

**BRINGING AN INDUSTRY INTO THE 80'S:
AFFIRMATIVE ACTION IN SEAFOOD PROCESSING**

APRIL 1983

A report of the Alaska and Washington Advisory Committees to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the contents of this report should not be attributed to the Commission but only to the Alaska and Washington Advisory Committees.

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THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 states and the District of Columbia pursuant to Section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective states on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the state.

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A report prepared by the Alaska and Washington Advisory Committees to the United States Commission on Civil Rights.

ATTRIBUTION:

The findings and recommendations in this report are those of the Alaska and Washington Advisory Committees to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the state advisory committees for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

RIGHT OF RESPONSE

Prior to the publication of a report, the state advisory committees afford to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

LETTER OF TRANSMITTAL

Alaska Advisory Committee
Washington Advisory Committee
to the U.S. Commission on Civil
Rights

April 1983

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John Hope, III, **Acting Staff Director**

Dear Commissioners:

The Alaska and Washington Advisory Committees submit this report on employment opportunities and employment-based housing for minorities and women in the seafood processing industry in Alaska as part of their responsibility to advise the Commission about civil rights problems within the states.

The information on which this report and its findings, conclusions, and recommendations are based was obtained through interviews with managers and employees of seafood processing companies, state and federal officials, union officials, and community leaders. Public factfinding meetings also were held in Alaska and Washington, and an extensive literature review was conducted throughout the study.

The advisory committees found that among the seafood processing companies studied, minorities and women were overrepresented in the lower-paying jobs or departments and underrepresented in the higher-paying jobs or departments compared to their overall representation in the companies' workforce. The committees examined employment practices that courts have found or employees have alleged to have an adverse impact on minority and female advancement, such as job segregation based on race or sex, word-of-mouth recruitment, and housing segregation, when such housing is provided as a term or condition of employment. The committees found that such practices continue to exist in the seafood processing industry.

The advisory committees developed recommendations for increasing employment and housing opportunities for minorities and women. The recommendations are directed to the seafood processing companies. Recommendations also were developed for further investigation and enforcement by state and federal civil rights agencies.

We urge you to concur with our recommendations to end employment and housing discrimination in the seafood processing industry.

Respectfully,

Donald Peter, Chair
Alaska Advisory Committee

Katharine Bullitt, Chair
Washington Advisory Committee

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ACKNOWLEDGMENTS

The Alaska and Washington Advisory Committees wish to thank the staff of the Commission's Northwestern Regional Office (NWRO) in Seattle, Washington, for its help in the preparation of this report. The study was the principal staff assignment of Victoria L. Squier, civil rights analyst. Legal research was conducted by Frederick Kaplan, former regional attorney. Legal sufficiency review was conducted by Alec Stephens, current regional attorney, Susan McDuffie, attorney-advisor, Office of General Counsel, and Gail Gerebenics, assistant general counsel, Office of General Counsel. Interview assistance was provided by Patrick Brito. Shelby Summers provided support throughout the study. All regional staff worked under the supervision of Joseph T. Brooks, past director of the Northwestern Regional Office, and Thelma A. Crivens, current director.

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CHAPTER 1: Introduction

The seafood industry is Alaska's largest private employer in terms of peak monthly employment¹ and is the state's third largest employer in terms of average employment². A large proportion of the employees work in one phase of the industry's operations --seafood processing.³ Employees in seafood processing are involved in cleaning, canning, freezing, preserving, or packing seafood products.⁴ Minorities constitute a high percentage of employees in this phase of the industry, with Alaskan Natives, Filipinos, Southeast Asians, and Hispanics having the highest representation among minority groups.⁵

Allegations have been made that minorities are overrepresented in the lower-paying jobs or departments in seafood processing and that they are underrepresented in the higher-paying jobs or departments compared to their percentage in the actual workforce.⁶ Allegations also have been made that jobs in the industry are classified by sex, which has resulted in women not being considered at all for employment in certain job categories.⁷ Finally, some minority workers have alleged that housing is segregated by race and that housing provided to minorities is inferior to that provided non-minorities.⁸ In a major case involving discrimination in employment and housing in the seafood processing industry, Domingo v. New England Fish Co. (hereafter referred to as Domingo)⁹, the court concluded that the New England Fish Company (NEFCO) discriminated on the basis of race both in the allocation of jobs and in the assignment of housing to its employees, in violation of Title VII of the Civil Rights Act of 1964.¹⁰ At the time of the suit, NEFCO was one of the largest processors in the industry.

Based on allegations of race, sex, and housing discrimination in the seafood processing industry, the Alaska and Washington Advisory Committees to the U.S. Commission on Civil Rights (the committees) decided to conduct their own study of employment and housing in this industry.¹¹ The purpose of this study was to determine whether minorities and women were overrepresented in the lower-paying jobs or departments in the industry and underrepresented in the higher-paying jobs or departments and whether seafood processing companies were using employment practices that could have an adverse impact on minority and female advancement. The committees sought to determine whether there was discrimination in housing assignments as well. This report presents the results of the committees' research.¹²

Data Collection

The assessment of employment and housing practices in seafood processing that may have a discriminatory impact on minorities and women was based on information obtained during interviews with employees and employers in the industry; with federal, state, and local government officials; with union representatives; and with community organizations. Public factfinding meetings also were held in Alaska and Washington, and an extensive literature review was conducted throughout the study.

Interviews

To obtain background information on the industry prior to their factfinding meetings, advisory committee members and staff of the Northwestern Regional Office of the U.S. Commission on Civil Rights (NWRO) conducted interviews in three of the most productive fishing areas in Alaska -- Bristol Bay, Kodiak, and Dutch

Harbor. Representatives from 56 companies were contacted and interviews were conducted with managers and employees in 39 facilities. (See appendix 1 for the list of companies contacted and interviewed.) In addition to obtaining background information, committee members and staff asked 8 employers detailed questions about employment and housing conditions at their facilities.¹³ These 8 employers operate a total of 21 facilities in the State of Alaska.¹⁴ Finally, staff also interviewed state and federal officials and community leaders.

Factfinding Meetings¹⁵

The committees conducted factfinding meetings in Alaska and Washington. A meeting was held in Anchorage, Alaska, on May 2, 1981, and in Seattle, Washington, on May 6, 1981. Company officials, employees, federal, state, and local government agency officials, community leaders, and union officials were invited to participate. Public notice also was given to the media about the meetings. The factfinding meeting in Anchorage included a section for additional public input from distant sites on the Alaska Legislative Teleconference Network¹⁶, which was connected to Anchorage from Dillingham, Homer, Juneau, Kodiak, and Sand Point, Alaska, thereby greatly increasing the number of sites for participation.

Recognizing that full cooperation by as many companies as possible would help encourage solutions to any problems employees had with employment and housing conditions in the industry, the committees invited representatives from the 32 seafood processing companies to participate in the factfinding meetings; but only two companies sent representatives. (See appendix 1 for the list of participating and non-participating

companies.) Information obtained from interviews with officials at all 32 companies prior to the factfinding meeting as well as information obtained from other sources, however, was used to develop a comprehensive profile of employment and housing conditions in the industry.

Several employees appeared before the factfinding committees, but many who wanted to appear reportedly did not do so because of fear of losing their jobs or of having other retaliatory actions taken against them. One of the participants at the Anchorage factfinding meeting, Anabel Lund,¹⁷ former seafood processing worker, offered an explanation for the sparse turnout:

[W]e are not allowing people to testify secretly. I think that's a problem with a hearing like this. This is a small town. It's [difficult] for someone who is depending on a cannery job who has experienced some sort of discrimination to come and talk to you and know that it could be broadcast and know that their name could be used. When ...you are working at a cannery you are pretty desperate anyway and I'm sorry there wasn't some way that people could testify anonymously, especially in small towns like Sand Point and Dillingham.¹⁸

Thelma Buchholdt, chairperson of the Anchorage factfinding meeting, also stated that fear was one reason many employees did not participate in the factfinding meetings:

I can agree that perhaps we should make provisions for testimony from [anonymous] individuals. I have ...many friends who said they would like to speak up with some of the concerns they have with the cannery work, working conditions, but of course their jobs are very important to their families.¹⁹

Contents of Report

Chapter 2 of this report gives a workforce profile of minorities and women in the seafood processing industry. Chapter 3 analyzes the types of employment practices used in the industry that could have an adverse impact on minority and female advancement, and examines housing conditions in the industry. Finally, the committees' findings and recommendations are contained in Chapter 4. Under the Commission's rules and regulations, if a report by a state advisory committee "tends to defame, degrade or incriminate any person, then the report ...shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report." ²⁰ Pursuant to this statutory mandate, the Alaska and Washington State Advisory Committees sent letters to 16 persons who may be "defamed, degraded or incriminated" by material contained in this report; 7 persons responded. Those responses are included in appendix 3 of the report, or incorporated in the text, where appropriate.

During the factfinding meetings, the committees received complaints of a problem that employees and other interested parties felt should be investigated: poor safety and health conditions in the seafood processing industry. Although the committees' research focus was on employment and housing conditions in the industry, they believe that the complaints of poor safety and health conditions are serious enough to refer them to the appropriate oversight agencies (and state legislative committees) to determine whether minorities and women are disproportionately affected by them. The committees' decision is in furtherance of the responsibility of the regional offices of the U.S. Commission on Civil Rights to "receive complaints and refer them to appropriate agencies..."²¹ The complaints of poor safety and health conditions received during the factfinding meetings are included in appendix 2 of this report.²²

Footnotes

- 1 There were a total of 44,157 employees in the industry in 1979 (23% of the state's labor force). State of Alaska, Legislature, House Research Agency, The Fishing Industry: An Overview of State Expenditures and Economic Benefits, Report 81-4, by Jack Kreinheder and David Teal, (January 1982), p. 40 (hereafter cited as The Alaska Fishing Industry).
- 2 State of Alaska, Department of Labor, Research and Analysis section, Alaska Economic Trends, (October 1980), p. 19 (hereafter cited as Alaska Economic Trends).
- 3 The Alaska Fishing Industry, p. 47.
- 4 State of Alaska, Department of Labor, Research and Analysis section, Wage Rates for Selected Occupations: Alaska, Fairbanks and Regional Areas, (August 1981), pp. 29 and 31.
- 5 Exact figures on the number of minorities in the industry are not available, but employers, union officials, and other parties all stated that minorities represent a large proportion of the workforce in seafood processing. The following individuals made this observation:

Chuck Jensen, general manager, Alaska Packers Association, Inc., interview in Kodiak, Alas., Aug. 12, 1980; Del Valentine, vice president in charge of production, Alaska Shell, Inc., interview in Seattle, Wash., Apr. 7, 1981; Ken Bowhay, general manager, All Alaskan Seafoods, Inc., interview in Seattle, Wash., Mar. 9, 1981; Karl S. Cook, General Manager, Annette Island Packing Company, interview in Seattle, Wash., Mar. 4, 1981; Maxine Peterson, personnel administrator, Pacific Pearl Seafoods, interview in Kodiak, Alas., Aug. 11, 1980; Eldyn Colburn, personnel director for all Pacific Pearl Seafoods offices, interview in Bellevue, Wash., Feb. 2, 1981; John A. McCallum, president, Pacific Salmon Company, Inc., interview in Seattle, Wash., Feb. 18, 1981; Craig Shalhoob, general manager of Skookum Chief, Pan-Alaska Fisheries, Inc., interview in Kodiak, Alas., Aug. 8, 1980; Greg Gurstein, superintendent, and Dalton Baugh, EEO/Personnel, Pan-Alaska Fisheries, Inc., interview in Unalaska, Alas., Sept. 26, 1980; Robert E. Resoff, chief executive officer, Sea-Alaska Products, Inc., interview in Seattle, Wash., Feb. 18, 1981; Wayne Selby, general manager, Swiftsure Fisheries, Inc., interview in Kodiak, Alas., Aug. 9, 1980; Ken Olson, Alaska Fisherman's Union, interview in Seattle, Wash., Apr. 14, 1981; Larry Cotter, president, Alaska Council, International Longshoremen and Warehousemen's Union, written statement provided for Anchorage factfinding meeting, May 2, 1981; and Jamie Love, director, Alaska Public

Interest Research Group, interview in Anchorage, Alas., Jan. 13, 1979.

Jamie Love, director, Alaska Public Interest Research Group (AKPIRG), memorandum to Ralph Nader (Re: Fisheries), Jan. 4, 1975, pp. 9-11; Larry Cotter, president, Alaska Council, International Longshoremen and Warehousemen's Union, written statement provided for Anchorage factfinding meeting May 2, 1981; U.S. Department of the Interior, Office for Equal Opportunity, Alaska Region, letter to Richard B. Lauber, Association of Pacific Fisheries, Juneau, Alas., on "Equal Employment Opportunity Deficiencies in the Alaska Canned Salmon Industry", Mar. 12, 1974, presented as an exhibit at Anchorage factfinding meeting by Craig Tillery, attorney, Alaska Legal Services, May 2, 1981, transcript, p. 269.

70 Anabel Lund, former seafood processing worker, testimony before the Alaska-Washington Advisory Committees, factfinding meeting, Anchorage, Alas., May 2, 1981, transcript, pp. 56-57 (hereafter cited as Anchorage transcript); Zella Boseman, former assistant director of the South Central Regional Office (deceased), Alaska State Commission for Human Rights, Anchorage transcript, pp. 19-22; Clarke Johnston, vice president, Laborers Local 10, Pacific Pearl Seafoods, Dutch Harbor, Alas., Anchorage transcript, pp. 165-166.

18 Nemesio Domingo, former seafood processing worker, testimony before the Alaska-Washington Advisory Committees, factfinding meeting, Seattle, Wash., May 6, 1981, transcript, p. 42
19 Employee interview #6, Whitney Fidalgo, in Naknek, Alas.,
20 July 17, 1980; see Domingo v. New England Fish Co., 445
21 F.Supp. 421 (W.D. Wash., 1977).

9 Domingo v. New England Fish Company, 445 F.Supp. 421 (W.D. Wash. 1977).

10 42 U.S.C. 2000e et. seq. (1976); 445 F.Supp. 421, 441.

11 While the facilities examined in this study are located in Alaska, most of the company headquarters (where employment policies are established) are located in Seattle, Washington. Accordingly, the Alaska and Washington Advisory Committees to the U.S. Commission on Civil Rights (the committees) decided to conduct a joint study.

12 The focus of this study was on shore-based facilities, which are primarily canneries, but background information also was obtained on floating processors, which are processing vessels that operate at sea.

