

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE  
AND LABOR

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Thursday, December 8, 2022  
Start: 10:13 a.m.  
Recess: 11:42 a.m.

HELD AT: COMMITTEE ROOM, CITY HALL

B E F O R E: Carmen N. De La Rosa, Chairperson

COUNCILMEMBERS:

Erik D. Bottcher  
Eric Dinowitz  
Oswald Feliz  
Kamillah Hanks  
Sandy Nurse

## A P P E A R A N C E S (CONTINUED)

Nellie Rodriguez  
Member  
Coalition of Immokalee Workers

Wilson Perez  
Staff Member  
Coalition of Immokalee Workers

Noelle Damico  
Director of Social Justice  
The Workers Circle

Rabbi Margo Hughes Robinson  
New York Organizer  
T'ruah

Austin Locke  
Starbucks Workers United

James Carr  
Starbucks Workers United

Nilsa Stein  
Campaign Lead  
Communications Workers of America,  
District One

David Oskos  
Organizer  
Retail Wholesale Department Store Union

Andre Solon  
Worker on strike  
United Metro

Sinead Wadsworth  
Organizer  
New York City District Council of  
Carpenters

Michelle Bernabe  
Mental Health Nurse

Ruben Colon  
Organizer  
New York City District Council of  
Carpenters

2 SERGEANT AT ARMS: Good morning. At this time,  
3 can the sergeants please start your recording? Can  
4 the host please start the Zoom?

5 Good morning and welcome to the New York City  
6 Council hearing of the Committee on Civil Service and  
7 Labor. At this time, can everyone please silence  
8 your cell phones. If you wish to testify today,  
9 please come up to the sergeants' desk and fill out a  
10 testimony slip. Written testimony can be e-mailed to  
11 testimony@council.nyc.gov. Again, that is  
12 testimony@council.nyc.gov.

13 Thank you for your cooperative. Chair, we are  
14 ready to begin.

15 CHAIRPERSON DE LA ROSA: Thank you so much.

16 [GAVEL].

17 Good afternoon. I am Councilmember Carmen De La  
18 Rosa, Chair of the Committee on Civil Service and  
19 Labor. Thank you all for joining today's hearing on  
20 support for New York City Workers' Unionization  
21 Drives.

22 Today's hearing will center on identifying  
23 support currently available to the burgeoning  
24 unionization campaigns across the private sector, and  
25 in exploring new ways of providing support to workers

2 organizing new unions and joining established ones.

3 We will also be hearing the following resolutions:

4 Resolution 257 sponsored by Councilmember Cabán,  
5 expressing solidarity with unionization drives across  
6 New York City's workforce, and affirming the right to  
7 have union elections free from antidemocratic, union-  
8 busting practices, and Reso 131 sponsored by me,  
9 calling on Wendy's to join the Fair Food Program, and  
10 support farmworkers' human rights. (1:40)

11       The social and labor conditions created by the  
12 pandemic led many workers to pursue union organizing.  
13 The pandemic raised public awareness of essential  
14 workers and the injustice as they face, creating  
15 concerns about skyrocketing inequality. We witnessed  
16 workers across the country grow increasingly vocal  
17 about their dissatisfaction with low wages,  
18 burdensome workloads and, minimal diversity across  
19 powerful companies. New York City workers began to  
20 organize in unconventional sectors, including  
21 journalists at the New York Times, graduate students  
22 at New York University and employees at Starbucks.  
23 We saw high-profile victories and iconic companies  
24 such as Amazon, culminating in the Amazon labor  
25 union's election victory in Staten Island.

2 I look forward to hearing from these workers and  
3 union leaders so that we can learn from their  
4 experiences and develop a responsive legislation to  
5 further protect New York's private-sector workforce.  
6 The committee will investigate how the city can  
7 better educate employers about their obligations  
8 under the... under workers rights laws, and explore  
9 whether stronger enforcement of labor laws is needed.

10 This hearing is also a platform for workers in  
11 emerging unionization efforts to share their  
12 workplace struggles and identify the kinds of  
13 institutional support that could help them realize  
14 their objectives. I also look forward to hearing  
15 from advocates who have called on Wendy's fast food  
16 chain to join the Fair Food Program and support our  
17 farmworkers rights. My resolution calls on Wendy's  
18 to join the Fair Food Program, which would ensure  
19 that when these agrees to purchase food from  
20 participating growers, who set humane labor standards  
21 and fair wages for their agricultural workers.  
22 Farmworkers are asking for dignity, respect and a  
23 fair wage, and I am proud to support this resolution.

24 Lastly, I want to know that the administration  
25 declined to testify at today's hearing, but we

2 acknowledge their efforts to educate employers and  
3 employees on New York City's municipal workforce  
4 protections.

5 I'd like to thank the committee staff for their  
6 hard work in preparing for this hearing Assistant  
7 Deputy Director Nick Connell, Policy Analyst  
8 Elizabeth Arts, as well as my staff, Chief of Staff,  
9 James Burke, and my Deputy Chief of Staff Kiana Diaz.

10 Now I... now I will... Okay. Now I will be  
11 reading Councilmember Tiffany Cabán's statement on  
12 her resolution.

13 "Good morning. I am Councilmember Cabán, and my  
14 pronouns are she/her. I first want to thank Chair  
15 Carmen de la Rosa for holding this hearing. I am  
16 sorry I could not be there in person today.

17 Today we are hearing my Resolution 257, which  
18 expresses solidarity with unionization drives across  
19 New York City and affirms the right to have union  
20 elections free from antidemocratic union busting  
21 practices.

22 Over the last two years, we've seen lots of new  
23 organizing in our city, from Starbucks workers, to  
24 Amazon, to UPS, drivers, and university adjuncts, and  
25 news and tech workers.

2 Just today, The New York Times guild is staging a  
3 walkout. There is no question that we're witnessing  
4 the emergence of a new and engaged labor movement  
5 here in our city, and it's been exciting to see many  
6 longstanding unions and their members stand in  
7 solidarity with workers organizing for the first  
8 time.

9 But as has been the case, with all worker led  
10 movements of the past, opposition remains fierce.  
11 We've unfortunately seen too many companies engaged  
12 in disgusting union busting activities, firing  
13 workers who have organized or refusing to come to the  
14 bargaining table at all.

15 While we at the Council have limited legal  
16 authority to step in and put a stop to the egregious  
17 union-busting activity, given the federal labor law  
18 is the sole remedy for workers challenging anti...  
19 anti-union activities, we do have a strong bully  
20 pulpit, and using it to stand with workers as we are  
21 today is without a doubt the morally right thing to  
22 do.

23 Thank you, Elizabeth Arts, and my Legislative  
24 Director, Modry Sulka, for drafting the Resolution



2 and to all of the workers who are here today to  
3 provide testimony."

4 So thank you. We thank to Councilmember Tiffany  
5 Cabán for submitting her testimony. We also want to  
6 acknowledge that we've been joined by Councilmember  
7 Hanks, Councilmember Dinowitz, and Councilmember  
8 Nurse.

9 Before we turn to testimony, please be aware of  
10 the following administrative matters: If you wish to  
11 testify at today's hearing, translation for your  
12 testimony is available in Spanish. If you are  
13 registered to testify, please listen for your name to  
14 be called. Witness names will be called in groups  
15 facilitated... to facilitate Councilmember  
16 questioning. Additionally, if you are testifying  
17 virtually via Zoom, Council staff will unmute you  
18 when it is your turn to speak. Please be patient, if  
19 you're not immediately unmuted. Each witness will be  
20 limited to three minutes. If you require a  
21 translator, you will be limited to six minutes to  
22 share between you and your translator. Please stop  
23 your testimony when the sergeant at arm calls time.  
24 Your understanding of these procedures is appreciated  
25 to ensure that everyone has the opportunity to be

2 heard today. As a reminder, everyone can submit  
3 written testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) up to  
4 72 hours after the conclusion of today's hearing.

5 Now we're ready to listen to our witnesses

6 COUNSEL: This is our first panel, and it will be  
7 done in this order.

8 CHAIRPERSON DE LA ROSA: Our first panel will  
9 be... will consist of Nellie Rodriguez, Wilson Perez,  
10 Gabriella Pineros, Noel D'Amico, and Rabbi Margaret  
11 Hughes Robinson. If you could please come up to the  
12 dais.

13 So our first two witnesses will be assisted by an  
14 interpreter that is on Zoom. El intérprete está en  
15 Zoom. So we will begin with Nellie Rodriguez and  
16 Wilson Perez. You may begin when you're ready.  
17 Puedes comenzar cuando estés listo.

