Organizing Wins!

How Yank Sing workers transformed their workplace and their entire industry
To the Yank Sing workers and all workers who organize for justice

In memory of Donna Chen,
DLSE Regional Manager, 1968 - 2015

Donna Chen (third from the right) with her colleagues from DLSE, Yank Sing workers and their families, Asian Law Caucus, CPA, the San Francisco Office of Labor Standards Enforcement, and UNITE-HERE! Local 2.
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SECTION 1

Introduction

“When we first started organizing, I never imagined we would be here today. Because we stood up for our rights, we transformed our workplace and won $4,200,000 for workers. I really can’t believe that amount. When I have grandchildren, I will tell them about it too.”

– Xiu Zhen Li, Yank Sing worker

In 2013, a group of nearly 100 Chinese immigrant workers in San Francisco mounted an ambitious organizing campaign targeting their employer, the award-winning, high-end dim sum restaurant Yank Sing. The workers, who were cooks, dishwashers, and wait staff at Yank Sing, had approached the Chinese Progressive Association of San Francisco (CPA) in the spring of that year, detailing numerous workers’ rights violations.

More than a year later, with the support of CPA as well as key labor and community partners, the workers won a landmark settlement that included an unprecedented $4.2 million in back wages. The settlement also included several groundbreaking improvements that transformed their workplace and raised standards across the board for their industry. This victory was made possible by the courageous efforts of the Yank Sing workers, who built their power over months of sustained organizing, as well as by CPA’s decades of work developing worker leaders, organizing campaigns, and building strategic partnerships and relationships with labor unions, small businesses, service providers, legal advocates, and labor agencies. These efforts led Yank Sing owners to change their practices and agree to adopt unprecedented industry workplace changes not required by law to become a model employer.

This is the story of how organizing won.

Background: Economic Shifts and the Role of CPA In Building Worker Power In The Bay Area

The story of the Yank Sing victory has important roots in the history of CPA and cannot be understood outside the vast changes that have transformed the U.S. economy. The Chinese Progressive Association has been organizing with workers in San Francisco’s Chinese immigrant community since the 1970s. Since that time, conditions that working-class Chinese people face have undergone seismic shifts, and so has our organizing. CPA and many other
worker centers have responded to these changes with new visions and strategies to strengthen the U.S. labor movement.

Our country's shift from an industrial-based economy to a service-based economy has come at the expense of low-wage and immigrant workers. Like other workers, many of our members were pushed into service industry jobs when the owners of garment and electronics factories that employed thousands of Chinese immigrant workers in the Bay Area began dramatically offshoring most of their production. In San Francisco, these changes were exacerbated by the dot-com bust of the early 2000s, which led to a severe economic crisis in the region. Thousands of workers — mostly monolingual middle-aged Chinese immigrant women — lost their jobs and were left with unpaid wages.

CPA's organizing work evolved alongside these changes. With the support of legal organizations like Asian Americans Advancing Justice - Asian Law Caucus (AAAJ-ALC), we began organizing laid-off factory workers and worked with them to file back wage and legal claims, initiate state labor investigations, advocate for the state's Employment Development Department to serve Chinese workers, and support job retraining programs.

Recognizing the reality that former manufacturing workers were systematically having to find new jobs in the service sector, we made a strategic decision to shift our attention to the restaurant industry. By 2007, the Chinese Progressive Association had established a track record of organizing and fighting side-by-side with Chinese restaurant workers in San Francisco and had won several campaigns to recover unpaid back wages. CPA had also played a key role in community-labor coalitions to win local labor protections like a higher minimum wage and paid sick days.

The resistance against evictions at the International Hotel in San Francisco's Manilatown in the 1970s. Photo by Henny Lee.
However, even our leaders who had participated in successful back wage campaigns were skeptical about tackling the systemic labor abuses of the restaurant industry. They saw how entrenched and normalized wage theft was in the restaurant industry and how tied it was to cheap food prices and suppressed labor costs in the local economy, particularly in Chinatown. “You know there's no such thing as minimum wage in Chinatown,” said some of our workers. “Whatever you do, just don't say you want to organize workers,” warned another worker leader from our Golden Dragon restaurant campaign. “You can say it's about education or spreading information, but don't ever say organizing.”

CPA took on the challenge of raising industry standards and building worker power in this context. Through our organizing and campaign work, we saw the prevalence of egregious back wage cases decline and the nature of workplace violations shift to minimum wage, overtime, and break violations like those that would be found at Yank Sing. In 2011, we released our “Check, Please!” report,1 which laid the foundation for a successful city-wide campaign, led by the city’s Progressive Workers Alliance,2 that ultimately passed groundbreaking legislation. This new law strengthened the city of San Francisco’s authority to enforce minimum wage laws; created a multi-agency City Task Force on Wage Theft; and increased city resources for community outreach and education for workers throughout San Francisco.

Today, 15 years since we began organizing restaurant workers, San Francisco is the national model for minimum wage enforcement, and 42 counties and cities in the region now have minimum wage laws that go above and beyond federal standards. Just as crucially, we have developed a core of grassroots leaders who are educated and empowered to recognize their self-worth and

Yank Sing workers join immigrant workers from across San Francisco in the SF Progressive Workers Alliance to organize around $15 minimum wage (2014).
We believe that our organizing model is one path to win workers’ rights victories in the 21st century, in a post-financial meltdown economy of consolidated corporate power and dismantled workplace protections, where job security and good benefits have been replaced by low-wage, contingent work. Organizing under these conditions requires the transformation of workers and workplaces from the bottom up, and at CPA, we are committed to building the democratic participation of workers to challenge and improve their working conditions.

