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PUBLIC HEARING

STATE OF WORKERS' RIGHTS

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30-10 Thomson Avenue
Long Island City, New York

April 25, 2017
6:49 p.m.

PROCEEDINGS, taken by Sadie L. Herbert, a RPR and Notary Public of the States of New York and New Jersey.

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126 East 56th Street, Fifth Floor
New York, New York 10022
212-750-6434
REF: 114766

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EXHIBITS	DESCRIPTION	FOR I.D.

(NO EXHIBITS MARKED)

OPENING REMARKS

OBIAS: Good evening. Welcome to our public hearing on State of Workers' Rights hosted by the Department of Consumer Affairs Commissioner, Lorelei Salas, the Human Rights Commissioner, Carmenlyn Malalis, and the Mayor's Office of Immigrant Affairs Assistance Commissioner, Kavita Pawria-Sanchez.

Commissioner Salas will open our program.

MS. SALAS: Thank you very much, Leah.

Good evening, everyone.

(Good evening.)

MS. SALAS: Buenos noches.

I'm going to say a couple things just in English, because I know there's going to be interpretation, you have your equipment.

This is a very important night for us at the Department of Consumer Affairs, labor standards, it is hopefully one of several nights where

we'll spend time sitting with you and listening to your concerns, together with my sister agencies, we are really hoping to get out of tonight ideas from you, suggestions from you on the things that you see are happening most and hopefully, those ideas will help us develop our policies and think about our approach to enforcing workers' rights in a way that makes sense, to address the needs that you have. Just very quickly, thank you so much for will coordinating this event, and now we'll hear from Carmenlyn Malalis.

MS. MALALIS: Hi, good evening, I will also be brief. I'm Carmenlyn Malalis, I'm the chair and commissioner to the New York City Commission on Human Rights. For those of you that are not familiar with our agency, we are the City agency that enforces the very broad antidiscrimination and anti-harassment protections. If you live or you work in New York City, you

are extremely lucky, you have one of the nation's most protective laws at your disposal and we will not hesitate to use those laws to protect you and your communities, I want you to be thinking through ways that you can be identifying issues for the Commission on Human Rights as we're sitting here tonight for this hearing.

New York City's laws protect you against discrimination and harassment at the workplace, but they also protect you in housing, when you're in public accessing your businesses or other institutions, and one of the things that's important to note about New York City's laws is that it is illegal in New York City for housing providers, employers or businesses to discriminate against you because of your immigration status. We have doubled down on our efforts to combat this specific type of discrimination and we will continue to do so.

OPENING REMARKS

So on behalf of the Commission, I want to thank you for being here tonight, I know that you all have other priorities with your families and work and otherwise in your communities, and I'm grateful that you are here today to share with us what your concerns are. I also want to thank, of course, Commissioner Salas and Pawria and all of the staff here from the Department of Consumer Affairs for putting this together and I look forward to hearing from you, so thank you.

MS. PAWRIA-SANCHEZ: Thank you. My name is Kavita Pawria-Sanchez and I am assistant commissioner for the mayor's office of immigrant affairs. We are here tonight because our mission is to advance and protect immigrant workers and we know that immigrant workers' issues are really critical to our realities in New York, particularly in this particular climate, so without further ado, I want to thank all of the

workers who are here for giving us your time, we are here to listen to you and I really look forward to doing that. Thank you.

OBIAS: So my name is Leah Obias, Director of Stakeholder Engagement of DCA's Office of Labor, Policy & Standards, I'll be moderating the first portion of the program tonight. Just a couple of quick logistical announcements before we begin, if you are testifying, please remember to speak slowly for the interpreters, they've given us two signs to -- to support the process. Thumbs up means to please speak louder, thumbs down means to slow down. So if you see an interpreter making one of those signs, please speak louder or slow down.

Each testimony should be no longer than three minutes. We have many speakers tonight so I'll be keeping time, we have a clock in front. I'll

let you know when you have one minute left. At three minutes, you may hear my phone ding or I may simply say, thank you for your testimony.

Our first set of panelists will discuss issues facing immigrant workers in a range of industries throughout New York City, in the interest of time, I'll ask you to introduce yourselves and we can get started. We'll start with the speaker on the far -- on my far right.

JOSE FRANCISCO: Okay. My name is Jose.

NEREYDA SANTOS: Nereyda Santos.

OSIAS DAVILA: Osias Davila.

PATRICIO SANTIAGO: Patricio Santiago.

SANTIAGO TORRES: I am a laborer in Staten Island.

(Applause.)

OBIAS: So we'd like to start hearing testimony from the speaker on the far right.

IMMIGRANT WORKER PANEL

JOSE FRANCISCO: Jose Francisco, I thought I was going to go last, but if you want me to go first, I'll go first. Okay. I'll go first.

Jose Francisco, I work in a laundromat. It's in Westchester in Mount Vernon. I have worked there for 22 years. Last year, at the end of the summer, the members of the laundromat in New York City, there was a law passed, Clean, and it permits the workers of laundromats that are unionized to work in a clean environment and give good service that way to the laundromat because we -- we represent the hospitals, old folks' homes, hotels and restaurants. So with that law, clean that is given to the customers, there's a control measure where the consumers can't feel safe to not get contaminated by some disease. Unfortunately, there are companies that are not unionized that the -- the company that I have has unions, it has

different benefits and pensions, pensions every three years and labor contracts every three years and medical coverage and personal days and holidays and vacations and it's a just deal, laundry work is very tough, but many companies that I have participated as a volunteer from the union and I've heard different testimonies from workers there that don't have the benefits that we have as a unionized laborers. There's no respect, are treated, maltreated because we're immigrants. And there's no respect. I've heard testimonies from certain employees that they have even been -- someone has been aggressive towards the employees, once an employer threw coffee at an employee in the face, it was proven and the employer was given a fine to pay. There's another company, UBK, where the employers are obligated -- employees to work extra hours without pay. And they're obligated to work without any

kind of protection and they're exposed to whatever infection long-term or short-term.

OBIAS: Thank you for your testimony, I'm sorry.

JOSE FRANCISCO: All right, I'm sorry, I wasn't aware of the time.

(Applause.)

NEREYDA SANTOS: My name is Nereyda Santos, I am a transgender member, I am -- I want to -- I want to thank you for -- to give the -- for this panel to be heard. In 2015, before I was transitioning, when I was a -- she was a food preparer in -- and I was sexually assaulted at work, my supervisor touched me inappropriately on my private parts and proposed sexual favors. I felt very bad about it, and then I was let go and I think it was because of transgender issues, which is -- so because of this reason, I went to Mr. Rowe[ph] and I filed a complaint over human rights with the City. After

six months of negotiations, we reached an agreement of $500,000 regarding the -- regarding the abuse and I was going to be paid in six quarters by the employer. Once they were paid, the -- the employer said that he was going to have -- was going to be reaching bankruptcy so he couldn't pay. So in order to avoid bankruptcy with him, I -- I agreed to -- I agreed to a lower pay and so I can give my testimony here. In the meantime, Mr. Rowe helped me to change my name, I -- we -- we filed a joint complaint and with the human rights office so that I can obtain a visa, and my application was filed and I was one of the first one to be granted a visa through the human rights of the City office. I feel like my story is a common one in the city, immigrants, and we're marginalized, jobs that are very discriminatory.

So we have -- thank you.

(Applause.)

IMMIGRANT WORKER PANEL

OSIAS DAVILA: Good evening, Osias Davila, I used to work at a bakery, Tom Cat, until two weeks ago, unfortunately there was a critical situation, a group of workers that have worked there for about 10 years to 18 years, friends, but now we are unemployed and honestly, it's indignant. After all the work we did and the hard work we did and to create the bakery, before us it was producing very little work, commerce, and now -- and now it's grown, but we're unemployed now because of the administration which is in place now that's putting pressure on these type of employers, and that's why we've organized, to confront this issue. And to try to gain our rights because administration doesn't want to give us anything, but leave us in the street, so therefore, we're trying to unite to support ourselves.

(Applause.)

OSIAS DAVILA: Thanks to all that

are trying to support us so that we can go forward and push forward and confront the injustice that the -- that the employer was trying to disenfranchise us from. It was -- it's not just since we've given our -- a lot of time and lives to the company and this is the motive of our fight, daily fight. And everybody knows the national problem that's going on right now and along with Tom's bakery and we were only given ten days to vacate and it's -- was very hard to get the documents necessary for some of this processes. And thank you very much. And the workers here, we're all here fighting for the good fight. And let's all fight when there is discrimination and injustice to gain our benefits as workers.

(Applause.)

PATRICIO SANTIAGO: Good evening, thank you for inviting. I'm a car washer from near hospital. My

IMMIGRANT WORKER PANEL

testimony tonight is about we're here as immigrants and we feel the injustice of the employer doesn't want to renew our contracts, doesn't want to give us additional hours, wants to take away $0.18 for every hour, and it's a minimum wage, so we need -- we need your support and strength as assembly people, as public, as -- like all we are from all of you to continue to fight and to contact more people and gain support as a community because we need your support and we feel proud to be car washers or any laborer and I -- again, we need all of your support, from the syndicate, from everybody and my fellow workers, my fellow friends at the car wash need your support and there's a lot of theft in the car wash business, they even steal our tips, they don't give us insurance, so with you, power has -- we need your power to continue and have a secure life and for all fellow immigrants, from Mexico, so

we won't be humiliated as workers and we've come here as friends today to -- to be a force.

And, again, they take away a lot of our tips and it's just not just because there's so much to pay in our community and we don't have even health insurance, so we need your support. And to have a safer New York for the immigrants that do live here, and thank you very much.

(Applause.)

MEMBER OF THE PUBLIC: Yes we can, yes we can.

MS. SALAS: I need to ask you a question for clarity.

When you're saying to take away the tips of the wage?

PATRICIO SANTIAGO: Yes, I'm asking that because they take away percentage for every wage that we get and it doesn't reach our actual wage, so they give us 8.30 and they take away 2.70 per each.

IMMIGRANT WORKER PANEL

(Applause.)

SANTIAGO TORRES: Good evening. I am Santiago from Staten Island. I'd like you to know, before the elections, the atmosphere was hot, environment was hot, I was discriminated against and I wasn't paid by an employer. I did a job for him and he didn't finish paying me, he made an excuse and he said to thank God that I gave him a job at least because in actual, you were stealing a job from an actual American and he couldn't pay anything because I didn't have any rights in this country and even further, when the elections came and that my president was going to be in charge of taking all the Hispanics away from -- I mean, take away all the jobs that the country is only for whites and not for Latins.

(Applause.)

MS. SALAS: What industry was it?

SANTIAGO TORRES: It was an odd job.

PAID CARE WORKER PANEL

MS. SALAS: What do you mean?

SANTIAGO TORRES: Construction.

MS. SALAS: Thank you very much for your stories, sharing your stories and your spirit to fight is contagious. Thank you.

(Applause.)

OBIAS: Thank you to our first panelists. The paid care panel is on its way.

The next panel will focus on issues facing workers in paid care jobs, including home care, domestic and house cleaning workers.

So like our first panel, I'll ask the panelists to please introduce themselves before we start testimony.

