

CSWA NEWSLETTER

THE VOICE OF THE CHINESE-AMERICAN WORKER



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CHINESE STAFF AND WORKERS' ASSOCIATION

華人職工會

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New Year Reflections

My two-year old son, Darin, is climbing into the toy chest, and my five-year old, Jeremy, is wreaking havoc in the new workers center, opened in Chinatown mid-2004. This morning we watched Wah Jie hang up the new picketing schedule for the Golden Bridge Restaurant. Another year begins, as it began ten years ago, when workers used the New Year to launch a Campaign to Enforce Labor Laws in Chinatown. That campaign brought a wave of youth to CSWA. It also drew media attention on the human rights violations of workers here and compelled the federal government to publicly address sweatshops in the U.S. In that year, students and workers began working together to fight the economic violence that had ravaged our community for decades. Since then, we've built a workers' center in Sunset Park, Brooklyn and spun-off independent workers' centers in other communities, providing vehicles for more communities of workers and poor people to take their lives into their own hands. We've developed the leadership of women and organized injured workers. A few years ago, we witnessed up close the attacks of 9/11. Our members responded. Many construction workers rushed to the WTC site to help, but we quickly realized that the disaster would deeply affect Chinatown by creating massive job loss, causing new and worsened health problems from the contaminated air, hastening development plans that include the removal of immigrant and low-income communities from Lower Manhattan, re-igniting xenophobic fire across the country, and setting the U.S. war machine into action around the globe.

There's been constant struggle and plenty of picketlines in the cold. More women, more workers are coming forward to claim their rights. Chinatown, though still devastated by poverty, is a vibrant community where people are realizing their worth and daring to speak up.

When I think about us ten years ago, the small group of students who began a hunger strike outside of Jing Fong Restaurant on Elizabeth Street, it amazes me to recall all that we have been through together. We have sought to awaken

a fighting spirit in Chinatown and called for the end of the sweatshop system. We witnessed the brutality of the sweatshop system—forcing workers to work upwards of 137 hours a week for far below minimum wage and crippling thousands with workplace injuries and repetitive stress diseases. We witnessed a government that wantonly disregards its own laws when it serves its wealthy business base by failing to crack down on employers that repeatedly violate labor laws, denying assistance to low-income workers in the 9/11 disaster zone, and keeping injured workers from accessing medical treatment or compensation.

We have also enjoyed the successes of our struggles. As a result of years of organizing at restaurants like Jing Fong, for example, restaurant workers now have more control over their working conditions. Back in 1995, 70-80 hour workweeks with little pay used to be the norm, but now in many large restaurants in both Chinatown and Brooklyn, workers have a 40-hour workweek and earn higher wages. This gives me great hope for our future.

I look at the folks who organized the hunger strike and continue to be inspired by their dedication and tireless leadership. Though they are challenged by increased demands from work, family and raising children, Marie, Virginia, Betty, Nelson, and other young members are still standing on those cold picketlines, proving that the desire for justice is not about youthful naiveté but about maturity, strength and persistence. Older CSWA members too continue to set a courageous example. Blacklisting, economic hardship, and heightened conservative pressures could not stop them from organizing, dispelling the perception of immigrant workers as “happy slaves.”

This newsletter is a long time in coming. There has been change, progress and even disaster, so read it to the end. Visit the workers' centers that have been built with your support, meet the tireless staff and Board members who put their whole selves into this work and start a conversation.

—Trinb Duong, 1995 hunger striker

REBUILDING OUR COMMUNITY POST-9/11: A TIMELINE OF MAJOR EVENTS



OCTOBER 2001

Hundreds of car service drivers excluded from the government's relief programs come together in Chinatown and successfully push for inclusion.

NOVEMBER 2001 – APRIL 2002

Over 10,000 garment workers north of Canal Street, where most of the factories are located, lose their jobs and family health insurance. CSWA members conduct an economic survey and find that a third of the factories we were able to survey closed down, and factories that remained open laid off at least half of their workforce. Due to the rigid decision by many relief agencies to use Canal Street as a cut off line, splitting Chinatown in half, these workers are deemed ineligible for any sort of assistance. When large relief agencies refuse to change their guidelines, CSWA partners with Catholic Charities and Brooklyn Bureau of Community Service to direct relief to these workers. CSWA helps to interview and distribute over \$2.3 million to 2200 garment workers.

APRIL 2002

CSWA helps to spearhead the Beyond Ground Zero Network (BGZ), a coalition of community and advocacy groups working within the impacted neighborhoods.

Bush, Pataki: Robbing the Poor to Feed the Rich

For four days the World Trade Center attacks became the politically charged backdrop of the Republican National Convention, as President Bush opportunistically evoked memories of 9/11 and gushed about his “heroic” responses in the aftermath of the tragedy. What has been deliberately left out of the picture is the government’s outright neglect of the economic and environmental fallout of 9/11 on the lives of working people. In fact, in the past few years since 9/11, the “recovery” effort has been an outright attack on the poor. Rather than rebuild the communities impacted by 9/11, the government’s focus has been wreaking havoc on the human rights of working people both here and abroad.

