

Take off
your mask
so I know
how much
to tip you.

**Massachusetts Service Workers'
Experience of Health & Harassment
During COVID-19**

DECEMBER 2020

ONE FAIR WAGE

THE UC BERKELEY FOOD LABOR RESEARCH CENTER

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I. OVERVIEW



COVID-19's devastation of the service sector has been well documented, including the closure of thousands of independently-owned restaurants¹ and the unemployment, underemployment, and impoverishment of thousands of food service workers in Massachusetts.² Destitution among workers can be traced in large part to the subminimum wage for tipped workers, still \$2.13 an hour at the Federal level. A legacy of slavery,³ the subminimum wage for tipped workers persists in Massachusetts and in 42 other states, which has subjected a largely female workforce of servers, bartenders, bussers, and others to economic instability and the highest rates of sexual harassment of any industry for decades.⁴ Thus far through the pandemic, 60% of tipped workers report being unable to access unemployment insurance because their subminimum wage was too low to meet minimum state thresholds for benefits qualification.⁵

Now, thousands of tipped service workers in Massachusetts are returning to work as many restaurants have re-opened for indoor dining. No previous study, however, has thoroughly documented service workers' experiences of returning to work in restaurants during the pandemic. Understanding these workers' experiences is critical not only to addressing the needs of these workers and their families, but also to stemming the growing public health crisis. The CDC reported in September 2020 that adults are twice as likely to contract the virus after eating in a restaurant.⁶ Food service workers have become essential workers and de facto public health marshals, enforcing critical mask and social distancing protocols in one of the pandemic's most dangerous spreading environments. Unfortunately, unlike all other essential workers, they are not routinely guaranteed a standard minimum wage and thus live at the mercy of customers' tips.

This report is based on 1,675 surveys of food service workers conducted online and over the telephone from October 20 to November 10, 2020 in 5 states — New York, Massachusetts, New Jersey, Illinois, Pennsylvania — and Washington, DC. We emailed the surveys to the 61,392 applicants to the One Fair Wage Emergency Fund in these states on October 20, 2020, and collected responses until November 9, 2020, by which time 2,621 workers had already responded. Of those who responded, 1,575 reported that they were currently employed, and were thus able to answer most of the questions. Another 100 survey responses were collected by telephone in these states. Specifically, 134 of total respondents were Massachusetts workers. The analysis in this report is solely based upon Massachusetts based respondents. Please visit the One Fair Wage website for our national findings.

KEY FINDINGS

1. Food service workers in Massachusetts and their communities are at high risk of contracting COVID-19.

- ❖ Nearly one-half (43%) of workers we spoke with reported that at least one or more of their co-workers in their restaurant had contracted COVID-19.

- ❖ More than 9 in 10 workers (92%) report knowing someone who contracted COVID-19, and of those workers, 37% reported knowing someone who died from the virus.
- 2. Restaurant service workers do not have adequate protection or work under proper safety protocols for COVID-19.**
- ❖ More than a quarter of workers (27%) reported that their employer had not conducted a mandatory training on COVID safety protocols.
 - ❖ Most workers (86%) report being within six feet of at least one person who is not wearing a mask in every shift, and four-in-ten report being within six feet of 30 or more maskless individuals on every shift.
 - ❖ Over 80% of Massachusetts workers (81%) reported that their employer is not consistently following all COVID safety protocols — a rate 12% over the national average.
- 3. Most workers who responded to the survey report that their tips have declined significantly with the pandemic, and that this decline in tips is exacerbated when they attempt to enforce COVID-19 safety protocols on customers. As a result, these workers report that they are reluctant to enforce safety protocols for fear of losing more tips.**
- ❖ Over 80% of workers (87%) reported that their tips have declined during COVID-19. This decline is severe: 70% of workers reported that their tips have declined by at least half.
 - ❖ A vast majority of food service workers in Massachusetts (80%) report experiencing or witnessing hostile behavior from customers in response to staff enforcing COVID-19 safety protocols, and nearly 60% (58%) report experiencing such hostility at least weekly.
- ❖ Over one-half of workers (57%) report feeling reluctant to enforce COVID-19 protocols out of concern that customers would tip them less. Indeed, nearly two thirds of workers (64%) report having received a lesser than usual tip after enforcing COVID-19 protocols on customers, usually on a frequent basis.
- 4. Many workers in Massachusetts report a dramatic change in sexual harassment during the pandemic, which is compounded by having to ask customers to comply with COVID-19 safety protocols. Comments by male customers indicate that they feel entitled to demand that workers remove their protective gear, exposing them to the risk of illness or death, in order to obtain the tips they need to make up their base wage.**
- ❖ More than 40% of workers (44%) reported that there has been a change in the frequency unwanted sexualized comments from customers, and just over one quarter (26%) report that they have experienced or witnessed a significant change in the frequency of such sexual harassment.
 - ❖ Workers frequently are subjected to sexualized comments from customers, the majority of which were a request from male customers that women service workers remove their mask so that the men could judge their looks, and, implicitly, determine their tips on that basis. Many comments were even more sexually explicit: “Guys came in and harassed one of servers and tried to touch her.” These comments have been provided in their entirety in Table 5 in Section III of this report, “Sexual Harassment of Illinois Restaurant Workers In the Time of COVID,” on page 12.