MARIA AGUILAR: My name is Maria Aguilar, I come from the liberal -- good evening to everyone. The person in this public audience to talk about the rights of the workers in New York. My name is Maria Aguilar, I'm a cleaner, member of the justice for

workers. We are a group of workers to organize to improve the working conditions and have justice in our job.

First, I'd like to thank you the opportunity to testify in this audience, public audience. The liberal justice is a place where we go to claim our dignity as human and workers and where we learn to use our voice to lift our value of our work and improve our labor conditions and life. This organization for workers have helped me improve my salary and have more control in the conditions of -- in our work through an agency of cleaning. In the organization we create power, this is the union of the -- that has the most organized workers. When I came to this country in 1994, I didn't know my rights and because of the necessity, I would stay quiet in my first years, I worked in factories, in restaurants, with a salary of $5 an hour. It was little, but I -- my need was too great.

PAID CARE WORKER PANEL

After I was left without work and I found with a parade of Williamsburg, many of you know it, the opportunity that I have was to look for work is a place where the women work, stand and work for people to give us jobs, I would get up at 5:00 in the morning to get there on time and wait hoping that I would be able to find a job that day.

(Applause.)

MARIA AGUILAR: The parade is a corner where we, women who are looking for jobs, stand and wait, so I would get up early, so I would get to the stop to find a job and sometimes I didn't find work and I would get home without money. On the corner, I felt that I was losing my dignity because people were looking at us, the bosses would look at us as if we were slaves and we lived a lot of discrimination. Thank you.

(Applause.)

BARBARA RODRIGUEZ: Good evening

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everybody, my name is Barbara Rodriguez, I home health aide and I worked in the field of, before I was a housewife, taking care of my mother, then my late husband fell ill, I had no choice, I had to secure work, I chose home care because I enjoyed working with people. When I first started, it was tough, my first client had diabetes. One of my first experiences was going through a scare with her, her blood sugar was very low, fortunately, she had corrective measures tape in her refrigerator, I gave her juice and a banana and then my heart was back in its place because her sugar turned to normal, I stayed with that client for three years until she passed. I started out as a nonunion agency. Working in that situation meant no raises, no differential pay for holidays, they pretty much paid me what they wanted. I would work 50 to 60 hours a week, I'd get the same 7.25

an hour. I worked long hours, but I only get a week's vacation. My worst time in a nonunion shop was when I totaled up all my hours and I knew I was supposed to get two weeks vacation, but rather only get one. When I complained, they said it was one week, I had no recourses.

Then I went on to work in a nonunion agency that became affiliated with 1199SEIU, the transformation has been amazing, now management has to go by the union contract. We're able to get proper vacation and overtime. We also get much more respect from management, for example, last year, they didn't pay me my holiday differential, I called them and they tried to explain why wasn't it included. I told them, no, we are unionized and you're violating our contract. That differential was in my check that same week.

(Applause.)

PAID CARE WORKER PANEL

BARBARA RODRIGUEZ: It wasn't just about disputes with management, though. After I joined the union, my organizer started inviting me to various events, including rallies, she encouraged me to become active in the union. I told myself, I have to do this. I observed how hard everyone in 1199 works and I figured, if they're fighting for us, the least I can do is be in the front lines. I had to rebalance my family's responsibilities and start to represent myself and my coworkers. Since I've become active, I've spoken to lots of nonunion home health aides, I let them know about my experience, I tell them that in some cases management may try to intimidate them, tell them why bother with the union, well, we'll do better.

OBIAS: Excuse me, I'm sorry, time is up.

BARBARA RODRIGUEZ: Okay.

OBIAS: Thank you for your

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testimony.

(Applause.)

BEATRIZ CARDENAS: Good evening to everyone. My name is Beatriz Cardenas, I watch children, 14 years of experience. I like to take care of children. I like to feel useful in the family. The difficult thing about this job is the society see us as slaves, we're not slaves, we are people, important people who like to help raise your children. In my last job, it was a very bad experience, if was a woman, I was discriminated woman for not having legal papers, I felt impotent, I was victim of bullying because I didn't have papers.

(Applause.)

BEATRIZ CARDENAS: They made me work many hours, they didn't pay me two weeks of work, even my things they kept. I was in a situation that was very stressful that affected my health, it was so -- I was feeling so bad that

a person found me in the street and said, go to human rights. I was scared. I went to national alliance for workers, I went to a legal clinic and really they didn't help me and I feel very disappointed. I didn't have the support I was looking for. I didn't feel -- I was not treated the same as the other employees and I was let go. Then I went back to the agency, they was different. I have found people who are supporting me and in every way, like Ms. Marissa, Ms. Ewlon[ph] in that moment, I don't remember so much. When I return from alliance, I had the proper homemakers, it's a group of people who train us, they teach us about our rights to support workers who are looking for justice. This time, I feel more confident, confident in the organization, they gave me, empower me. I felt better to continue and little by little, to continue finding justice in

my case. I have a lawyer fighting my case and I begun to get involved and to learn more of -- I began to become a volunteer of telephone, with telephones and actions. I begun to find help. To find help was very difficult. It's very difficult to be alone with all these problems that have to do with work, because the -- because of the society that we have to -- and that we take children for the people, taking care of the children, taking care of elderly people, we have to be -- we have to be, see a value in taking care of all these people. We need the support of the community, we need to support the organizations, we need to find cases and to find the support that we should have as workers.

(Applause.)

(Foreign language.)

SILVIA REYES: My name is Silvia. Reyes. I like to share the time with children, a long time ago, about six

months ago, I found myself working with a family that was very conservative. These people abused of my time, making me think that I didn't have a life. I worked with them long hours, I worked with them weekends and they used the emotional to make me emotional -- to make me work longer. One day I'm working, I get a text message telling me that, thank you very much for your service and today we don't need you and actually, we're not going to need you anymore, at that moment, I feel desperate, because I have -- you know, you have to pay rent, you have to pay everything, what do you do when you find out you don't have a job from the morning to night. I think that in those situations, the employers take advantage of the necessity that we have to work and that's why they manipulate our time and our salary. Now, I am -- I am part of a company called home care, people who take care of children,

we have a contract, they find us employers who value our work and our time. To value our work is very important because we take care of their children so they can go to work. If we didn't take care of their children, how can you go to work, how can you go to work, you can't leave your children, your loved ones alone.

Now, I have a family, it's not an association, it's a family that listens to me, that listens to me and helps me and guides me and gives me so I can better be -- do my job so my employers can feel confidence that the children are secure with me. What I would like to ask is, the employers, that we also have a life, that they cannot just throw you out of your job without any time and that we need money and if you're living without work, you feel that your hands are tied. Thank you very much for your time, thank you for listening to us and have a good night.

PAID CARE WORKER PANEL

(Applause.)

JUANA DWYER: Hello, good evening, everyone, my name is Juana Dwyer, I am a housekeeper, I have been a board members of the organization for seven years, I'm now currently president for Damayan Migrant Workers, Damayan Migrant Workers is a nonprofit organization, our mission is to educate, mobilize and organize the low wage Filipino workers. Filipino workers to fight their labor, health, gender and immigration rights to contribute to the building of the domestic workers movements of fair labor standards, dignity -- labor standards, dignity and justice and to build workers' powers and solidarity towards justice and liberation.

We came to 14 families were united with their 30 children and 11 spouses and more coming in 2016. One more -- more than $800,000 wasted. I came to this country because the Philippines is

very poor, no jobs, a corrupt government -- with a corrupt government, there are no ways to survive. Millions of people leave the Philippines looking for jobs in other countries.

As a domestic worker, sometimes I have been a nanny, housekeeper, dog walker.

In 2009, I was working on a family as a housekeeper and a nanny and sometimes dog walker, basically, over 18 months, as they hired me, we agreed that we -- I'm entitled to get a two weeks paid vacation in one year service. I never took a vacation day. I asked my employer for two weeks for vacation, going to the Philippines, I give three months in advance notice. When I return in immigration, I realize my employer was not going to give me my vacation day, and when I asked the money, he refused giving, different excuses like I am not asking proper or

that do not ask how I have the right to take time off. After that, my employer fired me and told me that by sending text message. I was out of job during that time. During that time, everyone was facing financial problems because of the economic crisis in the United States at that time. I was a member of the Damayan Migrant Workers Association, and the Damayan Migrant Workers Association helped me to fight against my employer, the Department of Labor and I won my unpaid wages and unemployment benefits.

(Applause.)

OBIAS: Thank you.

(Applause.)

OBIAS: Thank you.

MS. SALAS: I just want to say that you've already said it, but I think I speak for my fellow commissioners, if it wasn't for you, we wouldn't be able to go out and work, so thank you so much.

ON-DEMAND ECONOMY PANEL

(Applause.)

OBIAS: Thank you to the paid care workers.

Our final panel will examine problems in the on-demand economy.

I'll let you introduce yourselves.

PIERRE METIEVIER: My name is Pierre Metievier.

ADRIAN HUGHES: My name is Adrian Hughes.

ALASTAIR BATES: My name is Alastair Bates.

CAROLINA SALAS: Thank you. My name is Carolina Salas and I am a member of the Freelancers Union.

OSWALDO MENDOZA: My name is Oswaldo Mendoza.

INDERJEET PARMAR: My name is Inderjeet Parmar.

OBIAS: We'll start with Pierre.

PIERRE METIEVIER: Thanks you guys for coming here today. I have been working in the fast food industry for

like four to five years. I work in Wendy's, McDonald's, Popeyes, Dunkin' Donuts, now I've been working there for like five months, sometimes I go to work, sometimes I have to wait on line on a Saturday or on a Sunday to go there to find out what day I'm on the schedule. Nowadays, I'm working like two to three days a week. It's like...

(Applause.)

MEMBER OF THE PUBLIC: It's all right.

(Applause.)

PIERRE METIEVIER: I have been working for those companies going on for like three to four companies now, they make billions dollars every like -- make billion dollars in sales, I have always struggled to support my family, to support myself and my family fighting for a wage of $15 minimum wage was a big victory, but I felt because I couldn't even -- I couldn't get enough hours of work at my store. I usually

got only -- get two to three days to work a week and that's not enough to support myself, my four years old daughter. We live with my girlfriend family members for the moment, because I cannot afford my own place. Right now, I don't have a cell phone because I haven't even work enough hours the last past few weeks to pay for my phone bill and because of childcare, it's so expensive that my girlfriend stay home with my daughter because we cannot afford daycare for her, and she doesn't start pre-K until September. I have a lot of dreams for myself and for my family, but I'm worried about how I will achieve them if I can't find enough hours in the four hours. I have asked my -- I asked for more hours at my stores, the manager claims there's not enough business hours to give me more hours per week. The way I'm treated by my employer is unfair and the company saying they are not

responsible for the franchise and they give employment practice. They are making billion of dollars off the hard work -- workers like me and that's why I have fast food workers trying to fight to raise up the minimum wage, fighting for a better workplace, thank you.

(Applause.)

MS. SALAS: Pierre, can you tell us, when you say you typically work two, three days a week, are those the same days every week or do they change?