Situated less than a mile from Ground Zero, the already impoverished Lower East Side (L.E.S.) and Chinatown communities were devastated by the WTC attacks. Although the government was keenly aware of the disaster’s impact, its discriminatory relief policies

shamelessly locked out the working poor from the L.E.S. and Chinatown communities and failed outright to address pressing economic and health-related needs. Under the leadership of President Bush and Governor Pataki, the government lied to the public about the dangers of the 9/11 toxic air and manipulated the tragedy to accelerate their plans to displace low-income people from L.E.S. and Chinatown. Billions of relief dollars, including the Lower Manhattan Development Corporation’s Residential Grant Program and Liberty Bonds, have already bypassed 9/11 survivors in Lower Manhattan and have been diverted to the pockets of wealthy land developers to build luxury housing and office space.

Meanwhile, social agencies posturing as the face of the Chinatown community have been jockeying for a piece of the redevelopment money in order to cater to their own interests as landowners and real estate developers, reprehensibly compromising the needs of the



vast majority of working people. Their anti-poor agenda seeks to get rid of the garment industry and low-income housing in the name of promoting tourism, calling for the conversion of Chinatown and L.E.S. into a ‘downtown Times Square’ replete with upscale hotels, department stores, and high-rise condominiums. Following the government’s lead, their proposals also fail to address the health needs of the community.

As the last of a handful of relief programs sunset, we are now witnessing the shortfalls of those programs to address the long-term effects of 9/11. Most Chinatown workers who participated in 9/11 job training programs have either returned to sweatshop jobs in garment factories or have not been able to find enough work or any job at all. The public outcry and organizing efforts in the past three years have forced the government to

acknowledge tenuously that the air was not, as they had claimed just days after 9/11, safe to breathe. Yet the government refuses to provide the necessary treatment for people’s health problems. Many residents and workers from Chinatown and L.E.S. continue to develop worsening health conditions without any treatment or assessment of the long-term consequences.

After 9/11, CSWA helped to bring Chinese workers together with Latino and African American residents and workers from the L.E.S. to form two grassroots coalitions: Beyond Ground Zero Network and the Lower East Side - Chinatown Consortium. Together we believe that there is an alternative to the harsh health and development policies promoted by the government. We demand nothing less than policies that rebuild our health, housing and economic security.

REBUILDING OUR COMMUNITY POST-9/11: A TIMELINE OF MAJOR EVENTS

MAY 2002

Over 2,000 low-income workers from Lower Manhattan gather for a Town Hall Meeting in Chinatown to demand government and private relief agencies, such as Red Cross and Salvation Army, change their exclusionary guidelines and be accountable to their health needs. Programs like the Federal Emergency Management Agency’s (FEMA) Mortgage and Rental Assistance program discriminated against low-income workers by unfairly requiring documentation such as employer verification or did not recognize the fact that many workers in Chinatown are paid in cash. Workers also voice the need for immediate health benefits and raise serious concern about the long-term effects of the toxic air.

JUNE 2002

Over 3,000 workers and residents march from Lower East Side to Foley Square and demonstrate across from the FEMA office.

JULY 2002

A caravan of buses with over 1,000 low-income workers travels to D.C. to march in front of the White House demanding attention to their health needs. Within days after the march, the government announces a citywide program to provide air conditioners and purifiers. Around the same time, the September 11th Fund establishes a program to provide health insurance.

NOVEMBER 2002

CSWA partners with United Methodist Committee on Relief to assist workers apply for 9/11 disaster relief benefits.

DECEMBER 2002

Workers and residents from the Lower East Side and Chinatown gather for a Candlelight Vigil in front of FEMA to demand an extension of the program deadline as well as changes in program criteria. Soon after, FEMA extends its deadline.

LOWER EAST SIDE-CHINATOWN Community Rebuilding Agenda



After 9/11, CSWA helped to bring Chinese and Latino workers and residents together to form the Lower East Side-Chinatown Consortium (LESCC). The following Community Rebuilding Agenda (CRA) was created by the LESCC following a Town Hall Meeting at Seward Park H.S. of over 1,300 low-income people. The CRA proposal is an alternative to the state government's anti-poor, pro-real estate agenda. It has been endorsed by many organizations, faith-based groups, and small business associations. The LESCC steering committee includes Asian American Legal Defense & Education Fund, Cabrini Immigrant Services, CSWA, Chinese United Methodist Church, Hamilton-Madison House, Immigrant Social Services, NMASS, and St. Teresa's Parish.

I. Health & Environment

We demand that the government immediately protect the health of all workers and residents of Lower Manhattan affected by the post-9/11 toxic environment and government cover-up of this problem by:

- ◆ Creating a long-term health study and treatment program that serves affected people living/working outside of immediate Ground Zero area;
- ◆ Providing health insurance for all those living and working in New York affected by the disaster;
- ◆ Making reparations to those suffering permanent health damage resulting from 9/11 toxic fallout and government misconduct and inaction.

II. Housing & Land Use

We demand that the government expand and improve the LMDC Residential Grant Program in the following ways, so as to distribute needed assistance to residents who lived through the 9/11 disaster and have suffered economic and health problems as a result:

- ◆ Extend the Residential Grant Program to assist all residents and small businesses south of 14th Street;
- ◆ End discrimination by eliminating "zones" and equalizing financial assistance;
- ◆ Create a simplified application and appeals process to distribute aid in a timely manner.