18 MS. RODRIGUEZ: Muchas gracias y buenos días a  
19 los miembros del Consejo. Mi nombre es Nelly  
20 Rodríguez y soy miembro del personal de la Coalición  
21 de Trabajadores de Immokalee. Y primero, pues es  
22 agradecer al comité por darme la oportunidad de  
23 hablar un poquito sobre mi experiencia como  
24 trabajador agrícola, y también por considerar a  
25 Resolución 131 que se está viendo el día de hoy, e

2 como trabajadores estamos profundamente agradecidos  
3 con la Consejera Carmen De La Rosa por apoyar y tomar  
4 la iniciativa en esta de resolución y unirse a  
5 nosotros los trabajadores agrícolas. La Coalición de  
6 Trabajadores de Immokalee es una organización de  
7 derechos humanos, compuesto en su mayoría por  
8 trabajadores de Guatemala, de México, y de Haití,  
9 trabajadores migrantes agrícolas. La coalición fue  
10 creada para combatir las violaciones de derechos  
11 humanos que enfrentaban los trabajadores agrícolas

12       En aquellos años estábamos enfrentando, estos  
13 abusos en los campos, los abusos se incluyen  
14 trabajos, por ejemplo golpes físicos hacia los  
15 trabajadores, casos de robo de salario, acoso sexual  
16 para las mujeres, y desafortunadamente la violencia  
17 sexual continúa siendo el pan nuestro de cada día  
18 para la mayoría de las trabajadoras agrícolas en los  
19 ranchos que están fuera del programa por comida  
20 justa. Hay un estudio que se hizo sobre las mujeres  
21 que enfrentan acoso sexual en la industria agrícola,  
22 y el 80% de las trabajadoras han experimentado algún  
23 tipo de violencia sexual dentro de la agricultura de  
24 los Estados Unidos. En el 2011, la coalición creó el  
25 Programa de Comida Justa con el objetivo de eliminar

2 finalmente muchos de los abusos que han sido  
3 endémicos en la agricultura. El programa postula un  
4 código de conducta creado por los trabajadores, al  
5 que deben adherirse los ranchos participantes en este  
6 programa, y al mismo tiempo requiere acuerdo  
7 legalmente vinculante con los compradores  
8 participantes, para que garantice la implementación  
9 de este código de conducta en su cadena de  
10 surtidores. Si un rancho que es parte del Programa  
11 de Comida Justa, viola este código de conducta, ya no  
12 podrá vender sus productos a los compradores que  
13 están participando en este programa. Lo que crea una  
14 consecuencia de mercado masivas para los ranchos que  
15 no dan la prioridad a las protecciones de derechos  
16 humanos de los trabajadores agrícolas. En los  
17 últimos años los trabajadores agrícolas hemos pedido  
18 por diferentes maneras y por diferentes medios a  
19 Wendy's que se una al programa. Ya que Wendy's es la  
20 única empresa de las cinco principales de comida  
21 rápida, que aún no se ha unido a este programa.  
22 Queremos que Wendy's se una, y sea parte de la  
23 solución al problema, y que garantice que los  
24 trabajadores agrícolas en su cadena, de surtidores  
25 sean tratados con la dignidad y el respeto que

2 merecen. Les pedimos a los miembros del consejo que  
3 nos ayude a que Wendy's venga la mesa del diálogo, Y  
4 que así asegure que se reciba el mensaje que los New  
5 Yorkinos sepan, verdad que están apoyando a los  
6 trabajadores agrícolas, y que apoyan a esta  
7 Resolución 131. Gracias.

8 CHAIRPERSON DE LA ROSA: Now we will hear from  
9 the interpreters testimony. El interpretador primero  
10 y luego puede seguir.

11 INTERPRETER FOR MS. RODRIGUEZ: Me está  
12 escuchando.

13 CHAIRPERSON DE LA ROSA: Is. Escucha.

14 INTERPRETER FOR MS. RODRIGUEZ: Okay. Espere un  
15 segundito.

16 Okay, good morning, Councilmembers. My name is  
17 Nelly Rodriguez, and I'm in the farmworkers staff  
18 members with a the Coalition of Immokalee workers.

19 First I want to thank you... thank the committee  
20 for giving me the opportunity to talk about my  
21 experience as a farmworker and for considering  
22 Resolution 0131-2022 today. I'm deeply grateful to  
23 CM Carmen De La Rosa for taking lead on this  
24 Resolution in standing alongside us farmworkers.

2 The Coalition is in Immokalee workers CIW. It is  
3 a is human rights organization made up of mostly  
4 migrant farm working farmworkers hailing from  
5 countries such as Mexico, Guatemala, and Haiti.

6 The coalition was created to combat the human  
7 rights violations farmworkers were facing in fields.  
8 These abuses include workers being physically  
9 assaulted, cases of wage theft, forced labor, and for  
10 many women working in the fields sexual violence.  
11 Unfortunately, the sexual violence continues to be  
12 the daily bread for most farmworker women, with  
13 studies showing upwards of 80% of farmworker women  
14 experiencing some form of it. In 2011, to address  
15 these human rights violations the CIW created a Fair  
16 Food Program, FFP, with the goal of finally  
17 eliminating many of the abuses that have been endemic  
18 in agriculture. The FFP...

19 SERGEANT AT ARMS: Time expired.

20 INTERPRETER FOR MS. RODRIGUEZ: Hello.

21 CHAIRPERSON DE LA ROSA: Please conclude.

22 INTERPRETER FOR MS. RODRIGUEZ: Okay. The FFP  
23 posits a code of conduct created by farmworkers  
24 themselves that participating farms must adhere to  
25 while also requiring legally binding agreements with

2 participating buyers and ensures the implementation  
3 of this code in their supply chain. If a farm  
4 violates the code of conduct, then they are no longer  
5 able to sell their produce to the participating  
6 buyers, creating a massive market consequences.

7 SERGEANT AT ARMS: Time expired.

8 INTERPRETER FOR MS. RODRIGUEZ: Okay.

9 CHAIRPERSON DE LA ROSA: Thank you. So now we  
10 will hear from Wilson Perez. Wilson Por favor, puede  
11 comencar.

12 INTERPRETER FOR MR. PEREZ: Good morning. I'm  
13 going to be reading on behalf of Wilson Perez his  
14 statement in English.

15 CHAIRPERSON DE LA ROSA: Thank you.

16 INTERPRETER FOR MR. PEREZ: So good morning  
17 Councilmembers. My name is Wilson Perez, and I'm a  
18 farmworker staff member with the Coalition of  
19 Immokalee Workers. As you heard from my coworker  
20 Nelly, we are here in support of Resolution 0131 a  
21 Resolution that calls on Wendy's to join the Fair  
22 Food Program. The importance of this Resolution  
23 being passed comes at no greater time, as we are  
24 currently seeing an uptick in cases of modern day  
25 slavery all over the country. IN CIW's history we've

2 been able to investigate and bring to light nine  
3 cases of modern day slavery, freeing thousands of  
4 workers from these kinds of conditions.

5 Unfortunately, in these last two years, we have seen  
6 two other cases of forced labor in farms outside of  
7 our Fair Food Program. These cases have been  
8 investigated by the Department of Justice where it  
9 has been found that workers were not only provided  
10 adequate housing, many of the workers had their lives  
11 threatened, as well as the lives of their families,  
12 and in some of the most extreme cases, some workers  
13 experience... were sexually assaulted, and some even  
14 lost their lives.

15       Unfortunately, many companies continue purchasing  
16 from farms that allow these types of conditions to  
17 exist, or stand idly by hoping that it doesn't happen  
18 at their farm. Speaking on these cases, the  
19 Department of Customs and Border called on the  
20 industry for "more investment in worker driven  
21 solutions," an example of which an example of which  
22 is the Fair Food Program. This advice should not be  
23 ignored by corporations like Wendy's. Over the last  
24 several years, hundreds of thousands of farmworkers  
25 supporters, including New York City students, faith



2 leaders and community members who you'll hear from  
3 today, and elected officials, some of which are in  
4 this room have called on Wendy's top decision maker  
5 and board Chair, Nelson Peltz, a New-York-City-based  
6 billionaire to use his power and get Wendy's to join  
7 the Fair Food Program. Ignoring these calls, Peltz  
8 has continuously refused to take any meaningful  
9 action to ensure farmworkers in Wendy's supply chain  
10 can work free from modern day slavery, sexual  
11 violence, and other abuses. His hedge fund, Treon  
12 partners is based in Manhattan, and is one of the  
13 largest shareholders and Wendy's. For this reason,  
14 we're here calling on the New York City  
15 Councilmembers to use their voice to stand alongside  
16 farmworkers and pass Resolution 0131 and call on  
17 Wendy's to join the Fair Food Program. Thank you for  
18 your time and for your consideration.

19 CHAIRPERSON DE LA ROSA: Thank you. Gracias.

20 Up next, we have Gabriella Pinheiros.

21 Gabriella, are you here?

22 Okay, we'll come back.

23 MS. DAMICO: Good morning, and thank you. I'm

24 Noelle Damico, Director of Social Justice at the

25 Workers Circle, a national secular, Jewish, social

2 justice organization, headquartered right here on  
3 West 37th Street in New York City. We've got over  
4 25,000 members across the country, 6000 of whom  
5 reside right here in the five boroughs. The Workers  
6 Circle was founded in 1900 by Eastern European Jewish  
7 immigrants laboring in the sweatshop Garment  
8 District.

9 Our founders helped forge the American labor  
10 movement taking to the streets and petitioning  
11 government to end and prevent worker exploitation and  
12 ensure worker rights. Today, we continue that  
13 struggle, and I come before you to urge your support  
14 for Fair Food Resolution 0131-2022.

