

# IN CALIFORNIA Garment

# WORKERS HAVE RIGHTS

**Y**our rights as a garment worker are enforced and protected by the California Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE). DLSE investigates and resolves complaints about discrimination, wages, child labor, hours of work and working conditions. You are protected under

Industrial Welfare Commission wage order 1-2001.

Whether you are a documented or undocumented worker in California, you have rights protected by state laws that guarantee payment of wages for work performed. It is the policy of the California Department of Industrial Relations not to question your immigration status.

Here are some rights that protect your working conditions:



**1** **The right to be paid the minimum wage**  
You are to be paid no less than minimum wage of \$9.00 per hour, whether the pay is measured by time, piece rate, commission or other method of calculation. With few exceptions, all wages earned are due and payable at a minimum of twice during each calendar month on your regular payday. You cannot be required to sign a statement giving up your rights to minimum wage or overtime pay and even if you do sign, your employer is still obligated by law to pay you.

**2** **The right to a net 10-minute rest period**  
You must be permitted to take a net 10-minute rest period for every four hours worked or major fraction thereof which to the extent possible shall be in the middle of each work period. If your employer does not provide you a rest period, your employer must pay you one additional hour of pay at your regular rate of pay for each workday the rest period is not allowed.

**3** **The right to a meal period**  
You are entitled to a meal period of at least 30 minutes if you work more than five hours. You must be relieved of all work duty during your meal period. Each workday you are not provided a meal period, or you perform work during your meal period, your employer must pay you one additional hour of pay at your regular rate of pay. You have the right to a clean meal and rest area.

**4** **The right to file a workers' compensation claim if you are injured on the job**  
If you are injured on the job, your employer must provide you with medical care. Depending on the extent of your injury you may have the right to medical treatment, rehabilitation and job training at no cost to you. For fact sheets, information and assistance in filing a workers' compensation claim, contact the Division of Workers' Compensation at **1-800-736-7401** or **www.dir.ca.gov**. You have the right to process your workers' compensation claim and are protected from termination.

**5** **The right to be provided tools and supplies necessary to do your work**  
Tools and supplies should be provided and maintained by your employer at no cost to you. As a garment worker your employer must provide you with safety equipment, proper ventilation, drinking water and restroom facilities. You have the right to receive regular workplace health and safety training.

**6** **The right to a pay stub or wage statement every time you are paid your wages**  
Whether you are paid by check, in cash or otherwise, you must receive a pay stub or a wage statement showing among other things: your employer's name, address and telephone number; your name; either your employee ID number or the last 4 digits of your social security number; gross wages earned; all deductions; and the dates for the period you are being paid. The name(s) of any manufacturer(s) for whom your employer performed any garment manufacturing operations at the location where you were employed during the pay period covered by the itemized wage statements must also be included. If you are paid by piece rate, the wage statement must show the number of piece rate units earned and the piece rate per unit. You have the right to a regularly scheduled payday and your employer must post a notice at your workplace specifying the regular paydays and the time and place of payment. Your employer must comply with the established payday and pay you at least twice each month.

**7** **The right to be paid overtime even if you are paid by piece rate**  
If you are paid by piece rate either of the following methods may be used to determine the regular rate of pay for purposes of computing overtime: **(a)** The piece rate is used as the regular rate and you are paid one-and-one-half this rate for production during the first four overtime hours in a workday and double time for all hours worked beyond 12 in a workday or

Continued on reverse



(b) Divide your total earnings for the workweek, including earnings during overtime hours, by the total hours worked during the workweek, including the overtime hours. Each overtime hour worked you are entitled to an additional one-half the regular rate for hours requiring time-and-one half and to the full rate for hours requiring double time.

**8 The right to be paid all wages by your employer the same day you are terminated or within 72 hours of a voluntary quit**

If you are terminated, your employer must pay you all wages due immediately. If you voluntarily quit without giving 72 hours prior notice, your employer must pay you within 72 hours. If your employer fails to pay you, they may be penalized and required to pay you the equivalent of one-day's wages for each day delayed in paying your wages (up to a maximum of 30 days).

**9 The right to file a wage claim, a discrimination complaint or speak to the California labor commissioner regardless of your immigration status and without retaliation from your employer**

You have the right (free from retaliation) to process your wage claim, attend hearings to recover unpaid wages and investigate retaliation complaints. You may discuss labor issues with the DLSE and/or your employer under protection of the law and your employer may not discharge, demote, suspend or discipline you in any manner for this reason. You may file a complaint with the labor commissioner for reinstatement, full back pay, and any other appropriate remedy if you feel you were discharged because you engaged in such activity.

**Wage claim tips:**

**Keep your own time records.** Write down every day the time you begin work, when you end work, the time you take meal and rest breaks and the total hours you work. Write down your piece rate, or if you are paid by the hour, record your hourly rate.

**Keep records of the labels you sew.** Manufacturers, whose labels you sew, are responsible for a portion of your minimum wage and overtime if the contractor (factory owner) does not pay you your wages. Write down the names of the labels you sew and keep examples of the labels and size tickets. This will help if you need to claim unpaid wages. Also, write down the name and address of each factory you work in and the names of any owners and managers.



photos by Robert Gumbert

Contact the California Division of Labor Standards Enforcement (DLSE) district offices for labor law information, assistance and to obtain a claim form to file a complaint:

- Bakersfield** (661) 587-3060  
7718 Meany Avenue, 93308
- El Centro** (760) 353-0607  
1550 West Main Street, 92243
- Fresno** (559) 244-5340  
770 East Shaw Avenue, Suite 222, 93710
- Long Beach** (562) 590-5048  
300 Oceangate, Suite 302, 90802
- Los Angeles** (213) 620-6330  
320 West 4th Street, Suite 450, 90013
- Oakland** (510) 622-3273  
1515 Clay Street, Suite 801, 94612
- Redding** (530) 225-2655  
250 Hemsted Drive, 2nd Floor, Suite A, 96002
- Sacramento** (916) 263-1811  
2031 Howe Avenue, Suite 100, 95825
- Salinas** (831) 443-3041  
1870 North Main Street, Suite 150, 93906
- San Bernardino** (909) 383-4334  
464 West Fourth Street, Room 348, 92401
- San Diego** (619) 220-5451  
7575 Metropolitan Drive, Suite 210, 92108
- San Francisco** (415) 703-5300  
455 Golden Gate Avenue, 8th floor, 94102
- San Jose** (408) 277-1266  
100 Paseo de San Antonio, Room 120, 95113
- Santa Ana** (714) 558-4910  
02 MacArthur Place, Ste. 800, 92707
- Santa Barbara** (805) 568-1222  
411 East Canon Perdido Street, Room 3, 93101
- Santa Rosa** (707) 576-2362  
50 "D" Street, Suite 360, 95404
- Stockton** (209) 948-7770  
31 East Channel Street, Room 317, 95202
- Van Nuys** (818) 901-5315  
6150 Van Nuys Blvd., Room 206, 91401

- Cal/OSHA**  
1-800-963-9424
- Cal/OSHA local offices:**
- Northern California**  
(916) 263-0704
- San Diego**  
(619) 767-2060
- Los Angeles**  
(562) 944-9366
- San Francisco Bay Area**  
(510) 622-2891

**Minimum wage:**  
1-888-275-9243 (ASK-WAGE)

The simplified information contained in this flyer is provided to you from the California laws and regulations concerning wages, hours and working conditions; they are not legal interpretations of the California labor code, administrative code or the Industrial Welfare Commission wage orders. California labor laws can be found by contacting the Division of Labor Standards Enforcement (DLSE) offices or by visiting the Web sites: