



CLEAN CARWASH CAMPAIGN

LOS ANGELES



C.L.E.A.N. CAR WASH CAMPAIGN: A HYBRID

Community Labor Environmental Action Network is a coalition that supports car wash workers in their fight to transform the car wash industry and their lives



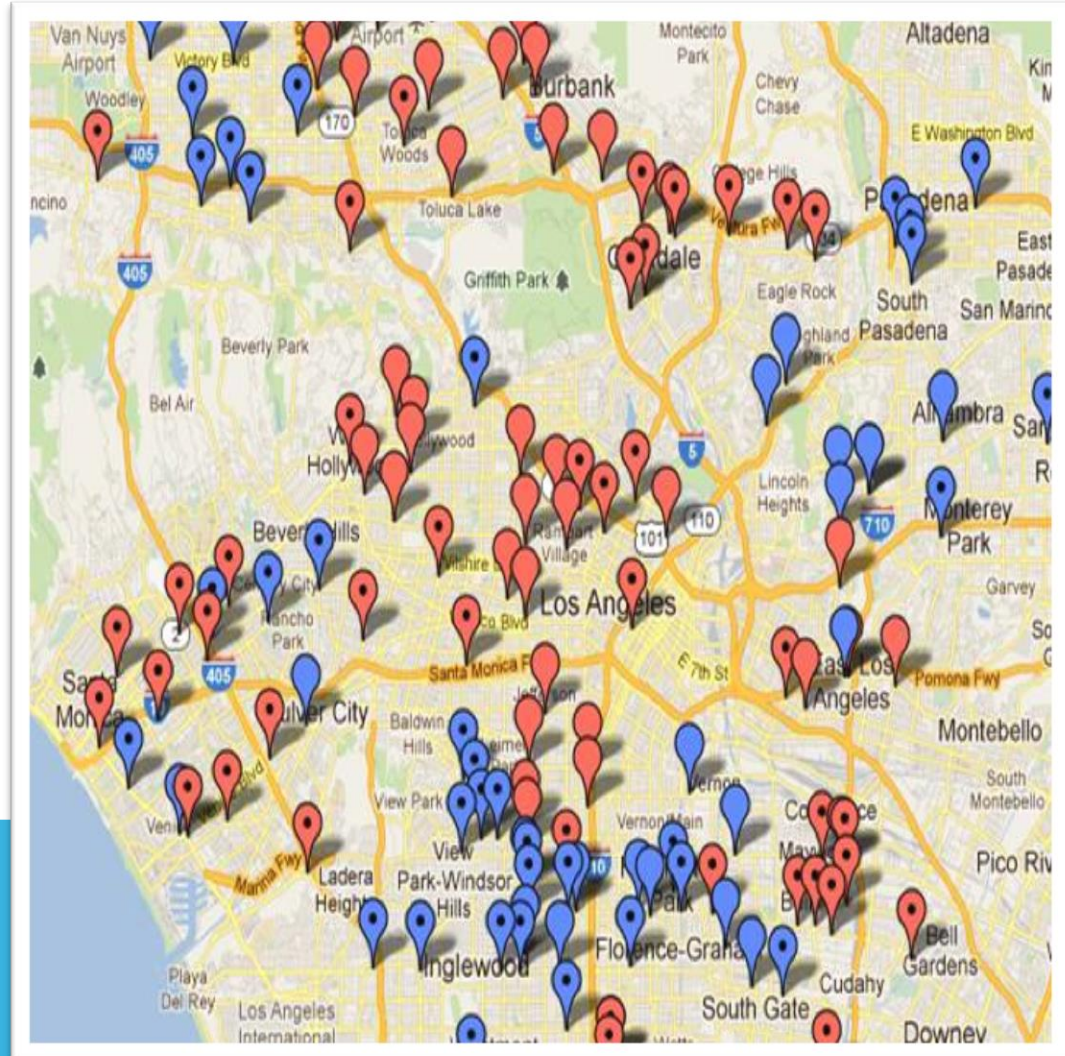
- Began in 2007
- Community component is unique
- First Union Contract in 2011
- After 9 years, 38 union car washes
- Car Wash Worker Center est. in 2013
- Legal Clinics – W&H, Immigration, etc.
- Professional Development
- Mobile Clinics



