

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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June 22, 2016
Start: 1:20 p.m.
Recess: 1:39 p.m.

HELD AT: 250 Broadway - Committee Rm,
14th Fl.

B E F O R E:
I. DANEEK MILLER
Chairperson

COUNCIL MEMBERS:
Elizabeth S. Crowley
Daniel Dromm
Costa G. Constantinides
Robert E. Cornegy, Jr.

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

Plinio Cruz
Organizer
Teamsters Local 813

2 [gavel]

3 CHAIRPERSON MILLER: Good afternoon. I'm
4 Council Member I. Daneek Miller, the Chair of the
5 Civil Service and Labor Committee.

6 Today we are having a hearing on Res.
7 0741 which calls upon the State of New York to pass
8 and the governor to sign Assembly Bill 2486 and
9 Senate Bill 5479, introduced by Senator Comrie and
10 Assembly Member Harry Bronson.

11 The resolution would state that according
12 to the International Labour Organization (ILO), the
13 United Nations of agency dedicated to human and labor
14 rights, an estimated 20.9 million people were victims
15 of forced labor globally in 2012, of whom 14.2
16 million were exploited in sectors such as
17 agriculture, manufacturing, construction and domestic
18 work. The resolution would also state that the ILO
19 defines forced labor as "all work or service which is
20 exacted from any person under the menace of any
21 penalty and for which the said person has not offered
22 himself voluntarily."

23 The resolution would further note that
24 according to Free the Slaves, an advocacy group that
25 co-authored the report *Hidden Slaves: Forced Labor in*

1
2 *the United States* with the Center for Human Rights at
3 the University of California, Berkeley, forced labor
4 has been found in 90 cities in the United States.

5 The resolution would additionally find that New York
6 State has a moral responsibility to ensure the humane
7 treatment of workers and to protect law-abiding
8 contractors from being undercut by those who violate
9 human and labor rights.

10 The resolution would also state that New
11 York State Assembly Member Bronson's and New York
12 State Senator Comrie's bills, 2486 and 5479,

13 respectively, is an act to prevent billions of
14 taxpayer dollars from contribution to forced labor.

15 The resolution would additionally find that the fact
16 requires that every procurement contract contain a
17 statement from the contractor that no equipment,
18 materials or supplied provided under the terms of the
19 contract were provided by forced labor, prison labor
20 or child labor. The resolution would further state
21 that contractors who provide goods contrary to their
22 statements denying the use of forced labor will have
23 their contracts voided and be fined the greater of
24 \$1,000 or 20% of the product value. Finally, the
25 resolution would also note that in addition,

2 contractors providing false statements will be
3 prohibited from bidding on New York State contracts
4 for 360 days.

5 This is not just an international issue;
6 in the report by Free the Slaves advocacy group,
7 estimates are that there are tens of thousands of
8 individuals in the United States who have legal visas
9 also are victims of forced labor. As someone who has
10 worked his entire life as an advocate for working
11 families, I cannot believe that human beings can be
12 treated in such a cruel manner; steps, however, are
13 being taken to alleviate these issues in many
14 industries; one such industry is the waste transfer
15 industry. I have been proud to work with several
16 organizations and advocacy groups to increase labor
17 standards for workers; on numerous occasions we have
18 heard stories of unsafe conditions in such
19 industries. We will hear from testimony and based on
20 the report by Transform Don't Trash that was done
21 over the last two years, so we will be looking
22 forward to such testimony.

23 So with that I will call to the stand our
24 first -- [background comments] -- yep, we will call
25 Plinio Cruz of Local 813. [background comments]

2 PLINIO CRUZ: Good afternoon brothers and
3 sisters. My name is Plinio Cruz; I'm a proud
4 organizer and member of Teamsters Local 813 and I'm
5 here to testify in support of Resolution No. 741.

6 The Teamsters Union historically and
7 unequivocally supports the right to organize, a
8 living wage and fir standards for every worker in New
9 York State, the country and around the globe. In
10 fact, New York led the charge in the "Fight for \$15"
11 and is aggressive in pursuing unscrupulous employers
12 that exploit our laws.

13 In addition, the Teamsters work in
14 solidarity with international labor unions including
15 the ILO, the International Transportation Federation
16 (ITF) and remains allies in the fight for labor
17 rights throughout the world. The International Labor
18 Organization (ILO) of the United Nations works to
19 ensure decent employment opportunities
20 internationally. By working on key issues such as
21 youth employment, sustainable development and social
22 protection, the ILO strengthens international
23 dialogue on labor issues.

