



MEDIA RELEASE
CT Department of Labor *Communications Office*
Commissioner Kurt Westby

COMPLAINTS OF WORKERS BEING IMPROPERLY EMPLOYED AT BOZRAH POULTRY PLANT LEAD TO MORE THAN \$270,000 IN FINES AGAINST FIRMS IN MASSACHUSETTS AND PENNSYLVANIA

November 19, 2019

Investigations by the Connecticut Department of Labor's Wage and Workplace Standards Division into complaints of workers being improperly employed at a large poultry plant in Bozrah has led to fines of more than \$270,000 and hundreds of violations against the Massachusetts and Pennsylvania companies that supplied the workers to the plant.

Five Brothers 1, based in Sunbury, Pa., and Whitmore Poultry, based in Orange, Mass., admitted improperly classifying the workers as independent contractors for their work at Hillandale Farms in Bozrah. Many of the workers employed by Whitmore Poultry were minors between ages 14 and 17.

Five Brothers 1 was assessed a fine of \$180,600, and Whitmore Poultry a fine of \$90,000. Both firms supply hundreds of temporary workers to poultry farms. The two firms, and not Hillandale Farms, were cited for the violations as Connecticut law holds the employer of record responsible - not the company that hired the subcontractor.

Classifying workers as independent contractors results in the employer paying lower workers compensation premiums, taxes and unemployment insurance costs, said Thomas J. Wydra, Director of the Dept. of Labor's Wage and Workplace Standards Division.

"These business practices are an unacceptable way to operate in Connecticut," Wydra said. "Every working person is entitled to proper workplace protections, and taxpayers should not be burdened with costs that are the legal responsibility of employers. Our staff is committed to educating both employers and employees about these laws, and enforcing them to help ensure a legitimate and safe workplace environment."

During an Oct. 11 inspection at the Bozrah plant, investigators determined that upwards of 34 employees of Five Brothers 1 were being misclassified as independent contractors. A stop-work order was immediately issued to Five Brothers 1, and the company was cited for 602 violations of knowingly misrepresenting the employees as independent contractors.

The violations represent each worker for each week that work was performed and the employee was paid in unreported cash payments. Five Brothers also was cited for failing to maintain Connecticut Workers Compensation Insurance for the employees.

Investigators, including from the state Department of Children and Families, returned to the plant on Oct. 30 after a complaint that minors were being improperly employed there by Whitmore Poultry.

Investigators observed a passenger van arrive and drop off 16 young workers, after the plant's full-time staff had left for the day. The ensuing investigation determined that the workers, including minors, were being misclassified as independent contractors.

They had been working at the Bozrah plant for Whitmore Poultry for approximately eight months and were being paid in cash on a weekly basis.

A stop-work order was immediately issued to Whitmore Poultry for their business operation at the plant, and the company was cited for 512 violations of knowingly misrepresenting the employees as independent contractors.

The stop-work order was released against Whitmore Poultry on Oct. 31 and against Five Brothers 1 on Nov. 1 after they demonstrated compliance with relevant labor laws.

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