

# TOXIC UNIFORMS

## Behind the 'Made in USA' Label

PROPPER INTERNATIONAL, INC

DILE NO A LA UNIÓN

*No Firmes la tarjeta de la union*



SweatFree  
Communities

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## Executive Summary

The federal government spends approximately \$4 billion annually on apparel and textile products. Despite the trend of outsourcing needle trades jobs, a large majority of the apparel procured by the federal government is still manufactured in the United States. An estimated 40,000-50,000 U.S. workers produce apparel for federal agencies mainly thanks to the Berry Amendment (10 U.S.C. 2533b) of 1941, which requires apparel and textiles purchased by the Department of Defense to be produced in the U.S. or its territories. In February 2009, the Kissell Amendment, part of the American Recovery and Reinvestment Act, extended the Berry Amendment to the apparel for the Coast Guard and Transportation Security Administration. However, it is not clear that the jobs created by the Berry and Kissell Amendments are always good jobs. Repeated U.S. Department of Labor surveys of cutting and sewing shops in the major U.S. apparel centers between 1995 and 2001 indicate that sweatshop conditions are “normal” at the heart of the U.S. apparel industry, prompting questions about the labor compliance of federal government apparel contractors. Economic justice and economic recovery require that workers who sew uniforms and textile products for government employees receive decent wages for work in good conditions.

### Findings

*Toxic Uniforms: Behind the ‘Made in USA’ Label* presents findings from a 2009 SweatFree Communities investigation of working conditions in one cut-and-sew factory in southeastern Massachusetts and eight factories in western Puerto Rico that manufacture soldiers’ uniforms and sewn gear for two major suppliers of the U.S. military: Propper International and Eagle Industries. The research is based upon primary sources: worker interviews, union leaflets, company fliers, and letters from politicians. Workers at all factories reported poor conditions, including:

- **Poverty Level Wages:** For a single parent supporting a child, the pay-rate at each factory equaled roughly half of a living wage. For a family of four with two adults working at the factory, earnings were 60-65% of a living wage.
- **Pressure on the Job:** Propper employees sewed at a relentless pace in order to earn a bonus for meeting quota, causing long-term stress injuries. At Eagle, workers did not receive extra pay for reaching the production target, but they faced time-keeping and surveillance to hurry them along.
- **Poor Benefits:** Eagle provided a family health insurance plan that cost 80% of monthly earnings, a prohibitive expense for almost all workers. Propper’s medical plan was less costly, but did not include prescription drug coverage. Neither company paid for sick days. Because workers lived in poverty they often opted to work sick rather than to lose pay. Each company provided nine paid vacation days. Propper operated in violation of Puerto Rico Law 180, which mandated 12 paid sick days and 15 paid vacation days to workers who work at least 115 hours per month. Neither company provided a path to retirement.
- **Health and Safety Problems:** The health and safety concerns reported at both companies include heat exhaustion and fainting, repetitive stress injuries, puncture wounds, cuts from sharp material, and exposure to toxic chemicals.
- **Discrimination:** Workers at both companies reported intimidation, surveillance, and lay-offs of union supporters. In addition, Eagle workers spoke of nepotism and favoritism; sexual harassment; and ethnic and racial discrimination.

For the workers, the uniforms they make are literally and figuratively toxic.

## Recommendations

### *Procurement from Domestic Sources*

Among several long-standing pieces of legislation designed to eliminate sweatshop conditions for workers providing goods and services to the federal government, the Walsh-Healey Public Contracts Act of 1936 applies to manufacturing operations in the U.S., including the Eagle workers in Massachusetts and the Propper workers in Puerto Rico. It requires contractor compliance with prevailing wages, health and safety standards, the 40-hour work week, and minimum age limits. However, *Toxic Uniforms: Behind the 'Made in USA' Label* indicates that more needs to be done to ensure that apparel companies that profit from substandard working conditions cannot underbid responsible contractors for federal contracts. While the federal government should procure goods and services, whenever possible, from U.S.-based manufacturers and service providers consistent with guidance in U.S. law, it must also ensure labor standards compliance and decent wages for all workers who sew uniforms and other apparel for military personnel and other government employees.

### *Procurement from International Sources*

Investigations by monitoring organizations and research and advocacy groups indicate widespread and serious labor violations in factories overseas that produce uniforms and other apparel for the government procurement market. Though a minority of federally procured apparel is made outside the U.S., the federal government should ensure that taxpayers' money is never used to support sweatshop labor. Yet, virtually no federal procurement standards support the rights of workers overseas that make products for the federal government. The federal government should join with the dozens of U.S. cities, counties, and states that have developed such standards, substantially increasing the market for decent working conditions overseas. Federal procurement should require contractor and subcontractor compliance with international core labor standards and living wages ensured through an effective independent monitoring program. Compliance can be more easily ensured through the Sweatfree Purchasing Consortium, a new collaborative effort of government agencies and labor rights advocates to pool resources, share information, and coordinate enforcement towards ending public purchasing from sweatshops.

Federal sweatfree procurement from international sources would buttress the Berry and Kissell Amendments in their aim to protect American workers. Poor working conditions overseas not only strip workers in other countries of their rights, but also contribute to unfair competition in the global labor market. The ensuing "race to the bottom" is one of the main forces behind the loss of U.S. manufacturing jobs. Together federal, state, and local governments can create a substantial market for decent working conditions that will help level the playing field for labor-rights compliant manufacturers and benefit workers in the United States.



Maritza Vazquez, on radio in Chicago, reaches out to Spanish-speaking audiences to share her experience as a Propper worker, March 22, 2009. Photo: Liana Foxvog.

November 16, 2009

Dear Propper International,

We all were members of the U.S. military and are proud to call Puerto Rico our home. But things we have heard about the conditions in the Puerto Rican factories where our uniforms are made are truly alarming. It is every human's right, every U.S. citizen's right to work under respectable conditions. There should be fair pay and humane treatment. There should also be a plan for the worker's retirement. There should be paid sick days and vacation days. These are such very basic things.

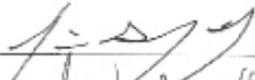
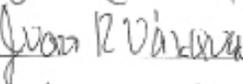
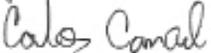
We learned how these needs and rights are being violated by Propper International and now the image of what we represent when we put on our uniforms is disturbing to us. As soldiers, we strive to stand for our country's ideals, to serve our nation under freedom and compassion for all. How is freedom being served when factory workers can't start a union to defend themselves? How is compassion being demonstrated when factory workers can't have paid sick days?

My fellow soldiers and I want to feel good and proud about the uniforms we wear. Our uniforms are a symbol of a country with ideals we would give our lives to protect. We would like to respect the company who makes the gear that protects our lives in combat, but we cannot give this respect until the workers who make my uniform are treated with respect and dignity.

We cannot forget these values – they are worth fighting for. We cannot forget that a person laboring in a factory and a person risking life in combat have the same rights. They deserve to live and work under respectable conditions and to defend their freedoms when they are violated.

Please make us proud of our uniforms again,

Soldiers of the U.S. Armed Forces

<u>Jaime Gonzalez</u>	<u>E-4/Army</u>	<u></u>
<u>Wendell J. Hernandez</u>	<u>E-4/Army</u>	<u></u>
<u>Juan R. Viquez</u>	<u>Sgt. E-5/USAF</u>	<u></u>
<u>Carlos Cancel</u>	<u>E-5/USMC</u>	<u></u>

# Chapter 1: Introduction

Sewing is a labor-intensive industry – each button, each zipper, and each seam needs the guidance of a worker at a sewing machine. As such, it was one of the first industries that faced offshoring as companies moved manufacturing abroad to countries with cheaper labor. Despite this ongoing trend, over 200,000 sewing industry jobs remain in the United States.<sup>1</sup> Some of these jobs endure because they require proximity to the consumer base. Segments of the fashion market change so frequently that certain designers prefer to keep their factories closer to home where they are better able to meet shorter deadlines and produce custom-made designs. Other garment industry jobs remain in the U.S. as a result of government regulation: The Berry and Kissell Amendments require apparel and textile products procured by certain federal government agencies to be made in the U.S. or its territories.<sup>2</sup>

## Labor Rights Violations

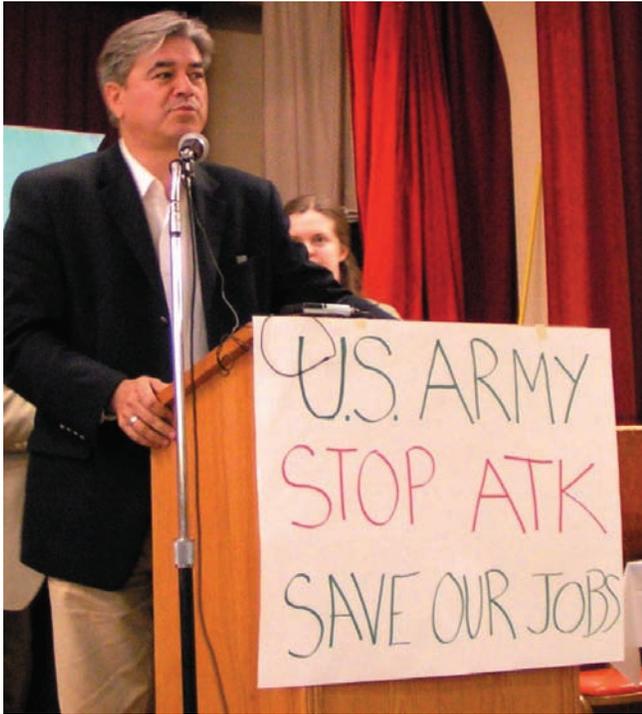
Labor rights violations in U.S. cut-and-sew factories are widely documented.<sup>3</sup> In 2000 more than half of the 22,000 sewing factories in the U.S. violated minimum wage and overtime laws and seventy-five percent violated health and safety laws.<sup>4</sup> Over fifty percent of the factories could be considered “sweatshops,” according to the General Accountability Office (GAO)’s definition of a “sweatshop” as a “multiple labor law violator.”<sup>5</sup> Studies found that sixty-seven percent of Los Angeles garment factories and sixty-three percent of New York garment factories violated minimum wage and overtime laws. The most prevalent violations concerned workplace health and safety standards: ninety-eight percent of Los Angeles’ garment factories fell short of legal standards by operating under conditions such as blocked fire exits, unsanitary bathrooms, and poor ventilation.

## Made-in-USA Regulations

The federal government is a significant consumer of clothing and textile goods. In 2008, procurement in this category equaled \$4.36 billion.<sup>6</sup> The majority of this amount, \$4.04 billion, was procured by the Department of Defense. The Berry and Kissell Amendments, among other rules, govern procurement of clothing and textiles. Congress passed the Berry Amendment (10 U.S.C. 2533a) in 1941, with the intention of protecting the domestic industrial base for textile products during World War I, and to ensure U.S. troops wore uniforms and consumed food products wholly produced in the U.S.<sup>7</sup> On February 17, 2009, as part of the American Recovery and Reinvestment Act, Congress extended the Berry Amendment to the Coast Guard and Transportation Security Administration, both agencies of the Department of Homeland Security, adding \$40.4 million in products to the \$4.04 billion already required to be made in the U.S. (Table 1). This amendment was sponsored by Representative Larry Kissell of North Carolina who lamented the loss of 10,000 textile jobs in his state during 2008. The American Manufacturing Trade Action Coalition believes that the Amendment may lead to the creation of 21,000 new domestic jobs.<sup>8</sup>

**Table 1: Apparel & Textile Procurement by Agencies Now Required to be Berry Compliant; Expenditures in 2008<sup>9</sup>**

Agency	Apparel and Textile Procurement
Department of Defense	\$4,039,646,680
Transportation Security Administration	\$23,102,723
Coast Guard	\$17,280,489
Total	\$4,080,029,892



State Representative Tony Cabral speaks to a group of Eagle workers, demonstrating his support for good jobs. Photo: Liana Foxvog.

