
January 2006

Impacting Next Wave Organizing: Creative Campaign Strategies of Los Angeles Worker Centers

Victor Narro

Follow this and additional works at: https://digitalcommons.nyls.edu/nyls_law_review



Part of the [Immigration Law Commons](#), [Labor and Employment Law Commons](#), [Law and Society Commons](#), and the [Organizations Law Commons](#)

Recommended Citation

Victor Narro, *Impacting Next Wave Organizing: Creative Campaign Strategies of Los Angeles Worker Centers*, 50 N.Y.L. SCH. L. REV. (2005-2006).

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.

IMPACTING NEXT WAVE ORGANIZING: CREATIVE CAMPAIGN STRATEGIES OF THE LOS ANGELES WORKER CENTERS

BY VICTOR NARRO*

I. INTRODUCTION

The UCLA Center for Labor Research and Education (UCLA Labor Center)¹ hosted a statewide convention of California worker centers at the UCLA Downtown Labor Center in October 2004. The internal and external challenges facing these worker centers — community-based organizations that represent new immigrants and low-wage workers — created the need for them to come together to discuss their strengths and weaknesses, engage in a process of critical reflection, and develop a strategic road map for the future.² The discussion on campaign development and strategy highlighted the need to establish a communication network in which worker centers can share information, organizing strategies, and ideas for strengthening their movement. More importantly, a common theme throughout the conference was the importance of documenting the worker centers' local organizing and legislative campaigns, their strengths and weaknesses, and their campaign results.³

The exploitation of immigrant workers is prevalent throughout America's labor history, and continues to this day. Historically, immigrant workers have faced serious discrimination and were forced

* Project Director, UCLA Downtown Labor Center, a project of the UCLA Labor Center for Research and Education. J.D., University of Richmond, 1991.

1. The UCLA Labor Center brings academic resources to the labor movement and organizes strategic collaborations between workers and different sectors of the community. The Center works to research, study, and find solutions for problems of labor and employment in California and the nation by sponsoring a variety of employment related research and community projects. *See generally* Center for Labor Research and Education, <http://www.labor.ucla.edu> (last visited Nov. 25, 2005) (stating that as a project of the UCLA Labor Center, the UCLA Downtown Labor Center works towards building a bridge between unions, community groups, worker centers, students and immigrant workers).

2. *See* Victor Narro, Strengthening the Worker Center Movement in California: Worker Center Convening (2004) (on file with the New York Law School Law Review).

3. *Id.*

to take on the lowest-paying and most dangerous jobs. Today, low-wage immigrant workers continue to face many challenges. The demographic and structural changes in manufacturing and service industries over the years have resulted in exploitation and labor violations of mostly immigrant workers. Most recent data show an estimated 8.5 million unauthorized immigrants in the United States, 5.3 million of whom are in the labor market.⁴ For example, there are an estimated 1.2 million unauthorized workers in the agricultural industry, 620,000 in construction, 1.2 million in manufacturing, and an additional 1.3 million in the service industry, including janitorial jobs.⁵ The change in demographics within these industries over the years parallels the increase in labor violations and deterioration in working conditions.⁶ The level of labor violations within these industries is higher in metropolitan Los Angeles, where 42% of the population is foreign born.⁷

During the same period of demographic change and restructuring within these industries, there have been very few, if any, avenues for immigrant workers to participate in the workplace and integrate into the economic and social fabric of American society. Many of the institutions and labor organizations that helped these immigrant workers in the past have either disappeared or declined dramatically.⁸ More and more, low-wage immigrant workers labor

4. B. Lindsay Lowell & Roberto Suro, *How Many Undocumented: The Numbers Behind the U.S.-Mexico Migration Talks*, PEW HISPANIC CENTER, Mar. 21, 2002, at 5-8, available at <http://pewhispanic.org/files/reports/6.pdf>.

5. *Id.* at 7-8.

6. See State Building & Construction Trades Council of California, *The Underground Economy: Tax and Labor Law Enforcement*, <http://www.sbctc.org/default.asp?id=1405&pagetype=from%20pres> (featuring statements by the president of the State Building & Construction Trades Council of California on the status of ending poverty in California).

7. ROBERT GOTTLIEB ET AL., *THE NEXT LOS ANGELES: THE STRUGGLE FOR A LIVABLE CITY* 76-89 (2005). See also PASCALE JOASSART-MARCELLI & DANIEL FLAMING, *WORKERS WITHOUT RIGHTS: THE INFORMAL ECONOMY OF LOS ANGELES* 12 (2002), available at http://www.economicrt.org/download/workers_without_rights.html (examining the industries in Los Angeles County that have higher probabilities of informal employment by comparing different sources of employment data and industry characteristics, including the percentage of unauthorized Latino immigrants within a given industry).

8. Janice Fine, *Worker Centers: Organizing Communities at the Edge of the Dream*, 50 N.Y.L. SCH. L. REV. 417, 418 (2005-2006) [hereinafter Fine, *Edge of the Dream*]. See also JANICE FINE, *WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM* (2006) [hereinafter FINE, *WORKER CENTERS*].

in industries in which there are few or no unions or other avenues through which workers can fight for their rights.⁹ Within this context, worker centers have struggled to emerge over the past several decades as a new type of organization to assist immigrant workers.¹⁰ A growing number of worker centers across the country are providing service and advocacy support for immigrant workers; many have also become community centers promoting civic participation. According to a 2004 study by the Neighborhood Funders Group and the Economic Policy Institute, there are at least 130 worker centers in thirty states.¹¹

During the past decade, California has seen an increase in the emergence of immigrant-based worker centers. These worker centers have become community-based organizations that represent new immigrants and low-wage workers, helping them to address workplace issues and create representation in labor markets, political arenas, and the larger society. These centers provide services such as legal representation, language classes, health care referrals, and advocacy, and are located in large meeting spaces,¹² day-laborer sites, or even office space within a community organization or union. They also serve as gathering places where members of the immigrant communities can socialize, celebrate, and enjoy solidarity with other workers and supporters.¹³

While no two worker centers are alike, there are key characteristics that they have in common. First, these worker centers mainly focus on low-income immigrant workers from a particular occupation or industry (e.g., day laborers and garment workers) or from a particular ethnic group, although some are multiethnic and/or multi-industry.¹⁴ Second, these worker centers place an emphasis

9. *Id.* See also Jeffrey S. Passel, *Unauthorized Migrants: Numbers and Characteristics*, PEW HISPANIC CENTER, June 14, 2005, at 27 (stating that most unauthorized workers are in labor-intensive areas of work); see generally JOSSART-MARCELLI, *supra* note 7 (discussing Los Angeles's "informal economy," which consists of unrepresented and undocumented immigrants working in abusive environments).

10. Fine, *Edge of the Dream*, *supra* note 8, at 418, 431-33.

11. *Id.* at 7.

12. For example, the UCLA Downtown Labor Center has served as a large meeting space for workers centers in Los Angeles to convene large gatherings of their members.

13. Narro, *supra* note 2.

14. *Id.*

on organizing and leadership development because they see their membership base as an integral part of their internal organizational and campaign development processes. Third, these worker centers provide a case management system for their members that focuses on wage and hour claims and other labor violations. Fourth, these worker centers provide workshops on health and safety issues and on access to quality health services. Finally, most of these worker centers engage in effective policy advocacy campaigns that affect their members, such as legalization, driver's licenses for immigrants, and health care access.¹⁵

Los Angeles worker centers have formed their own organizing and policy networks, such as the Multi-Ethnic Immigrant Workers Organizing Network, Labor Immigrant Organizing Network in Northern California, and the Coalition of Immigrant Workers Advocates in Los Angeles.¹⁶ A few of the Los Angeles worker centers have also engaged in cross-border solidarity through participation in networks like Enlace, which empowers worker centers and unions of low-wage workers in the United States and Mexico by helping them strengthen their internal structures and create innovative organizing.¹⁷

15. *Id.*

16. The Multi-Ethnic Immigrant Workers Organizing Network (MIWON) is a network of five Los Angeles-based worker centers that organizes and educates immigrant workers on their rights and serves as a vehicle through which workers can formulate strategy and actions to improve their working and living conditions. Mayron Payes & Angelica Salas, *L.A. Community Rallies for Workers: Multi-Ethnic Immigrant Workers Organizing Network Marches On*, RESIST (Resist, Inc., Somerville, Mass.), Jan. 2003, available at <http://www.resistinc.org/newsletter/issues/2003/01/payes.html>. The Coalition of Immigrant Worker Advocates (CIWA) is a network of Los Angeles-based worker centers and legal advocates that works toward improving working conditions and increasing labor-law enforcement in low-wage industries in the unregulated underground economy of Los Angeles. Center on Policy Initiatives, Campaigns, http://www.onlinecpi.org/campaigns_temporary_organizing.html (last visited Nov. 24, 2005). The Labor Immigrant Organizing Network (LION) is a Northern California network of labor and immigrant rights advocates that works on policy and organizing strategies to improve living and working conditions for low-income immigrants. UC Berkeley Labor Center, Labor Immigrant Organizing Network (LION), <http://laborcenter.berkeley.edu/immigrantworkers/lion.shtml> (last visited Nov. 24, 2005).

17. Enlace is an organization comprised of worker centers, immigrant-led unions, and labor organizing groups in the United States and Mexico. See Enlace, Welcome to Enlace!, <http://www.communitiesunitedforpeople.org> (last visited Nov. 23, 2005) (stating that Enlace works with its members to win labor campaigns by utilizing an inte-

Worker centers have played a significant role in creating community organizing strategies that have led to local victories for low-wage immigrant workers, even though very few of the worker centers in California have succeeded at large-scale economic intervention in labor markets through worker organizing efforts. And although the membership numbers remain relatively low when compared to labor unions or hometown associations,¹⁸ these worker centers have been able to sustain their membership through systematic implementation of leadership and campaign development programs, and integration of membership development with case management and other direct services.¹⁹

A few worker centers have shifted their organizing strategies from a purely campaign focus to one that involves advocating for legislative policy changes at the local and statewide levels. The Garment Worker Center, Korean Immigrant Workers Advocate, and the National Day Laborer Organizing Network have achieved changes within local communities and industries through creative organizing strategies and effective leadership development. Their collaborative efforts have placed these centers at the forefront of local and statewide legislative policy changes to improve the lives of low-wage immigrant workers.²⁰

Part II of this article provides a historical account and analysis of three organizing campaigns by worker centers in Los Angeles: the Garment Worker Center's Forever 21 campaign; the Restaurant Workers Justice Campaign of the Korean Immigrant Workers Advocates; and the National Day Laborer Organizing Network's campaign to fight for the rights of day laborers in Redondo Beach. Part

grated approach that involves creating unique campaign strategies while developing internal systems to strengthen the infrastructure of these groups).

18. Hometown Associations, known in Spanish as *organizaciones de pueblo* or *clubes sociales*, are community organizations or clubs created by migrants of specific communities who come together mainly to support their communities of origin, most notably by raising funds for local public works such as roads, bridges, water systems, electric power systems, or public spaces such as town squares, sports fields, schools, churches, or community halls. See JONATHAN FOX & GASPAR RIVERA-SALGADO, *INDIGENOUS MEXICAN MIGRANTS IN THE UNITED STATES* 13-14 (2004).

19. Fine, *Edge of the Dream*, *supra* note 8; see Janice Fine, *Non-Union, Low-Wage Workers are Finding a Voice as Immigrant Workers Centers Grow*, LABOR NOTES, Aug. 2003, available at <http://www.labornotes.org/archives/2003/08/c.html> [hereinafter Fine, *Low-Wage Workers Labor Notes*].

20. Fine, *Low-Wage Workers Labor Notes*, *supra* note 19; see Narro, *supra* note 2.

III of this article discusses the work of two Los Angeles-based coalitions of worker centers — the Coalition of Immigrant Workers Advocates and the Multi-Ethnic Immigrant Workers Organizing Network — that have played a critical role in forging alliances among worker centers. Finally, Part IV concludes with an assessment of how these organizing campaigns and legislative efforts attest to the viability of worker centers in improving working and living conditions for low-income immigrant workers.

