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## **Abstract**

This report explores a comparative analysis of eight cities in the United States and Canada that have implemented sweat-free procurement policies. Ranging in policy scope, purchasing methods, and implementation processes, the cities of Albuquerque, Bangor, Boston, Milwaukee, New York, North Olmstead, Olympia and Vancouver, British Columbia provide a variety of experience and insight to implementing effective sweat-free procurement codes of conduct. In the past eight years, 30 municipal governments around the United States and one in Canada have adopted ethical codes of conduct and sweat-free procurement legislation. As stated by Larry Weiss, president of SweatFree Communities “Governments’ bulk purchasing power creates the leverage to influence practices of vendors and suppliers and, ultimately, create real improvements for sweatshop workers” (Seely). Having passed the “No Sweat” procurement ordinance in November 2004, Los Angeles is in the beginning stages of implementation and is at an extremely pivotal position. Along with Los Angeles, this analytical report functions as a tool for the use and benefit of cities that are interested in joining the movement in adopting sweat-free purchasing policies.

## **My Motivation**

*While in some ways I see myself at the tail end of the anti-sweatshop movement, I also feel I am coming into it at a pivotal moment. Yes, policies have been passed, contracts with Nike have been cancelled, unions have been created in factories in Mexico, yet in the United States alone, according to the U.S. Bureau of Labor Statistics: The Occupational Employment Survey there were an estimated 255,000 sweatshop workers in the United States in 2001 (Ross 44). The most recent surge of anti-sweatshop movements in the United States is connecting to the global context of unjust trade practices. These connections are being made and brought to the forefront of organizing. I have personally changed my purchasing habits, constantly talk to individuals about the extensive presence of sweatshops and work on my campus to educate students about the impact students can have through their actions, and by holding the college accountable for its garment code of conduct.*

*It wasn't until recently that I began to truly understand the personal, political, social, ecological, and economic implications of living in a silenced world. This silencing is central to the workings of our culture. The staunch refusal to hear the voices of those we exploit is crucial to our domination of them. We pretend that the world is silent whereas in reality it is filled with conversations. We pretend that anything we do not understand, anything that cannot be measured, quantified, and controlled does not exist. Having surrounded ourselves with images of ourselves, and having silenced all others, we are able to pretend that the world we've created is instead a world we've been given. Yet, my work in anti-sweatshop research and organizing challenges this silencing.*

*As I fully intend to live a conscientious life each day, I currently focus my energy on the politics of labor justice. It started in high school when I attended California College for Arts and Crafts for an intensive Fashion Design summer course. While I had intention to explore my passion and creative outlet in fashion design, to much of my horror, I inadvertently discovered the abhorrent labor conditions within the fashion industry. I kept asking questions like, where are these clothes made? What is the structure of the apparel industry? Who is making the profits? I will never forget when our class toured some of San Francisco's top Haute Couture designers such as wedding dress designer Vera Wang. We met with her in her posh show room with beautiful*

*gowns, and when asked where these gowns were made, she pointed to the back room. When I asked if we could meet these people she said we were not allowed. I will never forget the small window through which I peered, to find rows of Asian and Latina women hunched over sewing machines. The doors covered these women, making them faceless laborers that daily produced these gowns, while Vera Wang stood beautifully dressed in the front room and in top fashion magazines receiving all the credit for their energy and labor. This form of silencing sparked my frustration and passion for labor rights. Yet it was not until I began my college experience at Occidental that the memory of this specific injustice manifested itself into action.*

*Through my work at Occidental, my internship last year at Service Employees International Union (SEIU 1877) and my dedicated involvement with Student Labor Action Coalition (SLAC), I have created spaces for learning and acting against sweatshop labor. As proven by my experience in San Francisco, the issue of labor rights is not simply an international issue; it is very locally based. Los Angeles represents the largest garment manufacturing area in the United States and according to the Los Angeles County Economic Development Corporation it generates \$24.3 billion/year. Currently, over 80% of the California apparel industry is located in Southern California. A current United States Department of Labor survey concluded that two-thirds of garment factories in Southern California do not comply with federal minimum wage and overtime laws and three-fourths violate health and safety codes.*

*While my senior comprehensive research is based on analyzing municipal sweat-free procurement policies around the United States to create recommendations for the newly adopted sweat-free ordinance passed in the city of Los Angeles in November 2004, and cities to follow, my work with SLAC intends to connect students at Occidental to the issue. This past December, I organized the first SLAC-sponsored Los Angeles Sweatshop Reality Tour for students of Occidental College to get a first-hand view of the disparities and working conditions in the downtown LA garment industry. SLAC has also started an educational campaign on campus, challenging student clubs, administration and faculty to follow the guidelines of the college's Garment Purchasing Code of Conduct adopted in 1995. The code strongly suggests the purchasing of all college-affiliated apparel should*

*be sweat-free. Yet, through interviews, it appears that this code is not known by members of the campus community and that it is not being implemented to its fullest potential.*

*Occidental has national recognition for being the first college campus to sell union made t-shirts and prides itself in its “sweat-free” bookstore and as a member of the Worker Rights Consortium (WRC). Yet through the numerous inventories I made this year of the college bookstore, I found many labels from China, El Salvador, Honduras, and Bangladesh, known internationally to have some of the lowest labor standards in the world. The commitment to implementing the “Sweat-free” purchasing policy by Anne Wolf, Occidental Bookstore manger and Diane Jackson, textbook and soft goods buyer are noteworthy in moving towards the goal of making Occidental a sweat-free campus. Yet, the apparel procurement process is complex and requires continuous monitoring and a strategy for implementation. The WRC functions as an independent monitoring agency. The WRC's purpose is to assist in the enforcement of manufacturing Codes of Conduct adopted by colleges and universities.*

*However, the WRC is a small monitoring agency, and cannot oversee all purchases of the college. In order for the WRC to be effective, it relies on the responsibility of the purchasers to be active in sourcing from ethical clothing companies and seeking out information about companies from which they currently procure. According to James Tranquada, WRC representative for Occidental, the college has never filed an investigation request to the WRC. In order to file a complaint, there must be a just cause or complaint from a worker at a particular factory. This information is hard to collaborate and communicate from worker to purchaser. It requires the school buyers to be extremely active in searching for ethical companies, and inquiring about the labor conditions of the current vendors from which the school procures. Wolf and Jackson are continually faced with the demand for “in-style” apparel, which tends to be produced in poor working conditions due to the quick turnover in fashion. So the responsibility lies with the students as well as the college buyers. While there is a commitment to appearing socially conscious, effective implementation remains a challenge and needs to be directly encouraged at Occidental.*

*Socially conscious members of institutions like Occidental need to be able to challenge the current inequalities perpetuated by the college's actions. As I aspire to*

*create a balance and redefinition of what these changes could look like, I begin with the process of my senior comprehensive project. While I was exploring a variety of topics to research, I was always drawn to centering my work in the anti-sweatshop movement. This stems from the hope to live to the day where the meaning behind sweatshop will be debated in a world with high human labor standards and living wages, where people are respected and honored over profit margins. Moving towards this goal, I continue my work in this effort.*

## Chapter 1: The History of Sweat-free Procurement

### The Anti-Sweatshop Movement

Sweat-free procurement legislation stems from the layered history of the anti-sweatshop movement. Neither governmental enforcement nor efforts of unionized workers will solely bring an end to sweatshops. Yet the anti-sweatshop movement has continued to challenge the increased violations of labor rights in national and international production factories. The anti-sweatshop movement can be traced back to the turn of the last century. In *Behind the Label*, Richard Appelbaum asserts that the current system of employment for garment workers shared similarities with the old system of slavery in the United States South (32). In each of these cases, a racialized social order disenfranchises workers and makes it extremely challenging to rise up in protest. This parallel to slavery is also reflected in the rise of an abolitionist-type movement in the form of a powerful collaboration of efforts of workers, government and nongovernmental agencies to eliminate sweatshops<sup>1</sup>.

Despite these similarities, current public opposition towards sweatshop labor is not comparable in size to the outrage of the nation prior to the abolition of slavery, despite their similarities. There is no public sense of urgency to end sweatshop labor. The nation appears unable to see the connections between their purchasing habits and the effect on the welfare of sweatshop employees and the communities around them. The system is working because it is stratified enough to keep consumers separated from the reality of the conditions in which their entire wardrobes are made. In reference to globalization, Arundhati Roy poignantly asserts how it lacks the drama needed to get the attention of the global community, as we have made ourselves numb to daily atrocities (26). She sarcastically adds that it receives little recognition as it has to do with ‘mundane’ activities like jobs, money, and working conditions.

The anti-sweatshop movement works both inside and outside the system. The labor force organizing inside the system is combating sweatshops, just as the anti-sweatshop movement on college campuses challenge school purchasing. The anti-

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<sup>1</sup> Sweatshop is defined as a workplace where people are employed by contractors or subcontractors that habitually violate laws of any applicable jurisdiction governing wages, employee benefits, occupational health and safety, nondiscrimination, or freedom to associate (UNITE).

sweatshop movement started within the labor force in the early 1900's but did not achieve full recognition from consumers, governmental agencies and monitoring agencies until the early 1990's. One hundred years later laborers are still fighting the same battles in even larger globalized contexts, yet with the same underlying message that worker's rights with respect to wages, healthcare and safety standards need to take precedence over high productivity and profit margins.

In the early 1900's American cities began to bustle with seamstresses working at home to meet the demands of the expanding garment industry. As dressmakers were responsible for making the entire garment, seamstresses found themselves economically insecure due to the unpredictable and physically demanding nature of the job. Sixteen hour days were common for seamstresses as they were paid by the piece rather than by the hour. Shop owners were also notorious for finding fault in the garments and withheld payments frequently. With no legal resources, seamstresses often relied on charity for their own survival (Appelbaum 35).

The Triangle Shirtwaist factory fire of 1911 in New York was a pivotal moment and shed light on the abhorrent labor practices that had emerged in relation to the industrial revolution in the United States. Just two years before, the Triangle Shirtwaist factory workers went on strike against the hazardous working conditions, and insufficient wages, garnering support from 20,000 concerned citizens in a strike that lasted thirteen weeks (Ross). This strike enabled the establishment and recognition of the International Ladies Garment Worker's Union (ILGWU). Yet over the next two years, not enough was done to improve working conditions, and, in 1911 when a fire broke out on the eighth floor of the factory, the steel doors remained locked, trapping over one hundred workers inside. Many jumped out windows and leaped to their death. The fire killed 146 and injured 500 workers, while it burned into the memories and the hearts of Americans. The heroism of the girls in 1909 drew major sympathetic attention to the victims of 1911 and facilitated future organizing efforts. And by 1917 there were 128,000 garment workers who were members of ILGWU.

Up until the middle of the century there was little anti-sweatshop mobilization other than the creation of unions who sought to uphold labor standards and workers' rights. Starting in the 1980's, coupled with the large increase of immigration into the

United States tenement sweatshops began to emerge again. Coupled with the fierce competition between contractors and immigrants' need for employment, wages and labor standards were forced to be low, as hours and exploitation maintained high. In 1995, ILGWA and the Amalgamated Clothing & Textile Workers Union (ATCWU) came together to form the Union of Needle Trades, Industrial and Textile Employees (UNITE), due to loss of membership in both unions.

There were two pivotal moments that affected the most recent mobilization against sweatshops. El Monte was a tragic example that moved the anti-sweatshop movement into the public eye. On August 2, 1995, when a multi-agency task force led by the California Department of Industrial Relations raided a fenced seven-unit apartment complex in El Monte, California, they found one of the most horrendous U.S. sweatshops in modern times. Law enforcement officers arrested eight operators of a Chinese-Thai, family-owned garment sweatshop and freed 72 illegal Thai immigrants. The workers, most of whom were women, had been held in virtual slavery behind fences tipped with razor wire and forced to sew garments in conditions significantly worse than those found in most sweatshops (Appelbaum). The raid sparked momentum and publicity about the issue of sweatshop labor.

The second critical moment was in 1996, when Charlie Kernighan of the National Labor Committee (NLC) held up a pair of Kathie Lee pants produced under the Wal-Mart label priced at \$19.96 and announced in a congressional hearing that the britches were made by a factory with 100 children earning 25 cents a pair in a 74-hour work week. Kathie Lee in turn cried on television. "I started my clothing line to benefit children," she explained to viewers of Dateline on NBC. "Millions of dollars have gone to help children, and I truly resent this man impugning my integrity" (Bowden 1). This then led to the 1996 formation of the White House Apparel Industry Partnership (AIP) to pursue non-regulatory solutions headed up by President Clinton.

The AIP is a group of religious, human rights, labor and business organizations that collaborated to develop a "no-sweat" code of conduct for company suppliers. The Apparel Industry Partnership (AIP) is the product of an anti-sweatshop task force launched in August 1996, largely at the initiative of then-Secretary of Labor Robert Reich. US President Clinton appointed the task force with the mandate "to ensure that the

products companies make and sell are manufactured under decent and humane working conditions, and to develop options to inform consumers that the products they buy are not produced under exploitative conditions." According to the US Interfaith Center on Corporate Responsibility (ICCR), "the Secretary's initiative was inspired in part by Kathie Lee Gifford's response to news that children were sewing garments under her label at a maquiladora factory in Honduras" (Schilling 1).

Participants in the AIP include many of the "super-labels" that have come under attack for their association with sweatshop practices in Asia and Latin America, including Nike, Reebok, Liz Claiborne, Phillips-Van Heusen, and Kathie Lee Gifford, as well as L.L. Bean, Patagonia, Tweeds, Nicole Miller, and Karen Kane. Religious, human rights, and labor rights advocacy groups involved include: the ICCR, the International Labor Rights Fund (ILRF), the Lawyers Committee for Human Rights, the National Consumers League, the Retail Wholesale and Department Store Union (RWDSU), the AFL-CIO, the Robert F. Kennedy Memorial Center for Human Rights, and UNITE.

