

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

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

NOVEMBER 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 millions of food service workers nationwide.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 43 states, and 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 With the pandemic, 60% of tipped workers reporting 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 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 around 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.

KEY FINDINGS

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

- ❖ Nearly one-half (44%) of workers who responded reported that at least one or more of their co-workers in their restaurant had contracted COVID-19.
- ❖ Nearly 9 in 10 workers (88%) reported knowing someone who contracted COVID-19, and of those workers, 42% 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.

- ❖ Over one-third of responding workers (37%) reported that their employer had not conducted a mandatory training on COVID safety protocols.
- ❖ Most workers (84%) report being within six feet of at least one person who is not wearing a mask in every shift, and more than one third (33%) report being within six feet of 30 or more maskless individuals on every shift.
- ❖ Nearly 70% of workers (69%) reported that their employer is not consistently following all COVID safety protocols

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 (83%) report that their tips have declined during COVID-19. This decline is severe: nearly two thirds (66%) report that their tips have declined by at least 50%.
- ❖ Over three-quarters of workers (78%) report experiencing or witnessing hostile behavior from customers in response to staff enforcing COVID-19 safety protocols, and nearly 60% (59%) report experiencing such hostility at least weekly.
- ❖ Over one-half of workers (58%) report feeling reluctant to enforce COVID-19 protocols out of concern that customers would tip them less. Indeed, two thirds of workers (67%) report having received a lesser than usual tip after enforcing COVID-19 protocols on customers, usually on a frequent basis.

4. Many workers report a dramatic increase 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 (41%) reported that there has been a noticeable change in the frequency of unwanted sexualized comments from customers, and just over one quarter (25%) report that they have experienced or witnessed a significant change in the frequency of such sexual harassment.
- ❖ Nearly 250 workers shared sexualized comments from customers, a substantial portion of which were requests from male customers that female service workers remove their mask so that they could judge their looks, and, implicitly, determine their tips on that basis. Many comments were even more sexually explicit, such as, “Pull that mask down so I can see if I want to take you home later,” and “Take off your mask so I can stick my tongue down your throat.” These comments have been provided in their entirety in Table 5 in Section III of this report, “Sexual Harassment of Restaurant Workers In the Time of COVID,” which begins on page 10.



Analysis of the survey responses demonstrate that workers are being subjected to shockingly high rates of exposure to the virus and increased sexual harassment in the context of a subminimum wage and already vastly reduced tips due to limited 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 threat simply in order to scrape by economically for themselves and their families.

All of these experiences of the intersection of public health hazards with sexual harassment point to a clear minimal solution: requiring all restaurants 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 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

Restaurant Employee Exposure to COVID-19

10%	Has personally contracted COVID-19.	84%	Employees are within 6 feet of an unmasked person at least once during their shift.
88%	Knows someone who has contracted COVID-19.	33%	Employees are within 6 feet of an unmasked person 30 or more times during their shift.
42%	Of those who know someone infected, percent who knows someone who has died from COVID-19 or COVID-19 Complications.	54%	Employees who interact with 10 or more unmasked people during their shift.
44%	Employees who report that one or more employees at their restaurant has contracted COVID-19.	31%	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

- 37% Employer has not conducted a mandatory training about COVID-19 prior to reopening for dining or other customer-facing services.
- 31% Employer consistently follows all COVID-19 safety protocols.
- 86% Service tables are placed to ensure that patrons are at least six feet apart or are separated by an impermeable physical barrier.
- 65% 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).
- 70% 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.
- 86% Tables and chairs are wiped down and sanitized between use.
- 54% 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.
- 52% Encourage reservations to prevent crowds from gathering. Timing of reservations allows sufficient time to disinfect customer seating areas.

Employee Safety Protocols Instructed by Employer

- 10% Employer consistently instructs employees to follow all COVID-19 safety protocols.
- 92% Requires all personnel to wear masks at all times.
- 86% Requires all personnel to wash hands frequently.
- 58% Requires all personnel to maintain a distance of 6 feet at all times when possible.
- 78% Provides employees with Personal Protective Equipment.
- 60% Before an employee begins shift a designated supervisor will perform a COVID-19 symptom and temperature check.
- 74% 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.
- 73% Employer encourages employees who have possible exposure to COVID-19 to quarantine and get tested before returning to work.
- 28% 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

- 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.
- 83% Report that tips have decreased since COVID-19.
- 66% Report that tips have decreased since COVID-19 by at least 50% or more.
- 78% Experienced or witnessed hostile behavior from customers in response to staff enforcing COVID-19 safety protocols.
- 59% Experienced or witnessed hostile behavior on a weekly basis from customers in response to staff enforcing COVID-19 safety protocols.
- 58% Felt reluctant to enforce COVID-19 safety protocols upon customers out of concern that customer would tip less.
- 65% On a weekly basis has received a decreased tip from a customer in response to enforcing COVID-19 safety protocols.
- 41% Has experienced or witnessed a noticeable change in overall levels of unwanted sexualized comments from customers.

