

7376

2009-2010 Regular Sessions

I N A S S E M B L Y

April 1, 2009

Introduced by M. of A. P. RIVERA, CHRISTENSEN, BARRON, GREENE, LANCMAN, McENENY, WALKER, MAYERSOHN -- Multi-Sponsored by -- M. of A. ARROYO, CASTRO, COLTON, DIAZ, ENGLEBRIGHT, ESPAILLAT, JOHN, P. LOPEZ, V. LOPEZ, MENG, MILLMAN, ORTIZ, PERALTA, POWELL, RAMOS, J. RIVERA, N. RIVERA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a sweat-free code of conduct for apparel licensed by the colleges and universities of the state university

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "ethical business conduct in higher education act".
3 S 2. Legislative intent. The legislature hereby finds that the state
4 university of New York has not responded to decades old requests that
5 its campuses disaffiliate their business relationships with sweatshops
6 in the production and licensing of campus apparel. It is now clear that
7 voluntary action by each campus is no longer an option and that the time
8 has come to require a system-wide set of rules and regulations be put in
9 place by the chancellor and board of trustees of the state.
10 For years, lawmakers, religious and labor groups have criticized state
11 university campus' affiliations with apparel manufacturers who are
12 indifferent to the fact that workers making university apparel face
13 abusive treatment, excessive working hours, dangerous conditions and
14 wages that are inadequate to meet basic needs.
15 There continues to be a strong demand that all state university
16 campuses diligently adopt sweat-free standards in the purchase of
17 athletic apparel and in the licensing of campus merchandise. Advocates
18 on behalf of working people deplore the repression and exploitation of
19 apparel workers in Latin America and elsewhere in the world. The univer-
20 sities and colleges of the state university of New York should be a

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD10064-02-9

1 model for ethical business conduct, both for their students and the
2 broader public. It is past time for the state university system adminis-
3 tration and all its campuses to affiliate with the sweat-free and worker
4 rights work of the Worker Rights Consortium and the Designated Supplier
5 Program and end their business relationships that are de facto support
6 for sweatshop conditions.

7 Presently 60 of the 64 state university campuses continue to use
8 sweatshops to manufacture their campus apparel. They have not taken the
9 example or lead of the universities at Albany and Buffalo, and the
10 colleges at New Paltz and Cortland which have stopped their use of
11 sweatshops and affiliated with the Workers Rights Consortium to ensure
12 sweat-free manufacturing.

13 It is obvious that where there has been strong leadership and commit-
14 ment to protecting worker rights this issue has been resolved. However,
15 we cannot wait indefinitely for the other 60 campuses to engage in
16 ethical business behavior that demonstrates our national respect for
17 human rights, worker rights and anti-child labor rights.

18 It is well understood by organized labor, religious organizations and
19 social justice groups that the apparel industry continues to operate
20 under a paradigm of cost-cutting without respect to human consequence,
21 the tragic results of which are the sweatshop conditions that plague the
22 supply chains of university licensed apparel. All state university
23 campuses that have not already done so must adopt sweat-free codes of
24 conduct to which apparel manufacturers producing university apparel must
25 adhere.

26 It is the findings of the legislature that in order to comprehensively
27 remedy this situation it must be required that the state university
28 administration put in place strict policies for all its campuses with
29 regard to how their apparel is manufactured. It is unacceptable that
30 after all the years of calls to end such practices, campus administra-
31 tors continue to ignore the violations of human rights that take place
32 in order for their campus apparel to be manufactured and sold.

33 S 3. The education law is amended by adding a new section 361 to read
34 as follows:

35 S 361. SWEAT-FREE CODE OF CONDUCT. 1. THE CHANCELLOR OF THE STATE
36 UNIVERSITY SHALL, ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOUSAND TEN,
37 DEVELOP AND DRAFT A SWEAT-FREE CODE OF CONDUCT FOR THE PURCHASE AND
38 LICENSING OF APPAREL BY STATE-OPERATED INSTITUTIONS. SUCH CODE SHALL
39 REQUIRE EACH STATE-OPERATED INSTITUTION TO AFFILIATE WITH THE WORKER
40 RIGHTS CONSORTIUM AND THE DESIGNATED SUPPLIER PROGRAM FOR THE PURPOSE OF
41 EFFECTIVELY ENFORCING THE PROVISIONS OF SUCH CODE.

