Asian American Garment Workers: Low Wages, Excessive Hours, and Crippling Injuries

Introduction

Man Le Lo worked for 10 years in San Francisco sewing the private label garments of major discount retailers. She worked seven days a week, and except on Sundays, 10 hours a day, some days even longer. After 10 years of setting elastic bands, she sustained repetitive stress injury to her hands, wrists, and arms. In the mornings she could not close her fingers into a fist because of the pain. On piece rates, in the last two years of employment, she averaged $2.00 to $3.00 an hour, half of minimum wage. She was never paid overtime. She reported the violations in her shop to the US Department of Labor (DOL), triggering an investigation of five shops owned by her employer. When she began organizing her co-workers, she was fired. But 200 of her co-workers benefited from her bravery. They recovered $192,000 in unpaid overtime wages as a result of the DOL’s investigation.¹

Ten to twelve hour days, six to seven days a week are the regular hours that garment workers toil in the United States. The majority of garment workers are Asian, Latina, and other immigrant women of color. In California, close to 100,000 garment workers are Latinas and 30,000 are Asian. New York’s 65,000 workers are half Latina and almost half Asian. On piece rates, they earn at or below the federal minimum wage of $5.15 per hour and often without overtime pay. They work under dangerous conditions that include blocked fire exits, unsanitary bathrooms, poor ventilation and suffer from repetitive stress injuries. The DOL estimates that

¹ The author, who was a staff attorney at the Asian Law Caucus from 1992-2000, represented Man Le Lo in her wrongful termination and wage violation lawsuit and assisted her with her workers’ compensation claim.
more than half of the country’s 22,000 sewing shops violate minimum wage and overtime laws and 75% of US garment shops violate safety and health laws. In a 2000 survey of garment shop compliance with labor laws, the DOL found a 60% rate of overtime and 54% rate of minimum wage violations in Los Angeles shops, 61% overtime and 31% minimum wage violation rates in New York shops, and 25% overtime and 8% minimum wage violation rates in San Francisco. The US General Accounting Office has developed a working definition of a sweatshop as “an employer that violates more than one federal or state labor, industrial homework, occupational safety and health, workers’ compensation, or industry registration law.” This report focuses on the New York, Los Angeles and San Francisco garment industries where Asian American women are employed.

The US Garment Industry

Today, the US garment industry consists of almost 621,000 jobs, a decline of 56% since reaching a high point of 1.4 million jobs in 1973. The movement of production overseas to Asia beginning in the 1980’s and passage of the North American Free Trade Agreement (NAFTA) in 1993, have been devastating to the domestic industry, particularly in New York and Texas. Today, over half of all apparel sold in the US is made overseas, resulting in tremendous downward pressure on wages and worsening of conditions in the domestic industry.

---

2 See DOL Garment Enforcement Report, January 2000-March 2000. Advocates believe that contractors are adept at hiding violations from the DOL and that the rates of minimum wage and overtime violations are much higher. While advocates agree that less violations occur in the San Francisco garment industry, based on their work with garment worker, they believe that the 25% and 8% rates underestimate the violations that are occurring and the actual rates for overtime and minimum wage violation are 50% and 25% respectively. Interview with Hina Shah, Employment/Labor Attorney at the Asian Law Caucus, March 14, 2001.

3 Historically, the word “sweatshop” originated in the 19th century to describe a subcontracting system in which middlemen earned profits from the margin between the amount they received for a contract and the amount they paid to the workers. The margin was said to be “sweated” from the workers who received minimal wages for excessive hours worked under unsanitary conditions.

4 Under NAFTA, garments assembled in Mexico with North American made yarn and fabrics have no quota limitations or tariffs.

5 Garment production was also concentrated in El Paso, Texas until NAFTA destroyed that industry. The vast majority of the workers were Latina. Regarding the Dallas-Fort Worth area, not much is known about the garment industry there primarily because of the lack of garment advocates there. What little that is known reveals some 8,000 to 25,000 home sewers laboring in the ladies apparel industry. Over the past 15 years, the contractors and home-sewers, mainly Vietnamese and Korean immigrants, have displaced nearly 10,000 factory jobs in Dallas, and perhaps as many as 20,000 in the larger region. The ability to pay home sewers a third to a half less enabled Dallas and Los Angeles manufacturers to keep production in the United States.
Los Angeles