As this report goes to print in the spring of 2017, the landscape for immigrant workers, grassroots organizing, and labor rights has shifted with an emboldened anti-immigrant, xenophobic, and anti-worker political climate. As efforts ensue to roll back democratic rights and workers’ rights, including the right to organize a union, and as elected officials work to pass tax breaks to benefit wealthy Americans and corporations, the challenges facing worker-led movements are daunting. But we believe these current conditions only underscore the importance of organizing at the local level.

In a time when workers’ rights are increasingly under attack, this campaign points to one possible way forward.

Workers and CPA members join in solidarity to support the concession workers who were fighting for fair work conditions at AT&T Ballpark (UNITE HERE Local 2 members).

rights as workers, and we have built strong networks of organizations that support low-wage immigrant workers’ issues. The Yank Sing campaign was won on the foundation of this work, and the victories that resulted have already reverberated beyond just one workplace.

Within months of the $4.2 million settlement and the ultimate determination of Yank Sing to become an industry leader and model employer, we heard of more workplaces where employers had cleaned up their practices around rest breaks and overtime. While sweatshop conditions and wage theft have by no means been abolished, more and more workers understand their rights (though they still may be afraid to take action). Increasingly, Chinese immigrant workers expect, in the words of one of our leaders, “good pay; benefits like health care, vacation, and a 401(k); a safe and healthy workplace; and work that we like” as the new standard for a “good job” in their industries.
SECTION 2

Workers Organize at Yank Sing

In early 2013, a series of terminations at Yank Sing brought three workers to our doors. They knew CPA through many of our outreach strategies, from workshops we had conducted at parents’ groups, to monthly “worker teas” we hosted in Chinatown, to ESL class presentations at the Community College of San Francisco on workers’ rights. We heard the stories of these three workers from Yank Sing, we saw the opportunity to organize beyond just filing individual claims. We began talking to them about the possibility of taking collective action for broader gains in their workplace.

As we learned more, it became clear that our long-term strategic organizing plans could not ignore this important industry leader. We had been aware of workers’ rights violations occurring at Yank Sing since 2009, having heard from our own members who were employed there that they were paid sub-minimum wages and denied overtime pay, as well as other details of the exploitative work environment. Multiple workers had previously approached us with reports of violations, but they were always fearful of losing their jobs, and as a result, were unwilling to take action. But in 2013, as CPA organizer Kayan Cheung-Miaw put it: “We made the assessment that conditions were ripe for organizing, more ripe than we had imagined. We just had to fan the fires. Yank Sing’s mistake was firing these workers without any sort of compensation, and they had nothing to lose from Yank Sing at that point.”

Yank Sing is one of San Francisco’s most famous high-end dim sum restaurants, with locations on the waterfront as well as the city’s financial district. The restaurant is routinely praised for its food, winning the James Beard Award in 2009, and is regularly listed in prominent publications such as the Michelin Guide and the San

Poem by worker Li Xiu Zhen. Art by Kayan Cheung-Miaw. This is an excerpt of a longer work.
Francisco Chronicle’s “Top 100 Bay Area Restaurants.” Like many restaurants that hire immigrant workers, it is a family-owned business. It was founded by Alice Chan in 1958 and later passed on to her son, Henry Chan; his daughter Vera Chan-Waller now runs much of the day-to-day restaurant operations. The main branch is located in the city’s prestigious Rincon Center and is a favorite destination of tourists, politicians, and community organizations. The average meal at Yank Sing can cost anywhere from $30 to $60 per person, according to Yelp reviews, and the three locations serve approximately 1,200 people per day combined. Given its position both as a family-run and very successful Chinese restaurant that employs more than 260 workers, we knew that Yank Sing had the potential to become a model employer and an example of a sustainable, dignified business model for the restaurant industry.

This was the context in which the Chinese Progressive Association began to plan and think about a campaign at Yank Sing to lift industry standards. Although CPA saw the potential, we also saw there was a lot of work to be done. With just three workers at the beginning, we knew we had our work cut out to build unity around a broader vision of respect and dignity for all Yank Sing workers.

Organizing Underground and Assessing the Challenge

Workplace organizing in the U.S. is always fraught with difficulty even as it contains the seeds of transformation. For monolingual immigrant workers in a tightly knit community that depend on their jobs for survival, it can often seem impossible. What if the boss fires you? What if you get blacklisted? But even against the odds, in situations where the bosses appear to have all the power, workers can and do fight for justice.

Because of the fear of retaliation, organizing activities during the first phase of our campaign were “underground” and were focused on developing the trust of workers and holding tight to our tactics and information to ensure that the employer would not be tipped off. However, this meant that our ability to recruit and agitate workers were initially constrained.
Tactics to engage workers:

• Doing our homework: Before we even attempted to talk to others, we tried to learn about the first three workers’ issues and concerns and to understand their place in the restaurant social network (i.e., mapping coworker relations).

• One-on-one conversations: We trained our staff to hold these conservations and also involved workers, which we found was the most effective way to move Yank Sing workers to action and to address the fears and concerns about organizing.

• Outreach to workers outside of the workplace: We visited them at or near their homes with their coworkers or met in “informal hangouts” like at dim sum meals. We listened and connected with their deep frustrations and anger over their mistreatment by asking about their experiences and sharing examples of other successful worker organizing.

• Persistence: Giving up would have been the easy choice. But our lead organizer Kayan and the organizing team were deeply committed and determined, and they persisted despite the rejections and fear from workers.

