



SUNY and SWEATSHOPS

How is SUNY Enforcing its Apparel Anti-Sweatshop Policy?

—
MAY 2016

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The photos in this report are meant to be representative of apparel workers and garment factories and are not intended to represent the factories producing SUNY apparel.

Contents

01

Executive Summary

02

Introduction

03

The Sweatshop Problem

04

The SUNY Anti-Sweat Policy & Enforcement Efforts

05

The Worker Rights Consortium

06

Recommendations and Conclusion

01

Executive Summary

For many years, universities have been grappling with the issue of sweatshop labor in the supply chains of college licensed apparel. The State University of New York (SUNY) system has had an anti-sweatshop licensing policy since 2009. The policy sets out to ensure that SUNY apparel licensing is “sweatfree.” As a coalition that is concerned with sweatshop labor, we conducted an investigation to determine what efforts SUNY has undertaken to follow its policy and to better understand the effectiveness of that policy.

Our Findings

Our research found that, of the SUNY schools we contacted, all are falling far short of a credible effort to deal with the sweatshop issue.

In particular, we found:

- That the schools are not consistently collecting information about the factories where the apparel are manufactured.
- The policy itself appears to be weak. It states that the factories should be disclosed by the vendor “if known”. This section is sometimes left blank on disclosure forms.
- No evidence of ongoing queries of vendors regarding labor compliance, despite a policy stating that these assurances may be requested annually.
- Little to no communication with vendors regarding factory conditions. Officials seem to see the “Certification of Compliance with Fair Labor Conditions” form as the end of enforcement efforts.
- That while the policy states that “the Chancellor may designate and institute a University-wide internal advisory panel” to advise on sweatfree enforcement, it appears that this panel has not been convened.
- That, overall, SUNY does not have a system in place to provide factory information to concerned citizens in a timely manner. We filed multiple FOIL (Freedom of Information Law) requests that yielded little information in drawn out processes.

Our Recommendations

We recommend that SUNY strengthen its sweatfree enforcement efforts.

The most straightforward solution would be for all the SUNY schools to join the Worker Rights Consortium (WRC).

The WRC is widely respected as an independent and credible factory monitoring organization. Currently only four SUNY schools are WRC members and it’s time for the entire system to join. The WRC can assist with the collection of factory information, conduct investigations of problem factories and provide a forum for the SUNY community to work with other schools on this issue. If the entire SUNY system joined the WRC, it would be following the positive example of the University of California system, where all 10 constituent schools are members.

We would also recommend that SUNY convene a system-wide internal advisory panel whose sole purpose would be to work on sweatfree enforcement.



Photo by Jonathan Silvers,
Saybrook Productions

02

Introduction

Over the last few decades, concerned consumers have been asking questions about the conditions under which their clothing is made. In a globalized apparel system, where garments are made in dozens of countries overseas, often in sweatshop conditions, it's often difficult to know the truth behind the label. News stories come out frequently about horrible factory conditions, and companies promise to do better. Meanwhile, public institutions, colleges and universities, and other nonprofit organizations vow to be more accountable for the brands they sell. But do they follow through?

The State University of New York (SUNY) system has a major presence in college apparel licensing. It is a vast higher education system with 460,000 students and 90,000 employees on 64 campuses throughout the state. Additionally, it has a network of about 3 million alumni.¹ SUNY can use its power as a licensor to hold apparel licensees accountable for the sweatshop conditions in their supply chain.

Indeed, years ago, the student activist group, United Students Against Sweatshops (USAS), advocated for SUNY to take such a proactive stand. This resulted in several actions by SUNY. Four of the SUNY campuses—Binghamton University, the State University College at New Paltz, the University at Albany, and the University at Buffalo—joined the Worker Rights Consortium (WRC). The WRC is a coalition of almost 200 colleges and universities that work together to improve conditions in factories that make licensed college apparel.² Furthermore, SUNY adopted an “Anti-Sweatshop Procedure” that would govern its apparel licensing.³

Several SUNY schools—Stony Brook, Albany, Cobleskill, Cortland and Potsdam—are also members of the Fair Labor Association (FLA), another monitoring organization.⁴ However, the FLA is a compromised approach to the sweatshop problem, since it is not independent of the apparel industry. The FLA is dominated by the apparel companies it claims to be monitoring, which creates a serious conflict of interest that harms its inspection work.⁵

This is a summary of an investigation into how SUNY has been implementing its Anti-Sweatshop Procedure. Based on FOIL requests to a number of SUNY campuses, we have found that SUNY schools that are not members of the WRC appear to be enforcing their policies in a very minimal way, an approach that does not meaningfully address the very real possibilities of sweatshop labor in the supply chain.