Analysis of the survey responses from Massachusetts respondents demonstrate that workers are being subjected to shockingly high rates of exposure to the virus and increased sexual harassment on top of an already high rate, in a context of a subminimum wage and already vastly reduced tips due to less indoor dining. The survey results demonstrate that workers' vulnerability and dependence on tips, since they do not receive a full minimum wage, prevents them from serving as the public health marshals they are expected to be and subjects them to a potential deadly health threats simply in order to scrape by economically for themselves and their families.

All of these experiences at the intersection of public health hazards and sexual harassment point to a clear minimal solution: requiring all restaurants in Massachusetts pay One Fair Wage: a full minimum wage with tips on top. Paying workers a full minimum wage with tips on top would reduce their dependence on tips and thus their vulnerability to harassment. Previous studies have indicated that the 7 states with One Fair Wage have half the rate of sexual harassment as states with a subminimum wage of \$2.13 an hour have. Paying workers in Massachusetts a full minimum wage would empower them to enforce safety protocols on customers and to reject sexual harassment and the life-threatening demands on women to remove their masks for the sexual pleasure of customers.

TABLE 1

Summary of COVID-19 Health and Customer Harassment Impacts on Restaurant Workers in Massachusetts

Restaurant Employee Exposure to COVID-19

- 9%** Has personally contracted COVID-19.
- 92%** Knows someone who has contracted COVID-19.
- 37%** Of those who know someone infected, percent who knows someone who has died from COVID-19 or COVID-19 complications.
- 43%** Employees who report that one or more employees at their restaurant has contracted COVID-19.
- 86%** Employees are within 6 feet of an unmasked person at least once during their shift.
- 40%** Employees are within 6 feet of an unmasked person 30 or more times during their shift.
- 60%** Employees who interact with 10 or more unmasked people during their shift.
- 37%** Employees who interact with 30 or more unmasked people during their shift.

TABLE CONTINUED ON NEXT PAGE

TABLE 1

Employer Implemented COVID-19 Safety Protocols

- 27% Employer has not conducted a mandatory training about COVID-19 prior to reopening for dining or other customer-facing services.
- 19% Employer consistently follows all COVID-19 safety protocols.
- 89% Service tables are placed to ensure that patrons are at least six feet apart or are separated by an impermeable physical barrier.
- 56% Designated areas/markings indicate 6-foot distancing for patrons in various settings (e.g. waiting to order, waiting for restroom, or waiting to be seated).
- 64% Customers are advised before seating that they are required to wear face coverings any time they are not eating or drinking and when personnel approach their table.
- 83% Tables and chairs are wiped down and sanitized between use.
- 41% Advises customers that they must remain outside the Outdoor Dining Establishment, and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pick up food at an indoor counter.
- 44% Encourage reservations to prevent crowds from gathering. Timing of reservations allows sufficient time to disinfect customer seating areas.

Employee Safety Protocols Instructed by Employer

- 13% Employer consistently instructs employees to follow all COVID-19 safety protocols.
- 91% Requires all personnel to wear masks at all times.
- 89% Requires all personnel to wash hands frequently.
- 56% Requires all personnel to maintain a distance of 6 feet at all times when possible.
- 77% Provides employees with Personal Protective Equipment.
- 56% Before an employee begins shift a designated supervisor will perform a COVID-19 symptom and temperature check.
- 77% If an employee reports COVID-19 symptoms or has a fever at or above 100.4 °F [38 °C], supervisor or employer will immediately send them home, and require them to quarantine and get tested before returning to work.
- 80% Employer encourages employees who have possible exposure to COVID-19 to quarantine and get tested before returning to work.
- 19% Employer gives employees who have possible exposure to COVID-19 paid time off to quarantine and pays for them to get tested before returning to work.

Customer Harassment and Impact on Tipping

- 74% Supervisor has said they will support workers to tell a guest or coworker to put on a mask when you are within six feet of employees.
- 87% Report that tips have decreased since COVID-19.
- 70% Report that tips have decreased since COVID-19 by at least 50% or more.
- 80% Experienced or witnessed hostile behavior from customers in response to staff enforcing COVID-19 safety protocols.
- 58% Experienced or witnessed hostile behavior on a weekly basis from customers in response to staff enforcing COVID-19 safety protocols.
- 57% Felt reluctant to enforce COVID-19 safety protocols upon customers out of concern that customer would tip less.
- 60% On a weekly basis has received a decreased tip from a customer in response to enforcing COVID-19 safety protocols.
- 42% Has experienced or witnessed a noticeable change in overall levels of unwanted sexualized comments from customers.

