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

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

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

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

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

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

WHEREAS, Adding to this problem is the onerous way in which garment workers are paid—by the piece; under this pay system, workers earn as low as 3 cents per assembly
operation (for example, setting a seam or trimming a blouse), which is too low to ever enable
a worker to earn the minimum wage per hour; and

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

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

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

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

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

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

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

RESOLVED, That the San Francisco Board of Supervisors commends Governor
Newsom for signing SB 62, the Garment Worker Protection Act, to eliminate obstacles to
workers being paid minimum wage and protecting their health and safety.
Resolution commending Governor Gavin Newsom for signing Senate Bill No. 62, authored by Senator Maria Elena Durazo, the Garment Worker Protection Act, to eliminate obstacles to workers being paid minimum wage and protecting their health and safety.

September 28, 2021 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
   Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskir, Preston, Ronen, Safai, Stefani and Walton

September 28, 2021 Board of Supervisors - ADOPTED AS AMENDED
   Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 9/28/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

Date Approved
10/08/2021

10/08/2021
Date