CPA recognized that this campaign would be difficult and would require big investments and a leap of faith, but we were ready for the challenge. “We understood that the kind of deep organizing and strategic campaign work
we wanted to do would be a big lift resource-wise. We also did not want to burn out our staff in the process,” said CPA Executive Director Alex T. Tom. “It meant we had to shift resources around to free up and train up staff, work double-time, make difficult decisions and sacrifices, and be creative with our time and with volunteers. It wasn’t easy, but we believed it would be worth it.”

We also knew we would not be able to do this campaign alone. Through the years, we had fostered deep relationships with low-income Chinese community members through our organizing work and our member leaders. We also had long-standing movement relationships with Asian Americans Advancing Justice - Asian Law Caucus, UNITE HERE Local 2, San Francisco's Office of Labor Standards and Enforcement (OLSE), and California's Department of Labor Standards Enforcement (DLSE), as well as a robust network of activists and supporters. These relationships would be key in our strategy to win.

**Our Campaign Model: A Path Forward For Worker Organizing In The 21st Century**

Going into the Yank Sing campaign, we knew that we needed a legal strategy along with the organizing vision to ensure comprehensive justice, one that included workers getting their legally owed compensation as well as building worker power and leadership. This strategy was firmly in line with our organization’s vision of 21st-century organizing. We believe that in a time when organized labor and social movements are under increasing attack, we need to demand more for working people, not less, and need to build broader solidarity rather than retreating and merely “protecting our own,” which has proven to be a failed approach.

Our vision for organizing workers in the 21st century brings together immediate workplace fights with efforts to involve workers in policy and electoral campaigns. It responds to the bread-and-butter issues that immigrant and other low-wage workers face while building towards a more transformative vision, recognizing that these daily issues
have a shared root cause. This vision of 21st-century organizing means that we cannot afford to work in silos or to see solidarity as an afterthought, but that we must practice intentional political education and solidarity with other marginalized communities as core baseline strategies.

This vision includes creating living wage jobs, working with model employers, and building truly dignified and respectful workplaces for immigrant workers. More importantly, we believe that 21st-century organizing must go beyond campaigns that only fight wage theft — they must imagine a new workers' movement that is multi-racial and multi-sectoral, with both union and non-union workers, and employed and unemployed workers alike. A 21st-century workers' rights movement is one that matches the dramatic shifts in the 21st-century economy. We believe that we need new organizational forms beyond just worker centers or just labor unions, for both on their own are inadequate in addressing the needs of the working class in this country. We need strong, nimble, and robust vehicles for the entire working class. The coalition we built for the Yank Sing campaign, which built off of our existing partnerships with grassroots organizations, unions such as UNITE HERE Local 2, as well as local and state labor agencies, is one step in this direction.

In addition to organizing workers, our strategy had several other key components:

- A complementary legal strategy that understood the needs of the organizing and leveraged existing labor laws;
- The building of a broad coalition with strong community and labor partnerships; and
- Strategic support from other key community organizations.

The Legal Strategy

CPA had extensive experience working cases with various labor enforcement agencies, having played a lead role in establishing San Francisco’s community partnership with the local labor enforcement agency; in passing local labor protections; and in bringing cases forward for enforcement. While workers have various options for pursuing legal redress for labor violations, much of the changes workers sought in this campaign would happen outside of this legal process. Still, we understood that using the government agency process would be an effective tactic for winning back pay and could serve as leverage for other demands.

Asian Americans Advancing Justice - Asian Law Caucus was our core partner for organizing campaigns that require trusted collaboration with attorneys. We have had a longtime relationship with Asian Law Caucus
for more than three decades and had an established partnership with their workers’ rights team at the time, built through previous cases large and small. AAAJ-ALC represented CPA and the workers as clients.

Additionally, we informed both the California Labor Commissioner’s Office field enforcement unit, the Bureau of Field Enforcement (BOFE), and the city of San Francisco’s Office of Labor Standards and Enforcement (OLSE) of the workers’ rights violations at Yank Sing. We had built strong partnerships with both the San Francisco labor agency and its head Donna Levitt as well as with the California Labor Commissioner Julie Su, and we had recently partnered with BOFE staff in a successful wage theft campaign. We also decided to file administrative claims for workers at the DLSE because we needed to “stop the clock” on the statute of limitations for workers’ claims. Ultimately, the individual legal claims would anchor the state’s case, providing important leverage for the workers in their other demands.

Our Partnership with UNITE HERE

The Chinese Progressive Association also has a long-standing relationship with UNITE HERE Local 2 in San Francisco. CPA and Local 2 have a shared history of solidarity support for each other’s campaigns, as well as an overlapping membership. In the past decade, many CPA members have been able to attain union jobs in the hotel industry, where they are represented by Local 2, through our vocational training program, and we have worked together on campaigns to raise labor standards, improve health care access, fight income inequality, and protect affordable housing.

As the campaign began to take shape, we met with their research department to learn more about their corporate research tools and strategies. We also met with their talented organizers in the food service divisions to discuss organizing strategies. As with all wage theft cases, we knew that at some point we would be in negotiations with the employer about the amount of money owed to workers for wage theft and other workers’ rights violations. In order to position ourselves for those negotiations, we would need leverage in the form of understanding the assets of both the restaurant and its key owners. UNITE HERE Local 2 provided key technical support in this process.