II. SERVICE WORKERS AND COVID-19 PROTOCOLS IN MASSACHUSETTS

With significant effort, communities in Massachusetts suppressed the spread of COVID-19 through the summer and early fall 2020. However, as studies predicted, COVID cases have risen dramatically in later fall 2020, with over 4,600 new cases reported each day in November according to the Centers for Disease Control (CDC).⁷ Enforcing public health guidelines in locations that are at high risk for transmission is critical to significantly curtailing the spread of the virus at this time. There is almost no place as high risk as restaurants; the CDC reports that adults testing positive for COVID-19 were approximately twice as likely to have eaten at a restaurant.⁸

A HIGH RISK ENVIRONMENT FOR A VULNERABLE POPULATION

Massachusetts food service workers are well aware of the risk they face every day while working at a restaurant during the pandemic. Over 90% of responding workers surveyed reported knowing someone who has contracted the COVID-19 virus. Of those workers, 37% know someone who has passed away due to COVID-19 or COVID-19 complications. **And over four-in-ten workers (43%) report that at least one coworker in their restaurant has contracted the virus.** In such a high risk environment, these workers are being asked to serve as the first line of defense against the virus by enforcing public health guidelines among themselves and with customers. However, the fact is that tipped service workers may be paid a subminimum wage in Massachusetts, and are thus reliant on customer tips for a majority of their wage. This reality has rendered them unable to uphold the health and safety measures that benefit all of us.

TABLE 2

Restaurant Employee Exposure to COVID-19 in Massachusetts

| | | | |
|-----|---|-----|--|
| 9% | Has personally contracted COVID-19. | 86% | Employees are within 6 feet of an unmasked person at least once during their shift. |
| 92% | Knows someone who has contracted COVID-19. | 40% | Employees are within 6 feet of an unmasked person 30 or more times during their shift. |
| 37% | Of those who know someone infected, percent who knows someone who has died from COVID-19 or COVID-19 Complications. | 60% | Employees who interact with 10 or more unmasked people during their shift. |
| 43% | Employees who report that one or more employees at their restaurant has contracted COVID-19. | 37% | Employees who interact with 30 or more unmasked people during their shift. |

PROTECTIONS AND PROTOCOLS

While nearly three quarters of workers from Massachusetts who responded so far (74%) reported that a supervisor told them that they would be supported when asking customers to follow public health guidelines, such as wearing a mask or sitting six feet apart, the conditions in which employees work reveal a different reality. When asked about the restaurant policies that their employer consistently follow, only 19% of employees described working conditions in Massachusetts restaurants that met all the CDC's guidelines for restaurant operations during COVID-19 – a rate 12% lower than the national average. Even fewer workers, only 14%, described employee-focused policies that met required health-safety guidelines. Indicative of this negligent hands-off approach is the fact that more a quarter of workers (28%) of service workers state that their employers have not conducted a mandatory training about COVID-19 prior to reopening their businesses for dining or other customer-facing services.

TABLE 3

Employers and COVID-19 Safety Protocols in Massachusetts

Employer Implemented COVID-19 Safety Protocols

- | | | | |
|-----|--|-----|--|
| 19% | Employer consistently follows all COVID-19 safety protocols. | 83% | Tables and chairs are wiped down and sanitized between use. |
| 89% | Service tables are placed to ensure that patrons are at least six feet apart or are separated by an impermeable physical barrier. | 41% | Advises customers that they must remain outside the Outdoor Dining Establishment, and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pick up food at an indoor counter. |
| 56% | Designated areas/markings indicate 6-foot distancing for patrons in various settings (e.g. waiting to order, waiting for restroom, or waiting to be seated). | 44% | Encourage reservations to prevent crowds from gathering. Timing of reservations allows sufficient time to disinfect customer seating areas. |
| 64% | Customers are advised before seating that they are required to wear face coverings any time they are not eating or drinking and when personnel approach their table. | | |

Employee Safety Protocols Instructed by Employer

- | | | | |
|-----|--|-----|---|
| 14% | Employer consistently instructs employees to follow all COVID-19 safety protocols. | 77% | If an employee reports COVID-19 symptoms or has a fever at or above 100.4 °F [38 °C], supervisor or employer will immediately send them home, and require them to quarantine and get tested before returning to work. |
| 92% | Requires all personnel to wear masks at all times. | 80% | Employer encourages employees who have possible exposure to COVID-19 to quarantine and get tested before returning to work. |
| 89% | Requires all personnel to wash hands frequently. | 19% | Employer gives employees who have possible exposure to COVID-19 paid time off to quarantine and pays for them to get tested before returning to work. |
| 56% | Requires all personnel to maintain a distance of 6 feet at all times when possible. | 74% | Supervisor tells you they will support you to tell a guest or coworker to put on a mask when you are within six feet of them. |
| 77% | Provides employees with Personal Protective Equipment. | | |
| 56% | Before an employee begins shift a designated supervisor will perform a COVID-19 symptom and temperature check. | | |