Photo by Jonathan Silvers,
Saybrook Productions

03

The Sweatshop Problem

The WRC has conducted dozens of investigations of apparel contractors and has amassed a significant amount of information about the sweatshop conditions found in factories that make college apparel.⁶ Pervasive problems include:

- Poverty level wages that are often below the minimum wage.
- Forced overtime work that is often unpaid.
- Health and safety violations in the factories.
- Workers who are younger than the legal working age.
- Violations of workers freedom of association and collective bargaining rights.
- Harsh verbal or physical abuse of workers.

These conditions are found so often in garment factories, so consistently over time, in so many countries, that they should be considered the industry norm. The structure of the competitive, global apparel industry has brand-name manufacturers seeking the lowest price and fastest delivery from among thousands of factories in dozens of countries. This inevitably leads to intense pressure to cut costs on the factory floor, leading to low wages and unsafe working conditions.

This holds true for factories that make college apparel.

Breaking Down The Cost of a Sweatshirt

This UConn women’s championship sweatshirt, for sale at the UConn Co-op, was sewn by workers at the Liga Mayor factory in Mexico who earn 18 cents per garment—less than a tenth of what UConn makes in royalties. Profit, overhead, and other expenses along the supply chain push the retail sales price up to \$37.99.

What the workers get: \$0.18

What UConn gets in royalties: \$2.28



Here is an example of how the costs of a college sweatshirt break down. Though this example is from a decade ago, at the University of Connecticut, similar conditions still prevail in college apparel production.⁷

Out of a total price of \$37.99, the workers collectively received only \$0.18

much less than what the university earned in royalties. This amounts to less than 0.5% of the total price, a typical figure in the industry. WRC studies show that workers’ wages would have to approximately triple in order to be considered a living wage.⁸



This chart also shows that there is plenty of money in the system to significantly raise workers’ wages. Unfortunately, the many powerful players involved have more bargaining power than the workers, and thus wages will remain at poverty levels. Unless, that is, universities work harder to improve this system.

As an example of where SUNY-licensed apparel is made, a recent visit to the SUNY Fashion Institute of Technology bookstore found product labels from El Salvador, Honduras, Indonesia, Mexico, Nicaragua, Pakistan, and Vietnam.⁹ Above are photos of labels found. These are all countries where sweatshop working conditions have been documented.

Recent events in Bangladesh confirm that the conditions in apparel factories are dangerous. In April 2013, over 1,100 workers were killed at the Rana Plaza factory collapse,¹⁰ highlighting the urgent need for more health and safety enforcement in apparel factories. Some universities are now beginning to hold their licensees accountable for conditions in Bangladeshi factories. For example, over 20 universities have stopped orders of products from VF Corp until the company signs onto the multi-stakeholder Bangladesh Safety Accord.¹¹

SUNY schools could also be playing such a constructive role.

04

The SUNY Anti-Sweatshop Policy & Enforcement Efforts

THE POLICY

The State University of New York has a policy, and an accompanying procedure, on avoiding purchases of apparel made in sweatshops. The policy and procedure were adopted by the University system in 2009 and 2010, respectively, under the authority of State Finance Law section 165(7) and SUNY Board of Trustees Resolution 2009-109.

The SUNY policy states, “It is the policy of the State University of New York (the “University”) to require contractors, subcontractors and licensees to certify to the adherence by manufacturers to fair labor standards in connection with working conditions, compensation, employee rights to form unions and the use of child labor. This policy applies to procurement by state-operated campuses of the University and their campus-affiliated organizations, including but not limited to Auxiliary Services Corporations.”