II. THE VIABILITY OF LOCAL ORGANIZING CAMPAIGNS BY WORKER CENTERS AND THEIR SOCIAL AND ECONOMIC IMPACT AT THE LOCAL LEVEL

The new and emerging movement of worker centers has generated discussion among labor experts and workers' rights activists about the strength and viability of the local organizing campaigns of these next-wave organizations. Professor Jennifer Gordon has written extensively about the Workplace Project — a worker center she founded on Long Island in 1992 — and its successful campaign with immigrant workers to pass New York's Unpaid Wages Prohibition Act in 1995. Today, this campaign has provided advocates and worker centers with useful tools for building a local campaign strategy involving immigrant workers.²¹ Janice Fine, in her forthcoming study on immigrant worker centers, provides analysis and insights on the strengths and weaknesses of various local organizing efforts throughout the country.²² Recently, networks of foundations interested in civic participation have highlighted the efforts of worker centers in conferences and publications.²³

In Los Angeles, worker centers have launched immigrant worker-led campaigns to fight for improved working conditions within several low-wage industries. Three campaigns — the Gar-

21. See JENNIFER GORDON, *SUBURBAN SWEATSHOPS – THE FIGHT FOR IMMIGRANT RIGHTS* (2005) [hereinafter GORDON, *SUBURBAN SWEATSHOPS*]; see also Jennifer Gordon, *Visions and Revisions of a Movement: We Make the Road by Walking: Immigrant Workers, the Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407, 450 (1995).

22. Fine, *Edge of the Dream*, *supra* note 8.

23. See, e.g., Craig McGarvey, *Emerging Pathways: Worker Centers and Hometown Associations*, in *PURSUING DEMOCRACY'S PROMISE: NEWCOMER CIVIC PARTICIPATION IN AMERICA* 57-59 (2004).

ment Worker Center's Forever 21 campaign, the Korean Immigrant Workers Advocates' Restaurant Workers Justice Campaign, and the National Day Laborer Organizing Network's campaign to fight for the rights of day laborers in Redondo Beach — have organized low-wage immigrant workers in industries of labor markets where unions are either absent or have lost their density. These workers are at the "bottom rung" of the economic ladder, an area many in the labor movement have labeled as an "unorganizable" sector of the workforce.²⁴ These community-based and worker-led campaigns have confronted issues of worker exploitation and lack of corporate responsibility through creative and unique organizing strategies. These local campaigns are important to the labor and progressive movements because they serve as examples of the emergence and transformation of worker centers as one viable alternative to more traditional organizing efforts.

A. *Garment Worker Center's Forever 21 Campaign*

1. Historical Background

Apparel in California is a \$24.3 billion industry, with Los Angeles as the capital of garment production in the United States. The California Employment Development Department counted 62,600 workers in cut-and-sew apparel manufacturing in Los Angeles County. It is the largest garment production center in the country, with approximately 5,000 shops employing an immigrant workforce that is made up of mostly women.²⁵ Apparel manufacturing constitutes 14% of all manufacturing employment in Los Angeles, making apparel the single largest manufacturing sector. Nearly 80% of California's garment employment is located in Los Angeles County. The numbers reported to the government, however, fail to take into account the many workers involved in the informal economy. State law requires garment contractors to register with the California Department of Industrial Relations (DIR). Yet many garment

24. See, e.g., David Bacon, Paolo Freire Hits L.A.'s Mean Streets: Organizing Day (Oct. 5, 1998), <http://dbacon.igc.org/Imigrants/03daylab.html> ("Organizing people who work on the streets in L.A. requires more than a sing-along and a common culture.").

25. Sweatshop Watch, *Sweatshop Watch 2001-2003 Biennial Report* (2003) (on file with the New York Law School Law Review).

contractors fail to register and operate unlicensed shops, often failing to pay payroll taxes or workers' compensation insurance and avoiding other laws and regulations. It is common practice for contractors to change the location or the name of the business as frequently as every few months, sometimes as a tactic to avoid accountability for labor abuses. In 2000, a U.S. Department of Labor survey concluded that two out of every three garment shops in Southern California did not comply with federal minimum wage and overtime laws. A 2003 study by UCLA found that three out of every four garment factories cited by California's Division of Labor Standards and Enforcement (DLSE) were unregistered with DIR or violated record-keeping requirements. The next most common citations were for paying workers cash under the table or failing to keep a record of payroll deductions. The report also found that the garment industry was more likely than all other industries inspected by the DLSE's Bureau of Field Enforcement to be cited for minimum wage and overtime violations.²⁶

The Garment Worker Center was created in 2001 by a coalition of garment worker advocates from immigrant rights groups who have been helping garment workers for many years.²⁷ The restructuring of the industry due to globalization trends and the subsequent loss of union density created a need to launch an organization that would focus on improving working conditions for and protecting the rights of garment workers.²⁸

Within a few months of the Garment Worker Center opening its doors in April 2001, nineteen Latina garment workers from six factories who sewed for the popular women's clothing line Forever

26. SWEATSHOP WATCH & GARMENT WORKER CENTER, CRISIS OR OPPORTUNITY? THE FUTURE OF LOS ANGELES' GARMENT WORKERS AND THE APPAREL INDUSTRY ON THE LOCAL ECONOMY (2004), <http://www.sweatshopwatch.org/index.php?s=50&r=4>; see Sweatshop Watch, *The Future of California's Garment Industry: A Convening of Garment Worker Advocates*, November 11-12, 2004, <http://www.sweatshopwatch.org/index.php?s=73>.

27. The worker advocates who founded the Center represented the Asian Pacific American Legal Center, Korean Immigrant Workers Advocates, Coalition for Humane Immigrant Rights of Los Angeles, and Sweatshop Watch; see *This Tuesday, The Garment Worker Center (GWC): Who We Are*, (Mar. 12, 2004), <http://thistuesday.org/GWC> (stating that the Garment Worker Center is a multiethnic and multilingual organization).

28. See Patrick J. McDonnell, *Center Offers Garment Workers a Voice*, L.A. TIMES, Apr. 14, 2001, at B1.

21 came to the center with complaints of labor violations. These workers alleged that they were owed hundreds of thousands of dollars in minimum wage and overtime pay. They worked as many as twelve hours a day for sub-minimum wages and received no overtime pay. The garment factories in which they worked were dirty, unsafe, and infested with rats and cockroaches, and some of the workers were fired for speaking out against the poor conditions. The organizers of the center helped the nineteen workers develop a strategy for working together to seek redress from Forever 21.

On November 17, 2001, these workers announced an official boycott of Forever 21. Garment worker members from the center and their community allies picketed Forever 21 stores every Saturday for the rest of the year, and they reached out to university students and community groups to build support for their campaign. The nineteen workers from this campaign were at the forefront of the larger strategy to demand accountability from retailers and raise awareness among consumers. Over time, these workers developed a collective awareness of their potential as a group to demand widespread changes in the local garment industry.²⁹

2. Legal Battles

After attempts to negotiate a settlement directly with Forever 21 fell through, the workers filed a lawsuit in September 2001 against the direct garment contractors, the manufacturers for whom they sewed, and Forever 21, the label for whom all six factories were producing brand-name garments in sweatshop conditions. The lawsuit was filed on behalf of the workers by the Asian Pacific American Legal Center (APALC) and sought unpaid wages, damages, and penalties, as well as assurances from Forever 21 that they would not employ sweatshop labor in the future.³⁰

On March 4, 2002, a federal district court judge granted a motion by Forever 21 to dismiss the workers' lawsuit against them.³¹ APALC appealed the judge's dismissal of the case to the Ninth Cir-

29. See *Boycott Forever 21!*, SWEATSHOP WATCH NEWSLETTER, (Sweatshop Watch, Los Angeles, Cal.) Dec. 2001, at 1, available at http://www.sweatshopwatch.org/media/pdf/newsletters/7_3.pdf.

30. See *Castro v. Fashion 21, Inc.*, 88 Fed. Appx. 987, 988 (9th Cir. 2004).

31. *Id.* (reversing the lower court's decision to dismiss the claim against "Fashion 21" [sic]).

cuit Court of Appeals. In response to the district court ruling, Forever 21 immediately filed a lawsuit for defamation in Los Angeles Superior Court against each of the workers, the Garment Worker Center, Sweatshop Watch, the Coalition for Human Immigrant Rights of Los Angeles, and certain staff members. The lawsuit against the garment workers and their advocates alleged that the owners of Forever 21 had been defamed by statements that they owed wages to the garment workers. The lawsuit also alleged that the Boycott Forever 21 campaign had interfered with their business and that the campaign was unlawful. The advocates and the workers, now the defendants, sought the legal assistance of the Los Angeles Chapter of the National Lawyers Guild and the ACLU of Southern California. They argued that the lawsuit was an attempt to chill their First Amendment rights and filed a motion to dismiss the case under the California anti-Strategic Litigation Against Public Participation (SLAPP) statute, a state law that provides for a special process for courts to review lawsuits that have the effect of discouraging people and groups from exercising their First Amendment rights.³² With much pressure from students and community supporters who called and sent letters to Forever 21, the retailer withdrew the lawsuit against the workers one month later in April 2002, but maintained the lawsuit against the workers' advocates.³³

On March 12, 2002, one of the manufacturers, One Clothing, agreed to a settlement that included an unprecedented consent decree that provided that One Clothing and any of its successors would: 1) establish a multilingual toll-free number that would allow workers to call the manufacturer directly to report sweatshop conditions; 2) require that all of its factories post the toll-free number; 3) conduct annual trainings on workers' rights under federal and state laws for all of the workers in the factories they use; 4) conduct annual trainings on workers' rights under federal and state law for the garment factories with whom they contract; and 5) ensure that garment factories with whom they contract provide clean bathrooms, potable water, a clean space for workers to eat and take breaks, and

32. See *Fashion 21 v. Coal. for Humane Immigrant Rights of Los Angeles*, 117 Cal. App. 4th 1138, 1144 (7th Div. 2004) (denying "Fashion 21's"[sic] SLAPP motion).

33. See *Los Angeles Garment Workers Announce Settlement with Major Manufacturer*, SWEATSHOP WATCH NEWSLETTER, (Sweatshop Watch, Los Angeles, Cal.) Spring 2002, at 1, 3, available at http://www.sweatshopwatch.org/media/pdf/newsletters/8_1.pdf.

adequate ventilation and lighting.³⁴ This consent decree was a huge victory for the nineteen workers and for garment workers throughout Los Angeles because One Clothing had agreed to take proactive measures to improve the working conditions in the factories they use.

Over the next two years, more garment workers came forward and joined the Forever 21 campaign. These workers labored in different sweatshops around downtown Los Angeles and sewed clothing with the Forever 21 label. They had suffered similar abuses as the nineteen workers who filed the lawsuit against Forever 21 in September 2001. In the end, forty-five workers were involved in the boycott and lawsuit.

3. Organizing the Boycott Campaign

In the two years after launching the campaign, the Garment Worker Center engaged in different organizing efforts to highlight the struggle of these garment workers. In early August 2002, the center launched a month-long billboard campaign to increase public awareness about the sweatshop conditions created by Forever 21 and promote the boycott campaign that had started in November 2001.³⁵ Student groups, community and labor organizers, and other groups of workers supported the Garment Worker Center organizers in creative actions throughout the campaign. On December 18, 2002, the Garment Worker Center and its supporters held a rally with Santa Claus and the nineteen garment workers outside of a hotel and restaurant owned by the owner of Forever 21. On February 1, 2003, over 300 students participating in an anti-sweatshop conference at the University of Southern California joined Garment Worker Center staff and their supporters in a major anti-sweatshop "March of Shame." This march passed through the

34. *See id.* This case set an example by demonstrating that garment manufacturers should and could accept responsibility for the working conditions of garment workers. Another manufacturer named in the lawsuit, Sany Fashion d/b/a Vanilla Ville, also settled with the workers and entered into a consent decree earlier in the year. *Los Angeles Garment Workers Announce Settlement with Major Manufacturer*, SWEATSHOP WATCH (Sweatshop Watch, Los Angeles, Cal.), Spring 2002, at 1, 3, available at http://www.sweatshopwatch.org/media/pdf/newsletters/8_1.pdf.

35. *See* Kristin Young, *Forever 21 Targeted by Sweatshop Watch*, WOMEN'S WEAR DAILY, Aug. 6, 2002, at 3.