24 Most recently the Teamers have been
25 fighting for workers' rights in the global food chain

2 and with the help of our international partners we
3 are making strides to ensure that workers are not
4 exploited and that the labor is used to our benefit.

5 In an article written by Danielle
6 Nierenberg in the *Huffington Post*, she cites:

7 The food system employs millions of
8 laborers around the world to pick, package,
9 transport, deliver, and cook our food every day. Of
10 the three billion workers in the world's labor force,
11 about 40% are employed in agriculture alone,
12 according to the International Labor Organization of
13 the United Nations (ILO).

14 And workers in the middle of the food
15 supply chains -- truckers, ranchers, packers, and
16 factor workers -- are often politically invisible,
17 facing difficult working conditions and low wages
18 across the globe, yet these workers' hands feed the
19 entire world every single day.

20 The Teamsters support Council Member
21 Miller and this resolution calling upon the State to
22 pass A.2486/S.5479 requiring every procurement
23 contract entered into by a state agency to contain a
24 statement from the contractor that no forced labor
25 was used. This resolution will ensure that any state

2 contract will not allow the use of forced or child
3 labor.

4 The Teamers want to be on record now and
5 when session begins again, as supporting this very
6 important legislation in Albany.

7 Thank you.

8 CHAIRPERSON MILLER: Thank you. You
9 don't mind if we ask you a couple of questions?

10 [background comments]

11 First, in waste transfer and **[inaudible]**;
12 how are people recruited there in the industry?
13 We've seen a transformation from what the traditional
14 or what the industry has looked like traditionally
15 and as to what it looks like now, a largely immigrant
16 population; how are employees or how are workers
17 recruited?

18 PLINIO CRUZ: The situation unfortunately
19 has radically and outrageously changed for the worse.
20 I will give you a simple example. Thirty years ago
21 one of my coworkers started working as a helper,
22 making \$16.40 an hour, with all the benefits --
23 pension, medical, severance -- nowadays you have
24 companies paying \$9.00 an hour; 30 years later paying
25 \$9.00 an hour without any benefits at all; that might

1 tell you more or less how the industry has changed.
2
3 And in my opinion, and without trying to offend
4 anybody, I think it's not accidental that the
5 majority of the force used to be Caucasian and today
6 is brown and black; it's mostly blacks and Hispanics,
7 and the same way that the demographics changed, that
8 is the same way that the conditions have changed for
9 the worse; in my opinion, it's not accidental.

10 CHAIRPERSON MILLER: Do you think that
11 these two pieces of legislation would be helpful in
12 reporting poor labor standards in this industry and
13 others?

14 PLINIO CRUZ: I believe so, Councilman.
15 Any legislation that takes in consideration improving
16 the conditions or protecting the conditions of the
17 minorities that work we support and we're gonna be
18 behind and we believe this legislation will help
19 greatly.

20 CHAIRPERSON MILLER: To your knowledge,
21 is there a mechanism of reporting poor standards,
22 industry standards currently or what could the City
23 do differently to support small businesses and/or to
24 affect oversight for those businesses that are not
25 good actors, as we would say in the business?

2 PLINIO CRUZ: I believe that... right now
3 we're working on trying to pass a law, Transform
4 Don't Trash, that has been instituted in other cities
5 -- the latest L.A. -- and it has been proven that
6 things have changed for the better. Small businesses
7 complain that they're being abused by the carters,
8 the owners of those garbage companies, specifically,
9 and the same thing happens with the working force,
10 the employees; we don't have anybody to go to. Those
11 local [sic] companies employ many undocumented
12 brothers, brothers that have had problems with the
13 law before and so on; sometimes brothers that also
14 have problems with alcohol and things like that and
15 those companies employ them because they're
16 vulnerable, they feel that they have no right and
17 that is very hard. We have institutions out there,
18 for lack of a better word, that perhaps they should
19 be looking into, but they don't have the manpower
20 most likely; we have the BIC, we have DOT that deal
21 with different issues, but I don't think they do
22 proper oversight because they don't have the
23 manpower.

24 CHAIRPERSON MILLER: So I think that it's
25 more to the first question about recruitment and it

1 sounds like in your interpretation that they have a
2 target audience in terms of who they're recruiting,
3 which is consistent with the lower industry
4 standards, the lower wages and all the other industry
5 standards; and particular, on the safety side..

6 [interpose]

7
8 PLINIO CRUZ: Correct and I apologize for
9 not addressing the last question, which I will
10 appreciate if you can repeat it again.