The policy allows for campuses to join appropriate independent labor rights monitoring organizations and encourages community colleges to adopt the University policy and guidelines.¹²

The procedure requires vendors who sell apparel or sports equipment to the University to provide to the University, Auxiliary Services Corporation (ASC), or other affiliated organizations, a certification of compliance with fair labor conditions and, if known, identification of subcontractors and manufacturing plants used in performance of the contract. The policy specifies a form for the certification. When competitive bidding is required, the policy specifies that campuses must add a statement to their bid documents concerning the need for documentation of compliance with labor standards.

The procedure also states that: “During each year of the term of a contract, the appropriate University Procurement/Purchasing Officer or designee or affiliated organization may request a written assurance from the vendor and each of its subcontractors that the vendor or subcontractor is in compliance with this Procedure.” Furthermore, the procedure states that the Chancellor “may designate and institute a University-wide internal advisory panel” on sweatshop issues.¹³

SUNY also has a general policy on purchasing and contracting, most recently revised on January 15, 2016, which deals with apparel and labor standards in sections II.D.2 and II.D.3 of that policy. Its requirements are similar to those in the anti-sweatshop policy and procedure.¹⁴ A discussion of the history of New York’s apparel related purchasing laws can be found on the website of the Labor-Religion Coalition of New York State.¹⁵

THE FREEDOM OF INFORMATION ACT REQUESTS

Starting in 2014, we looked at the extent to which the policy is being followed by several SUNY campuses. This project involved making requests for records under the New York State Freedom of Information Law (FOIL, Public Officers Law sections 84 to 90). The SUNY campuses to which requests were made were the University at Albany, Stony Brook University, SUNY Cobleskill, Purchase College, and SUNY Cortland, as well as a request to the SUNY System Administration in Albany.

The FOIL requests asked for three categories of records: (1) copies of the certification forms; (2) all communication with vendors regarding enforcement of the policy; and (3) all meeting minutes and any other records related to the work of the University-wide internal advisory panel. Some of the letters requested documents of these kinds that were dated within a limited time period, of a year or longer, so that the requests would not be excessively voluminous.

CENTRAL SYSTEM ADMINISTRATION

The FOIL letter to the SUNY System Administration in Albany was to determine if relevant records were kept centrally or at the individual schools. The response from SUNY confirmed that the information was not kept centrally and would be found at individual schools. We then proceeded to send FOIL letters to individual schools.

PURCHASE

From Purchase College, the Purchase College Association provided seven documents including two certification of compliance forms, copies of manufacturers’ codes of conduct or compliance guidelines, and a spreadsheet listing factory names and addresses. All of the documents that included a date were dated after the date of the FOIL request, suggesting that they were generated in response to the FOIL request. The brands identified included Gildan and Jansport.

COBLESKILL

SUNY Cobleskill responded to the request with documents that consisted of a copy of standard contract clauses, including a clause about apparel and sports equipment, plus four certification of compliance forms. Two of the compliance forms had “N/A” or “Not Known” written in for the factory information. All of the forms were dated after our request, although the dates of the purchases were months earlier. Thus, it appears that the forms had been completed in response to the FOIL request rather than being generated at the time of purchase.

“According to the SUNY Office of the General Counsel, the Chancellor has not convened a panel.”

In response to the question concerning the advisory committee, the letter from SUNY Cobleskill stated, “According to the SUNY Office of the General Counsel, the Chancellor has not convened a panel.” We wrote to the SUNY General Counsel’s office in Albany to confirm

this statement but have not received a response by the time this report was published. The fact that none of the other campuses provided records concerning the advisory committee is consistent with the statement that no such committee has been convened.

