



Sweatshop NATION

The Voice of National Mobilization Against Sweatshops



Injured and not-yet-injured workers gather at a recent protest in Albany.

Pataki Guilty! New York Governor Found to Violate NAFTA

Mexico is nice this time of year. Especially if you're an injured worker in the United States.

Three years of pushing the Mexican government to stand up and hold its northern neighbor responsible for human rights abuses has paid off. After injured workers' repeated efforts to hold New York Governor Pataki accountable for widespread sweatshop conditions and a ruinous state Workers' Comp system, they looked south of the border for justice. And Mexican labor officials vindicated them when they declared Pataki and New York State 'guilty' and released findings of significant evidence in New York of "serious obstacles [that] impede workers' rights [to] compensation for occupational injuries and illnesses."

Injured workers have enthusiastically praised the Mexican government's find-

ings. "I feel happy because these findings confirm what we injured workers have been raising all these past years," stated an exuberant Cornetta McNeal, an NMASS member, injured after years of long, grueling hours as a home care worker. "We have always known that Pataki is guilty of allowing hundreds of thousands of New Yorkers to get hurt at work every year. His treatment of disabled workers seeking Workers' Comp benefits is even worse. It would be a shame if the U.S. were to continue to violate our human rights." Ms. McNeal has been forced to wait more than 10 years without any workers' comp benefits or medical treatment.

"The Pataki Administration's stunning disregard for injured workers made New York the first state to be the exclusive target of a challenge under the NAFTA labor side agreement, and now

New York is the first whose labor practices have been referred for Ministerial Consultations in such a case," said Professor Michael Wishnie, co-director of the Immigrant Rights Clinic at NYU School of Law and counsel for the petitioners. As one remedy, Mexico recommended that U.S. Secretary of Labor Elaine Chao meet with her Mexican counterpart as a first step toward resolving these violations.

Now the federal government must also take responsibility for Pataki's failure to enforce basic labor laws and answer thousands of injured workers wanting to know why the U.S. treats them like garbage. George W. Bush, watch out.

INSIDE THIS ISSUE

	PAGE
Hunt down Liberty Apparel's sweatshop labels at your local store	2
Bahari garment workers defy anti-immigrant laws	3
First Amendment win highlights absurdity of injured workers' arrests	4
New York Post coverage of NAFTA victory	4
Pataki's workers' comp cuts blocked	5
9-11 victims mobilize to rebuild the Lower East Side	6
Union workers stand up to threats by Golden Bridge restaurant	7

JOIN NMASS!

DETAILS ON THE BACK PAGE

Action Alert: Boycott Liberty Apparel

Liberty Apparel, a clothing manufacturer based in New York, has spent over five years using the court system to avoid paying the garment workers employed in their subcontracted sweatshops. Sweatshop conditions including 80-hour workweeks, no overtime pay, and withheld wages are still being practiced in Liberty's contracted factories today. To top it off, Liberty Apparel has generally been sold in thousands of bargain retail stores primarily in low-income neighborhoods in the U.S., catering to workers who are also being squeezed by their own managers and supervisors for more work at less compensation.

In November 2004, the "Ain't I A Woman!!?" campaign notified over six thousand retailers across the country of our struggle with Liberty Apparel. Since then, we have received pledges from a number of retailers vowing not to do business with

Liberty including Fashionette and Casa Frank. We have also received hostile phone calls and letters, and threats to file lawsuits for slander from individuals representing companies that apparently have big contracts to protect or something to hide, such as retailer Fashion Cents/Norstan Apparel.

The "Ain't I A Woman" Campaign is on the lookout for retailers that are selling Liberty Apparel. So far, Liberty Apparel has been identified in the following stores:

Family Dollar
Fashion Cents/Norstan Apparel
Simply Fashion
Conway

Liberty Apparel can also be identified by the "RN#97170" tag on the sewn-on clothing tag.

As the pinnacle of the garment factory sweatshop pyramid, these retailers nego-

tiating contracts with Liberty Apparel must be held accountable for the exploitative working conditions overseen by their subcontracted manufacturer.

If you find Liberty Apparel in a Retail Store Located in Your Area:

- Download a copy of the "Liberty Workers' Letter," the "Letter to Retailers," and press clippings from the "Ain't I a Woman?" campaign web site (<http://aintiawoman.org> — the "Help us find Liberty Apparel" section) and give them copies.
- Ask them to sign the "Retailer Pledge" (also available on the web site listed above).
- Call NMASS at (718) 625-9091 or email us at info@aintiawoman.org to let us know where you found it.
- Talk with us about what other steps you can take!