### Legislating Ethical Procurement

Requiring products to be made in the U.S. protects domestic jobs. It also promotes jobs in U.S. territories, which have cheaper labor costs compared to many other parts of the country. But Made-in-USA requirements provide little assurance against poor conditions and low wages. As Chapters 2 and 3 demonstrate, poor labor conditions are an ongoing problem in the U.S. and its territories. Stronger procurement labor standards and enforcement can help ensure respect for workers' rights. Chapter 4 will explore options for sweatshop-free government procurement from both domestic and foreign sources based, in part, on the experiences of state and local governments that have worked to improve working conditions in their supply chains for many years.

### Methodology

Chapters 2 and 3 present findings from an investigation into labor conditions at cut-and-sew factories in Massachusetts and Puerto Rico that manufacture soldiers' uniforms and gear for two major suppliers of the U.S. military, Propper International and Eagle Industries. These chapters are based upon primary sources: worker interviews, union leaflets, company fliers, and letters from politicians.

SweatFree Communities conducted in-depth interviews with eight Eagle workers and two Propper workers, January to April of 2009. The Eagle workers were active members of a worker committee at the company. The Propper workers are both complainants in a lawsuit against the company. We also spoke with the union staff at UNITE HERE (who later transitioned to Workers United) who acted as lead organizers at Eagle and Propper. In addition, the paper incorporates material from worker interviews conducted by the union, including quotes from a short film entitled "Dishonorable Conduct" produced by UNITE HERE. Most of the interviews were conducted in Spanish and then translated into English by the interviewers. Many of the documents and press articles were in Spanish and translated into English by SweatFree Communities. All interviewees agreed to be quoted publicly with their full names.

The recommendations for procurement reform in Chapter 4 are based on SweatFree Communities' extensive experience advocating for labor standards in state and local government procurement, best practice analysis, and ongoing consultations with a broad range of advocates, experts, government procurement officials, and vendors.<sup>12</sup> These reforms can help to significantly improve the lives of workers who make apparel and textile products for the federal government.

Made-in-USA requirements provide little assurance against sweatshop conditions.



Rafael Irizarry, joined by Liana Foxvog as translator, speaks to a packed-house audience in Olympia, Washington, while on speaking tour with SweatFree Communities, March 30, 2009.

### **What portion of military apparel and textiles is *not* made in the United States?**

Early in 2009 SweatFree Communities spoke to workers at a Mexican factory claiming to produce various apparel and textile products for the U.S. military. One worker told us:

*"In 2004 I began working as a seamstress making products for military use. In the Body Armor department they make all kinds of bulletproof vests, different kinds of pistol holsters, different accessory belts, handcuff holsters, tear gas holsters, walkie-talkie holsters, belts, backpacks, suitcases, lantern covers, and even spit nets for inmates when they transport them. We heard that some of the materials were sent to the war in the Persian Gulf as part of the combat wear for American soldiers."*

This anecdote and others like it do not necessarily provide evidence of Berry Amendment violations. The government is allowed to waive the source restriction in certain circumstances, including acquisitions in support of combat operations, emergency acquisitions, when domestic products are not available in sufficient quantities or quality, and when the cost of the domestic product would be "unreasonable." There is also a special exception for chemical warfare protective clothing which may be purchased from certain other qualifying countries.<sup>10</sup> In addition to these exceptions, there appear to be loopholes to the Berry Amendment that allow the acquisition of non-domestic textile and apparel products, such as recruiting giveaways, that are part of advertising and marketing service contracts where the Berry Amendment does not apply.<sup>11</sup> A further problem with implementing the Berry Amendment could arise in situations when military gear is exempt from labeling, and verification of country of origin is difficult. Further research is needed to determine the extent and significance of the exceptions, loopholes, and possible violations of the Berry Amendment.

## Chapter 2: Eagle Industries

### Company Background

Eagle Industries formed as a family business in 1974 and has focused its production on nylon tactical gear for military and law enforcement agencies since 1982. On March 31, 2009, publicly-traded Alliant Techsystems (ATK), an aerospace and defense company, acquired Eagle as a wholly-owned subsidiary, maintaining the Eagle brand name. Eagle remains headquartered in Fenton, Missouri, and runs five manufacturing facilities which are located in Fenton, Missouri; New Bedford, Massachusetts; Lares, Puerto Rico; Mayagüez, Puerto Rico; and the Dominican Republic.<sup>13</sup> In FY2008, the company received \$17,571,315 in federal government contracts, a \$10.5 million increase from 2007.<sup>14</sup>

Eagle purchased the Michael Bianco factory in New Bedford, Massachusetts, from owner Francesco Insolia on November 29, 2007, inheriting \$37 million in Army contracts for Modular Lightweight Load-carrying Equipment such as backpacks and bullet-proof vests.<sup>15</sup> The acquisition followed eight months on the heels of the highly publicized workplace raid at Michael Bianco by Immigration and Customs Enforcement (ICE). The raid brought attention to what U.S. Attorney Michael Sullivan labeled “sweatshop” conditions. Sullivan stated, “It’s the typical sweatshop you read about - in the early 1900s. These were the deplorable conditions that these [Bianco] workers essentially had to endure under.”<sup>16</sup> Sullivan brought a federal indictment against the company and its management and in July 2007, four months following the raid, OSHA cited Michael Bianco for fifteen serious violations of health and safety standards, including chemical, electrical and mechanical hazards that exposed workers to lacerations, amputation, burns, electrocution, and eye and face injuries. Other conditions documented by OSHA and media exposés included locked fire exits, inadequate cooling of



Eagle Industries factory gates.  
Photo: Liana Foxvog.

work areas, insufficient provision of toilet paper, and fines for a variety of behaviors – talking while working, tardiness, and more than two minutes in the restroom.<sup>17</sup> In the raid, ICE agents detained 361 primarily Mayan-Guatemalan workers at the plant. In the ensuing months, many of these workers were deported, tearing apart families and separating mothers from children. In January 2009, Insolia was sentenced to a year and a day in federal prison for violating immigration and wage and hour laws and fined \$30,000; the corporation was fined \$1.51 million and ordered to pay \$460,000 in restitution to former employees.

Two years later the factory was run by many of the same management and supervisory personnel as before the raid, and enjoyed continuing Army contracts. After Eagle Industries took over the factory, the workers – many of them newly hired six months prior, immediately following the raid –

## Epilogue: Eagle Industries Plant in New Bedford

*SweatFree Communities conducted interviews with Eagle workers from January to April of 2009. In addition, the report uses material from interviews conducted by UNITE HERE during 2008. While the focus of the report is on working conditions during Eagle's operation, it bears mentioning what happened at Eagle since the interviews took place.*

On May 29, 2009, Eagle Industries' parent company Alliant Techsystems (ATK) announced plans to close the New Bedford plant and eliminate 350 jobs. In response, the workers organized mass meetings and rallies and engaged politicians for support in keeping the factory open. The New Bedford City Council unanimously passed a resolution in support of keeping the jobs in the city. Several council members as well as State Representative Tony Cabral spoke to the workers at emergency meetings organized by Workers United, which had continued organizing the workers for unionization following the union's split from UNITE HERE. Senators Ted Kennedy and John Kerry, and Congressman Barney Frank wrote a joint letter<sup>18</sup> to the U.S. Army asking it to deny ATK/Eagle permission to move the Modular Lightweight Load Carrying Equipment (MOLLE) contract from New Bedford. The letter also asked the Army to not renew the contract with ATK unless the work will be performed in New Bedford. Unfortunately for Eagle workers, the Army responded that it no longer desired any product under the contract. ATK closed the factory at the end of July, 2009.

The factory closed but the worker committee that had led the campaign – first for better working conditions and subsequently to keep the factory open – did not give up. Less than a month after the closure, they succeeded in persuading another apparel company to start production in New Bedford and provide jobs to the laid-off Eagle workers. Not only that, but the new company already operated a unionized factory in New Jersey and believed in respecting workers' rights to decent conditions and benefits. The new factory, New Bedford Tactical Gear, opened on August 17, 2009, having secured a military subcontract to manufacture reusable ammunition bags for the U.S. Army's M249 rifle. New Bedford Tactical Gear employs fifteen of the laid-off Eagle workers in the initial stages of operation. As this report goes to press, a collective bargaining contract is about to be signed.

The closure of Eagle Industries was deeply painful for the workers, many of whom remain without work, facing the difficulty of landing a job in an economy of high unemployment. At the same time, the opening of New Bedford Tactical Gear is promising. Should the company receive more contracts, it is ripe for expansion particularly given the plethora of unemployed skilled sewing machine operators in New Bedford and its location on a factory floor that can hold hundreds of workers.

continued to report poor working conditions: wages hardly above the state minimum, an unaffordable company health insurance family plan costing 80% of wages, and fainting at the workplace due to suffocating heat and inadequate ventilation. Guillermo Portalatin, who started working at the plant shortly following the raid and five months before Eagle's acquisition, recalled: "Things were better before. Before I was always busy, there was always work. But when Eagle bought the factory, things changed. There was more pressure... They said that there would be more benefits and medical, but none of this has happened. Health insurance has risen in costs, from \$70 to \$80 [per week]."<sup>19</sup> Connie Cardosa began working at Eagle in September of 2006, then under Michael Bianco: "I have many years experience working in the sewing industry doing stitching and cabling, so I know that the condi-



Guillermo Cosajay, Eagle worker, speaks to a group of concerned coworkers on June 20, 2009. Photo: Bonnie Stinson.

tions at Eagle are much worse than what they were in Michael Bianco and other sewing factories. I have never had to work at a place this bad before."<sup>20</sup>

Workers from the Eagle factory approached UNITE HERE for support soon after the raid, and again after Eagle bought the company.<sup>21</sup> The union launched its organizing campaign in the spring of 2008. According to Portalatin, conditions deteriorated once the union campaign started: "They have changed my job three or four times... When I started wearing the union button that is when they started putting limits on what I did. They moved me from one workstation to another." Regarding the acquisition by Alliant Techsystems, Guillermo Cosajay, also a manufacturing worker, said in an interview on April 15, 2009 that the employees had not yet experienced any changes at the facility and still deal with the same managers and supervisors.<sup>22</sup>

### Poverty Wages and Public Assistance

Most of the workers have families and children to support but wages tend to fall short of a living wage in New Bedford even for a single adult, which is \$9.34 per hour.<sup>23</sup> Interviewees were also upset by what they perceived as inconsistency and favoritism with regard to starting pay rates and raises. Santa Sanchez said: "There are different wages for different people that are all doing the same thing, \$8.25, \$8.50, \$9.00. This isn't fair. They should pay everyone the same, at least \$9.50. There are people who have been working a year and a half or two years, and they are still earning the same as people who just began, it's not fair." Portalatin is one of those people: "Since I began working there has been too much pressure. I have been working one year nine months. In April I will be there two years, and a kid that has only been here four months is earning the same as me, how is this possible?" According to Lesbi Cerrato: "I get paid \$8.75. When others are new but are friends with management, they get \$9 or \$10 per hour." Elisa Rios echoed the concern that wages are inconsistent with seniority: "There are

people that have been working there nine months, and they are making \$9.25, and they don't produce. In March I will have been here two years, and I only make \$8.75. I am someone who produces, because if they ask me to produce 500 pieces in one day, for the grenades, I do it for them."



