

Letter to Brands (Statement to Government below)



Re: Garment/PPE Production and Covid-19 Related Worker Protections

April 2020

Dear [company name\*],

We, the undersigned organizations dedicated to advancing civil and human rights, workers' rights, and health, and safety, urge all companies involved in the manufacturing of apparel, textiles, and/or personal protective equipment (PPE) in the United States to implement essential worker health protection and workers' rights measures during the Covid-19 crisis.

Companies operating sewing facilities or sourcing from factories in the United States should follow state-level guidelines applicable to manufacturing facilities during Covid-19. For example, in both California and New York, all garment/textile manufacturers are required to be closed, except for those producing PPE, whose operations are considered essential manufacturing during this time.<sup>1</sup> These same states, and others, require employers to implement an Illness and Injury Prevention Plan to identify and control hazards, such as Covid-19.

<sup>1</sup> For California, see: California Coronavirus (COVID-19) response, "Stay home except for essential needs," updated March 24, 2020, <https://covid19.ca.gov/stay-home-except-for-essential-needs>, and California Coronavirus (COVID-19) response, "Essential critical infrastructure workers," March 22, 2020,

## CDC Guidelines

Where there is no state-specific standard, manufacturers operating during the Covid-19 pandemic should abide by the CDC's Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019<sup>2</sup> in combination with reference to city-level and state-wide public health orders. According to the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19),<sup>3</sup> key measures that should be implemented in factories continuing to operate include:

- Actively encouraging sick employees to stay home
- Sending employees with acute respiratory illness symptoms home immediately
- Providing information and training to employees on:
  - Cough and sneeze etiquette
  - Hand hygiene
  - Avoiding close contact with sick persons
  - Avoiding touching eyes, nose, and mouth with unwashed hands
  - Avoiding sharing personal items with co-workers (i.e. dishes, cups, utensils, towels)
  - Providing tissues, no-touch disposal trash cans and hand sanitizer for use by employees
- Performing routine environmental cleaning of shared workplace equipment and furniture
- Advising employees to check CDC's Traveler's Health Notices prior to travel

## Additional Worker Protections

The CDC guidelines also recommend using methods to minimize exposure between employees, and between employees and the public. Due to the severity of the outbreak, in sewing factories we recommend employers interpret this as **requiring workers to maintain a six foot distance from each other** to the extent possible by adjusting locations of workstations and decreasing density on the factory floor accordingly.

Implementation of the hand hygiene guidance should include mandatory hand-washing with soap and water for 20 seconds upon arrival at work, frequent **paid breaks for hand-washing**, and allowing workers to access restrooms and hand-washing stations at any time.

For manufacturing in Los Angeles, L.A. Protects instructs essential manufacturers to comply with "guidelines on social distancing and maintaining a sanitary workplace."<sup>4</sup> In addition to the

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<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

For New York, see: New York State, Empire State Development, "Guidance for determining whether a business enterprise is subject to a workforce reduction under recent executive orders," updated March 27, 2020, <https://esd.ny.gov/guidance-executive-order-2026>

<sup>2</sup> See: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, January 2020.

<sup>3</sup> As summarized at <https://dir.ca.gov/dosh/coronavirus/General-Industry.html>. Also see: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>

<sup>4</sup> See: L.A. Protects, "Making Protective Gear for Angelenos to address the COVID-19 crisis," Accessed March 30, 2020, <https://laprotects.org/>, which states that essential manufacturers must comply with "Best

social distancing, disinfecting and sanitizing measures spelled out in these guidelines, **any shared workstations should be sanitized after each user**. A facility should also **appoint an employee to oversee the proper implementation of the Coronavirus response plan**.

Additionally, during this pandemic, we urge companies to provide paid sick leave for the duration of a worker's illness due to contagion levels of Covid-19 to ensure that sick employees working in essential manufacturing will stay home in accordance with the CDC guidance for home isolation.<sup>5</sup> Going forward, employers should provide all employees with a minimum of 14 days of paid sick leave per year. **If an employee's health insurance does not cover their Covid-19 test or treatment, the employer should cover this expense in full.**

**Employers should meet federal and state payroll tax obligations** as to social security, Medicare, and disability for all their workers. Employers must **maintain workers' compensation insurance** according to state-level requirements and meet their obligations to **enroll all their employees under any federal and state coronavirus-related relief packages, where required.**

We call on employers to pay at minimum the **legally applicable minimum wage plus be responsive to their employees' demands on essential worker pay and abide by any local jurisdictional requirement for such pay**, and provide itemized check stubs, documenting all hours worked, deductions, and rates of regular and hazard pay.

If governing jurisdictions enact a temporary exemption for homework, allow homework and flexible work hours, in response to workers' requests, to increase physical distance between employees. In the case of homework, the employer should provide supplies for regular sanitation of equipment and workstation, and provide gloves and face masks for delivery employees.