Daring to Win Bahari Garment Workers Win Victory Against All Odds

"For four months during the summer I worked in a factory that was making clothes for a manufacturer, Bahari Group," says Jorge, one of the workers that won a battle against the garment manufacturer and subcontracted factory, Minji Fashions, that had refused to compensate workers for their labor and fired them for speaking out.

Minji Fashions had not paid its employees for a month. When the workers asked for their wages, the boss replied that he had no money because of the 9/11 disaster. This excuse did not fly. Another worker, Kwan, had fought and won major victories with NMASS members in an ongoing campaign against garment retailer & manufacturer Donna Karan New York (DKNY) that forced its workers to endure long hours without overtime pay. [See www.aintiawoman.org for more info] She decided to bring her co-workers together and discuss the situation with NMASS. The group began to talk about the problems they faced in the factory.

The employer's refusal to pay backwages was not the only problem in their

factory. Jorge recalls, "The factory was hot and very dirty and the air was bad. During our breaks, we had to eat on the stairs. The work was hard and exhausting." They sweated under these conditions for weeks without pay during the summer of 2001. When they again demanded payment the boss fired them.

In spite of this, Kwan, Jorge and their co-worker, Ignacio, continued to organize together. They looked to lawyers for help with their case. However, due to the Supreme Court's anti-worker Hoffman decision earlier that year, many lawyers and advocates expected that Bahari Group and Minji Fashions would defeat the workers' legal challenge.

"My friends told me that it was impossible to win my case," says Jorge. "They told me that we could not do anything without immigration papers, and that one needed to pay the lawyer in order to do something about the case. But

we continued organizing and flyering in front of the Bahari office. This was how we put pressure on the manufacturer [Bahari] as well as the owner of the factory."

These three organized workers and their efforts inspired the New York State Attorney General to take on their case. After months of pressuring Bahari, their hard work paid off. They won a settlement and are now receiving the backwages and lost wages owed to them by both the manufacturer and subcontracted factory.

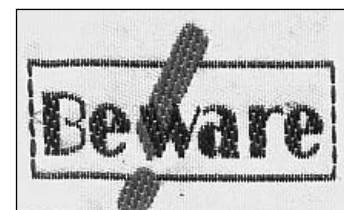
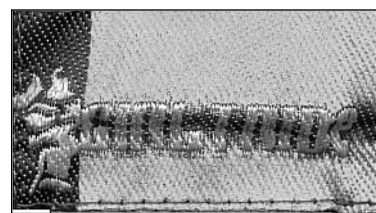
But, as Jorge tells us, these victorious workers won much more than money: "Through this experience, I learned a lesson I can pass on to others who have similar problems: If we organize together, we can take on bad laws and sweatshop bosses and win."



Jorge speaks at Bahari workers' celebration as Rosa Barrios of the Garment Workers Committee looks on.

Where in the world is Liberty Apparel?

Liberty Apparel (RN #97170) makes clothes under several different clothing labels including:



HUNT FOR THESE LABELS AT YOUR LOCAL STORE AND TELL US
 Visit the new *Ain't I a Woman!!!* campaign Web site at www.aintiawoman.org

Overcoming Bad Law

The 1986 Immigration Reform and Control Act (IRCA) required that employers only hire immigrants with work authorization. The I-9 form became a mandatory check for workers immigration status. As a result, bosses could say to undocumented workers that they were doing them a (favor) by hiring them and then pay them less than documented workers. They could also threaten documented workers with replacement by undocumented workers. The result was worsening conditions for all.

In 2004, the Supreme Court decision, Hoffman Plastics v. the NLRB, denied the

NLRB the power to enforce labor standards for workers without work authorization. Hoffman Plastics highlighted the Employer Sanctions provision in IRCA, reasoning that unauthorized employees should not be entitled to lost pay from the date of an illegal firing to the date of reinstatement because they should not have been employed anyway. This ruling gave employers even more incentive to hire and abuse undocumented workers.

Instead of just relying on the courts, the Bahari workers organized together - documented and undocumented - not just against labor law violations, but for better wages and greater control in the workplace.



The comic book, "Daring To Win", by Miriam Kessler is available in English and Spanish. Please mail a self-addressed stamped envelope and a suggested donation of \$1.00 for printing costs to NMASS, P.O. Box 130293, New York NY 10013 "Daring To Win"

First Amendment Victory Highlights Absurd Charges Against Injured Workers



Betty Yu was among many marchers whose First Amendment rights were violated by Albany Police.