THE CAR WASH INDUSTRY

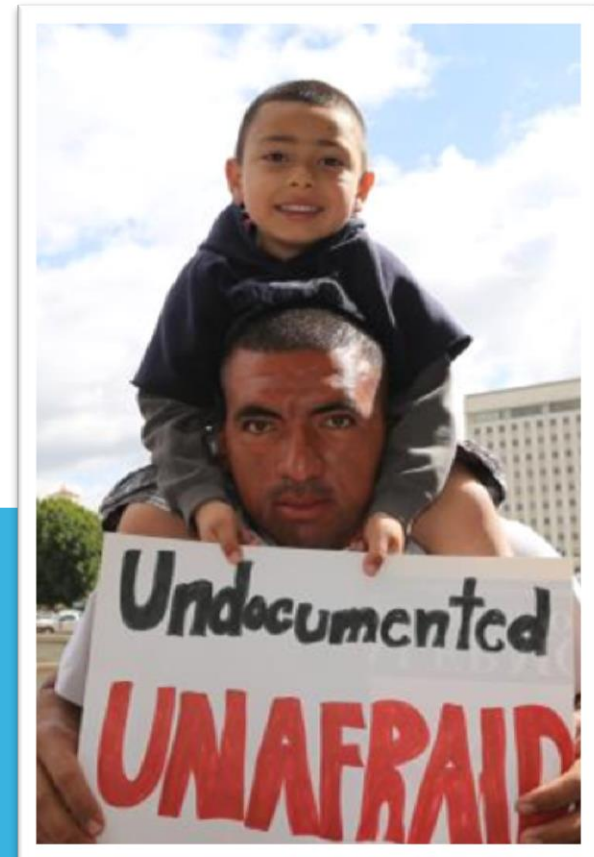
There are:

- 500+ carwashes in Los Angeles County
- Between 1 and 40 employees per car wash location
- Small business, single owner
- Employers are typically immigrants



DEMOGRAPHICS OF INDUSTRY

- Between 7,000 and 10,000 workers
- Workforce is largely monolingual immigrant, majority are undocumented
- 90% Latino Male, 5% Armenian Male, 2% Black male, 2% Latina



CARWASH WORKER LAW

Registration

- All Carwash business in California must register with the State every year
- Cannot operate without license from DLSE (*What is the practice after they are cited?*)



Surety Bond

- Functions like an insurance policy with a required coverage of \$150,000.00 (2013)
- *Bond Exemption: If employer has union contract, they do not need to post a bond. (2013)*

Worker Restitution Fund

- A resource for workers who cannot collect owed wages from employer or surety bond.

Successorship Clause

- Makes owners responsible for owed wages of previous carwash employer

COMMON INDUSTRY W & H VIOLATIONS

- TIPS ONLY : Workers work for tips only no wages for all or some hours of the workday
- DAILY RATES (min wage and overtime violations): \$35- \$80/day for an 9-10 hour workday, \$3.50 to \$8 per hour
- PIECE RATES: Workers paid for amount of cars they wash each day (Ex. \$4/\$5 per car)
- REST BREAKS: Employees typically are not allowed to take rest breaks
- MEAL BREAKS: No meal breaks given at times, interrupted meal breaks, meal breaks given past 5th hour, or workers asked to take two to three hour “lunch breaks”



COMMON INDUSTRY W & H VIOLATIONS CONT.

- **CLOCKING OUT AND CONTINUING WORK-** workers are commonly asked/expected to work past the time they clock out
- **RETALIATION:** Workers are commonly retaliated against if they bring up an issue regarding W & H issues at work
- **TIP POOLING:** Management often demands that workers share tips with them
- **UNLAWFUL DEDUCTIONS:** workers received deductions from paycheck for accidents that occur, materials, uniforms



OTHER WORKER ISSUES

HEALTH AND SAFETY:

- Exposure to abrasive chemicals and lack of protective equipment
- Workplace injuries are common (Falls, Chemical burns, lung damage)
- Physical abuse by management

DISCRIMINATION:

- Black workers and female workers are commonly discriminated in hiring
- Workers commonly discriminated because of sexual orientation

SEXUAL HARASSMENT:

- Female workers commonly face this at car washes

RESPECT:

- Verbal abuse
- Pressure to work quickly

IMMIGRATION THREATS

- Workers are commonly threatened with I.C.E./ Immigration by employers when speaking up against workplace issues.