Employers should provide **training during compensated time in employees' primary languages on Covid-19 infection prevention methods** and materials such as posters in visible locations, factsheets, or videos should be provided in those languages.

#### Reduced or Terminated Production

Companies that are reducing orders from factories in the United States, or that have been required to close operations because of restrictions related to non-essential workers, should ensure that:

- Full payment is made to factories on orders for which material has been purchased or production has already begun
- Unemployment benefits reach all workers affected by job loss, and provide other forms of income replacement for those workers who are ineligible for government-funded

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Practices for Factories Producing Healthcare Supplies," available at [https://www.dropbox.com/s/subhakiph17x5t2/05\\_COVID\\_Best-Practices.pdf?dl=0](https://www.dropbox.com/s/subhakiph17x5t2/05_COVID_Best-Practices.pdf?dl=0)

<sup>5</sup> CDC, "Discontinuation of Home Isolation for Persons with COVID-19 (Interim Guidance)," Accessed March 28, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>

unemployment due to immigration status, independent contractor status, or employer failure to register them as employees

- When factories reopen, first-hire priority is given to laid-off workers to their previous posts and deadlines for orders are reassessed to prevent workers from working mandatory overtime to make up for delays

Keeping the above guidance and recommendations in mind, we ask you to please publicize the following information:

1. If you are operating or sourcing from garment/textile/PPE factories in the U.S. during this pandemic, please provide:
  - a. The names and addresses of each of the facilities<sup>6</sup>
  - b. Information on the precautionary measures and workers' rights policies and practices you have put into place
  - c. Information on the precautionary measures and workers' rights policies and practices you still intend to put into place
2. If you have closed any sewing facilities or if your suppliers have closed during this pandemic, what steps are you taking to ensure that all affected workers receive severance and/or unemployment pay?

We request your reply within the next 10 days and plan to update local enforcement agencies, interested reporters, and other relevant stakeholders with information from your responses.

Sincerely,

Marissa Nuncio, Director  
**Garment Worker Center**

Judy Gearhart, Executive Director  
**International Labor Rights Forum**

Dana Hadl, Directing Attorney, Employment Rights Project  
**Bet Tzedek**

Michael Young, Legislative Advocate  
**California Labor Federation**

Ineke Zeldenrust, International Coordinator  
**Clean Clothes Campaign International Secretariat**

Michelle M. Seyler, Executive Director  
**Clergy and Laity United for Economic Justice (CLUE)**

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<sup>6</sup> This should be in alignment with the Transparency Pledge, <https://transparencypledge.org/>

Angelica Salas, Director  
**Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)**

Tessa Maffucci, Managing Director of Strategy  
**Custom Collaborative**

Nicholas Brown, Director of Policy  
**Fashion Revolution USA**

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Lynda Yanz, Executive Director  
**Maquila Solidarity Network**

Marcy Goldstein-Gelb, Co-Executive Director  
Jessica E. Martinez, Co-Executive Director  
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\* American Giant, American Knits, AST Sportswear/Bayside America, Bayside, Better Work, Beverly Knits, Brooks Brothers, Citizens for Humanity, Columbia Sportswear Company, Eileen Fisher, Factory45 - The Mask Project, Fanatics, For Days, Fruit of the Loom, Good Apparel, Greg Lauren, Groceries Apparel, Hanesbrands, IndieSource, Kaas Tailored, Lefty Production, Levi's, Los Angeles Apparel, Mountain Equipment Co-op, Nana Atelier, New Balance, Nike, Nordstrom, Parkdale Inc., Patagonia, Project N95, PVH, Reformation, Remake, Riegel Linen, Sew Suay Shop, Target, Under Armour, UStrive Manufacturing, Vector Apparel Projects / Partnered with LA Relax, and VF Corp. *Associations:* American Apparel & Footwear Association, California Manufacturers & Technology Association, Korean American Manufacturers Association, National Council of Textile Organizations

## Statement to Government



### Urgently Needed Worker Protections for Garment, Textile, and PPE Production During Covid-19

We, the undersigned organizations dedicated to advancing civil and human rights, workers' rights, and health, and safety, urge state and local government with manufacturing of apparel, textiles, and/or personal protective equipment (PPE) in their jurisdictions to issue and enforce essential worker health protection and workers' rights measures during the Covid-19 crisis. While workers' rights and health should always be a priority, there is an urgent need to ensure they are protected during this time because high demands on the goods they produce can lead to exploitation and even working when sick. We encourage that requirements be based on the following recommendations.

Companies operating sewing facilities or sourcing from factories in the United States should follow state-level guidelines applicable to manufacturing facilities during Covid-19. For example, in both California and New York, all garment/textile manufacturers are required to be closed, except for those producing PPE, whose operations are considered essential manufacturing during this time.<sup>1</sup> These same states, and others, require employers to implement an Illness and Injury Prevention Plan to identify and control hazards, such as Covid-19.

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