

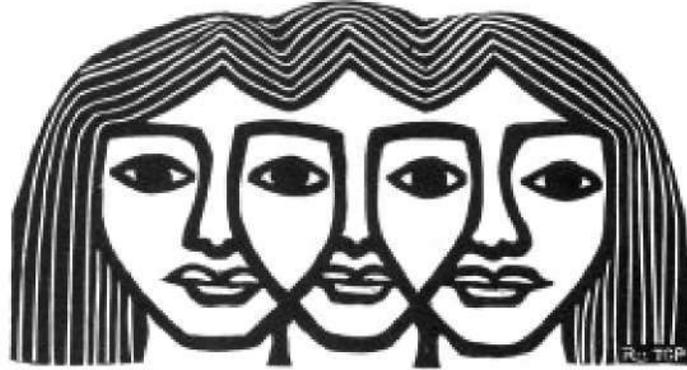


# SWEATSHOP WATCH™

Volume Six, Number One

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**CELEBRATING  
INTERNATIONAL  
WOMEN'S DAY**



## ASIAN & LATINO WORKERS UNITE IN LOS ANGELES

**L**os Angeles is the capital of the nation's garment industry, employing upwards of 140,000 women, men and children in 5,000 sewing shops. Over 60% of these shops violate minimum wage, overtime, health and safety, and other laws. Although the majority of workers in the garment industry—primarily women, and almost entirely Latino and Asian immigrants—are monolingual in their native languages, they have made important strides in their efforts to come together to fight sweatshop conditions. They increasingly recognize the need to be united in confronting their employers to demand better working conditions.

Garment workers in Los Angeles have planted the seeds of interethnic outreach and organizing. The owners of the infamous El Monte slave sweatshop held 80 Thai garment workers behind barbed wire and under armed guard but also employed 22 Latino workers at a front shop. The Thai and Latino workers joined as plaintiffs in a lawsuit against the manufacturers and retailers who employed them all; the lawsuit recently came to a close and resulted in over \$4 million in settlements to the workers. Their participation in the litigation was in many ways an outreach and organizing effort, and one that involved Thai and Latino worker interaction. "The stories of how the workers struggled together, challenged each other, fought and laughed, shared their dreams and refused to quit are an integral part of the story of their victory," said Julie A. Su, Sweatshop Watch board member and attorney at the Asian Pacific American Legal Center (APALC) in Los Angeles, who represented the workers.

Thai, Latino and Chinese workers have participated together in advocacy efforts, such as testifying at public hearings before state and federal labor law enforcement agencies and before the state legislature about their working conditions and the need for legal and other reforms. Workers have also come together to educate each other about their workplace rights. With the guidance of Sweatshop Watch board member and Legal Aid Foundation of Los Angeles (LAFLA) attorney Julia Figueira-McDonough, Latino workers (all monolingual Spanish speakers) wrote a "teatro," or theater piece, on workplace rights which they performed to Chinese workers, with the help of Cantonese and Mandarin translators.

Building on these efforts, garment workers have come together, with the support of Sweatshop Watch member organizations

APALC, Korean Immigrant Workers Advocates and Coalition for Humane Immigrant Rights of Los Angeles, to create an independent, multi-ethnic garment worker center in Los Angeles. Their work in creating the center and in taking action to assert their rights—including filing lawsuits—demonstrates the importance of building alliances across race and gender to create a strong movement for workers' rights and economic justice. "Asian and Latino workers often labor side by side; now they are also marching, protesting, going to court and standing up for their rights side by side," said Julie Su. "This unity shifts the balance of power from corporations to workers."

In November 1999, two federal lawsuits were filed on behalf of four Los Angeles garment workers, alleging violations of state and federal labor laws. The plaintiffs are Chinese and Mexican immigrants who sewed for upscale manufacturer BCBG Max Azria in two different sweatshops. They also produced brand-name clothing for Francine Browner, City Girl and Hobby Horse. The workers suffered miserable conditions at both factories: six to seven day workweeks, sub-minimum wages, no overtime pay, extremely unsanitary working conditions, and threats and intimidation to keep them from speaking out. The workers are represented by APALC and LAFLA.