On April 14, 1997, the Apparel Industry Partnership released a preliminary anti-sweatshop agreement, titled "Workplace Code of Conduct and Principles of Monitoring." The AIP agreement includes provisions for a multi-company code of conduct and general principles for external monitoring and a certification process. Companies that adopt the Workplace Code of Conduct will have to require their suppliers and contractors to comply with appropriate legislation and the provisions of the code. A non-profit association was created, with representation from the companies, unions, religious groups, and NGOs. Their role is to determine criteria for company membership develop criteria and implement procedures for the certification of external monitors, design audit and other instruments for the monitoring practices, help build members' capacity to remedy instances of non-compliance, and serve as a source of information to consumers about the code and the companies that comply with the code (AIP Report).

While most US labor rights activists have applauded the Workplace Code of Conduct's recognition of freedom of association and the right to bargain collectively, provisions on wages and hours of work have generated a great deal of criticism and debate. There has also been considerable controversy around the issues of monitoring, certification and the degree of involvement of such groups in the monitoring process. In

an April 1997 media release, Global Exchange and five other US labor rights advocacy groups criticized the AIP agreement for "not mandating that companies pay workers a living wage, for sanctioning excessive overtime, and for allowing accounting firms rather than human rights groups to monitor the companies' labor practices" (AIP Report).

In answer to an AIP questionnaire, the Clean Clothes Campaign (CCC) in the Netherlands argues against the adoption of this model stating, "It is hard to imagine a situation where workers would feel safe reporting complaints directly to either the company or to a certified commercial enterprise that is under contract by the company (Clean Clothes Campaign 2).

In fact, it was the AIP that in turn formed the Fair Labor Association (FLA) to monitor programs for corporate members to engage in self-monitoring processes. This was the government's second attempt to stabilize the system in response to the current anti-sweatshop movement. The FLA is made up of representatives from industry, labor, government, and public-interest groups. Responding to public outrage following the El Monte raid, the U.S. Congress authorized an increase in the number of Department of Labor Wage and Hour investigators from 800 to 1,000. By establishing this modest level of government accountability, the intervention regarding these approaches appeared responsive to labor activists, while it kept the core structure of the apparel industry intact.

### **The Birth of the Sweat-free Movement**

The root of the sweat-free procurement movement stems from the anti-sweatshop movement on college campuses across the nation. When students started linking school apparel procurement to the injustices and inequalities related to sites where their clothing was produced, the movement began to grow. Anti-sweatshop movements on college campuses have achieved an impressive level of organization and influence in the last several years. Campus groups, such as United Students Against Sweatshops (USAS), founded in 1998, have persuaded university administrators at dozens of colleges around the country to refuse to buy school apparel from companies who use sweatshop labor. The activists demand that corporations pay a "living wage." and agree to international monitoring, or face the loss of collegiate licensing privileges, which amount to some \$2.5

billion in annual revenue for such companies as Nike, Reebok and Fruit of the Loom (Balko 1).

United Students Against Sweatshops is an international student movement of college campuses and individual students fighting for sweat-free labor conditions and workers' rights. The idea of the Sweat-free campus campaign grew out of these earlier efforts. In the summer of 1997, interns at UNITE designed the first organizing manual for anti-sweat campaigns and brought the idea to Union Summer participants and campus labor activists around the country. In July of 1998, student activists from over 30 different schools active in the campaign came together in New York for a weekend-long anti-sweatshop conference. During the weekend, students formed United Students Against Sweatshops; conceived as an informal but cohesive international coalition of campuses and individual students working on anti-sweatshop and Code of Conduct campaigns. The general goals of the group were to provide coordination and communication between the many campus campaigns and to coordinate student participation and action around the national, intercollegiate debate around Codes of Conduct and monitoring systems (USAS).

In just one year, USAS spread to over 100 campuses across the U.S. and Canada and raised awareness about the sweatshop issue to unprecedented levels. Concerned with the prospect of losing collegiate sales, Nike and other companies announced that they would comply with the requirement to publicly disclose their factory locations, the first time that any company in the garment industry had conceded to this basic demand after years of pressure by anti-sweatshop groups. USAS brought about discussion within the anti-sweatshop movement following victories during the 1998-99 academic years to create a model for verification of factory compliance with the codes. The public release of the Worker Rights Consortium (WRC) was in October 1999. The WRC is the anti-sweatshop movement's most coordinated response to the corporate models of monitoring.

In reaction to the limiting nature of FLA, critiqued for being controlled by the participating companies and furthermore for not holding retailers or manufacturers legally accountable for labor conditions in their contractors' firms, college students helped establish the Worker Rights Consortium (WRC) in 2000. Supportive of a legal independent agency that was focused on the well being of workers, rather than focusing

on corporate approaches that sought to improve the image of the industry, students led a movement on college campuses challenging colleges and universities to sign on to this independent monitoring agency. The 129 colleges and universities that are currently signed on to the WRC, signed a code of conduct that requires licensing companies to monitor small garment companies the school does business with and to disclose the names and addresses of all factories engaged in production. The hope is to create a large network of responsible vendors, and find connections and overlaps of schools that are using the same companies that violate labor standards. The purpose of the WRC is to create a system of licensee verification that maximizes the respect of human rights and accountability to their constituents.

Since its inception, the WRC has sought to put pressure on the retailers and the contractors due to the codes of conduct required by the monitoring agencies. The WRC has been a pivotal player in the anti-sweatshop movement, as it acts as a legal body that holds companies accountable for their contracted or subcontracted factory labor laws. An excellent example of the pressure put on manufacturers has been the union organizing at Kukdong (Mexmode) factory in Atlixco, Mexico. In January 2001, 800 workers went on strike at Kukdong International Factory. Kukdong makes apparel for Nike and Reebok under licensing agreements with a number of United States universities who have adopted sweat-free purchasing policies (Featherstone 2002). While a USAS worker was in Kukdong, workers went on a three-day strike, and recognizing the name of the factory as disclosed under the WRC Code of Conduct at his school, he relayed the information to activists in the United States. Together, the WRC, USAS, International Labor Rights Fund, Verité and local Mexican labor rights groups mounted a massive campaign against Nike. After widespread negative media attention, Nike capitulated and pushed Kukdong to rehire the workers and allow for an independent bargaining contract.

While the WRC commits itself to the remedy of verifying sweatshop abuses, it is incapable of putting an end to sweatshop labor conditions. Scarcity of time and resources make it impossible to effectively monitor, publicize, and remedy labor abuses at all of the thousands of factories that operate throughout the world. To do so takes the solidarity and the collaboration of government, non-government agencies, unions and consumers. The growing global economy, increased reliance on contracting and the large number of

immigrants in the United States has led to the resurgence of sweatshops, both nationally and internationally. As globalization-oriented policies are created, they mirror the emergence of anti-globalization and anti-sweat advocacy work, progressive policies and active monitoring agencies. There is currently a growing coalition of groups and organizations just in the City of Los Angeles that are combating sweat labor and promoting fair and living wages. Such groups include the Coalition for Human Immigrants Rights of Los Angeles (CHIRLA), Korean Immigrant Workers Advocate (KIWA), Garment Workers Center, Sweatshop Watch, No More Sweatshops! and Musicians Against Sweatshops. Many of these are affiliated with the advocate umbrella group Sweat-free Communities, and they play a major role in upholding workers rights in the City.

The first city to adopt sweat-free legislation was North Olmstead, Ohio in May 1997. Then Mayor Ed Boyle took the initiative after the revelations that Kathie Lee Gifford's line of Wal-Mart clothing was subcontracted to sweatshops in Central America (Bole 1). Cities buy a lot of items every year, and significant parts of their budget are allocated to city apparel purchases, such as uniforms for police, fire and sanitation departments. Boyle commented at the time, "We want to make sure we're not contributing to injustice and indignity of the workplace." Using the combined purchasing power of a local government to advance the rights of workers, city procurement ordinances has become a powerful mechanism at home to discourage sweatshops and human rights abuses abroad. The purchasing power of local governments, generally more responsive to concerns of citizens they are suppose to serve than state and federal governments, have become a new target to ensure that millions of dollars are kept from manufactures and contractors who profit from human and labor rights abuses (Dreiling 2).

This trend has led to the adoption of sweat-free legislation in over 30 cities nation-wide that covers purchasing, leasing and renting of apparel such as city uniforms to office supplies. Over the past decade unions, students, non-profits, corporations, faith-based communities and others have worked together to develop codes of conduct for transnational corporations to eliminate sweatshop working conditions and establish minimum labor standards across national borders. In a 1998 report from the

International Labor Organization (ILO), over 200 codes have been adopted by multinational enterprises. The code campaigns can be seen as a failure of governments to help ensure a fair distribution of trade benefits and small producers. Sweatshops proliferate in highly competitive markets. Big retail and apparel companies are in a global race to increase profits by driving down production costs. As they source merchandise from all over the world, they search for places where workers are paid the lowest wages, human rights are trampled, and environmental protection is ignored. Current trade laws encourage companies to make their products in places with the worst conditions and the lowest wages, places where workers are not free to stand up for their rights and protect themselves. This dynamic is driving a race to the bottom. Factories with decent conditions in the United States and Canada, as well as decent factories overseas, get shut down as sweatshops open up in New York, Toronto, and Los Angeles, as well as in countries such as Mexico, Honduras, Indonesia, and China.

In the most current phase of the anti-sweatshop movement, companies are encouraged to adopt a strategy of long term engagement with suppliers to improve working conditions over time, rather than withdrawing or relocating their business when labor abuses are found and highlighted by consumer or watch dog campaigns. But good intentions of a company or language of a signed document promoting ethical work standards cannot be solely relied upon to maintain ethical work environments in factories around the world. As a consequence, 30 municipal governments around the United States have adopted ethical codes of conduct and sweat-free procurement legislation. The underlying assumption is that the government's bulk purchasing power creates a leverage to influence the practice of vendors and suppliers that will ultimately create concrete improvements for employees of current sweatshop factories. While the range of the procurement policies differs in coverage, the focus is on apparel procurement, as it is one of the largest industries where sweat labor occurs. Yet, while these policies are progressive and have the potential for holding companies accountable for their actions, thus improving working conditions in factories around the world, compliance, implementation, and evaluation of the efficacy of the ordinance is vital.

### **Larger Government Factors**

Governmental policies play a back and forth game in regards to trade procurement and imports. Passed in 2002, H.R. 3005, Trade Promotion Authority allows the president to sign trade legislation with minimal input from Congress. The president is more responsive to corporate concerns, so laws that are unfriendly to labor are more likely to be passed as a result of TPA. With legislation like this, the anti-sweatshop movement is a continual work in progress. But as government trade policies such as the North American Free Trade Agreement (NAFTA) signed in 1994, or the “Trade Promotion Authority” also known as Fast Track are passed, local laws and legislations meet it half way in the battle. Out of the college anti-sweat movement emerged the city anti-sweatshop movement, which then spurred the adoption of sweat-free city procurement legislation.

Additionally, on January 1, 2005, under the WTO’s Agreement on Textiles and Clothing (ATC), the Multi Fiber Agreement (MFA) was fully phased out. The agreement was enacted in 1974 to protect the United States textile and apparel industry from losing jobs. It specifically puts quotas on how many garments can be imported from each country per year. As a result, over 130 countries are engaging in apparel and textile production. And while labor conditions in many of these countries are horrific, apparel and textile exports play a key role in providing jobs for the country’s economy. Yet after January 1, 2005, United States retailers and manufacturers will be free to source wherever they please, leaving many countries with high labor standards, meaning high costs, and loss of jobs, as outsourcing will go to the countries with the lowest labor costs per unit of production.

## **Chapter 2: The Context of Los Angeles**

### **The Los Angeles Apparel Industry: Sweatshop Capital of the US**

In an interview conducted with Nancy Steffan of the WRC, confirmed by the US Department of Labor, 61% of all garment factories in Los Angeles that “sew” on “Made in USA” labels violate minimum wage laws and 75% violate health and safety codes. Yet times are changing in this globalized world, and sixty-percent of all garments sold in the US are imported, mostly from Asian countries, followed by Latin American and Caribbean countries (Ross 1997). In 1980, 70 percent of all apparel purchased in the U.S. was produced domestically (Kernaghan 1997). Competition is intense among the tens of thousands of global contractors seeking markets through the large retail chains and corporate name brands.

While Los Angeles resides in a nation with higher labor standards than most countries, it does not speak well for the United States, as Los Angeles has the highest concentration of sweatshops in the United States. If Los Angeles is any reflection of the world labor practices, the reality is harsh. While there are a variety of sweatshops that produce a variety of niche market items, the garment industry is overwhelmingly the biggest. The current Garment Textile Industry in California is a \$24.5 billion industry with 62,000 garment employees in Los Angeles that produce 80% of garment production in California (LAEDC 2). In 2000, a U.S. Department of Labor survey concluded that two-thirds of garment factories in Southern California did not comply with federal minimum wage and overtime laws and 3/4 violate healthy and safety codes (USDL).

Although it is evident that Los Angeles apparel firms are increasingly shifting production to Mexico, employment has remained high. One obvious factor that keeps jobs in Los Angeles is the availability of low-wage, immigrant labor. Two other factors that account for the thriving garment industry in Los Angeles are “cultural-product industries” and the existence of a well-developed infrastructure that provides exceptional support for the apparel industry (Bonacich and Appelbaum). According to Allen Scott and David Rigby of the Geography Department at UCLA, the apparel industry extends to a larger complex of what they call “cultural-product industries” (306). These products include apparel, textiles, furniture, printing and publishing, sporting goods, and

advertising, all of which the city of Los Angeles purchases. Whether or not city purchases these items directly from Los Angeles-based companies and whether the local governments that keep the industry from leaving is crucial to identity and evaluate for sweat-free advocates.