PIERRE METIEVIER: Some days I go in to find a Sunday I work, sometimes it be on the wrong day, Monday, Saturday, Monday, Friday, they change every week I go in.

MS. SALAS: Thank you.

ADRIAN HUGHES: My name is Adrian Hughes, and I am a member of the Retail Action Project of workers, and I work retail wholesale, at RAP, we're very concerned about what the current

political climate in Washington means for retail workers and for all workers, the growing retail work force is one in nine workers nationally faces an ever increasing obstacle, not just with low wages, but also with few benefits, unfair scheduling and underemployment and disrespect. This type of grievance in retail is often justified by the claim that retail is a low skill job, yet our members at RAP would be glad to tell you about the sharpness of our logistics and our planning skills that come from having to juggle a full life and raise families without a reliable schedule and paycheck, how skilled we are at making $250 a week magically stretch for a week and a half, and how we manage the fast-paced physical demanding multitasking and customized setting of the retail industry smiling in the face of constant rudeness and lack of appreciation, retail requires significant patience and emotional

intelligence and it's stressful dealing with all these customers just looking for retail therapy and experience -- and experience that our low pay and unreliable hours rarely afford us. I came to RAP after four years of working in the food and retail industry, my spirit was broken, I had never had a vacation, whatever hours were asked of me, I worked without giving it a second thought. I never felt appreciated. Hiring managers took advantage of me and paid me hourly. In the summer of 2014, my general manager came to the job to evaluate me, but his critical assessment started to antagonize the situation, and I wound up having a panic attack. Sometime later, I was running late to where our cart was located on the South Street Seaport and the propane that was there to prepare our coffee was running, but had not been pre-lit and as -- as was company policy. In my rush to get things set

up, I was not only inhaling huge amounts of propane and I lit the pilot, taking a blast of fire to my arm all the way up to my elbow, even as I had wanted to shut the propane off, it was impossible because the lever was jammed, which I had -- advance. I was hospitalized and upon attempting to return to work, I was gradually pushed out, being told that, you know, these are my days of work, but every time I called an operation manager, they were like, the truck is not out, the truck isn't out, which is confusing me. In the end, I was pushed off the schedule altogether without even a word of explanation. It was demoralizing and inhumane and given the way that I prepared to put myself on the line. You know, you don't expect these kind of things when you get hired in any establishment and you would hope that whoever hires you has enough respect to put your safety first knowing that

you're pushing their product and because the organization that I'm a part of they allowed us -- they've given us the knowledge to be confident and stand up for ourself and know what our rights are and I'm really grateful for that. Thank you.

(Applause.)

ALASTAIR BATES: Good evening. My name is Alastair Bates, I'm a member of the Writers Guild of America East. Industrywide organizing committee for nonfiction television, I'm a writer and producer with more than 30 years experience in the industry, I've worked for the networks and for many different independent production companies, primarily in nonfiction and true crime. More recently, I was a supervisory producer and an executive producer and show runner for the crime series Redrum that aired for three years on Investigation Discovery. Over the past 20 years, nonfiction television has

boomed in the City. Nonfiction TV now employs thousands of creative professionals here, but true crime shows and reality TV have been a big slice of production and postproduction here in New York, international companies and investors have taken note, a major production company in this sector, Leftfield, was recently sold for $360 million to the UK conglomerate ITV Studios. However, unlike so-called scripted television, nonfiction TV is largely nonunion and thus, not regulated by collective bargaining. While the industry has been enormously profitable for the cable networks and the production companies, the average wages for the people who actually make the shows, the producers and associate producers, as well as production coordinators and assistants, have stagnated or effectively declined over the last several years, especially when you

factor in the rising costs of living in the City.

As the trend continues towards the so-called economy, people in the nonfiction industry have not only seen their wages stagnate, but other basic benefits eroded or simply withdrawn altogether. Despite its growing presence on the New York media landscape, nonfiction television has received little regulatory oversight. The reality about reality television and much of nonfiction is that it's a race to the bottom. The production companies claim they must do more with less, while networks like A&E take no responsibility for wages and working conditions in the industry and point to the production companies. To name some of the more egregious practices that are commonly in the industry, production companies eagerly fill in timecards for employees and make their hires regularly work for way longer

than an eight-hour day, also on weekends without compensating them for overtime. In a recent guild survey of workers in the industry, 76 percent said they work more than 40 hours a week, in a week every week, 84 said receive no overtime pay at all, and 62 percent said their timecards never reflected the actual hours they worked, this is called wage theft. Okay.

Occupational health and safety standards have been routinely ignored and production companies have failed to notify their hires that even as freelancers, they're entitled to sick leave. So these are just some of the issues. People moving from TV gig to TV gig do not have adequate protection from the worst practices of the production companies and as more and more people move into these economy jobs in television, we need to establish the ground rules for a better working environment and a sustainable

industry, we think that should include agreed minimum rates of pay for the basic job categories, overtime, paid sick leave, strict health and safety compliance and employer healthcare contributions.

OBIAS: Thank you.

(Applause.)

CARLENA SALAS: My name is Carlena Salas, and I've been working as a freelance marketing consultant over the last eight years, overall, I've had a very positive experience being a freelance creator, but I have learned the hard way, with few laws protecting freelance work, that things can easily go wrong. I'm currently in small claims court in the litigation process against the Chelsea Dental Group who owes me 3500, even though we agreed on scope of work, the client refused to pay until the project was completed. The job was delivered one year ago and despite completing the work, I wasn't

paid in full, so now I find myself in court, not having a contract is a huge disadvantage, because I kept detailed records, as you can see here, I can prove that we had an agreement in court. However, having a mandatory contract would greatly help me win my case and avoiding these types of conditions to begin with. Because using a contract is often not standard practice, many freelancers lack the power in the relationship from the start. Losing a 3500 payment would be difficult for anyone, regardless of their overall income. As a result of this nonpayment and the additional 1500, I have paid out in legal fees, I had to forego several expenses, including the purchase of a computer I needed for work. Because of this, I have had to use my emergency savings which has been depleted to make up for the lost income and time spent in my court case. My court experience has

been emotionally taxing and exhausting, due to New York City Civil Court, 208.41(f) costs detailed in the 2016 civil practice annual, I was forced to fire my lawyer and represent myself in court. Representing myself is one of the many ways the client -- the client's attorney has tried to trick me inside and out of the court. I need a lawyer to train me in how to communicate with client's attorney and get email, how to litigate in court and how not to let my difficult emotions get to me in a stressful situation. All the clients that I work with have lawyers that represent their businesses, it's cheaper to send their lawyer as a way to intimidate me from representing myself and encourage me to drop the case altogether. If my lawyer were to show up in court along with the client attorney, my case would be sent to civil court without a hearing, I would then be required to pay

additional fees required for civil court. I'm due back in court next week; however, the client attorney for the third time is requesting to reschedule the hearing, this time he's rescheduling it to September, to add insult to injury, the client left for Paris for a get-away the week my payment was due claiming they have been under financial hardship and is requesting that any payment be made over two years of monthly installments. As a freelancer on multiple gigs, you must constantly be looking for new work and saving for possible dry spells, unpredictable income is challenging when dealing with monthly bills and even worse when clients don't pay on time. 71 percent of freelancers are losing an average of 6,000 a year, when asked about how they got by, 44 percent of freelancers said they ran up credit card debts and 7 percent rely on government assistance.

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For these reasons, on behalf of the freelancers so freelancers get paid what they deserve, they would be able to seek attorney's fees and the clients would face all the damages, this is an essential protection, if I receive an award, it won't cover the time spent preparing for court, my legal fees and the emotional distress this experience has cost.

OBIAS: Thank you.

(Applause.)

OSWALDO MENDOZA: Good evening. First of all, and with your permission, I would like to have a moment of silence in memory of Jose Cruz, 51 years old, he passed away two weeks ago in Times Square from a construction accident because of negligence of an employer, and definitely could have been avoided.

(Moment of silence.)

OSWALDO MENDOZA: Thank you. Oswaldo Mendoza. I'm the leader of the

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NICE organization for three years, actually, I live in the Bronx, and I've been invited here to give testimony regarding the abuses regarding workers of construction.

The industry I belong to, in 2003, I had an accident, a construction accident and I'm still in treatment and there's a 90 percent chance that I will have to be operated on the hip, the spine, and I'm not the only one who suffered such an accident be it through negligence of the employer. However, I am sure that we will, as an organization and institutions still do as much as possible to reduce this abuse. We should be conscious that there's always been exploitation regarding employers towards immigrant workers. The only thing they seek for is decent work and especially in the times we're living in. And right now, these types of employers feel more empowered and they will do whatever

they wish irregardless of consequences since they don't care about their minimal fee or change the company without a problem later on.

So as part of NICE, I have -- I have been part of many cases regarding labor law abuse and violations of health. NICE organization, we've combatted these types of cases, there are many victim ins many cases like this.

In 2016, NICE took 130 cases regarding wage theft and this year, we have launched app and it's a tool to protect our communities of workers. NICE also gives training for workers regarding construction and last year, NICE empowered more workers and has tried to launch more trainings for workers. However, it's not enough. Last year, 55 years were reported of death of constructions -- of construction work and these were immigrant workers. We are trying to

reform this as a part of NICE and regarding how these contractors gain licenses and try to figure out how they apply to their -- their wage -- stealing from employees.

I'm here today to tell you that we need more protection from these types of employers that are only seeking to enrich themselves through our effort as immigrant workers.

OBIAS: Thank you.

(Applause.)

OBIAS: Thank you.

INDERJEET PARMAR: I'm talking on behalf of Inder Parmer, an Uber driver, again, this is a story about Uber driver, this is the message from an Uber driver about their friends, about their family, about this Inder Parmer own family, so I am reading on behalf of him, he's not coming today, that's the reason he asked me to read it.

My name is Inder Parmer, I have been driving for Uber since 2013 and I

am a member of New York Taxi Workers Alliance, when I started driving for Uber, I was paid $3 per mile, again, $3 per mile, their commission was only ten-person, now they are paying $1.75 per mile, Uber has raised its commission 25 percent. My expense have been going down, but I have lost 50 percent of my income. I used to work 60 hours per week and was able to put good food on the table for my family. Now I work 70 or 80 hours a week and can't barely cover my expense. I have two kids in college, a daughter who is getting her MBA and a son who is getting his bachelor degree, I am so proud of my children and I like to be able to help them pursue their education, but I can barely cover the cost of my own bills and sometimes fall behind because I make so little money now. I have no money left over to offer them.

Uber consider me as a part-time

driver, even though I work 70 to 80 hours a week. Tell me, how many hours do I have to work to be considered full-time. Many weeks I have earned below minimum wage, sometimes a little after 3 or $4 per hour. Uber even takes a sale tax out of my pay instead of adding it to the customer fare like they are supposed to, Uber tell me who to pick up, where and when, and yet, they tell me I'm an independent contractor and say they do not have to pay me minimum wage or cover any expense. I pay for gas, I pay out of my pocket and when I'm driving eight hours looking for passengers because Uber has flooded the street with so many people, I earn nothing for that time. What are I facing now are inhumane, no one should have to work so many hours for below minimum wage and unable to support our family. Uber treat us like we are machine, not human being, but we are

human being and we deserve right to -- right of job, Uber should follow the law and treat us as employee instead of expendable contractor with no guaranteed income. Thank you so much.