WAITING TO WORK OR TIME WORKED ????

Car wash workers are commonly asked to arrive to work at a specific time and are not allowed to clock in when they arrive.

Based on our expertise we argue that the time workers are waiting to work is indeed TIME WORKED because of the following:

- Workers are typically retaliated against if they do not arrive at the time they are told as opposed to the time they are typically clocked in.
- Workers are typically not allowed to leave (to get food, run an errand) during this time, essentially this is not their free time they are on work time and under the control of the employer during this time.



THINKING ABOUT TIME WORKED

Split up into groups of three and answer the following for both scenarios:

How would you as agents approach the investigation at the following car washes ?

What are some violations you identify?

What are some questions you have for workers (come up with at least 5)?

- BONITOS CAR WASH
- ROCKY'S HAND CAR WASH



QUESTIONS TO CLARIFY TIME WORKED

What questions did you and your teammate come up with to ask the worker/s?

- *What time does the employer ask you to arrive?*
- *What time are you expected to arrive?*
- *If you do not arrive at that time what happens?*
- *Can you leave after you arrive if you are not clocked in immediately? What happens if you do leave? Will you be allowed to work later ?*
- *Do you receive pay starting at the time you arrive?*
- *Have you ever been told to come in early to prepare materials for work? Are you paid for that time ?*

What time do you clock out? Do you continue working after you clock out?

TIPS TO HELP YOUR INVESTIGATION

REASSURING WORKERS:

- Reassure them that their testimony is important in building the case and they have an opportunity to change their workplace.
- Educate them about the process investigation process
- Follow up with them!

OFFSITE INTERVIEWS: Do not attempt to ask workers questions at the car wash location especially in front of management or other workers.

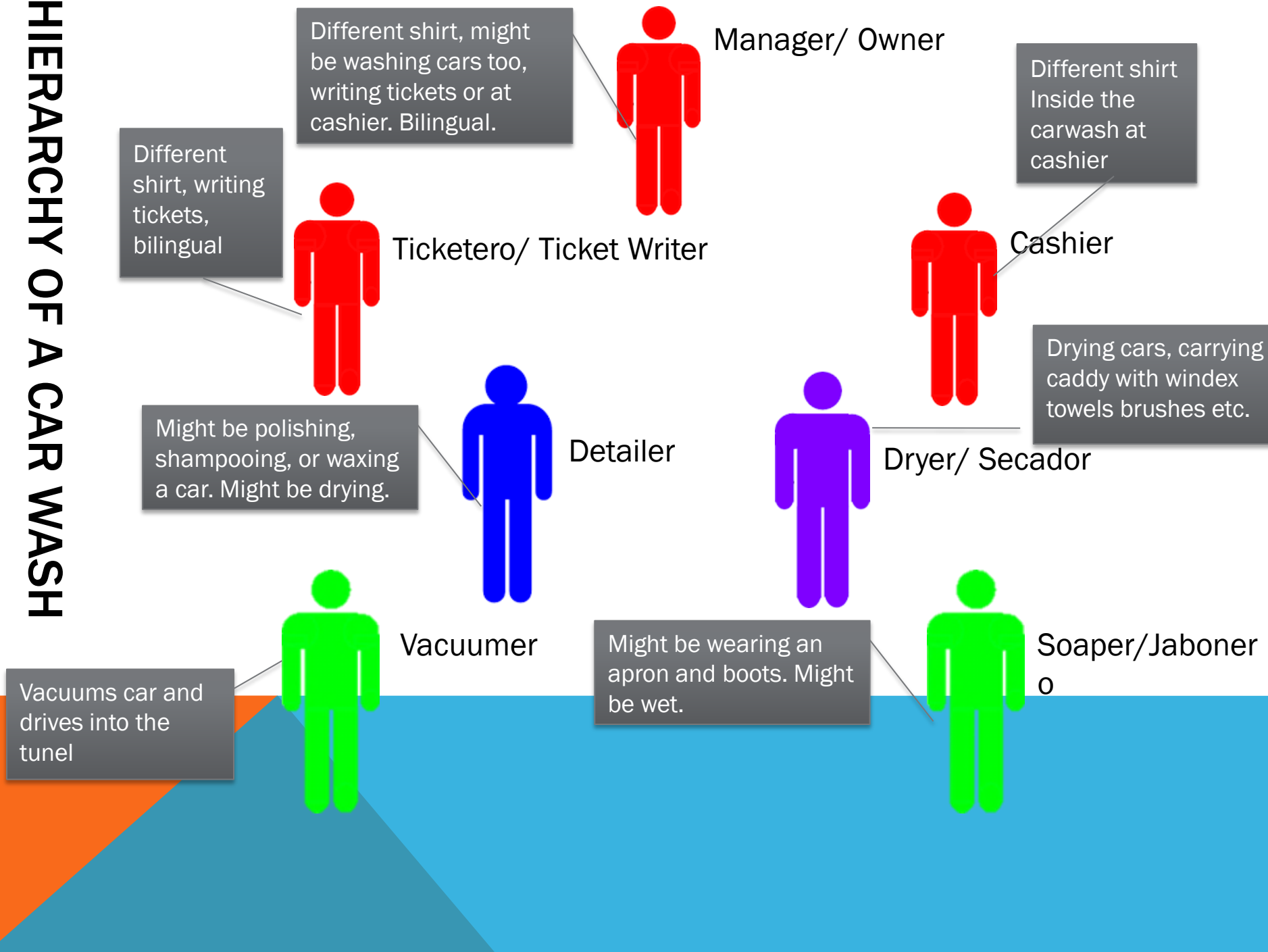
SURVEILLANCE: Survey the car wash and its operations before coming in.