Beyond the research assistance, in a show of solidarity, Local 2’s Chinese member leaders did joint house visits to Yank Sing workers alongside CPA’s grassroots worker leaders, staff, and volunteers. Local 2 leaders, including union members who had previously worked at Yank Sing and other restaurants, also came to our worker meetings, where they testified and offered solidarity as well as advice from their own experiences as workers and organizers.

The participation of this additional layer of Chinese working-class and community support was instrumental to supporting the development of our workers and the
campaign. The union leaders also shared how they were surprised, inspired, and energized by Yank Sing workers choosing to organize without the protection of a union, and how courageous they were to do so. These moments, that are all too rare, planted the seeds for a genuine partnership and creation of a working-class space for all workers.

Strategic Support from Other Key Community Organizations

After the release of the “Check, Please!” report in 2010, CPA had begun having discussions about labor conditions in the community with key community-based service providers, small business owners, and other community leaders.

Given how entrenched wage theft was in the economy, it was important that other community anchors begin to shift their perspective. CPA alone could not change those dynamics in the community.

Building the Campaign

By early June 2013, both the California Labor Commissioner’s Bureau of Field Enforcement and San Francisco’s Office of Labor Standards Enforcement were ready to investigate the conditions at Yank Sing through a joint, surprise site visit to the restaurant itself. During the site visit, the labor enforcement agencies arrived at the restaurant and requested payroll records and other documents, and passed out labor law information to all of the workers.

We knew that as soon as the labor enforcement agencies conducted their site visit, the employer and all of the managers would immediately become aware that they

Excerpt from Workers’ Letter to the Employer

Dear Yank Sing Dim Sum owners Henry Chan, Judy Poon Chan, and Vera Chan-Waller,

We are Yank Sing workers. We have worked very hard and very passionately for many years. Whether in our job duties or not, we go out of our way to do tasks that are dirty, foul-smelling, and heavy. The delicious dim sum that Yank Sing customers have is made by the blood and tears of workers. Our contributions had made your business prosper. ... We demand that you create long-term changes at the workplace. Comply with all labor laws and allow workers to work with dignity.
were under scrutiny. It is during these critical times that workers are often held in “captive audience” meetings by their employers to be told how much they need to appreciate their jobs, are retaliated against if managers suspect they are speaking out about working conditions, are offered incentives to undermine the case, or are otherwise subjected to intimidation and retaliation at the workplace.

It was time to escalate the organizing campaign.

Immediately following the site visit, we met with workers to talk about what was happening at the restaurant. At these meetings, we invited them to join their coworkers by signing a joint letter to management as well as file legal claims. These daily house visits were conducted by a team of key worker leaders, CPA organizers, and grassroots members and allies (including members of UNITE HERE Local 2) until late in the evening for a period of two weeks following the site visit.

These conversations took place not only in peoples’ homes, but also in local restaurants, in cars, and in parking lots, sometimes with whole families present. This was the only way we could reach workers and have real conversations with them. While most workers were understandably fearful of losing their jobs, they were also angry about the conditions inside the restaurant and motivated to make change. The most effective conversations by far took place when their coworkers were present to ask them to join the campaign. This work paid off — during the first weekend, we doubled our number of active worker participants to 12.

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**YANK SING WORKER**

“When the campaign first started, we were scared, but CPA encouraged us to come out and actively join the campaign for our rights. But I was afraid at first, because I thought I would be the only one who signed the letter of demands. I saw a few other people sign it, so I signed too. I thought the possibility was big because we had 96 workers who signed the letter. Everyone was united. In the beginning, people were afraid, and it wasn’t until some people started signing the letter that we united and others followed.”
The first general meeting of Yank Sing workers was held within one week of the joint labor enforcement agencies’ initial site visit. During the meeting, the workers made the decision to do a surprise visit of their own, where a delegation of workers would deliver the joint letter of their demands to the restaurant owners.

Workers agreed with organizers that it was time to take this campaign directly to the restaurant owners and felt that this first step would inspire others to join. In the event of any retaliation, confronting their employer and revealing their participation in the campaign also would help refute any assertion by the employer that they did not know specifically who was engaged in the protected activity, a common defense with retaliation claims. There was tremendous fear and trepidation about taking this step, but CPA organizers and members assured the workers that the community would be by their side. As a first step, it would not only be a test of workers’ readiness to act collectively, but also a way to assess how the employer would respond. We understood that the employer was extremely prideful; to allow the owners to “save face,” we planned for the delegation to occur after hours. We recognized too that we had enormous leverage if we were to take our campaign public and generate media attention and publicity. Strategically withholding that exposure while pushing the employer to address workplace violations would be, we felt, effective leverage to achieve the workers’ goals.

At the end of June 2013, a few weeks after the joint enforcement site visit, about one dozen workers participated in this delegation, entering the restaurant from the kitchen’s back door. “That first delegation sent chills through me, seeing workers arrive from other locations, walking up the street in uniform, and knowing they had made that incredibly courageous decision to act collectively,” said organizer Shaw San Liu. “These were the lowest-paid workers who suffered unjust treatment, and they were about to march in on management and demand justice.”

This group of workers were bolstered by a whole support team of CPA members and workers from other restaurants and

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Ken Wang
CPA ORGANIZER

“As a young organizer, it was my first time doing cold house visits. I remember my first house visit — the woman who had agreed to meet with us had gotten cold feet at the last minute and called us while we were on our way to her house. After some negotiations, she finally agreed to chat with us in the parking lot of the Safeway near her house, because she was so afraid of being seen with us at home. The conversation was about an hour and a half, and it was very uncomfortable, and we were unable to move her to join the campaign, even later, after many co-workers signed the letter.