The Los Angeles garment industry has been the exception to the declines, though not to the worsening of working conditions. The Los Angeles garment industry has grown in the last decade into the country’s largest garment center, from 137,000 in 1991 to 156,000 jobs in 1997, with 120,000 of those jobs in the downtown Los Angeles area. Between 1994 and 1998, the number of manufacturers and the contract shops producing work for them increased from 4,000 to 6,000, with about 5,000 in the Los Angeles area. The 1,000 garment manufacturers based in Los Angeles tend to produce locally, contracting out to 4,000 contract shops. Production has stayed local because Los Angeles’ niche market of constantly changing women’s casual wear, with brand names like Guess, Bugle Boy and Chorus Line, requires “Quick Response” production; garments orders are turned around within five to seven weeks or even shorter time periods. A local contractor can process reorders within a week or two. Contractors in Asia require a turnaround time of 10 to 12 weeks or longer. However, with the skills of Mexican garment workers, quality control, and turnaround times improving and with NAFTA eliminating quotas and tariffs, a greater percentage of California’s production is expected to shift to Mexico. By the end of 2000, Los Angeles garment worker jobs dropped down to 142,100.

Despite the loss of jobs, the Los Angeles’ garment industry still accounts for $28 billion dollars of the region’s economy. Los Angeles’ lucrative garment profits are made off the backs of Latina and Asian women—94% of whom are immigrant, 75% Latinas, and about 15% Asian (Chinese and Vietnamese) women. The vast majority are non-English speakers. Work is assigned on the basis of gender. Higher paying cutting and heavy pressing jobs are almost exclusively performed by men while the sewing operations are almost exclusively performed by women. Over half of Los Angeles’ Latino garment workers are undocumented, most arriving within the last 15 years. Immigrant workers are employed by contractors who are also immigrants. Production is concentrated in downtown Los Angeles’ garment district but in the last 10 years has spread to the immigrant communities of El Monte, East Los Angeles, Orange County, and San Fernando Valley as contractors look for cheaper labor and better space.

Given the large numbers of undocumented workers, Los Angeles’s workforce is especially vulnerable to exploitation, which may explain the higher rates of minimum wage and overtime violations than in San Francisco with its mostly documented workforce. Passage of the Immigration Reform and Control Act of 1986 (IRCA) contributed to the worsening of conditions for garment workers. IRCA prohibits the employment of undocumented workers but imposes such low sanctions that few employers are deterred. Instead, employers use IRCA as a weapon against workers. Some contractors prefer to hire undocumented workers and call the INS when workers protest conditions. Employers threaten to call “la migra,” undocumented workers stay compliant, and a whole sub-class of workers in the Los Angeles garment industry work at sub-minimum wages, driving the wages of the entire Los Angeles industry down with them.
San Francisco

Historically, San Francisco’s garment industry was located in Chinatown. For decades, Chinese immigrant women walked to work from the crowded tenements where they lived to small mom and pop sewing shops, employing 10 to 15 employees and operating out of storefronts. In the 1970’s and early 1980’s, this began to change as entrepreneurial immigrants from Hong Kong began setting up larger, more efficient shops outside of Chinatown.

Today, 13,000 workers, primarily Chinese, work in 400 contract shops in the San Francisco’s South of Market and Outer Mission districts and 2,700 workers in 175 shops across the Bay in Oakland’s sewing shops. The larger, more modern South of Market and Mission district shops survive and grow larger. These more efficient shops of over 100 workers, operating with new machinery and using assembly line methods of production (vs. one worker assembling the whole garment,) are able to produce higher quality apparel in greater volumes. They have greater bargaining power to obtain higher contract prices and are able to pay at least minimum wages to 75% of their workers.

Chinese garment workers, however, continue to work 10-hour days, six days and even seven days a week, without overtime pay. Garment jobs in San Francisco have also decreased (from a high of 15,000 in 1997) as many of its local manufacturers, such as Esprit, Koret of California, Byers and Eberts, have moved production to Southern California or Mexico where wages are lower than in the Bay Area.

New York

The New York garment industry remains the US’s leading center for high fashion even though production jobs have declined precipitously. Apparel jobs declined to a low of between 65,000 and 74,000 in 2000 from a high of over 149,000 in 1980. However, a local industry will always remain because, like Los Angeles and San Francisco, New York manufacturers must also have “Quick Response” strategies for its unpredictable market of women’s wear. New York’s niche is producing high-end fashion and more formal apparel. This includes dresses (25% of all US-made dresses are produced in New York), overcoats, blouses, slacks, and tailored women jackets with names like Oscar de la Renta, Donna Karan, and Calvin Klein giving New York fashion its glamour. Many of the higher end fashion houses produce in small batches of hundreds, not thousands, and prefer to stay in New York where their designers can walk across the street to their contract shops to personally oversee the quality of production.

