

CHINESE STAFF & WORKERS' ASSOCIATION

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Dear Friend,

On behalf of the *Ain't I a Woman?! Campaign*, we are writing to inform you of an urgent situation and to ask for your participation as we mobilize for a demonstration in front of the U.S. Court of Appeals for the Second Circuit in New York City on Thursday, January 16, 2003. The court is making a decision in *Zheng v. Liberty Apparel Co.* that threatens to reverse the gains won by workers organizing for decades to challenge how manufacturers and retailers like Liberty Apparel and Donna Karan use the subcontracting system to shield them from liability for sweatshop conditions that they foster in their factories.

The Court Ruling

Over ten years ago, garment workers in New York City's Chinatown came forward to pursue and win backwages and overtime pay from their manufacturers, sparking a new wave of successful organizing to call for greater manufacturer accountability. This organizing contributed to a widely accepted interpretation of the Fair Labor Standards Act (FLSA) that established general contractors (manufacturers) as employers of their sub-contracted workers under federal law and thereby accountable for the conditions under which they worked. In *Zheng v. Liberty Apparel Co.*, however, the U.S. District Court for the Southern District of New York recently ignored this interpretation. The twenty-six garment workers who sewed Liberty's garments are appealing this decision in the U.S. Court of Appeals for the Second Circuit.

Liberty Workers Fight Back

While clothing manufacturer Liberty Apparel pocketed millions in profits, workers were denied minimum wage and overtime pay. Their wages were even withheld for four to eight months. Liberty representatives often visited the factory and promised workers that they would be paid if they rushed to meet tighter deadlines. To keep up with 80-hour work weeks and intense pace of work, several women at Liberty sent their babies back to China to be raised by relatives—a growing pattern among overworked, immigrant parents in the U.S. Pregnant women also were forced to work up until birth.

The Far Reaching Effects of This Case

It is no surprise that a growing number of industries have adopted the subcontracting system which allows employers to maximize their profit margins without any responsibility for workplace conditions. From meatpacking and construction to healthcare and temp work—the court ruling to gut the FLSA and strip workers of what little legal protections they have during a time of paycuts, rising unemployment and job displacement could be devastating. The *Zheng v. Liberty* decision, if unopposed, could deal a crushing blow to low-income women, immigrants, and people of color who make up the majority of subcontracted workers. Particularly hard hit would be women, who caught the brunt of other assaults on workers in the last decade, such as

lengthening hours and the expansion of cheap-labor programs like workfare. If we want real security in our lives—whether we are immigrant women, mothers doing the valuable work of raising our children, students, office workers, injured workers, or youth who are already working—the Liberty fight is our fight. Our voices need to be heard and those who profit from our work should not be allowed to walk away without paying us for our work or compensating us for injuries incurred.

Join us on January 16th at 9 a.m. for a press conference and rally in front of the U.S. Court of Appeals for the Second Circuit at the Federal Courthouse, 40 Foley Square, New York City, to stop the U.S. Court of Appeals from dismantling the hard-won advances of working people to hold corporations responsible for the sweatshop conditions they promote through their contractors. The stakes are high: losing this case will give employers new license to outright strip workers of their wages, health, families and time. Come out and take a stand!

Sincerely,

Wing Lam

The Ain't I a Woman?! Campaign, sponsored by the National Mobilization Against SweatShops and Chinese Staff & Workers' Association, was spearheaded in 1998 by Latino and Chinese garment workers who came forward to hold clothing manufacturer Donna Karan (DKNY) accountable for the abusive treatment of women sewing her garments in New York City sweatshops. The DKNY struggle has grown to become a broader call for a new grassroots women's movement to fight for control of our time, as well as to fight for our health, respect, and recognition and payment for the valuable work of caregiving.