We demand that the government prevent displacement of current residents of Lower East Side and Chinatown by preserving all existing low-income housing and prioritizing rebuilding funds to restore low-income housing:

- ◆ Protect existing low-income housing, including using "surplus" funds to replenish funding for NYCHA, Section 8, Mitchell Lama and other publicly subsidized housing
- ◆ Amend federal regulations governing Liberty Bonds to prioritize the funding of new low-income housing in Lower Manhattan
- ◆ Restore low-income housing in the Lower East Side to pre-9/11 levels
- ◆ Begin restoration of low-income housing by expanding the development at Seward Park Urban Renewal Area (SPURA) to include at least 1000 residential units, 100% of which should be low-income housing*

REBUILDING OUR COMMUNITY POST-9/11: A TIMELINE OF MAJOR EVENTS

APRIL 2003-JANUARY 2004

CSWA assists over 2,000 displaced workers to access various health insurance benefits, including health benefits and job training under the September 11th Fund relief program. CSWA successfully advocates for the recognition of cash income by the September 11th Fund program.



APRIL 2003

CSWA helps to form the Lower East Side - Chinatown Consortium in response to the Lower Manhattan Development Corporation's (LMDC) discriminatory, anti-poor Residential Grant Program, which excluded low-income residents on the East Side and unfairly required residents to provide a lease or landlord verification in order to be eligible.

MAY 2003

14 injured workers and 9/11 survivors come together to hunger strike for 7 days in front of NYS Governor Pataki's office in midtown. (see page 6).

JUNE 2003

With the support of CSWA, garment workers whose 9/11 training program was unjustly cut short, successfully fought for the program to be restored. Ironically, many sweatshop bosses in Chinatown teamed up with the garment workers' union to oppose the September 11th Fund-sponsored training program, claiming it took workers away from their factories.

III. Jobs & Economic Recovery

We demand that the government protect low-income working people who were displaced, injured or suffered economic hardship as a result of the 9/11 disaster through innovative disaster assistance and job creation strategies:

- ▶ Create a new disaster assistance program to help affected workers to pay for basic living costs, health expenses, etc.
- ▶ Give priority to Lower Manhattan workers and residents affected by the 9/11 disaster for all jobs (construction, maintenance, security, administrative, etc.) created by rebuilding efforts

We demand that the government keep decent jobs in the community by protecting the garment industry and small businesses from displacement caused by 9/11 economic fallout and lack of government disaster assistance:

- ▶ Strengthen and maintain the existing zoning regulations designed to protect garment manufacturing jobs and other jobs displaced or threatened by 9/11 economic fallout.
- ▶ Create a new rent control and subsidy program to assist garment factory owners and workers keep jobs in Lower Manhattan

*The position of the LESCC is based upon a careful analysis of the history of the Seward Park Urban Renewal Area, as well as statistics confirming the mass displacement of low-income families from the Lower East Side. The creation of SPURA over 30 years ago led to the displacement of over 2,000 low-income families from the Seward Park site alone. Since the 9/11 tragedy, it is estimated that over 1,000 low-income families have been forced from the Lower East Side and Chinatown communities as a result of the economic and environmental impact of 9/11, and the subsequent discriminatory policies of FEMA and LMDC. Our position is also a response to the NYC Housing Development Corporation and Economic Development Corporation, which have proposed that the majority of the 5-lot site be developed for commercial use, with only 400 total residential units (80% at market rate and 20% "affordable").



AN ENVIRONMENTAL DISASTER: THE 9/11 TOXIC AIR CRISIS

The acrid smell of the burning wreckage of the World Trade Center towers lingered for months throughout Lower Manhattan. The air from 9/11 was full of asbestos, mercury, and other toxic chemicals. Now, thousands of residents and workers from Chinatown and the Lower East Side (LES) are suffering from a range of new, inexplicable diseases such as asthma, skin rashes, constant coughing, depression and anxiety. Many others are suffering from worsened health problems like allergies and persistent colds.

Beyond Ground Zero (BGZ) Network

BGZ is a coalition of community and advocacy groups working within the impacted neighborhoods in Lower Manhattan. Through its earlier efforts to challenge the anti-poor 9/11 relief policies, BGZ came to identify health—particularly the 9/11 toxic air fallout—as a critical issue of concern among the community. BGZ sponsoring organizations include: CSWA, NMASS LES Workers' Center, Asian American Legal Defense & Education Fund, Commission on the Public's Health System, & Urban Justice Center.

BGZ Community Health Initiative & Clinic

In response to these new health problems, BGZ partnered with Bellevue Hospital to launch the first screening and treatment clinic that is looking at the effects of the 9/11 toxic air on those living or working beyond the ground zero area, especially in Chinatown and the L.E.S. Right now the BGZ Health Clinic is only able to screen and treat respiratory problems because the government has not provided any resources for it. We are working, however, to expand the clinic to treat other health problems such as skin, gastrointestinal, and anxiety problems.

If you believe that your health problems (whether you suffer from respiratory or other ailments) are related to 9/11, it is important to document your illness through the BGZ Health Clinic to help demonstrate a correlation between the toxic air and a rise in health problems in Lower Manhattan. We must organize to demand the government fund a long-term, comprehensive screening and treatment program that examines and treats all of the many health problems that have resulted from the 9/11 toxic air.

To register for the Clinic or get involved in BGZ, contact (212) 334-2333.

REBUILDING OUR COMMUNITY POST-9/11: A TIMELINE OF MAJOR EVENTS

SEPTEMBER 2003

LESCC sponsors a town hall meeting, drawing over 1,300 9/11 survivors from the LES and Chinatown to call for initiatives that reflect the true needs of the working poor in Lower Manhattan. Congressman Jerrold Nadler, State Senator Tom Duane, and other elected officials attend in support. NYS Governor Pataki and LMDC are invited, but refuse to attend.