About 54% of sewing shops are concentrated in New York’s midtown (in a zoned garment district) and in Chinatown, 26% in Brooklyn (with half in Sunset Park), and the remaining in Queens and the Bronx. There are 1,600 garment manufacturers and 2,600 contractors registered with New York’s Department of Labor and an additional 2,500 contract shops that are unregistered, bringing the total of contractors to about 5,100 primarily small shops with less than 20 workers each. The small size of a sewing workforce provides manufacturers with a flexible and fragmented workforce that can be laid off easily during seasonal lows. The majority of garment workers are Chinese immigrant women and Latina workers, with a
smaller number from the Dominican Republic and other countries.

The majority of the midtown and 80% of Chinatown sewing shops are unionized by UNITE (Union of Needletrades, Industrial and Textile Employees). However, UNITE has not been effective in enforcing the union contract in these shops and rampant minimum wage and overtime violations continue to exist. In the early 1980’s, most garment manufacturers were also under union contract and produced locally. During that period, UNITE members working in the Chinatown shops could earn from $5.00 to $15.00 per hour. Support for the union was strong. In 1982, 20,000 Chinese garment workers went on strike to demand that contractors renew the union contract. However, union manufacturers such as Liz Claiborne, Donna Karan, and Calvin Klein began moving the bulk of their production overseas: 66% of Liz Claiborne’s garments are made abroad. With union manufacturers moving their work, union contractors were forced to compete with nonunion contractors for work from nonunion manufacturers. The union contractors were thus forced to accept contract prices too low to pay even minimum wage.

Additionally, involuntary servitude is a regular part of the New York industry. Between 1991 and 1994, at least 100,000 people from the city of Fuzhou in the coastal province of Fujian, China, have been smuggled into the US, with the majority of them settling in New York. Most of them owe snakeheads (people smugglers) $30,000 in fees. A large number are women who end up in garment sweatshops. These workers have been harassed, beaten, and even killed by snakeheads for protesting poor working conditions and/or not working hard enough to repay their “debt.” Desperate to pay off their debts, the Fuzhounese take the lowest paying jobs in the Chinese community and line up outside the sewing factory long before the doors open to be the first to begin work. At night they work until after 10 p.m., sometimes until 4 a.m., sleeping in the factory, and start work again after sunrise. Increasingly, garment manufacturers offer contracts to Chinese subcontractors who hire Fuzhounese, whose willingness to accept low pay and poor working conditions has further dropped standards in Chinatown garment industry in New York.

The combination of jobs going overseas, involuntary servitude, and fear of the INS have resulted in wages of New York garment workers dropping to between $2 and $6 per hour. Working hours have steadily increased, with legal immigrants and naturalized citizens working six to seven days a week, 10 to 12 hour days. Homework and child labor are becoming more widespread. It is now common in New York shops, including unionized shops, for workers to work several months without receiving a paycheck. It is also not unusual for employers, seeking to reduce their taxes, to pay workers half in cash under the table and half by check, then take back a percentage of the cash payment.
The Root Causes of Sweatshops

Four key factors contribute to the proliferation of sweatshops in the US and worsening conditions for garment workers.

A Pyramid of Exploitation
The very structure of the garment industry encourages the creation of sweatshops. Retailers sit at the top of the apparel pyramid, placing orders with brand-name manufacturers, who in turn subcontract to sewing contractors to assemble the garments. Contractors receive cut garment parts from manufacturers and recruit, hire, and pay the workers who occupy the bottom level of the pyramid, to assemble finished garments. Most contractors must accept the low price set by the manufacturer, even if the contract price is insufficient to pay minimum wages, as they risk having the work given to another contractor. To stay in business, contractors “sweat” profits out of their workers, cut corners, and operate unsafe workplaces.