15 The Workers Circle members have marched with a  
16 Coalition of Immokalee Workers and thousands of New  
17 Yorkers on our city streets, we boycotted Wendy's to  
18 bring this fast food giant into the Fair Food  
19 Program. You may know us also because of the calls  
20 and postcards that our members have sent to you as  
21 members of New York City Council, urging your support  
22 for the Resolution before us.

23 I want you to just close your eyes for a moment  
24 and imagine with me. I want you to imagine that you  
25 taking a drive outside the city on one of those

2 beautiful summer days where the blue skies sparkles,  
3 and you see a farm stand advertising fresh produce.  
4 As you pull in the car's tires crackle against the  
5 rocky drive. You get out you select some plump  
6 tomatoes, lovely lettuce. And as the young attendant  
7 is putting these into a bag and you're getting out  
8 your cash, you suddenly hear screams in the field  
9 adjacent to the stand. You stop and you see a crew  
10 leader beating a farmworker and yelling slurs.

11 What would you do? What would you do? Well, you  
12 might call the police. At the very least I'm  
13 confident that you would put away your money and walk  
14 away from that stand. The tomatoes on your salad  
15 from Wendy's are no different. They just come  
16 through a supply chain that insulates us as consumers  
17 from the violence, exploitation, sexual assault, and  
18 daily fear that farmworkers face in fields outside  
19 the Fair food program.

20 But these shameful conditions which include  
21 forced labor continue and will continue unless and  
22 until consumers corporations, leaders like us step up  
23 to partner with farmworkers to stop it. There is a  
24 solution... a proven solution that's internationally  
25 recognized called the Fair Food Program. With a

2 proven solution in hand that can not only stop but  
3 prevent far more exploitation. It is unconscionable  
4 that Wendy's refused to join this program.

5 This morning. I'm one of tens of thousands of  
6 New Yorkers calling on you in the words of Jewish  
7 tradition to not stand idly by but to act. Vote your  
8 support for the New York City Council Fair Food  
9 Resolution 0131-2022. Thank you.

10 CHAIRPERSON DE LA ROSA: Thank you so much. I  
11 also want to acknowledge we've been joined by  
12 Councilmember Bottcher, and call on... let's see.  
13 That's it.

14 Okay. Well, we're going to ask some questions of  
15 this panel. First of all, I want to say that it's  
16 shameful that Wendy's, a corporation that seeks to  
17 increase its bottom line in our city, is the only  
18 fast food chain that has not joined the Fair Food  
19 Program. And so I use this microphone and this  
20 moment to denounce when these under actions that have  
21 violated the human rights of agricultural workers in  
22 our state, in our city, and I want to thank the  
23 workers and everyone else who is here for ensuring  
24 that that your voices today could express.

2       Yeah, sorry. Sorry. I made a mistake. We  
3 forgot to call Rabbi Margaret Hughes Robinson. I  
4 apologize. My cards got shuffled. But let me just  
5 finish that thought. I just want to say that, um, we  
6 are appreciative. I know that some of you have  
7 travelled long distances to be here to expose some of  
8 these abuses. And we welcome you to New York City.  
9 And we share your commitment to make... to make sure  
10 that there is justice in this wrong treatment of  
11 agricultural workers. And so we want to thank you  
12 for using your voices today to elevate the voices of  
13 our brothers and sisters who are agricultural  
14 workers, that couldn't be here today, to talk to us  
15 about the horrors that they've been through. So we  
16 look forward to also making sure that we give justice  
17 to this Resolution and that we're able to pass it in  
18 New York City Council.

19       So with that, I'm sorry, I'm going to pass it  
20 over to Rabbi Margaret Higgins Robinson. I  
21 apologize.

22       RABBI ROBINSON: No worries at all.

23       CHAIRPERSON DE LA ROSA: Go ahead.

24       RABBI ROBINSON: I'm grateful for the opportunity  
25 to submit this testimony to the committee. My name

2 is Rabbi Margo Hughes Robinson. I use she and her  
3 pronouns. And I'm the New York organizer at T'ruah,  
4 the rabbinic call for human rights, as well as a  
5 proud New Yorker. And I'm here today as a supporter  
6 and partner of the Coalition of Immokalee Workers,  
7 who as you've heard, is an award winning human rights  
8 organization that works to protect farmworkers from  
9 abusive conditions and agricultural fields across the  
10 country.

11 T'ruah has worked in partnership with the CIW for  
12 over a decade bringing Jewish clergy from all over  
13 North America to Immokalee, Florida, to deepen their  
14 commitment to farmworkers and the protection of their  
15 rights. I'm grateful to this committee and to its  
16 Chair, Carmen De La Rosa, for holding this hearing  
17 and urge you to pass 0131, the Resolution calling on  
18 Wendy's to join the Fair Food Program and support  
19 farmworkers human rights.

20 The UN special rapporteur on human trafficking  
21 has acknowledged the Fair Food Program as "an  
22 international benchmark" against modern day slavery.  
23 The Fair Food Program is a partnership that benefits  
24 everyone in the supply chain: workers, growers,  
25 retailers, and consumers. Because of the program's

2 unique approach, farmworkers can confidently report  
3 issues in the fields without fear. Participating  
4 growers can swiftly and competently address any  
5 problems and learn how to prevent them, and  
6 participating buyers can count on a secure and  
7 ethical supply chain. Workers benefit from the  
8 elimination of sexual assault, forced labor, and  
9 violence. They can clock in and clock out, ensuring  
10 that they are actually paid for all the hours that  
11 they work and benefit from improved working  
12 conditions including guaranteed protections around  
13 basics such as shade, water, bathrooms, pesticide  
14 exposure, excessive heat, and other health and safety  
15 issues that have been exacerbated through the  
16 pandemic.

17 0131 has already gained, as you've heard,  
18 monumental support from a broad cross section of New  
19 Yorkers including students, religious, political and  
20 financial community leaders as well as organizations  
21 across the city who have supported these efforts for  
22 years. In 2019, the New York women's caucus wrote a  
23 powerful letter to Wendy's in support of the  
24 Resolution and more recently, former Manhattan  
25 Borough President Ruth Messinger penned an op ed in

2 the Gotham Gazette calling on the Council to act  
3 swiftly "to send a message to Wendy's about how much  
4 New York values human dignity and worth", and when  
5 investors representing over \$1 trillion in assets  
6 manage sent a letter to Wendy's in 2021, urging the  
7 company to join the Fair Food Program to address "the  
8 dire consequences of COVID-19 and of systemic  
9 racism", the Office of the New York City Comptroller  
10 was among the investors who signed.

11 My own Jewish tradition demands fair treatment of  
12 the worker and instills in me a deep reverence for  
13 the humanity of every individual, all the more so  
14 folks whose labor nourishes us in the most essential  
15 way and contribute to our well-being through  
16 agricultural work.

17 I again urge you to pass a 131 and to call on  
18 Wendy's to participate in the Fair Food Program. So  
19 it may continue its business with greater  
20 transparency and accountability to all of the workers  
21 who support our food systems. Thank you.

22 CHAIRPERSON DE LA ROSA: Thank you Rabbi. Thank  
23 you. Appreciate it. I apologize again for the  
24 mishap.



2 So I do have some general questions for this  
3 panel. Whoever would like to answer that's fine.

4 So tell us how the Fair Food Program ensures that  
5 participating growers complying... comply with humane  
6 labor standards and wages. Explain to us what the  
7 benefit of participating in the Fair Food Program  
8 would be.

9 MS. RODRIGUEZ: Sí cómo no algo que hemos visto y  
10 escuchado son testimonios de los mismos trabajadores  
11 cuando la por primera vez... las mujeres trabajadoras  
12 estaban escuchando del programa fueron las primeras,  
13 en qué llamaron a la línea de quejas, que tiene el  
14 programa de comida ajustes un número que está abierto  
15 las 24 horas del día y los 7 días dela semana, vamos  
16 a los campos hacer la plática con los trabajadores,  
17 de cuáles son los derechos que tienen en ese rancho  
18 qué es participante del programa. Se habla qué es  
19 acoso sexual, y cómo las mujeres pueden reportar a  
20 los patrones que hacían acoso con ellas, fueron las  
21 primeras mujeres que empezaron a hacer reportes de  
22 acoso, mediante la lo que es la educación que hacemos  
23 el trabajador aprende sobre sus derechos hay  
24 auditorías, que se hacen por un tercer partido que  
25 entrevistan directamente no si los investigadores, al

2 más del 50% de los trabajadores. Sobre cuáles son  
3 los problemas que ellos enfrentan si tienen quejas,  
4 es cómo funciona el sistema de quejas, las auditorías  
5 y también mediante, lo que es la presión de mercado  
6 que existe para los rancheros cuando no están  
7 cumpliendo si hay una violación de derechos humanos  
8 dentro del Código de conducta.

9 INTERPRETER FOR MR. PEREZ: So, the way that the  
10 Fair Food Program ensures that these kinds of abuses  
11 are being addressed, we can look at an example of  
12 this as the experience of farmworker women who had  
13 experienced sexual harassment and sexual violence  
14 historically working in the fields. When the Fair  
15 Food Program was first introduced, many of these  
16 farmworker women used one of the mechanisms to  
17 protect farmworkers, which is a 24/7 hotline, where  
18 farmworkers can call anonymously if they wish to do,  
19 speak out against an abuse to file a complaint about  
20 a problem that they have faced. Many farmworker  
21 women when we implemented the program made use of  
22 that 24/7 hotline, called anonymously to talk about  
23 abuses that had happened, sometimes recently,  
24 sometimes years before the program had even existed.