June 6, 2009 rally: "The contract belongs in New Bedford -- leave the doors open. We are fighting for our jobs."

Photo: Liana Foxvog.

Connie Cardosa's explanation for the variance in rates was that management provided higher wages to workers who agreed to not support the union: "I have a feeling that they are bribing, giving wages to certain people in there so they don't support the union; that is the feeling. I know I don't know for sure. I have a feeling from watching certain people in there, that they already had a raise for not supporting the union."

Since many Eagle workers are responsible for dependents either as single parents or married with multiple children, wages fell far short of what they needed to cover necessary expenses. In the city of New Bedford, the living wage for a single parent supporting one child is \$17.30 per hour, roughly double the rate paid by Eagle.<sup>24</sup> For a family of two adults and two children the living wage is \$28.38. When both parents work at Eagle, the family will

have trouble making ends meet because their joint earnings total only \$18 per hour, less than sixty-five percent of what they need. Cerrato shared the breakdown of her expenses: "With the \$250 I make a week – and this is with overtime from working on Saturdays – it is not enough [even] to pay for the health insurance subsidized by the state. Every week I have to choose which of the bills I will be able to pay. [Monthly] I pay \$600 for rent, \$200 for gas, \$100 for car insurance, and then there is the telephone and other bills...but I only make \$250 a week... and we haven't even talked about food."<sup>25</sup> When expenses exceed income, workers seek assistance; in addition to state-funded health insurance, many workers like Elisa Rios, who together with her husband supports three children and her mother, qualified for food stamps.<sup>26</sup>

### Schedule and Pace of Work

The usual workday ran from 7:30am to 4:00pm, and in addition some employees worked overtime. "I went by the factory the other day to get a pizza, and they were still working and open at 9:00pm, with the lights on," said Portalatin. Since wages are so low, Portalatin wanted the opportunity to work overtime to earn additional income:

In the beginning they sent me home at 5:00 pm; they gave me an hour of overtime. The other day when I arrived in the morning, I saw there were scraps on my worktable, and so they are sending me home and keeping other people to do my overtime. How can this be that they don't have overtime for me, but that they are keeping other people to work in my place when they have less experience? That is why we need the union. They used to keep me until 7:00pm, but now they have put another in my place for overtime, someone with less experience than myself.

Cardosa expressed her frustration about how the company selected workers for overtime:

It is forty hours, and we work overtime until five o'clock. But a couple of months ago, there was a section, the section where I was working, that used to work until 8 or 9 or 10 o'clock... And they used to choose the people they wanted to stay overtime, instead of asking everybody. And there is one time that my supervisor, she asked most of the girls, and she passed by me, and I asked her, "Why did you ask certain ones to stay overtime and you didn't ask me?" ... If they really want the work to go out, why choose people from one section to stay overtime to do somebody else's work? Like I go home and somebody else stays overtime to do my work.

Although many workers may want overtime for the additional pay, there can be a physical cost to working such long hours. Victoria Tirado described her experience: "Many times we end up with pain in the arms, in the hands, and swollen eyes because sewing is tedious."<sup>27</sup> A fairer policy would allow workers to opt in or out of overtime as they choose.

The work pace was relentless. Rios' task required her to make twenty-five operations every fifteen minutes and her body suffered: "At the end of the day, I have a lot of pain in my hands and arms from the same repetitive motions that I do all day over and over. I get the material after it has gone through the burning process and the material has pieces that are hard and sharp which scrape my arms leaving cuts and scratches. I have scratches all over my arms from it."<sup>28</sup> Portalatin discussed the time-tracking that production workers must undergo: "They are always watching you, how many times you go to the bathroom, measuring everyone's time, making us nervous... The supervisors sometimes watch you for one or even two hours timing the workers. They said they were going to give us a bonus for production, but we have never seen a bonus." Unable to take breaks as needed, Portalatin worked in pain: "Since I work with this metal tool, I can't remain

sitting for too long because it hurts. But now there is the supervisor who is always saying 'hurry up, hurry up'." "We have two different lunches, so that people can eat in the cafeteria. But it is tiny, so the other half of the people has to go outside, because it is so small. There are not enough microwaves to heat up your food. You don't get to eat until all the others have heated up their food. People fight for the microwaves, time is short, and with the first ring of the bell, we need to be seated at our work station, and with the second, we need to be sewing," said Cerrato.

Cosajay and Cardoso spoke about the lack of sick days and inability to elect when to take vacations. "They don't give you leave. It is true that you can leave, but they don't pay you. That is why people come to work even if they are sick. Which for me shouldn't be allowed because that person is going to infect other people," shared Cosajay. "No sick days, just one week vacation that is it, and four holidays," complained Cardoso. This is another area in which favoritism is evident. Cardoso continued: "It depends on if they like me, if I go to the office ... and I ask for more time off. If they like me they will give it to me. But there is a lot of them that take days off, two or three or four weeks, so maybe they like them. That never happened to me yet." Portalatin would have liked to have the opportunity to choose when to hold his vacation: "They give us a week of vacation in July because they shut the factory and nobody can work. If I wanted my vacation in February... they would tell me that I would have to wait until July... You can't miss a day for vacation until July."

### **Fainting on the Job**

Workers at Eagle New Bedford had plenty of stories to tell about the lack of adequate ventilation, heating, and cooling at the factory. In the winter, it was so cold in some sections of the plant that many employees worked with their coats on.<sup>29</sup> During the heat of the summer, without air conditioning

and with windows closed and inadequate fans, the temperature in some sections of the plant rose to dangerous levels. Tirado shared: “The temperature in the warehouse went over 100 degrees, which threatens our health. They care about the production but don’t care about our health.”<sup>30</sup> Poor ventilation exacerbates the odor caused by the burning of thread and cloth, said Rios: “The smell when they burn in the summers, this terrible smell, killer, you have a headache, you feel the smell in your stomach, you feel dizzy, sometimes you don’t even feel you have the strength to keep working, because your vision is even blurry, and this sickness that you feel. And they don’t open the window, simply because they don’t want to, and in the middle of the summer!”

The workers suggested a range of explanations for the problems with fans: there are not enough; they are installed poorly; and they are intentionally turned off. Cosajay said: “The fans they put in, they don’t work. There are a lot of older people, that with the wind from the fans they get sick easily. So that is why they don’t want the fans connected, and that is why I think they didn’t do it right. They put the fans too close to us, and the air that it creates blows too hard, and so people don’t want them to turn the fans on, so it is too hot during the summer.” Cerrato had a different perspective: “They don’t want us to turn on the fans. They put in some fans, but they don’t want us to turn them on, because they use too much energy. [They say] that it affects the other machines, that there are machines that can be damaged.”

Regardless of the reason for inadequate ventilation, summers brought an epidemic of heat exhaustion. During the summer of 2008, Tirado said: “So far since the beginning of this summer almost 10 people have fainted in my section of the plant.”<sup>31</sup> It is not only a matter of heat says Cerrato: “People vomit, get headaches, high blood pressure, others have low pressure, because there isn’t air.” As

the summer continued and the heat persisted, the company increased its preparedness – by procuring a wheelchair. “In the summer, we have the problem that air doesn’t circulate; there isn’t even one window open. Up to three people went to the hospital every day. To take people to the hospital, they needed three people, mechanics, even the boss because they couldn’t figure out how to get the people out. Now they have a wheelchair, and they go flying by to take people out in the wheelchair,” said Cerrato.

### **Missing Safety Precautions**

Workers not only worried about needle punctures but they also deal with swerving forklifts, burning tools, and squirting oil – all without protective equipment or obvious concern from management. The small improvements made in response to workers’ complaints were outweighed by the problems that persisted.

The organization – or disorganization – of the factory floor created safety hazards for sewing machine operators as other workers drove forklifts around them through poorly delineated aisles. “They are supposed to have a line in the floor where the forklifts can pass, but this factory doesn’t have them,” Rios explained. Cardoso added, “Because there are chairs and tables on the aisles, and if the forklift goes by and they don’t get out of the way, it will just go through them. It is dangerous, they are not supposed to work that way,” said Cardoso. Portalatin spoke about his close misses: “The forklifts pass by my workstation very nearby, at only a few inches, they drive right by me.” The danger is real, said Rios: “When they turn, it is really dangerous. They have hit people – Santa and Guillermo were hit by forklifts. [Santa] had to go to the doctor... This is the most dangerous thing that I have seen.” Sanchez described an incident with the forklift: “One of the workers who was driving the forklift, he ran into me so hard. He ran into the table, and it hit my stomach. I was in bad shape... The next day I had to go to work with pain in my stomach because

they wouldn't let me go and have some exams done that [a doctor] had recommended, because I would miss work. Because if I missed work they wouldn't pay me, I had to go to work injured." In response to worker complaints, management marked the floor with tape to designate forklift paths, but Cosajay said it was not sufficient: "Not until recently have I



Brian Gomes, New Bedford City Councilor, speaks in support of the Eagle workers on June 9, 2009. Photo: Liana Foxvog.

noticed that they are putting tape on the floor, but you don't see it because it is too thin, and the forklifts come over the line into the workstations, that is no good." Management understood that the hazard persisted because when inspectors or buyers visited the plant, the forklifts were nowhere to be seen, and workers carried boxes by hand, said Cosajay.<sup>32</sup>

Another safety issue concerns the machinery used to treat nylon. Portalatin worked with a hot metal tool which he used to burn frayed ends of cloth: "The burning is hot," he said. "The smoke always bothers my eyes... I cough and smoke enters my lungs. My eyes also turn red, and I have to go to the bathroom to rinse them with water, when I try to see distances everything is blurry, watery." Simple, prudent safety measures management could take include providing goggles and masks. And yet Portalatin's tool may

be an improvement on past practices. According to Cerrato: "In the past they made us burn the edges of the cloth with lighters... And we did this so much that we burnt our fingers doing it."

Cosajay experienced an incident that could have caused blindness had he not been wearing ordinary eye glasses. "I found that something was wrong with my eyes, that my vision was blurry. But I didn't know why, and my eyes were red, and when I looked at my glasses, there was a lot of oil on my glasses. I said, what could be happening? ... So when you are working, there is a part of the machine that shoots oil into your eyes," he explained. Roughly half of the sewing machine operators used thread with oil. Cosajay was one of them. Following the incident he approached three supervisors. One said she would fix the machine but nothing ever happened. Left to his own devices Cosajay created his own solution: he attached a piece of plastic to his sewing machine to block oil from shooting into his eyes; soon other workers followed suit.

Workers reported Eagle's safety training as inadequate. Portalatin claimed that he did not receive any safety training, only instructional videos. He was even asked to lie about the training: "[The manager] collects signatures certifying that we have received training, but they don't actually give us training. She never provided me with training. She just put me where I am to do the work, and collected my signature." While the purpose of the signature is unclear, the incident does raise the possibility that Eagle lied to government inspectors.