(Applause.)

MS. SALAS: Thank you, again, to this panel. You raised so many important issues in varying industries and this administration is already working to address some of these issues, but we can see that there's still a lot more to be done. Thank you. Thank you so much.

(Applause.)

OBIAS: That concludes the panel portion of our program tonight. We want to thank all of our panelists again.

(Applause.)

OBIAS: For all of your preparation and courage to come out and testify tonight.

For the open testimony portion of

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our evening, I will now turn it over to the OLPS legal director, Jill Maxwell.

MS. MAXWELL: Hi everybody, thanks to all the panelists so far, it's been a really, really great evening and I want to keep the momentum going, I'm assuming we're pretty much on time, but we have a lot of testimony to still get through, so I'm going to keep us to our three minutes limit on testimony and you'll see me hold up this sign when you have one minute left and I'm going to rudely interrupt you when the time is up and we'll go on to the next person. I'll be calling people up in groups of three to make this as efficient as possible, so you can line up at the microphones that are at the end of the aisles here, and what I'm going to do is actually call the first three people up and after two people go, I'm going to call the next three people up so that we can really keep this moving because we do not have that

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much time left considering how many things we need to get through.

Okay. So the first three people, please line up at the microphones, Rodney Stiles, Norman Echovari -- sorry, I'll apologize in advance for butchering everybody's names -- and Sara Ziff and please, when you begin your testimony, just introduce yourself.

RODNEY STILES: Good evening everyone. My name is Rodney Stiles, I am the assistant commissioner of the policy and external affairs division at the Taxi and Limousine Commission. First off, I want to thank everyone for sharing their stories tonight and also thank Commissioner Salas and Malalis and Maria Sanchez for hosting this event tonight. TLC is responsible for sponsoring for-hire transportation in New York City, including the companies and the drivers, TLC currently licenses over 160,000 drivers and a vast

majority of these drivers are classified as independent contractors. The number of licensed drivers has grown substantially in the last few years with the rise of pace car services, like Uber and Lyft. In addition, 91 percent of our licensed drivers are immigrants, driving for hire has historically been a pathway for new immigrants to make a reasonable living in the City, but with the growth in the number of drivers, we have increasingly heard concerns that wages may be falling, TLC recently held an overflowing public hearing on April 6th about economics in the for-hire industries. 80 people spoke, about 2,000 watched in person or via live stream and over 4600 people have viewed the hearing video since. The hearing was one of the longest in TLC history underscoring drivers' feeling that their income is decreasing as drivers share their stories about trying to

earn a living driving for hire, with the rapid transformation of the industry in recent years, it's unsurprising that this issue generated an unprecedented level of interest and emotion from our licensees. The major recurring themes were decreasing income, increasing expenses and a lack of transparency in driver recruitment and compensation. We also heard that more drivers have entered into leasing agreements that further reduce their income.

We took a first step in addressing concerns around driver earnings last week in responding affirmatively to a petition from the Independent Drivers Guild for a tipping option within the app, since passengers wishing to tip their drivers today must do so in cash and since tips can sometimes be critical to a driver covering their expenses and netting profit. We understand that opening up access for

tips to drivers is only one small means of addressing drivers' income and we will continue to research issues around driver economics, we look forward to hearing comments from drivers at this hearing and other workers who have come to identify issues on workers' rights. We also look forward to working with your agencies to develop reasonable policies to ensure protection of workers' rights. Thank you again for the opportunity to speak publicly on issues today.

(Applause.)

MS. MAXWELL: Thank you.

NORMAN ECHAVARI: Hello, my name is Norman Echavari, and I'm a wheelchair attendant at La Guardia airport. I work for the airline. This company broke the law in all the ways. First of all, they stole our salary because they don't pay the minimum wages, they have a long history about that, they pay the minimum wages for overtime,

they stole our salaries. In the second one, they have long, long list of -- they don't have protection, they don't have -- we don't have insurance, and they treat us like slaves, they don't give us trainings and they will -- when we do our job, they call the personnel, the wheelchair attendants, sometimes we have to push the wheelchairs at the same time, there's no safety and they have a lot of violations, the OSHA, they have a lot of for the OSHA, because they broke the law and 50 percent of the workers in the airport has to apply for public benefits, because the salaries over there is the minimum wages and they cut the hours, they cut the people, they want to give us agreement, we work in a dangerous place, you know, two years ago and last year, somebody shooting people in the -- they find the bombs in there, so there's no safety place for work, we don't have nothing, we don't

have any benefits. They cut out vacation time, they cut out one week for sick time, when you call up, like time for vacation, so we don't have our sick time, so they broke the law for all the ways. So we like you here to help us and thank you for listening to our testimonies and please continue work for us, we need you. Thanks.

(Applause.)

MS. PAWRIA-SANCHEZ: Thank you.

MS. MAXWELL: I'm sorry, I should mention that the commissioners might ask some questions of you, so please just stick around to the mic and we actually have one right here, thank you.

NORMAN ECHAVARI: No problem.

MS. PAWRIA-SANCHEZ: Just wanted to understand the organization that you're representing or the contracts that you're working under the name of the company.

NORMAN ECHAVARI: Yeah, the name of

the company is PrimeFlight Aviation Services.

MS. PAWRIA-SANCHEZ: Thank you.

MS. MAXWELL: Okay. And before we get to Sara, I'm going to call the next three, Frank Gattie, Lorena Gill and Erica Radinsky.

And, Sara, you can begin.

SARA ZIFF: Thank you for giving me the opportunity to testify before you today. My name is Sara Ziff and I'm the founder of the Model Alliance, which is a labor alliance for models working in the American fashion industry, I started working as a model in New York City when I was 14 years old and I have been very lucky in my career, but my peers and I have also experienced sort of the pitfalls in working in an unregulated industry and we endured systematic abuses that have gone unchecked for too long, issues like long working hours without breaks, pressures to pose nude in a sexual

stance, excessive dieting required by agencies, dropping out of high school and opaque bookkeeping and resulting wage theft. Unfortunately, since models are a mostly young female workforce, appears to be glamorous, our concerns tend to be trivialized and dismissed, although essentially all working models operate under fixed terms and exclusive contracts to their agencies who have power of attorney, control their access to finance and work schedules, negotiate their fees, book their jobs, collect their earnings, cut their checks and sponsor their work visas, modeling agencies argue that models are independent contractors, not employees. Models are explicitly defined as employees under the New York Unemployment Benefit statute and many models may be disclassified. Further modeling agencies in New York appear to meet the definition of employment agencies and

have faced multiple class action lawsuits brought by models who allege shady practices and systemic theft.

The Department of Consumer Affairs has done nothing to address this issue, a lack of financial transparency and accountability in New York's modeling industry is a widespread problem. Most models have no bargaining power and frequently are not paid all their earned wages or paid late, are paid in trade, meaning just clothes, not money, or are not paid at all, many models include minors who work in debt to their agencies. I'm going to rush through a little bit. But models often live in model apartments that are owned by the agency and are charged as much as five times the market rate to sleep in bunk beds.

Further, because even reputable agencies in New York are not licensed, scam operations are able to thrive. Model agencies, unscrupulous, tell

young people they are destined for success, they just have to pay upfront for photos and other fees. However, the jobs never materialize, in other cases, models report being sexually assaulted and many have gone missing from modeling scams.

Modeling agencies call themselves management companies rather than agencies, claiming that their primary goal is to manage model's careers, not book jobs, in reality, it's very clear to me that they are employment agencies.

MS. MAXWELL: Thank you, that's your time.

SARA ZIFF: Okay. Thanks.

(Applause.)

FRANK GATTIE: Hello, my name is Frank Gattie. I currently work in the National Employment Law Project, but I spent ten years working as a server in New York's restaurant industry. It seems that there's often complaints

from restaurants that they're drowning in regulations of both the labor and health departments, what I have found as a server is that there is not this fantasy restaurant where regulations are followed, what I found is wage theft, erratic scheduling and a disdain for workers' health and safety. One of the biggest problems is wage theft.

Restaurants have figured out that they can save labor by convincing tipped employees to work off the clock while still receiving tips. I actually worked under this scheme at Uno Chicago Grill in Astoria, where I worked 60 hours a week, but the manager would back me out to 40 hours every Sunday to make it look as if I was only working 40 hours and cheat me out of overtime. Later on, I learned not to do this, for example, while I was in college, I worked at Atlantic Grill on the Upper East Side where I would sometimes be scheduled shifts that I couldn't handle

with my schoolwork, but unfortunately, many of my coworkers were willing to work off the clock and the manager would tell us, or me in particular, if I wanted to get my schedule covered, I would have to get it covered by someone they could trust, someone who would clock in a little late or clock out early while still working. Even one of the managers prided himself when he was waiting tables that he would work eight shifts a week and never get overtime.

I hated doing that, I hated cheating my coworkers out of overtime by asking them to pick up shifts, but often, with only one day in advance for a week's schedule, I had little choice, and every time I opened the schedule, I never knew what it would be, on call shifts, double shifts, two, sometimes three in a row, but of course health and safety is not something restaurants are known for. One example, at the Atlantic Grill is their fire and safety

procedure, they realized that the fire inspector only comes around for 5:00 p.m., so for lunch, they would bring a table outside and then at dinner service bring it in to block the first exit to fit more people in the restaurant, it's even worse in the summer where they put a table in front of the other side of the exit for fear that workers will go in and out while waiting on customers in the outside cafe, that's just on the first floor. In the small tenement basement, there are four exits, one which is marked fire door often has tables and chairs blocking it, another has garbage piled up by 6, 7, 8 o'clock and in the winter, another is used as a coat check area, so on a busy Friday night in, say, December in a small --

MS. MAXWELL: Thank you, your time is up.

FRANK GATTIE: Thank you.

(Applause.)

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LORENA GILL: We're going to share our three minutes.

MS. MAXWELL: Sure.

MEMBER OF THE PUBLIC: So cut her off at one and a half, please.

MS. MAXWELL: Okay.

LORENA GILL: Okay. I'm cutting to the point, my husband suffered long-term dementia and through that experience, I do have some things to say about the situation, ways the City, I think, could help with the home care.

MS. MAXWELL: Could you just try to speak directly into the mic, thank you.

LORENA GILL: And here is what I've been saying about the home healthcare situation, where I think the City could help, direct hiring of home healthcare aides is an excellent solution, in some cases, it can make long-term home care possible for those who can't apply for Medicaid, can't pay the costs of agency care, in addition, it provides consistent care, the same aides are

consistently there for the long-term, a serious important factor in the quality of care, but it also fosters good relations between family and aides, New York City could help, it would be enormously helpful if the minimum wage for certified home healthcare aides could be raised to at least people that -- for fast food workers, currently $15 an hour, so that a person might have to choose a fast food job, rather than take a course for certification as a home healthcare aide, many would prefer to bring pride and satisfaction that home care can provide despite the hard work, but will have to choose the higher pay. There goes my minute and a half, paid sick leave, workers' comp, Medicare on the job and other basic benefits will also help, more qualified individuals will be able to choose a career in home healthcare with these basics. New York City could subsidize and expand free

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training for certified home health aides, this isn't exactly a workers' right issue so maybe I should skip that part, but the for-profit accrediting schools charge a lot and often don't actually provide the job hiring services that they advertise, and New York City registered certified aides would be a great resource for aides and families alike, individuals don't know where to find home health aides except through agencies, thank you.