SEPTEMBER 2003 – MARCH 2004

CSWA and NMASS assist over 2,000 LES and Chinatown residents to send in applications to LMDC in protest of their exclusionary program. In March 2004, copies of the protest applications are delivered to the offices of Gov. Pataki, Assemblymember Silver, and Senator Bruno.



SPRING 2004

BGZ files a Freedom of Information Act request in 2002 to obtain FEMA's relief program records. The initial records secured prove that there was blatant discrimination against low-income people. For example, fewer than 2% of applicants from the LES and Chinatown zipcodes were approved for IFG funds. Initially, the government is unwilling to comply with the FOIA request in an attempt to cover up the failures of their programs. In 2004, we won our request and received full records. FEMA's later records show that the number of people applying and approved for FEMA relief programs drastically jumped in the months following our outreach activities.

APRIL 2004

Together with BGZ (Beyond Ground Zero), CSWA launches BGZ Community Health Initiative with Bellevue Hospital (see above).

Injured Workers Lead 7-Day Hunger Strike

Since Pataki took office more than eight years ago, his policies to prioritize business and insurance interests have led to a dramatic decline in protections and compensation for injured workers, who now wait as long as ten years without any medical attention before they receive a single penny from Workers' Compensation. This pre-existing issue combined with his neglect of 9/11 health needs in the past three years—including an unsuccessful attempt to slash away at some of the only health insurance programs available to low-income people like Family Health Plus and Medicaid—revealed Pataki's true record on health.

In May 2003, following a series of marches in Albany and uncalled for abuse by Pataki's police, 14 injured workers and 9/11 victims called for a daring seven day hunger strike in front of Governor Pataki's office in New York City to demand accountability to our



health needs. The strike aimed to challenge the abusive working conditions here in the U.S. that are leading to an upsurge in workplace injury and to demand government accountability to the health needs of working people in the wake of 9/11. A brave act of resistance, the hunger strike came at a time when working people were told that we all must sacrifice our wages, benefits, health, and lives in the name of budget deficits and war.

The hunger strike dramatically changed the political landscape that previously hailed Pataki as a hero of the working people in the wake of 9/11.

Hunger strike drawings contributed by artist David Stein.

With each day, the strike drew forth an outpouring of support among working people around the state, grassroots and mainstream organizations, and elected officials, and also caught the attention of the ethnic media. Many new organizations and faith-based groups endorsed the hunger strike including: Council of Churches of the City of New York, Interreligious Foundation for Community Organization, New York State Catholic Conference, Mission and Social Justice at the Riverside Church, and Queens Federation of Churches. On the seventh day, nine remaining hunger strikers stood together to salute their five colleagues that were hospitalized or ended the hunger strike for medical or

SUPPORT THE JUSTICE FOR INJURED WORKERS BILL

Public support for Governor Pataki has dropped to an all time low, as more and more New Yorkers oppose his destructive policies. This legislative session, Pataki has again proposed cuts in health insurance programs for low-income people. He also plans to re-introduce a proposal to slash Workers' Comp benefits. Now is the time to speak out against Governor Pataki's anti-worker legislation and demand accountability for our health needs.

Our Justice for Injured Workers Bill intends to:

- 1) Increase the minimum weekly Workers' Comp benefit rate (currently it is \$40 a week in NYS) to at least minimum-wage levels.
- 2) Resolve Workers Compensation cases within 3 months
- 3) Ensure that workers have the right to decline overtime hours, the leading cause of work place injury, if they choose to.

For more info on the bill or to get involved in It's About TIME! Campaign for Workers' Health & Safety, call (212) 334-2333.

for Our Health



family emergencies. Their energy and resilience amazed all who came to provide overnight security, bring water, attend rallies and candlelight vigils, and sing songs of protest.

The growing pressure was able to delay the state government from passing Pataki's proposal to gut the healthcare system. The strike also put health at the forefront of the local, state, and national agenda and encouraged many different groups to pay attention to the Workers' Comp issue, including the AFL-CIO which later drafted legislation to improve the Workers' Compensation system. The AFL-CIO bill was limited, however, and even the NYS AFL acknowledged that if passed, their legislation would only affect about 3% of all injured workers in the state.

In the months to follow, the hunger strike continued to spark a flurry of educational and outreach activities. While newly inaugurated Governor Arnold Schwarzenegger swiftly passed legislation to cater to business interests and limit benefits for injured workers, the organizing pressure in New York was able to galvanize opposition to Pataki's anti-worker proposal and effectively block its passage in last year's legislative session.

INJURED WORKERS AND 9-11 SURVIVORS WIN 1ST AMENDMENT VICTORY IN ALBANY

When injured workers and 9/11 survivors lead a march in Albany in the fall of 2002 in protest of Pataki's attacks on our health, we were brutalized and arrested by the police. Yet instead of succumbing to the intimidation, we returned to Albany several times and organized a 7-day hunger strike in front of Pataki's NYC office. On October 10, 2003, organizations representing injured workers and 9/11 survivors won

one of the very few First Amendment cases post-9/11. In an out of court settlement, the City of Albany agreed to change its Parade and Assembly Ordinance, which violated the constitution, and accept our proposed amendment. We also won the right, not only for injured workers and 9/11 survivors but for everybody, to march in the streets. In addition, the City of Albany agreed to pay compensation of \$5500.