Third Street Promenade in Santa Monica and featured a giant octopus puppet symbolizing retailers who have egregiously violated workers' rights and whose clothes are produced in sweatshops. Forever 21 was a major target of this action. There were also creative Halloween costume actions and street theater performances throughout the campaign.³⁶ In September 2002, the center sponsored two events: a mobilization to commemorate the first anniversary of the Forever 21 campaign, and a community forum to generate more public support for the boycott. During the community forum, the center joined the Korean Immigrant Workers Advocates (KIWA) in combining two campaigns as part of a larger struggle for the rights of workers in Los Angeles. At the same time that the Garment Worker Center kicked off its Forever 21 campaign, KIWA launched its Justice for Grocery Market Workers campaign. These two campaigns combined to create a comprehensive, well-publicized campaign for worker justice on behalf of garment workers and grocery market workers. A major highlight of this joint effort was a march through Koreatown on November 18, 2002, to highlight the first anniversary of both campaigns.³⁷

During this same time period, the local boycott campaign grew into a national campaign when Garment Worker Center members and organizers traveled throughout the country on a national speaking tour in an effort to generate public support and solidarity. At each stop of the tour, workers from the campaign spoke with university students and community organizations about the boycott, and they went to Forever 21 stores in the area to pass out leaflets and picket. Among the cities targeted for this national effort were San Francisco, Amherst, Mass., New York, San Antonio and Austin, Tex., Miami, and Washington, D.C. The national speaking tour helped the worker leaders see how their local campaign was part of the larger struggle for corporate responsibility. Through the national tour, the boycott gathered more strength and support.

Apart from these events, the local boycott scene maintained its public visibility through weekly Saturday protests at Forever 21

36. See James Allardice, *Slaying the Octopus: Promenade is Scene of Labor Protest*, SANTA MONICA MIRROR, Feb. 5-11, 2003, available at <http://www.smmirror.com/volume4/issue34/index.asp>.

37. See *Forever 21 Boycott Gains Momentum*, SWEATSHOP WATCH (Sweatshop Watch, Los Angeles, Cal.), Fall 2002, at 6, 7.

stores throughout Los Angeles. During the holiday shopping season, the center engaged in creative public actions to inform consumers and to energize the boycott. As the boycott continued in the streets with weekly protests and actions, a series of court decisions changed the dynamics of the campaign.³⁸

4. Legal Victories

In March 2004, in a much anticipated legal decision for the Garment Worker Center's Forever 21 campaign, the Ninth Circuit Court of Appeals reversed the district court's March 2002 dismissal of the lawsuit against Forever 21, thus allowing the workers to proceed with their lawsuit against Forever 21 in state court.³⁹ The Court of Appeals also ordered the federal court to dismiss the workers' state-law claims against Forever 21 without prejudice.⁴⁰ In April 2004, the California Court of Appeals issued two decisions in the defamation lawsuit.⁴¹ The court reversed a previous order denying a SLAPP motion in an appeal by the Coalition for Humane Immigrant Rights of Los Angeles and one of the advocates.⁴² It directed the trial court to issue a new order striking Forever 21's complaint against them and awarding the coalition costs and attorneys' fees.⁴³ In a separate decision, the court issued a mandate directing the trial court to vacate its previous order allowing Forever 21 to conduct limited discovery on Garment Worker Center employees, and to proceed on the Garment Worker Center's SLAPP motion on the merits.⁴⁴ The Court of Appeals made it clear that Forever 21's lawsuit had continued for so long as to chill the First Amendment rights of garment workers and their advocates.⁴⁵

38. See *Forever 21 Boycott Goes National*, SWEATSHOP WATCH (Sweatshop Watch, Los Angeles, Cal.), Dec. 2002, at 3.

39. *Fashion 21*, 88 Fed. Appx. at 988.

40. *Id.* at 988.

41. See *Coal. for Humane Immigrant Rights*, 117 Cal. App. 4th 1138; *Garment Workers Ctr. v. Superior Court*, 117 Cal. App. 4th 1156 (2004).

42. *Coal. for Humane Immigrant Rights*, 117 Cal. App. 4th at 1155.

43. *Id.*

44. See *Garment Workers Ctr.*, 117 Cal. App. 4th at 1163.

45. *Coal. for Humane Immigrant Rights*, 117 Cal. App. 4th at 1145.

5. Settlement with Forever 21

With the victory in the Ninth Circuit Court of Appeals and another one in the California Court of Appeals on the defamation lawsuit, there was a window of opportunity in which to negotiate a settlement with Forever 21. In December 2004, Forever 21, the Garment Worker Center, Sweatshop Watch, the garment workers involved in the case, and APALC reached an agreement to resolve all litigation. In addition, the parties agreed to take steps to promote greater worker protection in the local garment industry. The parties announced the resolution of this as a positive and symbolic step forward in demonstrating respect and appreciation for garment workers. Under the parties' agreement, the national boycott of Forever 21 and related protests at the company's retail stores ended. The parties came to an agreement that garment workers should labor in lawful conditions and should be treated fairly and with dignity. Forever 21 joined the Garment Worker Center and Sweatshop Watch in committing to ensure that the clothing Forever 21 sells in its stores would be made under lawful conditions.⁴⁶

6. Outcomes of the Campaign

The Forever 21 campaign was a bold effort to organize garment workers and fight for corporate responsibility in an industry that has been in decline due to the tremendous outsourcing of jobs

46. The following is the joint public statement of Forever 21 and the advocates regarding the settlement:

Forever 21, Inc., the Garment Worker Center, Sweatshop Watch, and the Asian Pacific American Legal Center, on behalf of several Los Angeles garment workers represented by it, have reached an agreement to resolve all litigation between them. In addition, the parties have agreed to take steps to promote greater worker protection in the local garment industry. The parties are pleased to announce the resolution of this matter as a positive and symbolic step forward in demonstrating respect and appreciation for garment workers. Under the parties' agreement, the national boycott of Forever 21 and related protests at the Company's retail stores, initiated by the Garment Worker Center in 2001, have ended. The parties share a belief that garment workers should labor in lawful conditions and should be treated fairly and with dignity. Forever 21, the Garment Worker Center and Sweatshop Watch all remain committed to ensuring that the clothing Forever 21 sells in its stores is made under lawful conditions.

Press Release, Garment Worker Center, Agreement Reached with Forever 21, <http://www.garmentworkercenter.org> (last visited Nov. 23, 2005).

during the past two decades. Given that the industry has already been in decline, the impact of the Forever 21 campaign on corporate responsibility within the Los Angeles garment industry is difficult to ascertain. What is certain is that the campaign created a well-defined standard of conduct by which retailers and manufacturers must work to ensure that their garment contractors comply with labor laws and health and safety standards. The success of the Garment Worker Center's Forever 21 campaign created momentum for the local effort by a coalition of anti-sweatshop community and labor advocates to pass an ordinance in the City of Los Angeles that would establish: 1) a sweat-free procurement policy for equipment, materials, goods, and supplies; and 2) compliance procedures for the city's Contractor Code of Conduct.⁴⁷

The ordinance would require city vendors to sign a code of conduct affirming that the vendors and their suppliers would adhere to all applicable workplace laws. Vendors and their suppliers found in violation would be subject to penalties and, if no corrective action were taken, termination of the contract.⁴⁸ Moreover, the

47. See Patrick McGreevy, *Council Adopts Anti-Sweatshop Law*, L.A. TIMES, Nov. 10, 2004, at B3.

48. The ordinance, L.A., CAL., L.A. ADMIN. CODE, art. 17, div. 10, §§ 10.43.3 & 10.43.5 (2005), provides in part:

Sec. 10.43.3. Contractor Code of Conduct. Prior to receiving a contract, a contractor shall sign under oath the City's Contractor Code of Conduct. The City's Contractor Code of Conduct shall be developed by the DAA and shall describe the purposes of the Article as stated in Section 10.43. The Contractor Code of Conduct shall also require a contractor to promise the following:

A. To comply with all applicable wage, health, labor, environmental, and safety laws, legal guarantees of freedom of association, building and fire codes, and laws and ordinances relating to workplace and employment discrimination.

B. To comply with all human and labor rights and labor obligations that are imposed by treaty or law on the country in which the equipment, supplies, goods or materials are made or assembled, including but not limited to abusive forms of child labor, slave labor, foreign convict or forced labor, or sweatshop labor.

C. To take good faith measures to ensure that, to the best of the contractor's knowledge, the contractor's subcontractors also comply with the City's Contractor Code of Conduct.

Sec. 10.43.5. Enforcement and Remedies. If the DAA determines that a contractor has violated this Article, the DAA may recommend that the awarding authority take some or all of the following measures:

ordinance includes first-year funding of \$50,000 for a contract between the City and the Worker Rights Consortium, an international monitoring firm. The Worker Rights Consortium will monitor and investigate compliance with the code of conduct on the part of the vendors and their subcontractors located in and outside of Los Angeles or even the United States.

The ordinance also requires that a “procurement living wage” be paid to garment workers. Once standards for the application of the procurement of living wage have been developed, it will gradually be expanded to cover all city purchasing, following the recommendation of an advisory group formed to oversee implementation of the no-sweat ordinance.⁴⁹ This anti-sweatshop law, approved by a unanimous vote of the Los Angeles City Council in November 2004,

A. Demand that a contractor or its subcontractor at the point of manufacture, assembly or service provide access to independent human rights monitors.

B. Demand that a contractor or its subcontractor at the point of manufacture, assembly or service provide management and workers with training and best practices guidelines to ensure future compliance with this Article.

C. Retain all monies earned under the contract until compliance with this Article is achieved.

D. Assess contractor with a statutory penalty equal to the greater of \$1,000 or 20% of the value of the procured equipment, goods, supplies, or materials.

E. Terminate the contract for breach and pursue any and all remedies available under law.

F. Apply the City's Contractor Responsibility Ordinance to the contractor.

49. Other relevant provisions of the ordinance, L.A., CAL., L.A. ADMIN. CODE, art. 17, div. 10 (2005), include:

- The formation of an advisory working group comprising representatives of the City, advocacy groups and labor organizations;
- Public disclosure of contractors and subcontractors working on City commodity contracts in languages of employees who form the majority of the employment pool, such as English, Spanish, Chinese, Thai, and Vietnamese;
- Accessing of inter-governmental public records and information from non-governmental entities of potentially non-responsible contractors and subcontractors;
- Requirement that vendors who are not under contract with the City but who appear on department-approved apparel lists also sign the Code of Conduct as a condition of listing;
- Contracting with an independent monitor to conduct on-site factory assessments.

is the toughest of its kind in the country and has served as a model for other cities, school districts, and municipalities.

A final outcome worthy of mention is the impact of the California Court of Appeals' decision in the SLAAP lawsuit.⁵⁰ This published decision was a major victory for the First Amendment rights of workers and their advocates to engage in boycott actions, pickets, or other public activities against abusive employers. There will continue to be ongoing labor disputes in the apparel and other industries, and this decision reaffirms the rights of workers to utilize public actions as a strategy to address labor violations.

The women workers involved in this campaign became effective leaders of the membership base of the Garment Worker Center. Throughout the campaign, the workers developed leadership skills in the areas of public speaking, media communications, delegation visits, public testimony, and collective action. These women workers became effective leaders and advocates for other garment workers who are exploited in their workplaces. Throughout the campaign, they were ambassadors for the Garment Worker Center and the anti-sweatshop movement in Los Angeles.

Today, the Garment Worker Center staff and worker leaders are working together to develop new strategies to sustain the leadership of the Center's membership base. Their new approach will involve organizing workers from within the workplace through the formation of worker leadership committees to improve health and safety conditions within the different garment shops. By concentrating this organizing model in geographic clusters with the highest concentration of garment shops, the Center expects to create systemic changes within the apparel industry. Also, this organizing model will ensure a strong association of garment workers with a sense of more ownership in the Center.⁵¹

50. See *Coal. for Humane Immigrant Rights*, 117 Cal. App. 4th 1138.

51. Telephone Interview with Kimi Lee, Executive Director, Garment Worker Center, in Los Angeles, Cal. (Sept. 20, 2005).

B. *KIWA Restaurant Workers Justice Campaign*⁵²

1. Historical Background

The Korean Immigrant Workers Advocate (KIWA) was founded in 1992 to help low-wage workers in the Koreatown area of Los Angeles gain a voice in the workplace and the community in general. KIWA has engaged in many campaigns to bring the struggles of the working people of Koreatown to light and to build community support. Recognizing that Korean workers are not alone in suffering from exploitation in low-wage industries, KIWA has been organizing Latino immigrants who work side by side with their Korean counterparts, helping to build a unique multiracial partnership between two communities that are often pitted against each other. According to the 2000 census data, over 70% of the residents in Koreatown are immigrants — 25% from Korea and 62% from Latin America. Almost all of Koreatown's population is part of the working poor — more than 40% fall below the federal poverty level.⁵³ KIWA has emerged as a case model in the work of multiethnic organizing.