- 13 Harold Brindle, general manager, Red Salmon Company, interview in Naknek, Alas., July 17, 1980; Pat Williams, director of affirmative action, Pan Alaska Fisheries, Castle & Cooke, interview in Seattle, Wash., Aug. 4, 1980; Eldyn Colburn, personnel director, Pacific Pearl Seafoods, interview in Bellevue, Wash., Feb. 1, 1981; Frank Kelty, manager, East Point Seafood Company, interview in Dutch Harbor, Alas., Sept. 27, 1980; J. Richard Pace, president, Universal Seafoods Ltd., interview in Redmond, Wash., Feb. 19, 1981; Robert E. Resoff, chief executive officer, Sea-Alaska Products, Inc., interview in Seattle, Wash., Feb. 18, 1981; Del Valentine, vice president in charge of production, Alaska Shell, Inc., interview in Seattle, Wash., Apr. 7, 1981; Jay S. Gage, president, Peter Pan Seafoods, Inc., letter to Victoria Squier, equal opportunity specialist, U.S. Commission on Civil Rights, Apr. 2, 1981; and Dennis Plagerman, plant manager, Peter Pan Seafoods, Inc., interview in Dillingham, Alas., July 15, 1980.
- 14 Red Salmon Company, 1 facility; Pan Alaska Fisheries, Inc., Castle & Cooke, 2 facilities; Pacific Pearl Seafoods, 5 facilities; East Point Seafood Company, 2 facilities, Universal Seafoods Limited, 1 facility; Sea-Alaska Products, Inc., 1 facility; Alaska Shell, Inc., 2 facilities; Peter Pan Seafoods, Inc., 7 facilities.
- 15 Advisory committees and subcommittees may hold meetings for the purpose of inviting government officials and private citizens to present information on subject matter under study by the committee or subcommittee. See, U.S. Commission on Civil Rights, State Advisory Committee Handbook, (1980), p. 17.
- 16 The Alaska Legislature established a teleconference network in 1978, which allows for communication with 17 communities throughout the state. It has been utilized regularly by the legislature in lieu of travel due to the high cost of travel and the great distance between constituent participants. It is available to other government entities and public and non-profit organizations when not in use by the legislature. It is frequently used to gather public input for hearings and public meetings.
- 17 Ms. Lund participated in the Anchorage factfinding meeting over the teleconference network from Homer.
- 18 Lund testimony, Anchorage transcript, pp. 57-58.
- 19 Anchorage transcript, p. 58. Other individuals reported that the expense involved in traveling to the factfinding meetings also limited employee participation. Craig Tillery, attorney, Alaska Legal Services, Anchorage transcript, p. 258.

20 U.S. Commission on Civil Rights, State Advisory Committee Handbook, (1980), p. 10.

21 Ibid., p. 5.

22 Since the focus of this project was employment and housing discrimination, the committees did not conduct an investigation of health and safety issues and, therefore, are not able to determine whether poor safety and health conditions have a disproportionate effect on minorities and women.

CHAPTER 2: Minorities and Women in Seafood Processing: An Employment Profile

Industry Overview

The seafood processing industry in Alaska encompasses over 90 percent of all food processing occupations.¹ A wide variety of occupations exists due to the basic demands of harvesting, processing, and marketing fish as well as to the logistics of operating in remote locations. In a statewide survey of estimated employment in selected occupations in food processing conducted by the Alaska Department of Labor in 1977, the great majority of food processing workers, 5,275 (82.2%) were employed in maintenance and production occupations.² All other workers were engaged in clerical (6.5%), services (5.8%), managerial (3.9%), and professional and technical occupations (1.1%).³ Five occupational categories made up 63 percent of all employment in seafood processing.⁴ These occupations were fish cleaner or butcher (24.6% of total fish processing employment), followed by cannery worker (18.1%), food washer and/or separator (7.2%), production packager (6.3%), and laborers and unskilled workers (6.9%).⁵ The occupations, the report states, are not entirely distinct from one another.⁶

Seafood processing companies employ workers in several departments, the most common of which are administrative, machinist, company fishing boat, tender, carpenter, beach gang, clerical, quality control, culinary, laborer, and cannery.⁷ For processing companies that operate shore-based facilities, the cannery department usually has the largest number of employees⁸, as well as the largest number of the low paid and unskilled employees.⁹ At some companies, the other departments do have some unskilled and low-paying jobs; but they also have higher-paying skilled or semi-skilled jobs to which one can advance.¹⁰

Work in the industry is seasonal, with many employees returning year after year to the same jobs.¹¹ Some of the workers are hired pursuant to union-negotiated hiring provisions.¹² Most are hired directly by the employer through recruitment or walk-ins.¹³ Many of the workers from outside the state are hired from the state of Washington.¹⁴ Employees usually work for a specific period of time (e.g., six weeks) for a particular product season, such as red salmon season; for the duration of the run; or for several limited periods of time for employers who process multiple products.¹⁵ Therefore, an employee could work for six weeks, return to Seattle, and then return to Alaska to work on another product with the same company or another company.

Seafood processing employees work longer than average hours, yet receive less than average earnings, a study by the Alaska Department of Labor found.¹⁶ The Alaska Department of Labor also found that they are not as well paid as other occupational groups in Alaska.¹⁷ Their wages are lower than the state's all-industry average wage of \$10.33 per hour (falling short by 40 percent), for an average wage of \$6.24 per hour.¹⁸ Even during the highest earnings quarter (third quarter), seafood processing workers average only \$6.56 per hour,¹⁹ which is the lowest reported average wage for any industry in the state. The average number of hours worked in seafood processing, however, is higher than the all-industry average of 40.5 hours by 4 percent.²⁰

Minorities and Women in Seafood Processing

Discrimination against minorities in the seafood processing industry has been a concern since the nineteenth century. As early as 1895,²¹ issues were being raised on the lack of employment opportunities for minorities in the industry. Other

reports raising this issue were made in 1917,²² 1931,²³ and 1975.²⁴ In 1974, the Alaska Region Office for Equal Opportunity of the Department of Interior conducted a review of employment practices in the canned salmon industry in Alaska.²⁵ Its review showed a pattern of segregation and exclusion in job categories based on race and sex. The review disclosed that the jobs held exclusively by minorities and females had much lower hourly pay rates than those held exclusively by white males.²⁶ The review also contained an assessment that "this pattern has been found in every cannery."²⁷

The Alaska and Washington Advisory Committees (the committees), through the staff of the Northwestern Regional Office of the U.S. Commission on Civil Rights, sought current information on minority and female employment patterns in seafood processing from state and federal agencies and from employers. Due to the small number of companies submitting statistical reports on minorities and women in their employ to the Equal Employment Opportunity Commission,²⁸ as well as to the failure of any state agency in Alaska to collect consistent and comprehensive data on minorities and women in the industry²⁹, industry-wide statistics were not available. Staff did obtain statistics on minority and female employment patterns for a limited number of processing facilities from the Equal Employment Opportunity Commission and from Abraham Ardit, attorney for plaintiffs in major employment discrimination lawsuits in the seafood processing industry.³⁰ The statistics obtained from these sources show that minorities and women continue to be concentrated in the lower-paying jobs or departments in the industry.

Statistics obtained by staff for 3 processing companies (5 facilities) show that between 1970 and 1980 minorities were overrepresented in the lower-paying jobs or departments at those companies and underrepresented in the higher-paying jobs or

departments compared to their representation in the employed workforce. For example, at the Bumble Bee cannery in South Naknek, minorities comprised 40 percent of the company's workforce, but 63 percent of the cannery jobs between 1970 and 1980. Whites, on the other hand, were 60 percent of the workforce, but held only 37 percent of the cannery jobs.³¹ (See table 2.1) In 4 major departments within Bumble Bee that have higher-paying jobs -- machinist, company fishing boat, tender, and carpenter -- minorities represented 0%, 0%, 2%, and 2% of the personnel, respectively, even though they were 40 percent of the workforce. Whites held 100 percent of the jobs in the machinist and company fishing boat departments and 98 percent of the jobs in the carpenter and tender departments; but they represented only 60 percent of the workforce.

The workforce composition at 4 other facilities operated by two companies -- Wards Cove and Columbia Wards -- had employment profiles similar to that at Bumble Bee. (See table 2.1) At each of these facilities, except Wards Cove at Ketchikan, minority representation in the cannery department far exceeded their representation in the workforce at the facility. On the other hand, the percentage of whites in the cannery department usually was far below their percentage in the workforce. Even in the Wards Cove facility, where minorities account for only 38 percent of the workers in the cannery department, 90 percent of all minority workers were concentrated in that department. The departments with higher-paying jobs all were predominantly white. For example, whites were 99 percent of the machinists at Wards Cove at Ketchikan; 94 percent at Wards Cove at Red Salmon, 96 percent at Columbia Wards at Ekuk, and 69 percent at Columbia Wards at Alitak. Their representation in the workforce at these companies was 72 percent, 60 percent, 46 percent, and 49 percent, respectively. While whites were overrepresented in

TABLE 2.1

HIRING IN JOB DEPARTMENTS BY RACE: 1970-1980

	Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
Department	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW
Machinist	116	1	99	1	132	9	94	6	178	3	96	4	94	42	69	31	161	0	100	0
Tender	445	14	97	3	256	2	99	1	203	53	79	21	206	45	82	18	159	3	98	2
Company Fishing Boat	N/A				193	35	85	15	N/A				N/A				229	0	100	0
Carpenter	N/A				36	0	100	0	58	1	98	2	62	23	73	27	92	2	98	2
Cannery	903	563	62	38	201	530	27	73	474	1224	28	72	303	687	31	69	541	903	37	63

Source: Abraham Arditi, attorney, Northwest Labor and Employment Law Office, from the case Atonio v. Wards Cove Packing Co., No. C74-145M (N.D. Wash., filed Mar. 20, 1974), Table A. These statistics were obtained through discovery.

NOTE: Total number of all employees at each facility are shown below. These totals include the job categories in the table as well as all other categories.

TOTAL EMPLOYMENT AT EACH FACILITY

Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW
1614	629	72	28	1250	836	60	40	1291	1505	46	54	1033	1065	49	51	1601	1069	60	40

machinist positions compared to their percentage in the workforce at these facilities, minorities were underrepresented in them. They were 1 percent of the machinists at Wards Cove at Ketchikan; 6 percent at Wards Cove at Red Salmon; 4 percent at Columbia Wards at Ekuk; and 31 percent at Columbia Wards at Alitak. Minority representation in the workforce at these facilities was 28 percent, 40 percent, 54 percent, and 51 percent, respectively.

Douglas Fryer, attorney for Wards Cove Packing Company-Columbia Wards Fisheries, submitted a response to the statistics given in table 2.1.³² In his response, he stated that the defendant companies "strongly object" to the use of statistics provided by plaintiff's attorney and regard them as "biased".³³ He submitted copies of the trial brief and the final argument for the case Atonio v. Wards Cove and offered to submit the companies' own statistics, stating, "We believe that our own statistics are more persuasive..."³⁴

A major objection to the statistical information used in table 2.1 is that the information includes as hires persons who return to the same jobs year after year. Although the advisory committees rely on this method of counting hires because it was found to be reliable in two other court cases involving discrimination in the seafood processing industry,³⁵ the committees requested and received the statistics offered by Mr. Fryer on behalf of Wards Cove-Columbia Wards.³⁶

The statistical information presented by Mr. Fryer was included in the affidavit of economist Dr. Albert Rees, an expert witness for the defendant companies on labor market theory.³⁷ Table 4 of Dr. Rees' affidavit (Exhibit A-278) presents data on "new seasonal hires" from 1971 to 1980 to test whether there was

statistically significant deviation in the hiring of whites in skilled departments. "New seasonal hires" are employees who only work in Alaska processing facilities during the season and are counted as new hires if they did not work in the same facility on the same job the previous season.³⁸ The departments tested were the jobs that were "at issue" in the case: administration, beach gang, carpenter, culinary, fisherman, machinist, medical, office, radio, store/stockroom, tender, and general skills (i.e., unskilled and hard-to-classify jobs in each department).³⁹ Dr. Rees' analysis focuses on the number of persons in the labor market (primarily Alaska, Oregon, and Washington) with the requisite job skills. Based on his analysis he makes the following conclusions:

In many job families the percentage of non-whites hired is larger than their percentage of the relevant labor supply. In many more families, non-whites are slightly underrepresented, but the differences are not statistically significant and could have occurred by chance with a high probability. In a few job families of the class facilities of two of the defendant companies, non-whites are underrepresented in comparison with labor force estimates, and the differences are significant... Racial discrimination is one possible explanation of such difference.⁴⁰

The advisory committees note that they are not alleging or attempting to prove that the defendant companies (or any companies) are violating Title VII of the Civil Rights Act of 1964. They are attempting to make the public aware of the historical problem of minority and female (see table 2.3) concentration in the lower-paying, unskilled jobs in the seafood processing industry and to explain why this problem persists, based on court decisions and statements by employees and other concerned parties. (See chapter 3) They are recommending,

however, that federal and state human rights agencies conduct a systemic investigation of the industry to determine whether companies are in fact violating Title VII of the Civil Rights Act of 1964. (See chapter 4)

The advisory committees also note that the statistics on employment of minorities at seafood processing companies provided by the information in table 4 of Dr. Rees' affidavit, show an almost identical pattern of underrepresentation in the higher-paying jobs or departments and overrepresentation in the lower-paying jobs or departments, when compared with the statistics provided by plaintiff's attorney, although the defendant companies count new hires differently. Using the statistical data provided by the companies,⁴¹ the advisory committees constructed a chart comparable to the chart provided by plaintiff's attorney (table 2.1). This chart (table 2.2) indicates that the employment profiles of the 5 facilities are comparable to the profiles in table 2.1, with the exception of the company fishing boat department in the Columbia Wards facility at Ekuk (where 6 of 8 employees were minorities).

Statistics on the employment of women in the seafood processing industry show that they too are overrepresented in the lower-paying jobs or departments and underrepresented in the higher-paying jobs or departments compared to their percentage in the actual workforce. Statistics obtained on female employment in 1980 at 3 processing companies (5 facilities) show that women primarily were concentrated in the cannery department. (See table 2.3) For these 3 companies, women represented between 23 percent and 29 percent of the workforce, but only between 0 and 8 percent of the employees in the tender department; between 0 and 5 percent of the employees in the machinist department; and 0 percent of the employees in the carpenter department. By contrast, women represented between 29 and 42 percent of employees in the cannery department at these companies.

TABLE 2.2

HIRING IN JOB DEPARTMENTS BASED ON NEW SEASONAL HIRES BY RACE: 1971-1980

Departments	Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW
Machinist	28	0	100	0	23	6	79	21	63	1	98	2	30	18	62	38	76	0	100	0
Tender	178	10	95	5	104	4	96	4	79	24	77	23	82	26	76	24	74	4	95	5
Company Fishing Boat	4	0	100	0	33	2	94	6	2	6	25	75	4	0	100	0	70	0	100	0
Carpenter	N/A				3	0	100	0	26	1	96	4	33	13	72	28	52	1	98	2
Cannery	572	262	69	31	121	217	36	64	293	599	33	67	234	441	35	65	366	401	49	52

Source: Dr. Albert Rees, expert witness for defendants on labor market theory, Sloane Foundation, from the case *Atonio v. Wards Cove Pacing Co.*, No. C74-145M, Affidavit of Dr. Albert Rees, Table 4, Exhibit A270 (filed May 17, 1982). Table prepared by U.S. Commission on Civil Rights to compare with Table 2.1. Dr. Rees' table appears in a different form, but the information is accurately transferred to this format.

