





May 29, 2025

Via Hand Delivery

Hon. Christina Stephenson Commissioner of Labor and Industries of Oregon 800 NE Oregon Street, Ste 1045 Portland, OR 97232

RE: COMPLAINT TO THE OREGON BUREAU OF LABOR AND INDUSTRIES: WAGE AND EMPLOYMENT VIOLATIONS IN THE GLOBAL SUPPLY CHAIN OF NIKE INC.

Dear Hon. Christina Stephenson:

Global Labor Justice, Asia Floor Wage Alliance, and Portland Jobs with Justice submit this complaint to the Oregon Bureau of Labor and Industries exposing an egregious pattern of wage and employment violations on the supply chain of Oregon-based corporation Nike, Inc., located at One Bowerman Drive Beaverton, OR 97005.

Pursuant to the authority of the Commissioner of Labor under Oregon Civil Code Chapter 651, Title 51, Chapters 651.050 and 651.060, we urge the Commissioner of Labor to take action in the public interest of Oregon residents to:

 Investigate and facilitate the payment of unpaid wages and penalties due to workers on Nike's supply chain in Asia, including but not limited to wage theft that occurred during COVID-19 as detailed in the *Money Heist* Report.

Submitters attest that no other civil action has been commenced in state or federal court alleging the same matters.

I. Background

Nike, Inc. headquartered in Beaverton, Oregon,¹ is the second largest fashion company in the world² and the largest seller of athletic footwear and apparel in the world.³ Nike relies on a large global supply chain of suppliers and subcontractors to produce its apparel and sneakers, using 535 finished goods factories that employ nearly 1.2 million workers, according to its online manufacturing map.⁴ As of 2023, Nike has 15 times more garment workers making Nike products via its supply chain than it has all other employees combined. Nike garment workers are jointly employed by supplier manufacturers in countries of the Global South, particularly in Asia. These suppliers produce garments based on designs and specifications provided by Nike. As a company doing billions of dollars of business, Nike holds the bargaining power in its supply chain to find suppliers that will meet its standards — not only precise expectations for how its Air Jordans or running shoes look, but also on how much Nike pays for produced goods and production timelines that effectively control workers' wages and working conditions at its supplier factories. Nike's economic control makes the company the principal and joint employer of workers who make its products, along with supply chain factories.

Nike's actions and the resulting harm to garment workers during the COVID-19 crisis exemplifies why joint employer liability is fundamentally important to supply chain accountability for Nike garment workers. While wage theft in garment factories in the global South is widespread — due to subcontracting practices of companies like Nike — Nike's response to the COVID-19 pandemic initiated an especially devastating wave of wage theft throughout Nike's supply chain as the company cut orders and its factories shut their doors or cut wages in response, throwing its workforce — mostly women — and their families into crisis. Already working for wages barely above the poverty line, workers were laid off by the thousands from factories in Nike's supply chain and faced wage theft at an unprecedented scale, from illegal layoffs and terminations to arbitrary pay cuts, unpaid wages for hours worked, and gender discrimination. Nike's actions triggered this crisis when it canceled or drastically reduced orders *en masse* in response to economic uncertainty during the initial months of the COVID-19 pandemic. According to Asia Floor Wage Alliance's (AFWA) 2022 report *Money Heist*, which reported findings from its 2020 survey of over 2000 garment workers, factory workers throughout the industry lost roughly three months' pay on average during the first year of the pandemic. Five years later, workers,

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¹ Nike, Inc., Form 10-K for the Fiscal Year Ended May 31, 2022, U.S. Securities and Exchange Commission, 2022, https://s1.q4cdn.com/806093406/files/doc_downloads/2022/399556(1) 27 Nike-Inc. NPS Combo Form-10-K W R.pdf.

² Largest Clothing Companies By Market Cap, Companies Market Cap, https://companiesmarketcap.com/clothing/largest-clothing-companies-by-market-cap/ (last visited Feb. 25, 2023).

³ NIKE, Inc., Annual Report.

⁴ Nike, Inc., Nike Manufacturing Map, accessed May 29, 2025, https://manufacturingmap.nikeinc.com/.