Consolidated Power of Retailers
The second factor is the power of retailers. During the past decade the retailing industry has experienced major mergers leading to considerable consolidation of their buying power, especially among discounters. In the United States, Wal-Mart and Kmart outsell all department stores combined and the 10 largest retailers account for nearly two-thirds of all apparel sales. With this consolidated buying power, retailers dictate the price of clothing and ultimately what workers earn. Retailers have forced manufacturers to reduce their wholesale prices by as much as 25% or more, with the worker at the sewing machine feeling the biggest pinch. Retailers also control the apparel industry by producing their own private labels instead of buying from brand-name manufacturers. The Federated Department Store’s private labels, for example, include INC/International Concepts, Charter Club, and Arnold Palmer. Retailers, acting as manufacturers, design the garment, contract out and oversee production, and set the prices for garments created exclusively for their stores. Approximately 32% of women’s apparel sold in the US is manufactured under retailers’ private labels. Retailers’ domination of the garment industry means their decisions directly affect whether sweatshop conditions improve or worsen.

Race to the Bottom of the Global Assembly Line
A critical factor leading to resurgence of sweatshops in the US is the movement of production overseas. Production began moving to Asia in the early 1980’s where hourly wages were as low as 20 cents per hour and to Mexico after adoption of the

---

6 The $100 sale price of a garment is typically divided up as follows: $50 to the retailer, $35 to the manufacturer, $10 to the contractor, and $5 to the garment worker. A 25% reduction in price means the workers’ earnings drop to $3.75 for assembling the garment.
NAFTA in 1993. Forced to compete with overseas labor costs, domestic contractors lost their leverage to extract higher prices from manufacturers. Attempts by workers to improve their lot have resulted in manufacturers and retailers “running away.” For example, when UNITE targeted Guess factories and contract shops for unionizing in 1995, Guess moved 70% of its jeans production to Mexico, Peru, and Chile. In San Francisco, when Esprit de Corps’ Chinatown shop unionized in the mid 1970s, Esprit closed the shop, moved to Hong Kong, and did not return for 10 years. The threat of shop closings has kept workers from organizing even as conditions worsen. Overseas production has led to a race to the bottom in terms of wages, affecting workers in all major garment centers, including California’s strong and stable industry.7

Poor Enforcement of Labor Laws
The final factor contributing to the persistence of sweatshops is the chronic under-enforcement of labor laws by state and federal labor agencies, both of which are underfunded and understaffed. In New York, there are only five state-level DOL inspectors to monitor over 4,000 garment shops. Even if a factory is given a citation for a violation, re-inspection for compliance is rare. In California, only 25% of all sewing shops are inspected each year by state or federal DOLs. Most contractors violate the law with impunity, assuming they will not be inspected. If inspected, the contractor simply pays the unpaid minimum wages, overtime premiums, and fines as part of the “cost of doing business” and returns to business as usual, knowing that the inspectors will not return for at least four years. In any case, most contractors do not even remain in business that long.

Advocacy Needed
Given the numerous factors that affect garment workers who labor in sweatshops, advocacy to improve conditions requires a multi-pronged approach. The approach includes making retailers and manufacturers legally accountable for sweatshop practices, improved government enforcement of labor laws, organizing and unionization of workers, consumer education and corporate accountability campaigns, as well as impact litigation and legislative advocacy. No one approach is sufficient and each is the necessary complement of the other.

7 Heightened media attention on overseas sweatshops has led to consumers looking for the “Made in the USA” label. In response, retailers have shifted some production to US territories in the western Pacific Ocean. On Saipan, part of the Commonwealth of the Northern Marianas Islands, about 15,000 imported Asian women-Chinese, Filipina, Bangladeshi-produce garments for over 25 retailers, including The Gap and Tommy Hilfiger. They work 80 to over 100 hours a week, often “off the clock” without pay or overtime. They earn $2.90 per hour, a little more than half of the US minimum wage. They live seven women to a room in inward-pointing barbed wire enclosed barracks and are subject to lockdowns and curfews. The “Made in the USA” apparel are shipped to the US quota and tariff free.
Holding Retailers and Manufacturers Legally Accountable for Sweatshops

State and federal governments’ response to the proliferation of sweatshops has been to go after the sewing shops, often with the media in tow. Harassing contractors has proven to be an ineffective and misdirected strategy. Given that it is the retailers and manufacturers who force contractors to accept contract prices so low that contractors cannot pay minimum wage, it is they who must be responsible for the resulting labor law violations. But because production work is subcontracted out to “independent” contractors, manufacturers are often not considered the employers of the production workers and are shielded from legal liability.