“ Many people know that Workers' Compensation, under Pataki's leadership, ignores the suffering of the majority of us injured workers...After the hunger strike, some injured workers saw that their cases were sped up. Although we achieved this result, many workers cases remain unresolved. In my case, for example, a few months after I applied I received living expenses through Workers' Compensation for a few months, but suddenly the insurance company unilaterally cut my benefits. I know many injured workers like me that have the same problem. In the past, you would wait a few years and not get a penny. Now you get living expenses for a few months and then they stop you. On the surface it seems like a different policy but in actuality, it is the same.

Pataki's Workers Compensation policies want to force injured workers to go back to work with their

injury...But even if you try to go back to work, the hours are so long. Injured workers cannot heal properly with those jobs. The more you work, the more you hurt. Many injured workers are abandoned by their families. Some get some public assistance. This is how the government subsidizes insurance companies by forcing workers to rely on these benefits. Pataki wants the insurance premiums to be low but wants the insurance companies to still be able to make money. Where will this money come from? Inevitably injured workers will not get proper and timely compensation. If his policies do not make injured workers hungry to death, then his policies will make us work to death...We want workers to be able to reject overtime if they need to, and we demand that the Workers' Compensation system be improved. In this way, working people can live healthier lives. ”

—from the testimony of an injured worker member at 2004 legislative visit



Injured worker members of the It's About TIME! Campaign for Workers' Health & Safety travel to Albany for legislative visits.

WOMEN WORKERS HOLD DKNY ACCOUNTABLE FOR LOCAL SWEATSHOP CONDITIONS

In 1998 Latina and Chinese women workers spoke out about the sweatshop conditions—from long hours, no overtime pay, padlocked bathrooms—that they endured while sewing clothes for DKNY in a unionized factory in NYC. DKNY was especially abusive to the Latina women who were forced into lower-paying jobs, frisked daily and accused of stealing, and barred from sewing with machines because they were too “clumsy” and their “eyes were bigger than the Chinese”. After years of mistreatment, the workers couldn’t take it any longer. With the support of CSWA and National Mobilization Against SweatShops, workers came together to organize more workers, take legal action, and launch a boycott.

The Boycott DKNY campaign was successful because we organized and relied on the garment workers themselves instead of relying primarily on consumers. With this perspective, we were able to bring forth one group of workers after another, and the campaign quickly grew into the national and international arenas. DKNY capitulated to the mounting pressure, rather than wait for the pending Liberty Apparel case (see above article). In October 2003, DKNY settled out of court the class action lawsuit for wage violations as well as the Latina workers’ discrimination suit. DKNY compensated the workers an estimated \$1 million dollars.



Boycott

Liberty Apparel!

TAKE A STAND AGAINST SWEATSHOPS IN THE U.S. & DEMAND MANUFACTURERS BE ACCOUNTABLE TO THEIR SUBCONTRACTED WORKERS

Liberty Workers Fight Back

In 1999, 26 garment workers came forward to demand Liberty Apparel take responsibility for the sweatshop conditions they fostered, including 14 hour work days and \$3 an hour wages with no overtime pay. The 80+ hour workweeks were so grueling that many women were left with no time to care for their own children and were forced to send their babies back to China to be raised.

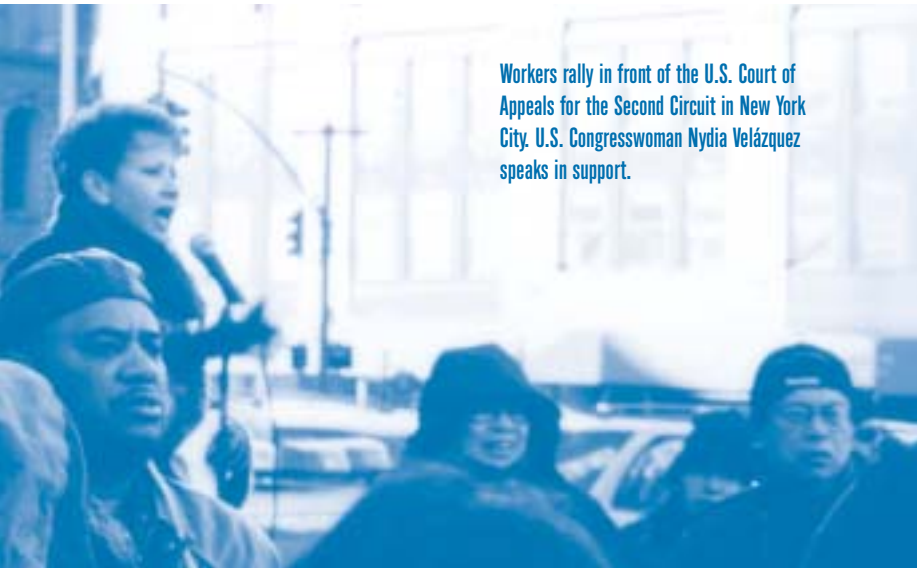
The workers have not been paid for four to eight months of work. Meanwhile, Liberty Apparel had its representatives visit the factories regularly to set production standards and schedules—at times, instructing workers and directing them to speed up. Liberty reps were aware that workers were not getting paid and promised workers their pay if they met Liberty’s harsh production deadlines. Later, Liberty Apparel tried to

deny any responsibility for the conditions that they profited from for years.