In 1996, KIWA shifted from a service and advocacy organization to one of direct-action worker and community organizing by launching the Restaurant Workers Justice Campaign. The process began with a small group of Korean and Latino restaurant workers who gathered on Sundays for small meetings to develop friendship and support for each other. During the meetings, they discussed the labor violations and unhealthy working conditions that they experienced as restaurant workers.⁵⁴ KIWA initiated this campaign in response to the exploitation and inhumane treatment of these and other workers in the Koreatown restaurant industry.⁵⁵

52. The author wishes to acknowledge the contributions of Vy Nguyen, Director of KIWA, to Part II-B of this article.

53. Interview with An Le, Legal Programs Coordinator for KIWA, in Los Angeles, Cal., (June 15, 2005). See also U.S. Census Bureau, <http://www.census.gov> (last visited Nov. 23, 2005).

54. Interview with An Le, Legal Programs Coordinator for KIWA, in Los Angeles, Cal., (June 15, 2005).

55. See Cindy Cho, *Workers Center Fights for Immigrant Worker Rights*, LABOR NOTES, Oct. 2003, available at <http://www.labornotes.org/archives/2003/10/c.html>.

2. Restaurant Workers Justice Campaign

Due to the unusually high concentration of businesses, the restaurant industry in Los Angeles's Koreatown had emerged as one of the most competitive and unstable areas of enterprise for Korean immigrants. In 1996, 300 Korean-owned restaurants in Koreatown employed a total of 3,000 Korean and Latino immigrant workers, many of whom are undocumented. About 50% of these workers are from Mexico and Latin America and they work as busboys and kitchen assistants. The other 50% are Korean immigrant women who work as waitresses and cooks.⁵⁶ As part of Los Angeles's "sweatshop" economy, Koreatown restaurants were paying these workers far below the legal minimum wage while requiring twelve to fourteen hours of backbreaking labor every day. The workers endured a constant barrage of degrading and slave-like treatment, exacerbated by sexual harassment against women and discrimination against Latino workers. Any efforts to voice discontent or organize were severely punished by retaliation and blacklisting. In the summer of 1998, "a random sweep of restaurants in Koreatown by the U.S. Department of Labor found that an astounding forty-one out of the forty-three restaurants, or 97%, investigated were in violation of existing labor laws. In total, approximately 200 workers were owed about \$250,000 in back wages."⁵⁷ Most restaurants were reluctant to change their unfair labor policies and abide by labor laws because they would be unable to compete with other restaurants that continued to avoid compliance.⁵⁸

KIWA's Restaurant Workers Justice Campaign sought to improve basic working conditions while empowering the 2,000 Korean and Latino workers in the industry to stand up for their rights in the workplace. KIWA identified key restaurants around which it could build individual boycott campaigns. They used those boycotts to educate both workers and the community about the problems the workers faced. From the beginning of the campaign, KIWA faced strong opposition from the Korean Restaurant Owners

56. Interview with An Le, Legal Programs Coordinator for KIWA, in Los Angeles, Cal., (June 15, 2005).

57. ANGIE Y. CHUNG ET AL., KOREAN IMMIGRANT WORKERS ADVOCATES, WORKERS EMPOWERED: A SURVEY OF WORKING CONDITIONS IN THE KOREATOWN RESTAURANT INDUSTRY, <http://www.kiwa.org/e/rc6surv.htm> (last visited Nov. 26, 2005).

58. *Id.*

Association, which attempted to counter-organize the community against KIWA and the workers. In addition, conservative and mainstream Korean organizations criticized KIWA for organizing Latino workers against Korean employers. With sustained efforts, however, in 1998 KIWA helped form the Restaurant Workers Association of Koreatown (RWAK), a membership organization that now has over 400 members and continues to grow.

A highlight of this campaign was the Elephant Snack Corner boycott. In March 2000, eight Latino restaurant workers who had recently been fired by the owner of the Elephant Snack Corner went to KIWA offices to file a complaint for unpaid wages. What followed was a boycott campaign against the Elephant Snack Corner, a very profitable restaurant with a large clientele of affluent Koreans and law enforcement officers. With admirable perseverance, the fired workers, KIWA, and their supporters maintained a weekly picket that eventually became a daily boycott outside the restaurant. Community organizations came together to show their support by sponsoring individual "picket nights" and, in a show of unity, there were periodic rallies in which unions, students, community organizations, and supporters all gathered at the Elephant Snack Corner to voice their disapproval of the restaurant owner. The owner responded by calling in a Korean FBI special agent to investigate a few activist supporters. The response was a U.S. Department of Justice investigation into the unprofessional conduct of this federal agent. A legal strategy developed soon after the launch of the boycott when the Mexican American Legal Defense and Educational Fund joined KIWA in filing a lawsuit against the Elephant Snack Corner for unpaid wages and overtime pay.⁵⁹ In a settlement agreement that was historic in Koreatown, the Elephant Snack Corner agreed to pay back wages to the workers, subject itself to the monitoring of its payroll records for three years, and participate in a series of labor rights seminars with its employees.⁶⁰

59. Nikkei for Civil Rights and Redress, *Victory at Elephant Snack Corner Benefits All Workers in Koreatown*, <http://www.ncrr-la.org/news/elephant.html> (last visited Nov. 23, 2005).

60. *Id.*

3. Outcomes of the Campaign

The Elephant Snack Corner boycott campaign best exemplified the success of KIWA's Restaurant Workers Justice Campaign. One result of the Elephant Snack Corner campaign was the May 1, 2000, mobilization in which more than 500 workers and activists marched through Koreatown to participate in a rally in front of the Elephant Snack Corner to demand justice for the eight workers. The organizers connected this march with events around the world to commemorate International Workers Day. This event forged the relationships between different ethnic groups that led to the creation of the Multi-Ethnic Immigrant Workers Organizing Network (MIWON). Today, MIWON is a vibrant multiethnic organizing network of five Los Angeles-based worker centers. MIWON has continued the tradition set by KIWA of celebrating May 1 as "Immigrant Worker Day" in Los Angeles. This year, more than 6,000 immigrants from different nationalities marched through downtown Los Angeles to celebrate their social and economic contributions to the city.

Today, KIWA has transformed these organizing efforts for workplace justice into a large-scale campaign for corporate responsibility and improved living conditions for immigrant working families throughout Koreatown.⁶¹ KIWA recently conducted a survey of restaurant workers and found that over half of Korean restaurants now meet California labor standards and pay minimum wages. KIWA has calculated that since RWAK's formation in 2000, workers have earned \$71 million more in wages simply through the increase in minimum wage compliance. Based on this recent survey, working conditions in the restaurant industry have improved considerably, yet there is still much work to do. Today, 500 restaurants in Koreatown employ a total of approximately 5,000 workers. In a recent report, KIWA set forth future goals for the next Restaurant Workers Justice Campaign. They include targeting issues of health care benefits, workers' compensation coverage, and educating restaurant workers on other areas of worker rights, including overtime pay, record keeping, and health and safety on the job.⁶² Today,

61. KIWA, <http://www.kiwa.org/e/homefr.htm> (last visited Nov. 23, 2005).

62. Interview with Vy Nguyen, Organizing Director for KIWA, in Los Angeles, Cal., (June 10, 2005). See also CHUNG, *supra* note 57.

RWAK is engaged in the development of a long-term organizational plan. Over the next year, RWAK will hold a series of strategic planning retreats to create a long-term plan of membership development and sustainable growth.⁶³

The success of KIWA's Restaurant Workers Justice Campaign led to the Justice for Grocery Market Workers Campaign. The largest employers in Koreatown are large supermarkets. Six large Korean-oriented supermarkets, whose profits rival mainstream supermarkets such as Ralphs, Vons, and Albertsons, dominate the market in Koreatown. While they are among the largest employers in Koreatown, these supermarkets employ a non-union, low-wage immigrant workforce — approximately 700 Korean and Latino workers strong. These workers are among the most exploited in Koreatown in terms of wages and working conditions.⁶⁴

In November 2001, Korean and Latino workers at Assi Market in Koreatown — one of the six Korean-oriented large supermarkets in Los Angeles — started a campaign to organize and win recognition of an independent union, the Immigrant Workers Union. With assistance from KIWA, the workers gained strong support among their coworkers and from the community. The company, however, fought back and hired one of the largest union-busting law firms in the country. With a union vote through the National Labor Relations Board scheduled for March 2002, Assi Market and its union buster intimidated workers, threatened them, and even fired a union supporter. Although the vote resulted in a tie, the workers continued to organize and engage in public street actions with community allies. Then in July 2002, the company used a Social Security Administration “no-match” letter to suspend sixty of the workers who were active in organizing the union.⁶⁵ Since then,

63. Interview with An Le, Legal Programs Coordinator for KIWA, in Los Angeles, Cal., (June 15, 2005).

64. See Korean Immigrant Workers Advocate, *Koreatown on the Edge: Immigrant Dreams and Realities in One of Los Angeles' Poorest Communities* (2005) (on file with the New York Law School Law Review).

65. Social Security Administration (SSA) “no-match” letters are sent by the SSA to employers when a worker's name and Social Security number do not match the SSA's records, meaning that the SSA cannot give that worker credit for her earnings. While the letter has been sent to employers since 1994, in 2001 SSA sent over 950,000 letters to employers. Advocates have documented hundreds of cases in which employers have misused the “no-match” letters to retaliate against workers who engaged in union or-

the workers and their allies have been engaged in a battle for the right to organize and improve working conditions at Assi Market and other Korean grocery markets throughout Koreatown; their efforts continue to this day.

*C. National Day Laborer Organizing Network: Redondo Beach Campaign*⁶⁶

1. Historical Background

With a population numbering about 25,000, no group in Los Angeles County is more vulnerable to civil rights abuses and discrimination than day laborers. On any given day, tens of thousands of workers seek and obtain temporary employment from informal hiring sites on street corners in cities across the country. Because day laborers are so visible, they have become the scapegoats for the ongoing deterioration of communities. In recent years, the practice of employing day laborers has expanded across the country. The demand for day laborers and their need for employment, though mutually beneficial in an economic sense, have often been a source of conflict in Los Angeles. Day laborers seeking work have raised concerns among residents, businesses, and law enforcement in several communities. Recent local laws have limited their ability to look for work and made them subject to harassment from law enforcement officers, employers, merchants, private business owners, and residents. A recent study by the UCLA Center for the Study of Urban Poverty found that day laborers are routinely abused at the workplace. About half of all day laborers report at least one instance of nonpayment of wages. Other types of employer abuses include paying less than the agreed-upon amount, paying with bad checks, no breaks or water at the work site, robbery, and threats. Day laborers have become one of the most exploited and abused segments of the workforce.⁶⁷

ganizing, complained of unpaid wages, or asserted other workplace rights. See NATIONAL IMMIGRATION LAW CTR., SSA NO-MATCH LETTER INFORMATION PACKET 4 (2003), http://www.nilc.org/immsemplymnt/SSA-NM_Pack/SSA-NM_Packet_Complete.pdf.

66. The author wishes to acknowledge the contribution of Chris Newman, Legal Programs Coordinator of NDLON, to Part II-C of this article.

67. See ABEL VALENZUELA, DAY LABORERS IN SOUTHERN CALIFORNIA: PRELIMINARY FINDINGS FROM THE DAY LABOR SURVEY (1999), <http://www.nelp.org/document.cfm?documentID=367>.

The National Day Laborer Organizing Network (NDLON) was founded in 2001 as a national collaborative of day laborers and day laborer advocacy organizations. While NDLON currently has offices in two states and the District of Columbia, its primary offices are in Los Angeles and the majority of its member organizations are located in California. NDLON was unofficially formed when day laborers from San Francisco and Los Angeles held a soccer match in 1996. The workers discovered that many day laborers migrated up and down the West Coast to seek work in cities from San Diego to Seattle. Through a series of dialogues, day laborers began to understand that the conditions and types of work in all locations were the same, but that the reactions by cities and treatment by employers were different.