### **No Paid Sick Leave, Unaffordable Health Insurance**

Eagle's family health insurance plan was prohibitively expensive. A plan for an individual was \$80 per week but a family plan was \$260. Many workers reported the plan as amounting to eighty percent of their earnings but for Cerrato it was even higher; she earned \$250 per week. At such unaffordable rates, hardly any production workers opted to

purchase the plan, getting by on MassHealth or Commonwealth Care, the state's publicly-subsidized healthcare programs.

Without paid sick days, employees often worked when they were sick and defied doctors' recommendations because they could not afford a day without pay. "We don't have even one sick day and so I have gone to work coughing, with a fever and with chest pain. I feel like I have to work because there is no option...if I miss work I can't get a note from the doctor because I don't have money to pay for a doctor's visit," shared Cerrato.<sup>33</sup> The day following an operation, Rios returned to work: "When they saw that I was limping around after the surgery, they didn't say 'Elisa go home.'" Before her surgery she asked for leave: "I went to ask for it, and they said they were sorry but the company didn't pay sick days and that I should recover quickly to come back and do my work."

"If I am sick and I go to work, I am going to infect the other workers. But [since] I have to pay the rent, I have to go work sick. Health insurance, it isn't for the worker, because we work for a low wage. I can't pay for health insurance that costs \$80 a week."

-- Juana Eusebio, Eagle worker

### **Forms of Control: Favoritism, Discrimination, Harassment**

Eagle workers had a lot to say about discrimination on the job. The supervisors and sixty percent of the workforce are of Portuguese ancestry and thirty percent are Hispanics.<sup>34</sup> Santa Sanchez testified in a written complaint to the Commonwealth of Massachusetts' Commission Against Discrimination that Hispanics were treated differently than employees of Portuguese descent: "Hispanics are harassed for allegedly having false papers; Portuguese are not harassed. Hispanic workers were reprimanded for

being one minute late after break, while Portuguese workers are not reprimanded at all. Hispanic workers are not allowed to take emergency calls while Portuguese employees can take calls [without punching out] with no disciplinary actions. Portuguese employees are allowed to take two breaks and Hispanic employees are not allowed the same privileges."

Sanchez personally experienced three incidents which she considered racially motivated: she was assaulted by an employee of Portuguese ancestry and had to go the hospital as a result, and to her knowledge the assailant was not reprimanded; she was sexually harassed by a female supervisor who pulled down her pants; and she received five warnings for insignificant reasons for which warnings have not been given to Portuguese workers. Speaking about how management awards warnings and suspensions inconsistently, Rios said: "There is favoritism, that if you do not have a pretty face, a spectacular body, silky hair, you stay where you are, you simply stay there with the machine, even if you have other talents to offer the company." Friends or family of management receive better treatment. As noted earlier, favoritism also affects who is offered overtime and who receives better salaries.<sup>35</sup> Elisa Rios summed up her experience: "Harassment, fear, desperation, sadness, unhappiness, tears, this is what we experience daily in this factory."

### **Moving the Workers, Moving the Work**

Several of the interviewed workers complained about being moved from one section of the plant to another without warning. These moves left the workers feeling unhappy and insecure in their jobs, causing the overall work environment to suffer. "In August, when I was watching a training video, [the manager] came in and took me out, and she put me in the back of the factory and told me this was my new workspace, and that I would stay here forever," said Portalatin, distressed that his new location was so far from the front that it took him ten minutes to

reach the break area and return to his station, which made it hardly worth taking a coffee break when only fifteen minutes were allotted. The same thing happened to Cosajay who complained about the stench of the toilets next to his new location.<sup>36</sup>

Portalatin, Cosajay, Cardosa, Boyer, Eusebio, and Cerrato had all been moved from one section of the plant to another and believed the management's motivation was to retaliate against union supporters. "They try to separate you, they try to change you from one section to another, because they try to separate you from your friends," Cardosa said. Marina Boyer was moved from a section where she spoke the same language as her neighboring coworkers to a section where she did not. "Before we worked in a group... We helped each other a lot. But today they put us together with people we don't know, including with people that don't understand each other... and we can't speak to each other because we don't understand each other," she said. Eusebio believed that management separated union supporters, mostly Latinos, in order to weaken the union: "I think the change was due to the union. When they saw the union, they wanted to expel it. They separated those of us who are Latinos. We feel separated from each other," she said. Portalatin similarly considered the company's reason for moving the workers to be union-related. He had posted a union flier by his work station at front of the factory, which management removed. "Now that the union is stronger, they have put me in the back of the factory... Since I wear the union button, they keep an eye on me, and [the manager] tells me not to move from where I am. They keep their eye on me because they think that I am talking about the union," he said. Cerrato was also isolated for supporting the union. "I try to defend my rights, but it is hard with all of the harassment by the company," she explained. "When the company found out that I was with the union they moved me so that they could isolate me in the plant. Before I was public with my support for the union, my machine was in the middle of lots of

people; but after [the company found out I support the union] they moved me next to the wall next to the covered-up windows, and on the other side there are two unoccupied machines. I imagine that they did this so that I can't talk to anybody, because they don't want the union to come in."<sup>37</sup>

Not only were the workers moved from one section of the plant to another but on August 17, 2008, Eagle moved section 400 – the largest in the plant with eighty jobs – to Puerto Rico. Portalatin said: "I go to the pizza joint at night, near the factory, and I see the lights on late at night, and they are taking the machines out of the factory, taking our work." Overnight Eagle packed up and shipped out material and machinery from the line. "Now we are in a panic and we are worried about our jobs,"<sup>38</sup> Some workers said they were given three days warning, others said they left the plant one night and returned the next day to find their machines gone along with their unfinished work.<sup>39</sup> Rios considered the lack of warning intentional: "They like to mess with the workers' minds... They like to see them scared... They like it when they fire somebody to see that person suffer. They do it to intimidate, so that the union doesn't come in." "And now I ask myself: Why did they shut down this department and not a different one? I think the reason is because it was a department where every worker was a union supporter. I think it was to punish us and divide us. They divided us but we continue united and strong," said Eusebio.<sup>40</sup>

Initially when section 400 closed, management told the eighty workers that they would be laid off. But after UNITE HERE raised public pressure and

"Since the day our department was moved, we go to work every day wondering if when we get there the doors will be closed."

-- Guillermo Cosajay, Eagle worker

filed an unfair labor practice charge, the company backtracked and reassigned the workers to different positions in the plant.<sup>41</sup> Eagle workers' negative experience with the closure of section 400 was exacerbated by the lack of sympathy the company showed by holding a Christmas party in the newly emptied section of the factory.<sup>42</sup> Cardoso worried that the struggle over keeping jobs for employees who had worked in section 400 was just the beginning. "I have a feeling that maybe [the owner] doesn't want the plant to stay in New Bedford... I think that when he bought the plant, it was already in his plans to move it," she said.

### **Intimidation, Harassment and Discrimination Against Union Supporters**

As the union campaign evolved, workers faced a variety of repression of which union supporters bore the brunt. Standard practice at the company was that workers received warnings if they did not punch out from work to make phone calls. But Rios shared what happened to a union supporter when she called home from the job: "Her kids were at home and she didn't have a babysitter so she called home during work to check in with her oldest son to make sure everything was fine. The company saw her making this phone call and she was laid off."

"We just want to have our jobs and have a stress-free environment to work."

-- Connie Cardoso, Eagle worker

Workers testified that many of the concerns they brought to management were left unaddressed – particularly those issues related to harassment of pro-union workers. Rios told such a story: "I have a friend that was a supporter of the union and a picture of her was in the paper holding a sign that said 'no harassment'. She found that picture at work with holes punctured in it. She brought the pic-

ture to the office to file a complaint. They took the picture away and wouldn't give it back to her. They must have destroyed it."<sup>43</sup> Cardoso testified to being personally targeted for her union support: "In June 2008 someone, I suspect the production-manager, ripped the button I wear to show my support for the union off of my work apron. A few weeks before my union button was ripped off, the work apron I wear was cut-up with scissors."

Before the start of the union campaign, workers were allowed to talk on the job, but this changed. Now they could only have quick conversations necessary to the flow of work but nothing else. Managers monitored workers to ensure they follow this rule. According to Boyer: "In the past we talked about anything we felt like, but not now, because you always have somebody watching you, to see if you talked or didn't. I don't stop working when I talk, I can work and talk, but that isn't what they want... Everybody is watching everyone else, wondering what is happening, and what will happen." Even when Portalatin was at the water cooler at the same time as another worker, a manager came over to listen in – to ensure that he was not talking about the union, he believed.

This no-talking rule made it difficult for union supporters to educate their fellow workers about the union. While managers could only enforce the rule inside the factory, their surveillance of workers as they departed the building made workers uncomfortable and kept them from talking with each other even outside the factory. Cardoso spoke to this dynamic:

The managers don't want me to talk to people because they know I support the union. Managers even try to watch us when we aren't working. Whenever I am talking to people from the union, or when the union people are there, managers stand on the steps outside the doors of the factory to watch us to see if we are talking to the union representatives.

Then the managers stay out there until we are all gone to see who stops or to see if we talk to the union representative.

Rios noted that new workers were afraid to speak with her as well: “Two weeks ago I spoke with a new worker. She didn’t want to talk with me because she had been told if she talks with union supporters she can be fired.” Cardoso said new workers were promised higher wages for agreeing to not support the union. Some longer-term workers also withdrew support from the union due to such buy-offs.



Workers rally in front of Eagle factory, June 9, 2009. Photo: Liana Foxvog.

## Chapter 3: Propper International

### Company Background, Incentives to Produce in Puerto Rico

Propper International, a privately-held corporation, is the largest manufacturer of military uniforms for the U.S. Department of Defense.<sup>44</sup> Since 1967, it has produced over 50 million items of clothing for the military and law enforcement use. The company manufactures a range of products including army uniforms, shirts, pants, parkas, outerwear, and headwear; some of these are treated with chemicals for fire resistance.<sup>45</sup> Propper's headquarters are located in St. Charles, Missouri, its factories are situated in Puerto Rico and the Dominican Republic, and it has a distribution warehouse in Waverly, Tennessee. The Puerto Rican factories, the focus of this chapter, are located in the cities of Mayagüez (three factories: Mayagüez, Mayagüez II, and Equa), Adjuntas, Lajas, Cabo Rojo (Reto I and Reto II), and Las Marías.