"Like most garment manufacturers and retailers, BCBG Max Azria reaps enormous profits from the labor of the workers who sew its clothes, but denies any responsibility for the conditions under which they toil," said Julia Figueira-McDonough. These larger companies contract with smaller sewing shops that hire garment workers to produce their clothing, often setting the contract price so low that minimum wages are not paid. When manufacturers visit the contractor factories, they choose not to speak to the workers, and turn a blind eye to the visible squalor.

Plaintiff Samuel Guerra asserts that manufacturers *do* know what's going on inside the factories, but that they choose to ignore the facts. "They come in to the factories and won't even make eye contact with or greet the workers. But we're right there, and there's no way they can walk by us and not see the conditions we work in. They're choosing not to see." Today, when contractor sewing shops fail to pay workers their wages, Assembly Bill 633—which was passed last year and goes into effect this year—will hold garment manufacturers and retailers

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LOS ANGELES—*continued*

legally responsible for ensuring that workers who sew their clothes are paid minimum wage and overtime.

Plaintiff Hsiu-Chu Chen is 60 years old and has worked in the garment industry for 16 years. She sewed for brand name labels at a sweatshop in Los Angeles. "There were endless amounts of work to be done and it was always 'rush, rush, rush,'" she says. "We were treated like animals. Our working conditions were intolerable." Mrs. Chen often worked six days a week, sometimes seven, earning little more than \$3.00 per hour with no overtime pay. Hsiu-Chu and her co-workers were required to punch a time card designed to reflect fewer hours than they actually worked. "We are hoping that by bringing our cases, we can achieve justice for ourselves and let the public learn the suffering of garment workers and the exploitation we face by the sweatshop operators and manufacturers." Hsiu-Chu now suffers from regular headaches, sleeplessness and high blood pressure induced by stress.

The Ceja-Guerra family worked long hours at a medium-size sewing shop for approximately two years, never earning the minimum wage, sharing one bathroom with 70 other workers, and laboring amidst cloth debris, rats and cockroaches. Ultimately, it was the family's refusal to be intimidated into silence about their working conditions that brought about their current lawsuit. When a private monitor hired by one of the brand-name manufacturers came to their factory in the fall of 1998, Graciela, Samuel and their daughter Lorena defied the factory owner's orders and answered the inspector's questions truthfully. Although the inspector promised anonymity, they were promptly fired for their honesty.

The family won an administrative claim for retaliatory firing, the first victory of its kind involving a private monitor, but the factory owners simply changed their business name and ignored the judgment. Angered by their employers' continued disregard for the law, the family became even more determined than ever to hold them responsible. Lorena explains, "Most workers are afraid to speak out. They shouldn't be, because their boss will continue to humiliate them as long as they let him. I'm a little afraid, but I'm fighting anyway to show others that it can be done." Samuel adds, "If we win this, maybe other workers will notice and start to defend their rights, too."

"With what we have lived, and what we have learned about our rights, it is enough to give us courage to struggle for ourselves and others," says Graciela, to whom struggle is nothing new. One of seven children, Graciela was born in Michoacan, Mexico. Her father worked for years as a bracero in Texas, Arizona and California. Of her siblings' and her own eventual immigration, Graciela says, "Our desire to make a better life for our families here, that was our inheritance from our father." She married at age 14, and has raised seven children of her own. She came to the United States in 1978, and has worked for the last 18 years as a garment worker in Los Angeles. "I have worked in many factories, and whatever door you knock on, behind that door, conditions are the same. Nowhere will workers be paid fairly unless we make it happen ourselves."



Asian & Latino garment workers celebrate at the annual dinner of the Asian Pacific American Legal Center, with attorney Julie A. Su.