2       On top of that, another element that ensures that  
3 these farmworkers are being protected is what we call  
4 the worker-to-worker education sessions. Farmworkers  
5 with CIW go to the participating farms, and we talk  
6 about what constitutes sexual harassment, what  
7 constitutes sexual violence, educating fellow workers  
8 about what rights they have, what... what protections  
9 they're entitled to, and if those rights are being  
10 trampled what to do, what are the mechanisms for you  
11 to speak out against the abuse that you're facing?

12       This is supposed to work in combination with a  
13 third element, which is the Fair Food Standards  
14 Council, which is a third-party monitoring  
15 organization that ensures which that ensures that  
16 these protections are actually reaching the  
17 farmworkers, and do so by auditing the farms. They  
18 go and interview over 50% of the workforce at a  
19 specific farm and create corrective action plans that  
20 they give to the farms, ensuring that the farms know  
21 what they can do to better their operations and to...  
22 to be adhering to the code of conduct of the Fair  
23 Food Program.

24       If these three mechanisms together don't work,  
25 and the farmworkers... and these farms decide to not

2 protect... to not do anything about the abuse that is  
3 happening, that is where the corporate partners come  
4 in the market power. The participating farms are not  
5 allowed to sell to these massive corporations that  
6 have joined the Fair Food Program corporations like  
7 Walmart, McDonald's, Trader Joe's, Whole Foods.  
8 They're not allowed to... to sell to these brands  
9 until they're complying with the code of conduct of  
10 the Fair Food Program.

11 CHAIRPERSON DE LA ROSA: And why is Wendy's  
12 resisting signing on?

13 MS. RODRIGUEZ: Si una de las cosas... La verdad  
14 no hemos tenido una respuesta durante estos 10 años  
15 de campaña con Wendy's, que hemos estado exigiendo y  
16 pidiendo que se une al Programa de Comida Justa. No  
17 puedo decir es por esto y por esto porque, no nos ha  
18 dado la cara, no ha dado una respuesta a los  
19 trabajadores, no sabemos cuál es la causa principal.  
20 Pero si, lo que pensamos es porque es falta de ego de  
21 parte de Wendy. No quiere perder su poder, me  
22 imagino yo, porque al unirse al Programa de Comida  
23 Justa es un programa que tiene consecuencias reales  
24 para una corporación que no está acostumbrada a  
25 cumplir con derechos humanos para trabajadores.

2 Porque hemos visto esto recientemente hubo una  
3 operación de la aduana fronteriza en México, que  
4 pararon un cargamento de tomate que venía de México  
5 sí Estados Unidos. El distribuidor más grande era...  
6 era Unix, e surtidor de Wendy's que estaba trayendo  
7 ese tomate. No podemos asegurar que este cargamento  
8 venía para Wendy's, pero la aduana lo detuvo porque  
9 había una investigación en México de trabajadores que  
10 estaban siendo, sufriendo violencia, acoso con las  
11 mujeres, y había caso de esclavitud de niños también  
12 en este rancho, que traía ese cargamento México, y  
13 era un surtidor de Wendy's. No estamos diciendo que  
14 era Wendy's, pero está pasando esto recientemente  
15 muchos casos de esclavitud moderna que hay era cadena  
16 surtidores. Por eso exigimos que Wendy's según el  
17 programa.

18 TRANSLATOR FOR MR. PEREZ: So unfortunately, our  
19 guess is as good as yours in terms of why when these  
20 hasn't joined the Fair Food Program. Unfortunately,  
21 we haven't been able to receive a response directly  
22 from Wendy's. For them, to show their face and to  
23 speak directly to the farmworker community of  
24 Immokalee, and let them know this is why we haven't  
25 joined the program for X, Y, and Z reasons.

2 But what we do know is the track record that  
3 Wendy's does have... or we can guess that perhaps  
4 they don't want an oversight... this type of robust  
5 oversight that requires consequences, requires  
6 action, that isn't just a label with empty promises,  
7 but requires you to stop purchasing when abuse like  
8 this exists.

9 What leads us to believe this is, for example,  
10 the fact that just this past year, a shipment of  
11 tomatoes that was coming from the Mexico to the  
12 United States was stopped by US Customs and Border,  
13 because the shipment was coming from farms where  
14 there was rapid child labor, rapid sexual violence,  
15 and even forced labor. This shipment was mostly  
16 coming from a farm that some years ago, we know was  
17 selling directly to Wendy's, right? And so we don't  
18 know if they continue being a business partner of  
19 Wendy's. We don't know because there is no... there  
20 is no transparency in Wendy's operation.

21 But what we do know is that outside of the Fair  
22 Food Program, those kinds of conditions wage theft,  
23 physical abuse, child labor, rampant gender based  
24 violence and forced labor, are the norm in  
25 agriculture, and the only way to address that

2 correctly... or at least the best way to address that  
3 is by joining the Fair Food Program.

4 CHAIRPERSON DE LA ROSA: Thank you so much. I  
5 want to pass it on to my colleague, Councilmember  
6 Nurse.

7 COUNCILMEMBER NURSE: Good morning.

8 I didn't really have a question. I just wanted  
9 to express my solidarity with you all. I have been  
10 boycotting Wendy's for a long time.

11 In 2018, I had... back... back in the day, maybe  
12 like 10 or 11 years ago, I had helped start an  
13 organizing center called Mayday space. And in 2018,  
14 I think you all had a march up here, to like break  
15 the silence against the sexual violence happening.  
16 And you all made all these big, beautiful signs at  
17 our space. And I know that you all been fighting for  
18 this for a really long time. And I just wanted to  
19 say that we stand with you. I think it's shameful  
20 what Wendy's is doing, and I really encourage as many  
21 of our colleagues as possible to boycott Wendy's and  
22 use their platforms to call out this egregious  
23 behavior. And it... it just continues to baffle me  
24 that the... the farm the fish industry... I mean,  
25 it's all thriving off of slavery, and forced

2 servitude in dark corners and places where there's  
3 not a lot of visibility. It's thriving off of a  
4 broken immigration system. It's thriving off of just  
5 absolute violence against women and workers. So  
6 standing with you all, and I'm really grateful that  
7 this Resolution is here and that you're holding this  
8 hearing Chair. So I just wanted to say that thank  
9 you.

10 CHAIRPERSON DE LA ROSA: Thank you, Councilmember  
11 Nurse. Councilmember Bottcher?

12 COUNCILMEMBER BOTTCHER: There are other chains  
13 that also have not joined the Fair Food... Is Burger  
14 King and other... are they all part of it?

15 INTERPRETER FOR MR. PEREZ: So I can quickly  
16 respond to this one. So 14 of the biggest food  
17 corporations in the world are participating in the  
18 Fair Food Program, chains like Walmart, Whole Foods,  
19 McDonald's, Burger King, Chipotle, Subway are all  
20 participating. Of the top five of the largest fast  
21 food corporations, Wendy's is actually the only  
22 holdout. All of their other major competitors have  
23 joined.

24 CHAIRPERSON DE LA ROSA: I want to ask a specific  
25 question: In 2019, the state legislature passed the



2 Farm Laborers Fair Labor Practices Act, which gave  
3 farm... farmworkers the right to organize and  
4 collectively bargain. I was proud to be a member of  
5 the legislature and vote for that bill. I think it's  
6 one of our proudest moments, and a longtime coming as  
7 far as protecting farmworkers' rights in New York.

8 Have any of the participating farmworkers that  
9 you know have successfully unionized? And if so, how  
10 has it benefited them? What are the changes that we  
11 can see from unionizing efforts for farmworkers, if  
12 you know?

13 INTERPRETER FOR MR. PEREZ: Yes. So, as a  
14 farmworker organization, we're very well aware of  
15 other movements, and other work that's been done by  
16 farmworker organizations to hopefully bring this  
17 industry from out the endemic abuses that farmworkers  
18 face. The Fair Food Program... Its scope, for the  
19 most part, extends from 90% of Florida's tomato  
20 industry, goes up the East coast, to farms that  
21 harvest tomatoes, green peppers, strawberries, even  
22 peaches.

23 The scope of it, though, has not extended yet to  
24 the State of New York at that moment, and so we don't  
25 have first-hand experience of how this unionization

2 drive has been affecting farms, because we're not in  
3 New York. But I do want to mention this... that this  
4 kind of legislation finally passed in the state of  
5 New York and 2019 in the liberal pillar that is New  
6 York State. Outside of New York and in the rest of  
7 United States, farmworkers are left out of the... of  
8 the right to be able to unionize and to collectively  
9 bargain. That's the reason why the Coalition of  
10 Immokalee Workers exists in its forms: Because most  
11 farmworkers are not able to advocate for themselves,  
12 are not able to collectively bargain, do not get paid  
13 overtime, do not get paid... don't have sick pay  
14 days, don't have access to health care.