When a lower court ruled against the Liberty workers, they appealed the decision to the U.S. Court of Appeals for the Second Circuit. The workers led a rally in front of the courthouse in January 2003, which drew the support of U.S. Congresswoman Nydia Velazquez as well as many community and faith-based groups. Ms. Luo, a Liberty seamstress, spoke out, “Each dollar has our blood, sweat, and tears all over it.” As a result of all the public attention, the lower court decision was recently overturned. Now the case is being sent back to the same lower court judge that originally ruled against the Liberty workers. It is critical that we organize now before the case is reheard in the lower court later this year.

GARMENT WORKERS IN BROOKLYN WIN BACKWAGES FROM JENNA LANE CLOTHING MANUFACTURER

A group of Chinese and Latina garment workers from Sunset Park, Brooklyn recently won close to \$300,000 in backwages from clothing manufacturers Jenna Lane and also Zeke n Zoe. As more and more garment factories move from Chinatown to Sunset Park, this victory will set an important example for other garment workers to come forward to demand accountability.



Workers rally in front of the U.S. Court of Appeals for the Second Circuit in New York City. U.S. Congresswoman Nydia Velázquez speaks in support.

Fair Labor Standards Act (FLSA) in Crisis

In the past couple of decades—long before the Liberty case—garment and other subcontracted workers in New York City have been successful in using the FLSA and other labor laws to hold manufacturers (or “general contractors”) like Kate Werner, DKNY, Streetbeat Sportswear, Tracy Evans, Bahari, Kathie Lee Gifford, and the City of New York accountable for labor violations. Now the lower court ruling on the Liberty case threatens to reverse the gains of workers achieved through years of difficult organizing and roll back established interpretation of the FLSA law. Currently, several cases, including a second group of Streetbeat workers and the Odd and Even workers, are waiting for the outcome of Liberty appeal, but more importantly, this case will impact working people throughout the entire country.

The Impact of Zheng vs. Liberty

As more and more working people in the U.S. face the dismal reality of overwork or underemployment, sweatshop conditions are no longer a “Third World” or “immigrant” phenomenon. Regardless of our race, immigration status, or trade, many of us are working longer hours than ever for less wages with no control over our time or our lives. Others are not able to find enough work to make ends meet.

At the heart of these sweatshop conditions is the subcontracting system which is spreading well beyond the garment trade to include more industries such as construction, temp work, high tech office work, janitorial and cleaning service, poultry, meat-packing, and home healthcare. Women, immigrants, and people of color who are often working in subcontracted jobs are the hardest hit.

Join Us to Eliminate Sweatshops in the U.S.

Our boycott is worker-led, rather than consumer-led, and is an opportunity to bring together working people, youth, women, and their organizations from diverse backgrounds to fight against the rising tide of sweatshop conditions here in this country. Together, we demand that manufacturers like Liberty Apparel and DKNY be held accountable to their subcontracted workers, and to demand that Liberty Apparel pay the unpaid wages and overtime they owe to the workers.

WORKERS SUE FOR WAGES

Call to boycott clothes maker

BY LAUREN WEBER
STAFF WRITER

Garment workers yesterday called for a boycott of Manhattan clothing manufacturer Liberty Apparel, saying the company should be held responsible for allegedly helping a factory owner cheat workers out of fair wages and decent working conditions.

Twenty-six workers of a Chinatown garment factory, many of whom called for the boycott at a news conference in front of the Liberty offices, say they sewed for 14 or 15 hours a day and were never paid for much of their work. According to Ling Nan Zheng, the lead plaintiff in a suit filed against Liberty in federal court in Manhattan, the factory owner, who was also named in the suit, owes them approximately \$200,000 in unpaid wages. Liberty, the suit contends, subcontracted work out to the company, 303 Fashion Inc.

The factory was owned by Steven Yam, who disappeared after abruptly closing the factory in 1999, according to an organizer for the National Mobilization Against Sweatshops. The workers argue that Liberty, located at 1407 Broadway, is hiding behind the subcontracting system to circumvent state and federal laws governing wages and working conditions. They sued Liberty and Yam in 2001, and are currently awaiting a de-

cision on the latest appeal. Legal experts have said the case could have far-reaching implications for companies whose contractors violate labor laws here and abroad.

“Manufacturers know there’s no way to finish these orders on time, at the prices they’re paying, if the factories are paying minimum wage and paying for overtime,” said Karah Newton, an organizer with the National Mobilization Against Sweatshops.

Factories can close down quickly if they think the law is catching up with them, she said. “The ease with which these factories are able to shut down is what makes the whole system work.”

Liberty’s lawyer, Michael Klein, said in a prepared statement, “Because the case is now before the district court, Liberty Apparel will not comment on the specific issues involved, other than to say that it opposes unfair labor conditions in its or any other industry.”

Workers say Liberty should be held accountable because it knew about the conditions there — including 10-minute breaks for lunch, poor ventilation, lack of air conditioning and 14-hour workdays.

National Mobilization Against Sweatshops organizers say they have found Liberty clothes at Family Dollar and Conway stores.