These statistics make evident that the restaurants in Massachusetts to which workers are returning to work are not providing the necessary conditions to safeguard the health of their employees, far less the public they serve. Instead, workers are required to not only face the risk of contracting the virus but also to enforce COVID-19 protocols on the very same customers from whom they must obtain tips to make up their base wages. For instance, one quarter of surveyed workers indicated that their employer does not provide them with any Personal Protective Equipment (PPE) to wear that would keep them or their customers safe. Should a worker contract COVID-19 while employed by a restaurant, only 19%, would be offered paid time off by their employers — 9 percentage points lower than the national average.



INCREASED HOSTILITY AND DECREASED TIPS

A major source of restaurant workers' inability to protect themselves and enforce critical health and safety protocols with customers in Massachusetts and in 42 other states is the subminimum wage for tipped workers, because it requires workers to derive a substantial portion of their income from customer tips. During the pandemic, these workers' reliance on tips from customers has made it difficult to nearly impossible to enforce critical social distancing and mask rules on these same customers.

The pandemic has increased workers' vulnerability and dependence on customer tips. After nearly 1 in 4 workers in the restaurant industry lost their jobs in the first wave of the pandemic,⁹ those who are returning to work find themselves under significant economic burdens from months of unemployment

during which they lacked access to unemployment benefits, because their sub-minimum wage was too low to qualify.¹⁰ As a result, many workers find that they have no choice but to work regardless of risk and are even more reliant on customer tips than they were before.

More than three quarters (78%) of the workers with whom we spoke to in Massachusetts reported that they have experienced customers becoming hostile to staff for following public health guidelines, such as insisting upon wearing a mask. Unsurprisingly, nearly 60% of workers (57%) report feeling reluctant to enforce COVID-19 protocols out of concern that customers would reciprocate with aggression, hostility, and lesser tips. This feeling is based on real experience; close to two-in-three workers (64%) report having received a lesser tip than normal after enforcing COVID-19 protocols on customers, and 61% report that receiving a lesser tip for enforcing these protocols is a weekly experience. Simultaneously, restaurant workers are presented with the impossible task, and losing battle, of policing the customers who directly subsidize their wages.

Workers' inability to enforce public health protocols that would protect themselves and the public in Massachusetts is exacerbated by the fact that tips are generally vastly diminished because sales are diminished, thus increasing workers' dependence on whatever customer tips they are able to obtain, enhancing their vulnerability to abuse by customers. More than 80% of workers (87%) surveyed report receiving less tips overall since the start of the pandemic. Among these workers reporting

a decline in tips, 70% describe their tips decreasing by over 50%. As a consequence of this reality, if workers hope to receive the diminished tips upon which their livelihood depends, they are too often forced to tolerate customer behavior that threatens their health or even threatens their immediate physical safety. To provide for themselves and their families, workers are routinely forced

TABLE 4

Customer Hostility and Impact on Tipping in Massachusetts

- | | | | |
|-----|---|-----|--|
| 70% | Supervisor has said they will support workers to tell a guest or coworker to put on a mask when you are within six feet of employees. | 59% | Experienced or witnessed hostile behavior on a weekly basis from customers in response to staff enforcing COVID-19 safety protocols. |
| 83% | Report that tips have decreased since COVID-19. | 58% | Felt reluctant to enforce COVID-19 safety protocols upon customers out of concern that customer would tip less. |
| 66% | Report that tips have decreased since COVID-19 by at least 50% or more. | 65% | On a weekly basis has received a decreased tip from a customer in response to enforcing COVID-19 safety protocols. |
| 78% | Experienced or witnessed hostile behavior from customers in response to staff enforcing COVID-19 safety protocols. | | |
-



to forgo their physical wellbeing in favor of even a modicum of economic security because the subminimum wage they earn alone cannot sustain them. Workers who receive a full minimum wage with tips on top would be better positioned to enforce the public health guidelines with customers that keep everyone in Massachusetts safe.

Increased hostility from customers and a general reduction in tips during the pandemic has compounded pre-existing race and gender bias in the restaurant industry to create a significantly worse experience for workers of color, women of color in particular. A \$4.79 per hour national wage gap exists between Black women and white men in tipped restaurant positions.¹¹ This gap is due both to workers of color being segregated into lower-tipping casual restaurants so denied access to employment in higher-tipping fine dining restaurants, and to the fact that customers tip white servers at higher rates than their equally qualified Black coworkers.¹² For these women workers of color especially and for all restaurant service workers generally, a full minimum wage would decrease their dependence on tips and vulnerability to customer harassment, and increase their ability to enforce critical public health measures necessary to stop the spread of the pandemic.