In 2002, police tried to stop a group led by injured workers – hurt on the job or injured by the post-9/11 toxic air—from marching in the street outside Governor Pataki's Albany mansion. When marchers showed legal permits and asserted their

rights, police resorted to force. In 2003, however, the workers won a settlement from the City of Albany for violating their First Amendment Rights (see Sweatshop Nation #6).

Case closed, right? Wrong. Determined not to go home total losers, state and local police pressed ahead with dubious criminal charges against several marchers.

In October 2004, exactly two years after the march, one arrestee, Betty Yu was sentenced in Albany Court to a fine of \$361. The charges: blocking traffic and harassing a police officer.

At the march, Betty – who was then 24 years-old – had been tripped, slammed to the pavement, and pinned down by an officer twice her size. Betty's mom, Sau Kwan Yu, an injured Chinese immigrant garment worker reached out to touch her daughter and was arrested. That day, two other march organizers were also arrested; an injured woman's foot was stepped on by a police horse; and another injured lady was thrown from her wheelchair. Further arrests of injured workers and organizers occurred at a later march protesting this suppression of injured workers' rights.

Trials for the other arrestees are pending. Betty is fighting the guilty verdict. All the arrestees reserve the right to pursue further legal action after their trials.

Injured Workers: Be Part of Our Human Rights Report

NMASS is partnering with the National Economic & Social Rights Initiative to document the human-rights abuses suffered by injured workers in New York State. This human-rights group is interviewing injured workers about the conditions that led to their injuries, and the abuse they experienced at the hands of the Workers' Compensation system. We are exposing the fact that this government, which claims to wage war for democracy abroad, is perpetrating grave human rights violations on its own soil. Our human rights interviews take place every Thursday. Sign up for interviews at the NMASS Brooklyn Center and make your voice heard.

10 Mexico rips Pataki over worker woes

By SAM SMITH

Mexico has a message for Gov. Pataki: Start obeying your labor laws — or else. Because as odd as it may seem, a foreign nation has a say in how workers are treated in New York.

After a three-year investigation, Mexican officials overseeing the North American Free Trade Agreement issued a report last week saying New York state and Pataki had deprived injured workers of compensation.

Failures in the workers'-compensation system were "excessive and continuous," they said.

The Mexican officials were responding to a 2001 complaint from a coalition of worker-safety groups in New York who charged that the state Workers' Compensation Board intentionally lets cases drag out for years and the state doesn't adequately address worker-safety problems.

The New York coalition, It's About Time, brought several injured workers to Mexico in 2001 to file the claim, including You Di Liao, a 63-year-old Chinese immigrant, who had a stroke while working in a stifling Garment District factory in 1997.

Her case lagged in workers'-compensation hearings for five years, until the board decided to give her \$100 a week, which was not retroactive. She is still paralyzed on one side of her body and cannot work.

"It is unjust what the workers'-compensation board is doing," Liao said through an interpreter.

Arek Tomaszewski, a 47-year-old Polish immigrant who also signed on to the complaint, has waited 12 years for fair compensation from the state for his injuries.

In 1992, Tomaszewski and a colleague were exposed to toxic fumes while cleaning asbestos and were left with blood poisoning and blocked airways.

Tomaszewski tried to resume his cleaning job because he needed the money. But after two days, his entire body swelled up and his skin began to burst with welts.

Doctors stopped seeing him because workers'-compensation insurance would not pay his medical bills. "I don't work now," Tomaszewski said. "My life is destroyed."

New York Post, Sunday, November 28, 2004 nypost.com

Stopped Dead in its Tracks

Pataki's 2004 Workers' Comp Cuts Blocked by Injured Workers

We would like to thank everyone who helped in 2004 to stop Governor Pataki's destructive Workers' Compensation legislation. His bill would have made it more difficult for injured workers to qualify for benefits and would have cut lifetime benefits for permanently disabled workers to 10 years. As you probably know, most workers have to wait years for their compensation and even when we get our money insurance companies often cut our benefits or stop paying for medical treatment. Presently, under Pataki, we have one of the lowest state minimum benefits — \$40 per week.

Throughout the United States, state governments are slashing injured workers' benefits and forcing them to deal with harsher Workers' Comp systems. In California, Governor Schwarzenegger easily pushed through legislation last year that drastically reduced workers' comp benefits. Scared of the backlash from big business, an overwhelming majority of the California state legislature voted for this bill.