MEMBER OF THE PUBLIC: I'm also an employer of a house cleaner whose labor I deeply value and have valued for over a decade, I consider her a member of my family, and I am here to speak on behalf of all domestic workers. Actually, I'm here to ask better education for employers because I only have a minute, so I can't even read this, but I joined an organization called Hand in Hand, a domestic employers network, it's a national

network of employers of nannies, house cleaner and home attendants and their families and allies, we are grounded in a condition that dignified and respectful working conditions benefit worker and employer alike. I think the City can do a lot to help with educating employers of domestic workers. Oftentimes, there's no standard available for employers to -- who want to treat domestic workers fairly, they're not sure what wage to pay, there's no -- if there's no standard, then how can we -- how can we treat them with what they deserve. I think the City advocacy office should support robust and innovative community education to help shift the culture in the domestic work sector towards respect and understanding and fair treatment. We can connect them with Hand in Hand, for example, and introduce them to programs like mine, Aliyah, which is a spear to the

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National Domestic Workers' Alliance, it's a benefits fund for domestic workers and in particular, house cleaners to take sick days and have access to insurance.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: Okay. Before we get to Erica, I'll call the next three; Antonio Abreu, Daniel Cortez and Mina Niloofar.

ERICA RADINSKY: Thank you.

My name is Erica Radinsky. I work in the entertainment industry, and I think we can all agree that this business contributes to the local economy and job market. It's personally fulfilling work and filled with hardworking, creative people willing to go to any length to get the job done and in spite of a large freelance economy. I've worked many jobs, all freelance, including lighting technician, production assistant,

associate producer, driver and researcher. Working conditions and rates vary widely depending on the production and the position. Employment can be anywhere from one day to indefinite. Companies can be in business for a long time or just a couple of months it takes to film. Jobs can last as long as originally expected or extend a few months at a time. The Writers Guild has identified reality TV as one segment of the workforce that has slid under the radar of protection and independent film is in a similar place. There are basic questions for the workers about how a 12-hour workday standard is supposed to be calculated in order to even determine your paycheck, much less if there is a violation. You take your 12-hour day rate, split it into eight hours straight time, four hours overtime, account for lunch and if you went over 12 or if you worked more than

six without a break, this is why you will often have production filling out your timecard and then production always has to take into consideration their budget. This makes it very hard to interpret how the minimum wage, overtime, sick time and other labor laws even apply to you, and what is the employer responsible for when the work is for different companies on a daily or bimonthly basis. Now that we can get healthcare through the State exchange, that is really helpful to me, so please keep fighting for that. And I know a lot of us are excited about the steps the City has taken to ensure timely payment and a living minimum wage. A means to find this information in one's spare time, after a 14-hour workday, seven days a week, would be a great service from this commission. There must be resources out there, but we don't know what they are. What information should we collect when we

work a job, so that we can follow up if we don't get paid, any information that can elucidate compensation or health and safety rights of freelance workers would be extremely helpful to a large segment of entertainment industry professionals. Thank you.

(Applause.)

MS. MAXWELL: Antonio.

THE INTERPRETER: Yes.

Okay. So he said he was going to start with a joke, and we're going to listen to the joke now.

ANTONIO ABREAU: The joke, okay. There are so many situations that coincide with our situation, they all coincide. You can -- I'm going to --

My name is Antonio Abreau. I'm here for laundry workers, which I've worked in 12 years and which because of our status, immigration status, and especially with this administration, it seems like the owners of these laundries have increased the pressure

on the workers causing stressful situations until the point where they can maltreat us psychologically, the workers. What occurs is there was an increase in pay, but the owner, in a smart way, but I call it ignorant, deducted the -- deduced our pay, put more hours, for example, where there were four workers, he only assigned two. So those two did the work of four.

And this is because of our immigration status. In a city like New York, where the high cost of living and the education for our kids and the cost also is so -- I have two teenagers, 12, 14 the girl, and 16 the boy, they're intelligent, they are advanced intellectual, but at the same time, they have closed the door to the laundry, they closed the door where my wife and I work and we have no idea what we're going to be doing, so we're appealing to the authorities to -- to

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listen to us and see if you can transform the situation. This insistent situation, because it's impossible to live in a situation where you can't buy nourishment and you work very hard. We support the economy through our sweat and hard labor.

(Applause.)

MS. SALAS: A question. Can you share the name of the laundry?

ANTONIO ABREAU: Quality Living, but they closed the doors Saturday. We got the notice through ten workers to tell the other workers that there's no more work.

MS. SALAS: Where is the work?

ANTONIO ABREAU: In Queens, College Point.

MS. SALAS: Thank you.

DANIEL CORTEZ: Good evening, Daniel Cortez. I live in Astoria, New York.

For 30 years I've been working in New York. I'm a dad, three kids. As

you can see, I'm hurt, this happened to me at the last job, at the bakery in Manhattan. But before I tell you that, I would like to tell you my experience -- my work experience.

Before the bakery, I was working in a restaurant on the East Side. I worked there seven years, assistant cook and waiter, as a waiter, the employer would not allow us to keep our tips and would take away $15 every night and we would work a lot of hours and he would be paid, I think, 12, $15 an hour, it wasn't -- we work from Tuesday to Saturday and he would never pay overtime. I told him he should pay, but he says he -- he wouldn't and didn't give us tips. He was the type of person that would sue everyone and a friend of mine at that job cut his elbow working, the -- the employer just covered him up on his own and -- to prevent his bleeding, it wasn't right and I saw it, and my friend was --

needed medical help. He told me to shut up and told me to work in a corner. My fellow workers were afraid of him, what he could do to them. For 12 years I worked like that and suffered like that and we tried to unite to sue him, but my employer manipulated in fear, instilled fear in the workers and he never gave us overtime and never gave us our tips, so unfortunately, we only have a waitstaff status to -- which doesn't mean anything to -- we sued on -- in 2015, my exhibit employer -- in 2016, we reached an agreement with the -- and it was much less payment which we deserved, but it was enough for the lawsuit to be dropped.

MS. SALAS: Question.

The employer threatened you when the -- when your fellow worker got hurt at work?

DANIEL CORTEZ: Yes, and he -- and he maltreated me when I tried to help

out, help him out.

MS. SALAS: And when the lawsuit occurred, did you gain legal assistance for your lawsuit?

DANIEL CORTEZ: No, I was -- it was -- it was a private lawyer at 42nd Street.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: I'll take a moment to announce the next three Build Up New York individuals; Andy Horton, Ricky Pimentel and Lenore Friedlaender, Pradu Sigamani and Rosanna Gucnam.

NILOOFAR MINA: Hi, name is Nillofar Mina, and I'm a faculty member. I'm talking on behalf of adjunct faculty.

Right now, about 73 percent of people that teach in universities and colleges around the country are contingent teachers and their average salary is below $3,000 for a three credit course that lasts four months,

16 weeks. Most of the universities will not allow adjunct faculty, contingent faculty to teach more than 50 credits a year, as a result, most have to patch together several part-time jobs to have a full-time workload and even people who teach full load and even more than full load, 21 credits or more, cannot make more than $21,000 a year. Also, adjunct faculty are subject to last minute course cancellation, department chairs can cancel the work a day or on the first day of the semester with no repercussions and, you know, people just lose their money and then there is a great deal of difficulty receiving part time or partial unemployment. Last year, in my school, almost all of the people who receive unemployment benefits have to be -- were asked to return the money because the system decided that we weren't entitled to it, which is completely unfair.

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When you look at this in the context that most of the faculty that teach in universities have master's and Ph.D.s and they cannot make a salary similar to what fast food workers make, you see the depth of the problem and the fact that athletes are up to 7 percent of contingent faculty are on public assistance, why should this be so? Because it has nothing to do with budgets, when I was teaching at Hunter College, I taught classes of 70 to 80 students and only three students SAT tuition would cover my salary, so the system, the Hunter College benefitted from all of the rest and we did not receive anything.

Additionally, contingent faculty do not receive paid office hours, and most of the schools don't even have --

MS. MAXWELL: Thank you, your time is up.

(Applause.)

ANDREW HORTON: Good evening, my

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name is Andrew Horton, I've been a window cleaner for 35 years and I'm also a window cleaner apprentice training coordinator, I'm here tonight with Build Up New York City. I want you to understand the difference between a State-approved training program, apprentice program that makes safety for workers in the public. A few years ago, two window cleaners got stuck on the World Trade Center One, the equipment malfunctioned, some of you may remember this incident because it got a lot of press, these two window cleaners were stuck 600 feet in the air, if they didn't have the safety equipment and training, they would have fallen to their deaths and they could have hurt or killed people walking on the streets below. Fortunately, the window cleaners were trained, the incident is very personal to me because I was the one who trained both of them, as soon as I found out what had

happened, I rushed down the scene, I knew the guys that were there and their families were scared and obviously worried about themselves. As I watched the rescue being -- taking place, I was hoping that they remembered what they were taught and also I prayed very hard. We stress over and over in our training program the need to inspect equipment for proper use of safety equipment and what to do if malfunction of equipment occurs. As I teach our apprentices and journey persons that they have a responsibility to speak up if they see something that is unsafe or that does not appear to be in the proper position. Fortunately, they were wearing their harnesses, hardhats and lanyards and they did their best to stay calm until they were rescued by the fire department, I stayed on the site until the rescue occurred, I had tears in my eyes when I saw them, this bothers me every day of my life. Last

year a window cleaner fell three stories to his death, he slipped and didn't have his proper safety fall protection, his employer didn't participate in an industrywide training program, every life is precious, we, the City of New York, with outstanding category projects that require participation and State-approved training, pay the prevailing wage for the projects that get financially subsidized from New York City, EDC, projects that are grant funded, tax benefits like PILOT, payment in lieu of taxes, or projects that get types of subsidized and public benefits. We also urge the City to dramatically increase the fines and penalties for employers who violate City, State and federal laws, the most common violations that I see are unsafe work conditions, which is usually a lack of personal fall protection or working without a permit, the City of New York

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should send a strong message to the companies that work without permits, this is a very serious condition.

MS. MAXWELL: Thank you, your time is up.

ANDREW HORTON: Thank you.

(Applause.)

RICKY PIMENTEL: Good evening, my name is Ricky Pimentel, and I'm a laborer for Local 79. I'm talking to you tonight on behalf of Build Up New York. In my current job, I'm working safe and getting paid a good wage with benefits. It hasn't always been like that, especially for someone like me who was formerly incarcerated, the road to putting my life back together started with getting a good job, a condition of my parole is to maintain employment, without a job, I really love construction work, but some of the jobs I had were hard because some of the employers often take advantage of you and your situation.

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On one job, I had an OSHA 30 certification, which I could supervise, I rose quickly at the job and got to become a labor foreman. My employer was not a good contractor, knowing my situation and my fear of going back to prison, I lost -- if I lost my job, they tried to take advantage of me. They started with the pay. They started me at a much lower rate and they said -- and -- pardon me -- they started me at a much lower rate of pay that they said I deserved and said I would get an increase when they squared up the paperwork at the end of the week, end of the week came, and then another week, still no more money, then they started reducing what they said my pay was going to be, they promised pay increases, never came. When you find out you are working for a bad employer, when one thing is bad, a lot of other things are bad as well, with this employer, it was very hard to get

personal protective equipment for all the workers, there were plenty of times when guys had to do some chopping, and they would do stuff they're not supposed to do, you end up sometimes having to dip into your own pocket to buy equipment you need to work safely from a street side vendor. A developer came on the job once and wanted to know why we weren't wearing high visibility vests and matching hardhats. We asked the employer but he put us off. When they did eventually bring the vests and helmets and hardhats, there wasn't enough to go around, what are you supposed to do?

My request to you is that you require the employers on any private company that you give any funding or a tax break to have to provide training to make our worksite safe, to pay an established prevailing wage and that you do everything you can to make sure employers treat every worker fairly,

whether it is how much you pay workers or the benefits and safety equipment they provide.

(Applause.)

MS. MALALIS: Ricky, can I just ask you a question.

RICKY PIMENTEL: Yes, ma'am.

MS. MALALIS: You were mentioning that one of your former employers, you were paid a lower rate of pay, is that the -- do you attribute that to the fact that you were formerly incarcerated?

RICKY PIMENTEL: Yes, they look -- they look for people like that, you know, they say, hey, we know we can pay you less, we know you're going to work hard, we know that you're afraid of going back to prison if you don't maintain employment, they'll promise you pay raises that just won't come.

MS. MALALIS: Can you -- what's the name of that employer?

RICKY PIMENTEL: Tradeoff.

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MS. MALALIS: Tradeoff, and which borough is that in?

RICKY PIMENTEL: It's in the five boroughs, actually.

MS. MALALIS: Five boroughs.

And have you found that to be a common situation in the construction industry?

RICKY PIMENTEL: It's very common because they get a tax break for hiring the formerly incarcerated.

MS. MALALIS: Okay, thank you.

(Applause.)

LENORE FRIEDLAENDER: Thank you so much, good evening, my name is Lenore Friedlaender, I'm the executive director of Build Up New York, we are fighting for good jobs and responsible development, we are very focused in the construction and building services industry, building services meaning cleaning, building operations, maintenance, security, and you heard Danny, window cleaning as well. We are

so appreciative that you are actually holding this hearing and interested in the conditions facing workers and working people.

(Applause.)

LENORE FRIEDLAENDER: That really makes a huge difference and sends a message that working people and work matters and working people should be respected.

In the construction and the building services industry, many people work for contractors or subcontractors and there are some structural problems because contractors and subcontractors get awarded jobs based on being the lowest bidder, that --

MS. MAXWELL: Sorry, if you can just slow down a little bit.

LENORE FRIEDLAENDER: Sure. Trying to stay in my time frame here. Absolutely want to be fair to the translators.

The low bid, when contractors have

to operate in a low bid environment, that creates a race to the bottom, the way to be cheaper and win a bid is to pay less, have less benefits and many times what workers experience is a lack of safety equipment for them, a lack of training, any ways that a contractor can save money, so that is bad for workers and it also is unfair competition for responsible employers, so that's kind of a structural problem.

We have four concrete suggestions for solutions to the problems we've heard tonight. One is incentivize development, and that is the City has an established prevailing wage for our industries and many others that -- that is at a level of fair wages, benefits and training, that only applies to public contracting work. It should be expanded to include publicly subsidized work, developers on projects that build on public land and get a tax break or subsidy --

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(Applause.)

LENORE FRIEDLAENDER: -- or hired by a public benefits corporation should have to pay the prevailing wage, it should include required training, apprentice language so these workers have a right to organize.

Second, there should be increased transparency so when there are RFPs that are out, that the public has a right to know who really is bidding on that work and can weigh in before decisions are made.

Third, in our industries, there really needs to be an increase in more effective enforcement, there are some interesting things happening in other states, New Jersey, in many jurisdictions, passed local ordinances where if employers were found in violation of wage theft laws, they can lose their license in business or can be suspended, that kind of thing should be happening in New York City,

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Massachusetts has a law that's been introduced that holds the contractors liable for the behavior of the subcontractors.

MS. MAXWELL: Thank you, your time is up.

LENORE FRIEDLAENDER: And the final point is just really increase public education on the rights of workers so that everybody knows what their rights are, because employers often don't provide that information, we have folders with our testimony information for you. Thank you so much.

(Applause.)

MS. MAXWELL: One quick announcement, somebody left a pair of glasses towards the front and they're available at the interpretation table if they're yours.

PRADU SIGAMANI: Good evening, everyone, my name is Pradu Sigamani. I'm a policy organizer of the Restaurant Opportunities Center of New

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York and affiliate of the Restaurant Opportunities Center United, for the past 15 years, ROC of new York has advocated for fair wages and working conditions for thousands of restaurant workers, with 12 million workers and over 200,000 in New York City alone, the restaurant industry is one of the largest and fastest growing employers in the city and nationwide, America is now a country that eats more outside than cooking at home.

New York City food service industry, almost 70 percent of all workers are low wage, immigrant from Latin America, Africa, Asia and the Iraq world and 10 percent is African-American. Restaurant workers live in all five boroughs, but predominantly in Queens, the Bronx and Brooklyn. We estimate that close to 40 percent are undocumented restaurant workers, the restaurant industry is the second largest employer of undocumented

workers, surpassed only by the construction industry, where up to 15 percent of the restaurant industry, jobs are minimum wage, fine dining service and bartender positions, jobs for which employers only hire Caucasian male. The vast majority of restaurant jobs remain low wage jobs held by women, youth and immigrants across the communities of color.

Nationally, seven out of the ten lowest paid occupations and the two absolute lowest paying occupations are jobs in the restaurant industry, given that federal law allows pay discrimination between tipped workers and non-tipped workers, permitting employers to pay tipped workers a sub minimum wage of $2.13 an hour, the minimum wage of tipped workers over $9 an hour, including tips, subsequently, restaurant servers suffer from three times the poverty rate of the rest of the U.S. workforce and use food stamps

at double the rate. With only 1 percent of the industry nationally unionized, the vast majority of New York City restaurant workers are employed in nonunionized shops and lack any institutional support for community organizing and advocacy. Different industries, same struggle, restaurant workers are the largest group of tipped workers in New York, a group which allows -- which includes airport workers, nail salon workers, car wash workers, the recent minimum wage increase left off tip workers as the state minimum wage will gradually increase over the next year.

MS. MAXWELL: Thank you, your time is up.

(Applause.)

MS. MAXWELL: I'll call the next three people; Natasha Lycia, Hernan Ayabaca and Richard Blum.

Go ahead.

ROSANNA GUCNAM: -- representing

the home worker. I belong to a national alliance, WA. A lot of us suffer wage theft and labor abuse. We are -- a lot of us work even 24 hours a day, but they only pay us -- they just pay us $17 an hour, I don't think that's just because we -- we take care of our clients, the elderly. We represent the families when their families are in the care of others, we are the ones who take care of them, taking care of them, doing everything for them. And they just don't take us into consideration regarding our work. Thank you.

(Applause.)

MS. SALAS: Question. They pay you $17?

ROSANNA GUCNAM: We work 24 hours a day, but they pay us $17.

MS. SALAS: For the whole night?

ROSANNA GUCNAM: Yes, and sometimes we work, for example, we go in at 8:00 and we leave at 8:00 the next day, so

the whole day, we enter at 8:00 a.m. and we leave at 8:00 a.m. and for the -- for the 24 hours, they pay us $17.

MS. SALAS: What do you mean by the time of the night?

ROSANNA GUCNAM: They say, at 8:00 at night, we don't have to do anything for the client, just check -- check for his escaping or something, but we work sometimes harder at night.

MS. SALAS: So 8:00 to 8:00 --

ROSANNA GUCNAM: No, no, just for the night. It's like $10 an hour during the day for 12 hours. But during the night, they give us $17 for the whole time of the night and that's unjust because sometimes the clients are harder to work with at night. During the day, they're more active and we can work better with them and we can take them to different places, but at night, they become children, they become hyper.

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MS. SALAS: Thank you.

ROSANNA GUCNAM: Thank you.

(Applause.)

MS. MAXWELL: Natasha.

MEMBER OF THE PUBLIC: I'm actually speaking on behalf of my colleague, Natasha, but I am Natalia, so I will actually cut this shorter than we have written on in her written testimony.

Good evening, my name is Natalia on behalf of Natasha. I'm a legal fellow at a national civil rights organization engaged in advocacy and impact, on behalf of underserved Latino communities along the East Coast. Thank you for allowing us to speak today. In general, I wanted to -- a lot of people have highlighted different points that we have to make, but we're, in general, emphasizing the vulnerability of the immigrant community when it comes to workers' rights considering the current political climate. And other -- a lot

of people, like I said, a lot of people have brought up things that we were going to bring up, but specifically one thing that has not been brought up is also pregnancy discrimination, pregnant women who are in the community, may not be here tonight because they are busy attending to very important things so that's one of the things that I wanted to bring up, but also to emphasize that the harassment and discrimination that happens after people have been taken advantage of and their wages have been taken, a lot of times an underlying theme is the discrimination that's happened specifically as a result of people not having papers or different forms of immigrant status, so in general, these are -- this just leads to increased vulnerability among this population.

In addition to that, someone did bring up recently, but I'd like to echo it, and I think you did a wonderful

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job, which is the vulnerability in previously incarcerated persons.

And finally, of course, as attorneys, we have to always say that we think that many communities would benefit from neighborhood meetings that take place as a result of federal government criminalizing our immigrants and to these policies, we suggest that the DCA and the CCHR look to participate in them, it even hosts legal clinics where needed to ensure that immigrant workers are gaining access to the information and resources.

Thank you very much.

MS. MALALIS: Can I just ask you a question, what kind of stories are you hearing with regards to pregnancy discrimination, what are the common scenarios?

MEMBER OF THE PUBLIC: Unfortunately, this was Natasha's testimony, but I believe that pregnancy

discrimination, people not being able to come back for employment or being let go as a result of pregnancy.

MS. MALALIS: Which industries, do you know?

MEMBER OF THE PUBLIC: I don't.

MS. MALALIS: Okay. I'll follow up.

MEMBER OF THE PUBLIC: I'd appreciate that, thank you.

(Applause.)

HERNAN AYABACA: We are all here regarding worker rights for New York. My name is Hernan Ayabaca. I am a construction worker and member of project laborers justice. Thank you for giving us the opportunity to testify publicly. Talking years back, I was looking -- I was 117th Street, Northern Boulevard looking for work, the first job was repairing roofs, roofs at homes, rooftops, dangerous work. It would be a hundred dollars a day. It's not always stable either.

