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Lawsuit Accuses Fashion House of Running Sweatshops

By STEVEN GREENHOUSE

A class-action lawsuit filed yesterday accuses one of New York's best-known fashion houses, Donna Karan, of running sweatshops that cheated workers out of millions of dollars in overtime pay.

The lawsuit, filed by the Asian American Legal Defense and Education Fund, contends that Donna Karan and several factories that make or made its clothing systematically break the law by not paying time and a half to employees who are forced to work seven days a week, usually putting in nearly 75 hours each week.

"I was too scared to miss a day because I was worried that if I did, I would lose my job," said Feng Jiang, an immigrant from China, who also said she sometimes worked 100 days in a row for a Manhattan factory that made Donna Karan gowns and dresses.

The lawsuit, filed in Federal District Court in Manhattan, is the first class-action suit accusing a New York clothing manufacturer of operating sweatshops. In other instances, once workers accused their factories of not paying the minimum wage or overtime, the fashion houses aban-

doned those factories and moved work to others, where conditions were often little different.

This suit seeks to prevent that by covering workers at any factory that does a substantial amount of work for Donna Karan. "This is a broad-based attack on sweatshops in New York," said Kenneth Kimerling, legal director of the Asian American fund. "We're sending a clear signal that you can't run away."

Ms. Jiang and the other four plaintiffs said they worked for a factory, Jen Chu Fashion, that did not pay them time and a half for the time they worked in excess of 40 hours a week, as is required by law.

Ms. Jiang said she typically worked 73 hours a week — 11 hours a day Monday through Friday, 10 hours on Saturdays and 8 hours on Sundays. Many of the workers earned \$8.50 an hour, but Ms. Jiang, who is paid piecework, said she often earned less than the minimum wage of \$5.15 an hour.

The plaintiffs said that most of Jen Chu Fashion's work was for Donna Karan and that the factory closed two weeks ago, shortly after they made their overtime claims. They said most of the Donna Karan work had been moved to a factory owned

by the same family and in the same building on Eighth Avenue. Efforts to reach officials at both factories were unsuccessful yesterday.

As many fashion houses do, Donna Karan International asserts that it should not be held responsible for wage and hour violations committed by factories with which it contracts. In a statement yesterday, the company said it expected its contractors to comply with labor laws and ethical standards.

The company said: "We believe that the claims against the company are without merit, and plan to defend against them vigorously. We do not believe we should be held responsible for another company's business practices over which we have no control, particularly where we understand the workers are represented by a union."

Mr. Kimerling contended that under federal and state law, Donna Karan should be considered a joint employer with its contractors' factories because it exercises so much control over the factories and because most of their production is for Donna Karan. Joint employers can be held liable for wage and hour violations.

The plaintiffs and about 50 sup-

porters held a noontime demonstration yesterday in front of the store at 60th Street and Avenue. Mr. Kimerling said he proposed class for the suit would be at least 300 workers, spread over several factories. He estimated each worker was owed \$10,000 in overtime pay.

Before the Jen Chu factory closed, its 60 workers were represented by Local 89-22-1 of the Union of Textile, Industrial and Textile Employees. Richard Rumelt, a union leader, said the local had no knowledge of extensive overtime violations because the workers had no grievances about it.

"If what's in the lawsuit is absolutely outrageous,"

The Chinese Staff and Workers Association, an advocacy group, often accuses the union of representing garment workers who worked closely with the employer in bringing the lawsuit and organizing yesterday's demonstration.

Some industry experts say garment workers are often reluctant to complain about overtime violations because they fear they will lose their jobs and because they often receive their cash-payments through the books. Fear may be brought to light