The main argument against setting standard labor conditions for city procurement is financially based. If contractors cannot meet the wage and benefits of their workers, or if they are not as high as the rate set by the legislation, contractors may be unable to disclose the information, or could be forced to either sever ties with certain subcontractors, or may forego business with the city altogether. Given the potential costs of complying with the legislation, many contractors could simply refuse to do business with the City, shrinking the pool of potential city contractors and driving up the contract prices for city taxpayers.

### **Movement Towards Los Angeles**

It is crucial to look at the domino effect of the tragedy in El Monte, the adoption of AB 633 in California, and the dedicated non-profits such as Global Exchange, No More Sweatshops and the Garment Worker's Center against sweatshops. Specifically, in California the passage of AB 663 in 1999 was a landmark bill was designed to specifically combat sweatshop abuses in the California garment industry. Its provisions hold contractors, manufacturers and retailers legally responsible for labor abuses, which have enabled numerous garment industry employees to collect unpaid wages.

In 2003, the California Senate passed SB 578 which established a statewide sweat-free procurement policy mandating that all apparel, garments and equipment procured by the state must have no trace of sweat labor (SB No. 578, Chapter 711). Following SB 578, SB 179 was passed in 2003 that established a safeguard against employers who outsource and claim no knowledge of the working conditions of their subcontracted employees. The bill is expected to encourage responsible contractors whose viability is otherwise threatened by cheaper labor. The ordinance passed in Los Angeles stems from the Garment Code of Conduct adopted in 1995 at Occidental College. This policy language was then used as a guide to pass the LAUSD No Sweat Procurement Policy in January 2003, to ensure that District contractors and

subcontractors do not employ child labor or sweatshop labor in any apparel, sports gear or school supply materials (Hayden). The Los Angeles Unified School District adopted this “No Sweat” Procurement Policy in March of 2004. While similar bills are limited to the garment industry, this measure prohibits the District from purchasing any goods made under sweatshop conditions (LAUSD “No Sweat” Procurement Policy).

The most recent adoption in the City of Los Angeles occurred in November 2004 that established the most progressive sweat-free procurement ordinance in the nation. Covering the provisions that require all contractors and subcontractors to provide a “procurement living wage”, the ordinance also requires funding for one full time city enforcement officer and annual funding for an independent monitor. The anti-sweatshop college movement was a catalyst for the enactment of the Garment Code at Occidental College, which in turn influenced the adoption of the LAUSD code, and the Los Angeles No-Sweat Procurement Ordinance.

### **Creating the Ordinance in Los Angeles**

The Los Angeles passage of the sweat-free procurement ordinance is a huge victory for anti-sweatshop advocates. At City Hall, Councilman Eric Garcetti was the effort’s point man, and thereafter the drafting the ordinance was a two year process. "Whether we're buying uniforms, desk chairs, computers or pens, the city government shouldn't be sending its money to sweatshops," declares Councilman Eric Garcetti, in his introduction of the ordinance. "Companies who exploit or abuse their workers should have no part in supplying L.A. with the goods we use to run the city” (AFL-CIO).

Prior to the adoption of the city’s “Sweat-free” ordinance, the city adopted a Contractor Responsibility Program. All purchasing was subject to the Contractor Responsibility Ordinance (CRO), which sets up guidelines for procurement and allows activists to register complaints against companies that were awarded bids. The passage of the sweat-free ordinance amends the CRO and approves the ordinance to be implemented.

The process of creating the sweat-free ordinance was a two year process. It went through a variety of drafts before passage at the Economic Development committee. The committee's members include Garcetti, Alex Padilla, Ed Reyes, and newcomers Martin Ludlow and Bernard Parks. Union activists, community groups, students and people of faith campaigned to pass this ordinance, including No More Sweatshops! headed up by Tom Hayden and Erica Zeitlin who spearheaded the campaign, Progressive Jewish Alliance, and UCLA Labor and Center's director Victor Narro. In reference to their motivation behind this type of organizing, Hayden asserts "The role of the public sector should be to support workers' struggles and set an example for the private sector. Your tax dollars are keeping people in peonage in places you'd be horrified to let your own children see, let alone work in" (Seely).

Passed on November 10, 2004 the ordinance establishes a sweat-free procurement policy and to establish compliance procedures for the City's Contractor Code of Conduct. The ordinance covers all manufacturing materials, supplies including apparel and accessories, along with equipment and laundry services. This is applicable to all contracts over \$25,000 and over three months of procurement or rental equipment. City Contracts for apparel and related accessories total about \$3 million annually (LA CAO). According to Josh Kamensky, Communication Deputy to Councilmember Eric Garcetti, the city's annual budget of apparel purchases is \$1 million.

The language of this ordinance falls under the guidelines of all applicable Los Angeles laws including wage, health, labor, environmental and safety laws relating to discrimination in hiring, promotion and compensation. This includes human and labor rights imposed by treaty on country of assembly, including those relating to child labor, slave labor, forced labor, or sweatshop labor. The non-poverty wage is also applied to apparel and footwear manufacturing as well as laundry services.

The CRO is amended to reduce the monetary threshold for commodities from contracts over \$100,000 to contracts over \$25,000 and over three months to be consistent with service contracts. It is also suggested to streamline city contracts and reduce the processing requirements for the CRO by eliminating the 14-day waiting period before contracts may be awarded (Fujioka).

A local Los Angeles preference is given to all contracts who commit to responsible production in the city. Competitive bids for apparel procurement are given preference for purposes of that bid where the price bid by such bidder is not greater than 10 percent higher than the lowest price bid by an otherwise responsive and responsible bidder (LA Ordinance).

The wage standard is referenced as the 'procurement living wage' in the ordinance established by the UNITE. Under this formula, the 2004 procurement living wage for domestic manufacturers would be a minimum of \$9.04 per hour without health benefits, or \$7.53 per hour with health benefits of at least \$1.51 per hour. The Ordinance applies the procurement living to contracts involving the procurement of garments, uniforms, foot apparel, and related garment accessories.

The ordinance instructs the Controller to transfer \$50,000 initially from the Reserve Fund to the Unappropriated Balance, which will then be appropriated to the Department of General Services. The transfer of \$50,000 would be required from the Fiscal Year 2004-05 Reserve Fund to pay for the full time city enforcement officer. If payment of a procurement living wage is required for apparel and related accessories contracts, it is estimated that the annual contract costs could increase approximately \$20,000 to \$70,000.

An advisory board including city, advocacy groups and labor representatives will oversee this process as a working group. The board will start when the Request for Proposal is awarded to the monitoring group (Kamensky). The goals of the advisory board are to give voices to individuals and communities affected by these policies such a garment workers, and labor advocates. Working in collaboration with the city officials is vital to the workings of a productive advisory board.

There is also funding for a full-time city enforcement officer in the City Administration Office (CAO). The position was allocated to Ray Richards, under the title of Sweat-free procurement coordinator. The standard civil service process was used to select a staff member to manage the ordinance. The responsibilities of the position are to implement, administer, monitor, & enforce compliance with the City's Sweat-Free Procurement Ordinance. Richards is in charge of developing the Rules & Regulations of the ordinance and Contractor's Code of Conduct. He also must establish and maintain a

procurement living wage for relevant geographic areas. Furthermore, the city staff position requires enforcement activities such as networking with advocacy groups, labor organizations, and public agencies, while assisting in development and conducting supplier performance hearings and appeals from non-responsible vendors and suppliers. Organizing a consortium of public agencies throughout the country that have enacted anti-sweatshop legislation is also crucial. The city position must also track on-site audits of factories by independent monitors and investigate claims of non-responsibility (Ramos).

### **Procurement**

Upon submitting a bid to the city for their services, the contractor must sign and Contractor Code of Conduct. Contractors and subcontractors found in violation of the ordinance will be subject to ramifications, starting by providing access to independent human rights monitors and training to bring the workplace into compliance. There is public disclosure of manufacturing sites. If a company's factory is under suspicion of violating labor codes of conduct, the city may require an independent investigation, followed by on-site employer/employee education to ensure future compliance. The city can retain all monies until compliance is achieved. In that case remediation is not successful, the city may assess penalties and terminate contracts.

There are also a number of commitments that are not in the language of the ordinance. There is a commitment to develop networks with advocacy groups, labor organizations, and public agencies. There is commitment to explore development of the consortium of public entities to share monitoring and enforcement by independent monitors. There is also the support to create a database of potentially non-responsive manufacturers.

Currently, police officers and fire fighters receive an annual uniform allowance, which is used to purchase uniform items from a list of department-approved vendors, or any other vendor they choose as long as department uniform specifications are met (Fujioka 4). The ordinance instructs the Police Department and Fire Department only to include on the list of approved apparel vendors those that have signed the Vendor Code of Conduct. The City Purchasing Agents has contracts with Long Beach Uniforms and

with BUI Uniforms. The Departments of Transportation (DOT), Recreation & Parks, and Sanitation also procure clothing from these companies. Employees in some Departments (LAPD, LAFD and DOT) are given a monthly stipend for maintenance purposes and are responsible for purchasing any uniforms above what is allocated by the City. The Purchasing Agent does not control these purchases (Ramos).

### **Monitoring**

The different components of the ordinance have different steps of implementation. Implementation of the monitoring system is one of the biggest steps. The General Services Department reviews the applications for the independent monitor. They use a competitive proposal process. Once proposals are submitted, they are reviewed and a determination is made as to whether or not they meet the City's standard provisions. Those that meet the standard provisions are then evaluated to determine if they meet the requirements/criteria established in the proposal (RFP) This includes experience, quality of Sample Investigative Report, proposed cost, and Work Plan Feasibility. Interviews are set up in order to give the final proposers an opportunity to further demonstrate their ability to meet the criteria established. Once the interviews have been completed, a selection will be made (Ramos).

Only two aspiring monitors submitted bids to the city for the \$50,000 contract to oversee vendors' compliance with the ordinance. Cal Systems Compliance Corporation based in Los Angeles, and the Worker Rights Consortium based in Washington D.C. Cal Systems Compliance Corporation is considered very problematic by the group of labor-rights advocates in Los Angeles. According to UCLA Labor Center director and attorney Victor Narro, a law can promise the moon but without adequate monitoring and enforcement provisions, it's just pie in the sky (Seely).

Hiring Cal Systems Compliance Corporation, advocates say, could undermine, if not virtually derail, the no-sweat measure. Cal Systems is headquartered on Washington Boulevard in Los Angeles and monitors factories and farms for more than 450 clients on five continents. The client list of CSCC is confidential. But attorney Julie Su, of the Asian Pacific American Legal Center, has first-hand knowledge that CSCC monitored

workplace conditions for the company that ran the infamous El Monte sweatshop, the most notorious worker-abuse case in recent memory (Murray 2).

The city's General Services Department, which reviews the applications in a complex, multi-step process, is well aware of the sensitivity of the issue. There's a lot at stake, says the department's acting general manager, Debbie Ramos. "This is something that there's been a lot of interest in with advocates," she says. After a three-year process, they want someone who can do the job. "Unless we have enforcement, there's no teeth" (Murray 3). The decision will be taking place in May of 2005.

Garcetti deputy, Josh Kamensky emphasizes the greater possibilities of the ordinance. The measure includes provisions for the city to link up with other big-dollar public purchasers to compare records and develop a database of good-business-practice companies, as well as what Kamensky calls scofflaws. Plus, it's good for business, he says, because lawful companies will not have to compete with others who hold their costs down by cutting standard regulatory corners. "It's enforceable, it's funded, and it links up with others," he says of the ordinance. "It's a signal achievement" (Murray 3).

The selected independent monitor will provide all monitoring as required by the City (Ramos).

## **Chapter 3: Comparative Sweat-free Cities: 8 Case Studies**

### **Methodology**

A questionnaire (see Appendix A) was created to supplement the primary original research conducted in this project through phone and email interviews with city staff, labor advocates and community members. The purpose of the survey was to discover the scopes of the policy or legislation, its procedures, and implementation of comparable cities and to compare that to Los Angeles. The cities selected for this survey were based on four criteria: population of the city, community involvement in the policy, scope of the policy and enforcement. There are thirty some cities that have passed sweat-free legislation, but due to accessibility of information and connections that I was able to make, I finally narrowed the case studies to eight municipalities.

In relation to the size of the cities, populations range from 31,473 in Bangor to 8,008,278 in New York (US Census 2000). In a larger sized city, it might be harder to implement a sweat-free policy due to the volume of purchases. However, large cities could also benefit from larger staff and resources for implementation. Population is also important as it relates to the second criterion, community involvement. My hypothesis was that a larger population would mean less community involvement. The depth of community involvement might be less in sprawling Los Angeles than in a tighter knit community of 40,000 like Olympia.

The eight case study cities included Albuquerque, Bangor, Boston, Milwaukee, New York, North Olmstead, Olympia, and Vancouver. The city of Vancouver was chosen as the only city outside of the United States due to its extremely progressive and in depth ordinance that in most ways mirrors the Los Angeles ordinance.

The general goal of the questionnaire was to assess the scope and components of the policy, identify implementation and enforcement mechanisms for the each city and get an overview of the items and their quantities that each city procures. Officials, staff, and community advocates were solicited for the survey. For each city, I identified the city purchasers, which varied from city to city. Some city procurement is centralized, while other cities have procurement officers, and others purchase items by department, while other cities procure through a general department. When I identified the

procurement officers, I found their contact information. In my research, I found a variety of different community groups and advocates.