II. SERVICE WORKERS AND COVID-19 PROTOCOLS

With significant effort, multiple communities nationwide 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 100,000 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

Food service workers are well aware of the risk they face every day while working at a restaurant during the pandemic. Nearly 90% of responding workers surveyed reported knowing someone who has contracted the COVID-19 virus. Of those workers, 42% know someone who has passed away due to COVID-19 or COVID-19 complications. **And nearly half of workers (44%) report that at least one worker 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 that tipped service workers may be paid a subminimum wage in all of the states surveyed, and are thus reliant on customer tips for a majority of their wage, has rendered them unable to uphold the health and safety measures that benefit all of us.

TABLE 2

Restaurant Employee Exposure to COVID-19

10%	Has personally contracted COVID-19.	84%	Employees are within 6 feet of an unmasked person at least once during their shift.
88%	Knows someone who has contracted COVID-19.	33%	Employees are within 6 feet of an unmasked person 30 or more times during their shift.
42%	Of those who know someone infected, percent who knows someone who has died from COVID-19 or COVID-19 Complications.	54%	Employees who interact with 10 or more unmasked people during their shift.
44%	Employees who report that one or more employees at their restaurant has contracted COVID-19.	31%	Employees who interact with 30 or more unmasked people during their shift.

PROTECTIONS AND PROTOCOLS

While nearly three quarters of workers who responded so far (71%) 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 31% of employees described working conditions that met all the CDC's guidelines for restaurant operations during COVID-19. Even fewer workers, only 10%, described employee-focused policies that met required health-safety guidelines. Indicative of this negligent hands-off approach is the fact that fewer than 40% of service workers state that their employers have 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

Employer Implemented COVID-19 Safety Protocols

- | | | | |
|-----|--|-----|--|
| 31% | Employer consistently follows all COVID-19 safety protocols. | 86% | Tables and chairs are wiped down and sanitized between use. |
| 86% | Service tables are placed to ensure that patrons are at least six feet apart or are separated by an impermeable physical barrier. | 5% | 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. |
| 65% | 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). | 52% | Encourage reservations to prevent crowds from gathering. Timing of reservations allows sufficient time to disinfect customer seating areas. |
| 70% | 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

- | | | | |
|-----|--|-----|---|
| 10% | Employer consistently instructs employees to follow all COVID-19 safety protocols. | 74% | 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. | | |
| 86% | Requires all personnel to wash hands frequently. | 73% | Employer encourages employees who have possible exposure to COVID-19 to quarantine and get tested before returning to work. |
| 58% | Requires all personnel to maintain a distance of 6 feet at all times when possible. | 28% | 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. |
| 78% | Provides employees with Personal Protective Equipment. | 75% | 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. |
| 60% | Before an employee begins shift a designated supervisor will perform a COVID-19 symptom and temperature check. | | |

These statistics make evident that the restaurants 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 a little over one quarter of workers, 28%, would be offered paid time off by their employers.

Some cities like New York are allowing restaurants to implement surcharges in order to cover increased costs from PPE, cleaning protocols, and capacity restrictions.⁹ However, our survey data shows that a majority of restaurants — who have added the surcharges — have not taken these pre-

cautions to protect their staff. Even worse, restaurant employees are suffering the loss of tips due to the customer surcharge. A different survey of 1,000 customers found that 27% reported that they would likely tip service staff less as a result of these surcharges.¹⁰



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 43 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,¹¹ 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.¹² 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 reported that they have experienced customers becoming hostile to staff for following public health guidelines, such as insisting upon wearing a mask. One worker reported, "Everyone is just becoming more and more hostile and have zero manners whatsoever. [B]artending has never been this difficult... every shift I'm on the verge of having a nervous breakdown and in the two bar jobs I have we keep losing bartenders."

Unsurprisingly, nearly 60% of workers (57.6%) 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; more than two thirds of workers (66.5%) report having received

a lesser tip than normal after enforcing COVID-19 protocols on customers, and 64.7% 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.

TABLE 4

Customer Hostility and Impact on Tipping

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.		