To block Pataki's bill, we mobilized thousands of workers to send postcards to legislators. We made several visits to Albany to educate state legislators about how Pataki's bill would hurt disabled workers. We brought together dozens of churches, unions, and community organizations to take action and convince Democrat and Republican legislators to prevent Pataki's bill from reaching the

floor of the State Legislature. As a result of our efforts, the governor's harmful legislation didn't get a single vote in the 2004 legislative session.

We scored a major win over Pataki. But now he has begun a new assault on working people, proposing to cut \$1 billion from Medicaid and slash other health programs like Family Health Plus. He may also be preparing to reintroduce his proposal to gut the Workers' Comp system. To block these dangerous proposals and to win an overhaul of the broken Workers' Comp system, we need other injured and not-yet-injured workers to join us and expand the network of friends and allies ready to join our campaign for workers' human rights.

Our demands – reflected in the *Justice for Injured Workers Bill* – would, if passed, provide injured workers with (a) immediate interim benefits within 7 days of filing a Workers' Comp case; (b) minimum benefits of at least \$240 per week (the equivalent of the minimum wage); and (c) a decision within 3 months of filing. In order to prevent further workplace injuries and illnesses, we are also pushing for the prohibition of mandatory overtime so that workers in New York can finally have the choice to say "no" to forced overtime and yes to family and better health.

If you've been hurt on the job or currently facing dangerous working conditions, don't fight on your own – call us! Even if you are home-bound or unable to



Maria Reyes and Henryk Wiechno, two leaders of our Health & Safety Committee

walk, there is so much we can do together to hold Governor Pataki accountable for his inexcusable abuses of our health, human rights and dignity. We'll be alive and fighting in 2005. Will you join us?

NMASS Responds to 9/11 Health Crisis

Since 9/11, many low-income residents and workers have developed new and worsened health problems from the toxic air and dust that contaminated the thousands of apartments on the Lower East Side. Due to a lack of proper study and treatment, these illnesses – especially asthma and other respiratory problems – have only gotten worse, sending Lower Manhattan spinning into an intensifying health crisis. NMASS, in partnership with other community organizations and Bellevue Hospital, has launched the only study and treatment program for people living or working outside of the Ground Zero site. To date, this program has successfully interviewed over 2,000 community members and registered nearly 200 participants for treatment.

If you would like more details about our 9/11 Health Project or want to volunteer, please call us at the Lower East Side Workers' Center:
(212) 358-0295.

LES Alternatives Set Out by NMASS

NMASS Presents Grassroots Alternative to Pataki's Rebuilding Plan

Over the next few months, NMASS members living and working on the Lower East Side of Manhattan will be launching a mobilization of working people, community organizations, churches and small businesses to push the government – led by Pataki and his Lower Manhattan Development Corporation (LMDC) – to heed the “Community Rebuilding Agenda” of the low-income survivors of 9/11.

The Lower East Side & Chinatown Community Rebuilding Agenda (CRA) was developed by NMASS and other members of the Lower East Side-Chinatown Consortium over the past year in response to the failed government efforts to rebuild Lower Manhattan. In reality, all Pataki has ‘rebuilt’ has been the wallets of large corporations and real estate developers who didn’t really need any more help to begin with – but were glad to get it. While not one penny has been allocated for a 9/11 health study & treatment program for residents and workers of Lower Manhattan, hundreds of millions of federal anti-poverty dollars have gone to

renovate or construct luxury commercial and residential buildings.

The CRA prioritizes rebuilding the three areas in which low-income workers and residents were especially hit hard: health, low-income housing, and jobs. In addition to the 9/11 health program mentioned above, the CRA calls for monetary reparations for all victims of the 9/11 toxic fallout; that 100% (not 20%, as most advocates demand) of the apartments built at the Seward Park urban renewal site are **low-income** housing units; and that affected Lower Manhattan workers be given preference for all jobs created with 9/11 public rebuilding funds. The full text and rebuilding proposals of the CRA are available online at www.nmass.org.

The CRA, unlike the rebuilding proposals of other coalitions, prioritizes **health** as the community’s number one concern. In creating the CRA, we also recognized the connection between worsening health and job and housing displacement – and that any proposal to rebuild Lower Manhattan must make rebuilding the lives

of its working people its focus.

Sadly, the plans of other “community” coalitions only pay lip service to jobs and “affordable” housing (they’re generally too timid to demand “low-income” housing). They don’t even address the fact that families find it impossible to keep up with rising rents when their health is in danger and their working conditions are worsening.

