

Why were the Saigon Grill workers able to win, and win big?!

Was it because they had a big group of people? Was it because they had a big law firm on their side? Although these are some factors, they are not the only ones; and workers used many different ways to win this battle.

The delivery workers at Saigon Grill suffered, up to a decade-long, constant abuse and danger on the job for relatively good pay. (Some workers made as much as \$3,000 per month with tips.) But at the end, the money was not worth being treated like less than human beings. E.g., being asked by the boss to pay for all the orders when you've just been robbed, held at gunpoint, and nearly killed. Being fined \$200 for an order that was considered late after dodging through high-speed traffic on two-wheels. Or being daily cursed at and called "dog" or "pig" by the boss. But, still, how did this group of workers break through almost a decade of slave-like conditions and win so big?

Breaking barriers and prejudices, forging unity: Obviously, more workers, more power. But for these 36 workers, they had to overcome many divisions to win- such as whether you are documented or undocumented, which village you are from in Fuzhou, whether you are a motorcycle or bicycle delivery worker, etc. For almost half a year, before the workers were fired in March 2007, four different groups of workers tried to start an action against the restaurant and failed. But when the boss fired all the delivery workers and shut down the delivery department the 36 workers started to overcome these divisions and see that they all faced the same problem and needed to come together to find a common solution.

Building Leadership: Other cases have failed primarily because the leader cares more about his personal interest, e.g. preserving his own job or getting more money, rather than seeing that his own interest is tied to the collective interest of the group of workers. The leaders at Saigon Grill knew that the difference between winning and losing lay in their ability to bring together the 36 workers with so many differences between them in order to lead them towards their common goal. And through the process, the leaders cared about the well-being of their co-workers and were able to draw out their ideas, and explain and guide them through every step of this struggle.

Identifying with Chinese Staff & Workers' Association as a workers' organization: Workers at Saigon Grill did not wait at home, waiting for a few lawyers and CSWA staff members to win their case. They won because they understood that the power lies within the collective force of workers, including themselves. And they were able to connect with other workers and utilize this force to fight the boss in a way that no lawyer, nor any advocate could ever do.

Workers leading and winning the support of other working people and leaders in the community: The Saigon Grill workers were able to win the support of so many leaders and members of the community, not because they attracted their sympathy. Instead of acting as victims seeking help, the Saigon Grill workers acted as a leading example calling on other workers and community leaders to join them in this struggle against the sweatshop conditions we face in common. Because of this, local elected officials took the lead to introduce legislation to strengthen workers' rights. Other community leaders and members spread this fight and urged their local businesses to comply with the labor law. Students organized their own campaign to bring awareness to the sweatshop conditions in the city. Moreover, this campaign went beyond a consumer boycott, but organized working people in the community to fight for their rights.

Utilizing the law; not dependent on the law: Davis Polk & Wardwell, a world-wide firm with

more than 700 lawyers, put great effort into this case and helped to bring about a great victory. But the law firm also represents many other Chinese workers, besides the Saigon Grill workers. So the ability of the law firm cannot explain why some workers have won and not others. In general when the legal process reaches a certain point, lawyers will try to encourage workers to take significantly less, because the boss could possibly declare bankruptcy and the workers might not see a single penny. But because the workers utilized many different forms to win, they did not depend on the law. Thus, they were able to expand the boundaries of the law and their victory set legal precedents strengthening the rights of all workers.

Utilizing different ways to win: The Saigon Grill workers learned to use not only the wage and hour law, but also other government agencies and laws to win- such as the National Labor Relations Act; criminal prosecution through the NY State Attorney General, etc. Almost a year after the workers had been fired, the National Labor relations Board found that the owners violated the Act by shutting down the delivery department and terminating all the workers because they were trying to organize, and issued an order to force the restaurant to reopen the delivery department and reinstate the workers. On October 2008 the U.S. District Court issued a \$4.6 million judgment against the Saigon Grill owners, for failure to pay minimum and overtime wages, and fines. The decision set legal precedents strengthening workers' rights, so that workers could sue beyond the statute of limitations. Two months later the NY State Attorney General collected enough evidence from the workers, arrested and prosecuted owners Simon and Michelle Nget for 400 counts of criminal violations.

Persevering in battle: Ultimately, it was the perseverance of some many workers in this battle that forced the government and courts to action and brought about victory. The owners of Saigon Grill believed that by firing all the delivery workers and shutting down the delivery department, all the workers would be forced to find other jobs and would disperse and then disappear. But for the first three months, all 36 workers used their own savings, borrowed from friends and family, and pooled money together to picket two times a day, five times a week in front of the restaurant. One Saigon Grill worker had just had his third child when the picket started; but came to the picket line everyday all smiles. Then, when financial pressures became too tough, other Saigon Grill workers who were working supported six of the workers to maintain the picket line everyday, while the others participated once a week, with the support of other workers around the city. Their perseverance gained support of working people all over the world. In one instance the workers inspired 200 students from all around the city to stage a sit-in inside Saigon Grill restaurant, to the dismay of the boss and management inside.

What was won: Yes, obviously alot of money. But besides the money, the workers won their jobs back and set legal precedents strengthening the rights for all workers. This battle sparked a new wave of latino workers, nail salon workers, and others to join us in this struggle. Restaurants throughout the NYC reduced workers hours and doubled wages. This is a victory for all workers, who during this battle, emboldened thousands of others to come out and fight against the common sweatshop conditions at our workplaces. The New York Times called this the "deliverymen's rebellion." Most importantly, this battle changed the thinking of many working people who had believed they needed to accept slave-like conditions. Through this battle, we showed the world that more and more workers refuse to be slaves. We reclaimed our dignity. And we won the hearts and souls of millions of working people. We showed a concrete path, how even in this economic crisis, undocumented and documented workers can come together to repeal the modern slave law and fight for a better life.