STONY BROOK

The Stony Brook University procurement department stated that they have sweatshop-related language in their bid documents, but that they do not use the certification forms. They later provided two pages, both of which were forms similar to the certification of compliance form. One was from 2012 and was for “athletic items.” The other form was from 2013, in response to a bid “for an agent to license the use of University-owned indicia” (See Appendix A). The section where manufacturing facilities were to be listed contained no such information. The latter form contained a note at the bottom, apparently added by the company that filled out the form, stating, “Licensing Resource Group, LLC will require that all prospective licensees sign a Stony Brook-specific document called a ‘Schedule B,’ thereby acknowledging their understanding of and compliance with Chapter 350 of the Laws of New York 2002. Please note, however, that Licensing Resource Group, LLC does not manage systems of internal or external monitoring to therefore ensure conformance with workplace standards”. This statement clearly indicates that there is no monitoring whatsoever of factory conditions in this case. As of the date of publication of this report, we have not been able to get clarification about what “Schedule B” is.

“Please note, however, that Licensing Resource Group, LLC does not manage systems of internal or external monitoring to therefore ensure conformance with workplace standards.”

CORTLAND

SUNY Cortland acknowledged receipt of our FOIL request and said they would respond within 20 business days. After this time passed with no further contact from SUNY Cortland, we contacted their records access officer seeking a response. The only response to date has been a call from SUNY Cortland’s FOIL officer, who stated that the request for records had gotten lost but would be re-started. He also stated that the campus bookstore has a contract with the Fair Labor Association.

ALBANY

The University at Albany is a prominent SUNY campus at which we could conveniently review documents. We submitted a FOIL request to Albany and received a few documents after narrowing the request. The University at Albany is a member of the WRC and might deal with garment purchase documents differently than the campuses that are not. But as with other campuses, the response from the University at Albany indicated that it had no records concerning a university-wide internal advisory panel.

SUMMARY OF FINDINGS

REQUEST TO	RESPONSE
SYSTEM ADMINISTRATION	No records kept there.
PURCHASE	Limited number of documents that appeared to be generated after the FOIL request was made.
COBLESKILL	Limited number of documents that appeared to be generated after the FOIL request was made. Two of the four compliance forms had no factory information. Confirmation that the sweatshop advisory panel was not convened.
STONY BROOK	Limited documents with incomplete information. Manufacturing facilities were omitted and vendor disclosed that they did no monitoring of the factories.
CORTLAND	No documents provided.
ALBANY	Had no records from any internal advisory panel.

At the SUNY campuses we contacted, it appears that they are not all requiring or maintaining the certification forms as specified in the Anti-Sweatshop Procedure. Some of the documents that we did receive were signed on dates after the FOIL request and appeared to have been generated in response to the FOIL request rather than routinely in the process of buying apparel. Moreover, none of the campuses provided correspondence about follow-ups with vendors. Several vendors did provide a factory code of conduct, and these policies are now standard in the industry. However, experience has shown that these are routinely violated and cannot just be accepted at face value.

One key weakness of the procedure is that it, and the related certification form, require the name and address of subcontractors and manufacturing plants “if known,” but do not require the vendor to seek out that information. This loophole allows the vendor to simply omit this information.

Appendix A shows an example where this information was omitted.

Another weakness in the procedure is that, during each year of the apparel contract, the school “may request a written assurance from the vendor and each of its subcontractors that the vendor or subcontractor is in compliance with this Procedure.” The lack of relevant documents here suggests that these assurance requests simply do not happen.

A system-wide problem is the apparent failure to institute the advisory committee that was authorized in SUNY’s procedure. The role of the committee, as described in the procedure, would be to “assist and advise the Chancellor and University campuses on sweatshop issues and emerging trends in sweatshop compliance and monitoring.” In view

of the major disasters in garment factories in recent years, the extent of controversy regarding these events, and the development of anti-sweatshop measures such as the Bangladesh Fire and Building Safety Accord, the advisory committee could be serving an important role if it existed.

SUNY OPPOSED IMPROVEMENTS

Legislation was proposed in 2009 that would have directed the state university trustees to promulgate and to enforce a sweatfree code of conduct for the licensing and purchase of apparel at colleges and universities of the state university, and would have required that contracts be terminated if the manufacturers use sweatshops. The bill would have required SUNY campuses to affiliate with the Worker Rights Consortium (Assembly bill 7376-A of the 2009-2010 session; Senate bill 5609 of the 2009-2010 session). SUNY issued a memorandum of opposition which is not dated but apparently was in response to this legislation, based on the bill number and the contents of the memo. The memo asserted that SUNY is in full compliance with Laws of 2002, Chapter 350 and Laws of 2003, Chapter 562. These laws, among other provisions, enacted the requirements of State Finance Law section 165(7), authorizing SUNY and CUNY to adopt anti-sweatshop policies for purchases of apparel and sports equipment.