This soccer event was coordinated by the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), an immigrant rights organization that has been organizing day laborers throughout Los Angeles since 1989.⁶⁸ In 1997, CHIRLA and the Institute of Popular Education of Southern California (IDEPSCA)⁶⁹ decided to form a collaborative to manage and operate the City of Los Angeles Day Laborer Program in North Hollywood and Harbor City. Since then, the program has expanded to eight other day-laborer worker centers throughout the city and one in Pasadena. As part of the growth and development of this program, CHIRLA and IDEPSCA trained representatives from organizations in Portland, Seattle, and other cities on the process for setting up day-laborer worker centers. Through this hybrid apprenticeship and technical assistance

68. CHIRLA was founded in 1986 to advance the human and civil rights of immigrants and refugees in Los Angeles. As a multiethnic coalition of community organizations and individuals, CHIRLA aims to foster greater understanding of the issues that affect immigrant communities, provide a neutral forum for discussion, and unite immigrant groups to more effectively advocate for positive change. Coalition for Humane Immigrant Rights of Los Angeles, About Us, <http://www.chirla.org/aboutus.htm> (last visited Nov. 26, 2005).

69. IDEPSCA is a non-profit community-based educational organization founded by a group of Chicano and Latino immigrant activists in 1991. IDEPSCA's mission is to create a more humane and democratic society by responding to the needs and problems of disenfranchised people through leadership development and educational programs based in Popular Education methodology. IDEPSCA's goal is to organize and educate low-income Latino immigrants concerned with solving problems in their own communities. Instituto de Educacion Popular del sur de California, What Is Idepsca, <http://www.idepsca.org/> (last visited Nov. 23, 2005).

program, CHIRLA and IDEPSCA were able to provide workshops and hands-on technical assistance for the community groups that were creating day-laborer worker centers or organizing projects. What evolved from this relationship-building process was the creation of NDLON in 2001. Today, NDLON has twenty-eight member organizations from California to New York.

The mission of NDLON is to strengthen and expand the work of local day-laborer organizing groups in order to become more effective and strategic in building leadership, advancing low-wage worker and immigrant rights, and developing successful models for organizing immigrant contingent and temporary workers. NDLON works to foster healthier, safer, and more humane environments for day laborers to obtain employment and raise their families. In this sense, NDLON advances the human, labor, and civil rights of day workers throughout the United States.⁷⁰ NDLON's member organizations recognize that the prerequisite for the mission of expanding local organizing efforts is to ensure that day laborers' human right to seek work is recognized by the communities they serve, and that their civil rights are not violated. It is not until these basic rights are firmly recognized and uniformly respected that NDLON can proceed to advance the quality of life for day laborers and their families.⁷¹

Since its formation, NDLON has promoted its mission through the following two basic and immediate goals: 1) form worker centers as humane and dignified spaces where day laborers can work collectively to improve their working conditions and increase wages, and assimilate productively into their host communities; and 2) eliminate local laws that restrict day laborers' rights to seek work in public in the absence of city-sanctioned, day-laborer worker centers.⁷²

70. See National Day Laborer Organizing Network, <http://www.ndlon.org> (last visited Nov. 23, 2005).

71. See *id.*

72. *Id.*

2. Redondo Beach Campaign to End "Anti-Solicitation" Law for Day Laborers

For at least twenty years, day laborers had congregated on two main intersections in Redondo Beach, California, to seek and receive work to feed their families; on any given day, between 20 to 150 men wait for work. Day laborers are not the only people to utilize these locations: hundreds of subcontractors, entrepreneurs, and small businesses make a regular practice of meeting and hiring workers to do a variety of different kinds of work, including construction, demolition, lawn care, masonry, carpentry, tiling, painting, roofing, drywall construction, and landscaping, among others.⁷³

NDLON staff first met with the day laborers in Redondo Beach in September 2004. Together with the Mexican American Legal Defense and Educational Fund (MALDEF),⁷⁴ NDLON compiled a list of cities in Los Angeles County that have dormant anti-solicitation ordinances. NDLON organizers visited the corners in Redondo Beach as part of a survey of the Los Angeles area to determine whether local police were enforcing, or threatening to enforce, their respective ordinances. During the visits, workers assured NDLON staff that there was no police harassment. Relations on the corner were relatively harmonious, and workers reported extremely high rates of employment. NDLON staff members completed their discussions with local day laborers by passing out their phone numbers in the event that they ever needed any help or assistance.⁷⁵

On October 6, 2004, one month after NDLON completed its survey, the City of Redondo Beach initiated a massive crackdown on day laborers. During the course of a month-long effort, over sixty

73. Interview with Christopher Newman, Legal Programs Coordinator for National Day Laborer Organizing Network, in Los Angeles, Cal. (Jan. 12, 2005).

74. Founded in 1968 in San Antonio, Texas, MALDEF is the leading nonprofit Latino litigation, advocacy, and educational outreach institution in the United States. MALDEF's mission is to foster sound public policies, laws, and programs to safeguard the civil rights of the 40 million Latinos living in the United States and to empower the Latino community to fully participate in our society. Mexican American Legal Defense and Educational Fund, About Us, <http://www.maldef.org/about/index.htm> (last visited Nov. 23, 2005).

75. Interview with Christopher Newman, Legal Programs Coordinator for National Day Laborer Organizing Network, in Los Angeles, Cal. (Jan. 12, 2005).

workers were arrested, detained, and charged with violations of a municipal law forbidding the “solicitation of employment from streets.” Through a series of sting operations, local undercover police officers dressed as contractors and posed as potential employers of day laborers. They offered to hire the day laborers, and when the workers got in the unmarked police trucks, they were driven straight to the police station and placed in custody.⁷⁶ The organizing and litigation response that followed marked a historic turning point not only in the advocacy work for the rights of day laborers, but in the exercise of power by an organization that had only been in existence for three years. In an initial two-day sting operation, undercover police officers arrested thirty-seven men for seeking work on a public sidewalk in violation of a local municipal ordinance.⁷⁷

Several day laborers in Redondo Beach called NDLO to ask for help, and NDLO organizers immediately began to assist Redondo Beach day laborers in responding to the police crackdown. During several daily meetings on the street corners, NDLO staff provided “know your rights” trainings for workers to prepare them for their criminal hearings and for future police encounters. Additionally, NDLO organizers discussed the history and mission of the national network with local workers and offered a long-term commitment to stand with the local day laborers if they decided to organize and fight the police crackdown. Local day laborers were encouraged to take ownership over their struggle. If they decided to fight back, they would receive organizing support from NDLO staff and civil legal representation from MALDEF attorneys.⁷⁸

76. See *Day Laborers Sue Over Police Sweep*, L.A. TIMES, Oct. 23, 2004, at B3.

77. *Id.* The municipal ordinance used to prosecute the workers, REDONDO BEACH MUN. CODE § 3-7.1601, provides:

- (a) It shall be unlawful for any person to stand on a street or highway and solicit, or attempt to solicit, employment, business, or contributions from an occupant of any motor vehicle. For purposes of this section, “street or highway” shall mean all of that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, medians, alleys, sidewalks, curbs, and public ways.
- (b) It shall be unlawful for any person to stop, park or stand a motor vehicle on a street or highway from which any occupant attempts to hire or hires for employment another person or persons.

78. Interview with Christopher Newman, Legal Programs Coordinator for National Day Laborer Organizing Network, in Los Angeles, Cal. (Jan. 12, 2005).

Many of the arrested workers were very recently arrived immigrants who were unaware of efforts to organize and work collectively to defend their rights. After prolonged discussions about whether it was worth the effort to assert their rights, workers on the corner voted unanimously to join together and form the "Comité de Jornaleros de Redondo Beach" (Comité). The Comité decided to serve as plaintiff in the federal lawsuit and act as the vehicle for collective action and responses.⁷⁹

NDLON staff accompanied the day laborers to their criminal hearings to translate and to assist workers in requests for public-defender representation. Before NDLON staff was present, workers, in almost all instances, were not aware of their right to request public defenders. In fact, those previously arraigned often thought the prosecuting attorneys with whom they made plea arrangements were their public defenders. After NDLON provided linkages between arrested workers and public defenders and oriented them on the criminal court process, all of the workers began to request continuances for their hearings for the same date so they could return together for future hearings.⁸⁰

While the workers sought extensions on their criminal charges, NDLON and MALDEF staff quickly gathered testimonies and evidence from local day laborers to prepare a lawsuit against Redondo Beach. Through this process and during a series of "corner meetings," workers were consulted about the preparations for litigation challenging the "anti-day laborer solicitation" ordinance on First Amendment grounds. In a few weeks, the federal complaint was ready, and the workers prepared for a march to announce the filing of the lawsuit. Meetings were held in a nearby Catholic church where workers prepared protest signs and informed each other about developments in the campaign.⁸¹

On November 17, 2004, Redondo Beach day laborers publicly launched their response against Redondo Beach city officials. Approximately 250 day laborers, union supporters, community organization representatives, and others staged an enormous march down the Pacific Coast Highway. Local attorneys served as legal observers

79. *Id.*

80. *Id.*

81. *Id.*

for the march, which was held without a permit. NDLOM member organizations from around Los Angeles brought carloads of day laborers from their centers to march in solidarity with the arrested workers. For two miles, workers walked and chanted “*trabajo sí, policia no*” (“work yes, police no”).⁸²

The march ended with a press conference and rally in front of Redondo Beach City Hall, where a group of day laborers symbolically served the lawsuit complaint to the City, initiating the legal battle. Arrested workers gave speeches and testimonials to denounce their treatment by local police. Attorneys from MALDEF explained the basis for the lawsuit, that solicitation of work in public areas is protected free speech under the First and Fourteenth Amendments. NDLOM members from around the country sent emails and letters demanding that Redondo Beach cease enforcement of its anti-solicitation law. During the press conference, a clear message for the campaign emerged: Looking for work is not a crime. Media coverage of the story was extensive. In a city where day laborers are a familiar sight, the protest garnered major media and public attention. Almost all of the local television, radio, and print media outlets and affiliates picked up the story. Workers from Redondo Beach, briefed on the specific details of the complaint and the campaign, provided interviews on television and on radio talk shows. The City defended its actions to the press by asserting that the day laborers littered, urinated in public, and threatened passersby. Workers responded by noting that if those accusations were true, the City need not arrest them for merely seeking work. In a very short period of time, the workers had shifted the terms of the debate from one about the concerns of local businesses to one highlighting the human right and First Amendment right to seek jobs in public areas to earn a living.

On December 6, 2004, the Redondo Beach day laborers won a major victory in federal court. Federal District Court Judge Consuelo Marshall issued a temporary restraining order to halt future citations and arrests by the City. The judge found “serious questions” about the constitutionality of the ordinance and noted that the balance of hardships in the lawsuit favored temporarily siding

82. Wendy Thermos, *Day Laborers Sue Redondo Beach Over Stings*, L.A. TIMES, Nov. 18, 2004, at B3.

with the day laborers. Shortly thereafter, NDLO and the Comité scored a second court victory when Judge Marshall issued a preliminary injunction to allow the day laborers to continue seeking employment while the litigation continued. In her decision, she expressed her concerns over the constitutionality of the ordinance.⁸³

3. Outcomes of the Campaign

Currently, NDLO organizers and the workers continue to meet and work together to seek a long-term resolution to the conflict. The court victory has provided them with the opportunity to establish the strategic analysis and framework for a political and community organizing campaign in Redondo Beach. The legal victory also created tremendous leverage for day laborers to negotiate possible solutions with city officials, police, businesses, and community residents.

A major outcome of the Redondo Beach campaign was that it focused public attention on the day laborer issue as a hybrid of civil rights and labor rights concerns. Because of the unique nature of day-laborer work solicitation at street corners, organizers from CHIRLA, IDEPSCA, and other organizations have used human and constitutional rights as the framework within which to advocate for the labor rights of the workers. This organizing approach was highlighted by a federal court decision in 2000 in which CHIRLA and an association of day laborers from Los Angeles County filed a legal challenge against Los Angeles County's anti-solicitation of employment ordinance.⁸⁴ This decision was a landmark case for day-laborer advocates because for the first time, a federal court judge specifically wrote that the practice of day labor solicitation is an activity protected by the U.S. Constitution.⁸⁵ Shortly after the legal

83. See *Comite de Jornaleros v. City of Redondo Beach*, 127 Fed. Appx. 994, 994 (9th Cir. 2005); see also Solomon Moore, *Judge Blocks Crackdown on Redondo Beach's Day Laborers*, L.A. TIMES, Dec. 14, 2004, at B1.