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Sometimes there's little work and there's a lot of people waiting for work. Another occasion, the employer hired me as an assistant and said he would pay me $60 a day, but afterwards, he would return me back to the corner saying that he would pay me the day after, but he never paid me.

On the corner, you're always afraid and unsure. It's very dangerous. It's dangerous work and dirty work and no one wants to do it. But necessity obliges us to do it. It's bad work. It's low pay and very risky and risky to your health. This is a daily experience with workers of construction that live in New York. A lot of times we feel that the employers have more rights than the workers and that they -- they create a system to evade their responsibilities, especially in the construction field. We're -- and a lot of the times we don't even know who our employer actually is.

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A lot of our employers looks at us as disposable and as inhuman. What I would like to see is the City to work with our center to help make these companies pay for their responsibilities and pay and with better security measures and also our dream is to have a center for workers, more dignified, where it's bigger and we can hold better trainings and dispatch more workers. And so to change this exploitive culture in the construction field, together with all my fellow workers, we have --

MS. MAXWELL: (Foreign language.)

MEMBER OF THE PUBLIC: (Foreign language.)

RICHARD BLUM: Good evening, Richard Blum, speaking on behalf of Legal Aid Society, it's like a homecoming here. I submitted written testimony on behalf of Legal Aid, but I want to focus on two points in particular, that are not so much the

jurisdiction of the people on the stage tonight, but are issues where New York City practices are very much at odds with your goals in enforcing rights that you enforce, protecting the communities that you protect, and I am sort of pleading with you to be a voice within the administration to counter prevailing practices and those two have to do with policing practices, one of which is the broken windows method of policing, which is not only -- it not only creates an environment that is not a sanctuary for people who are born in this country who are in the city, who are of color in local communities, it's not a sanctuary for them, and it's certainly not a sanctuary for immigrants who, because of any contact with the police now, because of the executive orders we're living under, unfortunately, are at risk of immigration enforcement action, just having contact and having their

fingerprints taken is enough to trigger immigration enforcement, so even if we say we're not going to cooperate, in fact, we are cooperating and we're doing it daily and we're doing it on the basis of things like turnstile jumping, perhaps by somebody who wasn't paid his wages or her wages, crimes of poverty, crimes that are not really -- shouldn't be crimes and because we enforce heavily in communities of color, in low income communities, immigrants are at risk and putting immigrants at risk of just being out there further exacerbates the kind of fear that people are living under that make it impossible for them to come forward to complain about all of the abuses that we've heard about tonight, it's very clear from all the testimony that immigrant communities are particularly exploited, particularly abused and when they're abused by the police, it makes it almost impossible

for us to do our work to bring these issues of exploitation to the surface.

The other area, similarly, having to do with policing has to do with sex work. We have an exploitation intervention project, which is just a report together with John Jay and the Urban Institute about decriminalization of sex work and the importance of that in giving protection to people who are doing this either as part of a survival economy or who are doing it because of trafficking.

In either circumstance, we should not be criminalizing the activity of people who are doing sex work. We need to be finding ways of supporting them, as workers and to people in need of all kinds of economic and social supports that make it unnecessary for them to do survival sex work or make it possible for people to escape from trafficking.

The way we police sex work now is completely at odds with that and does

not respect these workers. It further undermines them and makes it much more likely that people are going to wind up trapped in sex work if they're trafficked or unable to find ways out if they're doing it for survival. So I would plead with you to be a voice within this administration to change those approaches to policing, those practices are completely at odds with what you're trying to accomplish. Thank you.

(Applause.)

MS. MALALIS: Thanks for raising that. I'm just going to note something, something that a lot of folks do not know is that there's a provision under the New York City Human Rights Law that also provides jurisdiction if folks, if they have been profiled by law enforcement, to protect in category under the laws profiling by law enforcement, I think this is a city that tries to practice

what it preaches, we really do want to, you know, to the extent that there are any bad apples at PD, that can make us all look bad, we want to be able to address that, so people do feel that they -- people in their community have been profiled by PD because of their immigration status, in any one of the protected categories under the law, please do call the Commission on Human Rights, 311, (718) 212-3131, because we want to know about it.

RICHARD BLUM: I just want to say that unfortunately, the broken windows policing is not just a case of bad apples, but the policy that targets our community, that is going to have a disparate impact.

(Applause.)

MS. MAXWELL: Call the next three people; Maia Goodwell, Maria Figueroa and Glenda Sefia.

MAIA GOODWELL: Good evening and thank you. My name is Maia Goodwell,

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I'm with MFY Legal Services, soon to be Mobilization For Justice, visions in society in which there's equal justice for all, and we fight particularly to promote equality among all workers. Last year, MFY launched a workplace safety and health initiative to respond to the needs of New York workers who need help asserting their rights to a safe workplace, medical leave, appropriate accommodations and particularly workers' compensation. Workers' compensation is available to all workers regardless of immigration status that recently found that 20 percent of the cost of workplace is borne, only half is borne by the workers and their families and of course that OSHA report found that there are higher barriers for workers, including greater job contingency and language access barriers, so we really apply to CA's efforts to create a centralized for workers and we would

ask DCA and the commission and also the agencies to add workers' compensation to your screening referrals.

Of course, right now, things are particularly bad for immigrant workers, even the limited reassurances about protection against retaliation that we as lawyers are able to give to immigrant workers are now in serious jeopardy. We can no longer assure clients that immigration authorities will not be waiting at the courthouse, the emergency room, that information filed with agencies will not be shared with federal authorities or that immigrations and customs enforcement will not respond to a call from the employer who has called them because they asserted their workplace rights. We know this is a particularly critical time for lawyers and other advocates to stand with workers who assert their rights. Many agencies, including the commission on human rights, have led

the way in establishing clear policies and are handling immigration information and personal information and we would ask that all City agencies do that and provide a standard for State agencies, such as the workers' compensation board and the Department of Labor. I agree with Ricky that we need to include law enforcement in those citywide standards for protecting that kind of information. Thank you.

(Applause.)

MS. MAXWELL: I think Glenda is actually next.

GLENDA SEFIA: Good evening. I am a nail salon worker for four years, I'm here to testify regarding the conditions at work in nail salons. Based on my experience and also the 500 nail salons that -- that are the -- part of the association of nail salon workers through the syndicate of united workers.

The biggest problem there that we

have is regarding health, security and protection. Regarding requiring these kind of standards and in actuality, there are very few standards are being practiced because they don't allow it. We -- it's not regarding the materials that we need to do our job, but they do -- they do pretend to show there that they regulate -- they're part of these standards when regulators come around and all the time I've worked, I've never seen any workers use the mask, which is required by NID law and like hospital workers use. And if they permit the use of gloves, it's only to -- it's only for cases -- it's when -- when a sick person comes, it's not all the time that we get to use the gloves. And even if we want to, they don't allow it, they -- the employers get annoyed, so I want to tell you one incident.

There was a luxurious nail spa, they would use the -- the files, they

would reuse the files, they would reuse the -- they would use it with other clients and other instruments as well, they would reuse them, and there was a case also where an employee that had to clean the floor with a toothbrush and I know that this is just unjust, we are decent people and we deserve a better just wage. We deserve it. Our wage is included with tips, we need a real wage apart from the tips. There are a lot of tales like this regarding discrimination in these nail salons. When you go in as a client, you see beautiful, but behind the scenes is a horror story and we cannot work like that.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: Okay. Amy Plattsmier, Maggie Marron and Tito Sinha.

Is Amy here?

(No affirmative response.)

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MS. MAXWELL: Okay. Maggie.

MAGGIE MARRON: Hi, good evening. My name is Maggie Marron, and I'm a staff attorney, also known as a worker and a proud union member at the Community Development Project Justice Center. I thank the union members who are here. I just want to thank the commissioners and the assistant commissioners and also workers of the CA who have made this night possible. I'm here to speak to potential worker co-ops, as an affirmative work to strategy to combat worker exploitation, particularly in this moment of intense immigrant hostility in the country.

For more than ten years, CDP has collaborated with community organizations and worker sectors to New Yorkers for work around cooperative businesses, worker co-ops are businesses that are owned and democratically governed by their workers. These centers, many of which

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focus on sectors of the service industry and contingent workforce, including childcare, home healthcare, house cleaning, services, have created more stable jobs where primarily the immigrant workforce is and these traditionally low income, high exploitation industries, worker co-op jobs offer high pay, help develop business skills and allow worker/owners at all income levels asset building opportunities. The benefits and protections of worker co-ops are becoming more pronounced in the new era under the current president. Extreme hostility of the federal administration toward immigrants translates directly into exploitation of workers on the ground, where this abuse thrives on a culture of fear and power imbalance. In this environment, worker co-ops offer sort of sanctuary workplace. Free zones where worker/owners are empowered with knowledge.

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Workers have better footing to set their own standards in the market, and they have access to support information networks among their other fellow worker owners, they're not subject to instability of less regular work.

Recognizing the potential for worker co-ops to empower some of NYC's most vulnerable workers, the city council has invested $6 million in their development over the last three years, administered by SES, this year alone, 27 new co-op businesses are being developed through the incentive and this represents the creation of hundreds of meaningfully safer, more stable jobs for primarily immigrant workers in low wage industries across NYC, at a time when these populations are being targeted by federal policies and survival of their families and communities is made more precarious by the day. If NYC is to be a true sanctuary city, in simple terms, that

must include assuring New Yorkers ways to make safe and sustaining livings free of abuse and exploitation.

MS. MAXWELL: Thank you.

MAGGIE MARRON: Thanks very much, I appreciate it.

(Applause.)

TITO SINHA: Good evening, my name is Tito Sinha. I am a fellow coworker and an attorney with Maggie Marrone at the Community Development Project at the justice center. Thank you, first of all, for the opportunity to present this testimony. A major problem we face is when we are able to obtain a judgment for our clients, we often are unable to collect damages, as employers use a variety of things to avoid paying judgments. In collaboration of our partners, we are always exploring and supporting new mechanisms to enforce new labor laws and hold employers accountable for unpaid wages. Several of CP's

community partners, NCP, have been discussing the potential role the Department of Consumer Affairs can play in enforcing labor laws. Given that DCA licenses a wide variety of businesses and employed workers, we believe DCA has the potential to use its licensing powers to help ensure that licensed businesses comply with judgments in three ways.

The first, DCA could work to gather information about the employer's labor law of compliance from the federal and state departments of labor, the courts and the public. Second, DCA would then either deny licenses to and/or penalize businesses that have failed to pay the final judgment for wage theft issued by a court or an agency. And third, DCA can make information about licensees labor law compliance available to the public. We believe this transparency to immigrant workers, as well as consumers who will have this

information, to decide whether to work for or support a particular business.

In these times of increased immigration enforcement and harsh anti-immigrant rhetoric, we are seeing employers increasingly retaliate against workers who seek to enforce their labor law rights. Primarily, they are threatening to report workers to immigration or other governmental authorities or actually doing so. We would like to explore how City agencies can play an affirmative role to protect their workers from employers with unfair practices, and think about how City agencies can use their enforcement powers.