Rin, 4, the daughter of a garment worker, joins a protest against clothing maker, Liberty Apparel, yesterday in Manhattan yesterday. GETTY IMAGES PHOTO

Article from *Newsday*, July 9, 2004

WHAT YOU CAN DO TO HELP

- ◆ Boycott retailers that sell Liberty Apparel clothing.
- ◆ Help us find Liberty Apparel clothing in your community.
- ◆ Distribute to your friends, family, and co-workers the Boycott Liberty Apparel pledge, flyers, and posters.
- ◆ Share your ideas with us!
- ◆ Form a local support committee for the Ain't I a Woman?! Campaign.
- ◆ Make a donation to the Campaign to help cover the costs for educational materials (Please earmark checks Liberty).
- ◆ Check out the Ain't I a Woman?! Campaign website at www.aintIaWoman.org for more info.

Workers' organizing leads to shorter hours & higher wages

After years of enduring abusive conditions, minimum wage violations, tips-stealing, and illegal firings, the militancy of the restaurant workers struggle in Chinatown, particularly at New Silver Palace (NSP) restaurant, along with two of the largest dim sum houses in Brooklyn, has led to a series of precedent-setting victories for working people!

Undoubtedly, the most significant accomplishment of our restaurant organizing has been changing the working conditions in Chinatown restaurants. Unlike the garment industry, which is primarily a unionized workforce, Chinese restaurant workers are mostly non-union. Ironically, conditions in the garment industry have continued in a downward spiral since the 1980s while conditions for restaurant workers have steadily improved. Our restaurant committee's efforts have resulted in shorter hours and higher wages. In fact, a number of medium and large size restaurants

now have a 40-hour workweek. Restaurant workers have been encouraged by the historic struggle at NSP where 318 Restaurant Workers Union members as well as workers from other trades have fought for so many years for the full enforcement of the labor laws.

The NSP fight has sparked an upsurge in workers organizing in restaurants throughout both Chinatowns in Brooklyn and Manhattan and as far away as Westchester County, including: *Jade Plaza*, *Ocean Empire* and *Ocean Palace* located on 8th Avenue in Sunset Park, Brooklyn and *Ocean Pavillion* located on Avenue U in Brooklyn; *Hunan Village* and *David's Jade Palace* in Westchester; *Grand Buffet* and *King Chef* in New Jersey, and *Harmony Palace* and *Triple 8* in Chinatown. Some of these restaurant battles have already been won, and workers have been awarded several million dollars in backpay while maintaining their jobs.

NEW SILVER PALACE A MAJOR VICTORY FOR ALL WORKING PEOPLE

Restaurant workers and 318 Restaurant Worker Union members from the New Silver Palace (NSP) Restaurant recently won a landmark legal decision that impacts workers' right to sue sweatshop bosses. First, a federal judge affirmed the right of a worker to sue the employer individually (in addition to the company) when the employer violates NY State labor law. Secondly, workers can sue their employer at the same time in both federal court and National Labor Relations Board for damages when the employer retaliates against them for exercising their rights under the Fair Labor Standards Act. Workers also recovered a \$500,000 settlement from some of the defendants and are pursuing the remaining \$2.9 million not yet recovered.

The workers are also demanding that the landlord of NSP—who are the owners of East Bank and also one of the largest real estate owners in Chinatown—be held accountable. We learned that the bank

"stole" from the workers by engaging in a scheme involving loans with the restaurant. This allowed the old Silver Palace Restaurant to file bankruptcy in 1997 and avoid paying compensation owed to the workers. A few months later, the restaurant reopened as NSP, yet was run by the same Silver Palace management. NSP continued to steal workers' tips. Meanwhile, NSP was secretly paying East Bank the dissolved Silver Palace "loan" of \$1.25 million in the amount of \$10,000 in interest payments per month. We believe this money comes from the workers' hard earned tips. 318 RWU members and their supporters have been picketing East Bank to demand compensation for the stolen tips.

The NSP fight is part of the Justice Will Be Served Campaign, sponsored by 318 RWU, CSWA, & NMASS.



NEWLY OPENED GOLDEN BRIDGE RESTAURANT DISCRIMINATES AGAINST MEMBERS OF 318 UNION

GOLDEN BRIDGE is the newly opened restaurant at the former site of the NEW SILVER PALACE Restaurant at 50 Bowery in Chinatown. The money behind GOLDEN BRIDGE comes from big business and real estate interests such as the Dynasty Supermarket chain and East Bank. Together with GOLDEN BRIDGE, they are trying to join hands to roll back the many gains workers have made in improving restaurant conditions and establishing more control for workers in Chinatown. When GOLDEN BRIDGE opened recently, they discriminated against the 318 Restaurant Workers Union (318 RWU) members, many of whom are also workers displaced by the economic blows of the September 11th tragedy. GOLDEN BRIDGE refused to even give the union members an interview and spread lies about the union, such as publicly referring to the 318 RWU as an "illegal organization."

The 318 Restaurant Worker Union members and the Justice Will Be Served Campaign! are now calling for the boycott of the GOLDEN BRIDGE restaurant and have launched picketing four times a week! Come check out the weekly pickets at GOLDEN BRIDGE, and help spread the word. For picket times and more information, contact (212) 334-2333.

Fuzhounese workers take on discrimination & retaliation

Workers from the third largest restaurant in Chinatown, “Yue Tung Restaurant” (a.k.a. “Triple 8” and “88 Palace”) are organizing to assert their rights and fight against unfair labor practices. This is the first time Fuzhounese workers are leading the organizing efforts in Chinatown restaurants. The workers have not yet won their lawsuit for minimum wage and overtime pay, yet working conditions have already improved dramatically since the workers came forward.

