
New York State Department of Labor

Apparel Industry Task Force

The Department of Labor's Apparel Industry Task Force (AITF) was established in 1987. It was the first — and continues as one of the finest — investigative units of its kind in the nation. The task force works diligently to help rid the garment industry of illegal sweatshops that exploit workers and damage reputable clothing businesses.

Sweatshops operate illegally as part of the underground economy. They typically are fly-by-night operations that can pack and move quickly from one place to another, sometimes across state lines. Sweatshops flourish because of the huge competitive advantage they hold over legitimate businesses that pay fair wages, provide safe working conditions, pay taxes and contribute to the economic and social health of New York.

Apparel Industry Task Force members investigate garment manufacturers and contractors, where they inspect working conditions, review employee records and examine registration certificates. To meet registration requirements, contractors must provide unemployment and workers' compensation insurance, as well as comply with other state laws that govern the production of clothing.

The task force investigates employers in the apparel industry to determine compliance with registration requirements, child labor, wages and benefits, working hours and industrial homework. Task force investigators also may confiscate materials distributed illegally to "homeworkers."

The AITF conducts more than 1,200 inspections of firms throughout New York City's garment sector each year. In addition to enforcing wage and hour laws, the task force refers any unsafe working conditions to the appropriate state, local or federal authorities. Through enforcement and employer education efforts, the AITF also works to ensure garment shops are registered with the state garment industry database, as required by law.

Since its inception, the AITF has collected approximately \$12 million in back wages for nearly 30,000 employees.

Accomplishments:

In 1995, the task force obtained computers to speed calculations and paperwork and hired several Spanish-speaking hourly clerks to attack the paperwork backlog and ease language barriers. Consequently, investigators have been freed to spend a greater proportion of their time in the field.

In 1996, the usefulness of the apparel industry registration process was improved when Governor Pataki signed into law a measure requiring identification of the principals and the ten highest shareholders of non-publicly traded corporations on the apparel certificate application by name, home address, and social security number.

In 1996, Governor Pataki signed into law "hot goods" legislation, which provides that any garment manufacturer, contractor or retailer who ships, delivers or sells apparel is violating the Labor Law if that company knew that the goods were produced by workers who were underpaid.

Since the Hot Goods legislation was passed, the Task Force has collected more than \$4.85 million for workers at more than 350 establishments.

In 1998, Governor Pataki signed into law legislation that holds manufacturers liable for the unpaid wages of contractors' employees. Most garment production is carried out by manufacturers who subcontract the actual sewing work to smaller firms, known as contractors. The "Joint Liability" law holds contractors and manufacturers equally responsible for any wages not paid to contractors' employees. Prior law held only the contractor liable, which often resulted in some workers never receiving back-pay owed. The Joint Liability law also empowers the Commissioner of Labor to have merchandise produced by illegal firms tagged as "unlawfully manufactured."

In March 2001, on the 90th anniversary of the tragic Triangle Shirtwaist Company fire, Governor Pataki announced the addition of 10 Spanish, Korean and Chinese investigators to the Task Force. He also announced technological initiatives for the task force to help their efforts in the field.

On Labor Day 2001, Governor Pataki signed a new law that enabled boards of education across the State to consider labor standards and working conditions, including the illegal use of child labor, when purchasing school uniform apparel. The new law grants authority to boards of education to determine that a manufacturer is not a responsible bidder if it does not meet certain employment standards, such as failure to pay wages, violation of child labor laws, violation of employees' rights to form unions and workplace safety. Boards may also decide against awarding work to a manufacturer for failure to provide sufficient information for the boards to determine the labor standards applicable to the manufacture of the apparel.

In November 2001, Governor Pataki signed legislation to amend the labor law extending criminal sanctions to officers and agents of any apparel manufacturer corporation who knowingly permit the corporation to violate apparel industry registration requirements. Individuals will be guilty of a class B misdemeanor.

To aid the fashion industry, the Apparel Industry Task Force has enhanced its educational services through the Seminar Program, which offers instruction and assistance to garment industry employers. First-time violators can attend one of the scheduled seminars to mitigate or eliminate civil penalties.

The Division of Labor Standards has instituted Apparel Industry Registration Targeting to ensure that employers who have repeatedly failed to get Certificates of Registration gain no unfair advantage over employers who register on time each year.

The AITF now investigates newly registered factories within three months of their initial filing to confirm the accuracy of the information provided on the application and assure compliance with the Labor Law.

The department continues to distribute posters that tell garment workers their basic employment rights in four languages - Spanish, Chinese, Korean and English.