EMPLOYER COACHING: Be aware employers almost always prep workers as to what they should say to investigators. Do not rely on employer to provide witnesses

PICKING FAVORITES: Do not rely on the story of 1 worker pick a few different workers to piece the story together.

CALL US: We are more than happy to help answer any car wash related question!

HIERARCHY OF A CAR WASH



HELPING WORKERS COLLECT STOLEN WAGES:

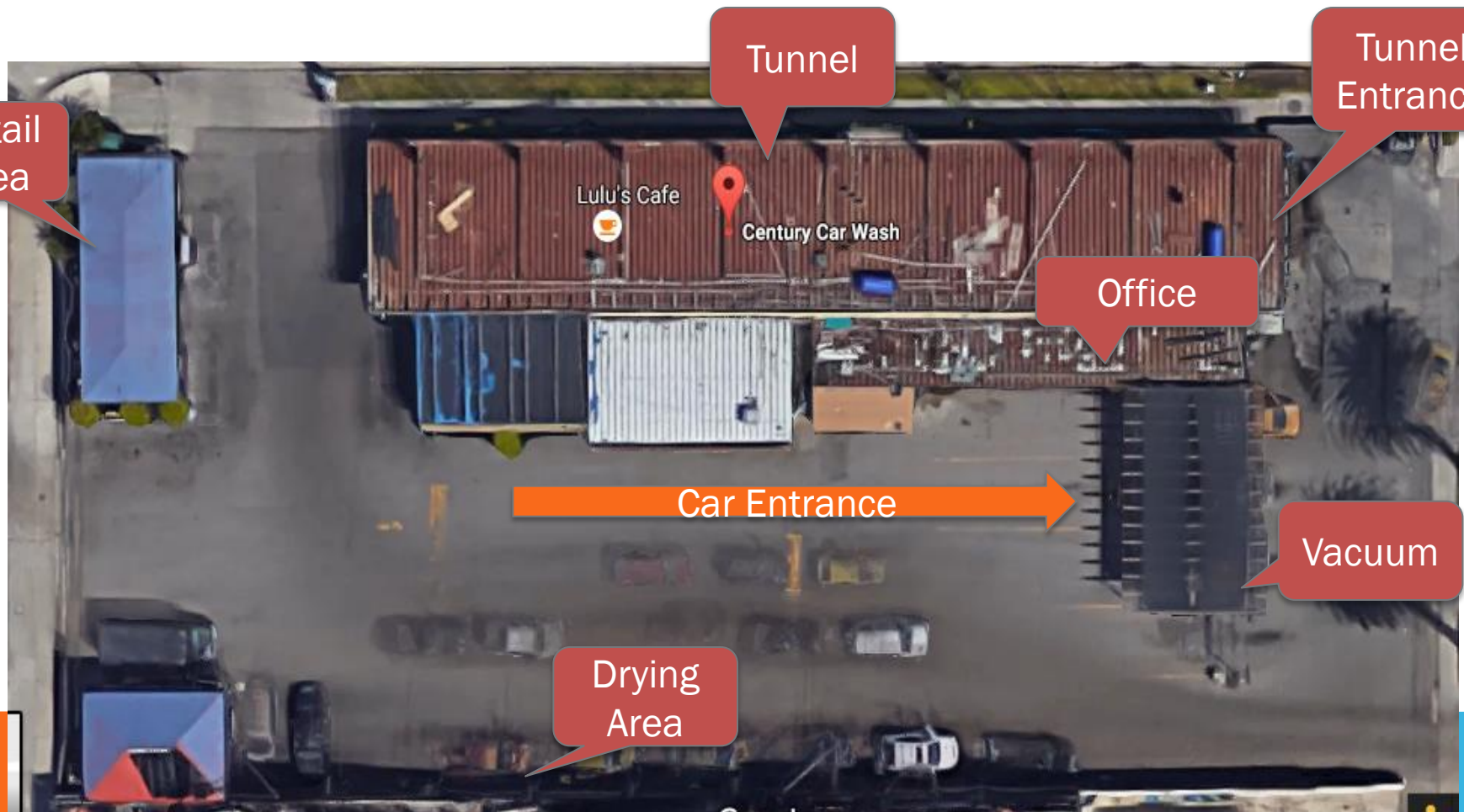
PROBLEM:

- Car wash businesses often use shell corporations to operate their car wash and to evade liability.
- Corporation are often acting as an alter ego of an individual
- Workers often have difficulty collecting wages for this and other reasons

WHAT YOU FIND OUT CAN HELP WORKERS LATER:

- Is corporation adhering to formalities laid out under the law?
 - (Ex. Request minutes for board meetings)
- Bank records show what the employer is using the business' money for (Are they treating the business like a personal ATM?)
- Secretary of State access to articles of incorporation

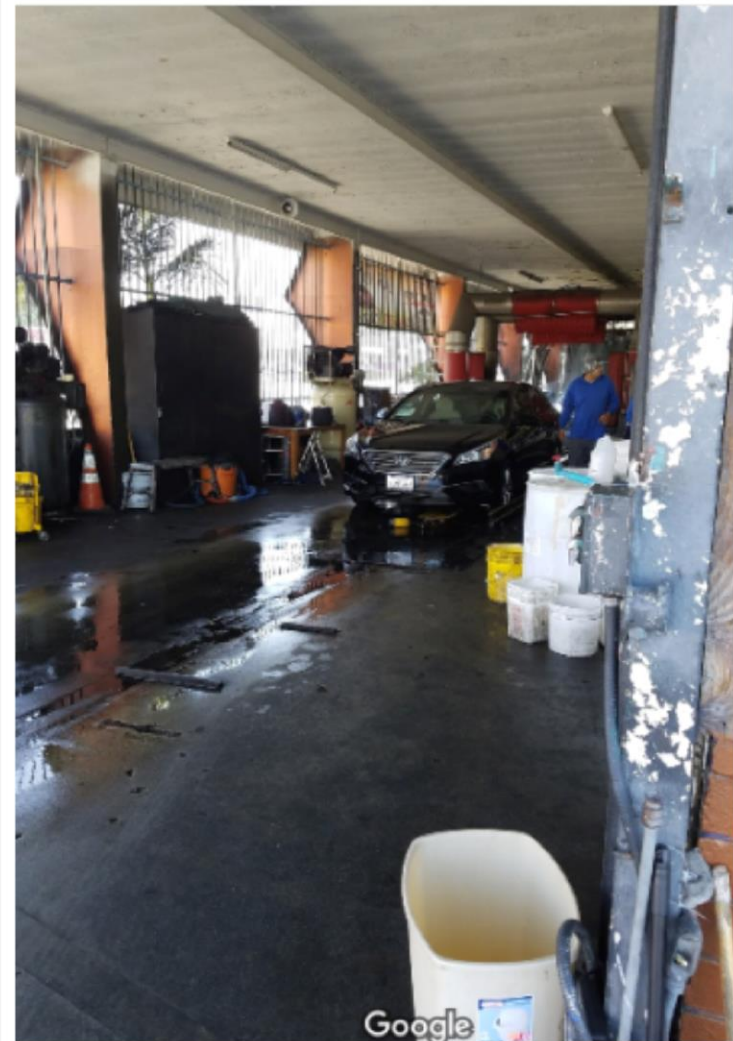
MAPPING A CAR WASH: CENTURY CAR WASH



MAPPING CONT.