Workers' inability to enforce public health protocols that would protect themselves and the public 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 (83%) surveyed report receiving less tips overall since the start of the pandemic. Among these workers reporting a decline in tips, 79% describe 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 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 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.¹³ 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.¹⁴ For these 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 RESTAURANT 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.¹⁵ 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 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. (Consider that: \$2.13 an hour.) Because workers in subminimum wage states 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.¹⁶



As described in the previous section, the pandemic has exacerbated this power dynamic for workers. 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, 41.3% 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 (25.02%) report that they have experienced or witnessed a significant change in the frequency of such sexual harassment.¹⁷ As described below, almost 250 workers shared new unwanted sexual comments and forms of sexual harassment that they had received during the pandemic. Only one worker reported a decrease in harassment, indicating that the vast majority of workers who reported that they experienced a noticeable 'change' in frequency were reporting an increase in harassment.

A full 43% of the women who responded to the survey said that they themselves had 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:

- *I wish I could see your pretty lips if they match ur eyes.*¹⁸
- *Your mask brings out your eyes! Smile for me.*
- *The patrons make comment about using the mask in a bedroom.*

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

- *"Take your mask off I want to see what's underneath" is the most mild of them all.*
- *Please take the mask off, I want to see your lips.*
- *Another man creepily said, "Come on, sweetie. Lemme see that pretty face under there. Take it off for me, will you? Just a quick flash." I felt like he was asking me to take my shirt off, or something.*

When servers refused, patrons often became hostile and intensified their aggression and pressure:

- *I'll take your mask off and stick my tongue down your throat.*
- *When I told him no, I'm not allowed; he became more insistent, saying things like no one will notice or "I want to see the face of the girl that gave me the great service."*

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:

- *The supervisor went to tell a guest that he had to wear a face mask... and he called her a 'puta'.*
- *I'm called a whore constantly for asking people to wear a mask.*
- *One man actually said: "I don't wear a condom; I sure as hell aren't going to wear a mask!"*
- *A young hostess was explaining to a customer that they had to wear a mask, and they threw their hands down to their genitals and said: "Eat this"!*

Others aggressively sexualize the mask or use it as a platform for more unwanted sexual attention, some with deadly themes:

- *Customers telling other female bartenders they have another head they need help putting the mask on....*
- *A man cut a hole in the mouth (of the mask) and asked a coworker if she sat on his face would he get covid.*
- *Saying things like “I can be covid and make you short of breath.”*

Mask comments were the most common, but 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:

- *“Oh, social distancing, so I can’t touch you anymore, huh?”*
- *“I can’t ever imagine myself social distancing from your sexy ass.”*
- *When told about social distancing, customers reply in a manner along the lines of “My pocket rocket can still reach you.”*

The power dynamics underlying these comments frequently become even more explicit, as customers make clear what restaurant workers already know about the implicit sexual exchange involved:

- *Asks to see “pretty” face. If i say no he doesn’t tip.*
- *He asked me to take my mask off so they could see my face and decide how much to tip me. I kicked them out.*
- *Said he would have tipped me better if I didn’t have a mask on.*
- *Some customer has said let me see your face and see who I am giving my tip.*

Table 5, over the next six pages, provides a sampling of the nearly 250 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.

'If you didn't wear a mask I'd see your pretty smile'

'You'd be prettier without that mask hiding your beautiful face'

"Can't see your smile under that mask"/ "That mask is keeping me from seeing that beautiful face"

"I wasn't trying to go mouth-to-mouth" while gesturing at her crotch.

"I wish I could see your pretty face"/ "You're even pretty with a mask on" to co-worker

"Pull that mask down so I can see if I want to take you home later."

"Take that mask off let me see your beautiful face"

"The supervisor went to tell a guest that he need it to wear a facemask or he wouldn't get any service and he called her a "puta" "

"i bet youre so hot under that mask" "i wouldnt be able to stay 6 ft from you" "come back to my place, we dont have to wear masks"

"I hope you're smiling under that mask,"

"take it off I wanna see your face"

"Pull your mask down so I can see if you're cute"

"Take your mask off I want to see what's underneath" is the most mild of them all

"They say the eyes are the windows to the soul but it's really the mouth-show me your mouth."

A customer asked me to remove my mask so they could see my facial features

A customer told me I looked good in a mask, and then said "I guess that could also be an insult, I guess this is the new keeping the bag over her head" and then just laughed by himself.

Another man creepily said "Come on sweetie lemme see that pretty face under there, take it off for me will you? Just a quick flash" I felt like he was asking me to take my shirt off or something.

