



SENATOR
MARIA ELENA DURAZO
LEGISLATIVE FACTSHEET

Garment Worker Protection Act

Senate Bill 1399

Summary:

SB 1399 would expand wage theft liability in the garment manufacturing industry, ensuring that retailers cannot use layers of contracting to avoid responsibility under the law.

Background:

In 1999, AB 633 (Steinberg) was enacted with the purpose of preventing wage theft in the garment industry and creating access to justice for victims. Some retailers and manufacturers have spent the last 20 years finding ways to circumvent this law to avoid liability, resulting in thousands of workers in California being unable to recover their stolen wages.

Los Angeles is the center of California's "underground economy" – a system characterized by scofflaw employers cheating workers out of billions in wages owed to them under minimum wage and overtime laws. No industry is rife with these violations than the garment industry, where so-called retailers that then contract with a network of manufacturers and subcontractors to produce their garments dictate the pricing structure. This leads to a vicious price competition, resulting in garment workers being paid an average of \$5.15/hour.

Problem:

These so-called retailers have frustrated the law, avoiding liability for this systemic abuse by creating layers of subcontracting, which has enabled them to claim that they do not fall under the definition of "garment manufacturer," as

defined in current law and are therefore not liable for these egregious wage violations. The intent of AB 633 must be restored, and upstream liability established, or the unrelenting problem of wage theft in the garment industry will continue.

Solution:

SB 1399 would protect garment workers by: (1) Eliminating the piece rate in the garment industry in order to ensure garment workers are being fully remunerated for all time-spent working; (2) Expanding liability for wage violations; (3) Creating a rebuttable presumption as to the identities of the guarantors based on garment workers' testimony; (4) Explicitly authorizing the Labor Commissioner's Bureau of Field Enforcement to investigate and cite guarantors.

Support:

The Garment Worker Center (Co-Sponsor)
Bet Tzedek Legal Services (Co-Sponsor)
California Labor Federation (Co-Sponsor)
Western Center on Law and Poverty (Co-Sponsor)
ACCE
ACLU of Northern California
ACLU of Southern California
Asian Americans Advancing Justice - Los Angeles
Bay Rising
CA Employment Lawyers Association (CELA)
CA Low Income Consumer Coalition
Cal Domestic Workers Alliance
Cal Latinas for Reproductive Justice

California Rural Legal Assistance Foundation
Center for Workers Rights
Chinese Progressive Association
CLEAN Carwash LA
Clergy & Laity United for Economic Justice (CLUE)
Coalition for Humane Immigrant Rights L.A. (CHIRLA)
Coalition of California Welfare Rights Organizations
Consumer Attorneys of California
Courage Campaign
Diane Diaz
Eric Garcetti, Mayor of Los Angeles
Fashion Revolution
Food Chain Workers Alliance
Friends Committee on Legislation of California
ILRF (International Labor Rights Forum)
Jewish Public Affairs Committee of CA
Kristine Kim, Global Supply Chain Specialist
LA County Labor Federation
LAANE
La Raza Centro Legal
LA Worker Center Network
Legal Aid at Work
Maquiladora Health and Safety Support Network
Misha Gill, Garment Production Consultant
Nana Atelier
National Council for Occupational Safety and Health (NCOSH)
National Day Laborer Network
National Employment Law Project (NELP)
National Immigration Law Center
Para Los Ninos
Partnership for Working Families
Public Counsel
Rebecca Blake Thompson, Ethical Supply Chain Specialist
Remake
SEIU California
Sew Suay Shop
Sisters of St Joseph
Southern California Coalition for Occupational Safety & Health
UFCW Western States Council
United Students Against Sweatshops (USAS)
Voices for Progress

Wage Justice Center
Warehouse Worker Resource Center
Workers United, Western States Regional Joint Board
Worksafe

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