⁵ See AFWA, Money Heist: COVID-19 Wage Theft in Global Garment Supply Chains (2022), https://asia.floorwage.org/covid/money-heist-covid-19-wage-theft-in-global-garment-supply-chains/.

families and communities that produce products for the global giants are still struggling to recover.

The organizing of garment workers, predominantly women, and their unions in response to COVID-19 wage theft violations has broadened and created momentum in support of the demand that Nike take responsibility for wages and conditions in its supply chain. In 2023, twenty-eight Asian unions from Cambodia, India, Indonesia, Pakistan and Sri Lanka including Cambodian Alliance of Trade Unions (CATU), the Coalition of Cambodian Apparel Workers Democratic Union (C.CAWDU), Garment and Allied Workers Union (GAWU) (India), Garment Labour Union (GLU) (India), Hosiery Workers Unity Centre (HWUC) (India), Karnataka Garment Workers Union (KOOGU) (India), Mill Mazdoor Panchayat (MMP) (India), Tamil Nadu Textile and Common Labour Union (TTCU) (India), Federasi Serikat Buruh Persatuan Indonesia (FSBPI) (Indonesia), Garteks (Indonesia), Serikat Pekerja Nasional (SPN) (Indonesia), Muttehda Labor Federation (Pakistan), Pakistan Textile Workers Federation (PTWF), Textile, Power Loom and Garment Worker Federation (Pakistan), Commercial and Industrial Workers' Union (CIWU) (Sri Lanka), Dabindu Collective Union (Sri Lanka). National Union of Seafarers Sri Lanka, Revolutionary Existence for Human Development (Sri Lanka), Stand Up Movement Lanka (Sri Lanka); and Textile Garment and Clothing Workers' Union (TGCWU) (Sri Lanka), supported by the Asia Floor Wage Alliance and Global Labor Justice launched the Fight the Heist Campaign.

Since 2023, the Fight the Heist campaign has called on Nike to:

- Sit down with garment workers and their unions for a systematic investigation of COVID wage claims, including specific impacts on women workers;
- Transform its supply chain, including raising wages for all workers to prevent future crises;
- Negotiate with workers' unions to establish fundamental labor and human rights protections.

Garment workers in Bangladesh, Cambodia, India, Indonesia, Pakistan, and Sri Lanka and their allies have given testimony,⁶ organized a photo petition to Nike with over 1,000 garment worker faces,⁷ filed an international labor complaint⁸ with the US State Department, held global days of

⁶ "Hey Nike, put us in your ad!" *YouTube*, uploaded by Global Labor Justice, October 7, 2024, https://youtu.be/26vw6FW0WYM?si=QXsyvUA2xyUPJUe2.

⁷ @global_labor, "Over 1,000 garment workers are demanding @Nike give them the recognition and pay they deserve. We stand with them," *X* (formerly Twitter), March 20, 2025, https://x.com/global_labor/status/1902832255602503765.

⁸ Asia Floor Wage Alliance, "Nike's Commitments Under OECD Complaint Process and Responsibilities to Women Workers in Asia," *Asia Floor Wage Alliance*, April 11, 2024, https://asia.floorwage.org/statement/oecd-nike/.

action,⁹ and now sent a delegation of leaders to the US to speak with thousands of US based allies and confront Nike directly in Oregon.¹⁰ Despite significant risks, brave women workers are speaking up to tell the truth about working in the Nike supply chain.¹¹

Worker leaders have met with union members and consumers in Oregon who care deeply about wage theft and workers' rights. This complaint against Nike is a vital issue of public interest to the people of Oregon who want to purchase goods that are ethically produced and who also understand the importance of Oregon enforcing its laws protecting workers' rights to the full extent. There has been extensive press coverage of the workers' Fight the Heist Campaign since its founding and especially in recent days in Oregon that exemplifies the importance of this issue to the people of Oregon.¹²

II. Accountability for Garment Workers' Wages and Working Conditions have Historically and Through Present Warranted a Joint Employer Analysis, Including in Nike's Global Supply Chain.

⁹ Fight the Heist Campaign, "Garment workers across Nike's supply chain held 12 actions in 7 countries…", video posted to *Facebook*, June 8, 2023, https://www.facebook.com/fighttheheist/videos/799322588171325/.