84. *Coal. for Human Immigrant Rights of Los Angeles v. Burke*, 2000 U.S. Dist. LEXIS 16520, at *43 (C.D. Cal. Sept. 12, 2000) (holding that the Los Angeles County ordinance prohibiting employment solicitation in public areas violated the First and Fourteenth Amendments of the U.S. Constitution).

85. See *id.* ("Compared to other, constitutionally valid laws that have served similar government interests, this Ordinance is not narrowly tailored and does not leave open ample alternative avenues of communication.").

victory in Redondo Beach, a federal court judge issued a preliminary injunction in a similar lawsuit by NDLO and a *comité* of day laborers against the City of Glendale, California. Recently, this same federal court judge struck down the Glendale ordinance as unconstitutional.⁸⁶

In terms of the impact of this local campaign, the organizing effort and court victory in Redondo Beach garnered much local and national attention. It influenced the approaches of other municipalities and local governments in addressing day-laborer issues.⁸⁷ Recently in Los Angeles, for example, a city council member has introduced an ordinance that would require all new Home Depots and other home improvement stores to provide funding for the creation and operation of day laborer centers on their property. The proposed ordinance does not prohibit day-labor solicitation in any way and is the first such law requiring home improvement stores to create and support day-laborer worker centers.⁸⁸ NDLO and its member organizations in Los Angeles — CHIRLA, IDEPSCA and the Central American Resource Center (CARECEN)⁸⁹ — are working together to ensure passage of this ordinance that will have national implication if this campaign is successful.

86. Press Release, Brennan Center, Day Laborers Represented by Mexican American Legal Defense and Education Fund Win Permanent Injunction Against City Law That Banned Job Solicitation on Public Streets, (June 3, 2005) http://www.brennan-center.org/programs/1se/pages/view_elerts.php?category_id=31.

87. See Mark R. Madler, *Home Depot Under Construction*, THE BURBANK LEADER, July 2, 2005, available at <http://www.burbankleader.com/business/story/17516p-24407c.html> (stating that the City of Burbank is reevaluating its plans to introduce an anti-solicitation of employment ordinance that would include the construction and funding of a day laborer center by Home Depot).

88. Selene Rivera, *L.A. Councilman Calls for Day Laborer Sites*, EASTERN GROUP PUB., June 1, 2005, available at http://news.ncmonline.com/news/view_article.html?article_id=4e42423d2b7fdc8ec235a10bb2c842b1.

89. The Central American Resource Center (CARECEN) was founded in 1983 by a group of Salvadoran refugees whose mission was to secure legal status for the thousands of Central Americans fleeing the torture and brutality of civil war. CARECEN works to empower Central Americans by defending human and civil rights, working for social and economic justice and promoting cultural diversity. Central American Resource Center, History, <http://www.carecen-la.org/> (last visited Nov. 24, 2005).

III. THE LOCAL AND STATEWIDE COLLABORATIVE LEGISLATIVE AND POLICY EFFORTS OF WORKER CENTERS

As mentioned earlier, the Workplace Project's successful organizing campaign in the 1990s — to pass statewide legislation strengthening enforcement of unpaid wages — set the framework for future worker centers to make local or statewide policy changes a central outcome of their organizing strategy. Moreover, the Unpaid Wages Prohibition Act campaign exemplifies the importance of coalition building and networking.⁹⁰ With the successful organizing and leadership development efforts of the Workplace Project and other worker centers throughout the country, however, these immigrant-worker led organizations still face uphill battles in their efforts to bring about labor market changes. According to a forthcoming national study on immigrant worker centers, most worker centers have been more successful in enforcing existing workplace laws through legal and political campaigns than by applying direct economic pressure to influence employers to raise wages.⁹¹

MIWON and the Coalition of Immigrant Worker Advocates (CIWA) are two Los Angeles-based coalitions that have engaged in policy campaigns from a multiethnic and multi-industry organizing approach. Their policy campaigns have improved the working conditions of immigrant workers and brought about corporate and social responsibility from employers, government officials, and state and local government institutions.

MIWON has been successful in maintaining the public debate on the topic of legalization of undocumented immigrants as the way to improve the lives of working immigrant families. Through its multiethnic leadership development and organizing approach, MIWON has emerged as a strong voice for the rights of immigrant communities throughout Los Angeles.

CIWA has played a major role in fighting for the rights of low-income immigrant workers through legislative policy initiatives, three of which are the focus of this Article: Senate Bill 1818, which was a legislative response to the U.S. Supreme Court's decision in *Hoffman Plastic Compounds v. NLRB*; Senate Bill 179, which was a

90. See GORDON, *SUBURBAN SWEATSHOPS*, *supra* note 21.

91. See FINE, *WORKER CENTERS*, *supra* note 8.

legislative response to unlawful lowball labor contracting within the construction, janitorial, garment and security guard industries; and the creation of the Low Wage Industries Office within the California Labor Agency.

A. *Coalition of Immigrant Worker Advocates*

1. Historical Background

Started in 2001 by the Maintenance Cooperation Trust Fund (MCTF),⁹² the Coalition of Immigrant Worker Advocates is a collaborative effort of MCTF, the Garment Worker Center, Sweatshop Watch,⁹³ the Coalition of Humane Immigrant Rights of Los Angeles, the National Day Laborer Organizing Network, and the Korean Immigrant Workers Advocate. More recently, the Legal Aid Foundation of Los Angeles⁹⁴ and the UCLA Labor Center have joined this collaborative. Through organizing and advocacy, these organizations work together toward improving working conditions and increasing labor-law enforcement in low-wage industries in the unregulated underground economy of Los Angeles.

The workers that CIWA represents — day laborers and restaurant, garment, janitorial, and domestic workers — are among California's most exploited and marginalized workers, often paid below minimum wage, working long hours six to seven days per week, and

92. MCTF is a janitorial watchdog organization that investigates cleaning contractors for violations of labor laws. It is the mission of MCTF to abolish illegal and unfair business practices from the janitorial industry. MCTF was initiated voluntarily in 1999 by a group of union contractors who became increasingly concerned about the growth of the underground economy in the industry. In an effort to protect their work and the standards established by SEIU local 1877, union contractors agreed to establish a Taft Hartley trust fund that would be charged with investigating contractors for illegal business practices. Leonel Sanchez, *Watchdog Groups Help Keep Janitorial Contractors Clean*, UNION TRIB., Jan. 28, 2004, available at http://www.signonsandiego.com/news/business/20040128-9999_1b28watchdog.html.

93. Founded in 1995, Sweatshop Watch is a coalition of over thirty labor, community, civil rights, immigrant rights, women's, religious and student organizations, and many individuals, committed to eliminating the exploitation that occurs in sweatshops. Sweatshop Watch serves low-wage workers nationally and globally, with a focus on garment workers in California. Sweatshop Watch, History, <http://www.sweatshopwatch.org/index.php?s=53> (last visited Nov. 24, 2005).

94. The Legal Aid Foundation of Los Angeles provides civil legal services to low-income people in metropolitan Los Angeles. THE LEGAL AID FOUNDATION OF LOS ANGELES, 2003 ANNUAL REPORT (2003), http://www.lafla.org/pdf/annual_2003.pdf.

suffering injuries on the job, with little training or preventative programs to protect them. CIWA addresses a complicated problem that involves a vulnerable workforce, the underground economy, and government enforcement of minimal standards. The majority of workers in low-wage industries are immigrants. A majority of these industries operate in the underground economy and engage in significant illegal business practices that expose these immigrant workforces to severe exploitation. Due to the nature of the employers in the underground economy, it is this author's assumption that the illegal activities by these employers are deliberate acts. In addition, the state regulation mechanism for the underground economy and employee disputes is the Labor and Workforce Development Agency. This agency, however, is grossly understaffed, and bureaucratic policies and procedures disenfranchise these workforces. Moreover, the agency's limitations give employers in the underground economy the upper hand because government strategies do not move as quickly as the perpetrators.

2. Community Response to the U.S. Supreme Court Decision in *Hoffman Plastics*⁹⁵

With the potential to chip away at many of the hard-won rights for immigrant workers, the Supreme Court issued the *Hoffman Plastic Compounds v. NLRB* decision on March 27, 2002.⁹⁶ In *Hoffman*, the Court held that undocumented workers are not entitled to recover back pay under the National Labor Relations Act (NLRA) when they are illegally fired from a job for an unfair labor practice.⁹⁷ The Court's reasoning relied heavily on the fact that the undocumented worker involved, Jose Castro, had admitted to using false documents to establish work authorization.⁹⁸ Reversing the National Labor Relations Board (NLRB) and the Court of Appeals for the District of Columbia in a five-four decision, the Supreme Court held that the NLRB could not award back pay under the NLRA "for years of work not performed, for wages that could not

95. For a more detailed discussion, see Victor Narro & Marielena Hincapié, *Organizing Immigrant Workers After Hoffman Plastic: The Opportunity and the Challenges*, GUILD PRACTITIONER, Summer 2003, at 184-89.

96. 535 U.S. 137 (2002).

97. *Id.* at 149.

98. *See id.* at 141.

lawfully have been earned, and for a job obtained in the first instance by a criminal fraud.”⁹⁹ The Court implicitly held that undocumented workers continued to be protected by the NLRA; however, in essence they were left with the right to organize and join a union but without a meaningful remedy to enforce their rights.¹⁰⁰

3. *Hoffman’s* Impact on the Community

Exactly one week after the *Hoffman* decision came down, over thirty national advocacy organizations, unions, and litigators held a national conference call to discuss the impact of the anxiously awaited decision. As a result of the call, several national committees were formed, including a legal, legislative, and grassroots committee that the National Employment Law Project (NELP)¹⁰¹ and National Immigration Law Center (NILC)¹⁰² had taken the lead to coordinate.

One of the most important first steps was to ensure that immigrant workers were receiving proper information about the scope and limitations of the *Hoffman* decision and to minimize the misconceptions. The grassroots committee developed organically, as many community organizations and worker centers fielded numer-

99. *Id.* at 149.

100. See AMY SUGIMORI ET AL., NAT’L EMPLOYMENT LAW PROJECT & NAT’L IMMIGRATION LAW CTR., ASSESSING IMPACT OF THE SUPREME COURT’S DECISION IN *HOFFMAN PLASTICS COMPOUNDS V. NLRB ON IMMIGRANT WORKERS AND RECENT DEVELOPMENTS*, <http://www.nelp.org/docUploads/pub176%2Epdf> (last visited Nov. 24, 2005).

101. NELP has advocated for over thirty years on behalf of low-wage workers, the poor, the unemployed, and other groups that face significant barriers to employment and government systems of support. Several common themes connect NELP’s work: ensuring that employment laws protect all workers; supporting worker organizing and alliance-building among key constituent groups working with low-wage workers; helping workers stay connected to jobs and employment benefits; and expanding employment laws to meet the needs of workers and families in changing economic conditions. National Employment Law Project, <http://www.nelp.org/> (last visited Nov. 24, 2005).

102. The NILC is a national support center whose mission is to protect and promote the rights and opportunities of low-income immigrants and their family members. NILC staff specializes in immigration law and the employment and public benefits rights of immigrants. NILC conducts policy analysis and impact litigation and provides publications, technical advice, and trainings to a broad constituency of legal aid agencies, community groups, and pro bono attorneys. National Immigration Law Center, Information About NILC, <http://www.nilc.org/nilcinfo/index.htm> (last visited Nov. 24, 2005).

ous questions and concerns from immigrants inquiring about their rights. There was a wide range of media coverage on the decision and its impact on immigrant communities was immediate and widespread. Unfortunately, this mass media frenzy caused many ethnic media channels to misinterpret and misreport the impact of the decision.

For example, the Korean media in Los Angeles reported that the Supreme Court decided that undocumented immigrant workers have no labor rights. The Spanish-language media broadcasted the same message. To make matters worse, there was media confusion as to the interpretation of "back pay" for purposes of this decision. Some media outlets interpreted the decision to mean that undocumented workers were not entitled to wages owed for work already performed. Rather than serving as a tool for disseminating information on the decision, many of the media reports created much confusion among immigrants who thought that *Hoffman* took away all employment rights, as well as confusion about the impact on documented immigrants. Misreporting on the *Hoffman* decision throughout the ethnic media added to the environment of fear and panic in immigrant communities throughout the country. The hotlines of many organizations and worker centers were unable to handle the flood of phone calls from immigrant workers in low-wage industries who feared for their future. This fear was most prevalent in the industries with a large undocumented immigrant workforce, such as the agricultural, construction, garment, janitorial, and restaurant industries.