We can rely neither on our elected officials nor on the entrenched tenant advocates and union leadership that have sold us down the river too many times. We know that we must gain much more grassroots support for the CRA, and we need many more people to power our campaign to victory. Call us at (212) 358-0295 for more information about how you can get involved.

The Lower East Side – Chinatown Consortium also includes the Asian American Legal Defense and Education Fund, Cabrini Immigrant Services, Chinese Staff & Workers’ Association, Hamilton-Madison House, and Two Bridges Neighborhood Council, among others.



NMASS members speak about the proposals of the Lower East Side-Chinatown Community Rebuilding Agenda at a recent press conference.

Stop Lies, Threats, Discrimination Against Union Workers —

Boycott Golden Bridge Restaurant!

Golden Bridge Restaurant and its owner Phillip Wu, along with its management, have discriminated against, threatened and slandered members of the 318 Restaurant Workers’ Union (318 RWU), an independent union that has long been a part of a joint campaign with NMASS and other groups, called “Justice Will Be Served!” Union workers are fighting back with pickets, which started Christmas Eve and New Year’s Eve, the restaurant’s first day of business and its grand opening, respectively. Located where the New Silver Palace used to be, Golden Bridge is the second largest restaurant in Manhattan’s Chinatown.

Before the restaurant had even opened, restaurant workers began to hear that Mr. Wu was spreading word that his manage-

ment had “bought off” 318 RWU and its members. Then, at a September 24, 2004 press conference, Phillip Wu, through his spokesperson, stated that the union workers applying for jobs at Golden Bridge are an “evil group of people.” Later, Wu and his company further elaborated that 318 was an “illegal organization.”

Wu sent men to video tape 318 workers who were applying for jobs, in order to intimidate them. One of the men threatened the workers’ union representative, a young woman, saying “watch it c*nt!”

On another occasion, two union members on their way home after a union meeting, found two young men with a video camera waiting for them outside of the building. The two youths asked the union members threateningly “Are you going

home now? Where do you live?”

The workers are demanding that Golden Bridge Restaurant and Phillip Wu: 1) Immediately stop discriminating against union workers; 2) Stop making threats against union workers; 3) Publicly apologize to the workers; 4) Compensate the workers for the losses they have suffered.

The actions of the 318 Restaurant Workers’ Union are being supported by the workers of Jing Fong Restaurant, Harmony Palace Restaurant, 88 Palace Restaurant, Ocean Palace Restaurant, Jade Plaza Restaurant and CLM Restaurant, and other workers.

Phillip Wu is pulling out all the stops to crush worker-organizing, period. We need everyone’s support on the picket lines, fundraising, reaching out to organizations and individuals, and spreading the word. Got ideas? Interested? **Contact NMASS at (718) 625-9091.**



Around 40-50 picketers spent New Year’s Eve at the Grand Opening of Golden Bridge.

**Owed unpaid wages?
Forced to work long hours
without overtime pay?
Hurt on the job & not
getting Workers’ Comp?
Fired for standing up
for your rights?**

Fight back!

Don’t let your boss get away with murder!

**NMASS Labor Rights Clinic
Wednesdays 5-7p.m**

Brooklyn Workers Center

in the YWCA at 30 Third Avenue, Brooklyn
(between State & Atlantic)
N/W/R or 4/5 or 2/3 trains to
Atlantic/ Pacific Subway stop.

(718) 625-9091

Sundays 12-2 p.m.

Lower East Side Workers Center

59 Hester Street (between Essex & Ludlow)

F train to **East Broadway** or B/D to **Grand**

(212) 358-0295

JOIN NMASS!

I want to organize with other working people in NMASS — including injured workers, students, mothers and care-givers working in the home, retirees, unemployed persons, and people from all communities and walks of life. Together we're taking control over our communities, our health, our time — our lives.

I want to join! Signature _____ Date _____

Name: _____

Address: _____

City _____ State _____ Zip _____

Phone: _____ Email: _____

Dues: \$10 (Student or Hardship Rate) \$25 (General Dues Rate)

Membership is for one year from the date dues are received.

Make checks out to "NMASS." Mail form & dues to:

NMASS P.O. Box 130293, New York, NY 10013-0995

FOR OFFICE USE ONLY: \$ _____ Cash _____ Check _____

Received By Date _____

I would also like to build NMASS by giving a regular monthly donation of \$_____ (\$10 or more.)

We would like to thank all of those who make monthly donations to NMASS! Your participation is essential to our work.



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