NOTE: Total number of all employees at each facility are shown below. These totals include the job categories in the table as well as all other categories.

TOTAL EMPLOYMENT AT EACH FACILITY

Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW	# Positions W	NW	% By Race W	NW
860	295	74	26	497	395	56	44	626	742	46	54	552	606	48	52	871	509	63	37

TABLE 2.3

WOMEN IN SEAFOOD PROCESSING: 1980

	Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
Department	# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Cannery	124	75	62	38	89	37	71	29	106	62	63	37	74	54	58	42	141	61	70	30
Tender	45	1	98	2	22	2	92	8	23	0	100	0	17	0	100	0	11	0	100	0
Carpenter	N/A	N/A	N/A	N/A	5	0	100	0	8	0	100	0	18	0	100	0	9	0	100	0
Machinist *	13	0	100	0	17	0	100	0	18	1	95	5	18	0	100	0	21	0	100	0

Source: Abraham Arditi, attorney, Northwest Labor and Employment Law Office, from the case *Atonio v. Wards Cove Packing Co.*, No. C74-145M (W.D. Wash., filed Mar. 20, 1974). These statistics were obtained through discovery but allegations of employment discrimination against women were not part of the lawsuit.

NOTE: Total number of all employees at each facility are shown below. These totals include the job categories in the table as well as all other categories.

* Machinist category includes job classification of trainee, helper, port engineer, pipefitter, welder, refrigeration man, electrician, and reformer.

TOTAL EMPLOYMENT AT EACH FACILITY

	Wards Cove (Ketchikan)				Wards Cove (Red Salmon)				Columbia Wards (Ekuk)				Columbia Wards (Alitak)				Bumble Bee (So. Naknek)			
# Positions By Sex	# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex		# Positions By Sex		% By Sex	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
	190	78	71	29	202	62	77	23	222	81	73	27	159	64	71	29	226	78	74	26

Employment statistics obtained from the Equal Employment Opportunity Commission (EEOC) also show minority and female underrepresentation in the higher-paying skilled positions compared to their percentage in the actual workforce. Those statistics indicate that while whites comprised 53.4 percent of the total workforce and 50.4 percent of the blue-collar workforce in the industry, they were 64 percent of the employees in craft positions. Minorities, on the other hand, were 46.6 percent of the total workforce and 49.6 percent of the blue-collar workforce; but they represented only 36.0 percent of the employees in craft positions. (See table 2.4)

In white-collar occupations, whites represented 79.1 percent of the employees, although they were only 53.4 percent of the total workforce. By contrast, minorities comprised 46.6 percent of the total workforce, but only 20.9 percent of the employees in white-collar occupations. (See table 2.4)

Based on the EEOC statistics, women also continue to be underrepresented in higher-paying positions. They were 36.9 percent of the total workforce, 35.5 percent of the blue-collar workforce, but only 4 percent of the employees in craft positions. (See table 2.4) While there was significant representation of women in white-collar occupations, (39.1%) they primarily were concentrated in only 2 occupational categories: office and clerical workers and technicians. Only 8.9 percent of the women in white-collar occupations were in managerial positions.

Although the committees could not collect data on minority and female employment patterns at all seafood processing companies, earlier reports on discrimination in seafood processing, as well as statistical compilations and reports examined in this chapter, suggest that the problem of minority and female underrepresentation in the higher-paying jobs or departments and

TABLE 2.4

1979 EEO-1 REPORT: MINORITIES AND WOMEN IN SEAFOOD PROCESSING

			WHITE COLLAR					BLUE COLLAR					SERVICE
TOTAL EMPLOYMENT			TOTAL	OFFICIALS & MNGRS	PROFES- SIONALS	TECHNI- CIANS	SALES WORKERS	OFFICE & CLER WKRS	TOTAL	CRAFT WORKERS	OPERA- TIVES	LABORERS	WORKERS
ALL	T	940	110	45	26	15	0	24	803	50	69	684	27
ALL	M	593	67	41	19	6	0	1	518	48	58	412	8
ALL	F	347	43	4	7	9	0	23	285	2	11	272	19
WHITE	T	502	87	36	19	11	0	21	405	32	32	341	10
WHITE	M	321	53	33	14	5	0	1	263	30	28	205	5
WHITE	F	181	34	3	5	6	0	20	142	2	4	136	5
MIN	T	438	23	9	7	4	0	3	398	18	37	343	17
MIN	M	272	14	8	5	1	0	0	255	18	30	207	3
MIN	F	166	9	1	2	3	0	3	143	0	7	136	14
BLACK	T	4	1	0	0	0	0	1	3	0	1	2	0
BLACK	M	3	0	0	0	0	0	0	3	0	1	2	0
BLACK	F	1	1	0	0	0	0	1	0	0	0	0	0
HISP	T	60	1	0	1	0	0	0	57	1	2	54	2
HISP	M	38	1	0	1	0	0	0	37	1	2	34	0
HISP	F	22	0	0	0	0	0	0	20	0	0	20	2
AS/PI	T	267	12	4	4	4	0	0	243	8	21	214	12
AS/PI	M	170	8	4	3	1	0	0	159	8	21	130	3
AS/PI	F	97	4	0	1	3	0	0	84	0	0	84	9
AI/AK	T	107	9	5	2	0	0	2	95	9	13	73	3
AI/AK	M	61	5	4	1	0	0	0	56	9	6	41	0
AI/AK	F	46	4	1	1	0	0	2	39	0	7	32	3
ALL	T	PR 100.0	100.0	100.0	100.0	100.0	.0	100.0	100.0	100.0	100.0	100.0	100.0
ALL	M	PR 63.1	60.9	91.1	73.1	40.0	.0	4.2	64.5	96.0	84.1	60.2	27.6
ALL	F	PR 36.9	39.1	8.9	26.9	60.0	.0	95.8	35.5	4.0	15.9	39.8	70.4
WHITE	T	PR 53.4	79.1	80.0	73.1	73.3	.0	87.5	50.4	64.0	46.4	49.9	37.0
WHITE	M	PR 34.1	48.2	73.3	53.8	33.3	.0	4.2	32.8	60.0	40.6	30.0	18.5
WHITE	F	PR 19.3	30.9	6.7	19.2	40.0	.0	83.3	17.7	4.0	5.8	19.9	18.5
MIN	T	PR 46.6	20.9	20.0	26.9	26.7	.0	12.5	49.6	36.0	53.6	50.1	63.0
MIN	M	PR 28.9	12.7	17.8	19.2	6.7	.0	.0	31.8	36.0	43.5	30.3	11.1
MIN	F	PR 17.7	8.2	2.2	7.7	20.0	.0	12.5	17.8	.0	10.1	19.9	51.9
BLACK	T	PR .4	.9	.0	.0	.0	.0	4.2	.4	.0	1.4	.3	.0
BLACK	M	PR .3	.0	.0	.0	.0	.0	.0	.4	.0	1.4	.3	.0
BLACK	F	PR .1	.9	.0	.0	.0	.0	4.2	.0	.0	.0	.0	.0
HISP	T	PR 6.4	.9	.0	3.8	.0	.0	.0	7.1	2.0	2.9	7.9	7.4
HISP	M	PR 4.0	.9	.0	3.8	.0	.0	.0	4.6	2.0	2.9	5.0	.0
HISP	F	PR 2.3	.0	.0	.0	.0	.0	.0	2.5	.0	.0	2.9	7.4
AS/PI	T	PR 28.4	10.9	8.9	15.4	26.7	.0	.0	30.3	16.0	30.4	31.3	44.4
AS/PI	M	PR 18.1	7.3	8.9	11.5	6.7	.0	.0	19.8	16.0	30.4	19.0	11.1
AS/PI	F	PR 10.3	3.6	.0	3.8	20.0	.0	.0	10.5	.0	.0	12.3	33.3
AI/AK	T	PR 11.4	8.2	11.1	7.7	.0	.0	8.3	11.8	18.0	18.8	10.7	11.1
AI/AK	M	PR 6.5	4.5	8.9	3.8	.0	.0	.0	7.0	18.0	8.7	6.0	.0
AI/AK	F	PR 4.9	3.6	2.2	3.8	.0	.0	8.3	4.9	.0	10.1	4.7	11.1

NOTE: PR = PERCENT OF TOTAL EMPLOYMENT IN A GIVEN OCCUPATIONAL CATEGORY.

their overrepresentation in the lower-paying jobs or departments in seafood processing is an industry-wide problem. As Rick Lauber, president of the Pacific Seafood Processors Association, stated: Industry-wide, "there is an extremely high number of minority hires, but extremely low numbers in the higher-paying and managerial positions."⁴²

FOOTNOTES

- 1 State of Alaska, Department of Labor, Alaska Fisheries Labor Statistics, Bottomfish Labor Study, Pt. IV (May 1980), p. 16 (hereafter cited as Bottomfish Labor Study, Pt. IV).
- 2 Ibid., pp. 16-20.
- 3 Ibid.
- 4 Ibid., p. 20.
- 5 Ibid.
- 6 Ibid.
- 7 A brief description of each of the departments follows:
 - a. Administrative - employees who supervise and manage the cannery operations.
 - b. Clerical - employees who purchase supplies, keep the company books, and perform timekeeping functions.
 - c. Machinist - employees who do the repair and restoration work on company equipment.
 - d. Beach Gang - employees who unload seafood from the tenders (fish-collecting vessels) and perform light construction and janitorial work at the cannery.
 - e. Quality Control - employees who are responsible for ensuring compliance with federal and state laws and regulations on food purity.
 - f. Cannery - employees involved in processing the seafood.
 - g. Culinary - employees who prepare meals for the workforce.
 - h. Tender - employees who work on vessels that collect seafood from deep-sea fishing vessels and bring the catch to shore-based or floating processing operations.
 - i. Carpenter - employees who perform carpentry work.
 - j. Laborer - employees responsible for general maintenance.
 - k. Company Fishing Boat -- employees involved in catching the seafood.

For more background information on employees in the seafood processing industry see, Domingo v. New England Fish Co., 445 F.Supp. 421, 425, (W.D. Wash. 1977) (hereafter cited as Domingo v. NEFCO, or Domingo), and Carpenter v.

NEFCO-Fidalgo Packing Co., No. C74-407R, Special Master's Proposed Findings of Fact and Conclusions of Law on Liability (W.D. Wash., filed Aug. 6, 1981) (hereafter cited as NEFCO-Fidalgo, Special Master).

- 8 See, for example, table 2.1, which shows that there are more employees in the cannery department than in any other department at each of the companies in the survey.
- 9 For more background information on the cannery department, see *Domingo v. NEFCO*, 445 F.Supp. at 429-430; and *Carpenter v. NEFCO-Fidalgo*, Special Master.
- 10 See, for example, *Domingo v. NEFCO*, 445 F.Supp. at 429-430.
- 11 Bottomfish Labor Study, Part IV, pp. 9 and 22; Tom Pomeroy, employee relations manager, Alaska Packers Association, Inc., interview in Seattle, Wash., Feb. 2, 1981; Del Valentine, vice president in charge of production, Alaska Shell, Inc., interview in Seattle, Wash., Apr. 7, 1981; and Karl S. Cook, general manager, Annette Island Packing Co., telephone interview, Mar. 4, 1981. See also, *Domingo v. NEFCO*, 445 F.Supp. at 425.
- 12 Bottomfish Labor Study, Pt. IV, p. 24; Maxine Peterson, personnel administrator, Pacific Pearl Seafoods, interview in Kodiak, Alas., Aug. 11, 1980; Dennis Plagerman, plant manager, Peter Pan Seafoods, interview in Dillingham, Alas., July 15, 1980; and Robert E. Resoff, chief executive officer, Sea-Alaska Products, Inc., interview in Seattle, Wash., Feb. 18, 1981.
- 13 Bottomfish Labor Study, Pt. IV, pp. 23-24; Del Valentine, vice president in charge of production, Alaska Shell, Inc., interview in Seattle, Wash., Apr. 7, 1981; Ken Bowhay, general manager, All Alaskan Seafoods, Inc., interview in Seattle, Wash., Mar. 9, 1981; and Pat Williams, director of affirmative action, Pan Alaska Fisheries, Castle & Cooke, interview in Seattle, Wash., Aug. 4, 1980.
- 14 Bottomfish Labor Study, Pt. IV, p. 27; Frank Kelty, manager, East Point Seafood Company, interview in Dutch Harbor, Alas., Sept. 27, 1980; Eldyn Colburn, personnel director, Pacific Pearl Seafoods, interview in Bellevue, Wash., Feb. 2, 1981; and Pat Williams, director of affirmative action, Pan Alaska Fisheries, Castle & Cooke, interview in Seattle, Wash., Aug. 4, 1980.
- 15 Frank Kelty, manager, East Point Seafood Company, interview in Dutch Harbor, Alas., Sept. 27, 1980; Maxine Peterson, personnel administrator, Pacific Pearl Seafoods, interview in Kodiak, Alas., Aug. 11, 1980; Craig Shelhoob, general manager for the Skookum Chief, Pan-Alaskan Fisheries, Inc., interview in Kodiak, Alas., Aug. 8, 1980.

- 16 Bottomfish Labor Study, Pt. IV, p. 9.
- 17 Ibid.
- 18 Ibid., pp. 11-15.
- 19 Ibid. The wage figures from this study include data for full and part-time production, non-supervisory workers. Averages are calculated using gross earnings and hours paid, including overtime pay and hours.
- 20 Ibid., p. 11.
- 21 Robert Arnold and others, Alaska Native Land Claims, Alaska Native Foundation (Anchorage: 1978), p. 75.
- 22 Ygnacio Bonillas, Ambassador of Mexico to the United States of America, letter to Robert Lansing, U.S. Secretary of State, May 12, 1917.
- 23 Henry O'Malley, letter to E.D. Clark, secretary of the Association of Pacific Fisheries, Feb. 21, 1931; E.D. Clark, letter to Henry O'Malley, Mar. 2, 1931; William Timson, president of the Alaska Packers Association, letter to Henry O'Malley, Mar. 6, 1931; Henry O'Malley, letter to E.D. Clark, Mar. 7, 1931.
- 24 Jamie Love, director of Alaska Public Interest Research Group (AKPIRG), memorandum to Ralph Nader (Re: Fisheries), Jan. 4, 1975, pp. 9-11.
- 25 Frank A. Peratrovich, Acting Regional Director, U.S. Department of the Interior, Office for Equal Opportunity, Alaska Region, letter to Richard Lauber, Alaska manager, Association of Pacific Fisheries, Mar. 12, 1974. [Presented as an exhibit by Craig Tillery, attorney, Alaska Legal Services, at the Anchorage factfinding meeting, May 2, 1981, transcript, p. 269.]
- 26 Ibid., p. 2.
- 27 Ibid.
- 28 Under Equal Employment Opportunity Commission regulations, companies employing 100 persons or more must file reports giving an employment profile by race and sex. 42 U.S.C. Sec. 2000e-8(c) (1976); 29 C.F.R. Sec. 1602 et seq. (1981).
- 29 Staff requested such statistics from the Department of Labor, but they were not available.
- 30 The committees' use of statistical data provided by Abraham Arditi was based on the determination by two U.S. District Court judges that his comparative statistics were reliable in two

previous court decisions. See, Domingo v. NEFCO, 445 F.Supp. 421, 429-431, and Carpenter v. NEFCO-Fidalgo, No. C74-407R, Order Adopting in Part and Modifying in Part the Special Master's Findings of Fact and Conclusions of Law, p. 4 (W.D. Wash., filed May 20, 1982) (hereafter cited as Carpenter v. NEFCO-Fidalgo, Judge's Order). These statistics were obtained by Mr. Arditi through discovery in Atonio v. Wards Cove Packing Company, No. C74-145M (W.D. Wash., filed Mar. 20, 1974) (hereafter cited as Atonio v. Wards Cove). Mr. Arditi was attorney for plaintiffs in that case and in Domingo v. NEFCO and Carpenter v. NEFCO-Fidalgo. A decision on liability has yet to be reached in Atonio v. Wards Cove.