11 CHAIRPERSON MILLER: So no, no; I think
12 that you hit that as well, but you also mentioned..
13 you know I think you touched the fact that there was
14 a target, very vulnerable and targeted audience that
15 seems to be pervasive in the industry..

16 PLINIO CRUZ: Indeed.

17 CHAIRPERSON MILLER: and address that,
18 so. What has your organization done to raise the
19 awareness regarding the industry standards and forced
20 labor throughout your industry?

21 PLINIO CRUZ: Well we participate in many
22 rallies and we organize and actively out there
23 speaking to the working force; we're trying to reach
24 out to the authorities [sic]; we reach out to people
25 that support us, like in your case, which we

1 appreciate, because we believe that it is very
2 important that we raise awareness. Most people out
3 there go to sleep at night and I would like to point
4 out, for those that don't know, private sanitation
5 works at night; people go to sleep and they put the
6 garbage out and they have no idea what goes on; it is
7 a whole world, a disastrous world out there and we
8 want people to know what happens to the people that
9 pick up the garbage and all the dangers sometimes
10 that we expose because some companies care more about
11 saving money than the safety of the citizens and the
12 workers.
13

14 CHAIRPERSON MILLER: So there is impact
15 to all the illegal dumping and environmental issues
16 as well. I understand that there is, besides this
17 most recent report, that there was a report -- I
18 believe that was Niconts [sp?] -- that was put out
19 several months back that really was scathing on
20 industry standard safety...

21 PLINIO CRUZ: Safety.

22 CHAIRPERSON MILLER: and also
23 exploitation of wages as well... [interpose]

24 PLINIO CRUZ: Wage theft; that's rampant.
25

2 CHAIRPERSON MILLER: Okay. So
3 councilmen; you have anything? [background comments]
4 Okay, good. So do you have anything that you wanna
5 add?

6 PLINIO CRUZ: I just wanna thank you for
7 the opportunity and let you know that we support you
8 100%, and thanks for the work that you do for our
9 people.

10 CHAIRPERSON MILLER: Thank you so much
11 for coming out... [crosstalk]

12 PLINIO CRUZ: Thank you.

13 CHAIRPERSON MILLER: we really
14 appreciate... appreciate your support.

15 So we have no further testimony; I think
16 that the Senator's testimony will be read into the
17 record. But I do wanna say that we do recognize the
18 timeliness or the lack of timeliness of this
19 resolution, considering that Albany's work is done,
20 but certainly the intent of this resolution remains
21 relevant; we've done a hearing in the past year which
22 we passed a resolution, which had for the last I
23 believe 14 years, had gone forth in the State
24 Legislature and passed and not been able to be signed
25 into law, which would give farm workers the same

1 rights that other workers enjoy and it is a shame
2 that throughout the State of New York, all the way
3 from Upstate to Montauk, a really thriving industry
4 is thriving because of the exploitation of workers,
5 workers who don't have days off, who aren't entitled
6 to bathroom breaks, lunch breaks and all and if that
7 is not forced labor, then I don't know what it is; I
8 think that we as the great State of New York, great
9 City of New York and this great country have gone far
10 beyond that and to see these types of conditions
11 exist today is an abomination and it certainly needs
12 to be kept in the forefront, so while this is
13 untimely, we will continue to be that voice and get
14 this out, because workers should be treated with the
15 dignity and respect that they deserve, whether it's
16 being compensated accordingly, and certainly they
17 should not be put into unsafe conditions, as some of
18 the industry, which was just described is something
19 that -- which was mentioned in the recent reports as
20 well -- deaths, loss of limbs -- and certainly there
21 has been no accountability, we wanna make sure that
22 we continue to have this information, bring light to
23 it, bring it to the forefront and just stand up for
24 workers wherever we can. So with that, I thank
25

1 everyone for coming out and this hearing is
2 adjourned. I'm sorry; before we adjourn, I did not
3 acknowledge, and how could I not, my committee member
4 and colleague, Mr. Robert Cornegy from the borough of
5 Brooklyn. [background comments]

6 [gavel]

7 [background comments]

8 [pause]

9 CHAIRPERSON MILLER: So... yep and just
10 wanna say that we have been joined by Council Member
11 Dromm of the great borough of Queens. [background
12 comments] And with that; call this meeting
13 adjourned.
14

15 [gavel]

16 [background comments]

17 [pause]

18 CHAIRPERSON MILLER: We've been joined by
19 Council Member Crowley from the great borough of
20 Queens. And with that; we are adjourned.

21 [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 July 11, 2016