

Agreement Reached with Forever 21

December 2004

Forever 21, Inc., the Garment Worker Center, Sweatshop Watch, and the Asian Pacific American Legal Center, on behalf of several Los Angeles garment workers represented by it, have reached an agreement to resolve all litigation between them. In addition, the parties have agreed to take steps to promote greater worker protection in the local garment industry. The parties are pleased to announce the resolution of this matter as a positive and symbolic step forward in demonstrating respect and appreciation for garment workers. Under the parties' agreement, the national boycott of Forever 21 and related protests at the Company's retail stores, initiated by the Garment Worker Center in 2001, have ended. The parties share a belief that garment workers should labor in lawful conditions and should be treated fairly and with dignity. Forever 21, the Garment Worker Center and Sweatshop Watch all remain committed to ensuring that the clothing Forever 21 sells in its stores is made under lawful conditions.



SWEATSHOP

WATCH™

Connecting you to
worker struggles in the
garment industry!

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Tell Disney to Do the Right Thing!

In Bangladesh, Disney sweatshops are hardly the happiest place on earth. For the last 8 years, girls and young women at the Shah Makdhum factory in Bangladesh have been forced to work over 15 hours a day, 7 days a week. They have been paid just 15 cents for every \$17.99 Winnie the Pooh shirt they sewed. They have also been denied maternity benefits and report being beaten as a “disciplinary” action.

But when some of the women stood up for their rights and spoke out about the violations, Disney responded by cutting and running. They pulled their work from the factory and dumped the women on the street with nothing, leaving them penniless, hungry and destitute.

Disney owes these workers more than that. Disney owes them justice.

No More Sweatshops, a new global coalition, is calling on Disney to do the right thing: Return to the factory and work with its contractor there to protect workers from inhumane working conditions and finally guarantee that international fair labor standards will be respected!

In October, a delegation including two young women workers from Bangladesh and two labor rights leaders from the Bangladesh Workers Solidarity Center will be touring the United States to raise awareness about the plight of these Disney workers. They will speak at churches, community events and universities in New York, Philadelphia, Detroit, Chicago, Indianapolis, Lexington, Los Angeles, Boston and Amherst. Support them in winning justice from Disney.



There are over 3,500 garment factories in Bangladesh, like this one. Photo courtesy of the National Labor Committee.

WHAT YOU CAN DO

- Help organize an action or protest in your community to denounce Disney's mistreatment of its workers overseas. Contact the National Labor Committee at 212-242-3002, nlc@nlcnet.org, or the West Coast Regional Office of No More Sweatshops at 310-559-9522 ext. 4, abolishsweatshops@yahoo.com.
- Write or call Disney to demand that they do the right thing. Michael Eisner, Chief Executive Officer, Walt Disney Company, South Buena Vista Street, Burbank CA 91521, Phone: 818-560-1000, Fax: 818-846-7319. Sample letters and background at www.nlcnet.org.

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RESOURCES

- ◆ **The Manual for Value Chain Research on Homeworkers in the Garment Industry** is published by the Institute for Development Studies in the United Kingdom and Women in Informal Employment, Globalizing & Organizing. The extensive manual outlines how research in the garment subcontracting chain (or value chain) can be organized, using a technique called 'mapping'. The manual can be downloaded at www.ids.ac.uk/ids/global/wiego.html or ordered via publications@ids.ac.uk.
- ◆ **China: Labour unrest and the suppression of the rights to freedom of association and expression – 'workers want to eat – workers want a job'** (April 2002) by Amnesty International is now available at www.amnesty.org.
- ◆ **Report on the Working Conditions of Soccer and Football Workers in Mainland China** (revised edition, May 2002) by the Hong Kong Christian Industrial Committee is now available at www.cleanclothes.org/ftp/china.PDF.
- ◆ **Social environment and standards at the work place in the garment industry in Bulgaria** (2001) is a report by the Bulgarian Gender Research Foundation. Available at www.cleanclothes.org/publications/01-bulgaria.htm.
- ◆ **Rigged Rules and Double Standards: Trade, globalization, and the fight against poverty** (March 2002) is a report from Oxfam International available at www.oxfam.org.
- ◆ **Making Fair Trade Work in Mexico** (July 2002) is the first of the "Citizen Action in the Americas Series" from the Interhemispheric Resource Center. Available at www.americaspolicy.org.
- ◆ **Health and Safety at Work: A trade union priority** is part of the International Labor Organization's Labour Education Series (Special Issue No. 126) available at www.ilo.org/public/english/dialogue/actrav/new/april28/index.htm.
- ◆ **Death on the Job: The Toll of Neglect** is a national and state-by-state profile of workers' safety and health in the United States by the AFL-CIO available at www.aflcio.org.