Hsiu-Chu adds, "I have a family to support. I have been through a great deal and I am getting old. Still, if I do not fight, things will never change. If I do not stand with other workers, we will always be exploited because we have let ourselves become divided. I hope more workers stand up so we can show our joint strength. Latino workers suffer just like Asian workers, and our employers benefit by taking all the money and paying us nothing, while keeping the workers apart. When we don't speak the same language, we have to find other ways to communicate so all of us can be respected."

"Employers try to use race as a bait by giving different workers different pay, so that we fight each other rather than against our employer," echoes Graciela. But, Samuel adds, "If you see an injustice happening to your brother or sister, whatever their race, you have an obligation to do something, to fight *with* them."

## VICTORY FOR L.A. GARMENT WORKERS

Three garment workers in Los Angeles scored a tremendous victory when they successfully settled a dispute with a contractor and three

retailers, receiving all the unpaid minimum wages and overtime pay they were denied and damages to which they were entitled. The threat of public exposure pressured the companies to settle before the workers even filed the lawsuit. All immigrant workers from China, the workers labored in sweatshop conditions in a Los Angeles factory with nearly 100 workers, where they were paid subminimum wages and no overtime for years, where they could not freely get up to go to

the bathroom and where they sewed garments in their homes without pay.

In late 1998, unwilling to endure such conditions any longer, the workers approached the United States Department of Labor (DOL) for help. After several months, dissatisfied with the slow response and lack of communication from the DOL, the workers went to the Asian Pacific American Legal Center (APALC), who listened to the workers and prepared a lawsuit on their behalf.

The garments the workers sewed were for such companies as Reebok, Eddie Bauer and the Gap. Before a lawsuit was filed, APALC contacted the companies to inform them of the workers' situation. Reebok, for whom the workers sewed sweats and other sportswear, came to Los Angeles for a meeting with the workers. After listening to the workers for 6 hours, Reebok took the workers' demand for pay and for assurances that the manufacturers and retailers would prevent such conditions from recurring in the factories where their clothes are made, and promised to respond. Faced with the possibility of a lawsuit against them and adverse publicity, within a few days Reebok, Eddie Bauer and the Gap, in conjunction with the factory, saw that the workers were paid in full.

Garment retailers and manufacturers must take consistent and concrete action to ensure that workers' rights are being protected,

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## WORKING FOR WOMEN'S HUMAN RIGHTS

On this International Women's Day, female garment workers are still fighting for their reproductive rights, including protection from forced pregnancy testing and contraception. They are fighting for economic justice, including pay equity with men in the garment industry and equal opportunity to fill positions typically occupied by men such as cutters and pressers. And without a living wage, women workers are struggling to pay for health care and to care for their families and children. Reproductive rights, access to health care, and the right to an adequate standard of living are basic human rights that are protected by international law. Human rights are the inherent rights of each person to the conditions that she or he needs to be fully human.



Our human rights are guaranteed by international treaties, which set standards that nations meet by adopting legislation and public policy. These treaties include the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which recognizes the human rights of women and provides a broad definition of discrimination against women as "any distinction, exclusion or restriction made on the basis of sex." CEDAW has a particularly comprehensive view of employment rights, which encompasses reproductive rights and protections, workplace safety, paid maternity leave and childcare services, equal access to health care, and other measures to address discrimination based on gender.

The human rights of women, including those highlighted above, are not yet protected under CEDAW by the United States. The United States is the only industrialized nation that has not ratified CEDAW, also known as the Women's Convention, although 165 other countries have done so. Moreover, although President Carter signed CEDAW in 1980 on behalf of the United States, it must be ratified by a two-thirds vote of the Senate, where it is being held from a hearing by Senator Jesse Helms, Chair of the Senate Foreign Relations Committee.