III. SEXUAL HARASSMENT OF MASSACHUSETTS TIPPED WORKERS IN THE TIME OF COVID

The subminimum wage for tipped workers requires restaurant service workers — a majority of whom are women and disproportionately women of color — to tolerate inappropriate and degrading customer behavior in order to obtain tips that comprise the majority of their income. Prior to the pandemic, food service workers nationwide reported experiencing the highest rates of sexual harassment of any industry.¹³ Significantly, this experience of sexual harassment varied widely based on whether workers worked in one of the seven states that require One Fair Wage — a full minimum wage with tips on top — or in a state with a subminimum wage for tipped workers in Massachusetts. In a 2014 report, tipped workers in the seven One Fair Wage states reported one half the rate of sexual harassment working in restaurants compared with tipped workers in states

that require employers to pay the federal subminimum wage for tipped workers of just \$2.13 an hour or a slightly higher state minimum wage for tipped workers. (Consider that: \$2.13 an hour.) Because workers in subminimum wage states like Massachusetts are reliant on customer tips to survive, they have far less power to reject customer harassment, including sexual harassment, which is often racist; workers in One Fair Wage states can depend on a regular wage from their employer and are thus more empowered to reject such harassment.¹⁴



As described in the previous section, the pandemic has exacerbated this power dynamic for workers in Massachusetts. Workers report that their tips have declined precipitously, making them more dependent on the meager customer tips that do remain and therefore even more vulnerable to have to tolerate harassment that is now compounded with a threat to their physical safety, even life. Several participants in our fall 2020 survey explained how dependence on tips made them vulnerable to increased sexual harassment during the pandemic. One worker explained that customers were “[A]sking to see my face because

‘they can tell I’m pretty,’ feeling like my tips are dependent on complying but not wanting to risk my personal safety.” Being sexually objectified to make a living wage is hard enough; having to risk health or life on top of that adds a whole additional dimension of threat. Another worker described a situation in which she felt that she had to tolerate sexual harassment and risk exposure to the virus by not following social distancing rules for fear that she would lose tips:

“A regular who has been guilty of unwanted remarks in the past made a remark about not being able to be as close to me as he could before. He didn’t like ‘being so far from me’ and kept trying to get close/right next to me whenever I was off the bar. Eventually, he had me ‘help him with emojis on his phone,’ and I reluctantly obliged to get the situation over with, and also not compromise the large tip we usually receive from him.”

Participants in our fall 2020 survey were asked a number of questions about the comparative levels and types of behaviors that amount to sexual harassment that they have experienced at work since

the pandemic, and restrictions responsive to it, began in earnest in March 2020. Overall, 44% of the participants indicated that they had seen a noticeable change in the level of unwanted sexual comments they received from customers since this date, and over one quarter (26%) report that they have experienced or witnessed a significant change in the frequency of such sexual harassment.¹⁵ As described below, Massachusetts workers shared new unwanted sexual comments and forms of sexual harassment that they had received during the pandemic.

Workers who responded to the survey frequently reported that received or witnessed unwanted sexual comments specifically related to COVID-19 protocols, such as masks or physical distancing. Mask comments were particularly common. For example:

- *“the patrons make comment about using the mask in a bedroom”*
- *“Men ask woman to take their masks down to judge their faces frequently, among other things.”*

Male customers would frequently demand that their server take off her mask, as if the woman server stripping came with the meal:

- *“I was asked to pull down my mask so a group of men could see my whole face and comment on my looks”*
- *“Customer tried to pull mask off waitress to ‘see her pretty face’”.*

Patrons reportedly often become particularly hostile when told that they themselves must wear a mask, often explicitly connecting a request that they protect themselves and the worker to a prostitution-like situation. Others aggressively sexualize the mask or use it as a platform for more unwanted sexual attention, some with deadly themes.

While mask comments were the most common, sexualized remarks about social distancing were common as well, making overt the sexualized undertone that women restaurant workers often have reported feeling in relation to customers:

“A regular who has been guilty of unwanted remarks in the past made a remark about not being able to be as close to me as he could before. He didn’t like ‘being so far from me,’ and kept trying to get close/right next to me whenever I was off the bar. Eventually, he had me ‘help him with emojis on his phone,’ and I reluctantly obliged to get the situation over with, and also not compromise the large tip we usually receive from him.”

Table 5 provides the comments workers shared regarding how sexual harassment was exacerbated by COVID-19 safety protocols such as masks and social distancing.