Staff Updates

We are pleased to welcome Alejandra Domenzain as the Case Manager and Health Educator of the Garment Worker Center. Alejandra brings a wealth of experience in worker health & safety issues and was most recently employed by the UCLA Labor Center. The Garment Worker Center is still seeking an Asian Worker Organizer/Advocate (bilingual ability in Mandarin/English required). Please visit www.sweatshopwatch.org for a job announcement or call 213-748-5866.

SWbox

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Contributors: Nikki Fortunato Bas, Joann Lo, Casa de la Mujer Grupo Factor X, Make the Road by Walking, National Labor Committee, No More Sweatshops.

Mission Statement:

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, and that those who benefit the most from the exploitation of sweatshop workers must be held accountable.

Sweatshop Watch's newsletter is published quarterly. Membership dues, which include a subscription, are \$20.

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Commentaries, articles, and letters are welcome and should be accompanied with your name, address, and telephone or email.

New York Garment Workers Campaign to Enforce Labor Laws, Clean Up Sweatshops

Trabajadores en Acción, a project of Make the Road by Walking, has been struggling to get the U.S. Department of Labor to enforce wage and hour laws in the garment factories of Brooklyn, New York. The case of Danmar Finishing—a fairly large sweatshop, employing 50 - 75 workers—brought that struggle to a head.

In August of 2001, the Department of Labor (DOL) sent a letter to Make the Road member Maria Arriaga, who was employed at Danmar. The letter informed Maria that the factory owed her \$4,276.87 in back wages but that the company had declined the DOL's request to pay this money. The letter went on to say, "Under our administrative procedure we are not authorized to order or require an employer to pay back wages" and advised Maria that she must hire an attorney if she wished to pursue her claim.

Maria brought the DOL letter to Make the Road, and the organization's campaign to get the DOL to do its job gained new momentum. The members of Trabajadores en Acción began demonstrations and press conferences, denouncing both the factory and the DOL. We began to involve allies like Senator Chuck Shumer and Congresswoman Nydia Velasquez (who has been invaluable for her ability to take on the Secretary of Labor one and one and really get something accomplished). We also discovered that Shakira was promoting a label manufactured at Danmar. This discovery helped to get additional press attention.

Finally, the DOL decided to take legal action. They filed a claim for hundreds of thousands of dollars in unpaid overtime on behalf of current and former Danmar employees.

Maria, however, was fired by Danmar (after ten years of service) for speaking openly to the DOL investigators.

The employers demanded that all workers sign a form stating that they had received all wages required by law. Eleven Make the Road activists refused to sign. Those eleven were immediately separated from the rest of the workforce, and the company began a campaign of retaliation and intimidation that made Danmar a truly horrendous place to work.

The bosses installed surveillance cameras and refused to allow any communication among workers while on the job. The eleven who had refused to sign away their rights had their work hours – and thus their paychecks – cut substantially.

Danmar claimed that they were paying the DOL to provide them with a list of anyone who cooperated with the investigation. They made clear that the eleven activists would be fired as soon as the DOL investigation died down.

Finally, Danmar started demanding new I-9 forms from everyone, although everyone had completed the forms not long before the DOL investigation started. The eleven activists perceived the new request for I-9s as part of the campaign of retaliation and intimidation. After Danmar's attempt to get

them to sign untrue statements, employees also feared that the employer might alter or otherwise misuse the new forms. The eleven Make the Road members refused to fill out the I-9 forms under these circumstances and were immediately fired.

What is unprecedented in this case are the steps that the DOL has taken – after feeling serious political and public pressure. For the first time that anyone in the New York area can remember, the DOL filed a companion lawsuit to the original wage case – claiming retaliation for the firings of Make the Road members.

Even more extraordinary, however, is that the DOL (after some additional political wrangling) filed in federal court for a preliminary injunction to put Maria back to work immediately – on the grounds that her firing and other retaliation was causing a serious chilling effect on other workers in the factory, making it impossible for the DOL to prosecute the case. This tactic was tried recently – and successfully – by Make the Road by Walking's own attorneys in another similar case. But to get the DOL attorneys to experiment with "recent innovations" in the practice of law was indeed a challenge.

Judge Trager of the Eastern District of New York issued a Temporary Restraining Order on August 1, 2002, ordering Danmar to put Maria back to work pending a hearing on the matter, which he scheduled for one week later.

Danmar defied the judge's order. They refused to allow Maria to work when she arrived the next morning; and six employees closely allied to the owners chased her down in the street outside the factory and threatened her, warning her not to return to the factory.

One week later, Judge Trager finally heard extensive testimony about what was going on at Danmar. The judge could have ordered any number of penalties for the employer for defying his previous order. He was so obviously inclined to rule against the employer that Danmar eventually withdrew its opposition to the motion for a preliminary injunction and offered to put Maria back to work immediately.

