lived at a rural Iowa bunkhouse under Henry's care while they worked at the West Liberty Foods turkey processing plant, which paid Henry's to supply them under a contract that dated to the 1970s. West Liberty Foods is not accused of any wrongdoing. Company officials said they banned a Henry's supervisor from the plant in 2007 after learning he had abused the men, but were otherwise unaware of problems.

The [EEOC sued](#) [1] Henry's after state officials shuttered the bunkhouse in 2009 because of unsafe and unsanitary conditions there, including fire hazards, shoddy construction, a leaky roof, and a rodent infestation. State officials then found new caretakers for the men, many of whom were in their 50s and 60s and had medical problems that needed immediate attention.

"This was pervasive, 24/7, in every way," EEOC attorney Robert Canino said in his closing argument.

According to social workers who treated them after the home was shuttered, the men said they had been subjected to harsh discipline and abuse at home and work by their Henry's supervisors. They said they had been forced to work through illness

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and injuries, denied bathroom breaks, locked in their rooms, kicked in the groin and, in one case, handcuffed to a bed. Supervisors also subjected the men to random acts of cruelty, such making them eat hot peppers, "just for laughs," Canino said.

By 2008, Henry's was being paid more than \$500,000 per year by West Liberty Foods, but was paying the men the same \$65 per month that it always had, regardless of how many hours they worked. The company docked the men's wages and Social Security disability benefits, telling them it was to pay for the cost of their care and lodging.

A judge has already ordered Henry's to pay the men more than \$1.3 million in back wages in the case. Henry's never applied for medical care or other services for the disabled that the men would have qualified for in Iowa.

The Iowa Attorney General's Office has declined to prosecute anyone responsible for the abuse, saying it is unlikely that criminal charges could be proven beyond a reasonable doubt.

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