Unless manufacturers are held legally responsible for the wage and working hour violations of their contractors, they have no incentive to increase contract prices or avoid using contractors who are chronic violators. Garment worker advocates have used impact litigation successfully to hold retailers and manufacturers jointly liable along with their contractors for minimum wage and overtime violations. However, impact litigation is costly. Plaintiffs face high hurdles in establishing a sufficient degree of control by the manufacturer for it to be held liable. Hence, less than 10 such lawsuits have been filed in the last 20 years. Thus, legislation creating strict manufacturers liability without lengthy litigation is needed.

In California, garment workers succeeded in 1999 in getting a strict manufacturer’s liability law, AB 633 (Steinberg), passed. AB 633 created a “wage guarantee” requiring manufacturers and retailers acting as manufacturers to guarantee payment of minimum wages and overtime. However, in exchange for the guarantee, garment workers gave up the right to enforce the new law in court and agreed to bringing all wage guarantee cases before the state Labor Commissioner under an expedited administrative process. Retailers are attempting to escape AB 633 coverage by influencing the rule making process. They hope to craft a regulatory definition of “manufacturer” that excludes most retailers and garment manufacturers. Continued advocacy is needed to ensure that rules and regulations are adopted which properly implement the new law. In the meantime, joint liability impact litigation must continue to be brought.

A strict liability law is needed in New York State. The current version of the joint liability law, SO7628 (Spano), passed in 1998, holds manufacturers liability only if they knew or should have known, with the exercise of reasonable care, of the contractor’s failure to comply with labor laws. Meeting the reasonable care standard mires garment workers in time-consuming litigation, which California’s AB 633 avoided. On the federal level, after the November 2000 Presidential and Congressional elections, advocates will have to wait until a friendlier political climate in Washington before attempting federal joint liability legislation.

Advocating for Government Enforcement of Labor Laws

Laws do not protect unless vigorously enforced. Advocacy is needed to increase staffing levels at state and federal labor agencies. Advocates must exert pressure on these labor agencies to direct their enforcement efforts against contractors and manufacturers. Advocates must oppose the labor agencies’ joining with INS in their investigations and their inquiries. Workers will not step forward to complain
or cooperate if they fear being apprehended by the INS. Vigorous enforcement has brought results. A case in point is the San Francisco Bay Area where minimum wage violations are significantly lower than in Los Angeles and New York. This improvement in wages in the Bay Area is due to the concerted outreach efforts to Chinese garment workers that began in 1990, media coverage on the lack of government efforts, successful lawsuits by the Asian Law Caucus against manufacturers and contractors, organizing efforts by UNITE, a national anti-sweatshop campaign launched by the Asian Immigrant Women’s Advocates, and pressure by ALC and UNITE on DOL to use the “hot goods” provision of the Fair Labor Standards Act to confiscate garments made in sweatshops. Using the threat of seizing hot goods, the DOL compelled manufacturers to increase contract prices and monitor their contract shops to bring them into compliance. Monitoring by manufacturers and combined federal and state agency raids on sewing shops led to the demise of San Francisco Chinatown’s mom and pop industry, the growth of larger, more efficient and stable garment factories outside of Chinatown and higher wages for San Francisco garment workers.

Empowering Workers
In the long-run, lasting improvements in the industry can occur only with an empowered and organized workforce. After a lawsuit or government inspection, after wage judgments and fines have been paid, neither government agencies with increased staffing nor lawyers are in a position to monitor factories day to day to ensure compliance with labor laws. After the scrutiny is over, employers revert to violating the law. Only an organized workforce can monitor factory conditions on a routine basis. However, workers face serious challenges to organizing because they are employed in the most globalized industry in the world.

Workers in Southern California face an additional challenge to organizing. Over half of the 100,000 garment workers in the Los Angeles garment industry are undocumented and the fear of deportation prevents them from becoming an empowered workforce. Garment workers in Southern California need amnesty. For sweatshop conditions to be eliminated, workers need to move from undocumented to legal status. These challenges are formidable but not insurmountable and require that new and innovative forms of organizing be developed.