The fight continues. The other eleven who were fired illegally haven't won anything yet. Nor is it easy for Maria to work in the factory under so much scrutiny. But the fact that a team of DOL lawyers is now prosecuting the case with vigor is a major organizing victory for Maria and the other Make the Road activists.

Deborah Axt, Make the Road by Walking, Brooklyn, New York

Making Homework Visible

The Case of Tijuana, Mexico

In Mexico, like in many other countries throughout the world, homework is an invisible industry that is often not recognized by the workers themselves and by society at large since it is work performed mostly by women to achieve revenues and production. This type of work has become more common in many countries throughout the world during the past several years, and it has become an important and indispensable contributor to their national economies.

Many of these hard-working women are heads of families, and they perform homework because it is the only employment opportunity for them while they look for access to different jobs. Women in this industry suffer from segregation, gender discrimination, and other restrictions imposed on them by workplace conditions, and society has conditioned them to believe that they should remain at home and take care of the family.

Generally, these women workers are not included in national statistics of their countries, and ignorance persists around the variety of tasks that they perform and around the labor conditions under which they work.

Countries around the world have refused to recognize their rights as workers even though there has been a growing movement for nearly three decades to promote and defend their rights. As a result of this workers' movement throughout countries in Asia and Europe, the International Labor Organization adopted a convention on the rights of homeworkers in 1994. **Homework is defined as work performed inside or near a home for which there is compensation, and the worker is either self-employed or under a subcontract arrangement.**

There are regions in Mexico, such as *la región del Bajío* and *la región centro sur*, that are known for having a strong and traditional presence of homework, and it is no coincidence that these are highly impoverished regions. Despite the highly noticeable presence of homework in large areas throughout the country, it still remains highly invisible in terms of being unrecognized as formal employment, especially subcontracted homework which is already protected

by Mexico's federal labor laws. Paradoxically, at the present time, this type of work is considered informal employment, and homeworkers lack social protections, and dignified working and living conditions.

This type of work is part of the various worldwide chains of subcontracting of production, and it is often the lowest levels of this linkage which result in the most exploitative conditions for workers.

To begin making this type of work visible in Mexico from a perspective of the workers themselves, there has emerged an effort to create a preliminary registration system for the types of homework found in major cities like Tijuana.

Casa de la Mujer Grupo Factor X, A.C. ("Factor X") is a women's organization that provides training and services to maquiladora workers. Since 2001, Factor X, in coordination with HomeNet¹, has been working on an investigative-advocacy project focusing on issues of homework.

¹ HomeNet is an international network of organizations of workers created in 1994 that grew out of contacts between organizations from Asia, Africa, and Europe and is presently expanding to include other countries.



A woman works from her home in Mexico.
Photo courtesy of Factor X/HomeNet.



Multiple family members often perform homework. Photo courtesy of Factor X/HomeNet.

The following are some of the preliminary findings from the surveys:

- 238 women and 76 men were interviewed, with their ages ranging from as young as 14 to as old as 81 years.
- 20.2% of the workers were born in the city of Tijuana and 79.8% migrated from other areas.
- 111 workers were subcontracted and 203 were self-employed. Of the total interviewed, 30% work in the garment industry and 58% of this figure was

subcontracted workers in maquiladoras and 14.8% were self-employed. Among other types of work that these workers performed include food preparation and vending; labeling and packaging of products; work with metals; painting and sculpture; wood work; packaging plastic products; and assembling piñatas.

The objectives of this project and the outreach efforts to homeworkers include:

- To enhance our knowledge about homework, the nature of this type of work, the extent of the visibility, representation and solidarity of the workers,
- To create a base of information and make it accessible so it can be useful for organizations that represent homeworkers on a local and international level,
- To make homework visible among the workers themselves in order to overcome their isolation,
- To facilitate the creation of networks among workers and organizations based on their common interests, and
- To improve the living and working conditions of homeworkers.

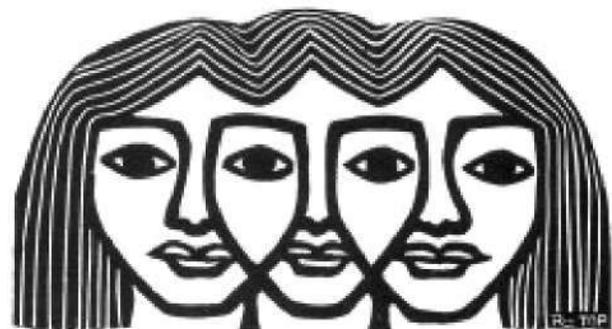
During the months of July to October 2001, Factor X contacted 314 people in Tijuana and conducted a survey where they informed the workers about the homework industry and their labor rights. They carried out these surveys throughout a total of 54 neighborhoods in the city of Tijuana, most of them highly impoverished.