Immediately after that visit, around 10:45 p.m., we had another house visit. This woman had worked at Yank Sing for only two months, but she was very welcoming. She came out to her garage to chat with us in her PJs, and I remember her family peering out, wondering who was talking to their mom so late at night. We spent over an hour talking to her, and she was describing how she knew the abuse and violations that were happening were very present. She was the first person I got to sign on to the campaign, and I still remember vividly how happy I was after a long day to get one worker to sign on.”
low-wage workplaces, as well as students and community allies. Around 30 people marched together into the back of the restaurant, asking to speak to management. They presented the demand letter, which outlined workers’ grievances and demanded that management correct the violations, and a worker leader directly addressed the restaurant owner.

Seeing their coworkers take action and confront their employer about workplace abuses was unlike anything that had ever happened before at the restaurant. It inspired and energized other back-of-the-house workers to come on board, with another dozen workers joining the campaign in subsequent days. After a second delegation, management began making changes in response to workers’ demands. They installed time clocks and provided chairs for workers to sit on during their breaks. At this time, front-of-the-house workers also became interested in joining the campaign, and with the leadership of a key, dynamic dim sum server, additional organizing began among bussers, servers, and to-go workers. Just a couple weeks later, dishwashers’ hours were cut, and a third delegation was organized in protest. The hours were quickly restored.

Over the next several weeks, the campaign gained momentum as more workers joined on, more delegations were organized, and more general assemblies were held. As the campaign grew, each worker delegation and action escalated in numbers. The stakes were high, as many of the workers were the only source of income for their entire families. The ask we made of the workers was simple — join with your coworkers by signing on to the joint demand letter and filing a claim. Ultimately, more than 100 workers signed onto the letter. But the commitment that was needed extended far beyond that. There were regular meetings, legal forms to fill out, legal intake interviews to take part in, as well as the constant push for workers to step up in leadership. As the campaign kept growing, the CPA staff and AAAJ-ALC had to quickly adjust to keep up with the one-on-one conversations, legal paperwork, and documentation needed.

However, we knew that the most important piece of the campaign was to identify and form the core group of leaders from the restaurant. Amidst the flurry of activity and the legal intake process, we prioritized forming a Yank Sing Worker Committee that was representative of the eight key departments of the restaurant.

Investing in building worker leaders at Yank Sing was a key strategic decision that the Chinese Progressive Association made. It was important that workers themselves could organize their own coworkers. Organizing is about believing in the deep and long-term transformation of our people, despite the many barriers they face in developing their own
leadership. Through hours of conversations, workers expressed that they just wanted us to help them take care of their individual problems. It was not easy to move workers to take on greater leadership. Yet little by little, people began to step up and create group agreements with each other, went through our leadership training, and spoke to other workers about joining the campaign.

By August, management had addressed some of the issues that had been raised and were cooperating with the labor investigation, in notable contrast to many employers who might stonewall or actively obstruct a wage and hour investigation. Up until then, they still refused to engage the workers directly in their demands for back wages and workplace improvements. In response, we held the largest delegation of the campaign, attended by 80 people (40 workers and 40 community supporters). In September, the workers took a “work-to-rule” rest break action on two weekend days. Each day, about 40 workers took the 10-minute breaks they were entitled to by law at the same time. As the workers came out the back door, they were greeted with cheers, hugs, and bottles of water with snacks.

“Seeing more coworkers join the campaign boosted workers’ confidence, and each action emboldened them to take the next action, especially as management began to respond with positive changes. But it was not easy, as workers had worked for so long under difficult conditions and in a hostile work environment and were not accustomed to seeing themselves as having any agency or voice in their workplace. The fear of retaliation and of losing their jobs always hung heavy. Some workers were even ridiculed and mocked by their coworkers for participating in the campaign. Thus, the organizing of each department and each group of workers with their particular concerns and circumstances was an ongoing process. Each action required extensive preparation and organizing to move workers to action. For example, the ‘work-to-rule’ break action took two meetings with the core leaders, house visits with each core member, and then a big general assembly of workers. These did not include additional meetings within CPA, with ALC, and informal discussions with UNITE HERE to strategize and plan for these actions.

Our leadership development work was not only time-intensive, it was critical. Organizers identified workers who were respected and had good relations with their peers, and encouraged them to step up as core leaders. They then went through a voting, or vetting, process where they collected signatures from their coworkers to vet them as the representative. These leaders were then part of core meetings to make campaign decisions, went through our Leadership Institute, and were also trained and prepared to take on key roles in worker meetings and negotiations.”

Shaw San Liu
ORGANIZING DIRECTOR

Workers and CPA staff meet at the CPA office.
We were quite nervous as the assigned time came around. Nobody came out of the doors. Then, one chef came out. A couple more workers trickled out after her. And then, a flood of workers came out — practically all of the back of house workers and all of our supporters from the front of the house. We clapped and cheered when we saw them. The workers told us that they were so nervous and excited that they just all left at the same time, without even telling the supervisor! So the rest break action became a miniature work stoppage. All of the kitchen staff walked outside and the kitchen itself fell silent. We were all jubilant, and the staff congratulated the workers on having taken such a courageous action.

The action produced results. It certainly caught the company off guard, and it gave our negotiations a jolt of energy. But it also changed the culture at work, making breaks a regular practice. And, most importantly, it transformed our leaders. They talked about how, after being scared of the company for so long, it was good to see the company nervous for once. This was what it felt like to show our power.”