Many unscrupulous employers in these industries used reports of the *Hoffman* decision to create an environment of fear and intimidation without having to break any laws. At the other extreme, there were cases of employers who intentionally violated the rights of workers and used *Hoffman* as justification for their actions. The environment of fear and apprehension created by the *Hoffman* decision evoked the days surrounding the passage of Proposition 187,¹⁰³ when many immigrants were afraid to seek social services

103. In November 1994, Californians passed an initiative, Proposition 187, which would have cut off some health and social services, including access to public education, to undocumented immigrants and their children. On November 20, 1995, U.S. District Judge Mariana R. Pfaelzer ruled that several provisions of Proposition 187 violated federal law. *League of United Latin Am. Citizens v. Wilson*, 908 F. Supp. 755, 786-

and send their children to school even though legal advocates obtained an injunction against its implementation. In the same way that many businesses took the law into their own hands by denying services to immigrants during that period, many employers used *Hoffman* as a license to intimidate and abuse their immigrant workers.¹⁰⁴

Members of CIWA, most notably the Garment Worker Center, KIWA, and MCTF, received numerous calls from restaurant workers, garment workers, and janitors about employers taking adverse actions against them in the days immediately following the media frenzy over the *Hoffman* decision. For example, Korean restaurant owners were telling workers that they no longer had to pay wages and that they were doing so voluntarily. Garment workers went to the Garment Worker Center with stories of employers telling them that they were lucky to have a job and that they should not complain because the Supreme Court had decided that “immigrant workers have no rights.” These examples are but a small fraction of what was happening all over the country as employers used the *Hoffman* decision to justify exploiting workers.¹⁰⁵

4. Community Responses through Organizing and Legislative Efforts: The CIWA Model

It was evident from the events that unfolded within the first two weeks after *Hoffman* was decided, that a critical component of responding to *Hoffman*'s impact was educating immigrant workers and their advocates, and undertaking collaborative work to address legislative efforts to minimize the impact of the decision.

a. Organizing Efforts

For immigrant-worker advocates and organizers, *Hoffman* highlighted two central themes: first, the importance of creating and maintaining a nexus between legal, advocacy, and organizing work; and second, the importance of creating strong leadership among

87 (C.D. Cal. 1995). Among these provisions was one that denied public elementary and secondary education to children who were not authorized by federal law to be present in the United States. *Id.* at 763.

104. See SUGIMORI, *supra* note 100.

105. *Id.*

immigrant workers. Many organizers from the worker centers of CIWA, such as the Garment Worker Center, KIWA, and MCTF, had to work with legal advocates to create outreach materials and engage in advocacy efforts to minimize the fear created by *Hoffman* and the media. While *Hoffman* posed many challenges to advocating for the rights of undocumented immigrant workers, it also created opportunities to engage workers and advocates in organizing efforts to reaffirm labor protections for the immigrant labor workforce.

CIWA used the *Hoffman* decision to strengthen its organizing work to empower garment workers, Koreatown restaurant workers, day laborers, and janitors in the greater Los Angeles area, and to create solidarity with low-wage immigrant workers from other industries. The organizers from the CIWA member organizations provided workshops for workers on the *Hoffman* decision, and integrated the leadership base of their members in proactive strategies to respond to the impact of this decision.

In order to engage in a comprehensive outreach effort to educate immigrant workers about their rights post-*Hoffman*, worker centers and immigrant-worker advocates needed to develop basic outreach materials in different languages. The sharing of outreach information would also be a key part of this process. In Los Angeles, the CIWA member organizations, for example, created modules to use for “know your rights” workshops when educating workers about *Hoffman* and their rights under the law.

The work of CIWA in response to *Hoffman* exemplifies how coalition building became an effective strategy to minimize the negative impact of the decision. This coalition work and the subsequent relationship building with state agency officials were instrumental in the community efforts to respond to *Hoffman*.

b. Legislative Policy Efforts

Immediately following the *Hoffman* decision, a letter-writing campaign by the CIWA organizations caused California Department of Industrial Relations (DIR) officials to understand the significance and urgency of issuing a public statement. CIWA organization members met with top labor officials from DIR to demand a swift public response to *Hoffman*. The goal was for DIR to

make a strong official public statement reaffirming its commitment to assisting immigrant workers with wage and hour violations and, that California labor laws apply to everyone regardless of immigration status. Within a one-month period, DIR issued a statement to the media and posted it on its website stating that it would “investigate retaliation complaints and file court actions to collect back pay owed to any worker who was the victim of retaliation for having complained about wages or workplace safety and health, without regard to the worker’s immigration status.”¹⁰⁶ At the same time, the director of the Washington State Department of Labor and Industries issued a statement that undocumented immigrants continued to be entitled to both time loss and wage replacement after the *Hoffman* decision:

The 1972 law that revamped Washington’s workers’ compensation system is explicit: All workers must have coverage. Both employers and workers contribute to the insurance fund. The Department of Labor and Industries is responsible for . . . providing workers with medical care and wage replacement when an injury or an occupation disease prevents them from doing their job. The agency has and will continue to do all that without regard to the worker’s immigration status.¹⁰⁷

Following *Hoffman*, many community organizations and immigrant-worker advocates worked with state agencies to reaffirm their policies of enforcing the labor and employment rights of all workers, regardless of immigration status. Based on the administrative advocacy efforts in California and Washington, NELP and NILC developed a model policy for state labor-agencies that advocates could encourage their state administrative agencies to adopt.¹⁰⁸

106. State of California, Department of Industrial Relations, <http://www.dir.ca.gov/QAundoc.html> (last visited Nov. 24, 2005).

107. ANA AVENDANO ET AL., NAT’L IMMIGRATION LAW CENTER & NAT’L EMPLOYMENT LAW PROJECT, *HOFFMAN PLASTIC COMPOUNDS, INC. v. NLRB: COURTS LIMIT THE EROSION OF LEGAL PROTECTIONS FOR UNDOCUMENTED WORKERS*, <http://www.bnabooks.com/ababna/eo/2003/avendano.doc> (last visited Nov. 24, 2005).

108. See REBECCA SMITH & AMY SUGIMORI, NAT’L EMPLOYMENT LAW PROJECT, *LOW PAY, HIGH RISK: STATE MODELS FOR ADVANCING IMMIGRANT WORKERS’ RIGHTS*, http://www.nelp.org/iwp/reform/state/low_pay_high_risk.cfm (last visited Nov. 24, 2005).

Another strategy that emerged soon after the decision was a legislative proposal in California to respond to the impact of *Hoffman*. CIWA coalition members worked with the California Federation of Labor, California Rural Legal Assistance, NILC, MALDEF, and others on a statewide legislative effort to pass Senate Bill 1818 (SB 1818). The many organizations and labor unions sponsoring and supporting SB 1818 engaged in letter writing and public education campaigns to generate community support. SB 1818 presented another excellent opportunity to organize immigrant workers in response to the *Hoffman* decision. California Governor Gray Davis signed this bill into law on September 29, 2002. With this legislation, California became the first state in the country post-*Hoffman* to adopt an affirmative state law that addressed the issue of labor protection for undocumented workers.¹⁰⁹

SB 1818 amends the civil, government, health and safety, and labor codes of California to reaffirm that “[a]ll protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment or who have been employed, in [California].” This law also reaffirms that:

For purposes of enforcing state labor, employment, civil right, and employee housing laws, a person’s immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws no inquiry shall be permitted into a person’s immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that this inquiry is necessary in order to comply with federal immigration law.¹¹⁰

At the federal level, NILC, the AFL-CIO, and other members of the legislative committee first worked together in the summer and fall of 2005 to advocate for a narrow and straightforward, bipartisan fix of *Hoffman*. The proposed legislation would amend the Immigra-

109. The bill enacted CAL. CIV. CODE § 3339 (2005), CAL. GOV. CODE § 7285 (2005), CAL. HEALTH AND SAF. CODE § 24000 (2005) and CAL. LAB. CODE § 1171.5 (2005).

110. CAL. CIV. CODE § 3339(b) (2005).

tion & Nationality Act to allow for back pay and other monetary remedies under employment and labor laws even if a worker is undocumented or has used false documents to obtain his or her job. Unfortunately, after the 2002 Congressional elections, the coalition was unable to get bipartisan support and is once again seeking to introduce a federal bill to overturn *Hoffman*, which will also serve as a great organizing opportunity. CIWA coalition members have participated in this national effort.

The community responses to the *Hoffman* decision helped strengthen the organizing and leadership development work with immigrant workers and created strong, community-based coalitions. Further strengthening is needed, however, to achieve these changes in federal law. In a way, *Hoffman* may have been a blessing in disguise because it created the opportunity for immigrant-worker advocates to develop a proactive strategy to reaffirm labor protections for undocumented workers, and engage them in organizing campaigns for social and economic justice. Given the amount of organizing and energy that has developed over the last year, immigrant-worker advocates are hopeful that they can achieve the necessary policy and legislative changes by bringing together grassroots community groups and national organizations to work closely on these efforts.¹¹¹

5. Senate Bill 179: Financially Insufficient “Lowball” Contracts¹¹² Legislation

For more than a decade, advocates for low-wage workers have participated in many legislative oversight and policy committee hearings that have exposed the fierce competition among labor contractors in California’s underground economy. This underground economy has resulted in substandard minimum wages and working conditions for low-wage workers. Despite an extensive record of substantial lawbreaking by unscrupulous contractors and the businesses that employ them in the industries that dominate the underground economy — janitorial, construction, garment, ag-

111. See Narro & Hincapié, *supra* note 95, at 191.

112. The term “lowball contract” refers to the deliberate intent to submit bids for and approve underfunded contracts that will result in wage and hour and other labor violations.

ricultural, and security — California has yet to enact the sweeping legislation needed to address this issue.¹¹³

Senate Bill 179 (SB 179) takes an entirely new approach to this problem by declaring that it is unlawful for an entity to knowingly enter into an agreement with a labor contractor in these industries that is financially insufficient.¹¹⁴ The purpose of this bill is to: 1) declare California state policy regarding financially insufficient contracts in these industries; and 2) encourage contractors to voluntarily agree to put their contracts in writing. This bill attacks the hidden use of unfair economic leverage to influence labor contractors to enter into contracts which are financially inadequate to permit the contractor to comply with applicable local, state, and federal laws.

SB 179 provides that any person or entity (including contractors) that enters into a labor contract for construction, farm labor, garment, janitorial, or security guard services, violates the statute when the person or entity “knows” or “should know” that the contract does not provide funds sufficient to allow the labor contractor to comply with all applicable laws governing the labor services provided.¹¹⁵ There is a rebuttable presumption that a person or entity entering into such a contract for labor or services does not violate the bill’s provisions if the labor contract or any material changes to the labor contract are voluntarily reduced to writing and that such contract meets a few minimum requirements. These requirements include, among others, the disclosure of the basic terms of the contract, the contractor’s state tax identification number, the contractor’s workers’ compensation and vehicle liability insurance policy

113. The most common legislative reform sought by advocates in the past decade has been some form of joint and several liability imposed on entities which use labor contractors. For example, under California Assembly Bill 633 (AB 633), which was enacted in 2000, garment manufacturers are legally responsible as guarantors for workers’ minimum wages and overtime compensation, and garment workers may claim these wages through an expedited administrative process before the state Labor Commissioner.

114. CAL. LAB. CODE § 2810(a) (2005) (providing that “[a] person or entity may not enter into a contract or agreement for labor or services with a construction, farm labor, garment, janitorial, or security guard contractor, where the person or entity knows or should know that the contract or agreement does not include funds sufficient to allow the contractor to comply with all applicable local, state, and federal laws or regulations governing the labor or services to be provided”).

115. CAL. LAB. CODE § 2810(g)(1) (2003).

numbers, and the wages to be paid to persons employed by the contractor. The law is enforceable through a private action to recover damages or specified civil penalties, but only if the aggrieved employee pleads and proves that he or she was also injured by a violation of labor law or regulation in connection with the performance of the contract or agreement.