SUNY’s memo of opposition, shown in Appendix B, described SUNY’s anti-sweatshop policy and stated that the “State University does not support the purchasing of apparel from manufacturers that engage in sweatshop-like practices.”



Photo by Jonathan Silvers, Saybrook Productions

Unfortunately, our investigation found that the SUNY campuses we examined are not following SUNY’s own anti-sweatshop policy and procedures to any meaningful extent. SUNY may not support the purchasing of apparel from sweatshops, but it has no adequate procedures in place to ensure decent working conditions in its apparel supply chain.

05

The Worker Rights Consortium

The Worker Rights Consortium (WRC) is an independent labor rights monitoring organization whose purpose is to protect the rights of workers, and oppose sweatshop conditions in apparel factories around the world. WRC investigates and monitors conditions in factories, and assists colleges and universities in complying with their codes of conduct regarding apparel purchases.

The WRC currently has 183 affiliate colleges and universities, including four in the SUNY system: Binghamton University, the State University College at New Paltz, the University at Albany, and the University at Buffalo. Affiliates adopt a manufacturing Code of Conduct, provide the WRC with names and locations of all

factories involved in the production of their logo goods, and pay an annual affiliation fee equal to 1 percent of the previous year's licensing fees (not less than \$1,500 or greater than \$50,000). The WRC investigates factories when violations are reported to ensure compliance with codes of conduct, and issues detailed reports of findings.

When violations of codes of conduct are found, the WRC and affiliated universities work to encourage vendors to fix the problems. This strategy has led to significant improvements for workers at factories supplying colleges and universities. For example:

- In 2010, the WRC succeeded in winning back wages for workers to correct widespread violations of minimum wage policy at garment factories located in Bangalore, India, which were supplying to several collegiate brands including Cutter and Buck, Nike, Adidas, and VF Corp.¹⁶
- In 2013, the WRC helped reach an agreement between workers from the PT Kizone factory in Indonesia and Adidas. In the agreement, Adidas agreed to provide compensation to workers who were not paid \$1.8 million in legally mandated severance pay when their factory closed.¹⁷
- In 2014, the WRC played a key role in establishing the "Accord on Fire and Building Safety in Bangladesh," a ground-breaking agreement that will address the ongoing safety crisis in the Bangladesh garment industry, where nearly 2,000 workers have died since 2005.¹⁸

Affiliation with the WRC gives universities access to independent information and assistance in monitoring its supply chain. It also represents a step toward proactive participation in the anti-sweatshop movement. As Dennis Black, University at Buffalo's Vice President for University Life and Services, stated at the time of its affiliation, joining the WRC meant that "UB has now adopted a national model to do its part in addressing an international concern."¹⁹

Affiliate schools participate in the work of the WRC by:

- Taking an active role in working with licensees to correct code of conduct violations when they are identified.
- Serving on the WRC Governing Board. The University Caucus—a body comprised of representatives of the administrations of every WRC affiliate school—appoints five representatives to the WRC Board.
- Getting involved in the University Caucus. The Caucus enables university administrations to work collectively to ensure that their views are reflected in WRC policy.
- Consulting informally with the WRC staff and board. The WRC welcomes ongoing dialogue with college and university affiliates. School officials are invited to contact the executive director and/or members of the board regularly to make suggestions, raise concerns, discuss issues, etc.²⁰



06

Recommendations and Conclusion

Based on our findings, we conclude that SUNY is not meaningfully adhering to its policy “to require contractors, subcontractors and licensees to certify to the adherence by manufacturers to fair labor standards in connection with working conditions, compensation, employee rights to form unions and the use of child labor.” The mechanisms currently in place fail to identify all the factories supplying SUNY apparel, provide assurance that these factories are in compliance with labor standards, or engage SUNY in advocating for changes when violations are found.