Public Education and Consumer Campaigns
Traditional methods of union organizing, lawsuits, and government enforcement are not enough in today’s global economy. As long as garment manufacturers can close shop and run away overseas with impunity, sweatshop conditions will remain and worsen. Garment workers need the support of the public and con-

---

8 Goods that are produced in violation of minimum wage and overtime laws are considered “hot goods.” The US DOL can seize hot goods and prevent them from being shipped or sold until the wages are paid.
sumers. In August 1995, 72 Thai immigrant women were discovered behind barbed wire fences in an apartment complex in El Monte, California, working under conditions of involuntary servitude: they were sewing the private labels of major retailers such as Mervyn’s, Montgomery Ward, and Miller’s Outpost. Sustained media attention and intense advocacy by garment worker advocates around the El Monte case, as well as other high profile campaigns, began to turn public opinion. The refusal to patronize retailers and manufacturers who break worker organizing drives sent a clear message that the public did not support manufacturers who profit off the sweat of garment workers, domestically or internationally. Through numerous high profile campaigns and lawsuits, the public has been educated and no longer believes manufacturers’ claim of ignorance of conditions in their contract shops. Indeed, the support of an educated public contributed to garment workers success, after 10 years of effort, in obtaining AB 633 in California.

Fending Off False Solutions from the Industry
In response to the public education and consumer campaigns, the fashion industry created The Apparel Industry Partnership, now called the Fair Labor Association (FLA), a coalition of companies such as Liz Claiborne, Nike, Reebok, and human rights and labor organizations. In April 1997, the coalition announced a scheme to eliminate sweatshops worldwide. It rolled out the Workplace Codes of Conduct to which industry members of the task force said they would adhere. But major flaws exist in the Code. For example, it institutionalizes indecent wages and inhumane hours for women of color around the world. For instance, the Code only requires US firms to pay a country’s minimum wage which, in order to attract apparel firms, governments set so low that it does not cover a family’s basic needs. The Code also adopts the 60-hour week, without overtime pay, as a standard workweek. In November 1998, the coalition announced its “independent monitoring” scheme. The scheme allows companies to pick the factories that will be inspected by monitors chosen and paid for by the company. Based on inspections of only five percent of factories hand-picked by the company, the FLA can declare the entire company in compliance with the Codes. Based on this monitoring scheme, the company is permitted to sew labels onto all of its garments that indicate that the garment was made under fair conditions. The apparel industry has developed various other schemes to clean up sweatshops which, like the FLA’s, are essentially public relations tools for damage control. Advocates have responded with critiques and exposés, assisted in developing codes of conduct requiring living wages and monitoring mechanisms with teeth. They have also developed an alternative, the Workers Rights Consortium, which has adopted Codes of Conduct and an independent monitoring system for the production of sweatshirts with university logos, baseball caps, and other products.

A Global Approach to Garment Advocacy
When workers in one country organize to improve wages and working conditions, US retailers and manufacturers move their production to countries where they pay
workers even less. In the 1960’s, manufacturers moved production to Hong Kong, South Korea, Japan, and Taiwan. However, over time these economies boomed and wages rose to almost the same levels as in US. In the 1980’s, hundreds of thousands of women workers who had worked for 10 to 20 years in the garment industry lost their jobs as US manufacturers shifted production to the lower wage countries of Indonesia, Thailand, and the Philippines. Presently, Thailand’s garment workers are losing their jobs as manufacturers move production to Vietnam and China where wages are even lower. The US garment industry has a global strategy for production, profit making, and exploitation. It has acted with virtual impunity in implementing its strategy. Garment workers in the US, who have lost their jobs and those who work in ever worsening conditions, must begin working with workers overseas to the build coalitions and networks needed to challenge the industry’s heretofore unfettered exploitation of them.

Looking Ahead to 2005

Major changes in trade law portend further suffering for women garment workers in the US. Between 1993 and 1996, the US lost 143,000 apparel jobs due to the passage of the 1993 North American Free Trade Agreement. Only because of quotas and tariffs on goods from the rest of the world did 460,000 jobs remain in the US between 1985 to 1996. However, the worldwide quotas for cotton and wool apparel imports to the US, provided for in the MultiFibre Arrangement of 1974 (MFA), which prevented the entire industry from leaving, will be phased out altogether by 2005. Removing these quotas will enable US companies to shift more of production to the lowest wage countries.

It is projected that only 379,650 jobs of the currently existing 621,000 jobs in the US apparel industry will survive the overseas shift likely to occur after 2005. As a result, the jobs of some 70,000 California and 35,000 New York garment workers, primarily Asian and Latina immigrant women, will be in jeopardy. Given the contraction of safety nets in the US, these working women will be in the same position as other low-wage, limited-English speaking immigrant women are now. Specifically, they will be in a crunch to learn English and new job skills before the expiration of their five-year lifetime bar for cash benefits under TANF. As described in Chapter One, Asian immigrants are being denied equal access to the welfare-to-work services they need to gain marketable skills that will enable them to find self-sustaining living wage jobs.