- 31 The statistical information provided by Mr. Arditi on "Hiring in Job Departments by Race: 1970-1980" was limited to the material shown in table 2.1. No request was made for any of his analysis or interpretation of the statistical information. Any analysis or interpretation of the data in table 2.1 may only be attributed to the committees.
- 32 Douglas M. Fryer, Law Offices of Moriarty, Mikkleborg, Broz, Wells & Fryer, Seattle, Wash., letter to Thelma Crivens, Regional Director, U.S. Commission on Civil Rights, Northwestern Regional Office, Feb. 23, 1983. Response submitted in accordance with Commission procedures which provide that, "whenever it appears that a Regional Office publication will contain material that tends to defame, degrade, or incriminate any person, such person must be afforded a full and fair opportunity to respond to such material..."
- 33 Ibid.
- 34 Ibid.
- 35 See, Domingo v. NEFCO, 445 F.Supp. 421, 429-431, and Carpenter v. NEFCO-Fidalgo, Judge's Order, pp. 8-9.
- 36 Thelma Crivens, letter to Douglas M. Fryer, Mar. 9, 1983; Douglas M. Duncan for Douglas M. Fryer, letter to Thelma Crivens, Mar. 25, 1983, with accompanying affidavits and documents.
- 37 Atonio v. Wards Cove, Affidavit of Dr. Albert Rees (W.D. Wash., filed May 17, 1982) (hereafter cited as Rees Affidavit).
- 38 Rees Affidavit, p. 5.
- 39 Ibid., table 4 (Exhibit A-278) and p. 6.
- 40 Ibid., p. 7. The positions where non-whites were found to be significantly underrepresented in hiring and which could be the result of racial discrimination were the tender department in the Wards Cove class facilities and the fisherman (Company

Fishing Boat) and machinist departments in Bumble Bee's South Naknek facility.

41 Rees Affidavit, table 4 (Exhibit A-278).

42 Anchorage transcript, p. 118.

Chapter 3: The Impact of Employment and Housing Practices on Minorities and Women

The underrepresentation of minorities and women in higher-paying jobs or departments in seafood processing has led to efforts to increase their representation in these positions. One major effort has been through litigation. Since 1978, two court decisions have been rendered finding employment discrimination against companies in the industry: Domingo v. New England Fish Co.¹ and Carpenter v. NEFCO-Fidalgo Packing Co.² In each of these cases the court found that the companies used certain employment practices that had a disparate impact on minority advancement.

In the 1977 court decision on employment discrimination at the New England Fish Company (NEFCO),³ one of the largest companies in the industry when the discrimination suit was filed, the court found that minorities were underrepresented in certain job categories or departments due to job segregation.⁴ NEFCO was sued by a class comprised of all non-whites employed at its Chatham, Egegik, Pederson Point, Uganik, or Waterfall facilities, charging that NEFCO discriminated class-wide on the basis of race in employment and housing at its Alaska facilities.⁵ On November 21, 1977, the U.S. District Court for the Western District of Washington issued its opinion, finding that NEFCO had discriminated against the class on the basis of race in the allocation of jobs in violation of Title VII of the Civil Rights Act of 1964.⁶

The district court found that plaintiffs made a statistical showing of racial stratification in job assignments.⁷ Even though NEFCO's workforce from 1970 to 1975 was 47 percent non-white overall,⁸ its administrative department was 100 percent

white; its tender department 96 percent white; its quality control department 93 percent white; its machinist department 90 percent white; its clerical department 87 percent white; its beach gang 74 percent white; its culinary department 72 percent white; and its miscellaneous department 71 percent white.⁹ After the court's decision, the judge appointed a monitor to determine whether any changes in the company's hiring policies had taken place. Statistics the monitor compiled show that after trial most of NEFCO's jobs were more heavily segregated or unchanged from before trial.¹⁰

In Domingo, the court found that the New England Fish Company used separate hiring channels in filling jobs that were predominantly white or non-white.¹¹ The court further found that NEFCO's reliance on word-of-mouth recruitment tended to isolate non-whites from information about opportunities in upper-level jobs¹² and that NEFCO's pervasive policy of nepotism also favored whites over non-whites, in violation of Title VII.¹³ In addition to these findings, the court noted that NEFCO had a policy of discouraging non-whites from seeking predominantly white jobs.¹⁴ Finally, the court stated that NEFCO's lack of objective job qualifications made race the only explanation for statistics showing a pattern of job segregation.¹⁵

In Carpenter v. NEFCO-Fidalgo Packing Company, another employment discrimination case against a seafood company, the district court found that employment practices similar to those used at NEFCO also limited minorities' advancement opportunities to higher-paying jobs, especially to machinist positions. The court stated:

[Nefco-Fidalgo] has failed to articulate the critical function of machinists, has no objective qualifications for machinists, and has relied largely on word-of-mouth, subjective hiring that has resulted in the selection of machinists who are, not only almost exclusively white, but are friends or relatives of [Nefco-Fidalgo] personnel.¹⁶

11
The court also found that the use of separate hiring channels for hiring whites and non-whites for certain types of jobs also prevented non-whites from advancing to the higher-paying jobs or departments.¹⁷

In their investigation, the committees found that some employers in the industry still engage in employment practices that could have an adverse impact on minority and female advancement in the industry, some of which were discussed in the above-mentioned cases.¹⁸ These practices are inadequate recruitment channels, job segregation, and sex stereotyping. The committees note that their survey of employment practices used in the industry makes no specific conclusions regarding the impact of the employment practices discussed on minorities and women at the companies mentioned, but they do hope that all companies engaged in seafood processing review their employment practices in light of court decisions and statements by current and former employees that certain types of employment practices used in the industry have adversely affected minority and female advancement.

Employment Practices

Inadequate Recruitment Channels

The review of employment patterns in the seafood processing industry in Chapter 2 showed that minorities and women were underrepresented in the higher paying jobs or departments in the industry. One way to increase their representation is to use recruitment channels that will enable them to learn of employment opportunities in those jobs or departments. Based on their research, the committees found that recruitment practices in the industry were not adequate to inform minorities of such opportunities.

The committees found that word-of-mouth recruitment was still being used in the industry, although it is one of the most restrictive methods for advertising job openings. This method of recruitment almost ensures that the only persons hearing of a job opening are those already connected with the trade or those with friends or relatives in the trade. Thus, if those connected with the trade are predominantly white and there is little interaction between whites and minorities, then persons applying for and ultimately receiving the jobs primarily will be white. It has been shown that word-of-mouth recruitment for higher-paying jobs works to the disadvantage of minorities in seafood processing.¹⁹

Four of the eight employers who were asked detailed questions about their recruitment methods stated that word-of-mouth recruitment was a primary method for recruiting employees.²⁰ Even when other recruitment methods are used, the informal process of recruiting through word-of-mouth appears to be the most common method of actually recruiting and hiring employees. For example, one employer representative stated that although her company uses the Alaska and Washington State Employment Services, word-of-mouth was still the way most jobs at all skill levels were filled.²¹ Similarly, another employer indicated that although his company advertises jobs in newspapers, most of the recruiting is through word-of-mouth.²²

Even when other recruitment methods, such as state employment services and newspapers, are the primary sources for recruitment, they are not necessarily adequate for recruiting minorities for semi-skilled or skilled positions. For example, 3 employers indicated that the Alaska or Washington Department of Employment Services was their primary means of recruiting employees.²³ According to Harold Haynes, state seafood placement

coordinator for the Alaska Department of Employment Services, however, most of the jobs filled through the department are entry level jobs, not skilled jobs.²⁴

Some employers also used recruitment channels that restrict employment opportunities for Alaska Natives. Two employers interviewed indicated that most of their recruitment and hiring takes place in Seattle.²⁵ Reliance on out-of-state recruitment channels, however, restricts the opportunities for Alaskan Natives to be employed in the higher-paying, semi-skilled or skilled positions or in entry level positions where upward mobility is possible. Failure to recruit Alaskan Natives for the higher-paying jobs was discussed by Craig Tillery, an attorney with Alaska Legal Services, during the Anchorage fact-finding meeting. Mr. Tillery believes that employers recruit for most of the higher-paying jobs in Seattle and for the lower-paying jobs in Alaska. He stated:

[T]his isn't a situation where they are just recruiting in Seattle. They are bringing all of these Seattle people up here. What they are doing is they are just recruiting in Seattle for the high paying jobs, for the good jobs basically. They do bring some white college students up here to work in the canneries, as slimers and such.

But basically when they want these low-paying jobs, that's when they come up to Alaska and go to the villages and there's no reason why at the same time that they're recruiting for a cannery worker they can't recruit for a machinist trainee or for even a machinist.²⁶

Kay Larsen, Deputy Director of the Bristol Bay Native Association, also feels that recruitment for the higher-paying jobs is done in Seattle. She stated that "most people who get hired [in Alaska] have worked at the canneries before, and they are generally hired for the lower-paying jobs. People for the higher-paying jobs are recruited out of Seattle and not

recruited locally. The talent is available locally but is not recruited."²⁷ Ms. Larsen feels that advertising for skilled positions over the radio in Alaska would increase the number of Alaskan Native job candidates for these positions.²⁸

Recruiting minorities only for unskilled positions by whatever method utilized (i.e., word-of-mouth, state employment services, or newspapers) already has discouraged some of them from seeking employment opportunities in the industry. Claimant statements by some Alaskan Natives in the remedies phase of the Domingo case show the extent to which lack of upward mobility has discouraged them from seeking employment in seafood processing. Below is the statement of a former cannery worker who wanted to be a machinist trainee:

The first time I wanted a job other than the one I had for NEFCO was at the end of the 1971 season. At that time I talked to a foreman about getting on the seamer machine as a trainee. He didn't say anything to me. I don't know why he didn't answer me. I never asked him again because he didn't answer me the first time.

I know that most whites generally call Eskimos dumb Eskimos. I felt that it would be hopeless to ask again for the job.

I think that that's the reason I didn't get the job. That is because they call us Natives the dumb Eskimos and they think that we can't do the job. I did not tell the foreman that I had worked previously for Nelbro as a machinist trainee.

I made no written application for this job and I don't remember the name of the foreman who asked me about the job. I never saw any job notices posted. If I had seen a job notice for a machinist trainee in the beginning of 1971 I would have applied for that job. I don't know any other Alaska Natives who had the job that I wanted. I did know some whites who had the job but I don't know their names.²⁹

Failure to Provide Opportunities for Upward Mobility: Job Segregation

It was noted in Chapter 2 that most of the unskilled jobs in seafood processing were in the cannery department. In the departments with skilled or semi-skilled positions, there also are some unskilled positions; and employees in these positions can look forward to moving into the higher-paying semi-skilled or skilled jobs. For example, helpers and trainees in the machinist and carpenter departments have the opportunity to move to semi-skilled or skilled positions within those departments. In 1980, however, of 11 helpers and trainees at 2 facilities studied, 9 were white males; only 1 was a white female, and only 1 was a minority male.³⁰

Despite the fact that there are jobs requiring no special skills or minimal skills in departments where upward mobility is possible, minorities still are concentrated in the cannery department (see table 2.1); and their concentration in this department limits their opportunities for upward mobility. In Domingo, for example, the court noted that despite the company's admission that the positions for machinist trainees and helpers required no special skills, 90 percent of those jobs were given to whites.³¹ The court also found that other jobs that required no skills, but which paid more money or were in departments where upward mobility was possible, were 98 percent white.³²

In their interviews with employer representatives, the committees found that there were jobs at other seafood processing companies that require no special training and that much of the training given is formal or informal on-the-job training. Consequently, no special skills are required prior to obtaining these jobs. Four employers stated that the only training required for many of the jobs was formal or informal on-the-job

training.³³ For example, Chuck Hoffman, Alaska plant manager for Pacific Pearl Seafoods, stated that very few people meet the maximum qualifications at the time that they are hired and that a great deal of knowledge is not required for most jobs.³⁴ He further stated that on-the-job training is given for practically all departments except Administration.³⁵

Current and former employees in the seafood processing industry and other concerned parties state that minorities still do not receive opportunities for upward mobility at some companies because they primarily are in the cannery department. Many question why this is the case since many of the jobs in other departments do not require prior training. Nemesio Domingo, a former seafood processing worker, stated that the experience of many minorities as cannery workers should be sufficient to qualify them for higher-paying jobs:

[A]ffirmative action in the salmon industry ...would not be that difficult to carry out. Fifty percent of the workforce that you have in a processing facility are ... Filipino or Alaskan Natives. Many of them have been there for many years. They know of much of the process of the machinery and how things are done.

So, ...to train these people for other jobs that carry more responsibility and authority to me just isn't that great [a problem] because you've already got this ability in the workforce.

You've got Filipinos and Alaskan Natives who have been there 20 or 30 years. They know how the whole facility runs. ³⁶

Craig Tillery, an attorney with Alaska Legal Services, argues that many Alaskan Natives and Filipinos already have skills that would qualify them as machinists:

[A] machinist trainee... is a non-skilled job. All it requires is a desire to learn and some mechanical aptitude. And you find that ...among the Alaskan Natives and it is also very true among the Filipino

people...they both seem to be very mechanically adept and very good. With the Alaskan Natives it is simply because they have to live by their machines. 37

Sex Stereotyping

Witnesses at the committees' factfinding meetings testified that it is difficult for women in seafood processing to work in jobs traditionally held by males, such as machinist and carpenter, because employers, most of whom are male, perceive them as being unable to perform certain jobs.³⁸ In the Equal Employment Opportunity Commission's (EEOC) Guidelines on Discrimination Because of Sex, that agency indicates that the bona fide occupational qualification exception should be interpreted narrowly.³⁹ The Guidelines state that the "refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics in general" will not be found to be a situation warranting the application of the bona fide occupational qualification exception.⁴⁰ The Guidelines further state:

.. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.⁴¹

Despite the existence of these guidelines and of several court decisions declaring sex stereotyping of jobs to be forbidden under Title VII,⁴² some witnesses still felt that sex stereotyping in job placement still exists in the seafood processing industry.

At the factfinding meeting, Kathryn Easley, an employee at Diamond E in Egegik, testified that she felt that jobs were segregated by sex as well as race:

The working areas are segregated. The women work in certain sections, the white men work in certain sections, the Filipinos work in certain sections, and -- how would I divide that? The women work in the egg house; the white men work in the docks; the Filipinos

work in the chopping up, the freezer, and mostly the messy work. I was finally, after my second year or my first year, I was able to get out of the egg house, the patching line where the women are allowed to work and worked by the retorts, which is a job they never let a woman do before, but since I knew the man who was hiring the people, I insisted that I get the job and I got it. It was really nice.⁴³

During staff interviews with employees, one Filipino woman, who also felt that women were restricted from working in certain job categories, stated that "women work on the pickbelt while men worked as butchers or loaders."⁴⁴

Zella Boseman, a former assistant director for the Alaska State Commission for Human Rights, told the committees about her experience in visiting seafood processing companies and observing job classification by sex:

I have just returned from Kodiak investigating several cases there and scheduling a workshop through the community college at the request of some of the canneries there for some training in human rights law.

The majority of complaints and inquiries that we have are from females who are complaining about jobs that are still classified as men's jobs, who are complaining that they are not paid the same wages as men, that they are not allowed overtime, that they are not allowed to even try some of the jobs that are classified as men's jobs because it is too heavy work for women...

I have also visited some canneries in Seward where [we found] the same thing [as] in Kodiak. They have simply jobs that are classified as men's jobs and say we can't possibly ask a woman to load the vans, picking up 40 pounds. It's a situation where there are assumptions that women cannot perform these duties. Women are not given the chance to.⁴⁵

At the same factfinding meeting, Clarke Johnston, an employee and vice president of the Laborer's Union at Pacific Pearl Seafoods, said that restriction to certain job categories is a problem that has been raised by women at his company:

Some of the jobs which women have not normally been picked for because of either what the company perceived as strenuous labor, like heavy lifting, for instance, offloading or jobs that involve the use of heavy machinery like forklifts and cranes, the women have not been selected for those jobs. The girls are now clambering to get their foot in on some of these jobs because they are just as capable as anyone else. However, there has been a degree of favoritism towards the men getting those jobs.⁴⁶

Mr. Johnston later stated that all of the jobs pay the same, regardless of whether they are classified as men's or women's jobs, but did admit that "everyone should have an equal shot" at all jobs.⁴⁷

Employers and some union officials at the factfinding meeting and during interviews stated that they did not believe that there was sex segregation in jobs. They believed that women have access to all jobs, are paid the same as men, and are not concentrated in lower-paying jobs. The president of one cannery, however, in a 1980 hearing before the Alaska State Commission on Human Rights, volunteered statements on his perception of the role of men and women in his company, statements that do indicate that sex stereotyping of jobs does exist at some companies. Robert Needham, former president of Kachemak Seafood, Inc., stated:

The majority of the students are male...the type of work we do requires males. [We hire] five or six female employees who do everything from cook to operate a computer to assist with office correspondence... I don't think the law will allow me to have a girl lifting hundred pound boxes into an airplane... We draw the line... We don't allow women to lift weights like that.⁴⁸

Although there has not been much litigation on sex discrimination in the seafood processing industry, at least one suit has been initiated by the EEOC. In August 1980, the EEOC filed suit in federal court against the Anacortes, Washington facility of

Whitney-Fidalgo Seafoods and the Alaska Fishermen's Union (AFU), charging sex discrimination.⁴⁹ The suit was filed on behalf of all women who worked in AFU bargaining unit jobs at the Anacortes facility since January 1972, charging that Whitney-Fidalgo has refused to consider women for more desirable and higher-paying jobs, has segregated jobs according to sex, limiting employment, transfer, assignment, and promotion opportunities for women, and has paid women lower wages than men doing the same jobs.⁵⁰ The union is named in the suit because it entered into a collective bargaining agreement with the company that provided for the payment of lower wages to women, and because it allegedly acquiesced to discriminatory company policies.⁵¹ Currently, the parties are attempting to negotiate a settlement.

Employer Organizations

The committees tried to determine what measures employer organizations have taken to increase employment opportunities for minorities and females employed in the industry. One of the major employer organizations, the Pacific Seafood Processors Association (formerly the Association of Pacific Fisheries), is a trade association which represents approximately 90 percent of the seafood processing companies operating in Alaska. The association provides a forum for processors to exchange industry and marketing information, and, thus, is an available avenue for engaging in voluntary efforts to train its member companies in equal employment opportunity law and affirmative action. Even though individual companies have received some training,⁵² the association has never provided industry-wide training in equal employment opportunity law and affirmative action. At the Anchorage factfinding meeting Rick Lauber, president of the Association, was asked if the Pacific Seafood Processors Association could conduct a training and education program for the membership with the state human rights agency and other

civil rights agencies. Mr. Lauber agreed that training and education in the areas of equal employment opportunity and affirmative action could be done through the Association, but he stated, "I have never been contacted" by rights agencies.⁵³

Housing

In the seafood processing industry, housing is provided to many employees because facilities are located in remote areas near the seafood runs and the vast majority of employees are migrant workers. They come from towns and villages in Alaska and from outside of the state.⁵⁴ Those facilities located in more continuously populated areas may not provide housing if it is available locally or if the workforce is local.⁵⁵

There have been allegations that housing is segregated by race and that minorities are given housing inferior to that given to whites. In Domingo v. NEFCO,⁵⁶ the court found that the New England Fish Company assigned housing to employees on the basis of race, and that, generally, minorities were provided inferior housing.⁵⁷

Craig Tillery, an attorney with Alaska Legal Services, believes that other employers also assign housing on the basis of race. For example, he provided statistics showing that housing has been segregated by race at least since 1970 at Wards Cove Packing Company. Statistics on housing at Wards Cove show that housing in 1970 was 100 percent segregated by race. (See table 3.1) In 1980, 7 of 9 houses were segregated by race. Of 6 houses that had at least 5 employees, 4 were 100 percent segregated. The 2 that were not segregated only had a small number of minorities. For example, of 7 employees in bunkhouse 5, 2 were minorities; and of 17 employees in bunkhouse 6, 2 were minorities.

TABLE 3.1

Housing at Ward's Cove Cannery
1970 and 1980

	1970			1980		
	<u>W</u>	<u>NW</u>	<u>% Seg.</u>	<u>W</u>	<u>NW</u>	<u>% Seg.</u>
Bunkhouse 1	0	53	100%	0	17	100%
Bunkhouse 2	-	-	-	0	24	100%
Bunkhouse 3 (Apts.) ¹	6	0	100%	13	0	100%
Bunkhouse 4	1	0	100%	1	0	100%
Bunkhouse 5	8	0	100%	7	2	78%
Foreman's House	0	3	100%	0	5	100%
Watchman's House	1	0	100%	1	0	100%
Supt.'s House	1	0	100%	1	0	100%
Bunkhouse 6	-	-	-	17	2	89%

NOTE: This chart shows the number of whites, the number of non-whites, and the degree of segregation in each bunkhouse at Ward's Cove cannery in 1970 and 1980. Only bunkhouse occupants who were employees of defendant Ward's Cove Packing Company are counted. The table is based on maximum occupancy during this season.

Source: Abraham Arditi, attorney, Northwest Labor and Employment Law Office, from the case Atonio v. Ward's Cove Packing Co., Inc., et al, C74-145M (W.D. WA. filed Mar. 20, 1974). This information was obtained through discovery.

¹ Each year except 1971, this bunkhouse also housed some guests and non-employee egg technicians.

Kathryn Easley also feels that housing is segregated by race. She stated:

Housing is segregated. There is a Filipino bunkhouse, the white male bunkhouse, the women's bunkhouse, the Japanese bunkhouse for the supervisors who come over to supervise the packing of the eggs, the Native bunkhouse, until the Natives didn't come back this year, and then it's also divided up into the carpenters and machinists bunkhouse.⁵⁸

Ms. Easley also felt that the housing given to minorities and women is inferior to that provided whites. She stated that the white men have "a very nice dorm" but that the Filipinos, Alaska Natives, and women were given the older bunkhouses, which were "very, very shoddy".⁵⁹

Employers at the factfinding meeting stated that housing was not segregated by race. Mr. Robert Nelson, director of personnel at Pan Alaska Fisheries, stated that his company "does not assign housing by race or sex and permits its employees to choose their own roommates and their living quarters from the available resources."⁶⁰ J. Richard Pace, president of Universal Seafoods, also stated that there is no housing segregation at his company.⁶¹

Some employees, employers, and union officials did state that housing assignments are made on the basis of crew assignments. For example, one union official stated that cannery workers might be housed in one bunkhouse and culinary workers in another.⁶² J. Richard Pace stated that there is segregation "perhaps by category..."⁶³ Segregating workers by crew or by job category, however, not only results in segregation by race but could also result in restricting knowledge of job opportunities when work crews are segregated and when restrictive recruitment channels, such as word-of-mouth recruitment, are used.

In Domingo, the company alleged that it did not segregate housing on the basis of race, but on the basis of crew assignments. The court, however, found that housing segregation did exist and that it was not solely the result of crew assignments. The court further stated that even if housing assignments were made on the basis of crew assignments, this practice would violate Title VII of the Civil Rights Act of 1964 because, although the practice appeared neutral on its face, it had a discriminatory impact on non-whites, since job openings were passed by word-of-mouth.⁶⁴ The court stated:

When an employer has a "Filipino crew", a "native crew", and a "white crew", housing by crew is tantamount to housing by race. This practice adversely affected employment opportunities for non-whites because non-whites were isolated, both on and off the job, from the "web of information" about higher-paying jobs in predominantly white departments.⁶⁵

In this chapter, it was shown that some companies still use restrictive recruitment channels that limit knowledge of employment opportunities in the seafood processing industry. For those that provide housing, segregating employees by job or crew assignments can only serve to further restrict knowledge of job opportunities.

Conclusion

The underrepresentation of minorities and women in higher-paying jobs or departments at some companies in the seafood processing industry could be due to the use of employment practices that have had an adverse impact on their advancement. Court decisions have found or employees have alleged that inadequate recruitment channels, job segregation, and sex-stereotyping have an adverse effect on minority and female advancement. Moreover, segregated housing at some facilities further restricts knowledge of job opportunities in the higher-paying jobs or departments. Despite the existence of continuing barriers to

minority and female advancement in the industry, little has been done by employer organizations to assist employers in developing and meeting goals for promoting minorities and females or for hiring them into higher-paying positions. Barriers to advancement still exist, as is indicated by recent court decisions,⁶⁶ pending litigation,⁶⁷ and complaints filed with the Alaska and Washington human rights commissions.⁶⁸

FOOTNOTES

- 1 Domingo v. New England Fish Company, 445 F.Supp. 421 (W.D. Wash. 1977) (hereafter cited as Domingo v. NEFCO or Domingo).
- 2 Carpenter v. NEFCO-Fidalgo Packing Co., No. C74-407R, Special Master's Proposed Findings of Fact and Conclusions of Law on Liability (W.D. Wash., recommended for entry Aug. 6, 1981) (hereafter cited as Carpenter v. NEFCO-Fidalgo, Special Master's Proposed Findings); Carpenter v. NEFCO-Fidalgo Packing Co., No. C74-407R, Order Adopting in Part and Modifying in Part the Special Master's Findings of Fact and Conclusions of Law (W.D. Wash., filed May 20, 1982) (hereafter cited as Carpenter v. NEFCO-Fidalgo, Judge's Order).
- 3 Domingo v. NEFCO, 445 F.Supp. 421.
- 4 Id. at 436-438.
- 5 Id. at 424 and 427-428.
- 6 42 U.S.C. Sec. 2000e et. seq. (1976); 445 F.Supp. at 441.
- 7 445 F.Supp. 421 at 437.
- 8 Id. at 429.
- 9 Id. at 441 (Table A). The following table compares the racial composition of NEFCO's six most segregated departments before the liability trial and as shown in the monitor's final report:

	1970-75 % White	1978 Pre-Season	1978 Season
Administrative	100	100	100
Tender	96	94	97
Clerical	87	100	91
Quality Control	93	100	100
Beach Gang	74	86	85
Machinist	90	81	74
Culinary	72	60	60
Miscellaneous	71	100	100

Domingo v. NEFCO, Monitor's Final Report, No. 713-73 C2 at 20 (W.D. Wash., submitted Aug. 24, 1978) (hereafter cited as Domingo v. NEFCO, Monitor's Final Report). NEFCO did not dispute the accuracy of any of the monitor's statistics except those on the tender department. Rather than debate the issue, plaintiffs agreed to the substitution of NEFCO's figure of 92% white.

- 10 Domingo v. NEFCO, Monitor's Final Report at 20.

11 445 F.Supp. at 434-435.

12 Id. at 435.

13 Id. at 435-436.

14 Id. at 438.

15 Id. at 436.

16 Carpenter v. NEFCO-Fidalgo, Judge's Order at 12.

17 Id. at 5 and 13.

18 The companies included in the survey were:

Harold Brindle, general manager, Red Salmon Company, interview in Naknek, Alas., July 17, 1980 (hereafter referred to as Brindle Interview); Pat Williams, director of affirmative action, Pan Alaska Fisheries, Castle & Cooke, interview in Seattle, Wash., Aug. 4, 1980 (hereafter referred to as Williams Interview); Eldyn Colburn, personnel director, Pacific Pearl Seafoods, interview in Bellevue, Wash., Feb. 1, 1981 (hereafter referred to as Colburn Interview); Frank Kelty, manager, East Point Seafood Company, interview in Dutch Harbor, Alas., Sept. 27, 1980 (hereafter referred to as Kelty Interview); J. Richard Pace, president, Universal Seafoods Ltd., interview in Redmond, Wash., Feb. 19, 1981 (hereafter referred to as Pace Interview); Robert E. Resoff, chief executive officer, Sea-Alaska Products, Inc., interview in Seattle, Wash., Feb. 18, 1981 (hereafter referred to as Resoff Interview); Del Valentine, vice-president in charge of production, Alaska Shell, Inc., interview in Seattle, Wash., Apr. 7, 1981 (hereafter referred to as Valentine Interview); Jay S. Gage, president, Peter Pan Seafoods, Inc., letter to Victoria Squier, equal opportunity specialist, U.S. Commission on Civil Rights, Apr. 2, 1981; and Dennis Plagerman, plant manager, Peter Pan Seafoods, Inc., interview in Dillingham, Alas., July 15, 1980 (hereafter referred to as Gage letter and Plagerman Interview).

19 445 F.Supp. at 434-435. Although word-of-mouth recruitment is not a discriminatory employment practice per se, Title VII prohibits employment practices that are neutral on their face, but which have a discriminatory effect and cannot be justified by business necessity. 42 U.S.C. Sec. 2000e-2(a)(2). See also Griggs v. Duke Power Co., 401 U.S. 424, 429-430; and United States v. Georgia Power Co., 474 F.2d 906, 925-926 (5th Cir. 1973).