I was able to get in contact with some of the community members and union organizers, but in a few cities such as Boston, I was unable to get a hold of the key players, notably Dan Hennefeld, a former UNITE procurement representative who took an active role in passing the procurement policies in many cities beyond Boston. He no longer works for UNITE, and I could not track him down. The idea was to get an insider and outsider perspective to evaluate each policy. I sent out the questionnaire by email with an email follow-up. For cities that I did not hear back from within a week, I called to follow up the survey, but did not receive any positive response. I got the fastest response from Los Angeles. Specifically, the city of Albuquerque was a challenge, as when I made contact with the purchasing officer, he handed me over to another general officer, who felt she was unsuited to fill out the survey and said she would put me in contact with another person she felt would be better suited to respond. What I later realized was the memorial was not being enacted, so the city staff kept passing me off to fellow staff members, whom I was never able to get a hold of.

Of the 8 cities in the case studies presented here, only 3 cities returned the survey; Bill Hannon, Purchasing Director from Boston, Josh Kamensky , Legislative Deputy to Councilmember Eric Garcetti from Los Angeles, and Tom Sandborn, Maquila Solidarity organizer from Vancouver. These three completely surveys proved to be extremely helpful in my research. The completed surveys are also reflective of the active policies in each of these cities, as these cities appear the most effective in implementation and enforcement. My hypothesis for the cities that have yet to return the survey is that there is little implementation going on in the city, they are understaffed, or filling out the questionnaire is not a priority. As the survey was meant to supplement my original research, I also take responsibility for not diligently attempting to get the information.

This chapter looks at eight different municipal procurement legislations. Passed between 1997 and 2004, the characteristics vary in scope, implementation and enforcement, yet all have the underlying goal to procure sweat-free items.

### **Albuquerque, New Mexico**

In 2000, the city of Albuquerque passed a “Sweatshop Free” Memorial to complement the procurement guidelines. A memorial is merely a recommendation and therefore, has no effect of law. Sweatshop-Free Albuquerque Coalition, lead by Patt Hynds, initiated the community-based campaign that persuaded the City to pass the memorial which focuses on consumer and retailer education.

Yet, the scope of the memorial is significant, as it is a policy that covers purchasing, leasing or renting of all goods for use or for resale by city-owned enterprises that are produced under decent working conditions. This inclusive memorial sets specific work labor standards for any purchase made by the city. Every item must not be produced with child labor, or forced labor. A living wage and benefits required by law in the state or country, no more than 48 hour work week, in a factory free of physical, sexual or verbal harassment, is specifically required.

The memorial further states that the city’s suppliers of goods shall be notified of this policy in writing and an inquiry will be made as to working conditions under which their products are manufactured. The city will also continue further research findings to support stronger legislation to advance the concept of a Sweatshop-Free Albuquerque.

There are three specific preferences considered by the purchasing division; local, residence and recycling preference. In regards to local preference, vendors from the "Greater Albuquerque Metropolitan Area" submitting offers are provided a preference of 5% over non-local vendors. Vendors must complete and qualify for the preference by completing the "Local Preference Certification Form" and submitting such with their offer. A Resident Preference will be considered in those cases where there were no certified local offers or such were determined to be non-responsive or responsible. To qualify for this preference, a vendor must have been issued a certified Resident Preference Number by the State Purchasing Division and it must be provided with their offer. Vendors are encouraged to make application for such certification. A preference for recycled material will be afforded those vendors who submit offers on recycled material when the preference is so stated in the solicitation.

In the city of Albuquerque, procurement actions are assigned to Senior Buyers by commodity. Senior Buyers are assigned to departments as liaisons between other departments and the purchasing department. Denise Gallegos, who heads up the Safety /

Law Enforcement / Food procurement, is in charge of police, fire, corrections and senior affairs departments. This includes purchasing of police and fire gear and equipment, corrections supplies, institutional supplies, institutional equipment, linen service, linen supplies, uniforms, rental clothing, and janitorial services (City of Albuquerque).

Yet, according to Laura Mason, director of the City Council office, the memorial as it states, is not being implemented. When passed as a memorial in 2000 by the city council, Mason was present on the council, but does not recall its passage. She suggested that it was perhaps passed in order to mollify a certain group of activists. She is confident that the city would not use any shallow language and is going to follow up with me to find out who sponsored the memorial. After these inquiries were made, the City removed the memorial from its website, and Mason had not followed up at the time this report was completed. The city is currently not implementing any sweat-free procurement practices.

### **Bangor, Maine**

In 1996, The Bangor Clean Clothes Campaign launched a community-based anti-sweatshop campaign with the aim of creating a public consensus that clothes sold in Bangor should be made in accordance with internationally recognized standards of ethical production. Over the past 25 years, Maine lost many garment-industry jobs due to the migration of apparel production to Central America. It was the goal of the coalition to show both the U.S. and global south workers that they were at the mercy of the same corporations, and would counter the image of the Third World poor “stealing our jobs” and lay the basis for cross-border alliances (Claeson). In June 1997, the City of Bangor supported the first board statement about the issue with its Clean Clothes resolution in June 1997. The commitment urged Bangor area retailers to sell sweat-free clothing, referencing to workplace standards endorsed by the UN and the ILO. Though the resolution is not legally binding, over 30 small merchants have signed the Clean Clothes Campaign (Claeson).

In 1999, the campaign gained momentum and the Clean Clothes purchasing policy was passed at the city level. This purchasing resolution then led to the passage of

the state of Maine's Anti-Sweatshop Purchasing Bill (LD 1748). This bill was provided \$100,000 to support a "clean clothes" staff person and a redesign of the purchasing database to facilitate gathering and sharing information about working conditions. The goal of this database is to link it to the Clean Clothes Campaign's database, and make it accessible on the web.

Passed on October 25, 1999, a non-binding resolution established guidelines to address the purchase of covered items from ethical and responsible contractors. In response to the growing global economy, Bangor Councilor Michael Aude stated "Communities and institutions have to think about their roots and their values" (Saucier). The scope of the legislation covers all manufactured items of apparel, footwear, and textiles. The resolution follows the labor standards of ILO and UN codes regarding wages, workplace, health and safety, forced child labor, child labor, and freedom of association. "Passing this policy is the kind of step that can have a real effect on retailers and manufacturers. Worldwide companies that have been under scrutiny in recent year for manufacturing practices are not trying to outdo each other in publicizing their advances in better treatment of employees. This is a competition worth stimulating" said Clean Clothes Campaign director, Bjorn Claeson (Saucier).

In terms of implementation, purchasing agents require bidders to complete a Manufacturing Facilities Questionnaire that includes questions about names and addresses of manufacturing facilities, child labor, unionization, independent monitoring, and wages and benefits. The enforcement process is an informal procedure by which local campaign monitors bring allegations of violations to the attention of the city. The city weighs the evidence and then proceeds to pressure the supplier for compliance or declines to accept future bids.

### **Boston, Massachusetts**

Passed in April 2001, as Section 4F of Chapter 40 of the General Laws of Massachusetts, a sweat-free apparel procurement ordinance was established in Boston. Mayor of Boston, Thomas Menino stated to the city council in a letter, "The City of Boston is committed to procurement policies that ensure a living wage for individuals and families. This legislation is consistent with that commitment" (Menino). The scope of the legislation specifically covers all manufacturing of apparel. The city procures

clothing for the Department of Transportation, and Property Management, as well as jail uniforms for guards and prisoners, and t-shirts for city events (Hannon).

The ordinance strongly supports the procurement of union made apparel. It provides for a written declaration that each garment to be purchased must have a union label affixed to it, or a Wage Affidavit Form that each manufacturer, contractor, or subcontractor involved in production of the garments in a specific bid will sign (Section 4F). The prevailing wage rates are determined by the State Department of Labor and Workforce development based on collective bargaining agreements. All bidders, manufacturers, contractors, and subcontractors involved in the production of a garment specified in a bid must keep accurate records of each employee showing names, the address, occupation, hours worked, and wages paid. Upon request, successful bidders must provide a copy of these records.

More specifically when making a bid to the city, the vendors have two options in filling out prevailing wage instructions, depending on if the items are union or non-union made. Bidders that are supplying non-union made items must fill out at GMT 1 form (list of Manufacturers and Contractors) and for each manufacturer, contractor, or subcontractor complete a GMT 2 (Wage Affidavit). This form must be completed and signed by an official of the company who hold signatory powers. In accordance with the General Laws of Massachusetts contracts or orders for items are be given to established contractors that pay prevailing rates of wages. Attached to the declaration is the prevailing rate of wages for the Boston area. The forms asked the bidders to specifically fill out the wages of each job classification that are appropriate for the work that was performed. The form explicitly asks for the hourly wages of such positions as cutters, top pressers, brake pressers, stitcher operators and the seam busters (GMT 2).

If the garments that you are supplying will have a union label affixed to each item must complete form GMT 3 (Written Declaration). This written declaration from the bidder affirms that each item produced has a union label affixed to it and that it is sufficient proof that the employees producing the item, including contractors and subcontractors, were paid appropriate prevailing wages. These prevailing wages are made available to all prospective bidders.

In order to enforce the policy and promote local procurement, the city works with UNITE to identify production sites in-state. So far the city has not awarded any contracts to overseas suppliers. However, purchases of some products are on hold such as the guard uniforms for Suffox Country House of Corrections because they have not found a U.S. supplier (Hannon).

There is an advisory board that includes community members to uphold the resolution (Hannon). According to Boston's purchasing director, Bill Hannon no one has been appointed to the Task Force. The creation of a task force was written as a temporary committee in section 4-3.1 of the ordinance. The purpose of the task force was to insure compliance with the ordinance by promoting purchases from companies that meet all labor standards, review implementation of the ordinance, and make recommendations for improvements (City of Boston). The Task Force was never active, and the city purchasing office oversaw the implementation of the ordinance. Hannon stated, "I believe the City Council and the Union were pleased with the implementation, and didn't feel the need to become too active" (Hannon).

### **Milwaukee, Wisconsin**

In 2000 a community conscious about the spread of sweatshops in the apparel industry organized around Coal's department store's use of sweat labor. For two years the coalition put pressure on Coal's corporate office based in Milwaukee. Interfaith groups gave talks to Sunday services about the working conditions that Coal's was supporting, while union organizers talk about it amount the labor community. But after two years, the corporate campaign died down, and the group made the conscious decision to focus on city procurement, which began the formation of Milwaukee's Clean Clothes Campaign. This community-based campaign is headed up by Mike Howden, a community member who works in solidarity with union activists, such as UNITE organizer Matt Schumwinger. The group played a key role in passing the Milwaukee ordinance, as they concomitantly worked to strengthen a sweat-free public school policy and develop sweat-free educational program for the Milwaukee Diocese (Howden).

The group set up preliminary meetings with the Legislative Reference Bureau of the city of Milwaukee. Meet in solidarity by city staff legislator, Richard Phaff, who is responsible for writing ordinances for city council members, the group began to

formulate a draft. The staff was very helpful in drafting the ordinance that started out with sets of principles created by SweatFree Communities. The community group also contacted the Milwaukee public schools in hopes to use their sweat-free resolutions adopted in 1998 as a model. Howden reports that while the school ordinance was passed, nothing implemented and the school district was very unfamiliar with enactment of the legislation. Local UNITE organizer, Matt Schumwinger played an active role in contributing to the legislation. He currently works to organize laundry employees, as garment employees in Milwaukee have declined rapidly to the point of disappearance in the last decade. The Legislative Reference Bureau communicated back and forth with the purchasing department, which finally led to three hearings before the city council until the ordinance was voted on.

Passed unanimously in April 2003, this ordinance requires all procured items of apparel to be sourced from responsible manufacturers in awarded contracts that exceed \$5,000. The ordinance covers the manufacturing, purchasing, renting, laundering, and dry cleaning of apparel to contractors and subcontractors who are able to provide for the fulfillment of the contracts from establishments able to demonstrate compliance with all applicable standards of the ordinance. The workplace standards for the apparel include non-poverty wages along with applicable local and international labor laws regarding wages and benefits, workplace health and safety, forced and child labor, and freedom of association.

The business operations division, the procurement services office of the Department of Administration is responsible for handling and monitoring city procurement contracts (Howden). The process is very complicated because each department has specifications for purchasing. When the department bids out apparel, most of the bids go through local retailers who handle the actual bids. As suggested by the ordinance, the department reviews and monitors the affidavits submitted by apparel contractors, reviews and investigates complaints relating to compliance, and imposes sanctions such as withholding payments, terminating or suspending contracts, or debarment of contracts when companies do not comply. In order to keep the vendors informed about the procurement policies, announcements of new bid requests are posted on the city website, coupled with notification of the procurement policy standards.

In terms of implementation tools, a contractor's sworn disclosure of names and addresses of manufacturing and laundering facilities are turned in with each bid request. Names and addresses of the owners of the facilities, as well as wages of workers are disclosed. This contractor's sworn affidavit must also include that facilities meet or exceed sweat-free standards.

Yet there is nothing in the ordinance that requires an independent monitoring agency to look for labor violations in factories from which the city procures. Therefore, informally, the local Milwaukee Clean Clothes Campaign community members monitor contracts and bring allegations of violations to attention of City. Mike Howden specifically feels a lot of pressure to uphold the ordinance, as he worked so diligently to support its passage.

Milwaukee Clean Clothes Campaign has other organizing techniques as well. The campaign distributes sweat-free shopping guides for the city and worked to pass a more effective sweat-free procurement policy for the school district, which outlines the same working policy of the city. The campaigns next goal is to move on to organize the county of Milwaukee to adopt a similar ordinance.