For example, when employers threaten to report workers to immigration authorities in response to their complaints of unpaid wages, workers can turn to the New York State Department of Labor. But we also ask independently whether there's for the

commission on human rights, for example, to initiate investigations against employers who make such threats in response to complaints of unpaid wages as potential discriminatory harassment under the City human rights law on the basis of immigration status while keeping the complainants' identities confidential, now more than ever, we are seeking new avenues for potential enforcement of labor laws and also seeking to --

MS. MAXWELL: Thank you for your time, sir.

(Applause.)

MS. MAXWELL: The next three are Pamela Hazel, Molly Weston Williamson, Marguerite Dunbar and Nadia Marin-Molina.

PAMELA HAZEL: Good evening. Thanks for the opportunity. My name is Pamela Hazel, I've been a caseworker for more than 20 years. I know everyone who needs a union, a union

could be a good thing, but there are always two sides of the story. At present, the union that I'm involved in, caseworkers union, they have gotten so relaxed that they do not represent us in a lot of complaints that we have.

At present, where I'm working, there are threats of asbestos, we have complained to the union and nothing has been done. We have complained to health and safety and nothing has been done. And I believe a lot of union members, we have come to the conclusion that the reason the union is either ignoring us, relax, don't care or whatever else you want to think about is because we have to pay union dues, regardless, whether they work for us or not.

We are also mandated to join the union. At this point, we are -- we want to make people aware that even though the union is good, people who are in union right now, for a lot of

years, we are asking for union reform because union members are being taken advantage of. A few people came to me because I'm African, from Jamaica, Queens, and people know me, and people came to me, in particular bus drivers have come to me, I take the bus every day, from the bus I take the subway and drivers have come to me and they have said they have to urinate in a pack or in a bucket that's because they have no choice, this is what you have to do, nobody will go to the union, the union taking advantage of their members, of their membership because, as I said before, it's mandated that we have to join a union, we don't have a choice, I believe it's time for union reform and people should have a choice to join or not join, you cannot say it's a free country and at the same time, you have to join into an organization that do not satisfy your needs.

Also, there are some misconception,

people believe that because you're in a union, you know, like maybe you have healthcare and so forth, as long as you're in a union, I just want to let people know, that's not so. As long as you're off payroll, if you're on vacation, if you're on maternity leave and so on and so forth, you do not --

MS. MAXWELL: Thank you, your time is up.

(Applause.)

MOLLY WESTON WILLIAMSON: Hi, thank you for this opportunity.

My name is Molly Weston Williamson and I'm a staff attorney with A Better Balance. One of the organizations that help write, fight for and the New York City Earn Sick Time Act, we now provide free and confidential legal services under this law, and still regularly hear from workers whose rights under the law are being violated, who are not being paid for sick time they earn or being retaliated against, including

being fired, to -- under the law, abuses are particularly in exactly the industries we heard about tonight, home care, retail, restaurant and construction. Under the experienced leadership of Commissioner Lorelei Salas and the office of labor policy and standards has made, worker responsive agency, we look forward to continuing to work with -- to build -- including the building law requirement to resolve in arbitration, including complaints, both parties, with equal status as their law breaking requires, for workers who may be undocumented or otherwise vulnerable, we strongly urge OLPS to create an effective process for receiving and acting on tips and anonymous complaints, such a process would support on proactive investigations and enforcement, we also urge renewed attention for worker application to outreach, to ensure that all workers know about and can use

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their rights under the law. We also call on the mayor and city council in providing a private right of action under the Earned Sick Time Act, workers whose rights are violated need and deserve the right to bring action to court, of the 37 jurisdictions in this country who now have paid sick days on laws on the books, only seven, including New York, do not provide any right to go to court, it is time to pass that. Workers deserve fair and predictable schedules, without a work schedule, workers have difficulty making childcare and eldercare arrangements, provide obstacles in pursuing their education and experience adverse financial and health effects, we urge passage of the entire package currently pending bills to address these problems. Under the leadership, the commissioner of human rights has become a powerful force for the workers, we look forward to continue to

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work with the commission to enforce important protections, like the Pregnant Workers Fairness Act and call upon the City to significantly increase funding, particularly to hire much needed staff. Now more than ever, the nation needs New York's leadership in the fight over her rights, we have agencies, Justice for Workers, through vigorous enforcement of existing laws and keen attention to the need for new protections. We look forward to continuing cooperation in both efforts.

(Applause.)

MARGUERITE DUNBAR: Good evening. I'm here speaking on behalf of the New York Committee for Occupational Safety and Health, NYCOSH, we work to extend and defend every person's right to a safe and healthy workplace, on Friday, we're going to be holding our annual commemoration of workers' Memorial Day and remembering workers who died on the job in mostly preventable workplace

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incidents. From January 2016 to today, 34 New York City workers have been killed on the job, and this doesn't begin to count the workers who suffered long-term illnesses and death due to exposure to chemicals and substances, such as asbestos, silica or a toxic mix of substances after 911, workers are still dying today because of that. It also doesn't count hundreds of thousands who are injured and that become ill because of the working conditions.

Previously, people have already mentioned that the crackdown on the immigrant community is one of the dangers that is endangering workers' rights and in particular their health and safety. The previous administrations have had some level of worker-friendly policies or encouraging workers to come forward and under the current administration, this is being replaced by Draconian measures that are

criminalizing workers. But in addition to that, the budget proposals are going even further to endanger worker safety and health, so the Trump administration budget proposes a 21 percent across the board cuts to the U.S. Department of Labor, which includes the Occupational Safety and Health Administration, which is charged with protecting the workplace and most of the workers who are here today. OSHA is already severely understaffed, it has 66 inspectors for the entirety of New York state, and so they don't have, even now, under the best circumstances, the ability to do the work and to cover the mission of protecting workers here on the job. So we just have a few recommendations, with regard to how the City can step up, in terms of its protection of workers.

One is, as others have mentioned, to ensure to protect workers' identities, regardless of immigration

status, and in particular, collaborating with local agencies or with State, rather than with federal agencies and we don't know exactly how the information is going to be used. Two, to use your local authority, as others have mentioned, to prosecute and penalize law-breaking employers and to suspend or revoke business licenses for those who are engaging in wage theft or negligent health and safety practices. Three, to protect workers from ICE operations in their homes, on the street or in their workplaces. Four, to provide funding in collaboration with organizations that are actually reaching out to these workers. And the last thing I would mention is to take an affirmative stance to protect workers at every opportunity that you have, on February 18th, the day of workers -- A Day Without Immigrants, thousands of workers came out and stood up for their rights.

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MS. MAXWELL: Thank you, your time is up.

MARGUERITE DUNBAR: And May 1st is an opportunity for you to make a statement about --

(Applause.)

MEMBER OF THE PUBLIC: Hi, thank you for this opportunity. I'm a freelancer working in nonfiction TV and my job title is associate producer and I've been involved with the Writers Guild industrywide organizing campaign and in working extremely long hours with no overtime pay in this industry and my understanding is in my position, as an associate producer, I'm entitled to overtime pay, but in reality, my bosses often tell me that I cannot get -- in reality, my bosses tell me often that I can't get paid overtime, no matter how long I work. At times, there's a case when I was at ITV, one of my bosses wanted me to work at night and over weekends, while my other boss

who was in charge of pay told me I couldn't get paid for those hours, I was told that I couldn't write it on my timecard the actual hours that I worked. As is supported by the recent Guild survey, many of us in this industry are told to fill out our timecards just what I worked or to refer to eight hours every day, even if we worked longer hours. I left the -- I filled out my timecard the same every day, regardless of how late I stayed. And at ITV, I was also told that when I was working in the photo shoots, I was then entitled to overtime pay. The other producers and I would get up early, film during the day, and then when we would get back to the hotel, we were considered off the clock, but we might have hours of work to do for the next day, but our hours were only counted from when we left to start filming to when we returned from filming and also other productions, we

would end up sleeping very few hours and then be driving around in vans, which is also a safety issue. Many producers worked long hours and did not get compensated for those hours, we're expected to work for free.

No one is monitoring to make sure we are not being exploited. We're excited about the formation of the office of labor policy and standards and hope this will help to monitor how many hours we're being expected to work and how many hours we are actually working, thank you.

(Applause.)

MS. MAXWELL: Amir Sircan[ph].

MEMBER OF THE PUBLIC: Good evening. My name is Juan Matusully[ph], organizing with New York taxi worker the last 15 years and driving a taxi last 15 years and as I was representing my fellow Uber driver, now I'm talking about in the driving issue, it is me actually.

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So driver in that particularly Uber, green cab, cab, I should talk, over a hundred thousand driver and the TLC represented it right here, he know exactly that well, but he also know exactly that driver making the money and it is not even minimum wage, it's all driver, it's all driver, doesn't matter which category taxi they are driving, is it yellow, green, livery, Uber and also look at the Uber, the way they race on the chase actually, they are race with the other yellow, green, livery, who -- the Lyft, this chase needs to be stopped, which chase that is $10 today, tomorrow will be $8, the next day will be $6, all that race to the bottom, but we need a liveable income, we need to think about the minimum wage, we need to be survivor, we have more than hundred thousand driving in the city, it's over the night, and they all need to act as soon as possible, this government need to

react, the mayor need to react, peoples need to react, legislators need to react to bring this -- taxi driver in the minimum, we have a half a million family member in New York City, hundred thousand driver, each member, two member, three member, is 200,000, 300,000, half a million member, they are going tonight under the poverty, and how long we will do this, we drove the TLC, we drove the street, we drove the TLC, we do the public hearing, how long we have to do this public hearing to keep our minimum wage? This is long, long due, it is need to be really act right now. Take my method as personal, think about it, you are the wife or you are the mother of the taxi driver, think about it how they will survive on a $2, that's my family, I go Brooklyn College, I lived here, being a taxi worker last 15 years, I hear every single day, for the driver, loose, overcharging, garage.

CLOSING REMARKS

MS. MAXWELL: Thank you, your time is up.

MEMBER OF THE PUBLIC: Thank you so much. I get emotional, I'm so sorry. Thank you.

MS. MAXWELL: That concludes everybody who signed up. Is there anybody else who did not sign up and who would like to speak?

(No affirmative response.)

MS. MAXWELL: Okay. Great. Commissioners, any final thoughts or words?

MS. SALAS: Thank you to everyone who came to testify today and everyone who stayed to hear the testimony, which at times was very emotional, we definitely have our work cut out for us, but thank you, thank you, everyone.

MS. MALALIS: It's been a long night, I appreciate all the folks who stayed to the very end. As you can see, this hearing is also being transcribed, so we look forward to

being able to go through the transcript and to seeing what are the areas that we can be working on and getting back to the public.

MS. PAWRIA-SANCHEZ: Thank you.

MS. SALAS: So we'll officially close.

(Applause.)

(Time noted: 9:30 p.m.)

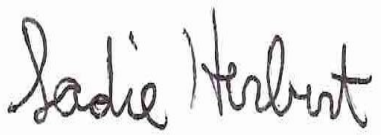
C E R T I F I C A T E

I, SADIE L. HERBERT, a Registered Professional Reporter and Notary Public, do hereby certify:

That the within transcription is a true and accurate record of the stenographic notes taken by me.

I further certify that I am not related to any of the parties by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April 2017.



SADIE L. HERBERT, RPR

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