“Work-to-Rule” Rest Break Action
Kayana Cheung-Miaw
CPA ORGANIZER

“After a few months, talks with the employer were not moving as quickly as we hoped, and communication had stalled. One of us proposed doing a workplace action to try to persuade the employer to be more responsive. The idea was to get the employer’s attention by having workers assert their right to take 10-minute rest breaks. Although workers were entitled by law to take two 10-minute breaks on their shift, for years no workers took them at Yank Sing.

Although the core leaders were not very upset about the rest break issue, they understood the importance of taking an action to shake things up. Even though they were worried about retaliation from management, they were also frustrated with the pace of progress and wanted to take action to show their power. At one of the general assemblies, they encouraged their coworkers to support the plan of action.

On the day of the action, staff and volunteers went to the workplace and set up a station outside with water and snacks. The plan was that at a certain time, the first group of workers would inform their supervisor that they were taking their break and exit to join us, and then as they went back in, another group of workers would come out.
Workers Demand a Seat at the Table and Close in on Victory

After several months, while the workers’ campaign was winning some positive changes, the representatives of Yank Sing had yet to meet the key demand, which was for them to discuss changes to workplace conditions directly with workers, in addition to restitution for wage violations. Through the API Council, a broad umbrella group of Asian and Pacific Islander-serving organizations, six key organizations and individuals’ signed

Individual cases versus a class-action lawsuit

What is the best legal strategy when addressing legal violations for a group of workers? What about when workers are seeking not only the correction of past violations, but seeking prospective changes above and beyond what the law requires as well?

Worker advocates often file a class-action lawsuit to address labor violations for a group of workers. Many groups also file cases with local, state, or federal labor agencies, which have the advantage of being free. Each of these strategies has its advantages as well as disadvantages.

By the late summer of 2013, the workers, CPA, and AAAJ-ALC had another key decision that needed to be made about the trajectory of the campaign. At the onset of the campaign, the plan was to file administrative wage and hour claims for each of the workers involved in the campaign. But as the campaign grew and the number of workers involved swelled to almost 100, AAAJ-ALC approached the campaign with the option of pursuing the workers’ legal claims as a class action. The class action mechanism offered a more efficient way to manage, present, and prove the workers’ back pay claims and also was a means to secure relief for other affected workers who were too scared to come forward. After many long discussions, however, the workers decided against the class-action route, concluding that a class action would not align with the campaign’s organizing goals.

First, a class action would concentrate authority over the legal claims in just a handful of worker representatives, potentially making it harder to cultivate leadership and engagement across the worker group. Second, a class action would impose legal and ethical obligations on the class representatives and AAAJ-ALC to prioritize the interests of a class defined by back pay claims. For a campaign with goals beyond just back pay, the workers worried that such obligations would compromise the equal primacy placed by the campaign on the workers’ demands for workplace changes, including raises, vacation pay, progressive discipline, re-training for supervisors, and more. Third, a class-action lawsuit would involve a more procedurally complex process, and any settlement would require court approval.

For these and other reasons, the campaign decided to proceed with the individual back pay claims for each worker in the campaign, and to bring in the state and local labor enforcement agencies to pursue back pay relief for all other affected workers outside of the campaign. This approach allowed the campaign maximum flexibility to continue to leverage workers’ back pay claims for broader and more lasting workplace change at the restaurant and in the industry.
on to a letter requesting that the employer meet with the workers. Subsequently, elected officials also called the employer directly to make this request. As all of this action took place, AAAJ-ALC, the California Labor Commissioner’s office, and the San Francisco Office of Labor Standards were moving forward with the legal process, obtaining time records and other information from the employer and conducting audits to determine back wages owed.

In October 2013, after months of escalating worker actions, government investigations, administrative claim filings, and pressure from elected officials and community leaders, workers and CPA organized yet another delegation. At this point Yank Sing management changed course. They hired new counsel and agreed to meet with the workers, thus opening a new phase of the campaign.

During these meetings with management, workers shared their experiences in the restaurant and presented proposals about how to make Yank Sing a model workplace. Yank Sing management listened and engaged in dialogue with workers to reach agreement over these proposals. In today’s economy, most workers never get to sit at a table across from their employers to talk about working conditions. Part of what made this campaign so remarkable is that it was led by monolingual, immigrant workers, who succeeded in forcing their employer to sit down with them as equals. This process was not smooth or comfortable for either side.

As Yank Sing worker Xiu Zhen Li put it: “I have never spoken directly with the boss even after working at Yank Sing for so long. I was so nervous! But I know I had to do it, so I just pushed myself. Because of this campaign, I feel braver and that I can represent the workers.”

In December 2013, all sides agreed to enter a global mediation process in order to resolve all of the outstanding issues, from the legal violations to the workers’ demands. Despite resistance to meeting with workers about workplace conditions, Yank Sing management chose the path of engagement over protracted conflict. This stands in contrast to many workplace campaigns, where employers choose a war of attrition, retaliation, and even counterattacking the workers or organizations supporting workers. This speaks to both to who Yank Sing management is, as well as how the campaign strategy was crafted.

In the final mediation session held in March 2014, a marathon 16-hour-long meeting, workers made impassioned opening statements and unfurled a red banner across the table that read, “Yank Sing Workers United to Defend Our Rights!” In the wee hours of the morning, the owners of Yank Sing, the Yank Sing workers, and the labor commissioner, with the help of AAAJ-ALC and CPA, reached a tentative global agreement on the workers’ workplace demands and legal claims.