For the garment industry that remains, it cannot compete through a low-wage strategy since US wages will not drop as low as wages in developing countries. To eliminate sweatshop conditions in the US, manufacturers must compete through a high-value strategy, that is, by producing high-end fashions and investing in technology and in higher wages for workers to improve quality, skills, delivery, and efficiency in the production process.
The Anti-Sweatshop Organizations

For the past two decades, the anti-sweatshop work has been carried out by Asian American organizations. The leaders in this movement are Asian American women, many of whom developed into labor and community leaders through their advocacy on behalf of garment workers. The work of these Asian American women has helped garment workers of every ethnicity and race. Their collaborative and multi-pronged approach to organizing and advocacy has also built one of the strongest movements for civil and human rights among people of color.

California

The leading organization advocating on behalf of garment workers for the past two decades is the San Francisco-based Asian Law Caucus (ALC). The ALC was the first to use impact litigation to create joint liability case law holding manufacturers responsible for the labor law violations of its contractors. It has litigated or co-counseled most of the California joint liability lawsuits brought against a retailer or manufacturer. It is a named plaintiff in one of three lawsuits brought against retailers using sweatshop labor on the island of Saipan, a US territory in the Western Pacific, lending its expertise on the garment industry to the legal team. It led or participated in all the legislative attempts to pass joint liability laws in California, succeeding in 1999 in passing AB 633. ALC staff drafted the bill and its amendments and led the statewide coalition in negotiating and lobbying for the bill’s passage. The ALC played a large role in improving conditions in the San Francisco garment industry. When San Francisco manufacturers began moving work to Southern California in response to the higher wages, ALC’s work expanded to building the capacity of Los Angeles advocates who did not begin their work until after El Monte came to light. The ALC lends its expertise to the Southern California groups primarily through Sweatshop Watch (see below), which it co-founded. In addition, the ALC provided guidance to the national anti-sweatshop movement.

For the past 10 years, the Asian Immigrant Women Advocates (AIWA), an Oakland-based organization, have provided know-your-rights and leadership training to Chinese garment workers to improve the conditions in their shops. In 1992, AIWA launched a national campaign against designer Jessica McClintock when one of her contract shops closed, owing its workers weeks of pay. The high point of the campaign, a segment that aired on 60 Minutes in 1994, brought nationwide attention to the plight of garment workers. More recently, in April 2000, working with faculty, physicians and nurses from the University of California, San Francisco (UCSF), AIWA opened a workers health clinic. The project also works with an ergonomist to develop low cost solutions to prevent injuries in factories.

The Asian Pacific American Legal Center of Southern California (APALC) began its advocacy work for Southern California garment workers in 1995 in representing the 72 Thai garment workers released from involuntary servitude in the El Monte sweatshop. APALC filed a lawsuit against the smuggler/employers
and retailers and won a $4 million settlement for the workers. Since El Monte, APALC has brought several other impact litigation cases on behalf of garment workers, was part of the team that negotiated and worked on passage of AB 633, and represents garment workers who are filing wage guarantee claims before the Labor Commissioner.

Sweatshop Watch (SW), a coalition of 24 organizations formed in 1995, engages in statewide and national anti-sweatshop work that its member organizations cannot do individually. For example, working in conjunction with labor, Sweatshop Watch coordinated the community effort in qualifying a ballot measure to raise the minimum wage in California. It hosted a Living Wage Working Summit in 1998, which brought together 50 participants from across the US and abroad to popularize the concept of a living wage. In 1999, it coordinated the effort to win passage of AB 633. Currently, it coordinates statewide advocacy to implement AB 633, mobilizes public pressure against The Gap and other retailers accused of using a system of indentured servitude on Saipan, works with students across the country in their anti-sweatshop activities, and raises public awareness about sweatshops through publishing a quarterly newsletter and serves as an information clearinghouse. Sweatshop Watch recently opened a multi-ethnic Garment Workers Center, a worker membership organization, in Los Angeles’ downtown garment district, where Asian and Latina workers learn about their rights. The workers develop leadership skills through a special curricula for women workers, learn how to use AB 633 to advocate on their own behalf, and train other workers. The Center has a walk-in clinic as well as a telephone hotline in six languages. Asian and Latina workers have organized and worked together to win back wages from contractors and manufacturers. SW’s member organizations, APALC, Korean Immigrant Worker Advocates, and Coalition for Human Immigrant Rights of Los Angeles guide the work of the Center.