A guy was mad about the mask I asked him to wear and was provided by me and he asked would I come back to his house and give him a tutorial on how to really used the mask and nodded his head toward his private area

TABLE 5

A man cut a whole in the mouth and asked a coworker if she sat on his face would he get Covid

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.

A table of young men asked me to remove my mask because they wanted to "guess how old I was." I did not remove the mask. And it has occasionally happened that men will joke about the mask and not being able to see my face.

A young hostess was explaining to a customer that they had to wear a mask and they threw their hands down to their genetiles [sic] and said "eat this".

Accusation of rudeness or being less attractive and friendly due to the mask as well as enforcing the mask protocol.

Always looking to touch you inappropriately being too close

As a female server/bartender/ manager the way men act towards me/ and their sexual comments is still the same pre covid. Asking if I'd hook up with them etc...

Ask if my body matches the face under my

Mask. If my smile is as bright as my eyes

Asked to remove mask so they can see if I'm pretty

Asking girls to take off their masks so they can see your whole face to see how beautiful you really are. Eyes are sexy etc...

Asking 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

asks to see "pretty" face. If i say no he doesn't tip

Being hugged and talked to so closely to me without a mask and my employers not doing any single thing or saying for fear of retaliation

Being made fun of for being Gay

Called names

Comments about "can't see smile and women look better when they smile"

Comments about looking "sexy" in a mask and "you look like a sexy nurse"

Comments about taking the mask off to see me or coworkers smile, being prettier without the masks, etc.

Comments about the masks.

Comments like "take off the mask so I can see your face"

Comments made similar to not being able to perform oral sex or kissing due to masks being in the way

customer asking to see face/ asking to see smile/ making comments about moving closer to the table

Customer cursing on my coworkers

Customer makes jokes racial and sexual

Customer said to co-worker, "oooh I wonder what's behind that mask."

Customer told me that "I had a fat ass."

Customer tried to pull mask off waitress to "see her pretty face"

Customers approaching you asking if you are single and asking for a phone number..or asking what time is my shift over

Customers asking for number asking me to take my mask off asking me out to dinner

Customers asking what we look like without our mask on

Customers sometimes will make a derogatory comment towards female staff

Customers telling other female bartenders they have another head they need help putting the mask on...when told about social distancing, customers reply in a manner along the lines of "my pocket rocket can still reach you" ...bartenders that wear face shields constantly get told "those are made for easy clean up" with the context being if a man were to ejaculate on it. Just an onslaught of disgusting comments over it all.

TABLE 5

Everyone is just becoming more and more hostile and have zero manners whatsoever bartending has never been this difficult...every shift I'm on the verge of having a nervous breakdown and in the two bar jobs I have we keep losing bartenders.

Frequent jokes about being close and requests to "see my face".

Getting too close due to not been able to hear you because you're 6-feet away,

Guest commented on my butt and how black women have big butts.

guest making comments about women's masks/smiling

Guests who come in weekly make sexual comments to a co worker of mine about various things including covid-19

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

Have been asked to remove mask to see smile or face and I then let them know servers have to have masks sewn to their face to prevent a server risking getting a customer sick and they should appreciate me not removing it. With them not having to wear them or the constant forgetting when not seated, I end up usually being the one coughed on, drooled on by a kid or even better a kid touching me with their snotty hands, spat on bc god forbid anyone chew with their mouth closed. So it's only a matter of time before I get it or my coworkers but at least the customers are protected by me wearing my mask.

Having to "cover up so much", or "oh social distancing so I cant touch you anymore huh"

Hay discriminaci3n tanto de los clientes como de algunos managers hacia el personal sinceramente se aprovechan

He asked me to take my mask off so they could see my face and decide how much to tip me. I kicked them out.

He went to give me a hug and grabbed me butt

High fives/fist bumps, asking me to remove my mask, inching uncomfortably close to me, asking or attempting to hug me

Honestly, as a 28 year old woman, sexual harassment for me seems to have decreased. This might be because I'm getting older, maybe because I gained 20 lbs during quarantine, or because I don't wear makeup anymore

because why bother with a mask. I'm sure this has been a factor in my decreased tips because when I was very thin and wore full makeup every day I used to get great tips from men. Not so anymore.

I have been discriminated against because of my sexuality and because of my partner's ethnicity more than ever within the last 6months!

I have had several customers say something to me about women who are heavier should cover up more and the "skinny girls like you" should wear less, or that mask hides "those pretty lips," or I've been told that they "don't care about masks because that's not what they're looking at anyway," and then proceeds to try to look at my butt or my chest

I have on multiple occasions gotten comments about masks covering my "pretty face" and asking me to "flash them" a smile or take off my mask.