15 So indeed, what happened with New York, I'm sure,  
16 is... is a step in the right direction for the  
17 industry as a whole in the state of New York, but  
18 outside of the state of New York, much of the  
19 industry is... is still in the backwater, in terms of  
20 abuses and protections and rights.

21 CHAIRPERSON DE LA ROSA: Thank you for that  
22 answer. And I guess that's why it's important for  
23 this council to also pass this Resolution, right?  
24 Because as New York City does, the world follows...  
25 or so we hope. Can you speak a little bit to that

2 like what would be the impact of us being able to  
3 advance this... this Resolution?

4 MS. RODRIGUEZ: Así como le dije al principio  
5 estamos aquí por muchos años en la ciudad de Nueva  
6 York por una causa. Aquí en Nueva York está el  
7 presidente de La Mesa Directiva, está en la oficina  
8 principal de Wendy's, y ya por muchos años mucha  
9 gente se ha unido a esta lucha, tenemos muchas  
10 iglesias, muchas denominaciones que nos han estado  
11 apoyando. Y tenemos todo para que esto haga un  
12 impacto bien grande en proteger derechos humanos de  
13 los trabajadores, que están surtiendo Wendy su  
14 tomate. Y eso verdad sería como parte del impacto es  
15 acabar con estas violaciones, acabar con qué Wendy's  
16 siga comprando en ranchos, dónde hay explotación de  
17 niños, donde hay el acoso sexual de mujeres. Vamos a  
18 tener ya una transparencia más mejor, una visión más  
19 clara de cuáles son los negocios, con los que está  
20 Wendy's trabajando. Porque esto es lo que está  
21 pasando hoy en día, que muchos trabajadores están  
22 ahorita viniendo Estados Unidos por ejemplo con la  
23 visa H2A. Hemos recibido muchísimos casos, 3 en 1  
24 año, de miles de trabajadores que bien estado  
25 trabajando, y viniendo Estados Unidos se trabaja en

2 la agricultura con visa H2A. Esto es un problema y  
3 es el futuro de la agricultura entonces el traer a  
4 otra corporación más, y el traer a los trabajadores a  
5 esas protecciones, eso sería un impacto bien fuerte,  
6 qué es lo que queremos nosotros, parar estos abusos.

7 INTERPRETER FOR MR. PEREZ: Yeah. The impact of  
8 New York City passing this Resolution: It would have  
9 a massive impact for many reasons. First and  
10 foremost, because New York City has been one of the  
11 epicenters for the Wendy's campaign, and as CIW has  
12 traveled here for many years, to do marches, to  
13 protest, to fast outside of the offices of the Board  
14 Chairman and majority owner of Wendy's, who is based  
15 here in New York City, Nelson Peltz. And so for New  
16 York City, for students, for people of faith for  
17 elected officials to say, we're no longer okay with  
18 companies turning a blind eye to the abuses happening  
19 in the industry, but instead, taking a stand to being  
20 proactive in addressing these kinds of abuses, will  
21 be a massive way to pressure Wendy's to join this  
22 Fair Food Program.

23 And the main reason, again, is because we want to  
24 expand these protections, these basic protections to  
25 more and more workers. For example, like we

2 mentioned, over the past two years, there have been  
3 two three cases of forced labor that have come up,  
4 one of them (and I'm adding this) one of the biggest  
5 forced labor cases in modern US history just happened  
6 last year. These are not workers who are immigrated  
7 here illegally. These are workers who are here  
8 through the H2A visa program. So they've done  
9 everything in their part to come in here, to work,  
10 and to do a decent day of work. And instead, they're  
11 met with these kinds of abusive conditions, because  
12 the industry is organized in that way.

13 By expanding the Fair Food Program, by getting  
14 Wendy's to join the Fair Food Program. We make these  
15 kinds of protections the norm rather than the  
16 exception to how the industry is currently organized,  
17 and we can protect more and more workers eliminating  
18 these kinds of abuses.

19 CHAIRPERSON DE LA ROSA: Thank you so much.  
20 We've been joined by Councilmember Feliz, as well.

21 Well, I just want to say how grateful I am for  
22 the ability to introduce this Resolution on your  
23 behalf... on behalf of the workers. I personally am  
24 boycotting Wendy's. I hope that New Yorkers across  
25 the city will join us in showing this corporate giant

2 that they cannot come in to our city and boast of  
3 having business in the you know, biggest, best city  
4 in the world, and exploit migrant workers, exploit  
5 agricultural workers. And so we thank you so much  
6 for coming here today. And we are so grateful for  
7 your testimony. Thank you. Thank you.

8 Okay, up next, we will have a virtual panel made  
9 up of Austin Locke, Starbucks Workers United, and  
10 James Carr, Starbucks Workers United.

11 You may begin when you're ready.

12 SERGEANT AT ARMS: Time has started.

13 MR. LOCKE: Hello, can everybody hear me? All  
14 right. So my name. My name is Austin Locke. Thank  
15 you everybody for having us. I'm a six year worker  
16 at Starbucks in New York City and South Florida. So  
17 shout out locally.

18 I'm also a member of Starbucks Workers United and  
19 Restaurant Workers Union. I was fired July 5, five  
20 days after we won our Union Election with Starbucks  
21 Workers United at Ditmars Boulevard in Astoria.

22 Starbucks gave me two reasons for my firing. It  
23 was that I falsely reported workplace violence, and  
24 that I was violating Starbucks health and safety  
25 standards. Both are untrue, and other workers have

2 never been fired for those two reasons, including  
3 another worker who falsely reported workplace  
4 violence against me years prior, and admitted he lied  
5 and he was transferred to another store.

6       There was... At our store there was promotions  
7 offered to the supervisors to union bust. In  
8 addition to the day of my firing, they call the cops  
9 on me. Management called the cops. They actually  
10 called 911 and had me removed for no reason. I  
11 wasn't doing anything.

12       This has also taken a toll on my mental health.  
13 I've had, you know, to get on medicine now. I have to  
14 talk to psychiatrists and stuff. It's just an awful  
15 situation. But at the store... at our store on  
16 Ditmars Boulevard and Astoria, we're constantly short  
17 staffed. As it is elsewhere. I've worked in  
18 Florida, it's the same thing. We've asked for more  
19 staffing. We've even provided a letter to our boss  
20 and no response. We've been under scheduled.  
21 Workers are getting less hours than they actually  
22 want. Minor workers are actually asked to do tasks,  
23 they're legally not allowed to like lifting heavy  
24 trash. Pregnant workers are made to do heavy  
25 lifting. And I've confronted bosses about this.

2 Workplace injuries have gone unreported by  
3 management. Management never handles violent  
4 customers abusive customers, and they're allowed to  
5 return, and a litany of other things that escape my  
6 mind right now. But the city is suing Starbucks  
7 through New York City's Just Cause Law on my behalf.  
8 Starbucks was negotiating with me and the lawyers,  
9 but they backed out of the agreement last second.

10 They will do anything they can do to fight the  
11 union. And we need to do everything we can to win a  
12 contract. I want to call on New York City Council to  
13 strengthen the Just Cause Law being used in my case,  
14 and protect it from being dismantled, as well as call  
15 on our elected officials to make sure that what  
16 happened to me does not happen to other workers in  
17 New York City. Thank you. And I believe that's my  
18 time.

19 CHAIRPERSON DE LA ROSA: Thank you so much.

20 James Carr?

21 MR. CARR: Hello, my name is James. Can you hear  
22 me?

23 CHAIRPERSON DE LA ROSA: Yes, we can.

24 MR. CARR: Okay, my name is James and I worked at  
25 a retail location for Starbucks, actually right down



2 the street from Austin. We work in Queens. I work  
3 at a unionized location. And during the months  
4 between our union card submissions and the election,  
5 there were no instances I can recount in which  
6 management denied federal rights to workers. And in  
7 fact, during the time leading up to our election,  
8 management generally stayed averse to the risk of  
9 confronting workers over the matter of their union.

10 So our experience pre-election was vastly  
11 different than other locations who experienced  
12 rampant union busting. But our experience after the  
13 election changed, and since the election, our  
14 location's management has become a repressive social  
15 apparatus by which to gradually starve the location  
16 of union participation by intimidating and outrightly  
17 violating workers.

18 The discriminatory actions of management range  
19 wildly, and it's creating a massive divide between us  
20 obviously.

21 And management does violate workers' federally  
22 protected rights. But most horribly, they violate  
23 workers along the class lines that they enforce  
24 through abusive behavior. And they remind us every  
25

2 day in insidious ways of their presumptively  
3 permanent power over us.

4 And so I believe that committee can help a lot of  
5 workers who are disempowered in the following ways.

6 One, I want the committee to call for worker -  
7 empowered arbitration between workers and management.  
8 In the event that workers organize a union and cannot  
9 reach a contract because of management's refusal to  
10 acknowledge the union. Two, I would like the  
11 committee to call for employers not to reduce their  
12 number of staff following a Union Election. Despite  
13 Fair Work Week laws, management can still starve  
14 locations of labor and subsequently commit to  
15 operating the location so dismally that workers have  
16 no choice but to leave, thus allowing management to  
17 eventually rebuild that scarred location, with  
18 company authorized non-organizers. And three, I  
19 would call for the committee to try to protect  
20 workers wages... specifically union workers wages.  
21 So our management states, they legally cannot  
22 increase union workers wages because the wages  
23 weren't negotiated over, but they refuse to negotiate  
24 or even acknowledge the union. So this obviously

2 implies there is no way management will ever increase  
3 our wages.