New York

The Chinese Staff and Workers Association (CSWA) is a worker organization with garment worker members since 1979. CSWA believes that only empowered workers can make lasting changes in their workplaces and tells workers who come to them for help that “we will fight with you, not for you.” CSWA has a small staff, relying on its worker members to do the program work. CSWA's modus operandi is direct action, rallies, and picket lines and campaigns to expose the inhuman conditions in New York's sweatshops. In 1999, CSWA along with the National Mobilization Against Sweat Shops (NMASS), launched a campaign against Donna Karan accusing it of using subcontractors who operate 12-hour days, seven-day work weeks under intolerable conditions, such as padlocked bathrooms, surveillance cameras, and denial of time off to care for sick children. Identifying excessively long hours of work as one of the leading causes of health and safety problems, CSWA started its Garment Workers Health and Safety Project in 1997. CSWA also targeted corruption in the New York State Workers’ Compensation Board (WCB) where workers are not allowed to testify at their own hearings, are not provided translators, and their cases can drag on for up to seven
to eight years or are closed without explanation. The workers held a demonstration in front of the WCB to protest the delays and collusion between insurance companies and workers’ comp judges. CSWA will be working with New York University Law Center to draft legislation to reform the WCB.

For the past 10 years, the New York-based *Asian American Legal Defense and Education Fund (AALDEF)* has used lawsuits to supplement the organizing efforts of Asian workers. AALDEF, in cooperation with CSWA’s organizing efforts, is currently litigating a class action against Donna Karan on behalf of all workers in her contract shops in New York. By including all of Donna Karan’s contract shops, AALDEF has removed the opportunity to move work between factories as a method of frustrating the lawsuit. Also, AALDEF recently successfully defended itself against a $75 million defamation lawsuit filed against it, CSWA, and NMASS for a campaign against New York manufacturer Street Beat. Street Beat’s lawsuit claimed that the protests in front of their building caused the cancellation of contracts with Sears Roebuck. In this lawsuit, AALDEF created a new legal precedent that protects the rights of workers and activists to engage in protest and exercise their First Amendment rights.
Recommendations for Action

► Hold retailers and manufacturers legally responsible, through impact litigation and legislative advocacy, for the labor law violations of their contractors in order to end their practice of forcing contractors to accept low contract prices or using contractors who are chronic violators.

► Increase staffing levels at state and federal labor agencies and pressure them to direct their enforcement efforts against contractors and manufacturers.

► Organize and unionize workers because only an empowered workforce can monitor its own factory day to day and make lasting changes in their factories and industry.

► Enlist the support of the public to prevent “runaway” shops. Strengthen the ability of NGOs to conduct the necessary state and national level campaigns and advocacy.

► Conduct research to determine the potential impact of the removal of quotas for cotton and wool apparel imports in 2005.

► Obtain federal, state, and county funding for ESL and retraining programs to help garment workers who will lose their jobs in 2005 to transition to other industries.

► Foster global networks and coalitions of garment workers and advocates to counter the race to the bottom and coordinate responses to the elimination of quotas in 2005.
References


Chan, Anita, China’s Workers Under Assault: Exploitation and Abuse in a Globalizing Economy, Armonk, New York, M.E. Sharpe, 2001

Foo, Lora Jo, The Vulnerable and Exploitable Immigrant Workforce and the Need for Strengthening Worker Protective Legislation, 103 Yale L. J. 2179, June 1994

Ellis, Kristi, Blame It on NAFTA, Women’s Wear Daily, Oct. 1999


Kwong, Peter, Forbidden Workers, Illegal Chinese Immigrants and American Labor, 1997

Kwong, Scott, The Triangle Legacy: 90 Years After the Fire, Sweatshops Persist, Women’s Wear Daily, March 22, 2001


Owens, Jennifer, Apparel Drops 4,000 Jobs, Textiles, 5,000 in July, Women’s Wear Daily, Aug. 10, 1998

Ramey, Joanna, Domestic Apparel Employment Continues Downward Trend, Women’s Wear Daily, Jan. 8, 2001


Sweatshop Watch Newsletter, Fair Labor Association=Starvation Wages, Dec. 1999
From "Picturing Change," a project of the Service Employees International Union (SEIU), Local 616, that allows homecare workers to portray their struggles and accomplishments.