I have seen people make unwanted sexual comments towards passing customers about their mask and helping them take them off

I have seen sexual comments being said to passing customers that were not wanted

I hear customer demanding to see your face.

i receive significantly more hostility for enforcing policies than male coworkers. it's noticeable and remarkable.

Groups of young men regularly asking my servers/food runners to take their mask off so they can see if they're cute

I stepped to close to a older guy at a restaurant

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

i was asked to remove my mask - customer was flirting and wanted see my full face

I wish i could see your pretty lips if they match ur eyes

I witnessed someone become "handsy" while purposely walking into another person's space

I'd prefer not to elaborate . This is why I have put in my two weeks notice

I'll take your mask off and stick my tongue down your throat

TABLE 5

I'm called a whore constantly for asking people to wear a mask.

I've been asked to see my face/pull down my mask

I've had customers ask me to take off my mask so they can see my "pretty face". Along with many other comments

Inappropriate touching

It only happened once. Some guys were making jokes about me removing my mask in a stripper way.

Its hard to explain mostly bad jokes

Just a guy saying he liked my mask and would like to see me in 'just the mask'

Just a lot of comments about how masks don't work, and then the conversation always seems to turn into politics and just unwanted conversations while trying to work.

Just comments about placing holes on masks for performing favors stupid humor

Just comments about put holes in masks etc

Just making dirty inappropriate jokes

Just men making sexual comments about us wearing mask

Just the people at work usually in break start to talk and talk so close each other's, sometimes I don't feel secure.

Just touching in general from

Customers to gain my attention or to try and be funny

Let me see this pretty face; take it off.

Come closer, you don't need to be afraid. I won't bite

Let's see what is behind the mask. Want to see your smile. Take it off, not just the mask. Etc etc. To self and coworkers.

Lewd comments are often made about removing the mask so they can see my mouth for various reasons

Like if i am walking or standing i can hear comments containing to I should have stayed in home and customers feeling uncomfortable after entering the restaurant!!!

Majority are sexually suggestive comments regarding oral or downplaying because majority are female workers.

Making passes/flirting

Making very dirty jokes and mean things which I do not find appropriate

Male Customer took mask out from inside his pants next to genitals and waved in the face of female customer telling her to put it on him.

Mask jokes

Men ask me to take my mask off all the time. They try to touch me inappropriately, and often tell me that "distance doesn't matter"

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

Men asking for phone number

Men commenting that I should be forced to remove my mask to smile, or that I probably get "hit on less" since my face is covered. One dude called it "half a burka lol" implying that burkas are only worn through coercion.

Men feel compelled to speak to young girls and women and compliment their bodies and it's pretty creepy to watch and to endure.

Men have asked me to take my mask off so they can "see what they're looking at". Or tell me it's a shame I have to cover up my face. Another man asked me to "hang out sometime" after telling him I'm keeping my circle small because of covid, he said "we can make our own circle"

Men have said "I can't tell if you're smiling" or "I can't tell if you're pretty" because of the masks.

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

Men making comments about not being able to see my lips, or saying things like "I can be covid and make you short of breathe" typical perverted comments

Men often ask me to take off my mask so they can "see my face"

Most are just comments about removing mask though one that repeats is when distanced from customers and nose is exposed due to anxiety and panic attacks as preventative personal health and make comments it's like wearing a broken condom so just raw dog it.

Most customers say the mask wearing is stupid

TABLE 5

Mostly asking to see my pretty smile and other various comments. Asking to go home with them ect

Multiple times male customers has stated how they can't stand 6 feet away but has six feet of penis for me if I take off my mask

Nothing has changed regarding unwanted sexualized comments. Now, I will hear things about my dress or outfit or how nice my mask is or how it matches my dress or how hard I'm working. I definitely hear from these men a lot more now that I'm working so hard. If anything, it's gotten worse.

Old man regular expressing R rated intents for when he goes home in the presence of a few people

Old men consistently make the comment to the women in our restaurant about "oh now we can't see your beautiful smiles because of these stupid masks."

Older men mentioning about how women look more attractive with a mask and how it make women sexier, other men feel more open about overly complimenting our all female staff (maybe because they feel like making up for lost time) and the line is crossed a lot and they don't respond to rejection

Patrons hitting on me.

People are disgusting. I've heard it all. I can do so much from six feet away. If I keep my mask on how so you know I'm not your husband...