¹⁰ Gwozdz, Joe. "Indonesian Factory Workers Visit Nike's Portland Store to Raise Awareness of Wages, Conditions." *The Oregonian*, May 8, 2025.

https://www.oregonlive.com/business/2025/05/indonesian-factory-workers-visit-nikes-portland-store-to-raise-awa reness-of-wages-conditions.html.

¹¹ For additional press coverage of the campaign, see: Nike's Supply Chain Workers Continue to 'Fight the Heist', Sourcing Journal, Mar 21, 2025; Gender justice agreement for Indonesian garment workers, Ecotextile News, Mar 13, 2025; Garment Workers Are Taking on Nike. Americans Should Support Them. Other Words.org, Feb 12, 2025; Garment Workers Are Uniting Like Never Before to Take On Nike Inequality.org, Feb 10, 2025; My Monthly Salary Is \$114': Garment Workers on What It's Really Like to Make Your Clothes, Teen Vogue, Feb 6, 2025; 1,000 Garment Workers Have a Message for Nike, Humanity United January 30, 2025; Nike slammed for supply chain 'human rights crisis'.

Just Style, Jul 23, 2024; Garment Workers Say Nike Turned a 'Blind Eye' to Their Plight Sourcing Journal, June 13, 2024; Reintroduced Bill Wants to Stop Stock Buybacks—Nike's Included, Sourcing Journal, May 26, 2023; Shareholder activist blasts Nike for doing too little to prevent abuses in supply chain __Supply Chain Dive - March 9, 2023; Nike 'Ignoring' Questions About Forced Labor, Shareholder Claims Sourcing Journal - March 8, 2023; South, SE Asia unions claim fashion brands are 'cashing in' on Covid wage theft, Just Style, March 2, 2023; Asia factory workers press Nike over missing pay, FT Moral Money Column, March 1, 2023; Garment Workers Demanding Unpaid Wages From Nike Take Their Fight to the World Stage Business of Fashion, Mar 1, 2023.

¹² See: 'Hidup Buruh!' Rename Hayward Field after garment workers like me," *Eugene Weekly,* May 29, 2025, https://eugeneweekly.com/2025/05/29/hidup-buruh/; "Indonesian factory workers visit Nike's Portland store to raise awareness of wages, conditions," *The Oregonian,* May 28, 2025, https://eugeneweekly.com/2025/05/29/hidup-buruh/; Photo essay in *The Oregonian,* May 28, 2025, Video essay in *The Oregonian,* May 28, 2025, https://www.youtube.com/watch?v=Q1QwrccZcQ0; "Indonesian garment workers deliver wage, rights demands to Nike HQ in Beaverton," *KPTV,* May 28, 2025, https://www.kptv.com/2025/05/28/indonesian-garment-workers-deliver-wage-rights-demands-nike-hq-beaverton; "Indonesian workers in Portland demand fair wages from Nike, join with local activists," *KATU,* May 27, 2025, https://katu.com/news/local/indonesian-workers-in-portland-demand-fair-wages-from-nike-join-with-local-activists.

- A. The amount of control that Nike exercises over its supply chain factories is analogous to control exercised when joint employment liability has been found in garment supply chains under federal law. The Fair Labor Standards Act of 1939 (FLSA) definition of employment as "suffer or permit to work" — the same definition as in Oregon state law is intended to expand the definition of employer to include entities who "suffer" or "permit" work and thereby are in an economic position to improve conditions — the so-called "economic realities" test. Under this definition, FLSA's joint employer doctrine under which more than one entity may be considered to "suffer or permit to work" has historically been used as a powerful tool to hold clothing and footwear companies that outsource production in the United States responsible for wage and hour violations. 13 Under FLSA, federal courts have found garment and footwear companies to be joint employers of supply chain workers where fashion companies engaged in a long-term relationship with subcontractors, comprised a significant majority or almost all of the subcontractors' business, subcontracted work that was an integral part of fashion companies' production process, controlled work flow through their order volumes and deadlines to the subcontractors, indirectly set wages by imposing low prices, and where subcontractors were economically dependent on fashion companies' orders, operating at low margins or at a loss. FLSA's joint employment doctrine helped encourage sector-wide "jobbers agreements" in the United States between unions and garment companies that secured stable sourcing volumes and fair prices in garment companies' supply chains and helped achieve decent work for garment workers in the United States for almost 50 years. Joint employment doctrine continued to be an avenue for justice for garment workers in the United States until companies like Nike shifted production overseas altogether.
- B. Oregon law also includes the concept of joint employment. Oregon law defines "employ" as including to suffer or permit to work¹⁴ and employer as "any person who employs another person"¹⁵ and having enacted a rule that "All joint employers are responsible, both individually and jointly, for ensuring compliance with the provisions of ORS 653.601 (Definitions for ORS 653.601 to 653.661) to 653.661 (Preemption) and these rules,"¹⁶ Oregon recognizes the "economic realities" test in its assessment of whether a joint employment relationship exists.¹⁷ Oregon law's "economic realities" test warrants finding that Nike is a joint employer of garment workers in its supply chain.

