

SB 62 – Garment Workers Protection Act (Durazo)
RAC-CA Research Team Recommendation

SUMMARY

SB 1399 would eliminate the “piece work” system in the garment industry by expanding wage theft liability, ensuring that retailers cannot use layers of contracting and subcontracting to avoid responsibility under the law to pay minimum wage and allow safe working conditions.

BACKGROUND

No industry is more rife with employment violations than the garment industry. Largely located south and east of downtown Los Angeles, some 2,000 manufacturers employ more than 40,000 people — mostly immigrant women — who spend 10 to 12 hours a day cutting, sewing and dyeing clothing — from designer jeans to “fast fashion” runway knockoffs.

In 1999, California enacted AB 633 (Steinberg), a landmark labor protection designed to end wage theft in the garment industry.

THE PROBLEM

For the past twenty years, retailers and manufacturers have frustrated AB 633’s original purpose, avoiding liability by creating layers of subcontracting and then claiming that they do not fall under its definition of “garment manufacturer.” Rogue subcontractors who set the pricing then engage in vicious price competition, resulting in rampant and egregious wage violations — including the ongoing use of “piece work” wages.

Under this pay system, workers earn as low as \$.03 per assembly operation (e.g., setting a seam, trimming a blouse), and are cheated out of billions in wages owed to them under minimum wage. These garment workers are currently being paid an average of just \$5.15/hour.

Not only does utilizing the piece rate enable sub-minimum wage, but it also creates unsafe working conditions, as garment workers race against the clock to complete as many items as possible. The piece rate impedes workers’ ability to take (unpaid) breaks in order to sanitize workstations or wash their hands — critical to defeating COVID-19.

SOLUTION

SB 62 would protect garment workers by:

1. Eliminating the piece rate in the garment industry to ensure legal wages for garment workers for all time spent working, while still allowing for incentive-based bonuses above their legal wage;
2. Expanding liability for wage violations;
3. Creating a rebuttable presumption (presumption that testimony is true unless evidence proves otherwise) as to the identities of the brands based on garment workers’ testimony;

4. Explicitly authorizing the Labor Commissioner's Bureau of Field Enforcement to investigate and cite brand guarantors.

SUPPORT

The Garment Worker Center (Co-Sponsor)
California Immigrant Policy Center (CIPC)
Western Center on Law and Poverty (Co-Sponsor)
Bet Tzedek Legal Services (Co-Sponsor)

OPPOSITION

Garment industry owners.
Anti-immigrant, anti-minimum-wage groups

CONCLUSION

The Book of Numbers makes clear: "There shall be one law for you and for the immigrant; it shall be a law for all time throughout the ages. You and the stranger shall be alike before the Eternal" (Numbers 15:15). *The hard won minimum wage must not exclude the vulnerable immigrants who sew the clothes and protective equipment for the rest of us.*

California's garment workers are nearly all Latin American and Asian immigrants, many of whom are undocumented. They have been building a movement that has resulted in this campaign, which will not merely improve but also save lives. Jewish historic and familial connections to the U.S. garment industry, including unsafe working conditions, wage theft and a workforce of young, female immigrants make this racial and economic justice campaign a powerful choice for RAC-CA. The Garment Workers' Center Organizer and Bet Tzedek staff are thrilled and enthused about our potential partnership.