More than one year after the first three workers came to our office, and after months of one-on-ones, meetings with coalition allies, actions, and delegation meetings, the workers had won.
Section 3

What We Won

“Since our campaign, these past couple of months have been my happiest in all my 16 years working at Yank Sing. Now we get off work at 4:30 p.m., and I still have energy to spend time with my grandchildren. Even though my family wants me to retire soon, I am not ready to leave Yank Sing. We worked so hard to win these changes and new benefits, and I really want to be able to enjoy them for a while longer. I sometimes tell my friends what happened to me and about the campaign. It took all of us standing up. How could we have won back what was owed to us if it was just me?”

—Xiu Qiong Peng, Yank Sing worker

The $4.2 million settlement along with the agreement on substantial changes in workplace practices, announced on November 2014, was the largest wage and hour settlement in a single restaurant in the history of the California Labor Commissioner’s office. It showed that employers like Yank Sing can choose to transform “industry standard” wage and working conditions into a model workplace. The impact of this case — at one of the most storied dim sum restaurants in a region with a large and growing Asian population — is significant, and it will continue to ripple out as more high-end Asian restaurants are opening in the Bay Area.

This campaign victory quickly reverberated beyond just one restaurant. Shortly after the settlement was publicized, workers from another high-end Bay Area dim sum restaurant approached CPA to learn more about labor laws regarding employer confiscation of tips. They also reported that their employer had read the news about Yank Sing settlement, and that suddenly, the restaurant had begun providing 10-minute rest breaks for every four hours worked, as required by law.

Yank Sing workers have shared their stories and strategies with domestic workers, day laborers, and union members to continue...
What We Won

Yank Sing and workers reached an agreement to transform into a model restaurant and industry leader as a result of the worker-led campaign, which won significant changes beyond ending wage and hour violations. Some of the changes include:

- Improved benefits, including increased pay for back-of-the-house workers, health and dental insurance, the right to protected leave of up to four weeks, and increased vacation and premium pay on holidays
- Fair scheduling
- Workers’ rights trainings on paid time;
- Job security in the form of seniority preferences;
- Staffing changes and management trainings to address hostile work environment; and
- Quarterly meetings with worker committee to discuss issues that arise to inspire workers across industries and communities to fight for their rights. Many have continued to be involved in supporting other local worker struggles.

Additionally, towards the end of the campaign, several Yank Sing workers joined in our voter outreach efforts to other immigrant voters for San Francisco’s Fight for $15 campaign, bringing workers’ voices into efforts to educate voters. In November 2014, more than 70 percent of voters approved what at the time was the strongest $15 minimum wage measure in the country, a victory in which those Yank Sing workers felt ownership.

Yank Sing worker leaders join CPA members for year end party to celebrate the community victories of Prop J ($15 minimum wage) and Yank Sing workers campaign.

Pei Fang Chen
YANK SING WORKER

“After the Yank Sing campaign, I decided to participate in outreach to voters to support a $15 minimum wage and to stop real estate speculation. I’m a minimum wage worker, and my family has lived in San Francisco for more than eight years. In all those years, we couldn’t imagine buying a car, taking a trip back to China to visit family, or saving for retirement. In fact, we have only gone out of town once, to Los Angeles. The minimum wage increase means I can imagine saving for some of those expenses. It will help so many other low-income families like mine.”
Section 4

Best Practices And Lessons Learned

“The Yank Sing case demonstrates the power of workers and the importance of partnerships between government and the community in supporting workers who are fighting for justice. We know that community-based organizations often have information and the trust of the community that we as government do not. Effective strategic collaborations with community-based organizations in specific industries have had a powerful impact on wage theft and have the added benefit of deterring violations in the industry by sending a strong message.”

— Labor Commissioner Julie A. Su

The Yank Sing organizing campaign succeeded due to the workers’ will to fight combined with support from community allies and leaders as well as government agencies. In the process, Chinese Progressive Association organizers, members, and leadership learned a great deal about how to organize immigrant workers in a rapidly changing economy.

Some of our lessons include:

Organizing works: Given the right tools and support, workers will organize and demand their rights and will collectively fight for fair employment. There is no substitute for bottom-up, one-on-one organizing and direct action connected to a broader vision. It is not only possible but also necessary to transform workers, workplaces, and society as a whole. Worker centers like CPA have reached a stage in our evolution and maturity where we can do effective organizing for both deep base-building and broader policy change.

The importance of laying the groundwork: This victory didn’t happen overnight. Over a period of years, CPA had built a strong core of workers and working-class grassroots leaders who formed the necessary foundation of our campaigns. Through the process of creating the “Check, Please!” report, a core group of workers had become engaged and stayed involved with the organization, eventually developing into member leaders. CPA built our Workers Committee over time, and now CPA has become their political home.
The critical role of collaborations: This campaign was a unique collaboration that integrated organizing with legal strategies and government enforcement. Our partnerships with UNITE HERE Local 2, AAAJ-ALC, OLSE, and DLSE were built from long-term relationships formed over decades.

The necessity of a long-term, multi-pronged strategy: This campaign engaged all segments of the community, from workers and small businesses to elected officials and service providers, as well as the broader progressive movement. This built off of even greater investment and years of developing key relationships with the broader community.

The need to raise expectations and go beyond wage theft: While we hoped that Yank Sing would become a model employer, the organizing and achievements of this campaign surpassed our own expectations. This was both elating and eye-opening, and taught us that it’s time to raise the expectations of workers, of employers, and of ourselves of what is possible. Worker organizing fights need to go beyond just collecting back wages. Employers can change, break from industry norms, and choose the high road when given the reasons and the right kinds of pressure to do so. This campaign was not only about fighting wage theft — it was about the transformation of both Yank Sing and its workers and the transformation of workplaces across the city. Throughout this campaign, worker leaders were also deeply involved in other campaigns, such as the fight to raise the minimum wage and important anti-gentrification fights. This shows the possibilities of building multi-sectoral, multi-issue movements as we confront the new economy of the 21st century.