People ask to see my face

People begging me to take my mask off so they can see my face.

people insinuating that i am less man, for believing in a hoax

People making comments about wanting to see what's under the mask or people saying they like the mystery of not knowing what's under it.

People requesting me to take my mask off, only to become more persistent when I refuse. Most of them become offended.

People seem as if it's now excetable to comment on my body as I haven't put on the "Covid-19" pounds

People talk about my eyes or body more

People wanting a hug or kiss without mask

People will ask if I'll take off my mask so they can see my lips and mouth, they'll ask if the rest of my face matches my beautiful eyes, they'll tell me that they're glad the mask only covers up a small part of me, etc

Person says inappropriate things to me

Plain rudeness - one man actually said I don't wear a condom I sure as hell aren't wearing a mask

please take the face mask off I want to see your lips

Pls take off your mask so I can see your beautiful face.

Prettier without a mask on/take your mask off around me

Said he would have tipped me better if I didn't have a mask on

saying about u people need to stay away

Sexual jokes

Sexual jokes about covering your mouth with a mask and a customer saying he would cover it for me with something big

Show me your face and asking for hugs

Since my face is covered, people are weirdly focusing and commenting on my body.

Since my face is covered, people are weirdly focusing and commenting on my body.

Skyways am being asked to take down mask to see my face.

Some customer has said let me see your face and see who I am giving my tip, they have also commented on my ass. But now I earn very little from my job because I only work 2 days a week and I don't have any more help.

Some customers and employees don't believe in COVID-19 and they just don't care about other people. They sexualized wearing a mask is for and they also use political terms for wearing a mask.

Someone suggested that I should take my mask off bc I looked cute but they couldn't tell for sure because of the mask.

Sometimes The customer would not like to comply with the circumstances of what's going on

Take off your mask I want to see your face.

Take off your mask so I can see your face/smile

WORKER PROFILE

Kristina Magro



Kristina Magro has worked as a bartender for over thirteen years, spending the last eleven in Chicago, ten in bar management. “I love Chicago,” she says of her hometown. But unfortunately the pandemic hit Chicago as it did much of the US, leading to closures in the hospitality industry, and unprecedented layoffs,

including many who work with Kristina. “We got back to work in July,” she says. “In Chicago, there is no indoor dining allowed... It’s getting cold out, so I’ve had to lay off my staff [that she manages], and they are coming to pick up their last paycheck.” She says they will reopen when they can return to outdoor dining, or when indoor dining is safe.

Reflecting on the few months in which her formerly busy tavern in the West Loop was open, she remembers the first day back on the job. A group of six young men wanted to drink bourbon while dining outdoors, but complained that their drinks were served in plastic cups, which is required by the city. She says these complaints marked the beginning of difficult interactions that only got worse from there. “When it came time to drop off the check, one gentleman was like, ‘Um, excuse me miss, I’m going to need you to take your mask off so we can see your face so we know how much to tip you.’” This kind of thing was not unusual. Kristina says every time she works the floor she faced sexual harassment. Because her staff is mostly male, she was sometimes the only female staff member on shift. But she says the rate at which women sexually harass her male staff has also greatly increased. “People are just being very aggressive in their advances... Never in my life have I seen my staff disrespected over and over again.”

An even more intense moment occurred recently. A man who was dining outdoors wanted to use the restroom. When he entered the restaurant without a mask, Kristina asked him to comply with the policy. “I’m the least worried I’ve ever been about what the consumer is going to take away from the experience — the most important thing is to know that staff feel

comfortable coming to work.” Although disgruntled, the man complied and went to the restroom. After returning, he closed his check and handed his bill to Kristina’s hostess, who is Jewish. “He wrote that we are a bunch of communists and Nazis and drew swastikas all over the check.” She banned him from the establishment but didn’t feel that was enough. She chose to notify his employer of his abusive behavior in hopes of stopping a similar incident from happening elsewhere.

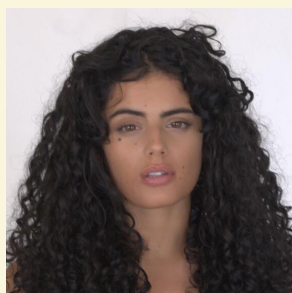
“I think the pandemic has really brought to the forefront the dehumanization of the service industry. Eighty-five percent of the people in the service industry are uninsured, so these people are risking their lives so these people can unnecessarily dine and feel some sort of normalcy.” Kristina says they have always faced these issues in their industry, especially while working in such a wealthy area of the city, dealing with privileged clientele. But she believes the pandemic has exacerbated the already present problems for tipped restaurant workers, including a sense of entitlement. “There is just a lack of tact that was there before — people have been so pent up inside their house that they think they deserve the right to do and act how they please.”