Propper enjoys lucrative benefits for running factories in Puerto Rico. The company pays only two percent in corporate income taxes and receives a ninety percent exemption on real estate taxes and a seventy-five percent exemption on municipal utilities.<sup>46</sup> The Industrial Development Company of the Commonwealth of Puerto Rico promotes the corporate benefit of producing in Puerto Rico with its slogan "The advantages of going offshore. The security of being home."<sup>47</sup>

In 2007 the Puerto Rican apparel and textile industry grew by twenty-three percent, currently employing approximately 11,200 people for nearly \$375 million in sales.<sup>48</sup> Before the current Afghanistan and Iraq wars, the Puerto Rican apparel industry had declined due to off-shoring of jobs. Many of the apparel jobs that have departed – and continue to leave – for countries with cheaper labor, produce for the retail market. Those that remain produce pri-



Sign at Reto I factory. "Say no to the union. Don't sign the union card. Management."

marily for the U.S. Department of Defense. Of the over 135 companies producing apparel in Puerto Rico, Propper International is by far the largest with approximately 3,250 employees. It is the largest federal government contractor in Puerto Rico after Shell. In 2007, Propper received \$97 million in federal government contracts, which spiked to \$156 million in 2008 – the company's largest ever annual federal government sales.<sup>49</sup>

Propper's chief executive, Tom Kellim, claims that the production of military uniforms is a "very low margin industry" and that Propper's pay and benefits are "equal to or better than the competition."<sup>50</sup> However, American Apparel Inc., a manufacturer in Selma, Alabama, which produces soldiers' uniforms very similar to Propper's, offers a base-rate of \$9.63, which is significantly higher than the federal minimum wage paid by Propper.<sup>51</sup>

"What we really want, as employees of Propper international, is to be respected. We want the managing supervisors to respect us because many of us have been mistreated. I have felt the racism. I have felt the abuse toward my coworkers and that wears you out."

-- Luisa Illias

## Pressure on the Job

Sewing machine operators at Propper earn the federal minimum wage, currently set at \$6.55 per hour. Many workers at Propper's factories are single parents; for them the minimum wage is far less than what a living wage would be. In Puerto Rico, a living wage for a family consisting of a single parent with one child is approximately \$13 per hour. For a family of two adults and two children, it is \$22 per hour.<sup>52</sup>

Rafael Irizarry, a sewing machine operator who has worked at Propper's Las Marías plant for four years, is a single father with sole responsibility for his thirteen year old son. Propper's minimum wage rate affords him \$1,048 per month before taxes; his take-home is only \$800. Rent for a small apartment costs him \$300 per month and he spends roughly \$250 per month on food. After paying for utilities, phone, gas, clothing, and other basic necessities, his monthly expenses are higher than \$800. In order to manage, Irizarry relies on the "production bonus," a cash bonus that workers receive when they achieve a production target. To meet this quota, Rafael must work extremely fast. Sometimes he skips out on lunch and breaks in order to make the piece-rate goal by the end of the day. As a result of the relentless pace his body suffers: "My shoulders hurt from the repetitive motion. My right knee that's on the pedal is in constant pain. I have to take pain medication for that."<sup>53</sup> Nonetheless, he keeps up the fastest pace he can manage because without the bonus he cannot make ends meet.

Management attempts to restrict the time workers spend away from their sewing machines in several ways. The company does not have an official rule restricting the time an employee may take in the restroom or how many times one may visit the restroom. However, Maritza Vázquez, a sewing machine operator at Propper's Lajas plant, said that supervisors watch employees when they go to the restroom

and notice the time they take.<sup>54</sup> Surveillance makes workers nervous and keeps them hurrying. Frank Sabater Tirado, a material handler at the Reto I factory, commented on another practice that limits workers' time away from work tasks: "The bathrooms can't be used correctly because months ago the seats were taken away."<sup>55</sup> This enables management to control workers' time away from the sewing machine. If it is not possible to sit on the toilet then an employee will not dally long.

"We just started working on a new product: fire retardant uniforms. It takes 118 operations to make these uniforms. The factory that makes the cloth puts on fire retardant chemicals. We have to handle this chemical all day long and we don't have any protection for our skin or lungs. I'm worried about what this toxic exposure will do to my health."

-- Rafael Irizarry, Propper worker

## Heat Exhaustion, Asthma, and Toxic Exposure

Propper workers experience a number of poor conditions on the job which could be righted through basic material improvements, provision of safety gear, better cleaning, and more respect from supervisors.

Workers handle material with toxic chemicals but are not provided with safety gear. Oneida Malavé, a sewing machine operator at the Mayagüez factory, explained: "It's very important to have safety on the job, for employees to be provided with gloves, aprons, and masks in case we are exposed to working with chemical substances."<sup>56</sup> Irizarry shared the concern: "We just started working on a new product: fire retardant uniforms. It takes 118 operations to make these uniforms. The factory that makes the cloth puts on fire retardant chemicals. We have to handle this chemical all day long and we don't have any protection for our skin or lungs. I'm worried about what this toxic exposure will do to

my health.”<sup>57</sup> Another chemical that Propper workers are exposed to is the insecticide permethrin.<sup>58</sup> According to the workers, of those who deal with permethrin, the only ones who receive protective gear are a lab scientist and two assistants. The workers who run up to five laundry loads a day in a permethrin solution are susceptible to chemical exposure both by breathing and handling it. The pressers had the most health complaints, stating that when they iron damp garments, steam imbued with permethrin causes a burning sensation in their noses and throats.

Even when workers are fortunate enough to receive assignments involving non-toxic cloth, other health and safety issues persist. Luisa Illas, a garment worker at Propper’s Las Marías factory explained: “Now, during the warm season, the heat is dreadful. The dust that sheds off the fabrics is something horrible. There are people who pass out due to the extreme heat. There are people who end up with asthma attacks. All the people need to have a fan on their machines which they purchase with their own money because the company doesn’t provide individual fans. The fans they have are so dusty, they don’t cool you down, what they do is heat up the place more.”<sup>59</sup> Tirado concurred: “Dust is accumulating in the windows, fans, and ventilators, and employees have to breathe all of this.”<sup>60</sup>

### Working Ill and Injured

A major complaint of Propper workers in Puerto Rico is that they lose pay if they need to take time off from work due to illness. In 1998, Puerto Rico enacted Law 180 requiring companies operating on the island to pay workers for twelve sick days per year and fifteen vacation days, if economically able.<sup>61</sup> However, a group of Propper workers are alleging in a lawsuit that Propper is not complying with this law.

Many workers told stories about management’s lack of concern for workers’ health and well-being, and

the pressure to work when sick or injured. “I’ve had to go to work while vomiting and with a fever. I’ve had to go to the hospital straight from work,” said Irizarry.<sup>62</sup> “Once a needle went through my finger. I went to the office and they gave me a band-aid and then sent me back to the sewing machine. Another time I had stitches on my hand but I wasn’t given time to heal. I had to be at work even though I couldn’t work.” Irizarry also recounted a story about a worker who didn’t feel well and asked to leave for the day but was not permitted to do so. Soon after, the worker fainted. She was then brought to the office, given a drink of water, and then sent straight back to work. UNITE HERE Puerto Rico, which



Maritza Vazquez, Propper worker, speaks to a group of students at Milwaukee Area Technical College, while on speaking tour with SweatFree Communities, March 25, 2009. Photo: Sachin Chheda.

launched a union organizing campaign in spring of 2008, circulated a flier to workers remarking on the dire situation: “When coworkers faint on the job and we don’t have even the basic first aid equipment to attend to them – what kind of ‘family’ is that?”<sup>63</sup>

Since Propper workers tend to live from one pay-check to the next, they may opt to ignore doctors’ advice rather than lose pay. Victor Vélez, a Puerto Rican attorney who transitioned from UNITE HERE to Workers United this year, explained: “Most Propper workers have scarce resources, earning \$400 to \$500 biweekly, and go to work sick as to not lose their pay. In addition, there are people whose health conditions require an operation but they postpone it in order to not miss work. This sort of conduct likens workers to slaves.”<sup>64</sup> Maritza Vázquez said that she went back to work the day following breast cancer surgery. She could not afford to lose any income so she sacrificed her well-being instead. As a result, it took her longer to heal than if she had taken the recommended three week recuperative break from work.<sup>65</sup>

Propper’s policy permits unpaid personal leave if workers request it well in advance. So what happens when a worker suddenly falls sick and needs time off? For the first day of absence, workers must report to the office. After a second day, they receive a verbal warning. After a third, a written warning. After a fourth, workers can get suspended for three days and lose their annual merit bonus.<sup>66</sup>

While this official policy may seem harsh, reality for some workers is even worse. Not only do workers need to take unpaid leave when they are sick, and face reprimand, but some fear that the company will fire them. As a result, workers have postponed seeking necessary medical attention, risking their health to keep their job. Albert Torres, a Propper employee at the Adjuntas factory, postponed a thyroid operation for a year because he feared the consequences. For good reason: “And when I finally submitted

the paperwork to my supervisors, two days later they gave me a memo stating I had been laid off,” he said.<sup>67</sup> Gladys Lopez, also an Adjuntas factory worker, similarly postponed a doctor’s visit, following back injury, to protect her income.

### **Stolen Vacation Days**

In addition to the twelve paid sick days, Law 180 provides for fifteen paid vacation days. However, Propper’s internal policy does not comply with this law. According to the employee manual, workers who have been at the company under a year accumulate a half day of vacation per month. Following the first year of employment, employees should receive nine vacation days per year.<sup>68</sup> Irizarry said that the company has a track record of not even following its own policy; the first time he received the full nine vacation days owed to him was in 2008, which he believed stemmed from union pressure on the company.<sup>69</sup>

In December 2008, Propper offered employees two full weeks of vacation but specified when it could be taken, to the dismay of many. Later the company took away half of the vacation time claiming an order needed to be completed.<sup>70</sup> A union flier asked why workers must choose between Labor Day and Friday following Thanksgiving, saying “We work hard at Propper. We deserve both!”<sup>71</sup>

Workers are suing Propper, claiming the company has violated Law 180 ever since it was enacted in 1998, and is demanding compensation for unpaid sick days and vacation days for the past three years, as legally permitted. As of November 2009, 350 workers are plaintiffs in the lawsuit.<sup>72</sup> If all 3000 workers joined the lawsuit, the total claim would be for \$45 million.<sup>73</sup>

### **Subcontracting, Lay-Offs and Threat of Factory Closure**

Some workers are afraid to join in the lawsuit because they worry that going public with their



An April 7, 2009 press conference at City Hall in Berkeley, California, urging the City to adopt a sweatfree procurement policy, included Rafael Irizarry's (right) testimony. Propper also supplies some states and cities with uniforms made in its factory in the Dominican Republic. Photo: Liana Foxvog.

support for the union could result in the factories closing and moving. "Propper is threatening that they will close the factory and claims that the federal government is not giving them contracts," Irizarry said. But he argued: "This is all pure lies. Because we've tracked the money and they keep getting the

best government contracts."<sup>74</sup>

Even though the size of Propper's government contracts has been growing, some workers have been facing temporary lay-offs. One of them, Vázquez, believes that the company uses this tactic to demonstrate that it can make true on its threat that union activity means workers will lose work.<sup>75</sup> "Right now they are taking work away from us and subcontracting it to smaller companies [in Puerto Rico]. They are doing this to make us afraid. If we see we're getting less work we'll believe that the factories will close down. But they won't close the factory. Because no one that has forty-two years in Puerto Rico and eight factories with over \$100 million contracts with the government, and with all the exemptions for rent and utilities, will do that," retorted Irizarry.<sup>76</sup> Indeed, required by the Berry Amendment to produce its military uniforms in the U.S. or its territories, it is doubtful that Propper, a well-established company in Puerto Rico, will find a cheaper location for its factories.

Even before the union campaign, lay-offs were common at Propper factories – but for a different reason. Once a year, it is customary for companies to provide slight increases in wages based upon inflation, seniority, and merit, but not at Propper. According to Irizarry: "We have never had a pay raise, an evaluation, or anything like that. The only raise we had was when the federal minimum wage increased... You can work for 20 or 30 years, and sadly, you won't get a raise."<sup>77</sup> Instead, as the date for usual raises nears, lay-offs begin – some permanent, others temporary. Propper claims that there is not enough work. However, workers believe that this is a strategy to make them believe that the company is struggling financially so that they will not demand better pay.