### **New York, New York**

This ordinance was conceived and crafted by UNITE and former City Council Speaker Peter Vallone (D-Queens), but relied extensively on the support of the city employees union, the American Federation of State, County and Municipal Employees (AFSCME). The bill attempted to set up a controller-led monitoring system to make sure that \$70 million in annual city spending on uniforms stays out of sweatshops. The New York Labor Council and other affiliated unions raised awareness of the sweatshop issue in New York and encouraged others to support the ordinance. UNITE also tapped a coalition of City Councilors, led by Vallone, who have a record of being sensitive to human rights and labor issues. On March 14, 2001, after a year of lobbying and coalition building, NYC Council overwhelmingly passed the ordinance. Then Mayor Giuliani vetoed the measure, denouncing it as "socialist economics", but on April 25 the City Council overrode the veto by a vote of 44 to 4 (Greider 26). On its passage, UNITE President Jay Mazur said this legislation sent a very clear message that the City of New

York would not allow taxpayer money to be used to support sweatshops. The hope was that this new law would become a useful tool in the fight against sweatshops, and would also level the playing field for responsible New York City garment manufacturers that had, for too long, been subject to unfair competition from sweatshops (UNITE 1).

The ordinance covers procurement of textiles, and footwear and any contracts that exceed \$2,500. The legislation outlines three main provisions somewhat similar to provisions outlined for colleges in the WRC; one that ensures no tax dollars to apparel companies that have violated labor and safety laws. A second provision states that no public money may go to producers that pay below the poverty line for a family of four. A third provision stipulates that companies have no hidden factories and disclose the location of each of their contractor and subcontractor factories. Dan Hennefeld, formally representing UNITE, asserted that "the ordinance will ensure that not a single police uniform, hospital linen or firefighter's boot in New York City will be made with sweatshop labor"(Greider 26).

Companies that operate sweatshops at home or abroad are ineligible for public money from New York City. New York City government spends over 70 million dollars annually on apparel and textiles for police officers, firefighters and hospitals. In reference to its fiscal effect, Hennefeld adds "A sizable chunk of money [will be] lost to any company that thinks they can save a few dollars by using sweatshop labor"(Greider 26). Also explaining that the sweatshop ordinance is one that is so strict, with provisions for living wages and human working conditions, it is suggested that only suppliers with UNITE or other union contracts are the only businesses that will be eligible to supply NYC with apparel.

The City Comptroller mandates the acceptable wage and health benefits received by apparel contractors and subcontractors. For contractors and subcontractors operating in the United States, the Comptroller would be required to set the wage and health benefit level at a minimum of \$8.75 per hour. This wage and benefit level, far in excess of the Federal and New York State minimum wage, would have to be paid to every employee in any way involved in the manufacture of apparel destined for a City agency. Mayor Giuliani found it problematic. "If an apparel contractor were to employ a subcontractor to ship goods to the City, and the shipping subcontractor were to pay some of its

employees less than the Comptroller-mandated wage and benefit level, the City may be required to terminate the entire contract (Giuliani 1). He states that the bill's delegation of power to the Comptroller to dictate contract terms such as employee wages is illegal under both local and State law. The City Charter grants the Mayor and mayoral agencies the authority to administer contracts.

Therefore, this delegation to the Comptroller violates the City Charter and the State Municipal Home Rule Law by transferring and curtailing the powers of the Mayor without a referendum (Giuliani 1). Yet Giuliani's foremost issue with the ordinance seemed to lie in the fact that he believes a business that complies with Federal and State labor statutes should not be penalized just because the Comptroller is not satisfied with the wages and benefits paid to its employees. He stated, "The bill would turn City contractors into international labor enforcement agents" (Giuliani 2).

Yet, Manhattan Supreme Court Justice Michael Stallman found that while the 2001 law was well-intended, it gave the city's controller too much power over city contracts. In declaring the law invalid, Stallman noted, "New York has long recognized that sweatshops and other oppressive working conditions are incompatible with a humane and healthy society. "However," he added, "that end does not justify an impermissible means" (Saltonstall). Under the interstate commerce clause, cities and states are forbidden to discriminate against other states by targeting their producers with anticompetitive restrictions. Sweatshops be bad, but a City Council law aimed at forcing city agencies to buy only from "responsible" manufacturers is full of holes, a judge has ruled (Saltonstall).

In contrast, Mark Barenberg of Columbia Law School, chairman of the governing board of the Worker Rights Consortium explains, "when a city or state acts like a consumer, a market participant itself, it can discriminate in the ways any consumer does." (Greider 26). If a city decides its citizens are offended by abusive working conditions or exploitative wages by producers outside its jurisdiction, it cannot enact a law to stop them, but it can refuse to buy their goods. The city council is not giving up. City Council Speaker Gifford Miller (D-Manhattan) vowed to write a new bill that could pass legal muster (Saltonstall).

**North Olmsted, Ohio**

Passed in February 1997, the resolution was the first anti-sweatshop legislations to be passed at the municipal level in the United States. The council acted after revelations that Kathie Lee Gifford's line of clothing was subcontracted to sweatshops in Central America (Bole). Then mayor Ed Boyle said, "The Gifford story really got my wife going, It's occurred to use that the city could very easily be spending taxpayers' money on sweatshop products." Ed Boyle work in solidarity with Archbishop Theodore McCarrick of the Catholic Archdioceses of Newark, New Jersey.

The 1.4 million member Archdiocese of Newark enacted an anti-sweatshop clause relation to its contracts with vendors. "We want to look at everything we buy, to make sure we're not contributing to injustice and indignity in the workplace. McCarrick started by checking out the companies that supply uniforms to the archdiocese's 60,000 students (Bole). The church officials began working with the New Jersey Department of Labor to weed out any distributors doing business with sweatshops that operate locally in the northern New Jersey. The region has about 300 garment factories that are not registered with the state and most of these are believed to be sweatshops (NJ Department of Labor). This form of solidarity was being matched by cities around the United States at this time. The New York-based National Labor Committee distributed thousands of "I Care" stickers, along with cards for shoppers to leave with store managers that included questions like "In which countries do you source production? Are human rights respected?" (Bole).

The resolution requires all procured items of apparel to be sourced from responsible vendors and manufacturers. It was passed as an emergency measure immediately necessary for the preservation of public health, safety and welfare for the people of North Olmsted. A city of 36,000 people spends \$44 million a year on items ranging from soccer ball to police and firefighter uniforms (Bole). The city is prohibited, to the extent possible, from purchasing, leasing, renting or taking on consignment goods, which were produced under sweatshop conditions. City vendors must guarantee that their manufacturers pay a just wage defined by the minimum wage mandated in the country. Employees must not be forced to work more than 48 hours a week, and must be provided a safe working environment free of physical, verbal or sexual harassment.

After the ordinance was passed, the Clerk Council notified all businesses and residents of the city. The city notifies city's suppliers of the policy and inquires about working conditions. Goods from suppliers not willing to state that products are not made in sweatshop conditions are not purchased. When asked about the implementation of the policy, the clerk of the City Council was aware of the resolution, but didn't know who was responsible for implementing it. Donna Murphy of the Finance Department didn't know anything about implemented and was surprised the Clerk didn't know either. Murphy's boss, Carrie Copfer said that the resolution is not being implemented. "It's just something created to, well you might imagine why a politician [then mayor Ed Boyle] might want to do it in an election year. The new administration simply didn't follow through." Donna said she was interested in trying to get something going in North Olmsted (Claeson).

### **Olympia, Washington**

In March 2004, a resolution was passed after four and a half years of community and city collaboration to establish guidelines to address the purchase of clothing and footwear from responsible and ethical contractors. As the state capital of Washington, with a population of 42,514, the city stands as a model to the rest of the state. While it is small in population, the city is in no way provincial, but rather very sophisticated in management. Functioning at a state level, yet with the intimacy of a small town, Olympia was engaged and prepared to develop a sweat-free policy.

Starting with a large and committed group of students, union organizers and community members, a coalition formed to create the South Sound Clean Clothes Campaign. Headed by community member, Dick Meyers, who remains active in holding the city accountable for the resolution, the coalition energy put into organizing the process was long and challenging but met with many helpful hands in solidarity within the city. To the credit of the city staff, the community members felt very supported by certain city officials and departments. The public works department approached the coalition early on and wanted to start implementing the policy and changing their purchasing habits before the resolution was even passed (Meyers).

In keeping with the trend of passing sweat-free purchasing policies in order to advocate against the use of sweatshop labor, the coalition of community members choose

to focus their energy on this specific cause. The South Sound Clean Clothes Campaign is a coalition of Olympia, Tumwater, and Lacey students, union members, people of faith, and concerned citizens raising awareness about the sweatshop industry, and challenging individuals as well as public and private institutions to create positive change by altering their purchasing practices.

Using Bangor, Maine's resolution as a guide, the Olympia coalition worked closely with Bjorn Claeson, who helped develop the Bangor resolution. The drafts of the resolution were presented to the city council, and then referred to the budget committee. Over the next 2 years, the committee presented their revised budget and practicalities of the resolution a total of five times to the city council's budget committee. In the process of convincing the city staff to bring the resolution to the city council for a vote, the community members made it very clear that they did not just want this resolution to be a gesture (Meyers). As a coalition, they produced a cost comparison and analysis to implement the resolution. They were challenged at every stage and needed to produce their own evidence. Early on in the process, the community campaign asked for all the purchasing records from the previous year, in hopes to disclose factory information and for the purpose of creating cost comparisons for purchases of sweat-free items. While they were not a legal or government body, the group had difficulty collecting information (Meyers).

The committee developed allies in the Fire Department and within the city council. The chief of the Fire Department took interest in supporting the policy early on in the process after personally trying to locate the factories where the fire uniforms were produced. After being denied the information from the vendor, the chief joined on in solidarity to the cause. Then with the support of 3 city council members, the finalized resolution was brought to the city council and passed in March 2004.

With an implementation date of July 2004, the city utilized an intern to create a product database and to promote the program to staff in various departments who are involved in purchasing. As of March 3, 2005, the intern had left, and the database of clothing sources was made available for city employees to use in making their purchases of ball caps, t-shirts, and sweatshirts. Each department is also responsible for

individually updating the database when new information is available about products or vendors (Povala).

The first phase of the ordinance covers t-shirts, sweatshirts and baseball caps. In future phases, it will cover additional items of clothing and footwear. The resolution includes preferential procurement from local vendors. The standards of the workplace where items are procured are under the ILO Convention of Rights of the Child, UN Declaration on Gender Equity, and UN General Assembly Universal Declaration of Human Rights. All vendor bids must include a completed manufacturing facilities questionnaire that outlines affirmation of wages and workplace compliance.

In order to be effectively implemented the city purchases from a list of manufacturers proven to be free of sweatshop working conditions. This can be accessed from the cities sweat-free data base of vendor sources available online for all city departments. The major challenge is that there is no central purchasing agent within the city. Decentralized purchasing authority in the city, with departments making their own bulk purchases and employees buying individually and getting reimbursed, produces a major obstacle to monitor all city purchases.

Disclosure of names and addresses of every supply factory is also required. According to the policy, independent purchases like those in the Fire Department or Policy Department must go through the approval of the city. City staff is to provide individual employees who receive a clothing or footwear allowance, information on local retailers, wholesalers, or known manufacturers of sweatshop-free items, and encourage employees to make purchases from those sources (City of Olympia).

To determine whether a bid is responsive in terms of the ordinance's criteria, the city can consider information obtained independently from the bid from the following: the manufacturer, the distributor from whom the goods are purchased, national or international advocacy organizations and well documented information from local citizens groups such as members of the South Sound Clean Clothes Campaign.

The City Council Budget Committee is to review the progress of implementation annually through 2006 to determine its effectiveness in assisting the City and its employees in purchasing covered goods from responsible vendors. The council will also look at the impact that the policy may have on the ability of the City to purchase such

items at competitive prices, and the timing and means of including additional items under the purchasing guidelines. In regards to enforcement, an informal process takes place between the city and South Sound Clean Clothes Campaign when problems arise.

A year after the passage of the sweat-free procurement resolution, the implementation is a challenge. In a report to the council, City council member, Curt Povala wrote on the progress the city has made in implementing the clean clothes purchasing guidelines and made suggestions of what needs to be done to ensure ethical implementation. After checking in with city staff, Debbie Krumpolson about the progress the city has made on implementation, he wrote this report to the council. She reported that this policy was not meeting its full potential, and many areas have been identified to assure success, including a request for additional city council support. The request specifically indicates that ongoing education is necessary to assure attention is paid to the policy, and that the database is routinely updated effectively. Krumpolson notes that several staff has changed since July 2004 and some staff is not aware of the database, or not knowledgeable of how to utilize city forms.

The report specifically requests that the city council look at funding an intern for one school quarter annually to “refresh” the database information, in addition to routine employee entries, help identify new sources of clean clothes, offer continuing education, and audit the system for compliance with council intent. If no funding is available, Dick Meyer of the Clean Clothes Campaign has volunteered to host an unpaid intern and coordinate work with the city.

Krumpolson has indicated the “manufacturing facilities questionnaire” is difficult for vendors to get answers to, and staff is unsure what criteria should be used to judge “clean” responses versus unacceptable responses. In the absence of clear answers from vendors or manufacturers about clean clothes assurances, city employees are continuing to make questionable purchases and vendors are not motivated to change. With the intent to show local vendors that the city is serious about this policy the recommendations urge internal communications with city manger and department heads about supporting the policy and support educational trainings of how to accurately implement it. Secondly, it suggests having the city manager communicate with all current city vendors about the policy and that employees will be asked to consult the city database for pre-approved

items. The approved list of clean clothes products needs to be given to all current vendors to encourage them to stock specific items.