The comments indicate a dangerous escalation in the power dynamic between customers and women tipped workers during the pandemic. Before, these workers’ dependence on customers for their income resulted in sexual harassment, sometimes including sexual assault. Now, in addition to and linked with that, these workers’ reliance on customer tips has resulted in customers demanding that women risk their lives by removing their masks or coming within six feet of a maskless man.

TABLE 5

Unwanted Sexualized Comments Received by Employees from Customers

Comments have been provided verbatim as submitted without correcting grammar or spelling.

“the patrons make comment about using the mask in a bedroom”

“I was asked to pull down my mask so a group of men could see my whole face and comment on my looks”

“Customer tried to pull mask off waitress to “see her pretty face”

“Person says inappropriate things to me”

“Hay discriminación tanto de los clientes como de algunos managers hacia el personal sinceramente se aprovechan”

“Men just saying inappropriate things to female servers/bar tenders. Not much has changed with that.”

“Men ask woman to take their masks down to judge their faces frequently, among other things.”

“Its hard to explain mostly bad jokes”

“People seem as if it’s now excecable to comment on my body as I haven’t put on the “Covid-19” pounds”

“Guys came in and harassed one of servers and tried to touch her.”

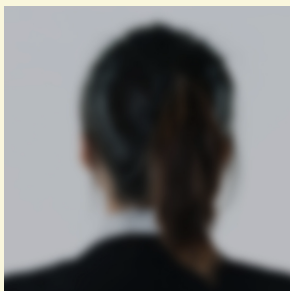
“They call me faggot”

“A regular who has been guilty of unwanted remarks in the past made a remark about not being able to be as close to me as he could before. He didn’t like “being so far from me,” and kept trying to get close/right next to me whenever I was off the bar. Eventually, he had me “help him with emojis on his phone,” and I reluctantly obliged to get the situation over with, and also not compromise the large tip we usually receive from him.”



WORKER PROFILE

Camila Glynn



Camila Glynn* has worked in the restaurant industry since she was just 14 years old. Growing up in Gloucester, she always loved the dynamic nature of her work both in the kitchen and as a server. Now 55, Camila remains dedicated to serving her customers despite the hardship that has befallen the industry. Although working as a

restaurant server has provided steady and exciting work, Camila admits that the job can often be grueling. “It’s always been hard work but it’s much harder now than it ever has been.” Starting out so young, Camila has long experienced sexual harassment in the workplace from her employers, coworkers, and guests, yet has felt unable to resist such behavior. Having spent her whole working career in the industry, Camila says fears talking back to customers out of fears she will lose her job. It was important, she says, to not act uncomfortable or indifferent to unwanted comments or advances, or she would lose her tips or her job, and be left unemployed without any educational qualifications.

Now, on top of harassment from customers, COVID safety is a major concern for Camila. “I feel unsafe because they’re asking us to work in colder months inside in a restaurant.” In a single weekend, four of her coworkers tested positive for coronavirus, and her boss failed to disclose this to staff or customers. While Massachusetts law states that party sizes cannot be larger than 10 people, Camila’s restaurant regularly rents their back room to large parties, and simply books them as separate groups of 10. Massachusetts also requires alcoholic beverages to only be served to those ordering food, but many patrons have been abusing this system: “People are using it as a bar, ordering a side order of fries and having 6 or 7 drinks to go with it... We can have the rules and guidelines, but as long as they order a side of rolls there’s nothing I can do.” Enforcing restrictions upon the very customers who pay her wages in tips is a huge disincentive for Camila, especially at a time when work in the industry has become precarious.

Camila used to work single and double shifts from Thursday through Sunday, but her hours were recently cut down to four shifts a week, and now she only works two shifts. Reliant on her income, Camila tolerates many instances of sexual harassment from her manager and customers. “There’s not one time I go to work that I don’t hear a sexual remark.”

Her boss often comments on her backside when she enters her workplace in the morning. His comments, she says, make her feel self-conscious and uncomfortable, but she cautions that it was worse when she was younger. Customers will make rude, sexualized comments that she feels she simply has to deal with, especially now. “There are times where there’s stuff being said and it’s really not appropriate and if I had any balls, I’d say something, but I don’t. What am I gonna say? This is how waiters feel. We’re working for tips, my check is zero every week.” Camila says sexual harassment is a fact of life as a server — it was constant before the pandemic, and it will be constant after. But with fewer customers because of capacity restrictions and decreased tipping rates, it is harder than ever to stand up against sexual harassment when the ability to pay rent is on the line.