Of these 314 surveys, 111 were conducted with subcontracted workers and the other 203 with self-employed workers.

In the area of the garment maquiladora industry, there is a very close relationship between the garment companies and subcontractors of California and the homework industry in Tijuana, especially in the production of fancy dresses and lingerie that are sold in markets throughout the United States.

Ana Enriquez, Factor X, Tijuana, Mexico

Translation by Victor Narro/Sweatshop Watch and Pablo Alvarado/Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA).



Forever 21 Boycott Gains Momentum



The Los Angeles garment workers continue their campaign for justice from Forever 21 and in August celebrated the generous donation by an anonymous supporter with spirited pickets outside the Beverly Center, the Beverly Hills commercial center where Forever 21 opened its latest flagship store "XXI."

The donation helped pay for a 45-foot billboard (pictured above) across from the Beverly Center. Actress Mimi Kennedy from the TV series "Dharma and Greg" spoke at a press conference unveiling the billboard, which stayed up the entire month of August.

The 27 garment workers labored in 15 different sweatshops around downtown Los Angeles, where they sewed the Forever 21 label. Nineteen of the workers filed a lawsuit against Forever 21 in September 2001, alleging, among other claims:

- Subminimum wages,
- No overtime pay, and
- Dirty and unsafe factories

"This billboard is really a triumph for us," says Guadalupe Hernandez, one of the plaintiffs in the lawsuit. "This shows that we are winning more and more support in our campaign."

National Speaking Tour

The garment workers and Garment Worker Center organizer Joann Lo are planning a national speaking tour to boost the visibility of the Forever 21 Boycott. Tour dates are listed below. Check the Sweatshop Watch website <www.sweatshopwatch.org> for events planned in those areas. If you live in one of those areas and would like to sponsor an event in your town, contact Kimi Lee at the Garment Worker Center at 213-748-5866.

- October 4-6: San Francisco, CA
- October 9: Amherst, MA
- October 10-12: New York, NY
- October 27-29: San Antonio and Austin, TX
- October 31 – November 1: Miami, FL

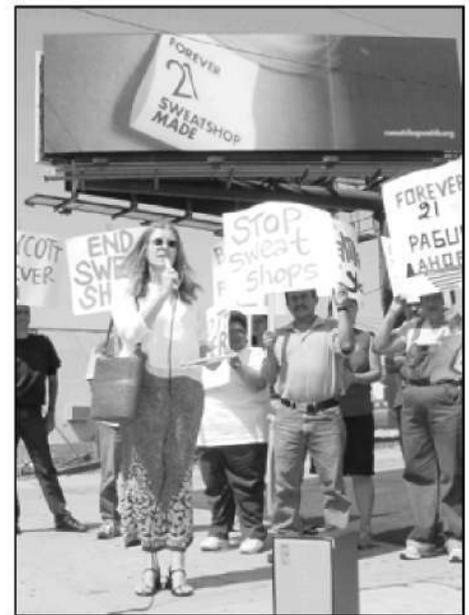
- To be announced in November: Washington, DC

Joint Actions with Assi Market Workers

In November of 2001, Korean and Latino workers at Assi Market in Koreatown, Los Angeles, started a campaign to organize and win recognition of an independent union, the Immigrant Workers Union (IWU). With assistance from the Korean Immigrant Workers Advocates (KIWA), the workers gained strong support among their co-workers and from the community.

The company, however, fought back and hired one of the largest union-busting law firms in the country, Littler-Mendohlnson. With a union vote through the National Labor Relations Board scheduled on March 9, 2002, Assi Market and its union-buster intimidated workers, threatened them, and even fired a union supporter. The vote came out a tie. IWU has filed charges against Assi Market for its illegal actions up to and during the vote.

The workers continued to organize and started direct actions. Then in July the company received letters from the Social Security Administration indicating that 60 workers' names did not match the social security numbers submitted by the company. The letters clearly stated that Assi Market should not take adverse action against the workers, but the



Actress Mimi Kennedy of the TV series "Darma & Greg" lends her support to the Forever 21 Boycott, August 2002. Photo courtesy of the Garment Worker Center.

Working Assets will donate over \$4 million to 50 nonprofits, including Sweatshop Watch.

If you are a Working Assets long distance or credit card customer, you can support our work by voting for us on your Working Assets Donation Ballot by **December 31, 2002**. *The grant allocation is determined solely by the number of votes each organization receives.*



To learn more about Working Assets, visit www.workingforchange.com or call 800-788-8858.

To receive additional copies of this newsletter, or back issues, please contact Sweatshop Watch at 510-834-8990 or visit our web site at:

www.sweatshopwatch.org



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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, and that those who benefit the most from the exploitation of sweatshop workers must be held accountable. Please join us by becoming a member. Either send in this form with a check or make a contribution from our web site with your credit card.

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

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