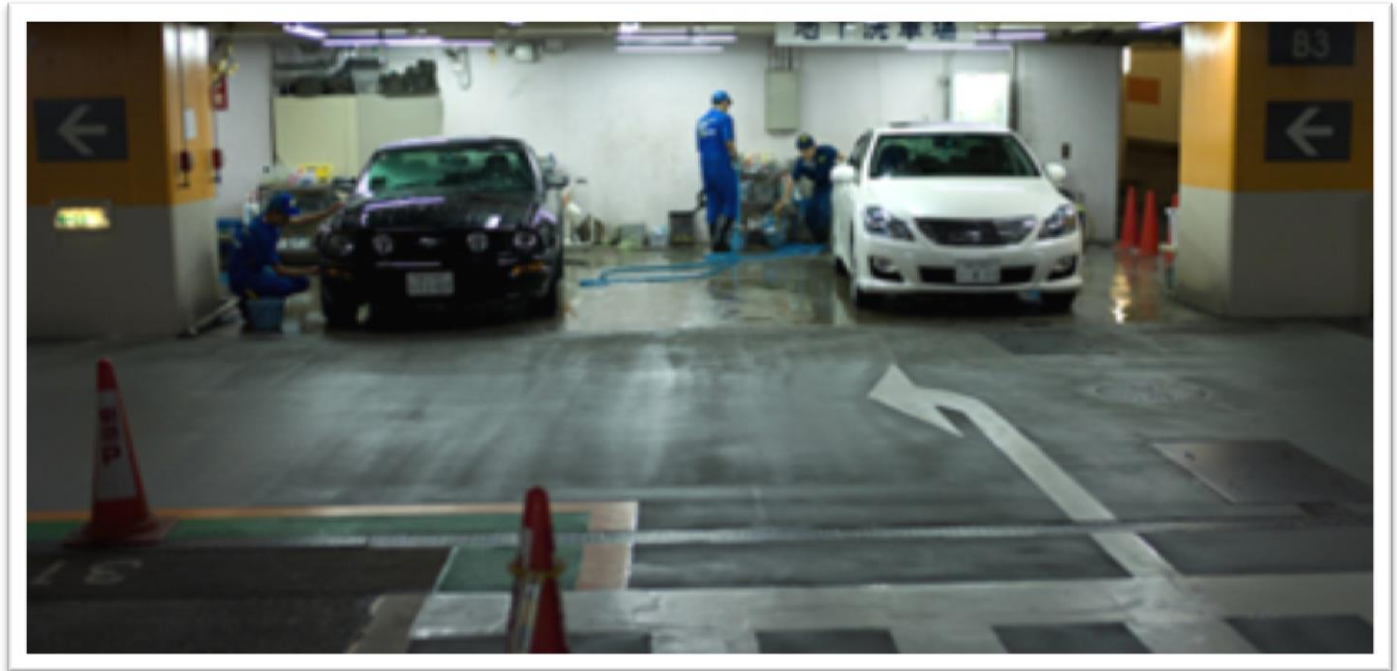
MAPPING CONT.



MAPPING CONT. : MELROSE STRIP AUTO DETAILING



NEW TRENDS IN INDUSTRY: PARKING GARAGE AND MOBILE WASHES



NEW TRENDS: FALSE PARTNERSHIPS

Partners wash cars = No need to register



QUESTIONS for Probing False Partnerships:

- Do you receive a regular paycheck?
- Does your paycheck increase/decrease based on how much work comes into the carwash?
- How much did you invest in the car wash initially?
- What percentage of the company do you own ?
- Do you have a copy of the partnership agreement?

EVALUATION OF TRAINING

Please fill out our evaluation sheet

THANK YOU for JOINING US HERE AT CLEAN !!