¹³ Liu v. Donna Karan Int'l, Inc., 2000 U.S. Dist. LEXIS 18847, 6 Wage & Hour Cas. 2d (BNA) 1142 (Southern Dist. N.Y. December 22, 2000); Ling Nan Zheng v. Liberty Apparel Co., 355 F.3d 61, 2003 U.S. App. LEXIS 26528, 149 Lab. Cas. (CCH) P34,799, 9 Wage & Hour Cas. 2d (BNA) 336 (2d Cir. N.Y. December 30, 2003).

¹⁴ Oregon Civil Code, Chapter 651, Title 51, Chapter 653.010(2).

¹⁵ *Id.*, at 653.010(3); see also Oregon Administrative Rules, Chapter 652, § 652.310.

¹⁶ Oregon Administrative Rules, Chapter 839, Division 7, Rule 839-007-0005.

¹⁷ Cejas Commercial Interiors, Inc. v. Torres-Lizama, 260 Or App 87, 316 P3d 389 (Or. App. 2013).

- C. Nike exercises economic control over contract factories in its supply chains that warrants a finding that Nike jointly employs its supply chain workers. In Nike's supply chain, Nike has long-term relationship with subcontractors, comprises according to workers a significant portion of subcontractors' business especially at particular units subcontracts work that is an integral part of its production process, effectively controls work flow through order volumes and deadlines to the contract factories in its supply chain, indirectly sets wages by imposing low prices, and hires subcontractors that are economically dependent on its orders.¹⁸
- D. Nike is responsible as a joint employer for labor rights violations in its supply chain during the COVID-19 pandemic, including wage theft, wage and hour violations, firings and layoffs without severance, and discrimination. Factories in Nike's supply chain were included in the largest survey of garment workers during COVID-19, conducted by Asia Floor Wage Alliance and its member unions. 19 Factories in Nike's supply chain denied workers owed pay and social security in the form of firings, layoffs, wage and hour violations and discrimination that constituted adverse human rights impacts and regularly violated national laws. In stark contrast to the reality of workers in Nike's supply chain, less than six months into the pandemic, Nike's CEO told investors, "We can thrive in this environment."20 Workers in Nike's supply chain reported wage and hour violations during COVID. Workers in Nike's supply chain reported working overtime for regular wage rates.²¹ For example, one Nike supply chain worker from Sri Lanka who was a member of the factory's employee council reported that during COVID, production targets increased but the factory reduced their pay: one month workers received only half their salary and overall were not paid overtime rates despite working many increased hours to meet the higher production targets. In addition, during the pandemic when many factories in Nike's supply chain cut jobs, firing or laying off workers, many workers faced termination during COVID without severance pay. Among workers surveyed, half reported receiving severance.²²

¹⁸ NIKE, Inc., *Responsible Sourcing*, nike.com, https://about.nike.com/en/impact/focus-areas/responsible-sourcing (last visited May 29, 2025). Nike reports taking measures to address timing issues in purchasing, which contribute to wages and working hours, but changes to timing issues do not address the impacts of Nike's costing in those contracts, costing which keeps wages for garment workers below national minimum wages. With regard to costing, while Nike includes labor costs and compliance as a line item in its contracts with factories in its supply chain, Nike does not disclose whether its pricing models actually provide for wages, benefits commensurate with its obligations. See NIKE, Inc., *Strategic Compensation in the Supply Chain*, nike.com (May 29, 2025), https://about.nike.com/en/newsroom/resources/strategic-compensation-in-the-supply-chain.