The CIWA coalition groups, most notably Sweatshop Watch, CHIRLA, and MCTF, were the chief cosponsors of SB 179 in Southern California. The main sponsors were California Rural Legal Assistance (CRLA) and the California Federation of Labor. CIWA members conducted legislative workshops for their immigrant worker-leaders. Through CIWA, the member organizations were able to provide leadership opportunities for their members to testify on behalf of the bill and participate in delegation visits in Los Angeles. Additionally, lead organizers from CIWA member organizations were able to testify in committee hearings, visit face to face with elected leaders, and participate in strategy sessions held in the State Capitol of Sacramento.

On October 12, 2003, four days after his defeat in California's recall election, Governor Davis signed SB 179 into law. While almost unnoticed by the media, the new law is noteworthy and has the potential to help eliminate lowball labor contracting that leads to the exploitation of workers. CIWA continues to work with CRLA and the California Labor Federation to monitor the implementation of SB 179 to determine its effectiveness in addressing the labor contracting issues within these industries that have led to rampant labor law violations.

6. Low-Wage Industry Office

Since its inception, CIWA has met regularly with staff from California's Division of Labor Standards Enforcement of the Labor and Workforce Development Agency. From this working relationship emerged the concept of creating an office within the agency that will prioritize issues affecting workers from low-wage industries. After two years of planning meetings and advocacy efforts by CIWA members, the labor agency created the Low-Wage Industries Office (LWIO). The role of LWIO was to promote and protect the interests and needs of low-wage immigrant workers throughout Califor-

nia, with a primary focus on the low-wage industries in which the degree of exploitation is most prevalent. LWIO works in cooperation with advocacy groups and worker centers to improve the level of services by the different state agencies to this sector of California's workforce, and to work with these groups to ensure participation of immigrant workers in the enforcement of labor laws. Through a statewide Low-Wage Industry Advisory Board, LWIO works to ensure that proper resources are devoted to the industries in which immigrant workers are most affected by workplace exploitation — namely, the agricultural, janitorial, construction, restaurant, and garment industries.

On September 28, 2002, CIWA held a community town-hall meeting at the UCLA Downtown Labor Center to introduce the officials of the labor agency to CIWA members, and to address the many concerns of low-wage immigrant workers throughout Los Angeles. Over 200 workers from different industries participated in this event. A major outcome was the full support of the LWIO labor officials. Today, CIWA members continue to work with labor-agency officials to further develop and find resources for LWIO. This effort serves as a model of how advocates can work with agency officials to create an administrative strategy for addressing an issue of common concern to both sides.

*B. Multi-Ethnic Immigrant Worker Organizing Network*¹¹⁶

1. Historical Background

In 1997, CHIRLA, KIWA, and the Pilipino Workers Center (PWC) began to support each other in different organizing efforts and campaigns involving immigrant workers. Most of these campaigns focused on wage and hour violations by sweatshop employers against low-wage immigrant workers. In 2000, after three years of coalition work, these groups participated in the campaign against the Elephant Snack Corner, discussed above.¹¹⁷ The suc-

116. The author acknowledges the contribution of Elizabeth Sunwoo, Director of MIWON, to this part of the article.

117. See *supra* text accompanying notes 59-61.

cess of this effort led these groups to form MIWON.¹¹⁸ Today, MIWON is a strong organizing network of five Los Angeles-based worker centers: CHIRLA, KIWA, Garment Worker Center, PWC, and IDEPSCA.

MIWON's purpose is to organize and educate immigrant workers about their rights, and to serve as a vehicle through which workers can formulate strategy and actions to improve their working and living conditions. MIWON focuses on leadership development and civic participation of immigrant workers from various ethnic communities. MIWON is involved in the Legalization and Workers' Rights Campaign that implements a leadership development curriculum with immigrant workers from different low-wage industries to help workers build and advance a pro-immigrant and pro-worker civil-rights agenda. The campaign also provides a space where diverse groups of workers can come together to strategize and develop advocacy and legislative campaigns to improve living conditions for immigrant workers and their families.

2. School of Education, Empowerment, and Determination

One of the major challenges for worker centers in Los Angeles is internal capacity and development.¹¹⁹ To address this challenge facing its worker center members, MIWON launched an extensive multiethnic leadership school for the worker-leaders of the MIWON member organizations. The School of Education, Empowerment, and Determination (SEED) is an advanced leadership program created to help develop skills, knowledge, and confidence in low-wage immigrant workers as organizers and educators. The school has four components: political education, organizing skills, health and well-being, and cultural exchange and art. Through this leadership school, worker-leaders from the MIWON organizations, especially those who become part of the organizing staff, will be able to develop the skills necessary to carry out the advocacy and campaign work of their respective worker centers.¹²⁰ This leader-

118. See Mayron Payes & Angelica Salas, *L.A. Community Rallies for Workers: Multi-Ethnic Immigrant Workers Organizing Network Marches On*, RESIST NEWSLETTER, Jan. 2003, available at <http://www.resistinc.org/newsletter/issues/2003/01/payes.html>.

119. See Narro, *supra* note 2.

120. MIWON Fact sheet (on file with the New York Law School Law Review).

ship program is different from other models in that it combines internal-capacity skills-development with political education. Moreover, it is one of the few leadership programs in the country that is multiethnic and multilingual in its implementation.

3. May Day Mobilization for Immigrant Rights

Since its inception, MIWON has successfully advocated for the rights of immigrant workers and enjoyed tremendous successes. MIWON is unique in its ability to mobilize thousands of low-wage immigrant workers from many diverse communities around Los Angeles and beyond. In the past, MIWON has mobilized over 30,000 immigrants to march for their rights on May Day in Los Angeles.¹²¹ Through multiethnic collaboration and coordination, MIWON is able to confront and take action on large-scale issues at a much broader level than any of the organizations individually. On May 1, 2004, International Workers Day, MIWON spearheaded its fifth annual day of action with a "Caravan for Justice," and transported immigrant workers and their families to protest at the West Los Angeles federal building in Westwood, the office of the governor, and the storefront of an exploitative employer. This allowed low-wage immigrant families to confront the federal government, the state government, and a local employer about the exploitation they have experienced. The "Caravan for Justice" received a great deal of media attention for MIWON.

4. Los Angeles City Council Resolution in Support of Immigrant Rights

The tragic events of September 11, 2001 changed the lives of many immigrant communities, especially those in Los Angeles, which is the largest city in California and has the highest concentration of undocumented immigrants.¹²² The February 2000 AFL-CIO declaration calling for the legalization of undocumented immigrants, an end to employer sanctions, and increased worker protections, supplied energy and momentum for the immigrant rights

121. *Id.*

122. See JEFFREY S. PASSEL, PEW HISPANIC CENTER, WASH., D.C., UNAUTHORIZED MIGRANTS: NUMBERS AND CHARACTERISTICS 11 (2005).

movement in the campaign for immigration reform.¹²³ Until September 11, there was a push in Congress for immigration reform legislation that would have provided the opportunity for the estimated 11 million undocumented immigrants to legalize their status.¹²⁴ September 11, however, changed the focus of the debate on immigration to national security. Since then, the politics of fear have been used to justify an unprecedented array of “security measures,” beginning with the USA PATRIOT Act passed in the immediate aftermath of September 11. As a result, for example, immigrants in Los Angeles were rounded up and detained at Los Angeles International Airport as part of Operation Tarmac.¹²⁵

With the changing political climate and scrutiny of immigrants post-September 11, MIWON decided to change the focus of the immigration debate in Los Angeles. In December 2001, MIWON approached the city council and asked them to support a resolution adopting MIWON’s workers’ platform, which declares the rights of immigrant workers and highlights their contributions to the city. The MIWON groups selected December 18, 2001, as the date for the council public hearing on the resolution because the United Nations had declared that day as International Day of Migrants and Their Families.¹²⁶ The city council unanimously adopted the resolution and city council members held a press event with MIWON groups, their worker leaders, and allies to announce its adoption. This resolution was significant in that it contained language supporting legalization for undocumented immigrants.¹²⁷ It was a ma-

123. See Nancy Cleeland, *AFL-CIO Calls for Amnesty for Illegal U.S. Workers*, L.A. TIMES, Feb. 17, 2000, at A1.

124. See James F. Smith & Edwin Chen, *Bush to Weigh Residency for Illegal Mexican Immigrants*, L.A. TIMES, Sept. 7, 2001, at A1.

125. See Jennifer Oldham et al., *Dozens Held in Crackdown on Airport Access*, L.A. TIMES, Aug. 23, 2002, at B8.

126. On December 4, 2000, the U.N. General Assembly, taking into account the large and increasing number of migrants in the world, proclaimed December 18 to be International Migrants Day. See G.A. Res. 55/93, ¶ 1, U.N. Doc. A/RES/55/93 (Dec. 4, 2000). On December 18, 1990, the Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. See G.A. Res. 45/158, ¶ U.N. Doc. A/RES/45/158 (Dec. 18, 1990).

127. The resolution states in part:

Whereas, the City of Los Angeles has historically been a place of refuge for migrants escaping from political turmoil, natural disasters and economic hardships in their country of origin. Immigrants from across the world

major victory that helped shift the momentum of post-September 11 immigrant rights issues, and other cities around the country soon followed with similar resolutions.

V. CONCLUSION

The Los Angeles-based worker centers profiled in this article promote democracy and participation among low-income immigrant workers from a variety of low-wage industries. They work to develop strong leaders from within these constituencies and allies in the larger community. The Forever 21 campaign, the Redondo Beach day-laborer organizing effort, and the Koreatown Restaurant Workers Justice Campaign impacted the way the media reports on and the way the larger public perceives immigrant and low-wage worker issues. These campaigns played a major role in dramatically changing the climate and altering the terms of debate at the local level. They succeeded in winning justice for immigrant workers with back-pay awards, political victories, and corporate accountability for hundreds of workers. The coalition of worker centers through MIWON and CIWA has participated in policy campaigns and legislative collaborative efforts that have established new public policies at the local and statewide levels. The policy and organizing

have built this city and its economy continues to thrive through the major contributions of their labor. Nowhere is this clearer than in the low-wage industries, where wealth is created by garment, restaurant, day labor, domestic, home care workers and other immigrant workers who receive poverty wages and endure exploitation; and

Whereas, immigrant workers have endured deplorable working conditions such as long work hours without overtime pay, no access to workers compensation, little regard for their health and safety, harassment, discrimination, blacklisting, and have little or no protection by government agencies in charge of enforcing labor laws; and . . .

Whereas, Immigrant workers face higher levels of exploitation because most lack legal documentation, and they are subject to threats and harassment to be thrown out of the country, incarcerated and deported thereby creating a fearful working and living environment . . .

Let it be resolved, . . . that true legalization in this country should be given in the form of permanent legal status and citizenship. This should not be limited to any country of origin or work industry.

LOS ANGELES, CAL., IMMIGRANT WORKERS PLATFORM, (Dec. 18, 2001), *available at* Refuse & Resist, Los Angeles City Council Votes Immigrant Rights Resolution, <http://www.refuseandresist.org/imm/122001lacouncil.html>.

campaigns of the Garment Worker Center, NDLO, and KIWA are just a few examples of the many successful organizing and policy efforts of worker centers throughout the country. Their creative organizing strategies throughout these campaigns highlight their ability to shape and frame directions in their local campaigns as they recognize new opportunities to obtain leverages over their targets. This strength provides these organizations with the ability to maximize the use of their resources and become more vibrant as their campaigns evolve to higher levels.

A major next step for the emerging movement of worker centers involves creating effective strategies for sustaining the leadership development and internal growth, and finding opportunities to forge strong political and community alliances with other sectors of the progressive and labor movements. The recent historic split within the AFL-CIO presents a great opportunity for worker centers to forge new alliances with unions and become an integral part of the emerging new Labor Movement. Five AFL-CIO member unions — SEIU, UNITE HERE, the Laborers, the Teamsters, and the United Food and Commercial Workers — formed the Change to Win Coalition and they are pushing for new strategies that would focus on membership development and a return to large-scale worker organizing. They propose to transfer more power to local union organizing efforts and for each union to focus its organizing efforts on a particular economic sector. Since the organizing vision and vision of the Change to Win Coalition appear to be similar to the organizing strategies of many worker centers, there is an excellent opportunity to forge important labor and political alliances between them. Also, the AFL-CIO's recent attempts to learn more about and reach out to worker centers throughout the country create yet another opportunity to establish an important alliance. The major challenge for many worker centers as next wave organizations will be to take the high energy and creativity that they have demonstrated throughout their local campaigns and transfer them to the emerging priority areas of internal organizational growth, membership development, and sustainability of resources.