42 2. SUCH CHANCELLOR SHALL, ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOU-
43 SAND TEN, SUBMIT TO THE STATE UNIVERSITY TRUSTEES THE CODE OF CONDUCT
44 DEVELOPED AND DRAFTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION. SUCH
45 CODE OF CONDUCT SHALL BE ADOPTED BY THE STATE UNIVERSITY TRUSTEES ON OR
46 BEFORE MARCH THIRTIETH, TWO THOUSAND TEN, AS RULES AND REGULATIONS
47 APPLICABLE TO ALL STATE-OPERATED INSTITUTIONS. SUCH RULES AND REGU-
48 LATIONS SHALL INCLUDE PROVISIONS FOR THE ENFORCEMENT THEREOF TO ENSURE
49 FULL COMPLIANCE THEREWITH.

50 3. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TEN, THE CHANCELLOR OF
51 THE STATE UNIVERSITY SHALL SUBMIT A PRELIMINARY REPORT TO THE GOVERNOR
52 AND THE LEGISLATURE WHICH SHALL INCLUDE A LIST OF THE STATE-OPERATED
53 INSTITUTIONS WHICH NO LONGER AFFILIATE WITH APPAREL MANUFACTURERS THAT
54 USE SWEATSHOPS AND WHEN A LEGAL PURCHASE AGREEMENT, WITH A STATE-OPERAT-
55 ED INSTITUTION WHICH PREVENTS COMPLIANCE WITH THE CODE OF CONDUCT, WILL
56 EXPIRE. SUCH PRELIMINARY REPORT SHALL INCLUDE A LIST OF EACH STATE-OPER-

1 ATED INSTITUTION THAT HAS AFFILIATED WITH THE WORKER RIGHTS CONSORTIUM
2 AND THE DESIGNATED SUPPLIER PROGRAM.

3 4. THE CHANCELLOR OF THE STATE UNIVERSITY SHALL, ON OR BEFORE JANUARY
4 THIRTY-FIRST, TWO THOUSAND ELEVEN, SUBMIT A FINAL REPORT TO THE GOVERNOR
5 AND THE LEGISLATURE WHICH SHALL INCLUDE A LIST OF THE STATE-OPERATED
6 INSTITUTIONS WHICH NO LONGER AFFILIATE WITH APPAREL MANUFACTURERS THAT
7 USE SWEATSHOPS, A LIST OF EACH STATE-OPERATED INSTITUTION THAT HAS
8 AFFILIATED WITH THE WORKER RIGHTS CONSORTIUM AND THE DESIGNATED SUPPLIER
9 PROGRAM, AND WHEN A LEGAL PURCHASE AGREEMENT, WITH A STATE-OPERATED
10 INSTITUTION PREVENTS COMPLIANCE WITH THE CODE OF CONDUCT, WILL EXPIRE.

11 5. THE CHIEF EXECUTIVE OFFICER OF EACH STATE-OPERATED INSTITUTION
12 WHICH HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT OR AFFILIATE WITH
13 THE WORKER RIGHTS CONSORTIUM AND THE DESIGNATED SUPPLIER PROGRAM ON OR
14 BEFORE MARCH FIRST, TWO THOUSAND ELEVEN, SHALL SUBMIT, BY FIRST CLASS
15 MAIL, TO THE GOVERNOR, EACH MEMBER OF THE LEGISLATURE AND EACH MEMBER OF
16 THE STATE UNIVERSITY TRUSTEES A DETAILED EXPLANATION OF THE DELAY IN
17 COMPLIANCE AND/OR AFFILIATION, AND WHEN FULL COMPLIANCE AND/OR AFFIL-
18 IATION WILL BE COMPLETED.

19 6. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND ELEVEN, THE STATE
20 UNIVERSITY TRUSTEES SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON
21 THE ACTIONS THAT HAVE BEEN TAKEN TO ENFORCE COMPLIANCE WITH THE
22 PROVISIONS OF THE CODE OF CONDUCT.

23 S 4. This act shall take effect immediately.