20 East Point Seafood Company, Kelty Interview; Pan Alaska Fisheries, Castle and Cooke, Williams Interview; Universal

Seafoods Ltd, Pace Interview; and Alaska Shell, Valentine Interview.

- 21 Pan Alaska Fisheries, Castle and Cooke, Williams Interview.
- 22 J. Richard Pace, president, Universal Seafoods Ltd., interview in Seattle, Wash., Feb. 19, 1981; J. Richard Pace, testimony before the Alaska-Washington Advisory Committees, factfinding meeting, Seattle, Wash., May 6, 1981, transcript, p. 97 (hereafter cited as Seattle transcript).
- 23 Sea Alaska Products, Inc., Resoff Interview; Red Salmon Company, Brindle Interview; and Peter Pan Seafoods, Inc., Gage letter and Plagerman Interview.
- 24 Harold Haynes, state seafood placement coordinator, Alaska Department of Employment Services, testimony before the Alaska-Washington Advisory Committees, factfinding meeting, May 2, 1981, transcript pp. 214, 215 (hereafter cited as Anchorage transcript).
- 25 East Point Seafood Company, Kelty Interview; and Pacific Pearl Seafoods, Inc., Colburn Interview.
- 26 Anchorage transcript, pp. 274, 275.
- 27 Interview in Dillingham, Alas., July 15, 1980.
- 28 Ibid.
- 29 Witness statements presented by Craig Tillery, Alaska Legal Services attorney, at Anchorage factfinding meeting, Anchorage transcript, pp. 262-263.
- 30 Staff review of employment statistics at Columbia Wards (Ekuk) and Wards Cove Packing Company (Red Salmon). These statistics were obtained through discovery by Abraham Arditi, attorney, Northwest Labor and Employment Law Office, from the case Atonio v. Wards Cove Packing Co., No. C74-145M (W.D. Wash., filed Mar. 20, 1974).
- 31 445 F.Supp. at 438.
- 32 Id.
- 33 East Point Seafood Company, Kelty Interview; Pan Alaska Fisheries, Castle & Cook, Williams Interview; Pacific Pearl Seafoods, Inc., Colburn Interview; and Red Salmon, Brindle Interview.
- 34 Pacific Pearl Seafoods, Inc., Hoffman Interview.
- 35 Ibid.

- 36 Testimony before the Alaska-Washington Advisory Committees, factfinding meeting, Seattle, Wash., May 6, 1981, Seattle transcript, pp. 43, 54.
- 37 Anchorage transcript, p. 275.
- 38 Anabel Lund, newspaper reporter, Homer, Alaska, Anchorage transcript, pp. 56-57; Zella Boseman, former assistant director of the South Central Regional Office, Alaska State Commission for Human Rights (deceased), Anchorage transcript, pp. 19-20; Clarke Johnston, vice-president, Laborer's Local 10, Pacific Pearl Seafoods, Dutch Harbor, Alaska, Anchorage transcript, pp. 165-166.
- 39 42 U.S.C. Sec. 2000e-2(e)(1) (1976).
- 40 29 CFR Sec. 1604.2(a)(1)(i) (1981).
- 41 29 CFR Sec. 1604.2(a)(1)(ii) (1981).
- 42 42 U.S.C. 2000e et. seq. (1976). See, Weeks v. Southern Bell Telephone & Telegraph Company, 408 F.2d 228 (5th Cir., 1969), and Bowe v. Colgate-Palmolive Company, 416 F.2d 711 (7th Cir., 1969).
- 43 Anchorage transcript, p. 241.
- 44 Interview #1, Kodiak, Alas., Aug. 9, 1980. Statistics obtained on female employees in the cannery department at 3 companies show that they were concentrated in 4 job categories within that department: patcher, puller, filler (all line jobs) and egg house. The companies were Columbia Wards Fisheries at Alitak and Port Bailey; Ward's Cove Packing Company at Ketchikan; and Bumble Bee Seafoods at South Naknek. Source: Abraham Arditi, attorney.
- 45 Anchorage transcript, pp. 17-19.
- 46 Anchorage transcript, pp. 165-166.
- 47 Anchorage transcript, p. 167
- 48 Hearing before the Alaska State Commission for Human Rights, Action No. C-77-0621-320-E-E, p. 162, presented by Neil Thomas then-executive director, Alaska State Commission for Human Rights at Anchorage factfinding meeting, Anchorage transcript, pp. 12-13.
- 49 EEOC v. Whitney Fidalgo Seafoods, Inc., and Alaska Fisherman's Union, No. C80-888M, complaint (W.D. Wash., filed Aug. 11, 1980).
- 50 Id. at 3.

- 51 Id.
- 52 Zella Boseman, former assistant director of the South Central Regional Office (deceased), Alaska State Commission for Human Rights, Anchorage transcript, p. 17; and Daveed Schwartz, assistant director in charge of Systemic Programs, Alaska State Commission for Human Rights, telephone interview, July 20, 1982.
- 53 Anchorage transcript, p. 110.
- 54 See, Domingo v. NEFCO, 445 F.Supp. 425.
- 55 Chuck Jensen, general manager, Alaska Packers Association, Inc., interview in Kodiak, Alas., Aug. 12, 1980; Karl S. Cook, general manager, Annette Island Packing Company, interview in Seattle, Wash., Mar. 4, 1981; William Manning, president, Sea Pro, interview in Seattle, Wash., Mar. 4, 1981; J. Richard Pace, president of Universal Seafoods Ltd., Seattle transcript, pp. 70, 94-95.
- 56 445 F.Supp. 421.
- 57 Id. at 440.
- 58 Anchorage transcript, p. 241.
- 59 Anchorage transcript, pp. 243-244.
- 60 Seattle transcript, p. 103.
- 61 Seattle transcript, p. 70.
- 62 Ken Olson, Alaska Fishermen's Union, testimony, Seattle transcript, p. 21.
- 63 Seattle transcript, p. 70.
- 64 445 F.Supp. 421 at 439.
- 65 Id.
- 66 Domingo v. New England Fish Co., 445 F.Supp. 421; Carpenter v. NEFCO-Fidalgo Packing Co., No. C74-407R, Judge's Order.
- 67 Atonio v. Wards Cove Packing Co., No. C74-145M (W.D. Wash., filed Mar. 20, 1974).
- 68 Niel Thomas, former executive director, Alaska State Commission for Human Rights, interview in Anchorage, July 1, 1980; staff review of computer files of current cases at the Washington State Human Rights Commission.

Mr. Thomas explained the agency does not keep statistics on employment complaints by industry so he does not know how many of the employment complaints are from processing workers. They do receive a lot of complaints based on race and sex. Written complaints come in and are telephoned in collect. Investigators do go out to rural areas, but it is expensive so they try to handle as much as possible by phone and in writing.

Complaints filed against seafood processing employers with the Washington State Human Rights Commission include 23 complaints filed since 1975 on the basis of race, sex, marital status, and national origin which appear on the 1979-1981 roster of cases. Complaints were filed against Whitney Fidalgo Seafoods, New England Fish Company; Pacific Pearl Seafoods; Pan-Alaska Fisheries, Inc., a division of Castle & Cooke, Universal Seafoods, Ltd.; Pacific Sea-Pro, Inc., and Seafood Packers. The issues for the complaints have been termination, failure or refusal to offer, terms and conditions of employment, and failure to promote.

Chapter 4: Findings and Recommendations

The following findings and recommendations are submitted under the provisions of Section 703.2(e) of the Commission's regulations, empowering the advisory committees to "Initiate and forward advice and recommendations to the Commission upon matters which the state committees have studied."

The Alaska and Washington Advisory Committees present the findings and recommendations for consideration by the Commission in its national program planning and for its consideration in advising the President and Congress on matters within its jurisdiction.

FINDING 1

Among the seafood processing companies studied, there was only marginal representation of minorities and women in the higher-paying jobs or departments compared to their overall representation in the companies' workforce. By contrast, minorities and women were overrepresented in the lower-paying jobs or departments at these companies.

FINDING 2

Word-of-mouth recruitment continues to be a major recruitment method in the industry, even though this method of recruitment can prevent minorities and women from learning of job openings in the higher-paying jobs or departments. Since word-of-mouth recruitment restricts knowledge of job opportunities primarily

to persons already connected with the job or to those who have friends or relatives in the job, minorities and women, who are underrepresented in the higher-paying jobs or departments, may not learn of employment opportunities that become available.

FINDING 3

Some employers rely primarily on state employment services in recruiting minority employees. This method of recruitment, however, is inadequate in recruiting minorities for semi-skilled or skilled positions, since jobs filled through state employment services usually are entry-level jobs, not semi-skilled or skilled jobs.

FINDING 4

Employers who rely exclusively on out-of-state recruitment channels to hire workers in the seafood processing industry restrict the opportunity for Alaskan Natives and other minorities in Alaska to be employed in skilled or semi-skilled positions or in entry-level positions where upward mobility is possible.

FINDING 5

Job segregation by race and sex at some seafood processing companies has had a negative impact on employment opportunities for minorities and women. They generally are not hired for jobs in those departments where movement to higher-paying, semi-skilled or skilled positions is possible. Rather, most of them are hired for jobs in the cannery department, which has most of the low-paying, unskilled jobs.

FINDING 6

Sex stereotyping of jobs at some companies has prevented women from having access to higher-paying, skilled or semi-skilled jobs because some employers still perceive them as being unable to perform jobs traditionally held by males.

RECOMMENDATION 1

The Alaska State Commission for Human Rights and the Washington State Human Rights Commission should conduct a compliance review of all companies in the seafood processing industry to determine the extent to which minorities and women at those companies are overrepresented in the lower-paying jobs or departments and underrepresented in the higher-paying jobs or departments compared to their percentage in the actual workforce.

RECOMMENDATION 2

The Alaska State Commission for Human Rights and the Washington State Human Rights Commission should review employment practices used by companies engaged in seafood processing to determine whether they are using employment practices, such as job segregation, word-of-mouth recruitment, and sex stereotyping, that have an adverse effect on minority and female advancement in the industry.

RECOMMENDATION 3

The advisory committees recommend that the United States Commission on Civil Rights urge the Equal Employment Opportunity Commission to conduct a systemic review of companies engaged in seafood processing to determine whether minorities and women are

overrepresented in the lower-paying jobs or departments and underrepresented in the higher-paying jobs or departments compared to their percentage in the actual workforce.

RECOMMENDATION 4

The advisory committees recommend that the United States Commission on Civil Rights urge the Equal Employment Opportunity Commission to conduct a systemic review of companies engaged in seafood processing to determine whether they are using employment practices, such as job segregation, word-of-mouth recruitment, and sex stereotyping, that have an adverse impact on minority and female advancement.

RECOMMENDATION 5

The Alaska State Commission for Human Rights and the Washington State Human Rights Commission should initiate an active education program to inform employees in the seafood processing industry of their rights under state employment discrimination laws. The program should include use of media public announcement time and the distribution of documents free of charge.

RECOMMENDATION 6

The advisory committees recommend that the United States Commission on Civil Rights urge the Equal Employment Opportunity Commission to initiate an active education program to inform employees in the seafood processing industry of their rights under federal employment discrimination laws. The program should include use of media public announcement time and the distribution of documents free of charge.

RECOMMENDATION 7

Employers should review employment patterns at their facilities to ensure that minorities and women are not overrepresented in the lower-paying jobs or departments and underrepresented in the higher-paying jobs or departments compared to their percentage in the actual workforce.

RECOMMENDATION 8

Employers should conduct a review of their employment practices to determine whether they are using employment practices, such as job segregation, word-of-mouth recruitment, and sex stereotyping, that have an adverse impact on minority and female advancement.

RECOMMENDATION 9

Employers should initiate an active education program to inform employees of their rights under federal and state employment discrimination laws.

FINDING 7

The Pacific Seafood Processors Association has made limited voluntary efforts to provide training in equal employment opportunity law or affirmative action for its affiliated companies.

RECOMMENDATION 10

The Alaska State Commission for Human Rights and the Washington State Human Rights Commission, in conjunction with the Pacific Seafood Processors Association, should conduct training seminars in equal employment opportunity law and affirmative action for employers in the seafood processing industry.

FINDING 8

Housing segregation continues to be a major problem in the seafood processing industry. Some employers not only assign housing on the basis of race, but also assign to minorities housing that is inferior to that assigned to whites.

FINDING 9

Employers who assign housing based on the job or the crew may have segregated housing facilities when the jobs or crews themselves are segregated by race. This housing segregation could prevent minorities from learning of employment opportunities in the higher-paying jobs or departments when restrictive recruitment channels, such as word-of-mouth recruitment, are used. Since minorities and women have marginal representation in the higher-paying jobs or departments, they will not be housed with those persons who are aware of employment opportunities in these jobs or departments.

RECOMMENDATION 11

Since employer-provided housing is often a term or condition of employment in the seafood processing industry, the Alaska State Commission for Human Rights and the Washington State Human Rights Commission should investigate housing conditions in the industry to determine whether there has been discriminatory assignment of housing and to determine whether housing segregation has restricted knowledge of employment opportunities for minorities and women.

RECOMMENDATION 12

Since employer-provided housing is often a term or condition of employment in the seafood processing industry, the advisory committees recommend that the United States Commission on Civil Rights urge the Equal Employment Opportunity Commission to conduct a systemic review of housing conditions in the seafood processing industry to determine whether there has been discriminatory assignment of housing, and to determine whether housing segregation has restricted knowledge of employment opportunities for minorities and women.

RECOMMENDATION 13

Employers in the seafood processing industry should review housing conditions at their companies to determine whether there has been discriminatory assignment of housing and to determine whether housing segregation has restricted knowledge of employment opportunities for minorities and women.

FINDING 10

There are no comprehensive and consistent data on minority and female employment in the seafood processing industry. While available data clearly show that minorities and women are under-represented in the higher-paying jobs or departments in seafood processing, a more comprehensive and consistent data base would enable policy-makers to measure progress in the employment of minorities and women in the industry.

RECOMMENDATION 14

The advisory committees recommend that the United States Commission on Civil Rights urge the Equal Employment Opportunity Commission to monitor employers in the seafood processing

industry to ensure that the required statistical reports on the employment of minorities and women in the industry are accurately and consistently reported.

RECOMMENDATION 15

The Alaska Department of Labor should keep accurate and consistent data on the employment of minorities and women in the seafood processing industry.