The report goes on to suggest that clean clothes purchasing guidelines are not yet enshrined enough to expand to other products within the city. However, after additional review of the database and feedback from city vendors, the purchasing program can be bolstered by promoting the availability of clean clothes items, starting with ball caps, t-shirts, and sweatshirts to other area public institutions such as cities, the county, schools, the state. This can be enabled by creating a web page accessible to both city employees at home and to the public that identifies local clean clothes sources. The final recommendation covers the use of centralized purchasing to better meet this program need and as an efficiency measure.

### **Vancouver, Canada**

On April 23, 2002 the council adopted nine Sustainability Principles as guidelines for creating a Sustainable Vancouver. On April 8, 2004, Council declared “its intention to implement a Sustainable and Ethical Procurement Policy for the City of Vancouver before the end of the 2004 calendar year” and resolved that “appropriate City staff be directed to report to Council within two months of the passage of this resolution on questions related to implementation of such a policy for City purchases of apparel, coffee and related items” (Corrigan). On June 22, 2004 Council received a report summarizing the implications of developing a Sustainable and Ethical Purchasing Policy.

From these recommendations stemmed the creation of EPP Task Force that would work to prepare and present a draft policy to the Council. The task force formed in August 2004 and composed of councilors, business, labor and NGO communities. The BC Ethical Purchasing Group generated the biggest influence in the process. This community coalition is an umbrella group that united trade unions councils, local offices of the CLC National Labor Conference, Oxfam Canada, student groups from Simon Fraser University, University of BC and several community colleges. The main national organizations that support the efforts were Oxfam Canada, the Canadian Labour Council, the Ethical Trading Action Group and the Maquila Solidarity Network. Elected councilor, Tim Louis was at the forefront of supporting the ordinance from the beginning

and worked hard to mobilize support from other members of the Community (Sandborn). The city staff entered late in the development of the ordinance, but Terry Corrigan and Larry Berglund from the city purchasing staff played a key role once the council had mandated the development of an ethical purchasing policy. The task force completed its work in November 2004, with a report to Council and recommendations.

Passed on December 17<sup>th</sup>, 2004, Vancouver became the first city in Canada to pass a sweat-free procurement policy. Phase I of a new Sustainable and Ethical Purchasing Policy (EPP) and Supplier Code of Conduct (SCC) was approved. This resolution covers all city staff purchases. The EPP applies to the City's procurement of apparel items and fair trade agricultural products, including coffee. The annual apparel purchases for the city totals \$1.4 million. The budget is allocated between 48% to Police, 39% to Fire and Rescue and 9% to Engineering Services (Corrigan). The EPP and the SCC work in collaboration with one another. The SCC sets the minimum performance standards for the EPP. The goal of the SCC is to ensure safe and healthy workplace standards upheld in accordance with the conventions of the ILO. The second phase of the ordinance is "to incorporate broader environmental and social objectives into the policy" (Corrigan).

The estimated annual cost of this ordinance is \$68,000. A one time additional \$20,000 is also needed to provide for consulting to support the implementation of the EPP and to provide technical expertise for the development of the policy (Corrigan). Implementation relies on a combination of approved external independent certifications, supplier disclosures and certifications, and public disclosure of information factory and production facilities. The General Manager of Corporate Services in conjunction with the Corporate Management Team is responsible for implementing this code within the city. The council approved the creation of one full time permanent position in corporate purchasing department to provide support to all City departments and boards to implement the policy.

The operating budget of 2005 will increase to \$185,000, or \$245,000 for a full year for Park Board and \$151,00, or \$284,500 for a full year to cover estimated increase in costs of apparel and agricultural products resulting from the implementation of the policy (Report to Council). Oxfam Canada representative Miriam Palacios asserted, "I

think the financial implications of this are really modest in comparison to the benefits you're going to gain" (Smith).

The policy states that the city will work with suppliers who do not fully comply with the policy to assist them to improve their workplace practices. Where the opportunity exists, the City will work collaboratively with other monitoring organizations. All City of Vancouver suppliers will be contractually bound to provide details on factory and production facility locations of suppliers and subcontractors and will make this information publicly available in the form of annual reports and website postings. The Manager of Materials Management will respond and investigate credible complaints with respect to violations of the SCC. The Manager is also responsible for creating an annual report outlining the progress of implementation, financial implications, supplier compliance, complaints and supplier feedback.

## **Chapter 4: Comparative Analysis of City Procurement**

In this chapter, a synthesized analysis of all nine cities including Los Angeles will be discussed. Focusing on key points of both failure and success of policies, the necessary applications of these policies begin to become salient.

### **Scope of the Policies**

Most municipal policies apply to city purchases of apparel, textiles and footwear. Yet, Albuquerque, Los Angeles, North Olmstead and Vancouver apply to all procured goods. There is substantial common ground in the scope of purchasing codes of conduct. Most policies require compliance with applicable site-of-production labor laws, rules, and regulations, and with the fundamental International Labor Organization (ILO) standards on freedom of association, forced labor, child labor, and discrimination. All policies also specify the treatment of workers, wages and benefits, hours of work, and health and safety as key concerns. Within this common ground, there are three significant types of policies based on, solidarity, preferential purchasing and awareness-raising approaches.

Among the nine cities, four are in the form of resolutions rather than ordinances. Resolutions were passed in Albuquerque, Bangor, North Olmstead and Olympia. A resolution is a binding decision of the council and is used for temporary or administrative matters in relation to the internal affairs of the city. Sweat-free procurement ordinances were established in five remaining cities of Boston, Los Angeles, Milwaukee, New York and Vancouver, British Columbia. An ordinance is a law enacted by a municipal body, specifically the city council in each of these cases. Ordinances are used when a city council intends to pass a regulatory measure, especially when it provides a penalty for violation, but cannot govern matters already covered by state or federal laws. A good sweat-free policy includes the possibility of imposing sanctions to encourage compliance; therefore an ordinance is a stronger legislative tool (Clason).

### **Solidarity Policies**

Solidarity Policies aim to strengthen the position of sweatshop workers who are organizing to improve conditions by linking workers to governments and communities that can actively support their struggles. This approach assumes that sweatshop workers

will initiate campaigns in collaboration with consumer solidarity organizations, and depends on the strength of local sweat-free purchasing groups to support those campaigns. The significant features of these policies include affirmation of sweat-free labor in written code of conduct, factory disclosure, independent monitoring and enforcement task forces.

The city procurement offices of Albuquerque, Bangor, Boston, Milwaukee, Olympia, Toledo and Vancouver successfully require vendors to disclose the names and addresses of locations of production. Disclosure creates the possibility for governments to monitor workplaces and verify conditions. Disclosure also allows workers who are organizing to link with sweat-free purchasers and consumer solidarity campaigns.

Independent monitoring is a crucial aspect of a solidarity policy. The New York City law required suppliers to permit independent monitoring upon request and to pay for the monitoring if violations are discovered. This provision could have created incentives for companies to respect workers' rights, and might have empowered workers to speak up about violations. "Monitoring has become a big business," says Julie Su, Asian Pacific American Legal Center (APALC) labor attorney who represented the El Monte case. "It rose in response to legitimate demands for more accountability. But for the most part, it hasn't risen to the challenge. For one thing, activists say, it's tough for monitors to stay independent and critical of the manufacturers who pay their bills" (Murray 1). When Los Angeles chooses an independent monitor, this will be the first implemented independent monitor to be hired by a city. If the WRC is hired, the city procurement history will be filed and tracked in a database, similar to the ways colleges and universities procurement are tracked. In a co-dependent relationship, if a violation is found by the monitor, or the City reports a need to investigation, the monitor will then step in.

Enforcement Taskforce are another component to effective policies. The community organizing that goes into creating the policy is usually reflective in how a task force is able to implement the policy. Local organizing campaigns and advisory groups enable a policy to be more stringently enforced. The Boston, Los Angeles and Vancouver policies include an advisory task force. However, Vancouver is unclear about the future of the task force after the enactment of the policy. An advisory board based on the task force that worked to create the draft policy documents. Yet it is currently

undecided whether a board to advise policy implementation and enforcement will be permanently established (Sandborn). It is crucial to look at the ways that Olympia's advisory group functions as a monitor which the city relies on, while Los Angeles's board acts additionally as a space for community voices to be heard.

### **Preferential Policies**

Preferential purchasing policies are the second type of approach. Preferential purchasing policies make an immediate difference by providing an economic incentive for sweat-free manufacturing conditions and expanding the market for goods made by union workers or by workers paid a non-poverty wage. The significant features of these policies include union preference, local procurement and non-poverty wage.

Boston requires manufacturers supplying the city to pay a prevailing wage established by collective bargaining agreements or understandings between organized labor and employers in the apparel industry. While both union and non-union vendors can bid for contracts, this provision provides an incentive for vendors to offer union-made products that, by definition, are made by workers paid a prevailing wage.

Boston also requires apparel production to be performed in the United States if possible. In Los Angeles, competitive bids for apparel procurement are given preference for purposes of that bid where the price bid is not greater than 10 percent than the lowest price bid by an otherwise responsive and responsible bidder (LA Ordinance). Following this trend, the city of Olympia gives a local procurement preferential to vendors.

New York City requires suppliers to pay a non-poverty wage. The US Department of Health and Human Services sets this wage level for domestic manufacturers; the New York City Comptroller defines comparable wage levels for foreign manufacturers. Bidders are required to publicly list the wages and health benefits provided to all employees engaged in the manufacture, distribution or servicing of apparel and textiles for the contract.

There are also differences in non-poverty wage, living wage and no wage requirements. The non-poverty wage standard utilized by the cities of Milwaukee and New York is based on the "non-poverty wage plus health benefits" standard formulated by UNITE , which is as follows:

Contractors and subcontractors shall ensure that workers are paid a non-poverty wage, meaning for domestic manufacturers, a base hourly wage adjusted annually to the amount required to produce, for 2,080 hours worked, an annual income equal to or greater than the U.S. Department of Health and Human Services most recent poverty guideline for a family of 3 plus an additional 20 percent of the wage level paid either as hourly wages or health benefits. In order to apply the non-poverty wage to production that occurs outside of the United States, the agency may establish a nationwide wage and benefit level which is comparable to the non-poverty wage for domestic manufacturers as defined above, adjusted to reflect the country's level of economic development by using a factor such as the relative national standard of living index.

In conjunction, the city of Los Angeles bases the wage on the standards of the “procurement living wage” ordinance. The premise is that a living wage is a “take home” or “net” wage, earned during a country’s legal maximum work week, but not more than 48 hours. A living wage provides for the basic needs such as housing, energy, nutrition, clothing, health care, education, potable water, childcare, transportation and savings of an average family union divided by the average number of adult wage earners.

### **Awareness-Raising Policies**

Awareness-raising policies represent the least effective approach in terms of actually implementation and change in procedures. Some policies do no more than communicate civic displeasure with sweatshop labor to vendors, and require them to state compliance with no-sweat production standards. These policies increase awareness among business and government officials. In certain contexts, they may also lead to government investigations of working conditions and public support for sweatshop workers organizing campaigns. An example of this policy is the sweat-free memorial adopted in Albuquerque which is merely a recommendation and therefore, has no effect on law. While interviewing the city council, they were not even aware of the policy being passed, displaying the lack of implementation in awareness-raising policies. Laura Mason, the director of the Albuquerque City Council, suggests that the memorial was intended to appease a certain labor group, but lacks knowledge to identify this group. She was very helpful and interested in finding out more and found it appalling that the sweat-free advocate communities were giving credit to Albuquerque for being a model

sweat-free city. This is a very valid point, as when researching sweat-free cities, Albuquerque does come up frequently. In a similar light, the policy in North Olmstead appears to be acting as a conscious raising tool, rather than an current active resolution. As Copfer asserted in an interview with Bjorn Claeson, the resolution is not being implemented, but rather something that might have helped Ed Boyle be elected for mayor.

### **Cost**

The cost of the legislation is another significant difference between policies. In Albuquerque there is no increased cost. While in Boston, there is an increased cost for administration and estimated increase for contracts due to the increase in wage standards. New York City's policy had an increased estimated cost for the Comptroller's Office to set non-poverty wage and benefit levels and 7% contract price increase because of wage requirements (Sweat-free Communities). In Los Angeles, the fiscal impact nears approximately \$100,000 per year. The initial \$50,000 will cover the salary for the full time City Enforcement Officer. And if payment of a procurement living wage is followed consistently for apparel and related accessories contracts, it is estimated that the annual contract costs could increase between approximately \$20,000 to \$70,000. In the city of Vancouver, the estimated annual cost is \$68,000 which will cover monitoring and the staff position, along with a one time additional \$20,000 to provide consulting for implementation.

Without any increased costs or departmental budget transfers, there is not a lot of promise for effective implementation. There needs to be consistent and purposeful time and energy spent to effectively implement a procurement policy. If no funds are allotted to support a policy, it is reflective of the nature of the commitment to words applying the policy.

### **Change in Purchasing**

After the resolution was first enacted, the city of North Olmstead heavily relied upon verification of vendors to uphold its policy. The city cut off their ties with Shuttlers, a local retail clothing store with an Indonesian factory after becoming suspicious of their labor conditions. The company produced insignia patches sewn onto

North Olmstead police uniforms. When the manufacturer refused to answer questions about wage and working conditions, instead of losing the city's business, Shuttlers changed the contract to an American unionized company. "If we can't guarantee it, we're not going to buy it," said the Mayor Ed Boyle (Bole). Boston has put some purchases on hold after passing the ordinance in 2001. Apparel products, such as guard uniforms for Suffox Country House of Corrections were put on hold because they have not found a US supplier. The city of Milwaukee also cancelled a large contract with Dickies in a bid for daily work clothing for the fire department, as they refused to report the locations of their factories (Howden).