4 So I want you to call to ensure union workers  
5 wages rise with inflation, before a contract is  
6 negotiated over wages with management.

7 And fourth, I want to call on the committee to  
8 adopt gradually increasing minimum wage against  
9 inflation laws, because we're in a position where we  
10 cannot keep up. And I believe that's all the time I  
11 have. Thank you for having me.

12 CHAIRPERSON DE LA ROSA: Thank you both so much  
13 for coming to testify. I do have a few questions for  
14 you. I just want to say first, James, that yesterday  
15 the Council passed a Resolution calling for minimum  
16 wage to be tied to inflation. And so the council has  
17 voiced our support for the slate of bills that would  
18 do that. The council doesn't have authority to, you  
19 know, raise the wage ourselves. But we do support  
20 New York State doing that. And so you know, that's  
21 already one win. I appreciate your suggestions for  
22 the committee to look at, and we will be following  
23 up.

24 But I did have a question specifically about  
25 organizing tools that you all have at your disposal.

2           So did your... In your experience, did you reach  
3 out to DCWP to file a confidential complaint for  
4 violation of workers rights when you were in the  
5 beginning of your process of organizing?

6           Any of you can answer. Austin or James.

7           MR. LOCKE: You mean, in regards to the hours?

8           CHAIRPERSON DE LA ROSA: Yes, any violations?

9           MR. LOCKE: I'm not sure, I think... I think we  
10 floated the idea at my store. But it wasn't severe  
11 enough, I guess. But...

12           MR. CARR: So we've noticed... we've noticed this  
13 just starting to happen recently. And we're in the  
14 midst of doing kind of deep dive into their  
15 descheduling trends, because this is something  
16 they've realized they can tactically start to do, is  
17 evade Fair Work Week laws while still manipulating  
18 labor forecasting in a way that can basically starve  
19 the union locations.

20           So we're... we haven't filed on that yet with the  
21 DCWP. We're still collecting data on like, general  
22 trend, like downturns and labor trends at these  
23 stores, because it's something that we've been  
24 noticing like over the last month or so.

2           So we have that in the works right now. And we  
3 haven't formally filed. It's just been over specific  
4 individuals, but we're trying to target them on a  
5 larger scale.

6           CHAIRPERSON DE LA ROSA: Got it. And what kind  
7 of assistance would have been useful in your efforts  
8 to organize? Like, if you could have more support,  
9 what type of assistance would have would have been  
10 helpful?

11          MR. CARR: It's just the matter that they have so  
12 much power, that they can violate us on a federal  
13 basis, and it still doesn't matter. And that's where  
14 sometimes your city can... Honestly, I'm still  
15 learning about how to suggest the city can help  
16 unionizing workers, because when companies are this  
17 powerful, it's... it's hard to come up with something  
18 for the city to do that Starbucks is even going to  
19 take seriously. But I would suggest... just... we...  
20 so we can reach out to you about like some of the  
21 great worker programs that we have around the city.  
22 And I think something as simple as community affairs  
23 and linking up worker coalitions could be really  
24 healthy and giving people an opportunity to organize  
25 in a healthier manner and with more knowledge.

2 Yeah, that's all I can suggest right now.

3 CHAIRPERSON DE LA ROSA: And what about having,  
4 for example, if the Department of Consumer Affairs  
5 and Worker Protection were to be able to provide more  
6 educational resources, or more technical support and  
7 things like that. Would... Do you think that that  
8 would make a difference in helping to organize... you  
9 know, in helping to organize your... your drives?

10 MR. CARR: I absolutely think so. We're doing a  
11 lot of the workers with the union... Starbucks  
12 workers united union, and just a lot of community  
13 activists are participating with, you know, CWE and  
14 some publicly funded teach-in programs that help  
15 spread the word on organizing conversations and  
16 organizing strategies to people who might not be  
17 organized, and are looking to actively organize in  
18 their community. So any sponsorship of you know,  
19 publicly-funded organizing teachings would be  
20 welcomed.

21 CHAIRPERSON DE LA ROSA: Okay.

22 MR. LOCKE: I also think... I'm sorry to  
23 interrupt. But just more pamphlets and signs inside  
24 of workplaces. I... I only see a few in the  
25 bathroom. I don't see much about Department of

2 Consumer Workplace Protections. So that would be  
3 helpful.

4 CHAIRPERSON DE LA ROSA: Great. And what about  
5 captive audience meetings? So you know, when an  
6 employer kind of calls a meeting together to try and  
7 dissuade folks from joining unions. Did... Was that  
8 part of your experience, did you... were those some  
9 of the tactics that were used in your situation?

10 MR. CARR: Yeah, my store... Yeah, my store, it  
11 wasn't so much captive audience meetings. They had  
12 one-on-ones, and like two-on-ones with workers. And  
13 those were the workers that we weren't able to get  
14 any information out of. They were ostensibly like  
15 anti-union after these conversations. So we're  
16 assuming they... they were told to, to union bust.

17 MR. CARR: Yeah, we never had... I don't think  
18 the resources were ever directed to our location to  
19 do a formal meeting about it. But they've still, you  
20 know, used the tools that go into those meetings, to  
21 find ways to manipulate people.

22 You know, just the concept of getting someone  
23 alone in a room to talk to them is all they need, and  
24 they find ways to prey on weaker people who they...  
25 they know don't know their federal rights and their

2 rights as well, who they can pressure. And it's  
3 literally a matter of physically isolating people in  
4 parts of the store and nabbing them at times where  
5 they're unsuspecting, and... and scaring people, and  
6 intimidating them, and lying to them, and being  
7 abusive. And so those tactics that goes... that go  
8 into those meetings are used on an everyday basis,  
9 whether they're formal meetings or not. So I... we  
10 haven't had one of those meetings, but we undergo the  
11 same stresses that those meetings cause for people.

12 CHAIRPERSON DE LA ROSA: Thank you. I appreciate  
13 both of your testimony today. I also appreciate you  
14 alluding to some of the mental health concerns for  
15 the workers of our city. We've seen that issue  
16 bubble up. And we know that increased stress  
17 increases people's reaction. And mental health is  
18 something that we should be guarding. And so I am  
19 grateful for... for you all coming in and shedding  
20 light on the work you're doing. And we look forward  
21 to continuing to support your efforts over at  
22 Starbucks. So thank you so much.

23 Up next, we're going to call on our in person  
24 panel.



2 We have Melissa Stein, David Oskos -- I probably  
3 pronounced that wrong, I apologize --, Andrei Solon,  
4 and Sinead Wadsworth. If you all are here in  
5 person...

6 COUNSEL: There may be one virtual participant.

7 CHAIRPERSON DE LA ROSA: Okay. And there might  
8 be one virtual participant on that panel. And please  
9 clarify your name if I butchered it. I apologize.

10 Since we do have one panelist here, who's  
11 virtual, I'm going to call on Melissa Stein first.  
12 If you're on the Zoom, if you could begin testifying  
13 when you're ready, and then we'll continue with the  
14 rest of our panel. Thank you for your patience.

15 MS. STEIN: Good morning, Chair De La Rosa and  
16 members of the council's Committee on Civil Service  
17 and Labor. My name is Nilsa Stein, and I am the  
18 campaign lead for Communications Workers of America,  
19 District One. Communications Workers of America,  
20 District One represents more than 150,000 workers in  
21 the private and public sector who work in  
22 telecommunications and information technology, news  
23 media, broadcast and cable television, education,  
24 health care, public service and other fields in New  
25 York, New Jersey and New England. In New York City,

2 we represent over 20,000 workers. We're here today  
3 in support of the Resolution affirming the right to  
4 have union elections, free from antidemocratic union  
5 busting practices.

6 New York City is a union town, so it is only  
7 right for the council to make this statement of  
8 support for the rights of workers to organize freely.  
9 Workers make the city run, and the pandemic made it  
10 clear that unions can be the difference between life  
11 and death in our workplaces. Unionized workers earn  
12 higher wages, on average \$191 more per week than  
13 their non-union counterparts. Union workers are  
14 likely to have much better benefits. Workplaces tend  
15 to be safer, lowering the risk of death, illness, and  
16 injury on the job. And most importantly, with the  
17 union, workers have a voice on the job. That's why  
18 more and more workers are joining together and  
19 demanding a voice at work.

20 We've seen it in CWA. Over the past few years,  
21 we've organized more workers than we have ever  
22 before. Workers at multibillion dollar corporations  
23 once considered unorganizable, like Apple or Google,  
24 have joined CWA. And it's not just CWA, we've seen a  
25 historic rise in organizing all across the country.

2 In the first half of this year, unions won 641  
3 elections the most in nearly 20 years. Workers from  
4 nearly every industry in our country are joining  
5 together to demand change at their workplaces. We  
6 have seen stunning victories and places like  
7 Starbucks, Amazon, Trader Joe's, REI and Activision  
8 Blizzard.

