

1 [Commending the Governor for Signing Senate Bill No. 62 (Durazo) - the Garment Worker
2 Protection Act]

3 **Resolution commending Governor Gavin Newsom for signing Senate Bill No. 62,**
4 **authored by Senator Maria Elena Durazo, the Garment Worker Protection Act, to**
5 **eliminate obstacles to workers being paid minimum wage and protecting their health**
6 **and safety.**

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8 WHEREAS, When it was first enacted in 1999, Assembly Bill 633 (Steinberg) was a
9 landmark worker protection law that sought to end wage theft in the garment industry; and

10 WHEREAS, In the 20 years since its passage, retailers and manufacturers have found
11 many ways to circumvent the law to avoid liability, resulting in thousands of workers in
12 California continuing to be exploited, experiencing wage theft due to subminimum wages, and
13 being unable to recover stolen wages; and

14 WHEREAS, Many garment workers lost their jobs during the COVID-19 Public Health
15 Emergency, and those who continue to work have had to endure intensified working
16 conditions and been forced to choose between loss of all wages or potential exposure to the
17 virus; and

18 WHEREAS, Even before the COVID-19 Public Health Emergency, many retailers and
19 manufacturers avoided liability for systemic abuse by creating layers of subcontracting,
20 enabling them to claim that they do not fall under AB 633’s definition of “garment
21 manufacturer,” and are thus not liable for egregious wage violations; until the original intent of
22 AB 633 can be restored by establishing upstream liability, the unrelenting problem of wage
23 theft in the garment industry will continue; and

24 WHEREAS, Adding to this problem is the onerous way in which garment workers are
25 paid—by the piece; under this pay system, workers earn as low as 3 cents per assembly

1 operation (for example, setting a seam or trimming a blouse), which is too low to ever enable
2 a worker to earn the minimum wage per hour; and

3 WHEREAS, Workers often report they do not even know what they will earn from hour
4 to hour and week to week, as rates are set and changed by employers, and it is common for
5 employers to reduce already promised piece rates; and

6 WHEREAS, Paying workers by piece also creates unsafe working conditions, as
7 garment workers are constantly racing against the clock to complete as many items as
8 possible. The piece rate impedes workers' ability to take breaks to sanitize workstations or
9 wash their hands, critical hygiene and safety practices necessary to curb the spread of
10 COVID-19; and

11 WHEREAS, The Garment Workers Protection Act (SB 62), authored by Senator Maria
12 Elena Durazo, will strengthen current law to protect garment worker rights by ensuring that
13 retailers cannot use layers of contracting to avoid liability; and

14 WHEREAS, SB 62 will prohibit the use of paying garment workers by the "piece,"
15 thereby eliminating a significant obstacle to workers being paid minimum wage and also
16 protecting their health and safety; and

17 WHEREAS, SB 62 will explicitly authorize the Labor Commissioner's Bureau of Field
18 Enforcement (BOFE) to investigate and cite guarantors for wage theft; and

19 WHEREAS, SB 62 is needed now more than ever to protect this vulnerable workforce,
20 a large portion of whom are immigrant women with limited employment options; and

21 WHEREAS, SB 62 has passed through the State Senate and Assembly and has been
22 signed by the Governor to become law; now, therefore, be it

23 RESOLVED, That the San Francisco Board of Supervisors commends Governor
24 Newsom for signing SB 62, the Garment Worker Protection Act, to eliminate obstacles to
25 workers being paid minimum wage and protecting their health and safety.