Therefore, we strongly urge SUNY to strengthen its enforcement efforts by having the entire system join the WRC. The WRC would collect factory information from SUNY vendors and use expert investigators to verify working conditions at overseas factories. Membership in the WRC would also allow SUNY schools to engage in collective advocacy with other universities.

SUNY should also convene the University-wide internal advisory panel, as initially suggested by SUNY's 2010 Anti-Sweatshop Procedure, "to assist and advise the Chancellor and University campuses on sweatshop issues and emerging trends in sweatshop compliance and monitoring." This panel should meet regularly and coordinate closely with procurement officers at each SUNY campus, thereby improving sweatfree enforcement.

If the entire SUNY system does not join the WRC, steps that it could take to improve its sweatfree enforcement include:

- Requiring the disclosure of factory names and locations for every vendor. It is now common practice for vendors to disclose this information and it would be simple for them to provide this important data.
- Requiring vendors to file a detailed "compliance plan" that shows they are seriously engaged in dealing with possible common violations in their supply chain. This plan can include information about their factory inspection system, factory wage and hour data, and/or other material that verifies either present labor compliance, or a plan to achieve compliance. It is not enough for vendors to say they require compliance from their factories, or provide a code of conduct.
- Increasing transparency by placing all of the licensing information online in a user-friendly database. This should include, at minimum: vendor names, factory names, and location and product provided.
- Ensuring SUNY participates in advocating for corrective measures when violations occur.
- Establishing the internal advisory panel.

Adopting these recommendations will not immediately ensure that SUNY apparel is truly sweatfree. Unfortunately, violations of labor rights continue to occur at factories that produce collegiate apparel. However, by taking these steps, SUNY can improve its enforcement efforts, and become a leader in identifying and fighting labor abuses in the collegiate apparel supply chain.

Endnotes

¹ SUNY Fast Facts: www.suny.edu/about/fast-facts, Complete Campus List, <http://www.suny.edu/about/campuses>.

² Worker Rights Consortium, www.workersrights.org. The full membership list can be found at, <http://www.workersrights.org/about/as.asp>

³ SUNY Anti-Sweatshop Procedure, March 1, 2010, http://www.suny.edu/sunypp/documents.cfm?doc_id=672

⁴ Fair Labor Association, Colleges & Universities, <http://www.fairlabor.org/affiliates/colleges-universities>

⁵ United Students Against Sweatshops, What's Wrong with the FLA?, <http://usas.org/campaigns-old/sweat-free-campus/dont-pay-the-fla/about-the-fla/>; Dave Jamieson, *Huffington Post*, "Safety Inspections By Social Audit Firms For U.S. Companies Called 'Facade' By Labor Groups", 4/23/13, http://www.huffingtonpost.com/2013/04/23/safety-inspections-social-audit-afl-cio_n_3134930.html; Steven Greenhouse, *The New York Times*, 2/13/12, "Critics Question Record of Monitor Selected by Apple" http://www.nytimes.com/2012/02/14/technology/critics-question-record-of-fair-labor-association-apples-monitor.html?_r=1&

⁶ Worker Rights Consortium, Factory Investigations: <http://www.workersrights.org/Freports/index.asp#freports>

⁷ Kauffman and Chedekel, *Hartford Courant*, "As Colleges Profit, Sweatshops Worsen", 12/12/04

⁸ Worker Rights Consortium, Sample Living Wage Estimates: Indonesia and El Salvador, 2005, www.workersrights.org/dsp/LivingWageEstimates.pdf; Worker Rights Consortium, Living Wage Analysis for the Dominican Republic, 2008, <http://www.workersrights.org/linkeddcs/WRC%20Living%20Wage%20Analysis%20for%20the%20Dominican%20Republic.pdf>

⁹ The Barnes & Noble at FIT bookstore was visited on November 12, 2015.