While working her remaining shifts and trying to keep herself and customers safe, Camila is fighting a losing battle. She has been screamed at by customers when asking them to put a mask on. People have threatened not to pay their bill because she has enforced safety measures. Other guests promise to obey the rules upon entering the restaurant, but once seated, immediately disregard the safety of the workers and other guests. This means Camila now has to walk a fine line between keeping customers happy in order to make an income, and enforcing mandatory safety protocols. The work is now more exhausting than ever, especially when it barely gives her enough to get by. “I don’t know how it came to be that people didn’t consider our job deserving of a living wage... I’m going to lose my home, my car. Somebody ought to do something for the servers in this country.”

*Name has been changed to protect the worker’s identity.

IV. CONCLUSION



Service sector workers in Massachusetts are facing a clear crisis, unable to protect themselves or enforce the safety protocols needed to protect the public. This report shows that this vulnerability and inability to protect themselves and others is due to their dependence on tips as a majority of their wage. This challenge can be easily overcome. Seven states – CA, OR, WA, NV, MT, MN, and AK – all require restaurants to pay a full minimum wage with tips on top; it is time Massachusetts join them.

There is increasing momentum for the country to follow these states' lead. Over a dozen other states have introduced legislation to eliminate the subminimum wage for tipped workers, and several states – NY, DC, MI, ME, and MA – have held hearings on the subject or even advanced One Fair Wage legislation. In July 2019, the U.S. House of Representatives passed a bill calling for One Fair Wage (HR582), and in fall 2020 then-Presidential candidate Joe Biden named One Fair Wage in three different parts of his campaign platform.¹⁶

Enacting One Fair Wage in Massachusetts and nationwide has become a COVID-19 crisis concern, both for service workers and for the public health. If we do not want Massachusetts or any other state to become a COVID hotspot once again, we must ensure that these workers are paid a full minimum wage and can thus enforce safety protocols and reject dangerous and demeaning sexual harassment from customers. Since harassment and illness will persist beyond the pandemic, states like Massachusetts must enact One Fair Wage as permanent law now.

To help advance this policy, the consuming public can take several steps.

1. Support restaurants that are already moving to pay their workers a full minimum wage with tips on top. These restaurants can be found at www.highroadrestaurants.com
2. Encourage any restaurant you dine at or order from to transition to One Fair Wage, by asking to speak with the manager or owner, telling them that you would feel more safe as a customer if the workers were all paid the full minimum wage with tips on top, and asking them if you can connect them with RAISE High Road Restaurants, at www.highroadresaturants.com
3. Call on your state and federal legislators to enact One Fair Wage legislation now, by going to www.fightdontstarve.com

Together, we can empower workers to enforce critical COVID-19 safety protocols, reject dangerous, life-threatening sexual harassment, feed their families, and survive the crisis by ensuring that they are paid a full, livable minimum wage in Massachusetts.

BIBLIOGRAPHY

Civil Eats. *One Fair Wage Wants to Help Reopen Restaurants—And Change How They Pay Workers*. (2020, June 19). <https://civileats.com/2020/06/19/one-fair-wage-wants-to-help-reopen-restaurants-and-change-how-they-pay-workers/>.

Jayaraman, S. (2013). *Behind the Kitchen Door*. Cornell University Press; JSTOR. <https://www.jstor.org/stable/10.7591/j.ctt1xx52w>.

Jayaraman, S. (n.d.). *Bite Back*. Retrieved October 21, 2020, from <https://www.ucpress.edu/book/9780520289369/bite-back>.

Jayaraman, S. (2016). *Forked: A New Standard for American Dining*. Oxford University Press.

Office of Governor Gavin Newsom, “Governor Newsom Announces New Initiatives to Support California Workers Impacted by COVID-19.” April 15, 2020 <https://www.gov.ca.gov/2020/04/15/governor-newsom-announces-new-initiatives-to-support-california-workers-impacted-by-covid-19>.

One Fair Wage. “A Persistent Legacy of Slavery: Ending the Subminimum Wage for Tipped Workers as a Racial Equity Measure.” (2020). https://onefairwage.com/wp-content/uploads/2020/08/OFW_LegacyOfSlavery_USA-1.pdf.

One Fair Wage. “The Subminimum Wage for Tipped Workers as Public Health Crisis: How the Subminimum Wage Disincentives COVID-19 Safety Enforcement in Restaurants.” (2020).

Restaurant Opportunities Centers United “Adding Racial Equity To the Menu: An Equity Toolkit for Restaurant Employers.” (2017) <https://chapters.rocunited.org/wp-content/uploads/2017/11/Racial-Equity-Toolkit.pdf?ref=34e46937-2fcb-4e5c-84cc-47c1f73dce1a>.

Restaurant Opportunities Centers United. “Better Wages, Better Tips: Restaurants Flourish with One Fair Wage.” (2018) New York, NY.

Restaurant Opportunities Centers United. “Building the High Road to Racial Equity.” (2019). New York, NY: ROC United.

Restaurant Opportunities Centers United, Forward Together, et al. “The Glass Floor: Sexual Harassment in the Restaurant Industry.” (2014). New York, NY.

