



Commission on Labor

ACTION CALENDAR

June 13, 2006

To: Honorable Mayor and
Members of the City Council

From: Commission on Labor

Submitted by: Nicholas Smith, Commission Chair, Commission on Labor

Subject: Budget Referral: Sweat-free Berkeley Ordinance

RECOMMENDATION

Refer to the budget process an amount up to \$60,000 for FY07 to ensure that any Sweat-free procurement measures undertaken by the City include funding for compliance and enforcement of those measures.

FISCAL IMPACTS OF RECOMMENDATION

The Commission is referring up to \$60,000 in FY07 to the budget process, acknowledging that this amount may decrease or increase depending on the specifics of the ordinance, which will take time to develop. The funds may be used for a subcontract with an independent monitor, which specializes in monitoring the compliance of contractors. The purpose of such an arrangement is to receive complaints and provide monitoring, inspections, investigation and remediation services at facilities producing goods or providing services for the City of Berkeley. Funding may also be used for City staff time to provide enforcement support, however, further research is needed to determine the amount of staff time required.

CURRENT SITUATION AND ITS EFFECTS

On April 18, 2006, the City Council of Berkeley referred to the Labor, Peace and Justice and Public Works Commission (*with the Commission on Labor as the lead*) for feedback, the development of a Sweatfree Berkeley Ordinance. The Peace and Justice Commission, at its' April 3, 2006 meeting, M/S/C (Bohn, sorgen) unanimously voted to adopt a resolution advising the Commission on Labor, of the Peace and Justice Commission's desire to review, and ideally, to recommend adoption of a proposed ordinance that includes 1) a sweat-free code of conduct, 2) adequate city resources for enforcement and independent monitoring, 3) a declaration that the City of Berkeley desires to form or join a multi-city sweat-free consortium to pool resources and increase effectiveness, 4) establishment of a community advisory committee made up of workers advocates, and 5) preference for locally produced organic and Fair Trade certified goods. As of this writing, the Public Works Commission has not provided feedback to the Commission on Labor.

At the May 17th regular meeting of the Commission on Labor, the Commission heard testimony from 16 members of the public, in support of a Sweatfree Ordinance for Berkeley. Additionally,

Commissioners reviewed the San Francisco Ordinance in addition to a draft ordinance provided by the Sweatfree Berkeley Coalition. Staff from the City of Berkeley's Finance Department was also present to answer questions regarding potential impacts on the City's procurement activities. After a lengthy discussion, Commissioners acknowledged that in order to develop a Sweatfree Ordinance for Berkeley that was both practical and enforceable, further research would be required. It was M/S/C (Kilday-Hicks; Hicks-Kilday) to 1) refer to the budget process up to \$60,000 for costs associated with monitoring and compliance, and 2) form a Sweatfree Ordinance subcommittee (*comprised of Commissioners Smith, Tregub, Kilday-Hicks and Gilbert*).

BACKGROUND

At the Commission on Labor's March 15, 2006 meeting, Commissioners held the first discussion on anti-sweatshop procurement measures being undertaken by other jurisdictions. Cities and states with Sweatfree campaigns in progress include Denver, Portland (Oregon), Detroit, Connecticut and Massachusetts. In San Francisco, sweat-free legislation was introduced, subsequently passing in September 2005. Led by Global Exchange, a San Francisco-based human rights organization, the grassroots coalition then moved their efforts to Berkeley. The Commission has added, as a new initiative, anti-sweatshop procurement measures to its Annual Workplan for 2007.

RATIONALE FOR RECOMMENDATION

A Sweatfree Ordinance will achieve the desired results only if an effective monitoring and compliance mechanism is in place.

ALTERNATIVE ACTIONS CONSIDERED

No other actions were considered since it is agreed that adequate resources must be allocated for an effective ordinance.

CITY MANAGER

Please see companion report from the City Manager.

CONTACT PERSON

Delfina Geiken, Secretary, Commission on Labor, 981-7551