¹⁰ *The New York Times*, "One Year After Rana Plaza", 4/27/14, <http://www.nytimes.com/2014/04/28/opinion/one-year-after-rana-plaza.html>

¹¹ VF Cut List, <http://northfacedeathtraps.com>

¹² The SUNY policy may be found at http://www.suny.edu/sunypp/documents.cfm?doc_id=670

¹³ The procedure may be found at http://www.suny.edu/sunypp/documents.cfm?doc_id=672

¹⁴ This policy may be found at http://www.suny.edu/sunypp/documents.cfm?doc_id=428

¹⁵ The background information can be found at <http://www.labor-religion.org/sweatfree-policy-in-new-york-state/#.Vo3Yj5MrKd1>

¹⁶ Worker Rights Consortium, Remediation of Minimum Wage Violations in Bangalore, 12/2/10, <http://www.workersrights.org/university/memo/120210.html>

¹⁷ Worker Rights Consortium, Letter on PT Kizone, 4/23/13, www.workersrights.org/university/memo/042313.html, Worker Rights Consortium, Distribution of Funds to PT Kizone Workers as per the Union's Agreement with Adidas, 8/9/13, <http://www.workersrights.org/freports/PT%20Kizone%20Distribution%20Update%208.9.13.pdf>

¹⁸ Worker Rights Consortium, Update on Bangladesh Worker Safety Breakthrough, 6/3/13, www.workersrights.org/university/memo/060313.html; Steven Greenhouse, *The New York Times*, "Major Retailers Join Bangladesh Safety Plan", 5/13/13, http://www.nytimes.com/2013/05/14/business/global/hm-agrees-to-bangladesh-safety-plan.html?_r=0

¹⁹ Arthur Page, University of Buffalo News Releases, "UB Affiliating with Two Groups Dedicated to Protecting Workers' Rights", 4/28/05, <http://www.buffalo.edu/news/releases/2005/04/7264.html#sthash.ab13CN3C.dpuf>

²⁰ Worker Rights Consortium, Frequently Asked Questions (FAQ), <http://www.workersrights.org/faq.asp>

Appendix A

Appendix A shows an example where informaion was omitted. On the form, section C for factory addresses was left blank and the vendor stated at the bottom that it had no procedures to ensure compliance.

GENERAL TERMS AND CONDITIONS
PROPOSAL 12/13-057MC

New York State apparel workers fair labor conditions and procurement act compliance: In accordance with Chapter 350 of the Laws of New York 2002, the State University of New York at Stony Brook will not enter into a contract for the purchase of any apparel with a bidder unable or unwilling to provide documentation that:

a) Such apparel was manufactured in compliance with all applicable labor and occupational safety laws including, but not limited to, child labor laws, wage and hour laws and workplace safety laws;

b) If known, the name and address of each subcontractor to be utilized and all manufacturing plants utilized by the bidder or subcontractor.

The following Bidder Certification Statement must be completed and signed by the bidder and must be notarized for inclusion in bidder's apparel bid response documents in compliance with this Law.

Bidder Certification of Compliance with Fair Labor Conditions

Michael Van Wieren

certifies that he/she is

Vice President & General Counsel

(Name of Individual)

(Title e.g. Owner, President)

of Licensing Resource Group, LLC

conducting business at

442 Century Lane, Suite 100 - Holland, MI 49423

(Name of Business)

(Business address)

In response to Bid No. 12/13-057MC (RFP) issued by The State University of New York at Stony Brook for an agent to license the use of University-owned indicia, including designs, trademarks, service marks, logo, graphics and symbols in connection with the marketing of various articles of merchandise sold through retail channels certifies that:

(A) the items of apparel described in the RFP were or will be manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hour laws and workplace safety laws;

(B) the name and address of each subcontractor utilized or to be utilized in the manufacture of such apparel are: Please see note at the bottom of this page.

(C) the manufacturing plants utilized or to be utilized in the production of the apparel are: Please see note at the bottom of this page.

I affirm under penalty of law that the information provided in this certification is accurate and that no false information has been provided.

Signature:

Printed Name: Michael Van Wieren

NOTARY PUBLIC

State of Michigan

County of Ottawa

Signed and sworn to before me this day of February, 200 13.

Signature:

STAMP/SEAL

Licensing Resource Group, LLC will require that all prospective licensees sign a Stony Brook-specific document, called a "Schedule B", thereby acknowledging their understanding of and compliance with Chapter 350 of the Laws of New York 2002. Please note, however, that Licensing Resource Group, LLC does not manage systems of internal or external monitoring to therefore ensure conformance with workplace standards.

36

SUNY AND SWEATSHOPS

Appendix B

THE STATE UNIVERSITY of NEW YORK
STATE LEGISLATIVE ALERT

MEMORANDUM OF OPPOSITION

SUBJECT: A.7376 (Rivera P.) AN ACT to amend the education law, in relation to establishing a sweat-free code of conduct for apparel licensed by the colleges and universities of the state university

STATUS: Assembly Committee on Higher Education

A.7376 would require the Chancellor of the State University to develop a sweat-free code of conduct which would mandate that each SUNY campus join the Worker Rights Consortium (WRC) and its affiliated Designated Supplier Program for the purpose of enforcing such code of conduct. The SUNY Board of Trustees will also be required to develop rules and regulations to ensure the enforcement and compliance with such code.

The State University of New York is opposed to the enactment of A.7376.

Chapter 350 of the New York State Laws of 2002 and Chapter 562 of the Laws of 2003 were enacted to address the issue of apparel manufactured by sweatshops. **The State University is in full compliance with this law** which directly impacted the purchasing practices of our campuses. A fundamental requirement of Chapter 350 was to ensure that in the execution of a campus contract for apparel, the bidder is to provide assurances that the apparel in question was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hour laws and workplace safety laws.

Subsequently, SUNY has developed an extensive and explicit policy on purchasing and contracting which includes the following requirement:

II (D)(2) When competitive bidding is required, in accordance with New York State Labor Law for a procurement of apparel or textiles or sports equipment, campuses must add a statement to their bid documents that the campus will not enter into a contract to purchase or obtain for any purpose any apparel or textiles or sports equipment with a bidder unable or unwilling to provide documentation that: a) Such apparel or sports equipment was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hour laws and workplace safety laws.

A troubling aspect of A.7376 is the mandate for the University to become a dues paying member of a particular organization, the Workers' Rights Consortium (WRC), that monitors apparel manufacturing practices. It should be noted that there are several such national organizations available for membership. Furthermore the WRC has only 187 member campuses of the over 4,100 colleges and universities in the United States. Thus, membership is not indicative of a campus' compliance with current law. Currently only four SUNY campuses are members of the WRC, even though all campuses comply with the law.

A.7376 accuses the State University of using sweatshops to manufacture campus apparel and that campus administrators "continue to ignore the violations of human rights that take place in order for their campus apparel to be manufactured and sold." **The State University does not support the purchasing of apparel from manufacturers that engage in sweat-shop like practices.** We object to this legislative statement as it is untrue, unfair and inflammatory.

Recent articles in the national press have highlighted a particular manufacturer and allegations of anti-labor or sweatshop activities. NO SUNY campuses have contacts with this particular manufacturer. However, this situation is complicated due the structure of apparel purchasing on SUNY campuses. Much apparel sold on campuses using SUNY licensed logos is through the campus bookstore which generally, although not always, is administered by the campus Auxiliary Services Corporation (ASC). In turn, a number of ASCs have contracted for operation of their bookstores by third parties, primarily Barnes and Noble and Follett. Accordingly, contracts or business relationships for apparel procurement may be between either the ASC and a vendor or Barnes and Noble/Follett and an apparel vendor. SUNY is in the process of investigating such arrangements.

SUNY believes that the existing state laws that apply to ALL state governmental entities are appropriate. A.7376 singles out SUNY, thus making the presumption that all other NYS colleges and universities, public and private, are in full compliance with state laws and possibly the goals of the member-supported, dues based, Worker's Rights Consortium. Such proposals, if adopted, should apply to all higher educational institutions and state entities that sell licensed products.

State University respectfully requests that A.7376 not be approved.

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How is SUNY Enforcing its Apparel Anti-Sweatshop Policy?

37



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