**Reproductive Rights in the Workplace**—Garment workers are often subjected to abuses related to their reproductive health. For example, workers in Saipan have been forced to undergo abortions, and workers in El Salvador have submitted to mandatory pregnancy testing and contraception. CEDAW is particularly relevant to many of the pressing concerns of women workers in the garment industry, because it guarantees reproductive rights in the workplace and the family. Article 11 ensures "the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction." (1)(f). Article 11 prohibits pregnancy discrimination. (2)(a). CEDAW also guarantees the right to the access, information, and means that are necessary to freely choose the spacing and number of children. (Article 16(1)(e)). CEDAW requires the state to protect women from forced pregnancy testing and contraception and protect women who become pregnant from workplace discrimination. It asserts that the reproductive rights of women workers are human rights.

**Childcare and Healthcare**— Garment factories rarely provide health care or child care, and workers continue to make poverty

wages which do not allow them to afford such services. Because human rights are interdependent, it is necessary to uphold all rights in order to protect any right. The broad framework provided by CEDAW, as well as other human rights treaties, guarantees the right to health as well as to social benefits and services such

as childcare. These are necessary conditions for workers to exercise their full employment rights. Specifically, Article 11 of CEDAW further encourages "the provision of the necessary supporting services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities." (2)(c). The right to health, including access to health care services, is guaranteed by Article 12 of CEDAW. This article includes the right to information and access for reproductive choice and family planning, as well as a broad provision for health access as a basic human right.

**Take Local Action**—The United States may not have made a national commitment to upholding women's human rights, but we can. National ratification of CEDAW would recognize that discrimination based on gender is a human rights violation. It also would mean national recognition of the importance of guaranteeing human rights to women. But passing local and statewide ordinances that implement CEDAW is also critical because it sends a message to the federal government that ratification of CEDAW is important to our communities.

In April 1998, San Francisco became the first U.S. city to implement the principles of CEDAW. The CEDAW ordinance passed in San Francisco requires the San Francisco Commission on the Status of Women to provide a gender analysis of the employment, funding allocation, and direct and indirect service delivery practices of selected city departments. Moreover, the ordinance specifically mentions that San Francisco is required to uphold "the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods." (Sec. 12K.2(a)(1)(D)).

Other cities in California and throughout the nation are working to pass similar initiatives. In this process, local education about women's human rights is essential. Regardless of the status of national ratification, we must do local organizing and advocacy for women's human rights in order to improve the lives of women and girls in our communities. For example, we can use the language and principles of human rights documents like CEDAW to reframe our organizing and advocacy for employment rights and humane working conditions. By doing so, we also contribute to the growth of a U.S. women's human rights movement that will connect us with the existing global women's human rights movement.

For more information, contact the Women's Institute for Leadership Development for Human Rights (WILD) at [www.wildhr.org](http://www.wildhr.org) or call Rachel Lanzerotti (ext. 304) or Robin Levi (ext. 302) at (415) 837-0795.

*Written by Rachel Lanzerotti, Women's Institute for Leadership Development for Human Rights (WILD).*

VICTORY—*continued*

preventing abuses as well as quickly responding to cases of workplace violations. The Gap has yet to settle a lawsuit involving the use of sweatshop labor on the U.S. island of Saipan where 20,000 garment workers toil as indentured servants. Meanwhile, nine other companies have settled this lawsuit and agreed to an independent monitoring plan to prevent future abuses.

"We were surprised but happy that the companies responded," said one of the workers who wished only to be known as "Alice." Since coming to the U.S. four years ago from China, Alice has worked in a number of different garment factories. "The conditions in all the factories are equally bad," she said. "The companies whose clothes we sew have to make a commitment to improving working conditions. They cannot continue to ignore workers' lives." In this case, the manufacturers had sent quality control representatives into the factory but claimed not to have known about the illegal abuse of the workers.

"This case demonstrates clearly the power of manufacturers and retailers to ensure workers get paid," said Julie A. Su of the Asian Pacific American Legal Center who represented the workers. "Instead of responding to sweatshop conditions with disingenuous denials and investment in protracted litigation, manufacturers and retailers should acknowledge their role in creating sweatshops and take every step necessary to eliminate them."