To combat this, Kristina has implemented a surcharge at her restaurant, which is used to pay staff. “I don’t feel like my staff’s income should be contingent on these people’s generosity.” They have also brought on door staff to specifically deal with angry customers who do not want to comply with COVID safety protocols. She checks in with her team weekly to see how staff are feeling about their safety and morale. The recent incident greatly impacted her team: “My whole staff was shaken up by that. Every single one reached out to me and said, how are we going to handle this because this guy can’t get away with this.”

She feels that relying on tipped wages make many restaurant workers hesitant to confront and stop bad behavior, and that tipping gives guests an unearned sense of power over servers, bartenders, and front-of-house staff. “If everyone was just paid a collective rate that this type of behavior would not be allowed.” She hopes this increase in harassment has a silver lining, and leads to meaningful policy changes that bring a fair living wage to tipped workers.

WORKER PROFILE

Cara Mastro



Having spent her first working years in the restaurant industry, Cara Mastro is no stranger to sexual harassment. At 21, Cara became a bartender, and now, at 25, she says she has never had a job where she didn't face some level of sexual harassment. She has been harassed by managers, guests, chefs,

fellow bartenders and servers, and has suffered through sexualized comments, inappropriate touching, and intimidation.

Cara recalls some of the most traumatic past encounters: she once worked for a manager who told her he would sleep with her if he were younger; she has been grabbed on the thigh, waist, neck, hand and backside by management and other staff who claim they were moving her out of the way; and she has been forced to close restaurants alone in order to be made more vulnerable. All this, she says, in four and a half years in the industry. However, since the start of the pandemic, Cara has faced even more frequent and severe sexual harassment at work.

Currently, Cara is being paid cash under the table for her bartending work. This, she says, allows management to take advantage of her. The owner of her current workplace once pulled her aside to let

her know his thoughts on her work performance, and began running his hand down her back. Guests often tell her to remove her mask, or trick her and say they cannot understand her with the mask on. Once removed, they tell her how attractive she is, ask if she has a partner, or inquire about her ethnicity. A maskless guest once continuously tried to get behind the bar to interact with her.

Whenever Cara has stood up to sexual harassment in the past, whether it came from guests or management, she faced backlash and was sometimes fired. When asked how COVID has impacted her experience with sexual harassment, she says, "These [people] have gotten bolder. I'm fed up."

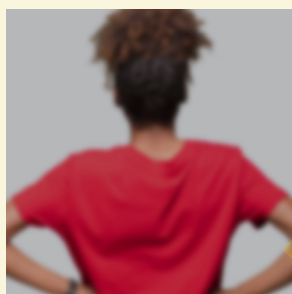
These experiences have culminated in a very warranted anxiety about her work. Cara works the fewest hours she can to get by in order to limit the number of encounters she has with staff and guests. She feels being a tipped worker who is also a woman of color means she faces an inordinate amount of abuse that is normalized. "Being a tipped-worker absolutely enables sexual harassment." Cara hopes instituting a One Fair Wage will end the sexualization she endures everyday in hopes of earning a decent salary.

WORKER PROFILE

Jenny Promeneur

For six years, Jenny Promeneur, 34, has worked in the restaurant industry as an undocumented worker. Originally from France, Jenny lost her job after the onset of the pandemic and became desperate to keep up with rent and bills. Because of her immigration status, she was unable to receive unemployment benefits or government assistance. Once New York reopened dining establishments, she applied for a server position in the West Village.

Red flags appeared as soon as Jenny was invited to interview. In consideration of safety, Jenny properly wore a mask, covering most of her face. After meeting her potential manager for the interview, he asked her to remove the mask because he wanted to see how she looked. Needing income, Jenny complied. “He told me how beautiful he thought I was and how good I looked for my age,” she says. She knew this work environment appeared worrisome, but the post-COVID job market for restaurant workers was very competitive. She took the job in hopes this encounter wasn’t indicative of future behavior.



However, once working, Jenny was subjected to a barrage of sexualized comments, touches, and harassment from her manager. “It happened on a daily basis. He commented on my

looks, grabbed my waist, followed me around the restaurant. He even told me he was in love with me.” Although the burden was not on Jenny to dissuade these unwanted advances, she made an effort to stop him without risking her job. She began wearing baggy clothes to work and closed herself off from the rest of the staff. She hoped this method would combat the likelihood of retaliation from her manager, while reducing her contact with him.