### **Police and Fire Department Uniform Procurement**

These purchases are important to track because of the volume of procured uniforms and gear. The universal nature of police and fire departments in cities also gives this specific procurement precedence. Similar to the way colleges and universities find overlaps in procurement from companies that produce sweatshirts and t-shirts, there is most likely overlap in terms of sourcing uniforms for city staff and officials. Police and fire uniform purchases are also complicated as they are commonly independent purchases made personally by the individual. In all the case study cities, police and fire employees are responsible for obtaining their own uniforms. The only exception is the city of Milwaukee which purchases the general uniform for each employee, and then gives the responsibility to each employee to purchase necessary items beyond the basics (Howden).

It is crucial to look at the legislation that includes the fire and police departments in the policy scope. The cities of Boston, Los Angeles, and Vancouver have a explicit set guidelines in purchasing procedures for these two departments in the legislation. Yet Boston has no compliance mechanism to hold the Fire and Police Department employees, who receive a clothing allowance, accountable for their purchases (Hannon). This is extremely ineffective. The city of Los Angeles set up guidelines that instruct the Police and Fire Department to include only apparel vendors who have signed the Vendor Code of Conduct on the list of approved apparel vendors. In contract, the city of Milwaukee has uniform procurement implicit in the legislation, as the procurement office is

responsible for buying complete police, fire and sanitation uniforms (Howden). This technique insures more consistency in sweat-free purchasing.

Albuquerque, New York, North Olmstead and Olympia do not explicitly state the purchasing of sweat-free police and fire uniforms is mandatory. In a unique situation, the fire department in Olympia is connected in solidarity to the community and staff working to implement the resolution. This has a major impact on the effect of the policy, as the Chief of the Fire Department is actively monitoring what purchases the department is making, even though it is required by the legislation (Meyers). While Olympia is in this position, the other cities fall culprit to not giving guidelines or methods of sweat-free purchasing of police and fire uniforms. This is an extremely ineffective way of monitoring purchasing and does not give credit to the power of the legislation.

### **Departments of Purchasing**

As there are variants in policies, there are variants in purchasing processes through cities. The more centralized a city's purchasing process, the easier it is to track purchasing compliance to the policy. In a large city like Los Angeles, procurement is overseen by the City Administrative Office (CAO), and the Department of General Services. The Los Angeles Ordinance requires one full time staff person to oversee sweat-free procurement. Similar to Los Angeles, in Bangor a clean clothes" staff person works to redesign the purchasing database and to facilitate gathering and sharing information about working conditions.

In Olympia, there is no central purchasing agent, which makes monitoring very challenging. Each department is responsible for individual procurement, so it is a major challenge to monitor all purchases. The city has given each department access to a database that suggests certified sweat-free vendors, but there is no central monitoring agency that oversees these purchases. In contrast, Milwaukee has a centralized purchasing department that oversees the purchases and contracts of the individual departments. This allows the purchasing office to track department purchases and create a universal database.

### **Community Solidarity**

Particularly where there are cities that have not developed effective implementation strategies, the community involvement is critical to keep policy enforced. Involved community members can play an active role on a task force, educate the community about the policy, and network with solidarity sweat-free campaigns to hold government officials accountable for abiding by the sweat-free policy. Staff members in Olympia openly encouraged community support (Meyers). A large portion of the council saw eye to eye with the community advocates and did not want the resolution to just be a façade (Meyers). It seems ironic that the final policy was passed as a resolution rather than an ordinance; even though it seemed clear the city did not just want to make it a gesture of solidarity towards the anti-sweatshop movement.

In the ways that Olympia utilizes community monitoring, Milwaukee utilizes similar community support. While it is important to include community opinion, the use of community monitoring does not hold the city accountable for holding up the policy. Milwaukee relies on the community monitoring, as there is no funding or effort for the city to have an independent monitor. While this can be positive involvement, it does disable the city from functioning independently. Additionally, community members also have limited resources and time; therefore volunteers should not be responsible for upholding the city policy.

### **Creating Sweat-free Community Networks**

Campaign for Labor Rights is working on an innovative new project to build a national network of activists who are working in their own communities to pass anti-sweatshop or clean clothes initiatives. Groups currently participating in this effort include Bangor (ME) Clean Clothes Campaign, BehindtheLabel.org, Clean Clothes Campaign of Southern Maine Campaign for Labor Rights, Inter-Religious Taskforce on Central America (Cleveland), Maquila Solidarity Network (Canada), Resource Center of the Americas (Minneapolis), New York State Labor-Religious Coalition, South Sound Clean Clothes Campaign (Olympia, WA), and Witness for Peace Great Lakes (Toledo). Many of them have already had some success with anti-sweatshop work in their schools, counties, cities, states, and more. These groups have asked CLR to help coordinate this emerging

network on a national level and to reach out to activists who are doing similar work in their communities.

Local groups working against sweatshops and child labor sometimes experience difficulty in matching the task of building strong local movements with the ebbs and flows of national campaigns. Over the past several years, United Students Against Sweatshops has built a thriving national network based on the logic of students focusing work on their own campuses. Over the past several years, a number of groups have begun local campaigns aimed at persuading public school districts; parochial schools municipalities, counties, and states; workplaces, local businesses, and congregations to adopt sweat-free/child labor free purchasing policies roughly parallel to USAS's efforts directed at universities and colleges. There is a tremendous potential for this work to become an important new arena for work within the anti-sweatshop movement. Currently, however, there exists no national network to help coordinate, promote, or serve as an information/materials clearinghouse for such efforts.

For these reasons, plus the continuing need to spread the scope and depth of the movement, several groups already involved in local initiatives have begun discussions aimed at forming a national network devoted to this type of work. The process is at a very early stage there is no grand plan and no funding other than what the participating groups can contribute in-kind. However, some initial steps have been taken.

Bangor Clean Clothes Campaign in Maine has lined up interns to help take stock of the current situation where have local initiatives been attempted. Campaign for Labor Rights plays a coordinating role. And BehindtheLabel.org has offered to host a web presence for the network. Steps have been taken to develop "how-to" materials and guides for groups wishing to undertake local initiatives (Collins).

### **Doing Business with Union Companies**

There is a large pool of existing unionized “sweat-free” manufacturers located in the United States and Canada that produce uniforms, work clothes and related apparel items for public agencies around the country. Collectively, these manufacturers produce a

wide range of products, from basic uniform shirts and pants, to headwear, to gloves, and flame-retardant outerwear. Such manufacturers include Carhartt, Elbeco and Fechheimer/Flying Cross. These are leading brand names in the uniform and work clothes industry. If the garment does not have a union label, affirming that a unionized worker made it, it is unlikely that it has been made by a company that protects its workers. Following the lead of Boston, who emphasizes union made purchasing, all sweat-free cities could insure more ethical purchasing with union made procurement.

## **Chapter 5: Recommendations for Los Angeles**

Through the in depth and analytical research of the eight case study cities and the city of Los Angeles, specific areas have surfaced that need major attention in order to adopt and maintain a purposeful and effective sweat-free procurement policy. The following recommendations are mainly focused on the city of Los Angeles, however, cities around the world that wish to join in solidarity of ethical purchasing can also benefit from these recommendations.

### ***Public Disclosure of Factory Locations***

The principal mechanism for enforcement is disclosure. To complete a sale, a company must certify where the goods were made, including locations of subcontractors, and that it was produced by a responsible manufacturer who complies with relevant wage, health, environmental and safety laws, not abusing or discriminating against employees and providing the non-poverty wage determined by geographic context. If a company files a false report and violates standards, it could be fined or barred from contracting with the city or sued for civil damages. A reporting system enables community members to submit facts as well, and the companies must permit independent monitoring of their factories if city officials request it.

### ***Factory Monitoring: Internal and External Monitoring***

The company, city, and independent monitoring agency should all be responsible for monitoring. Yet in order to maintain objective monitoring, it is crucial to have an independent monitor not affiliated with the city. The most effective enforcement mechanism is to conduct on-site assessments at the locations where the commodities are being manufactured or assembled. It is only practical to contract with an independent monitor that had the capacities and experience to conduct on-site assessments at target factories at local, national and international levels.

### ***Annual Reports***

Reports should include information on the supplier's monitoring and verification program; the name of the third-party auditing organization, if they are using one; the

findings of monitoring and third-party audits; and a summary of corrective action taken. A number of major US brands are currently providing this level of public reporting through the Fair Labor Association (FLA). While few if any of these companies are municipal suppliers, these reports provide useful examples of transparent reporting. The Worker Rights Consortium goes further, publicly disclosing full reports from factory investigations of university suppliers.

### ***Corrective Action***

If policy is effective, violations of local labor laws and/or ILO standards are likely be found. Policy must require a mandate to require suppliers to take corrective action when violations are identified and to provide verifiable evidence that the violations are being eliminated.

### ***Database for Non-Responsible Users***

Utilizing intergovernmental agency records for available information of potential non-responsible manufacturers is crucial to enforce policy. This information needs to be available for other cities as well who are potential customers of these non-responsible vendors. This database would be an extremely effective organizing tool to keep vendors and city officials informed. Such a database has the potential to connect and educate local schools, businesses and places of worship about company violations, which would further enable informed ethical purchasing throughout the City. Los Angeles has the potential to connect their databases to LAUSD and see if there is any overlap in vendor contacts, which would give the school and city more leverage.

### ***Database of Responsible Vendors***

Ethical sourcing can only happen when viable alternatives are offered. It is crucial for city staff who are individually responsible for purchasing their own uniforms to be given options of where to shop. This would also give departments access to information of where to procure items and enable them to purchase sweat-free. A database of responsible vendors would enable ethical purchasing and communication with other cities about sourcing. In regards to fire and police, if applied correctly, a universal database that followed the city purchases of uniforms could be very beneficial for vendors and purchasers. This database could identify potential violations and enable sourcing. As

consumers, if cities have universal information about vendor factories, their leverage as a coalition of cities is extremely influential.

### ***Full Time City Staff Position***

Regardless if purchases are made in a centralized department, or if departments individually procure items, a full time staff point person is critical to keep this policy active, affective and beneficial to the community.

### ***Focus on Staff Education to Build Internal Capacity***

The city needs to build internal capacity to apply and manage the policy by orienting purchasing staff through the city to key elements of the policy and supporting the procedures. Policy requirements need to be identified and communicated to appropriate staff. On-site training sessions with key purchasing and inventory staff is critical to build understandings of the scope, implementation and the enforcement of the policy.

### ***Codes, Campaigns, and the Right to Know***

While government has been slow to act on, if not resistant to, demands for strengthened citizen and consumer access to information legislation, non-governmental initiatives concerning corporate disclosure and the public's right to know need to move forward. Independent monitoring and certification systems could potentially offer consumers increased access to information on apparel manufacturing and labor practices. However, a major issue of contention in negotiations for multi-company and industry-wide codes of conduct has been the degree of public access to information on the suppliers and contractors and to information contained in monitoring and certification reports. Apparel companies have tended to favor monitoring systems in which they maintain control of information, a model in which "professional" private sector certification firms have primary responsibility for monitoring, rather than NGOs, human rights, religious, or labor organizations, and in which monitors are hired by and directly accountable to the company, rather than to a third-party institution that includes labor and NGO representation.

### ***Form a Community Advisory Board***

A working group comprised of representatives of sweat-free advocacy organizations, the City Attorney and the Department of General Services needs to be established. This group would specifically advise the city staff on implementation, which provides a voice to critique and uphold the promises of the legislation. Having a working relationship between the city staff and the community is a critical component to the successful sweat-free procurement.

***Communication with Suppliers***

The city will need to work closely with high value, new vendors and frequent procurement contracts initially. In working closely with these suppliers it will enable communications promoting understanding and awareness at the secondary supplier and subcontract levels.

***Centralize Purchasing***

Some city procurement is centralized, some cities have a procurement officers, some purchase items by department, while other cities procure through a general department. The most effective policy to ensure implementation is centralized purchasing to ensure efficient, effective and ethical purchasing.

***Enforce Individual Procurement***

Employees in some Departments (LAPD, LAFD and DOT) are given a monthly stipend for maintenance purposes and are responsible for purchasing any uniforms above what is allocated by the City. The Purchasing Agent does not control these purchases. The city needs to create an ethical and responsible database where individual City members are required to follow. Receipt return after each purchase is also a crucial component to implementing this policy.

***Create Public Relations on Certified Sweat-free Garments***

Los Angeles Police Department has tense relations with a lot of communities in Los Angeles. Upon purchasing sweat-free or union made uniforms, LAPD could interface with the community by making a public announcement that the department supports sweat-free uniforms. The City could also produce a union made and sweat-free items approved website accessible to local businesses to guide their purchasing. The city could

use this opportunity as a community outreach technique to promote solidarity with the communities of Los Angeles.

***Develop a Consortium of Governmental Entities***

A consortium modeled after those formed by colleges and universities that fund monitoring and enforcement activities by an independent monitor through an annual fee. This consortium would work as a network and create leverage to support sweat-free city procurement and allow for cost-sharing of monitoring and enforcement activities by an independent monitor. In doing this, creating a database that overlaps multiple city procurement activity that details the contracts each city does business, highlighting the responsible and irresponsible vendors. There is immediate benefit from working with other municipalities who share common suppliers to coordinate monitoring efforts.

## Chapter 6: Conclusions

In keeping with this sweat-free discipline, there is huge potential for creating sweat-free markets. As suggested by Larry Weiss of SweatFree Communities, “When we create a market for those suppliers who want to do it right, vendors find out they have to improve conditions or they’re going to get cut out of future contracts. It starts moving pieces of the industry into good-guy roles” (Seely). Cities have the leverage and purchasing power to create major influence on sweat-free markets. Sweat-free procurement legislation is a pivotal solution in gaining this leverage, but must to diligently enforced and implemented in order to be effective. As Bjorn Claeson suggests, “On paper it should work, but all of this is still experimental so it still depends on staff doing what they’re supposed to do, and advocates being persistent and supportive and vigilant” (Claeson).