9 Recent polls show that over 70% of Americans  
10 support unions, the highest levels we have seen since  
11 1965. And a vast majority of them support forming a  
12 union in their workplace. Where is this wave coming  
13 from? There are probably many things we can point to  
14 people living through a global pandemic, seeing that  
15 their employers care little about their health and  
16 welfare was surely a wake-up call. A tighter labor  
17 market coming out of the pandemic increased workers  
18 leverage on the job. At the same time, workers  
19 facing student debt, inflation, rising housing costs,  
20 and the possibilities of an economic recession  
21 definitely makes the need to organize more urgent.

22 When organizing a union workers take huge risks.  
23 There is an entire industry working nonstop to block  
24 workers from exercising their rights to free and fair  
25 union elections. That's why this Resolution is so

2 important. Today in more than 40% of all union  
3 organizing elections, employers are charged with  
4 breaking the law. They lie,

5 SERGEANT AT ARMS: Time expired.

6 MS. STEIN: I'm sorry, was that time?

7 SLEEP AND APPETITE: Yes, time has expired.

8 MS. STEIN: Okay, thank you.

9 CHAIRPERSON DE LA ROSA: Thank you. We  
10 appreciate you coming today and testifying. We know  
11 CWA has been leader in many of the equity fights for  
12 workers. We're appreciate your voice here today.  
13 I'm going to call on David... David Oskos. I'm  
14 sorry. Please, please begin your testimony.

15 MR. OSKOS: Oh, there we go. Hey. Good morning,  
16 and thanks for the opportunity for me to testify  
17 today. My name is David Oskos, and I'm organizer  
18 with the Retail Wholesale Department Store Union,  
19 RWDSU, representing over 40,000 workers in New York.  
20 We organize workers in apparel, retail, grocery  
21 stores, food processing, warehousing, cannabis,  
22 nonprofits, and other low wage sectors.

23 I would first like to take a moment to appreciate  
24 the leadership of city council and this committee for  
25 supporting workers' rights. And the right to

2 organize free from intimidation and coercion. It is  
3 important for workers who are being attacked by their  
4 employers to see that the elected leaders of this  
5 city have their back. We support both Resolutions  
6 before the committee and encourage their passage.

7 I would specifically like to comment today on  
8 unionization drives and why it is so important for  
9 the City Council to support these efforts.

10 We are in a special moment in history right now.  
11 Young workers in particular are actively standing up  
12 for their rights in the workplace and demanding union  
13 recognition. These workers are so steadfast in their  
14 desire for collective action that they are even self-  
15 organizing with no traditional unions are around to  
16 help. This is truly a moving moment. Also, these  
17 workers aren't afraid to hold progressive employers  
18 like REI and Housing Works accountable to the image  
19 that they present to the public.

20 What we've learned from organizing workers at  
21 Progressive employers like REI and Housing Works is  
22 that progressive employers are often extremely  
23 conservative when it comes to employees having a  
24 voice on the job. At REI, where workers recently  
25 voted overwhelmingly to join the RWDSU, REI

2 coordinated a strong anti-union campaign that was  
3 only countered by the fearlessness and determination  
4 of the REI workers. Housing Works, where we finally  
5 won a first contract, we've been fighting against one  
6 of the most anti-union white shoe law firms in the  
7 country hired by Housing Works to oppose  
8 unionization.

9 If such intimidation according to current  
10 progressive employers, you can only imagine what  
11 happens elsewhere.

12 Without support from city council, these fights  
13 would have been even harder. I'll never forget the  
14 press conference outside of Housing Works with  
15 several Councilmembers, in which we demand a true  
16 neutrality from the employer. It provided a boost to  
17 worker morale and put the employer on notice. It  
18 should be highlighted this effort to housing work  
19 occurred before the social service labor peace  
20 requirement for city contractors was in place. The  
21 effort would have surely been easier under this new  
22 law.

23 Lastly, I'd like to note that New York City can  
24 do more than solidarity actions and Resolutions. The  
25 city should expand its requirements for labor peace

2 for city contractors to other industries, not just  
3 social services. In addition, it should expand labor  
4 peace for subsidized projects, beyond where it exists  
5 for retail and warehousing. All publicly funded  
6 projects should be required to protect freedom of  
7 association in the workplace.

8 On behalf of RWDSU's membership and leadership,  
9 I'd like to thank you for your time and support.  
10 Thanks.

11 CHAIRPERSON DE LA ROSA: Thank you so much also  
12 for your leadership. Up next we're going to call on  
13 Andre Solon.

14 MR. SOLON: Yes. Good morning. My name is  
15 Andrew Solon and I'm a worker on strike at United  
16 Metro in Brooklyn. Thank you to Committee Chair De  
17 La Rosa for having me today and listening...  
18 listening to my story.

19 My union brothers... brothers and I have been on  
20 strike for 600 days... 600 days, right here in New  
21 York City. We're fighting for fair wages and fair  
22 treatment for all families. We stayed on the job  
23 throughout the pandemic while everybody work working  
24 from home. We... we couldn't work from home.

2 We made sure that the hospitals were functioning.  
3 We made sure that home heating oil was available  
4 to... to New Yorkers. We made sure that the  
5 ambulances and so forth... so forth were fueled, and  
6 the transit buses and so forth. So we are essential.  
7 We are considered essential, but we were not treated  
8 as essential workers. We were considered heroes at  
9 the time, but not treated as heroes. We're mostly an  
10 immigrant and... we're mostly of color and immigrant  
11 workforce. And so we've been ill-treated partially  
12 because of this.

13 I am a father of three daughters, and I want to  
14 be paid the same wages as our industry standards. The  
15 other workers in our industry have paid an average of  
16 \$8 per hour more than we are, and that's not fair to  
17 us. We expect more from this, because we provide  
18 that kind of service.

19 We voted to form a union way back in 2019, and  
20 negotiations started right away. We negotiated for  
21 two years, but went nowhere. Catsimatidis... John  
22 Catsimatidis is the CEO and owner of the company, and  
23 he wouldn't budge. This name should sound familiar  
24 to most of us. He's very good friends with our  
25 mayor, Eric Adams. And, that should be part of our



2 concern also. He doesn't think that we deserve the  
3 same wages as the other workers in our industry.

4 So after negotiation, and much ado, we decided to  
5 strike to get justice for our families. Mr.  
6 Catsimatidis in this case, retaliated against us.  
7 And on that first day of strike, I got the letter  
8 that I'm being permanently replaced and he targeted  
9 me because I am the leader. So I was fired in  
10 retaliation for the strike. In addition to that,  
11 nine other members of our strike were dismissed, but  
12 the National Labor Relations Board decided that the  
13 firings were... violated federal law.

14 I am here to say that instead of standing with  
15 the workers, New York City is standing with somebody  
16 like John Catsimatidis in mistreating... as a company  
17 that is mistreating us. Despite that they're still  
18 buying oil from him, they still continuing to do  
19 millions of dollars in business with this company.  
20 We desperately... desperately need your help.

21 New York City should not be doing business with  
22 companies that mistreat our workers and underpay  
23 immigrants like myself. We're here to ask that you  
24 look into this and stand with the workers instead of  
25 an abusive company. Thank you for listening.

2 CHAIRPERSON DE LA ROSA: Thank you so much for  
3 your meaningful testimony. Thank you.

4 Up next we have Sinead Wadsworth.

5 MS WADSWORTH: Hello, Good morning Chair De La  
6 Rosa. My name is Sinead Wadsworth. I am an  
7 organizer for the New York City District Council of  
8 Carpenters, and let me just say that this hearing is  
9 amazing. I say that because it's not easy being an  
10 organizer, and I echo everyone's sentiments on this  
11 call. When... when you talk about retaliation, when  
12 you talk about workers' rights, when you talk about  
13 people getting fired from a job and they have  
14 families to feed, right? Those are serious, serious  
15 issues.

16 And with that being said, you asked earlier, what  
17 can be done? What can the city do? Right?

18 Create a task force. Create a task force with  
19 people that are actually doing the work, people that  
20 are on the ground, and the people that are not afraid  
21 to speak up for what's right. Right? Doing... Or  
22 being an organizer is, again, it's not easy, right?  
23 Sometimes you're literally putting your life on the  
24 line to represent people who can't represent  
25 themselves, right? So when you talk about the

2 immigrants who come here for a better life. It is  
3 so, so, so important that we create pathways for...  
4 for them to become citizens, because that's also an  
5 issue, right? If they cannot be organized, or  
6 there's barriers to organizing our most vulnerable  
7 people like immigrants, right? How can we move  
8 forward? To me, I think that's the biggest piece of  
9 this as well. Right? Bringing them up to  
10 citizenship. Trying to eliminate that, because how  
11 do we stand together when we can't stand together?

12 Thank you so much for your time. And I  
13 appreciate the opportunity to speak here today. And  
14 again, everybody on the call? You know, keep up...  
15 keep up the good fight in solidarity. Have a good  
16 day, y'all.

17 CHAIRPERSON DE LA ROSA: Thank you, Ms.  
18 Wadsworth. I know we have you on the panel, but we  
19 don't have your card. So if you could just say your  
20 name for the... say that again?