Some of the “Triple 8” workers are undocumented but are still fighting back despite all of the many risks. When the workers began to organize, the bosses responded by taking advantage of the Employers’ Sanctions provision. This provision, which is part of the 1986 Immigration Reform and Control Act, gives employers the power to check workers’ documents and pit undocumented workers against other undocumented and documented workers.

One of the main leaders among the “Triple 8” restaurant workers is Ms. Jiang. Below Ms. Jiang shares some of the history behind the “Triple 8” struggle.

■ **CSWA NEWS:** When did you begin to work at Triple 8?

■ **JIANG:** In 1996, I got a job as a busperson at the “Yue Tung Restaurant” located on East Broadway underneath the Manhattan Bridge. We worked 10-12 hours a day, 6 days a week, and the wages were very low. I earned about \$250 a month plus tips, but the boss took part of our tips. Around 2002, many of us talked about suing the boss, but it was all just a lot of talk.

■ **CSWA NEWS:** So later on what led you to want to fight?

■ **JIANG:** About two years ago, because of a Labor Dept. investigation¹, the restaurant owners changed their name to Sun Yue Tung Restaurant (a.k.a. New Triple 8 or 88 Palace). Although the name changed, the

owner was pretty much the same. Actually the old boss was still a joint owner of the “new” restaurant. Initially, the “new” management planned to get rid of all of us, but we came together and went to CSWA. The employer heard we went to CSWA and immediately reinstated all of us, but the management also made us agree to a 3-month probationary period. They had us sign a form that said if it didn’t work out after 3 months, they could fire us and we couldn’t sue them. I signed it because I didn’t want to be out of a job. But this didn’t stop us from coming together. We continued to prepare our lawsuit, which we filed on August 2003.

Since then, the managers constantly watched over us. Some of the managers used very insulting words to speak to us, especially us women. I don’t even want to repeat to you what dirty words they said. Others would order us around, asking us to do work that wasn’t our responsibility. If we tried to explain that it wasn’t our job to do certain tasks, the manager would yell at us, “Whatever I tell you to do, you just better do it!”

■ **CSWA NEWS:** Why did they fire you?

■ **JIANG:** The management has been targeting those of us who were part of the lawsuit, especially the Fuzhounese workers like myself. The manager told some of us Fuzhounese who were part of the lawsuit that we didn’t have status and so fired us. We knew they were being unfair because there were other undocumented workers at the restaurant who were not part of the lawsuit, and they were not fired. They also tried to fire me even though I did have status. I was fired on June 21, 2004.

■ **CSWA NEWS:** Since you began to fight, have you seen any progress?

■ **JIANG:** The National Labor Relations Board demanded “Triple 8” to reinstate two of us who were unfairly fired, but the restaurant refused and insisted on only



paying us two weeks worth of pay. I was fired more than five months ago. Others were fired seven months ago. Now the case has to go to a hearing.²

Ever since we began to fight back, conditions in the restaurant have changed a lot. The boss changed the hours so that now all the workers work 40 hours a week and we make even more money than we did before when worked like dogs for more than 70 hours a week!

■ **CSWA NEWS:** Even after you began to fight, you were still working at Triple 8. Were you ever scared?

■ **JIANG:** I’m not scared because other workers have been supporting me. Some of my family wasn’t always that supportive though. They thought that if I didn’t sue him [the boss] and “make trouble” that I would still have a job. But I knew that even if I didn’t sue, the boss probably still would fire us.

■ **CSWA NEWS:** How did you hear about CSWA?

■ **JIANG:** Through my co-workers. I also heard about the New Silver Palace restaurant workers standing up for their rights.

■ **CSWA NEWS:** What did you think of the New Silver Palace fight?

■ **JIANG:** [Laughing] I used to think the NSP workers were bad. I didn’t like that they picketed people’s wedding banquets. But now that this has happened to me at Triple 8, I understand more about NSP. I see that they did the right thing, so now I support and picket with them once a week. Like in my case, I see that they did nothing wrong. This is our right.

¹ The Dept. of Labor investigated “Triple 8” restaurant in 2001 and ordered the restaurant to pay the workers some backwages, but to date, the restaurant has not paid any of this money, and the DOL has no teeth to enforce it.

² Shortly after this interview, Ms. Jiang won an NLRB ruling and won reinstatement as well as compensation of close to \$10,000 for the time she was out of work as a result of her retaliatory firing in June 2004.

CHINESE STAFF AND WORKERS' ASSOCIATION



"Leadership for a Changing World" awardees meet with CSWA.
(CSWA director Wing Lam was a 2001 LCW award recipient.)



Annual summer picnic at Heckscher State Park, 2004.



Video screening at Sunset Park Brooklyn center.

CSWA CELEBRATES 25 YEARS OF ORGANIZING!

Keep a look out for our upcoming anniversary celebration at the end of summer 2005 (date & location to be announced).

BECOME A MEMBER OF CSWA & SUPPORT FUTURE ORGANIZING PROGRAMS TO COME!

(see membership insert)

JOIN OUR CSWA NEWSLETTER COMMITTEE!

We're excited to introduce this re-launching of "The Voice of the Chinese American Worker," which features events and accomplishments from the past few years. We aim to publish this newsletter twice a year and need your participation. To get involved, contact CSWA.

For more information visit us online at www.cswa.org, email us at cswa@cswa.org or contact us at our two worker centers listed below.

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