Sometimes workers sit at their sewing machines for hours waiting for work. Irizarry said he feels this is manipulative – he must be at work but there is no

work. He is paid only minimum wage for that time; and, without work, he does not have the opportunity to earn the production bonus, which he needs to make ends meet.<sup>78</sup> While globally garment workers frequently complain about the long hours, at Propper the concern is the opposite – sometimes workers are not allotted enough hours. The union claims that during the union organizing campaign, Propper has been subcontracting work to other factories in Puerto Rico, namely Wear Tech, Prama, Pentaq, and a factory in Ciales. Responding to the company’s “one big family” claim and alluding to the ongoing subcontracting, the union wrote: “While Propper says we are a ‘Big Family’, it has left us without work, without money for food, [and] without the power to meet our basic necessities... If we really are a ‘Big Family’ why are you leaving us without work? Why do you treat your neighbors better than us – your real family? We want 40 hours per week now.”<sup>79</sup>

### Looking to the Future

In the spring of 2008, UNITE HERE Puerto Rico started a union organizing drive at Propper’s Puerto Rico factories. Soon after management began accusing and interrogating workers, monitoring the activities of union supporters, warning the factories would close, threatening workers for participating in union activities, and paying off workers to participate in an anti-union rally.<sup>80</sup>

The union brought a complaint to the National Labor Relations Board (NLRB) that resulted in an October 2008 agreement between Propper and the NLRB requiring the company to notify workers that it would abstain from violations of federal labor law and publicize an announcement at six of its Puerto Rican factories to this effect.<sup>81</sup> Specifically, this means that the company shall not threaten to close its factories, lay off workers for supporting the union, encourage workers to withdraw from the union, give workers the impression that the com-

pany is spying on workers, nor circulate any materials that violate NLRB regulations.<sup>82</sup> However, two months after the NLRB ruling, anti-union banners remained at all of Eagle’s eight factories in Puerto

“ At the factory we’re seen as dollar signs -- we’re not treated as we should be.”

– Rafael Irizarry, sewing machine operator in Las Marías, Puerto Rico

Rico. The banners read: “Say no to the union. Don’t sign the union card. Out with the dues suckers.”<sup>83</sup>

At the beginning of the organizing campaign, the union developed a set of demands based on workers’ concerns. In addition to the paid sick days and paid vacation days, as legally owed, workers wanted toilet paper and soap, weekly pay, less heat, an affordable medical plan with prescription drug coverage, a retirement plan, less pressure on the job, a fair production goal, and better pay. A year later the only change is that now toilet paper and soap are consistently provided in the bathrooms.<sup>84</sup> Maritza Vázquez said that earlier she would bring her own toilet paper to work and wave it in the air when she went to the restroom – “Anyone need some?”<sup>85</sup>

Rafael Irizarry has worked in factories for twenty years. He is still under forty, but his body suffers from the work. He wonders how many years he can keep up the work and hopes that the union campaign is a success so that he will be able to eventually leave his job with a pension: “My mother worked in a sewing factory for 35 years making jeans. When she left she wasn’t given a penny – nothing for all the years of her life that she had toiled. She was still fairly young so she had to fight for three years to get Social Security. She was left with so many problems. Her hands are completely mutilated and she has asthma from all the dust from the cloth.”<sup>86</sup>

## Chapter 4: Policy Recommendation: Sweatshop-Free Procurement

### Workers Demand Change

Toxic Uniforms: Behind the ‘Made in USA’ Label shows that the Made-in-USA label is not enough to ensure that cut-and-sew manufacturing plants are decent places to work. Workers at Eagle Industries in Massachusetts and Propper International in Puerto Rico tell us that behind this label lie poverty wages, dangerous and unhealthy working conditions, discrimination, and repression of workers’ right to freedom of association.

Despite poor treatment, many workers choose to stay on the job. Workers want jobs but they also want respect, a living wage, and healthy conditions. When dignified jobs are not available, people take what is offered.

“The union is the only hope I have seen, because the union offers a contract and a negotiating table, with the owners of a factory . . . At the negotiating table [the owner] will have to have the time and realize the suffering we have endured working for him, making money for him so he will have a good future while our future is bleak.”

-- Elisa Rios, Eagle worker

However, workers are still not passive participants at the workplace. Even without formal mechanisms to provide input at the workplace, cut-and-sew workers at both Eagle and Propper are organizing for union representation so that they can have a seat at the negotiating table with the company. Workers are only allowed to have brief conversations about

essential production-related matters on the job; any other talking is not permitted. This makes education of coworkers difficult. Eagle holds mandatory meetings but workers are not allowed to speak in these

“I understand that the type of labor we produce is very important because it’s a job done for the U.S. military. I think we need to be more appreciated, offered better pay and better benefits. Management should have more respect for all of us who sitting at the machines.”

– Maritza Vázquez

meetings. “In the meetings they have, you can’t say anything. You have to go in with your mouth closed, because you can’t ask anyone anything. . . If they don’t throw you out in the very moment you spoke, they would call you to the office later, and fire you,”<sup>87</sup> said Guillermo Cosajay. Yet, workers continue to organize for their rights.

In demanding fair and decent working conditions workers challenge policy makers to develop a procurement system that require government contractors, like Propper International, to comply with labor standards and pay fair wages and benefits.

### Legislative History

#### *Standards for Domestic Workers Producing Goods or Providing Services for the Federal Government*

The struggles of the Eagle and Propper workers notwithstanding, the U.S. federal government has sought to provide strong protections for domestic contracted workers for nearly 100 years. As early as 1917, Secretary of War Newton Baker warned, “The Government cannot permit its work to be done under sweatshop conditions, and it cannot allow the evils widely [associated with such production] to go uncorrected.”<sup>88</sup> Among several long-standing pieces of legislation designed to eliminate sweatshop conditions for workers providing products or services

to the federal government, the Walsh-Healey Public Contracts Act of 1936 applies to manufacturing operations in the U.S., including the Eagle workers in Massachusetts and the Propper workers in Puerto Rico. It requires contractor compliance with prevailing wages, health and safety standards, the 40-hour work week, and minimum age limits.<sup>89</sup> Workers employed on federal construction projects received similar protections as early as 1931 with the Davis-Bacon Act, which required payment of prevailing wages and prohibited unsanitary, hazardous, and dangerous working conditions in federal construction projects.<sup>90</sup> The enforcement program includes payroll review, on-site inspections, employee interviews, and prompt complaints investigations, and is based on a close working relationship between the contracting agencies and the enforcement arm, the Department of Labor's Wage and Hour Division.<sup>91</sup> Since 1965 the Service Contract Act provides for prevailing wages for employees of contractors and subcontractors that provide services to federal agencies. The Act applies to a range of services including laundry and dry cleaning, janitorial and guard services, maintenance and equipment repair, food service, and snow, trash, and garbage removal. A list of firms found to violate the Act is published in the Excluded Parties List System.<sup>92</sup>

A number of other legislative attempts to protect domestic contracted workers have failed. Recent attempts include Senator Paul Simon's "Federal Contractor Labor Relations Enforcement Act of 1995" (S.780) and "Federal Contractor Safety and Health Enforcement Act of 1995" (S.781) which would have debarred any entity violating the National Labor Relations Act and the Occupational Safety and Health Act (OSHA) from federal contracts for a period of three years.<sup>93</sup> In the same year, President Clinton's Executive Order 12954, "Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts," provided that federal agencies may not contract with employers that permanently replace lawfully

### **In the words of Santa Sanchez, former Eagle New Bedford worker**

They even made some people who wanted to start working at the factory sign declarations that said that they couldn't join the union as a condition to start work. If they signed this declaration, management gave them the work, which is against the law. When we tried to recruit people for the union, there were a lot of people who said they couldn't join because they had signed a declaration saying they wouldn't join. These workers said, "They gave me the work with the condition that I wouldn't join the union."

This began before they fired me in August, because I spoke with one of the new people, and he told me that he couldn't talk to me because he had signed that he wouldn't talk with the people in support of the union. I felt that they fired me because of the union, more than for any other reason.

I was always one of the people who said that we need the union here, we need more support. We need somebody to defend us because the company is mistreating us. Management knew that I was one of the people who was always trying to talk with other people, telling them that we needed the union, and they saw that I was one of the people that wanted the union to form. That is what they are like. When they see people who are fighters they try to fire them however they can.

In one year and five months of work, they never gave me any trouble, but when they found out that I was in favor of the union, they began to make my life very difficult. In August, they gave me five warnings. I only signed one, because that one I had earned. Because I came back to work after the bell had rung. But the other ones were unjust. I know they were not merited.

Once when I put the union button on my shirt, a supervisor came to my work station and asked me to take the button off...

When I was fired, they lied to the Department of Labor saying that I didn't want to work. I sent a letter to the Department of Labor saying that the company was lying. They gave me my unemployment compensation because the company had lied. They are the ones that lie, when they fire somebody. They don't say what they do – they don't talk about how they treat the employees.

striking employees. However, in 1996 it was voided by a District of Columbia Circuit Court of Appeals decision, *Chamber of Commerce of the United States, et al., v. Reich*. In 2000 the Federal Acquisition Regulatory (FAR) Council issued a ruling requiring federal contractors to certify that they had not violated tax, labor and employment, environmental, anti-trust, and consumer protection laws within the last three years. But this rule too was revoked following legal challenge from a group of business associations including the Business Roundtable and the U.S. Chamber of Commerce. Finally, in 2007 Senators Dick Durbin, Barack Obama, and Sherrod Brown introduced the “Patriot Employers Act” (S.1945) and Representative Jan Schakowsky the “Patriot Corporations of America Act” (HR.3319) under which companies would receive tax breaks and federal contracting preferences for manufacturing in the U.S. and workers would be guaranteed union neutrality. Neither bill was reported out of committee.

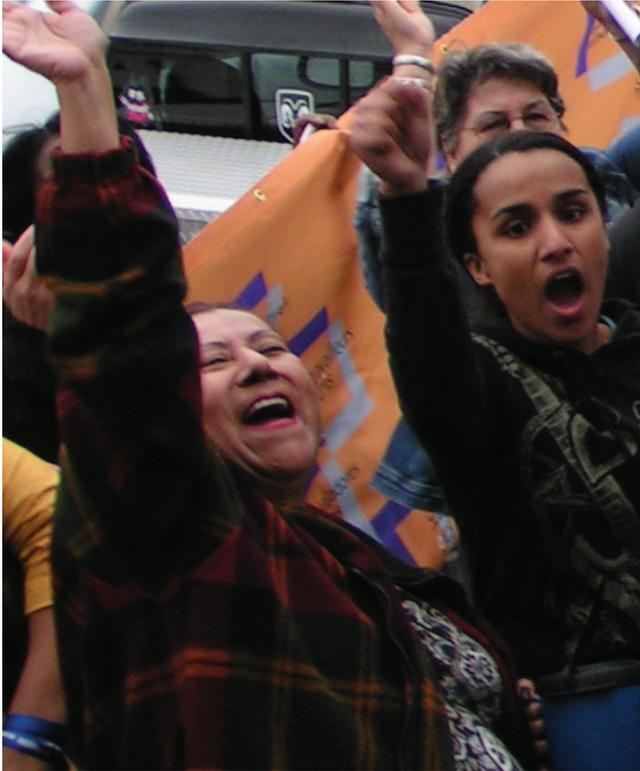
#### *Standards for Non-U.S. Workers Producing Goods for the Federal Government*

Because of the globalization of supply chains, public procurement now also impacts labor conditions in other countries. About \$100 million<sup>94</sup> of federal apparel, for agencies other than the Department of Defense and Homeland Security, is not required to be made in the U.S. In addition, exceptions and loopholes to the Berry Amendment may result in

even military apparel being made outside the U.S. (see Chapter 1).