21 MR. CASTELLANO: Victor Castelano. How are you  
22 chair? I'm just here in support today for Andre. I  
23 have retired, but I'm still not retired from fighting  
24 for what's right for people. This was a fight that  
25 was brought to me probably back in 2018. And as

2 Andre pointed out, we did organize and have a vote to  
3 form... to have them join our local back in 2019.

4 We've tried to negotiate with the employer. They  
5 at one point blamed the pandemic. But once we got  
6 rolling by Zoom meetings and stuff, it still went  
7 nowhere. He just doesn't want to do what's right,  
8 and pay what the rest of the industry pays.

9 CHAIRPERSON DE LA ROSA: Thank you so much for  
10 being here in solidarity, and for your testimony. I  
11 do have some questions for the panel. I wanted to  
12 ask specifically about the Department of Consumer  
13 Worker Protection. I asked some of the panelists  
14 before, but the Department of Consumer Worker  
15 Protection, and the Office of Labor and... Labor and  
16 Policy Standards is charged with educating employers  
17 about their obligation under the workers' rights laws  
18 to build a culture of compliance.

19 Are any of you aware of any of the DC... the DCWP  
20 OLPS resources on these topics? Is this information  
21 that has gotten to the workers? The resources that  
22 are available to you through these offices? Just  
23 answer if anyone has any comments.

24 MR. OSKOS: I'm aware of them. But I don't I  
25 don't know if they made it into workers' hands.

2 MR. SOLON: Right. It's not widespread and  
3 commonly known at our company.

4 CHAIRPERSON DE LA ROSA: Great. And then the  
5 same with the municipal labor protections, including  
6 Fair Work Week scheduling laws paid sick leave laws:  
7 Do any of you all readily receive information you  
8 need in order to protect your rights from... from the  
9 city? And do violations for these worker  
10 protections, in your opinion, require stronger  
11 enforcement at this time.

12 MS. STEIN: Absolutely. Absolutely. I'll say.  
13 Again, it's not getting into the workers hands. And  
14 then when a worker does ask, he or she is scared to  
15 speak up and ask those questions.

16 CHAIRPERSON DE LA ROSA: Great. Well, we thank  
17 you all for being here, for your courage, your  
18 bravery, to tell your stories. We appreciate our  
19 partners in labor. We know that organized labor is  
20 the way to combat some of the most egregious  
21 violations that we've seen from corporate employers,  
22 particularly, that have been abusive to our city's  
23 workforce. And so we thank you for your... for  
24 coming here, for your bravery and also, we look  
25 forward to following up on the individual cases and

2 seeing how we can continue to support. Thank you so  
3 much for coming.

4 So our last panel here: We have Gabriella  
5 Pineros, do you want to testify now? You're good?  
6 Okay.

7 Okay, so we're going to do Michelle Bernabe and  
8 Reuben Colon, who I believe are on the Zoom.

9 You can begin, Michelle, whenever you're ready.

10 MS. BERNABE: Hi. Thank you so much for having  
11 me. And let me just... got it. Yeah. Thank you,  
12 Chair De La Rosa for your thoughtful comments  
13 throughout this whole testimony. Good morning and  
14 members of the City Council on the Civil Service and  
15 Labor for the opportunity to speak with you today.

16 My name is Michelle Bernabe, and I'm a mental  
17 health nurse that has served in Psych ERs across the  
18 city, inpatient units, as well as addiction and rehab  
19 centers. Yeah, I would like to also thank the people  
20 who spoke on behalf of unionizing at Starbucks for  
21 their mentioning mental health, because I do think  
22 that labor is deeply intertwined with the mental  
23 health crisis, and if we are ever to be serious about  
24 resolving the crisis we see with mental health, we

2 need to imagine a world where fairness and equity and  
3 ownership is given to workers.

4       So I am a member of New York State Nurses  
5 Association, which represents over 40,000 nurses, we  
6 have more than 9000 members working for New York City  
7 Health and Hospitals. And as a member of this great  
8 city, we are all connected and share a history. We  
9 share commitment to justice and equality. We come  
10 from different backgrounds and we have different  
11 experiences and perspectives, but we are all united  
12 by a common vision for a better future for ourselves,  
13 and our families, and our communities. And that  
14 vision, as we've all been talking about, includes the  
15 right protection of every worker. The pandemic has  
16 given people the opportunity to reflect on the  
17 structural natures of inequalities that hurt the  
18 city's workforce.

19       To me, we saw the separation of two classes of  
20 humans: Those who got to enjoy being at home, during  
21 the pandemic are able to work, order food, and  
22 groceries without ever leaving the comfort of their  
23 homes. And then the other class of humans, the  
24 city's essential workers who had no such luxuries,

2 and for a while lived to serve the needs of the other  
3 class.

4 In nursing, this played out with hospital  
5 management working from the comfort and safety of  
6 their homes, while all other workers in our hospitals  
7 were categorized as essential. Nurses cared for  
8 municipal employees and private sectors, workers that  
9 contracted COVID-19, and hundreds of nurses died  
10 while serving the city to keep it running.

11 You know, the bright and positive note is our  
12 members had the protection of collective bargaining  
13 agreements that provided fair wages during this  
14 proper protections during this.

15 SERGEANT AT ARMS: Time expired.

16 MS. BERNABE: Yep. And without, you know,  
17 unionized protections, many people did not get that  
18 safety. And so we're here in solidarity to hope and  
19 dream that everyone can have that safety.

20 CHAIRPERSON DE LA ROSA: Thank you so much,  
21 Michelle. And we have deep respect for the nurses  
22 and for NYSNA. So thank you so much for being here  
23 and for your thoughtful comments as well. We're  
24 going to ask Ruben Colon to please begin when he's  
25 ready.



2 MR. COLON: Hi, there. Thank you for having us.  
3 I'm with the New York City District Council of  
4 Carpenters. I'm a colleague of Sinead Wadsworth.  
5 I'm also an organizer for over 12 years now.

6 She pointed out that maybe it would be within our  
7 interest, right?, to maybe put together some type of  
8 task force composed of labor, organized labor,  
9 community-based organizations, maybe a couple of  
10 agencies, to work on these very same issues. They  
11 have to be addressed. It's my opinion, and I believe  
12 the opinion of the folks I work for, the New York  
13 City District Council of Carpenters, that an  
14 unrepresented worker... an undocumented worker is an  
15 unrepresented worker, and therefore doesn't have a  
16 voice. We try to be that voice in absentia, if you  
17 will. Workers that are not documented are... pose a  
18 restriction for us in organizing. We need a social  
19 security number in order to bring them into the  
20 Union. Our contractors use e-verify that all  
21 capitalizes on the whole use of a social security  
22 number, ITIN numbers I can't work with, and it  
23 becomes a bar to organizing. I dare say up to 40% of  
24 the construction workforce out there are undocumented  
25 workers. They go without representation. They're a

2 dime a dozen a year here and something needs to be  
3 done. We need our agencies... city agencies to step  
4 up and enforce the laws. Contractors who are using  
5 undocumented workers need to be fined. This is not  
6 about deporting workers. I'm a Latino myself, these  
7 are my people. I think a task force would be the way  
8 to go to maybe review and, and see what can be  
9 changed and maybe you know, create some type of  
10 pathway towards citizenship. I'm sure most of these  
11 folks, that's what's primary on their mind... not  
12 necessarily joining the union, that often comes  
13 afterwards, right? We need to focus on the problems  
14 at hand, and it sets a bar... a complete bar for us  
15 with regard to organizing. Well, that's pretty much  
16 it. Thank you.

17 CHAIRPERSON: Thank you, Mr. Colon. I also have  
18 the respect for the District Council of Carpenters.  
19 I hear you on the need to, you know, have a path to  
20 citizenship. That's a federal issue that I support  
21 and feel deeply passionate. However, I must say that  
22 undocumented workers, our workers in our city, our  
23 workers in our state. And personally, I feel that we  
24 have an obligation to also ensure that those workers  
25 are not exploited, and they have access to a just

2 economy that includes them. So I appreciate your  
3 suggestions here today. I look forward to working  
4 with you with the District Council of Carpenters to  
5 ensure that our workforce does not continue to be  
6 exploited. Thank you so much for your testimony.

7 So we're doing the last call for witnesses. If  
8 you're on the Zoom and you wish to speak, please  
9 raise your hand use the raise hand function now, in  
10 order to be called on. If there are any other folks  
11 in here who haven't testified and would like to,  
12 please also let us know.

13 Seeing none, I would like to thank you all for  
14 being here. I'm so looking forward to the passage of  
15 these two incredible Resolutions, and moving the  
16 mission of protecting workers in our city forward. I  
17 am eternally inspired and grateful for the workers  
18 who have used their voices today to have  
19 accountability in the way that we continue to conduct  
20 business in New York City. New York City is a union  
21 town, but it is not... it should not just be a  
22 talking point. It should be a call to action. And  
23 so I'm grateful for everyone who was here. And as a  
24 reminder, anyone can submit written testimony to  
25 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) up to 72 hours after the

2 conclusion of today's hearing. Thank you so much.

3 This meeting is adjourned.

4 [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date 12/12/2022