¹⁹ AFWA, *Money Heist* (2022). Report data regarding Nike on file with submitters.

²⁰ Kim Bhasin, *Nike rallies after profits show signs of bouncing back from pandemic*, Fortune (Sept. 23, 2020), fortune.com/2020/09/23/nike-results-pandemic-profits/.

²¹ AFWA, *Money Heist*, (2022). Report data regarding Nike on file with submitters.

²² AFWA, *Money Heist*, (2022). Report data regarding Nike on file with submitters.

- E. Labor violations documented in Nike's supply chain had a disproportionate impact on women workers. Women are disproportionately represented in garment manufacturing, the result of occupational segregation of women workers²³ in a sector with major decent work deficits, ²⁴ resulting in substantive inequality on the basis of gender. ²⁵ AFWA has documented systemic substantive gender discrimination in garment supply chains during the pandemic, including in factories in Nike's supply chain.²⁶ In particular, existing gender discrimination against women garment workers in pay worsened during the pandemic: the Money Heist Report indicates the gender pay gap among respondents increased during the pandemic.²⁷ Before COVID, the *Money Heist* Report, female respondents made 88% of the pay of male respondents; at the end of 2020, the respondents made 82% of the pay of male respondents.²⁸ In addition, temporary workers in the *Money* Heist Report, who are disproportionately women, earned less than permanent workers when they were excluded from severance and COVID wage replacement legally owed to permanent workers.²⁹ In particular, in Nike's supply chain, COVID firings, layoffs, and wage and hour violations for Nike garment workers had a disproportionate impact on women. Nike reports that roughly 70% of garment workers in Nike's supply chain are women. 30 In the *Money Heist* Report, the majority of Nike workers surveyed and impacted by these issues were also women.³¹
- F. <u>Nike has been aware of these violations since 2020, when workers including in Nike's supply chain began reporting concerns regarding wage payments to the company.</u>

²³ See generally U.N. Comm. on Econ., Soc., and Cultural Rts., General comment No. 23 on the right to just and favorable conditions of work, U.N. Docs. E/C.12/GC/23, at 47 (Apr. 7, 2016), https://digitallibrary.un.org/record/1312521?ln=en ("Particular attention is needed to address occupational segregation by sex[.]") [hereinafter CESCR, General comment No. 23].

²⁴ See ILO & Better Work, Gendered impacts of COVID-19 on the garment sector (Nov. 2020), https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms 7 60374.pdf (noting "women account for most of the workforce and work under documented patterns of gender-based inequality"); AFWA, Violence Against Women and Men in the World of Work, supra.

²⁵ See generally U.N. Comm. on Econ., Soc., and Cultural Rts., General comment No. 16 (2005) The equal right of men and women to the enjoyment of all economic, social and cultural rights, U.N. Docs. E/C.12/2005/4 at ¶¶ 6-14 (Aug. 11, 2005), https://digitallibrary.un.org/record/556125?ln=en (defining substantive equality) [hereinafter CESCR, General comment No. 16].

²⁶ See AFWA, A Stitch in Time Saved None: How Fashion Brands Fueled Violence in the Factory and Beyond (Dec. 2021), https://asia.floorwage.org/wp-content/uploads/2022/02/A-Stich-in-Time-Saved-None_compressed.pdf; AFWA, Violence Against Women and Men in the World of Work (May 2018), https://asia.floorwage.org/wp-content/uploads/2022/01/Executive-Summary-of-2018-Research-and-Recs-to-ILO-2 018.pdf.

²⁷ AFWA *Money Heist* (2022). Report data regarding Nike on file with submitters.

²⁸ Id

²⁹ *Id*.

³⁰ Targeting Gender Equity in our Supply Chain, NIKE, Inc. (June 14, 2022), https://about.nike.com/en/impact/initiatives/targeting-gender-equity-in-our-supply-chain.

³¹ AFWA, *Money Heist*, (2022). Report data regarding Nike on file with submitters.