Yet, with the exception of a hard-to-enforce basic contracting provision requiring contractors not to use overtime “as far as practicable,” which is applicable to work performed both within and outside the U.S., few procurement labor standards protect non-domestic workers who produce apparel and other goods for the federal government.<sup>95</sup>

The federal government has adopted a zero tolerance policy regarding trafficking of people, prohibiting federal contractors from using forced labor in the performance of the contract. But there are few resources for investigation and enforcement.<sup>96</sup> Executive Order 13126 signed by President Clinton on June 12, 1999, prohibits federal acquisitions of products produced by forced or indentured child labor. However, forty-one countries – the signatories to the North American Free Trade Agreement (NAFTA) and the World Trade Organization Government Procurement Agreement – are exempt. Until recently, the prohibition was limited to a narrow list of goods almost all of which were from Burma. In September 2009, the International Labor Affairs Bureau (ILAB) of the U.S. Department of Labor issued a Federal Register notice that proposes to substantially expand the countries and products covered.<sup>97</sup> Still, enforcement measures are currently limited to offeror certification of a good-faith effort to ascertain that the listed products are not made with forced or indentured child labor. Absent any actual knowledge to the contrary the contracting officer must rely on offerors' certification in making award decisions.<sup>98</sup> Although government acknowledgment of the potential for child labor violations in a range of industries and countries is a step in the right direction, an expanded list of concern demonstrates the need for investigatory and enforcement capacity.



Eagle workers chant in front of the factory – “Si se puede!” Photo: Liana Foxvog.

### **Workers Seek Support from Congress**

Existing contracting legislation appears to have done little to help the Eagle and Propper workers interviewed for this report. They still need their legal rights respected; they need living wages; they need affordable health insurance with decent coverage; they need safe and healthy working conditions. And they need a voice on the job. They need their freedom of association respected so they can educate their co-workers about the union without threats or retaliation from management.

Eagle and Propper workers believe that as a consumer of the products they make, the federal government should compel their employers to respect their rights. Elisa Rios, a sewing machine operator at Eagle, said: “If we give one hundred percent

to provide our soldiers with the best, why can’t a factory that works for the government give us the benefits we need to survive?”<sup>99</sup> Propper workers brought their demands to their “real employer,” the federal government. Following their testimony to the Congressional Hispanic Caucus, they produced a flier that reads: “Workers from Propper went to Washington to speak with [their] real employer: the federal government... Now it’s time for Propper to listen to us and to listen to its principal client: the federal government!”<sup>100</sup>

Propper workers have approached politicians for assistance. Members of U.S. Congress of Puerto Rican heritage sent a letter of support to garment workers at Propper factories in Puerto Rico on May 27, 2008. An excerpt reads:

It’s required by law that the work you do is made within the United States. Your right to form a union in an environment free of abuse, intimidation and retaliation is a right guaranteed by United States and Puerto Rican law... We will be monitoring the activities of your campaign to guarantee that your rights to form a union and negotiate a collective bargaining agreement are not violated.

– Rep. José Serrano (16th District of New York), Nydia Velázquez (12th District of New York), and Luis Gutiérrez (4th District of Illinois)<sup>101</sup>

The workers also received a letter of support from then presidential candidate Barack Obama, on June 10, 2008:

Dear Propper International Workers:

I am writing to express my strong support for you and your co-workers rights' to organize and join a union. The right to choose to organize and to collectively bargain is protected in the law and a basic human right that I firmly believe in.

As employees of a federal contractor, you deserve a job that provides you with the dignity and respect you are owed. You deserve a living wage, affordable health insurance coverage, a retirement plan, and other benefits. By organizing a union and bargaining a contract with your employer, you will be able to negotiate for and achieve these goals.

Your employer should not use heavy handed tactics to discourage workers from organizing. It is illegal for a company to violate those rights through such activities as surveillance, interrogation, or threatening to close a plant down.

I believe a union will play a positive role and add to the success of Propper as the largest military uniform contractor for the federal government. I encourage you to continue to defend your right to organize and fight for better wages and working conditions.

As a candidate for the President of the United States, I will be watching this situation closely and support you fully.

Sincerely,

Senator Barack Obama

Despite these and other expressions of support, the campaign continues, and the company has not yet budged. Clearly, letters alone are not enough.



Anti-union sign at Mayaguez I factory. "Propper International Inc. Say no to the union. Don't sign the union card. Out with the dues suckers. -Management."

Photo: Martin Hernandez.

## **Conclusion: Sweatshop-Free Government Procurement**

The federal government must do more to ensure that the apparel it buys is made by labor-rights-compliant contractors that pay decent wages for work in good conditions. Government should only accept bids from companies that disclose the names and locations of all factories performing work under a subcontract. When purchasing from domestic sources the government should strengthen enforcement of existing procurement labor standards.<sup>102</sup> The government should also listen to contractor employees, such as Propper and Eagle workers, and ensure their basic demands for safe and healthy working conditions, living wages, and a voice on the job are met.

When purchasing from overseas sources the federal government must first address the gaping holes in procurement policy that allow it to purchase products made in the most egregious sweatshop conditions as long as there is no forced labor and no children working in conditions of indentured servitude. Following the lead of many U.S. state and local governments, the federal government should require contractors to adopt and adhere to international core labor standards regarding freedom of association and collective bargaining, forced labor, child labor and non-discrimination, and all applicable domestic laws and regulations. Contractors and their subcontractors should also commit to pay living wages which can be calculated locally through market basket studies or determined by a purchasing power parity formula. These standards can be ensured through vendor prequalification and an effective independent monitoring and remediation program, similar to that adopted by some cities and states.<sup>103</sup>

Sweatshop-free government procurement is necessary for several reasons. Labor exploitation – depriving workers of decent, dignified work and adequate

wages – is a fundamental human rights violation no matter where it takes place. In addition, there are purely economic reasons for labor rights standards in procurement. U.S. workers who work full-time yet receive poverty wages must supplement their incomes with social assistance programs, including government-subsidized healthcare and food stamps.<sup>104</sup> As a result, the cost to taxpayers for every employee of a military contractor that pays below poverty level wages is nearly \$3,000.<sup>105</sup> When government buys products made abroad in exploitative conditions, it is complicit in accelerating a “race to the bottom” in which ethical businesses face unreasonable competitive pressures and U.S. workers lose their jobs.

On the other hand, good jobs with decent wages ensure respect for workers’ human rights and labor rights and stimulate the economy much better than bad jobs. As a consumer that expects and enforces labor standards compliance, government can be a powerful catalyst for better jobs and a stronger economy if it adopts strong labor standards in procurement and enforces those standards. Standards without enforcement can create an illusion of change while hiding labor exploitation from public scrutiny and freeing companies from accountability. An improved procurement policy would alter the current cost-benefit calculus of labor-rights compliance and provide a substantial incentive for ethical business practices. The workers who produce goods for federal agencies deserve nothing less.

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## End Notes

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5. U.S. Department of Labor. (2001). "No Sweat – Help End Sweatshop Conditions for American Workers."
6. We would also like to acknowledge the contributions of the AFL-CIO, the American Federation of Government Employees, Change to Win, the International Labor Rights Forum, the Worker Rights Consortium, and Workers United to our understanding of best practices and principles for federal government procurement.
7. The U.S. General Accounting Office defines a sweatshop as "an employer that violates more than one federal or state labor law governing minimum wage and overtime, child labor, industrial homework, occupational safety and health, workers' compensation, or industry registration" (GAO 1994).
8. Contract summaries by product or service type for all agencies is here: <http://www.usaspending.gov/fpds/tables.php?tabtype=t1&subtype=at&crotype=b>. The apparel figures used here combine figures from two line items – "Clothing, individual equipment, and insignia" and "Textiles, leather, apparel, shoe findings, tents, flags". For individual agencies, "advance search by agency" at [www.usaspending.gov](http://www.usaspending.gov) was used.
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11. See endnote 11.
12. United States Government Accountability Office. (2005, January). "Federal Procurement:

- International Agreements Result in Waivers of Some Domestic Source Restrictions.” <http://www.gao.gov/cgi-bin/getrpt?GAO-05-188>. See also the Defense Procurement and Acquisition Policy’s Frequently Asked Questions on the Berry Amendment, available at: [http://www.acq.osd.mil/dpap/cpic/ic/berry\\_amendment\\_faq.html](http://www.acq.osd.mil/dpap/cpic/ic/berry_amendment_faq.html).
12. Government requests for quotations for backpacks, bags, and other giveaway gear in military service contracts are on file with SweatFree Communities.
  13. “About Eagle.” Retrieved on April 29, 2009, from <http://www.eagleindustries.com/pages.php?pageid=1>.
  14. The figures are combined Eagle Industries and Honors USA, Inc. contract information, which is published at [www.usaspending.gov](http://www.usaspending.gov) (2009, May 12). Eagle Industries and/or Michael Bianco set up a subsidiary called Honors USA, Inc. to receive the payments for the MOLLE contract (contract # w911QY-06-D-004) that Eagle acquired from Michael Bianco.
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18. A copy of the letter is available at [http://www.sweatfree.org/docs/lettertoarmyreATK\\_060409](http://www.sweatfree.org/docs/lettertoarmyreATK_060409).
  19. Unless otherwise noted, all worker quotes in the chapter on Eagle are from interviews conducted by Jesse Dyer-Stewart and Meredith DeFrancesco on January 31, 2009 in New Bedford. Most of the interviews were conducted in Spanish and translated into English by Dyer-Stewart.
  20. Written testimony by Connie Cardoso, July 23, 2008.
  21. Correspondence with Stephen Wishart of UNITE HERE, May 20, 2009.
  22. Interview by the author with Guillermo Cosajay, April 15, 2009.
  23. This section uses the Living Wage Calculator’s statistics for New Bedford, Massachusetts. Amy Glasmeier of Pennsylvania State University developed the Living Wage Calculator, modeling it after Economic Policy Institute’s metropolitan living wage tool. The data and methodology is available at <http://www.livingwage.geog.psu.edu/places/2500545000>.
  24. Ibid.
  25. Written testimony by Lesbi Cerrato, July 25, 2008.
  26. Interview by UNITE HERE with Elisa Rios, May 2008. She received \$171 per month in food stamps.
  27. Victoria Tirado, interviewed in “Dishonorable Conduct.”
  28. Interview by UNITE HERE with Elisa Rios, May 2008.
  29. Testimony by Lesbi Cerrato, July 25, 2008.
  30. Victoria Tirado, interviewed in “Dishonorable Conduct.”
  31. Ibid.