The API Council of San Francisco held a community dim sum luncheon to celebrate Yank Sing restaurant as a model employer, during API Heritage Month 2015, with over two dozen community leaders, Supervisors Jane Kim, Eric Mar and representatives from national Asian organizations.
Worker centers must become involved in civic engagement campaigns: While they have historically been treated in silos, we believe that direct worker organizing and civic engagement are complementary strategies. Campaigns like Yank Sing are only possible because of strong legislation that workers can organize around and leverage for continued improvements. At the same time, engaging workers in fights for broader political power is part of more comprehensive leadership development. With the national movement for a $15 minimum wage and paid sick leave fights, worker centers need to utilize electoral organizing strategy campaigns as a tactic to build long-term power. Electoral campaigns can not only help to improve workplace conditions, but they can also address working-class issues such as housing and health care. Our sector needs to be prepared for the next phase of minimum wage enforcement campaigns and progressive governance.

We need new organizational forms: Unions and worker centers on their own are inadequate vehicles for workers in the 21st century. We need new and innovative organizational forms for the entire working class that include tenants, union and non-union workers, and unemployed and underemployed workers. Our partnership with UNITE HERE Local 2 was a step in this direction. Senior staff, organizers, and rank-and-file leaders built relationships and shaped the campaign organizing strategy, pointing towards a new shape for our long-term partnership. Ultimately, we believe there must be a permanent organizational vehicle to facilitate these types of relationships. While the Yank Sing campaign was successful, worker centers like CPA often do not have the resources or the right structure to sustain this type of workplace organization. And in the long-term, without greater integration into a broader movement, individual pockets of empowered workers and model workplaces are not sustainable in an overall anti-worker and competitive market. New models must be refined and promoted.

We must fund organizing: Worker organizations need multi-year and general support grants to chart out long-term strategic planning. It was extremely ambitious for a small organization like CPA to take on the Yank Sing campaign, and there were serious concerns about staff burnout as well as concerns about other work that was deprioritized during the campaign. More broadly, if we believe that policy campaigns
such as minimum wage and paid sick leave are best done in tandem with bottom-up, one-on-one organizing, and that this is the work we must engage in to transform workers, workplaces, and society, then we must be equally as serious about funding this work.

We must invest in the pipeline: Our grassroots organizing sector needs more organizers that are bilingual and bicultural, as well as more rank-and-file leaders. For this to happen, there needs to be a greater investment in organizer pipeline programs and worker-leader training programs of union and non-union workers.

We must be serious about building power: In the end, our sector needs to think about how we are building power and developing long-term leadership. Often, our fights are defensive battles. We need an offensive strategy that not only builds our membership, but also our power to win beyond immediate campaigns.

Workers, CPA and ALC join together for a group photo with a banner signed by workers. Banner reads: “Yank Sing Workers United to Defend Our Rights”
Thank you to the Yank Sing Workers' Committee and all the workers who participated, our partners, and volunteers!

**Partners**

**Asian Americans Advancing Justice - Asian Law Caucus:** Annie Banh, Winifred Kao, Gina Szeto, Phillip Van

**California Labor Commissioner's Office:** David Balter, Donna Chen (in memoriam), David Luong, Gladys Poon, Joe Salinas, Julie Su

**San Francisco Office of Labor Standards and Enforcement:** Lin-Shao Chin, Robin Ho, Donna Levitt, Josh Pastreich, Evie Valle, Maneerat Vipusithimakool

**UNITE-HERE! Local 2:** Rev. Izzy Alvaran, Mike Casey, Tho Do, Kelly Dugan-Sing, Jessica Inouye, Lisa Lam, Amy H. Lee, Ian Lewis, Peter Liang, Kevin O’Connor, Maria Vivanco

**The San Francisco Progressive Workers Alliance**

**Supporters and Volunteers**

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*We cannot name them all, but we are grateful to all the organizations and individuals who supported the Yank Sing workers along the way.*
Notes

1. The “Check, Please!” report was the result of a participatory research project with the University of California, Berkeley; the University of California, San Francisco; and the San Francisco Department of Public Health, in which restaurant workers designed and conducted research on their peers. The report documented the systemic abuses in the restaurant industry and found that: one out of two workers receive less than minimum wage; one out of five workers work more than 60 hours per week; almost half of all workers have experienced burn injuries on the job; less than five percent of workers have employer-provided health care; and 95 percent of all workers do not receive a living wage.

2. Progressive Workers Alliance member organizations at the time included: the Chinese Progressive Association, Coleman Advocates, POWER, Filipino Community Center, Young Workers United, and the Day Laborer Program/La Colectiva.

3. CPA does labor law outreach and education through the Workers’ Rights Community Collaborative, which is a partnership with the city and county of San Francisco’s Office of Labor Standards and Enforcement (OLSE).


6. Departments include: dishwashers, dim sum preppers, fryers, servers, bussers, cooks, dim sum sellers, and steamers.

7. They were: Amor Santiago, APA Family Support Services; Monica Walters, Wu Yee Children Services; Vincent Pan, Chinese for Affirmative Action; Eddy Zheng, Community Youth Center; Anni Chung, Self-Help for the Elderly; and the Reverend Norman Fong. Organizations listed are for identification purposes only.