As shown by the research, the factors that contribute to the most effective sweat-free policy depend on a stringent, detailed scope, an active city staff with good relations and community involvement, and a full time staff member to maintain the procurement process. Contracting with an independent monitor to conduct on-site factory assessments is by far the most crucial element to enforcement. Approximately 85% of the City’s apparel and related accessories are contracted outside of Los Angeles County, including some international vendors. Therefore, it is only practical to contract with an independent monitor that had the capacities and experience to conduct on-site assessments at target factories.

Depending on population of the city, community involvement, the structure of the procurement departments and city staff support, each city is going to have different experience in creating and sustaining sweat-free legislation. It is important to be cognizant that the global capitalist economy sends the highest rewards to the highest bidding consumer and the lowest bidding producer. Sweat-free cities ordinances are a new approach to combating sweatshops, which have the potential to begin the process of challenging aspects of the global economy (Dreiling).

History has shown that the most effective weapon against the sweatshop is in the organized strength of workers. But corporate-led globalization poses a problem for the continued feasibility of this approach. At least in the short term, workers in the

exploitative oriented export production zones of the global South face extremely tough obstacles to sustaining independent worker organization, much less successful tactics such as strikes. The proliferation of outsourcing of production has crippled workers abilities to demand higher wages and better working conditions at the point of production. However, new opportunities have formed to challenge these arrangements.

While the power and leverage at the point of production has diminished on the factory floor, new opportunities to challenge sweatshops have emerged at the point of consumption. Allies at the point of consumption are fundamental fixtures for the advancement of global workers rights and organizations. Los Angeles stands as the next model city, for many cities to replicate in support of sweat-free procurement. Cities across the nation are consumers and as a coalition have the power to stand against the use of sweatshop labor and eradicate it with strategic and deliberate ethical purchasing.

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## Appendix A: Sweat-free City Fact Sheet

### **Albuquerque, New Mexico**

**Legislation:** Passed in 2000 as a memorial

**Scope:** Purchasing, leasing or renting goods for use or for resale by city-owned enterprises that are produced under decent working conditions.

**Standards:** No child labor, no forced labor, living wage and benefits required by law in the state or country, no more than 48 hour work week, factory free of physical, sexual or verbal harassment.

**Implementation Tools:**

- *Notification to city's suppliers in writing of the passage of memorial notified of this policy in writing*
- *Inquiry will be made as to working conditions under which city vendor products are manufactured.*
- *The city will also continue further research findings to support stronger legislation to advance the concept of a Sweatshop-Free Albuquerque.*

**Enforcement Process:** Currently inactive

**Community Group:** Clean Clothes Campaign

### **Bangor, Maine**

**Legislation:** Passed on October 25, 1999 as an ordinance

**Scope:** Manufacturing of apparel, footwear, and textiles.

**Standards:** ILO and UN codes regarding wages, workplace, health and safety, forced child labor, child labor, and freedom of association.

**Implementation Tools:**

- *Purchasing agent requires bidders to complete a Manufacturing Facilities Questionnaire*

**Enforcement Process:**

- *Informal process by which local campaign monitors bring allegations of violations to the attention of the city.*
- *The city weighs the evidence and then proceeds to pressure the supplier for compliance or declines to accept future bids.*

**Community Group:** Bangor Clean Clothes Campaign

### **Boston, Massachusetts**

**Legislation:** Passed in April 2004 as an ordinance

**Scope:** Manufacturing of apparel

**Standards:** Prevailing wage rate determined by the State Department of Labor and Workforce development based on collective bargaining agreements.

**Implementation Tools:**

- *Written declaration that each garment to be purchased shall have a union label affixed to it, or a Wage Affidavit Form that each manufacturer, contractor, or subcontractor involved in production of the garments in a specific bid will sign.*

- All bidders, manufacturers, contractors, and subcontractors involved in the production of a garment specified in a bid must keep accurate records of each employee showing names, address, occupation, hours worked, and wages paid. Upon request successful bidders must furnish a copy of these records.

***Enforcement Process:***

- Works in solidarity with UNITE to identify production sites in-state.

**Los Angeles, California**

***Legislation:*** Passed on November 10, 2004 as an ordinance

***Scope:*** Covers all manufacturing materials, supplies including apparel and accessories, along with equipment and laundry services. This is applicable to all contracts over \$25,000 and over three months of procurement or rental equipment.

***Standards:*** The language of this ordinance falls under the guidelines of all applicable Los Angeles laws including wage, health, labor, environmental and safety laws relating to discrimination in hiring, promotion and compensation. Human and labor rights imposed by treaty on country of assembly, including those relating to child labor, slave labor, forced labor, or sweatshop labor. The non-poverty wage is also applied to apparel and footwear manufacturing as well as laundry services.

***Implementation Tools:***

- Upon submitting a bid to the city for their services, the contractor must sign and Contractor Code of Conduct.
- Contractors and subcontractors found in violation of this Ordinance will be subject to ramifications, starting with providing access to independent human rights monitors and training to bring the workplace into compliance.
- There is public disclosure of manufacturing sites.
- An advisory board including city, advocacy groups and labor representatives oversee this process as a working group.

***Enforcement Process:***

- Full time city enforcement officer in the City Administration Office (CAO)
- Independent monitoring agency. Commitment to develop networks with advocacy groups, labor organizations, and public agencies.
- Commitment to explore development of the consortium of public entities to share monitoring and enforcement by independent monitors.
- Creation of a database for potentially non-responsive manufacturers.

***Community Groups:*** No More Sweatshops! and Garment Worker Center

**Milwaukee, Wisconsin**

***Legislation:*** Passed in April 2003 as an ordinance

***Scope:*** Manufacturing, rental and laundering of apparel of contracts in excess of \$5,000.

***Standards:*** Non-poverty wages along with applicable local and international labor laws regarding wages and benefits, workplace health and safety, forced and child labor, freedom of association.

***Implementation Tools:***

- Contractor's sworn disclosure of names and addresses of manufacturing and laundering facilities. Names and addresses of the owners of the above facilities, as well as wages of workers are disclosed.
- Contractor's sworn statement must also include that facilities meet or exceed sweat-free standards.

***Enforcement Process:***

- Procurement division is responsible for monitoring contract compliance, receiving and investigating complaints, and imposing sanctions such as withholding payments, terminating or suspending contracts, or debarment of contracts.
- Informally, the local campaign monitors contracts, brings allegations of violations to attention of City.

***Community Group:*** Milwaukee Clean Clothes Campaign: Mike Howden

**New York, New York**

***Legislation:*** Passed March 14, 2001 as an ordinance, then vetoed by the state

***Scope:*** Apparel, textiles and footwear with any contract in excess of \$2,500.

***Standards:*** Three main provisions somewhat similar to provisions outlined for colleges in the WRC.

- Ensure no tax dollars to corporate criminals, or apparel companies that have violated labor and safety laws.
- No public money may go to producers that pay below the poverty line for a family of four.
- Companies must have no hidden factories and disclose the location of each of their and their subcontractors and suppliers factories.

***Implementation Tools:*** Inactive

***Enforcement Process:*** Inactive

***Community Group:*** New York State Labor-Religion Coalition

**North Olmsted, Ohio**

***Legislation:*** Passed February 1997 as a resolution covers procured items of apparel from responsible vendors and manufacturers.

***Scope:*** Purchasing, leasing, and renting of apparel from responsible vendors and manufacturers.

***Standards:*** City vendors must guarantee that their manufacturers pay a just wage defined by the minimum wage mandated in the country. Employees must not be forced to work more than 48 hours a week, and must be provided a safe working environment free of physical, verbal or sexual harassment.

***Implementation Tools:***

- The Clerk Council notifies all businesses and residents of the city.
- City notifies city's suppliers of the policy and inquires about working conditions.

***Enforcement Policy:*** Inactive

### **Olympia, Washington**

**Legislation:** Passed March 2004 as a resolution

**Scope:** Phase I: T-shirts, sweatshirts and baseball caps.

Phase II: Additional items of clothing and footwear.

**Standards:** ILO Convention of Rights of the Child, UN Declaration on Gender Equity, and UN General Assembly Universal Declaration of Human Rights

**Implementation Tools:**

- The city purchases from a list of manufacturers proven to be free of sweatshop working conditions.
- Upon bidding, disclosure of names and addresses of every supply factory is also required.
- Independent purchases like those in the Fire Department or Policy Department investigated by fire department.

**Enforcement Process:**

- Informal process takes place between the city and South Sound Clean Clothes Campaign when problems arise.

**Community Group:** South Clothes Campaign: Dick Meyers

### **Vancouver, Canada**

**Legislation:** Passed December 17<sup>th</sup>, 2004,

**Scope:** The EPP applies to the City's procurement of apparel items and fair trade agricultural products, including coffee. Phase I of a new Sustainable and Ethical Purchasing Policy (EPP) and Supplier Code of Conduct (SCC) was approved.

**Standards:** The EPP and the SCC work in collaboration with one another. The SCC sets the minimum performance standards for the EPP. The goal of the SCC is to ensure safe and healthy workplace standards upheld in accordance with the conventions of the ILO.

**Implementation Tools:**

- Relies on a combination of approved external independent certifications, supplier disclosures and certifications, and public disclosure of information factory and production facilities.
- City will work with suppliers who do not fully comply with the policy to assist them to improve their workplace practices.
- Where the opportunity exists, the City will work collaboratively with other monitoring organizations.
- Requires that suppliers provide details on factory and production facility locations of suppliers and subcontractors

**Enforcement Policy:**

- Vendor factories information publicly available in the form of annual reports and website postings.
- The Manger of Materials Management will respond and investigate credible complaints with respect to violations of the SCC.
- The Manger is responsible for creating an annual report outlining the progress of implementation, financial implications, supplier compliance, complaints and supplier feedback.



## Appendix B: Survey

March 1<sup>st</sup>, 2005

I am a research associate at the Urban and Environment Policy Institute at Occidental College and I am preparing a report on municipal sweat-free procurement legislation. 30 US cities have currently adopted this type of legislation, and I have chosen your city to be one of my case studies. The following survey will be used to compare the provisions, enforcement and implementation of this legislation among nearly a dozen cities nation wide. The information gathered will be used for a report to be posted on our UEPI website. This survey should not take more than 10 minutes of your time. Thank you for your assistance. Please reply to this email by March 15<sup>th</sup>, 2005.

Molly Russell

Name:

Title/City Position:

City:

Who were the principal advocates of the sweat-free procurement legislation?

- a.) city staff
- b.) community members
- c.) national organization
- d.) elected officials
- e.) other: \_\_\_\_\_

Did this legislation pass unanimously?

Unanimous\_\_\_ Contested\_\_\_ Don't know\_\_\_

What is the estimated annual cost of this legislation?

- a.) < \$50,000
- b.) \$50,000 – \$100,000
- c.) > \$100,000

What department is responsible for enforcing this policy?

- a.) city manager
- b.) purchasing office
- c.) no specific department
- d.) other: \_\_\_\_\_

Is there a full time staff person to implement this program?

Yes\_\_\_ No\_\_\_

Is there an advisory board to oversee implementation?

Yes\_\_\_ No\_\_\_

If yes, are community members on the board?

Yes\_\_\_ No\_\_\_

Is there a database of ethical vendors?

Yes\_\_\_ No\_\_\_

Is there a database for irresponsible vendors?

Yes\_\_\_ No\_\_\_

What items are covered in the legislation?

- a.) Apparel
- b.) Office Supplies
- c.) Sports Gear
- d.) Other

Are the fire department and police department purchases of uniforms and gear included in the legislation?

Yes\_\_\_ No\_\_\_

Which compliance mechanism are used to hold fire and police department accountable for their purchases?

- a.) mandatory receipt return
- b.) city suggested ethical vendors
- c.) other
- d.) none

What is the approximate percentage of items covered in the legislation are purchased locally?

- a.) > 20%
- b.) 20% - 50%
- c.) < 50%
- d.) don't know

Who purchases apparel within the city?

- a.) fire
- b.) police
- c.) sanitation
- d.) other: \_\_\_\_\_

What is the city annual budget of apparel purchases?

- a.) < \$500,000
- b.) \$500,000 - \$1,000,000
- c.) > \$1,000,000
- d.) don't know

How were you notified about this legislation?

- a.) presentation from: \_\_\_\_\_
- b.) group training
- c.) none
- d.) other: \_\_\_\_\_

What is the overall awareness within the city staff of the need to support such sweat-free procurement legislation?

- a.) not at all
- b.) limited
- c.) somewhat
- d.) substantial
- e.) don't know

Are inquiries made about the working conditions/violations at specific vendor factories?

Yes \_\_\_ No \_\_\_

If yes, who makes the inquiries?

- a.) city staff member
- b.) 3<sup>rd</sup> party monitor
- c.) other: \_\_\_\_\_
- d.) don't know

If yes, how are inquiries made?

- a.) survey
- b.) letter
- c.) factory site visit
- d.) other: \_\_\_\_\_

Have there been a decreased number of bids submitted since this legislation was passed?

Yes \_\_\_ No \_\_\_

If yes, do you think it was due to vendors eliminating themselves due to inability to meet provisions of the legislation?

Yes \_\_\_ No \_\_\_

Have any bids have been denied?

Yes \_\_\_ No \_\_\_

Have any contracts ever been canceled because a company didn't meet provisions?

Yes \_\_\_ No \_\_\_

Other people that should be contacted:

Would you like to see a copy of the report when completed?

Yes \_\_\_

No \_\_\_