32. Interview with Guillermo Cosajay, April 15, 2009.
33. Testimony by Lesbi Cerrato, July 25, 2008.
34. Written complaint filed by Santa Sanchez on October 31, 2008, to the Commonwealth of Massachusetts' Commission Against Discrimination.
35. As reported by Lesbi Cerrato, Guillermo Portalatin, and Guillermo Cosajay in interviews on January 31, 2009.
36. Interview with the author, April 15, 2009.
37. An open letter to politicians by Lesbi Cerrato, July 23, 2008.
38. An open letter to politicians by Connie Cardosa, October 31, 2008.
39. Santa Sanchez and Elisa Rios both said that they were not given any warning. Connie Cardosa recalls receiving three days warning. All were workers in section 400.
40. An open letter to politicians by Juana Eusebio, October 3, 2008.
41. Correspondence with Stephen Wishart of UNITE HERE on May 20, 2009.
42. Interview with Guillermo Portalatin on January 31, 2009.
43. Interview by the author with Elisa Rios, July 23, 2008.
44. Much of the information in this sub-section stems from a UNITE HERE flier titled "Información importante sobre Propper International" (Important information about Propper International).
45. A full list of products is available on Propper's website, [www.propper.com](http://www.propper.com).
46. From a flier distributed by UNITE HERE titled "Puerto Rico quiere MUCHO a Propper... ¿Pero quiere Propper a los puertorriqueños que allí trabajamos?" (Puerto Rico loves Propper ... But does Propper like us Puerto Ricans who work there?).
47. More information on the tax structure is available on PRIDCO's website, [http://www.pridco.com/english/overview/2.0pr\\_overview.html](http://www.pridco.com/english/overview/2.0pr_overview.html).
48. Custodio, Marie, and Rafael Lama. (2008, May 8). "Remiendo para la manufactura." *El Nuevo Día*. Puerto Rico.
49. Search performed on [www.usaspending.gov](http://www.usaspending.gov) on April 27, 2009.
50. Cave, Damien. (2008, December 11). "Economy Complicates Labor Dispute." *New York Times*. [http://www.nytimes.com/2008/12/11/us/11puerto.html?\\_r=2](http://www.nytimes.com/2008/12/11/us/11puerto.html?_r=2).
51. Correspondence with Stephen Wishart of UNITE HERE (2009, May 12). The American Apparel average wage of \$9.63 an hour is calculated by wages earned in a four week period in 2008 for 273 workers at American Apparel factories in Fort Deposit and Selma, Alabama. The union obtained the wage data from the company as part of their bargaining relationship.
52. The Living Wage Calculator ([www.livingwage.geog.psu.edu](http://www.livingwage.geog.psu.edu)) developed by Amy Glasmeier of Pennsylvania State University is widely cited. However, it does not include Puerto Rico. Nor do the U.S. Department of Health and Human Services' Poverty Guidelines (<http://aspe.hhs.gov/POVERTY/09poverty.shtml>) include Puerto Rico. I performed a rough estimate for the living wage in Puerto Rico by using Universal Living Wage ([www.universallivingwage.com/](http://www.universallivingwage.com/)) to select a county in Florida (Washington County) that has similar rental housing prices to the western part of Puerto Rico where Propper's factories are located. I then looked up data for that county on the Living Wage Calculator ([www.livingwage.geog.psu.edu](http://www.livingwage.geog.psu.edu)), as the results should be roughly similar to the living wage of

- Puerto Rico since housing costs are quite similar.
53. Interview with Rafael Irizarry, April 2009.
  54. Interview with Maritza Vázquez, March 2009.
  55. Flier titled “En las fábricas de Reto I y Lajas, NOSTOTROS somos la Unión” (At Reto I and Lajas factories, WE are the union).
  56. Flier distributed by UNITE HERE titled “En las fabricas de Propper en Mayagüez NOSTOTROS somos la Unión” (In Propper factories in Mayagüez WE are the Union).
  57. Interview with Rafael Irizarry, April 2009.
  58. Worker interviews by Workers United indicate the use of permethrin at Propper factories. For information about the toxicity and effects of permethrin, see Commission on Life Sciences et al. (1994). “Health Effects of Permethrin-Impregnated Army Battle-Dress Uniforms. National Academy Press: Washington D.C. [http://www.nap.edu/catalog.php?record\\_id=9274](http://www.nap.edu/catalog.php?record_id=9274). This report states that while permethrin is highly toxic to insects it is much less so to humans. Part of the study investigates prolonged exposure by garment workers cutting and sewing dry cloth that had been soaked in permethrin, concluding that additional studies should be conducted to “produce a more complete and accurate risk characterization for garment workers.” Given the complaints of Propper workers, such additional studies should also investigate the risks of laundering and ironing damp cloth soaked in permethrin, which may be more highly toxic to the worker than the handling of the dry cloth.
  59. Flier titled “En las fábricas de Reto I y Lajas, NOSTOTROS somos la Unión” (At Reto I and Lajas factories, WE are the union).
  60. Ibid.
  61. White paper by UNITE HERE about Propper International.
  62. Interview with Rafael Irizarry, April 2009.
  63. UNITE HERE flier, “La Gran “FAMILIA” de Propper: Lo que se le olvido decir” (Propper’s Big “FAMILY”: What they forgot to tell you”).
  64. Santiago Caraballo, Yaritza. (2009, January 26). “Denuncian trato ‘esclavista.’” El Nuevo Día. Puerto Rico.
  65. Interview with Maritza Vázquez, March 2009.
  66. Interview with Rafael Irizarry, April 2009.
  67. Cave, Damien. (2008, December 11). “Economy Complicates Labor Dispute.” New York Times. [http://www.nytimes.com/2008/12/11/us/11puerto.html?\\_r=2](http://www.nytimes.com/2008/12/11/us/11puerto.html?_r=2)
  68. Santiago Caraballo, Yaritza. (2009, January 26). “Denuncian trato ‘esclavista.’” El Nuevo Día. Puerto Rico.
  69. Interview with Rafael Irizarry, April 2009.
  70. UNITE HERE flier, “La Gran “FAMILIA” de Propper: Lo que se le olvido decir” (Propper’s Big “FAMILY”: What they forgot to tell you”).
  71. UNITE HERE flier, “En Propper trabajamos duro. ¡Nos merecemos los dos!” (We work hard at Propper. We deserve both!)
  72. Conversation with Victor Vélez of Workers United Puerto Rico, November 7, 2009. He worked with UNITE HERE Puerto Rico prior to transferring to Workers United Puerto Rico in the spring of 2009. Since then, the unionization campaign has been led by Workers United Puerto Rico.
  73. Correspondence with Martin Hernandez of Workers United Puerto Rico, May 21, 2009.
  74. Interview with Rafael Irizarry, April 8, 2009.
  75. Interview with Maritza Vázquez, March 2009.
  76. Interview with Rafael Irizarry, April 8, 2009.
  77. Rafael Irizarry in “Dishonorable Conduct.”

78. Interview with Rafael Irizarry, April 2009.
79. UNITE HERE flier, “La Gran “FAMILIA” de Propper: Lo que se le olvido decir” (Propper’s Big “FAMILY”: What they forgot to tell you”).
80. Interview with Maritza Vázquez, March 2009; flier distributed by UNITE HERE titled “El Gobierno Federal Investigará a Propper por violación de la Acta Nacional de Relaciones Laborales” (The Federal Government will Investigate Propper for violation of the National Labor Relations Act).
81. The six factories are Equa, Mayagüez; Propper I, Mayagüez; Lajas; Reto I, Cabo Rojo; Hunca Munca, Las Marías; and Questbest, Adjuntas. See Prensa Asociada. (2008, October 8). “Acuerdo federal sobre sindicación.” Isla adentro. Puerto Rico.
82. From a flier titled “VICTORIA! En la Junta Nacional de Relaciones de Trabajo” (¡VICTORY! At the National Labor Relations Board.)
83. Cave, Damien. (2008, December 11). “Economy Complicates Labor Dispute.” New York Times. [http://www.nytimes.com/2008/12/11/us/11puerto.html?\\_r=2](http://www.nytimes.com/2008/12/11/us/11puerto.html?_r=2).
84. UNITE HERE flier titled “Propper nos toma en cuenta cuando NOS UNIMOS” (Propper takes us into consideration when WE UNITE).
85. Interview with Maritza Vazquez, March 2009.
86. Interview with Rafael Irizarry, April 2009.
87. Interview with Guillermo Cosajay, January 31, 2009.
88. Cited in Madland, David, and Michael Paarlberg, (2008, December). “Making Contracting Work for the United States: Government Spending Must Lead to Good Jobs,” Center for American Progress Action Fund.
89. 41 USC Sec. 35.
90. See the Davis-Bacon and Related Acts (DBRA) and the Contract Work Hours and Safety Standards Act (CWHSSA), available at <http://www.dol.gov/dol/topic/wages/govtcontracts.htm>, accessed February 17, 2009.
91. Federal Acquisition Regulation, Labor Standards for Contracts Involving Construction, 22-406-1
92. Federal Acquisition Regulation, Service Contract Act of 1965, As Amended, 22.10.
93. Information used in this paragraph stems from a memo titled “Previous Efforts for Changes in Federal Procurement Policy,” prepared by Stephen Wishart of UNITE HERE on April 14, 2008.
94. Research by Workers United.
95. Federal Acquisition, Combating Trafficking in Persons, 22.17.
96. Federal Acquisition Regulation, Basic Labor Policies, 22.103.
97. U.S. Department of Labor. (2009, September 11). “Notice of Initial Determination Updating the List of Products Requiring Federal Contractor Certification as to Forced/Indentured Child Labor Pursuant to Executive Order 13126.” Federal Register, Volume 74, Number 175. <http://www.dol.gov/federalregister/HtmlDisplay.aspx?DocId=23111&AgencyId=5>.
98. Executive Order 13126, “Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.” June 12, 1999. U.S. Department of Labor, Bureau of International Labor Affairs, <http://www.dol.gov/ILAB/regs/eo13126/main.htm>.
99. Interviewed in “Dishonorable Conduct.”
100. UNITE HERE flier titled “En Washington D.C., hablamos con el verdadero patrono...” (In Washington D.C. we talked with the real employer.)

101. Letter from members of Congress, May 27, 2008. A copy of the letter in Spanish is on file with the author. Translation into English by the author.
102. Unions and others have put forward detailed proposals with regard to domestically sourced procurement. Those proposals include providing preferences to high-road contractors, establishing a prequalification system that requires all contractors to meet certain minimum labor standards, and “in-sourcing” of services that are closely associated with inherently governmental functions, that were poorly performed, or that were contracted-out without competition.
103. For specific policy recommendations, see “Principles for International Sweatfree Federal Government Procurement,” November, 2009, available at <http://www.sweatfree.org/docs/fed/principlesforfedproc.pdf>. The proposals in this paper are based in part on the experiences of U.S. state and local governments in sweatfree procurement. In 1997, North Olmstead, Ohio, became the first city in the nation to signal a commitment to sweatshop-free purchasing. Since then, thirty-eight other cities, twelve counties, and eight state governments have adopted standards with the same goal of ensuring that public dollars do not subsidize sweatshop conditions. A sample sweatfree procurement policy and policy implementation guide are available here: <http://buysweatfree.org/resources>.
104. The findings from our interviews with Eagle workers are an example of this.
105. UNITE HERE. (2006). *Conduct Unbecoming: Sweatshops and the U.S. Military Uniform Industry*. New York: UNITE HERE.