The amount of the settlement and the location of the factory are confidential under the terms of the settlement. The workers have used the money to improve their future. Still, they remain committed to fighting sweatshops in the garment industry. "We were scared when we stood up because we thought we would fail or be punished," said Alice. "Instead, we learned that only by standing up can we ever realize change. Workers can look the companies in the face and speak the truth—and we can win. I hope other workers who know about this will also have the courage to come forward."

## NEWS BRIEFS

❖ **In February, the AFL-CIO called for a new direction in U.S. immigration policy to protect immigrant workers.** Recommendations include: repealing "employer sanctions," which unscrupulous employers have systematically used to retaliate against undocumented workers, such as calling in the Immigration and Naturalization Service (INS) to deport workers who join unions, and creating a new amnesty program to provide permanent legal status for undocumented workers and their families. For more information, visit [www.aflcio.org](http://www.aflcio.org).

❖ **Also in February, student sit-ins around the country resulted in victories.** The University of Pennsylvania became the first school to withdraw from the controversial Fair Labor Association—a coalition of apparel manufacturers, a few human rights groups and universities—after students occupied the President's office for 9 days. Students at Indiana, Michigan and Wisconsin convinced their administrators to join the Workers Rights Consortium, a verification plan for implementing university codes of conduct developed by United Students Against Sweatshops (USAS) in consultation with labor and human rights groups. For more information, contact USAS at 202-NO-SWEAT, [usas.contact@umich.edu](mailto:usas.contact@umich.edu), [www.umich.edu/~sole/usas](http://www.umich.edu/~sole/usas).

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## RESOURCES/CONFERENCES

❖ **"Treated Like Slaves: Donna Karan International Violates Women Workers' Human Rights"** is a new report by the Center for Economic and Social Rights (CESR). The report documents working conditions in a New York City garment factory, exposing violations of workers' human rights and US labor laws. Order from CESR at 212-634-3424 or [wrp@cesr.org](mailto:wrp@cesr.org). Free to students; \$2 suggested donation to others. Also available online at [www.cesr.org](http://www.cesr.org).

❖ **The Campus Living Wage Manual** is a how-to guide for students and faculty. Order from United for a Fair Economy at 877-JOIN-UFE or [stw@stw.org](mailto:stw@stw.org). Free to students; \$5 to others. Also available online at [www.stw.org](http://www.stw.org).

❖ **The National Mobilization Against Sweatshops (NMASS) is organizing the Ain't I a Woman?! Conference** on April 8-9 in New York City. The conference will bring together women, youth and working people of all backgrounds to challenge sweatshop conditions in the U.S. For information about the conference or the campaigns against DKNY and Sears, contact NMASS at 718-633-9757, [nmass@yahoo.com](mailto:nmass@yahoo.com), [www.nmass.org](http://www.nmass.org).

❖ **The New York University (NYU) Program in American Studies is hosting "Labor's Next Century: Alliances, Sweatshops and the Global South," an international conference** on April 7-8 at NYU on the future of post-Seattle alliances and organizing for social justice and workers' rights. For more information, contact NYU at 212-998-3721 or [www.nyu.edu/gsas/program/amerstu](http://www.nyu.edu/gsas/program/amerstu).

## Support Sweatshop Watch!

Working Assets will donate \$4 million of its profits to 60 nonprofit organizations, including Sweatshop Watch. If you are a Working Assets long distance or credit card member, you can support our work by voting for us by the end of the year—donation amounts are determined by how many votes each group receives. For more information on Working Assets, contact 800-788-8588 or [www.workingassets.com](http://www.workingassets.com).

## Join Sweatshop Watch!

Sweatshop Watch is a coalition of labor, community, civil rights, immigrant rights, women's, religious & student organizations, and individuals committed to eliminating sweatshop conditions in the global garment industry. We believe that workers should be earning a living wage in a safe and decent working environment. *Please join us by becoming a member.*

Yes! I want to join Sweatshop Watch. Enclosed is my \$20 membership.

Name: \_\_\_\_\_

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Make checks payable and send to:

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