RECOMMENDATION 16

Representatives from the following agencies and organizations should meet with the Alaska and Washington Advisory Committees six months from the date of publication of this report to assess implementation of the recommendations:

Alaska State Commission for Human Rights
Washington State Human Rights Commission
Equal Employment Opportunity Commission
Pacific Seafood Processors Association

A P P E N D I C E S

APPENDIX 1

COMPANIES ENGAGED IN SEAFOOD PROCESSING

<u>Company Name</u>	<u>Location</u>	<u>Contacted By SAC & Staff for Interview</u>	<u>Interviewed By SAC & Staff</u>	<u>Appeared At Factfinding Meetings</u>
Alaska Far East	Naknek	X	X	
Alaska Fresh Seafoods, Inc.	Kodiak	X	X	
Alaska Packers Assoc.	Naknek	X		
	Kodiak	X	X	
	Seattle	X	X	
Alaska Shell, Inc.	Seattle (Floater)	X	X	
All Alaskan Seafoods, Inc.	Seattle (Floater)	X	X	
Annett Island Packing	Metlakatla			
	Seattle	X	X	
Azachorak, Inc.	Mountain Village			
	Seattle	X		
Baranoff Fisheries	Redmond	X		
Ball Brothers	Dillingham	X	X	
Bellingham Cold Storage	Bellingham	X		
Bering Sea Fisheries, Inc.	Yukon River			
	Everett	X		
Bumble Bee Seafoods	South Naknek	X		
	Seattle	X		
Columbia Wards Fisheries	Seattle	X	X	
	Kodiak	X		

<u>Company Name</u>	<u>Location</u>	<u>Contacted SAC & Staff for Interview</u>	<u>Interviewed By SAC & Staff</u>	<u>Appeared Factfinding Meetings</u>
Cordova Bay Fisheries, Inc.	Hydaburg Seattle	X		
Cossack Caviar, Inc.	Seattle	X	X	
Delgety Seafoods	Everett	X		
Deep Sea, Inc.	Seattle (Floater)	X		
Diamond E Fisheries	Egegik Tacoma	X		
Domsea Farms, Inc.	Bremerton	X		
Dragnet Fisheries Co., Inc.	Kenai	X		
Dutch Harbor Seafoods, Ltd.	Dutch Harbor Redmond	X X	X	
East Point Seafood Co.	Dutch Harbor Seattle	X	X	
Ebb Tide Processing, Inc.	Anacortes	X		
Ellison Oyster Co.	Olympia	X		
Excursion Inlet Packing Co.	Excursion Inlet Seattle	X		
Guilford Packing Company, Inc.	Port Townsend	X		
Harbor Bell, Inc.	Bay Center	X		
Harbor Seafoods Co., Inc.	Wrangell	X		
Icicle Seafoods, Inc.	Seattle Dillingham	X X		

<u>Company Name</u>	<u>Location</u>	<u>Contacted By SAC & Staff for Interview</u>	<u>Interviewed By SAC & Staff</u>	<u>Appeared Factfinding Meetings</u>
Kodiak Island Seafoods, Inc.	Kodiak	X		
Kodiak King Crab, Inc.	Kodiak	X	X	
Marine Resources Co.	Seattle	X	X	
Morpac, Inc.	Dillingham	X		
Nelbro Packing Co.	Naknek	X		
Ocean Beauty Seafoods, Inc.	Seattle	X	X	
Ocean Fresh Seafoods, Inc.	Seattle	X		
	Kodiak	X	X	
Olympia Oyster Co.	Shelton	X		
Pacific Pearl Seafoods	Kodiak	X	X	
	Dutch Harbor	X	X	
	Bellingham	X	X	
	Bellevue	X	X	
Pacific Salmon Co., Inc.	Seattle	X	X	
Pan Alaska Fisheries, Inc.	Kodiak	X	X	
	Unalaska	X	X	
	Seattle	X	X	X
Peter Pan Seafoods, Inc.	Seattle	X	X	
	Dillingham	X	X	
	Kodiak	X	X	
Pelican Cold Storage Co.	Seattle	X	X	
Red Salmon Co. (Wards Cove)	Naknek	X	X	
St. Elias Ocean Products (Ocean Beauty)	Cordova	X	X	

<u>Company Name</u>	<u>Location</u>	<u>Contacted By SAC & Staff for Interview</u>	<u>Interviewed By SAC & Staff</u>	<u>Appeared Factfinding Meetings</u>
Seattle Seafoods, Inc.	Seattle			
Sea-Alaska Products, Inc.	Dutch Harbor	X	X	
SeaPro	Seattle	X	X	
Seawest Industries	Edmonds Floaters	X		
Swiftsure Fisheries, Inc.	Seattle Kodiak	X X	X	
J.J. Theodore Company, Inc.	Friday Harbor	X		
Trident Seafoods Corp.	Seattle Floaters	X	X	
Universal Seafoods, Ltd.	Redmond Dutch Harbor	X X	X X	X
Ursin Seafoods, Inc.	Seattle Kodiak	X	X	
Washington Fish & Oyster Co.	Seattle			
Western Alaska Fisheries, Inc.	Kodiak	X		
Whitney Fidalgo Seafoods, Inc.	Kodiak Naknek	X X	X X	

A P P E N D I X 2

Health and Safety Issues Discussed During Factfinding Meeting

At the factfinding meetings held by the Alaska and Washington State Advisory Committees to the U.S. Commission on Civil Rights some individuals gave testimony regarding poor safety and health conditions in the seafood processing industry. The two areas of major concern were problems with ventilation and crab asthma. The discussions of those problems are included in this appendix.

Although the committee's research focus was on employment and housing conditions in the seafood processing industry, they believe that the complaints of poor safety and health conditions are serious enough to refer them to the appropriate oversight agencies (and state legislative committees) to determine whether minorities and women are disproportionately affected by them. The committee's decision is in furtherance of the responsibility of regional offices of the U.S. Commission on Civil Rights to "receive complaints and refer them to appropriate agencies..."

Ventilation

Mr. Johnston:1

The ventilation problem at our plant [Pacific Pearl, Dutch Harbor] specifically is the one that I'm most concerned about. I don't know who to go to on that, who to talk to on that, but the ventilation is the biggest one. It doesn't send anybody out the door with a broken arm or a cut elbow, but it has a strong cause and effect upon a lot of people going to the clinic and getting vaguely diagnosed as bronchitis or this or that and if the clinic sends back an analysis that you have crab asthma which is not a clinical term, you will be discharged because of that.

If the clinic determines you have breathing difficulties either caused or made worse by working in the vicinity of crab cooking you will be discharged.

The company has affected its policy recently if anybody comes back from the clinic with a diagnosis of crab asthma that they will be discharged.

Ms. Cory:2

What kind of improvements have been made to make the ventilation better?

Are you talking about major expense to management? I'm trying to get a sense of how costly it would be.

Mr. Johnston:

Possibly. Possibly it might be a major expense, but I don't know what the minimum requirements are.

In our plant we have a large -- in our plant we have three doors the size of one of these doors (indicating) which are normally not used for traffic, but they could be opened and a large double door which for instance a forklift or truck could be driven through and that's the only door access for ventilation in a pretty large area.

1 Vice-president, Local 3, Laborer's Union.

2 Alaska State Advisory Committee member.

They do have a procedure what's called draining the cooker and the cooker has several hundred gallons of very hot water which crab has been cooking in throughout the process of the day, and they drain that and replenish it and it comes out some way and comes in contact with this very cold concrete floor and puts up a massive amount of steam. And this steam hangs up and lingers right below the ceiling. Now, upstairs above the ceiling is housing facilities, the kitchen and so forth.

A lot of people don't like to live in the same building of what's called the old bunkhouse. The old bunkhouse encloses both the processing plant and housing facilities upstairs. A lot of people don't care to live in that building because after there has been continuous work for two or three days a very distinctive odor lingers in the place both upstairs and downstairs and there is something about it. I've worked on the floor myself. There's something about breathing that hot crab steam after it comes out of the cooker and goes onto the floor that is not good for your breathing system. I don't know what it is. I don't know whether it's the byproducts of the crab or whether it's cleaning agents that they use on the machines or what, but it's not good. That's why ventilation is needed.

Ms. Cory:

If you were to open the doors --

Mr. Johnston: (interposing)

They do it with the people right down there.

Crab Asthma

Ms. Murillo-Rohde:1

Just as you mentioned the King crab processing thing, I have been hearing about this kind of newer disease that have come out of the King crab processing industry. And is this something that is called crab-asthma or something which in a sense is kind of similar to what you find with miners as they ingest the coal dust or something like that. It gets into the lungs and this type of thing.

Are you aware of that and what is the company doing? Is there any research or anything to help those workers and even before that to prevent and protect them?

Mr. Nelson:2

Well, I'm not a medical authority so I can't speak from that standpoint.

Yes, there is such a thing and it's referred to as crab asthma. It's a respiratory problem. I guess it's speculation as to what causes it, is my understanding. It's a combination of the steam, and the cooking of crab, and et cetera.

From the standpoint of what we are doing about it, of course, I think ventilation is one of the things that help.

In addition and I don't recall the committee's name, last year I was called from a health committee who asked whether or not they could visit our plant and take a look at this type of thing, which of course, we certainly agreed to.

As people come down with crab asthma, if it is serious and maybe they can't be cleared up in a couple of days of being away from it then usually that employee is returned to wherever the home is. It is an industrial illness and it is treated and cared for in that manner.

1 Former Washington State Advisory Committee member.

2 Director of personnel, Pan Alaska Fisheries.

Ms. Murillo-Rohde:

What I understand is that as the crabs are cut and the shell is lifted with a knife or whatever they use, the shell, there's a fine dust which comes out and that's what is ingested or breathed by the employees. And I understand that there are some processing plants that give masks to the employees to try to at least minimize if not completely eliminate the aspirations of those -- I guess it's like a calcium kind of thing.

Do you have such a thing for employees?

Mr. Nelson:

We use -- the sawyers is what I think you're referring to. In our Monroe plant in Washington, yes, they use that. However, that is a different process. You're sawing there a frozen product that's already been cooked and frozen. And, yes, I think there is some form of dust that comes off. That is not the case with raw product though.

Ms. Murillo-Rohde:

But then those that work with the raw product still get the crab asthma?

Mr. Nelson:

Yes, they do have contact.

Ms. Murillo-Rohde:

So, there are different aspects of that process and it causes the same thing?

Mr. Nelson: (shook head affirmatively)

Mr. Murillo-Rohde:

Thank you.

In addition to the health and safety problems reported at the factfinding meetings, the committees later were told of other health and safety problems in the industry that they believe should be investigated to determine their impact on minorities and women. Other major health and safety problems are noise, ergonomic problems (problems related to work posture and work functions) and the susceptibility to other illnesses due to extended, stressful work hours.¹ The committees are extremely concerned with health and safety in the industry since statistics show that this industry has one of the highest injury and illness rates in the state of Alaska.²

¹ Mr. Carl Halgren, industrial hygienist, U.S. Department of Labor, Occupational Safety and Health Administration, Region 10, telephone interview, Aug. 20, 1982.

² Occupational Injury and Illness Survey, Alaska 1980, Alaska Department of Labor, December 1981, Table 9, p. 25.

APPENDIX 3

DEFAME/DEGRADE RESPONSES

RESPONSE OF FRANK KELTY, PLANT SUPERVISOR,
EAST POINT SEAFOOD COMPANY -- Chapter 3: INADEQUATE
RECRUITMENT CHANNELS AND FAILURE TO PROVIDE UPWARD MOBILITY

MAR 14 1983

East Point
seafood company

Bldg. C3, Fisherman's Terminal
Seattle, Washington 98119
Telephone: Area Code (206) 284-7571

March 9, 1983

Thelma Crivens, Regional Director
Northwestern Regional Office
915 Second Avenue, Rm. 2852
Seattle, Washington 98174

Dear Thelma Crivens,

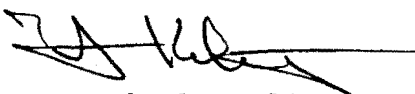
In reply to your letter dated February 14, 1983 I agree in part of what is written in your report. I agree word of mouth recruitment of a worker isn't the best way and that it might be restrictive. East Point Seafood Company is a small company with approximately 75% return workers year after year. Therefore I don't have that many openings to fill.

Also the part about folding minorities out of higher paying jobs is not true at East Point. In our galley crew I have a Puyallup Indian cook, two Vietnamese assistants and one hispanic. I've also had a hispanic Foreman, Korean Foreman, Hispanic forklift driver and a Hispanic crane operator. I have 3 carpenters, one Korean, one filipino and one Alaskan Native.

Our work force at this time is 60% minority, a combination of Korean, Vietnamese, Phillipines, Hispanics, Indians and Norwegians.

Regarding the Alaskan Native problem in Dutch Harbor; I have had one native ask for a job so far this season. I have hired Alaskan Natives in the past and will do so in the future. Many of the native people do not want to work in the processing plants because of the low pay and long hours. I also have put ads in the Anchorage paper and have had little response by Alaskan Natives.

Sincerely,



Frank V. Kelty
Plant Supervisor

cc;cs

RESPONSE OF J. RICHARD PACE, PRESIDENT, UNIVERSAL SEAFOODS, LTD. -- Chapter 3:
INADEQUATE RECRUITMENT CHANNELS AND FAILURE TO PROVIDE UPWARD MOBILITY

My Statement at Hearing of May 6, 1981

In the section concerning Housing Segregation, the report states, "J. Richard Pace, president of Universal Seafoods, stated there is segregation 'perhaps by category'..." The housing situation I was referring to in the statement is the differentials in type of accommodations we must provide in Dutch Harbor, Alaska, to permanently assigned personnel as compared to temporary seasonal personnel. Our permanent staff there, some with families, require the normal home-like residential amenities that you and I seek in our family homes. The seasonal employees who go to Dutch Harbor for a few months have much different needs. Dormitory environments, ship's crew quarters, etc., more than adequately fill the needs of temporary employees whose objective is to work long hours and return home with as much money as possible.

Further, my statement was intended to refer to the difference in housing we provide to different classifications of employees as an element of their compensation. The high-salaried top manager enjoys better housing than the first-line supervisor or the bookkeeper or maintenance worker. This is part of the compensation which goes with the more responsible job and is a necessary part of the compensation in order to attract people of talent to remote places.

Other "category" elements can also affect housing assignments. For example, different shifts cannot be successfully mixed because of the disruption caused to sleeping schedules.

Race and religion are not factors in making our housing assignments, and sex is a factor only when making assignments to rooms which sleep more than one person.

My Statement During Interview of February 19, 1981

The report refers to me with this statement: "Similarly, another employer indicated that although his company advertises jobs in newspapers, most of the recruiting is through word of mouth." This two-hour interview was conducted by Mr. Patrick Brito. Also present was Peter Block, Vice President of Industrial Relations for Universal Seafoods.

Neither Mr. Block nor I can recall making that statement with reference to our hiring of seafood processors for our Alaskan operations.

It is impossible that one of us could have made the statement because it is totally erroneous. The reason it is erroneous is because it would be impossible for us to recruit 1,000 seasonal employees each year by word of mouth.

The facts simply are that we recruit for these jobs through newspaper ads and Washington and Alaska State employment offices. We have recruited through the State of Washington Refugee Employment Service, the State of Washington Bellevue Job Center, and the State of Alaska Department of Labor (Anchorage and Dutch Harbor offices). We have also used college placement services at the University of Washington and other institutions.