Despite awareness of these violations, Nike has not effectively addressed them, instead making claims that they are no longer occurring and have been remedied. Nike's claims about wages in its supply chain have been publicly discredited. In an April 2025 *Pro Publica* investigation, Nike continued to claim that its suppliers pay competitive wages, saying that contract factory workers for whom it collected data earn "an average of 1.9 times their local minimum wage, without counting overtime." The investigation revealed that at one factory making Nike apparel, just 1% of the workforce made that much, even including bonuses and incentives, despite years on the job. 33

G. In summary, Nike exercises economic control over garment workers' wages and working conditions in its supply chain through its purchasing practices with contract factories, exercising control over workplaces where Nike products are made while evading legal liability for workers' rights through subcontracting. Until major garment and footwear companies like Nike subcontracted manufacturing overseas, joint employer liability in the United States was an essential part of ensuring accountability for garment workers' labor rights. Nike should not be able to evade responsibility for workers making its products merely by moving production overseas.

III. Nike Has Consistently Resisted Dialogue and Remedy about Global Supply Chain Violations and Their Serious Impacts.

During and since COVID-19, Nike has repeatedly refused good faith dialogue with unions representing workers in its supply chain to understand and remedy the violations included herein. Nike has, conveniently for itself, denied responsibility as a joint employer of the workers or under any other theory of legal responsibility, despite obligations for responsible business conduct and its own claims regarding "responsible" sourcing policies and practices. In 2020, AFWA and GLJ contacted Nike regarding a proposal to prevent Nike from causing workers' rights violations, including wage theft, during the pandemic. In 2023, AFWA and GLJ again contacted Nike multiple times regarding evidence of workers' rights violations in its supply chain as documented in the above-referenced *Money Heist* report. To date, Nike has not remediated harms against workers and has refused dialogue, despite workers filing a complaint against Nike with the US State Department regarding responsible business conduct in 2023.³⁴

³² Davis, Rob. "Nike Says Its Factory Workers Earn Nearly Double the Minimum Wage. At This Cambodian Factory, 1% Made That Much." *ProPublica*, April 25, 2025.

https://www.propublica.org/article/nike-wages-clothing-factory-cambodia.

³³ Id

³⁴ Fact Sheet: OECD complaint against Nike by 20 Garment Sector Unions, AFWA, GLJ-ILRF, https://asia.floorwage.org/statement/oecd-nike/.

Workers' current claim with Commissioner of Labor and Industries of Oregon is historically analogous to how garment workers in the United States from the 1820s to the present, along with other low wage subcontracted workers, have used joint employer liability to ensure accountability for the most fundamental workplace rights protected under international, national, and state laws in the home countries of brands and workers including minimum and overtime wages, breaks, and freedom from gender-based violence and discrimination.

V. Demand

Given the significant human and labor rights impact on low-wage garment workers and their families, we urge the Commissioner to take all appropriate action enforce subject to the full duties and powers of the Commissioner's office to enforce Oregon employment laws by conducting investigations, issuing subpoenas and subpoenas duces tecum, administering oaths, obtaining evidence, taking testimony, and all other permissible actions towards the goals of:

• Investigating and facilitating the payment of unpaid wages and penalties due to workers on Nike's supply chain in Asia, including wage theft that occurred during COVID-19 as detailed in the *Money Heist* Report.

Submitted this 29 Day of May 2025 by:

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Global Labor Justice supports workers and unions around the world in exercising their right to freedom of association. Global Labor Justice believes individuals have

the right to interact and organize among themselves to collectively express, promote, pursue and defend common interests. This includes the right to form trade unions, collectively bargain, and enforce contracts. Global Labor Justice focuses on freedom of association and collective bargaining as enabling rights.



Asia Floor Wage Alliance (AFWA) is an Asian labor-led global labor and social alliance across garment producing countries (such as Bangladesh, Cambodia, India, Indonesia, Pakistan, Sri Lanka) and consumer regions (USA and Europe) for addressing poverty level wages, gender-based violence, and freedom of association in global garment production networks. For more information, please contact AFWA at contact@asia.floorwage.org.



Portland Jobs with Justice (PJwJ) is a coalition of more than 100 labor organizations and community groups dedicated to protecting the rights of working people and supporting community struggles to build a more just society. We are committed to the creation of living wage jobs that support working families, support for organizing both here and abroad, and maintaining pressure to demand corporate accountability in our communities. We are proud to be part of a nationwide organization, with 40 other chapters around the country.