Restaurant Opportunities Centers United. “The Great Service Divide: Occupational Segregation & Inequality in the U.S. Restaurant Industry.” (2014) New York, NY: ROC United.

Segrave, Kerry. (2009). *Tipping: An American Social History of Gratuities*. McFarland.

U.S. Bureau of Labor Statistics. (2020). Current Employment Survey State and Metro Area Industry Employment Estimates. Retrieved from <https://www.labormarketinfo.edd.ca.gov/cgi/dataanalysis/cesSelection.asp?menuchoice=ces>.

U.S. Bureau of Labor Statistics *Employment Situation News Release*. (2020). https://www.bls.gov/news.release/archives/empsit_08072020.htm.

U.S. Bureau of Labor Statistics, May 2019 State Occupational Employment and Wage Estimates.

Yelp: Local Economic Impact Report. (n.d.). Yelp Economic Average. Retrieved October 21, 2020, from <https://www.yelpeconomicaverage.com/business-closures-update-sep-2020>.

ENDNOTES

- 1 Eric Amel et. al, "Independent Restaurants Are A Nexus Of Small Business in the United States and Drive Billions of Dollars of Economic Activity That Is at Risk of Being Lost Due to the COVID-19 Pandemic," Independent Restaurant Coalition, June 10, 2020, at https://media-cdn.getbento.com/accounts/cf190ba55959ba5052ae-23ba6d98e6de/media/EmH1JsVMRNylmKAeF2FJ_Report.pdf.
- 2 Employment Situation News Release. (2020). U.S. Bureau of Labor Statistics. https://www.bls.gov/news.release/archives/emp-sit_08072020.htm.
- 3 Segrave, K. (2009). *Tipping: An American Social History of Gratuities*. McFarland.
- 4 *The Glass Floor: Sexual Harassment in the Restaurant Industry*. Restaurant Opportunities Centers United. (2014). New York, NY.
- 5 *Locked Out by Low Wages*. (2020). One Fair Wage. https://onefairwage.com/wp-content/uploads/2020/05/OFW_Locked-Out_UI_COVID-19_FINALUPDATE.pdf.
- 6 Fisher KA, Tenforde MW, Feldstein LR, et al. Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults ≥ 18 Years in 11 Outpatient Health Care Facilities – United States, July 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1258–1264. DOI: <http://dx.doi.org/10.15585/mmwr.mm6936a5>.
- 7 CDC. (2020, March 28). COVID-19 Cases, Deaths, and Trends in the US | CDC COVID Data Tracker. Centers for Disease Control and Prevention. <https://covid.cdc.gov/covid-data-tracker>.
- 8 Fisher KA, Tenforde MW, Feldstein LR, et al. Community and Close Contact Exposures Associated with COVID-19 Among Symptomatic Adults ≥ 18 Years in 11 Outpatient Health Care Facilities – United States, July 2020. *MMWR Morb Mortal Wkly Rep* 2020;69:1258–1264. DOI: <http://dx.doi.org/10.15585/mmwr.mm6936a5>.
- 9 Bureau of Labor Statistics. "The Employment Situation – April 2020." Bureau of Labor Statistics. <https://www.bls.gov/news.release/pdf/emp-sit.pdf>.
- 10 *Locked Out by Low Wages*. (2020). One Fair Wage. https://onefairwage.com/wp-content/uploads/2020/05/OFW_Locked-Out_UI_COVID-19_FINALUPDATE.pdf.
- 11 *A Persistent Legacy of Slavery: Ending the Subminimum Wage for Tipped Workers as a Racial Equity Measure*. (2020). One Fair Wage. https://onefairwage.com/wp-content/uploads/2020/08/OFW_LegacyOfSlavery_USA-1.pdf.
- 12 Lynn et al., (2008). *Consumer Racial Discrimination in Tipping: A Replication and Extension*. *Journal of Applied Social Psychology*, 38(4), pp.1045–1060.
- 13 *The Glass Floor: Sexual Harassment in the Restaurant Industry* (2014). Restaurant Opportunities Centers United. <https://forwomen.org/wp-content/uploads/2015/09/The-Glass-Floor-Sexual-Harassment-in-the-Restaurant-Industry.pdf>.
- 14 *Ibid.*
- 15 Complete results for this part of the survey appear in Table 1.
- 16 Joe Biden for President: Official Campaign Website. (n.d.). Joe Biden for President: Official Campaign Website. Retrieved November 12, 2020, from <https://joebiden.com/joes-vision/>.

Take off your mask
so I know how
much to tip you.

**Massachusetts Service Workers'
Experience of Health & Harassment
During COVID-19**

ONE FAIR WAGE

THE UC BERKELEY FOOD LABOR RESEARCH CENTER

PROFESSOR CATHARINE A. MACKINNON

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