I would like to draw your attention to exhibits I and II which document one of our recent efforts to recruit Alaska Natives. Exhibit I is an internal company memorandum written to our Mr. Rusty Sinnott, who is the plant manager in Dutch Harbor, who was to receive the group of eighteen Eskimo village people. Exhibit II is a letter from Mr. Harold Haynes, Seafood Placement Coordinator from the State of Alaska explaining that the program failed not because of any fault of ours but because of a voluntary decision on the part of the recruits to attend a National Guard training exercise. The plain fact was that this group preferred to participate in some activity familiar to them as opposed to traveling to some unfamiliar place six hundred miles from home! As you will note, a considerable effort was expended by both the Company and the State in preparation for the job programs.

Exhibit III is a letter from one of our satellite recruiting centers, the State of Washington Employment Security Bellevue Job Service Center, written last August describing our recruiting programs with them over a one year period. Although this was written in response to a complaint brought by one of the recruits, it should serve to indicate to the Commission that word-of-mouth is not our primary method of recruiting and that we go to extra efforts to recruit minorities and women.

I am pleased that I was able to participate in your efforts through the interview and my testimony at your hearing, and I appreciate the opportunity to respond to the proposed report and to correct the erroneous impressions it contains.

Very truly yours,

UNIVERSAL SEAFOODS, LTD.



J. RICHARD PACE
President

JRP:vt
Enclosures

DATE: FEBRUARY 5, 1981
 TO : RUSTY SINNOTT
 FROM: PETER BLOCK *AB*
 RE : RECRUITING OF ALASKA NATIVE GROUP

As you are aware, I have been working with Mr. Hal Haynes of the Alaska Department of Labor to recruit eighteen (18) Eskimo village people to work on the Unisea for this coming snow crab season. As we are completing our arrangements to have these people join UNIVERSAL, I would like to summarize activities and agreement to date:

- (1) The State will interview and select recruits from villages near Bethel. Recruiting will be completed by February 11 or 12, with names and social security numbers furnished to us then. The State will act in our stead and the recruits they select will not be subject to our further screening in Dutch Harbor. (We declined an opportunity to participate in the selection process, primarily due to logistics and time constraints).
- (2) One of the eighteen will perform in a "lead" capacity, for which he will be compensated an extra 50¢ per hour, or \$4.76 total.
- (3) All eighteen will sign our standard contract, with standard bonuses and return airfare provisions.
- (4) The State will arrange to have the recruits transported to Dutch Harbor on February 15, 1981 at their expense, to arrive on the same day as the other processors.
- (5) If time permits, the lead person will fly to Dutch Harbor next week, ahead of the group, to meet you and make final arrangements and return to fly out again on the 15th.
- (6) All eighteen will be furnished our standard applications and other forms to complete at the time of their selection. The completed forms will be hand carried to Dutch Harbor by the group and given to Leanne for processing.
- (7) In the event one of these people quits or is terminated for cause, he/she will be asked to endorse their final paycheck over to Universal so that it may be used to purchase a return ticket back to Bethel (approximately \$400.00) with any excess returned to the employee. In the event an employee refuses to comply or does not have sufficient funds, the employee will be referred to the Alaska Department of Labor office in the Mall and Ms. Lorna Hardenburg will arrange for their transportation out. We want to use this only as a last resort -- they have a contingency fund if all else fails.

In general, these people are to be given the same consideration that we accord to any other employee -- no more and no less. We hope that the experience will be mutually satisfactory and we appreciate your effort to help make it so. Please advise if you need further information.

STATE OF ALASKA

DEPARTMENT OF LABOR

DIVISION OF EMPLOYMENT SECURITY
Affiliated with U.S. Employment Service

JAY S. HAMMOND, GOVERNOR

3301 EAGLE STREET, SUITE 309
POUCH 7-018
ANCHORAGE, ALASKA 99510
(907) 264-2400

February 23, 1981

Mr. Peter Block
Universal Seafoods, Ltd.
15110 N. E. 90th Street
Redmond, Washington 98052

Dear Mr. Block,

Thank you for your excellent cooperation and patience in our endeavor to at least try to make a segment of the Rural Hire Intensification Program (RHIP) a success for the rural residents of Alaska. I hope that our inability to provide eighteen persons for employment with your company does not signify an end to future recruitment of workers through Alaska Job Service or from the State of Alaska. This one attempt to recruit rural residents on a very new program, although discouraging, certainly has not shaken my confidence in this type of a program. As with most trial programs, the initial phase can be very disheartening but beneficial if something is learned from it.

It seems that this effort was plagued with complications from the beginning. As you and others were made aware during my meeting with you in December 1980, the program was in a proposal state and at that point no work had been done to formulate a plan of action. When you stated to me that you would like to try the program on January 8, 1981, I immediately began work on the financial planning for transportation of workers from Bethel to Dutch Harbor. Since your's is one of only two companies that we have done recruitment for that requires new employees to furnish their own transportation to the work site, this kind of arrangement presented a problem. The design of the program (RHIP), was to encourage employers to provide access to seafood employment for people who live in an area that is economically depressed. Your offer meant that those people who did not have money must find money if they wanted a job. This in itself presented a problem. It wasn't until February 6th, that approval was obtained through the Association of Village Council Presidents (AVCP), in Bethel, whereby qualified Alaskan Natives would be provided financial assistance through CETA. No recruitment could begin until that date.

On February 9th and 10th, weather grounded all aircraft in Bethel. It was at this point that I called you to inquire as to whether or not you had sufficient applicants on hand to fill these openings should I have to abort the effort. On February 11th, Joe Angiak, Manager, Bethel Job Service and a representative from AVCP, left Bethel for Tununak and arrived there at 1:00 P.M., only to find two things had happened. One, most all persons who would otherwise have been

Universal Seafoods, Ltd.

-2-

February 23, 1981

interested in seafood processing work were to depart on February 15th for a two week National Guard training exercise and second, that the weather had closed in severe enough to make further travel for recruitment impossible. On February 12th, I found it necessary to call you to cancel our effort.

It is clear to me by this endeavor, that timing is the key to this type of recruitment. Now that it is evident that companies are interested in the program (in the past, they were not), a positive effort can be made to identify prospective seafood workers and report back to these companies as to the numbers of persons or crews that are available. Once this has been accomplished, advanced planning for assembling and dispatch can be formulated and relied upon. Rural recruitment certainly cannot be done in haste.

I will be in the Seattle area for nearly two weeks beginning February 26th. At some time during my stay, I would like very much to visit you at your office and discuss the program further.

Sincerely,



Harold S. Haynes

State, Seafood Placement Coordinator



STATE OF WASHINGTON

EMPLOYMENT SECURITY DEPARTMENT

Bellevue Job Service Center
13133 BellevueRedmond Road
Bellevue, Washington 98005

August 3, 1982

Tim Robison
State of Washington
Human Rights Commission
1602 - 2nd Ave. Bldg. 4th Floor
Seattle, WA 98101

RE: Case Number SEER 0003-82-3

Dear Mr. Robison:

Bellevue Job Service has worked with Universal Seafoods on intensive recruitment efforts over the past year. They have listed openings with us in the following areas:

Production worker
Fullcharge bookkeeper
Processor Seafood
Heavy equipment operator
Welder fitter

As a result of these job openings approximately 300 people that have been referred through Bellevue Job Service have been hired. During any recruitment effort with Universal Seafoods, they have been receptive to receiving minority applicants and have hired many of those minority referrals. In placing their order with us on June 7, 1982, they requested that we make an exerted effort to refer women and minorities, specifically black applicants.

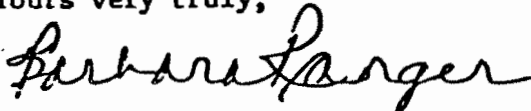
Dean Scott, a black male, was one of the minorities referred on that job order.

As we understand their procedure, they send out job offers by mail requesting that airfare to Alaska be paid prior to departure. Upon completing further pre-employment checks and payment of the airfare, the applicant is accepted, a flight date scheduled, and the applicant becomes an active employee upon reporting for work in Alaska. Once the departure for Alaska has occurred, the Company provides us with a printout of all employees that departed on that day so that we can close our records on any given order.

Barbara Ranger
August 3, 1982
page 2

We have had an excellent working relationship with this company and found them willing at all times to give fair consideration to any applicant we refer. Again, I stress that they have been particularly interested in our identifying and referring to them a broad range of minority and female applicants.

Yours very truly,

A handwritten signature in cursive script that reads "Barbara Ranger". The signature is fluid and matches the printed name below it.

Barbara Ranger, Manager
Bellevue Job Service Center

BR:lt

RESPONSE OF WARDS COVE PACKING CO.-COLUMBIA WARDS FISHERIES,
DEFENDANT'S TRIAL BRIEF, ATONIO V. WARDS COVE PACKING COMPANY,
CHAPTER 3: HOUSING

HOUSING

15
16
17 The evidence will show that employees are housed primarily according to the
18 jobs they fill and the time they arrive at the cannery. By the time the cannery workers
19 arrive, most other employees have already begun working and have been living in a
20 bunkhouse for several weeks. The defendants do not nor does it make any sense for them to
21 open up all of the bunkhouses in the preseason and scatter employees randomly through the
22 various bunkhouses and then later fill in the various open rooms randomly with the huge
23 influx of cannery workers a few days before processing begins. This is, apparently, what
24 plaintiffs would have the defendants do. This is not reasonable.

25 Plaintiffs will not be able to show a pattern (and probably not even a single
26 instance) of minority employees in noncannery worker jobs not being housed according to
27 their job and/or time of arrival at the cannery. Defendants, however, will be able to show
28 that the opposite is true: minority machinists are housed with white machinists, minority
29 beachgang members are housed with white beachgang members, minority office workers are
30 housed with white office workers, etc. For instance, the Alaska Native members of the

1 beachgang at Ekuk are housed with the white members of the same crew; the minority
2 machinists at Red Salmon are housed with the white machinists at Red Salmon; the minority
3 beachgang, carpenter, and machinist crew members at Alitak are not housed with the
4 Local 37 cannery workers, but the white members of the Local 37 crew at Alitak are housed
5 with the minority members of that crew; fishermen, company and independent, are housed
6 together regardless of race, and these fishermen are white and Alaska Native; the Alaska
7 Native preseason workers are housed with white preseason workers at, e.g., Red Salmon, and
8 the preseason is usually longer than the season; etc. [32] In other words, similarly situated
9 employees are treated the same.

10 Plaintiffs contend that "nonwhites" are given "inferior" housing because of
11 their race. First, as pointed out above, job department and time of arrival explains housing
12 patterns much more consistently than does race. [33] This should be dispositive of
13 plaintiffs' claim that nonwhites are treated differently from similarly situated whites.

14 Until the companies started upgrading bunkhouses in the late 1960's and
15 throughout the 1970's, all of the housing at the canneries was spartan at best. The rooms
16 were small, the beds were old and creaky, the walls were bare, and there was minimal
17 furniture. There simply were not substantial differences in housing. To the extent there
18 were differences in housing, it was related to job, not race. The machinists, carpenters,
19 beachgmen, etc., white and nonwhite, spend a much longer time at the canneries, [34]
20 arrive when the weather is colder, and are generally considered to be more "valuable."
21 Thus, the canneries try to give the machinists, carpenters, office staff, the "best" of a bad
22 selection of housing. The only other large group of employees who arrive at the cannery at
23 approximately the same time as the cannery workers are the fishermen. Testimony will
24

25 32. Noncannery workers in Bristol Bay are typically at the cannery for two to three
26 months, while cannery workers are there from three to five weeks.

27 33. If race was the explanation, then one would expect, for instance, that minority
28 machinists would be housed separately during the preseason from the white machinists and
29 housed with the minority cannery workers during the season. One would also expect
30 nonwhite women to be housed separately from white women. This, of course, simply does
not occur.

31 34. For instance, the typical noncannery worker spends four to six weeks at the
canneries in Bristol Bay before the cannery workers even arrive. The cannery workers in
Bristol Bay usually work from three to five weeks total. Thus, the Bristol Bay noncannery
workers generally spend twice as much time at the canneries than do the cannery workers.

Indicate that the fishermen's housing was often the worst in camp. Many of these fishermen are white.

Interestingly enough, Wards Cove, where plaintiffs' witnesses are principally leveling their complaints about housing, houses its tender crews during the preseason in exactly the same housing as the cannery workers occupy during the season. Most of these tendermen are white.

Defendants have been in the process of upgrading housing at all of their Alaska facilities over the last 10 to 15 years. This has been enormously expensive. Because of the expense involved, all of the bunkhouses could not be renovated at the same time at all of the facilities. The decisions on which bunkhouses to renovate first was not related to race. For instance, the cannery worker bunkhouse at CWF-Kenai was renovated before the new bunkhouse for machinists was built at Red Salmon and before renovations were made to the noncannery workers' quarters at Kenai. At Bumble Bee, a fire in the fall of 1972 destroyed several of the noncannery worker bunkhouses. They, of course, had to be rebuilt first. As time and money allowed, the cannery worker bunkhouses were upgraded. At the present time, the Local 37 cannery workers have one of the two newest bunkhouses at Bumble Bee. Ironically, the cold storage workers, many of whom are white, are now housed in the same bunkhouses (A and B), now ten years older, that plaintiffs will complain were so terrible when the Local 37 crews stayed there.

Stated simply, the quality of housing received by employees was not dependent on the race of the occupants.

RESPONSE OF PATRICIA WILLIAMS, DIRECTOR OF AFFIRMATIVE ACTION,
CASTLE & COOKE, INC., PAN ALASKA FISHERIES -- Chapter 3

...

The statement footnoted at 33 reads "Four employers stated that the only training required for many of the jobs was formal or informal on-the-job training". While it is unclear as to which jobs are "the jobs" referred to, the inescapable implication is that "the jobs" are the ones which provide the "opportunities for upward mobility" previously mentioned. Any reasonable person reading this paragraph would believe this to be so. There is no evidence, nor any finding, that minorities do not receive opportunities for upward mobility at Pan Alaska Fisheries. My own statement was that most of our jobs are unskilled or semi-skilled and the only training required for those jobs is informal on-the-job training. This statement does not support the implication that we are a company which does not provide opportunities for upward mobility to minorities or women. In fact, Pan Alaska Fisheries' experience has been that informal on-the-job training has led to upward mobility for minorities and women.

In the section headed Inadequate Recruitment Channels the Commission states that "It has been shown that word-of-mouth recruitment for higher paying jobs works to the disadvantage of minorities in seafood processing" 18. Footnote 18 cites 445 F. Supp. at 434-435 which recites the factual circumstances of a particular case and does not generalize to the seafood processing industry. It is irresponsible for the Commission to generalize from this cite and to distort my statement in order to imply that I support this generalization. I have no knowledge if "word-of-mouth recruitment for the higher paying job works to the disadvantage of minorities in seafood processing"...

Since what I, in fact, said does nothing to support the conclusion you are trying to reach, I suggest you delete it, or state it accurately. Most jobs at Pan Alaska Fisheries are unskilled or semi-skilled and word-of-mouth is the way most of these jobs are filled. Word-of-mouth is a phenomenon which operates among minorities and women and does, in fact, result in minority and female hires for Pan Alaska Fisheries in most jobs.