Unfortunately, her manager was quick to express his dissatisfaction with her attempts to protect herself from him. “He said that I had a shift in attitude, that I was confrontational, which is exactly what I wasn’t trying to be.” Her manager claimed her recent behavior meant she was unable to perform her job functions adequately, and he began to attempt to humiliate her in front of other staff and guests.

Jenny knew that he had fired a previous coworker for “asking too many questions,” but she could no longer stand his attacks. She decided to confront him and call out his sexual harassment. “His reply was that I should have set boundaries if I didn’t like the way he was talking to me.” Shortly thereafter, Jenny’s hours were reduced, and she was then fired.

Jenny says she had always experienced sexual harassment doing her job, but since the pandemic and economic fallout, she believes it has become more frequent, especially from management. “Workers are more desperate for employment and income and therefore in a decreased position of power. Many employers and management are taking advantage of this — especially with women, women of color and undocumented women who have been hit hardest by the pandemic.”

By being reliant on good hours in order to receive the best tips, Jenny felt she had to tolerate the endless harassment from her manager, or risk being punished, which proved true. As a tipped worker, Jenny believes that a fair, living wage for all restaurant workers would help even the balance of power, and hopefully prevent other women from facing the situation she did.

WORKER PROFILE

Anne Barclay



Anne is a white woman who has been in the industry since she was 18 years old; she is now 38. She has worked in restaurants in New York, Colorado, and Washington. When the pandemic hit, Anne applied for unemployment and received benefits through July. She currently works at three different restaurants in tipped positions.

At one of her jobs, Anne sometimes works evenings simultaneously as a bartender and floor manager. Once outdoor dining became the new norm in New York, she noticed that groups of young men seemed rowdier and more inappropriate, as if the pandemic had kept them cooped up for too long. “I have never seen inappropriate guest-on-staff behavior at this establishment before the pandemic, but now... [with outdoor dining] people are less monitored, it feels wild westy. Guest behavior seems like it’s regressing.”

She noticed that one particular group of young men was returning repeatedly during one server’s Saturday night shift. Her discomfort with this was justified when the server complained to her that one of the men told her to “pull your mask down so I can see if you’re cute.” Although the server didn’t want to escalate the issue to their manager, Anne spoke to the offending party to let them know the harassment would not be tolerated. “Waiting tables around the block is more exhausting than a usual, pre-pandemic shift, and in addition, servers have to worry about placating this stuff from guests?” She says it makes the work much more taxing.

While this restaurant has a supportive team environment that tries to ensure the safety and comfort of staff, Anne knows that incidents still happen, and other work environments aren’t so well-run. Regarding past positions, she says, “I have had plenty of experience where I’m dodging hands at a table, or laughing off something that is getting close to a line and trying to control the situation or steer it away” — all of which is done

for the sake of keeping customers happy and tips adequate. When asked if relying on customers for tips impacts her willingness to confront situations of sexual harassment: “The short answer is yes.” Anne says at this particular establishment, they are lucky: “We’re busy enough that if somebody is not doing what we ask them to do then they can leave and never come back.”

Unfortunately, one of the restaurants Anne works at does not provide such a safe and supportive environment. Her manager there is lax on mask-wearing, encourages employees not to use gloves to save money, and fails to back up staff with concerns about guest harassment. “As a tipped employee, yeah I’ll go and eat [it] for 10 bucks an hour and hope I get a few tables over there to make money, I gotta get it from somewhere.” In environments like that, Anne says it impacts her confidence in responding to both sexual harassment from customers and enforcing safety protocols. It puts her in a stressful new position where she knows she risks angering the customers who pay the majority of her wages, but safety protocols are critical in protecting herself, the staff and guests, and the larger community.

These safety enforcement responsibilities put front-of-house staff in a new and demanding role, one that has them deal with increased incidences of guest pushback while receiving drastically reduced tips. Anne witnesses or experiences hostility from guests when enforcing protocols almost every shift, and she now receives 50-70% less in gratuities when compared to before the pandemic. Although Anne has already cut back hours at this workplace, she feels she has to keep a foot in the door due to how uncertain her preferred restaurants’ futures could be, especially considering the ongoing rise of coronavirus infections nationwide. Even with her safety at risk, Anne relies on the job. “If all other things were equal, no way would I work there, but I gotta hope I get some tables because they gave me good tips there.”

IV. CASE STUDY: NEW YORK

At the start of the pandemic, New York was widely viewed as the model for stopping the spread of the virus. Through summer and early fall 2020, Governor Cuomo was able to enact science-based public policy that significantly curtailed a growing public health crisis. New Yorkers led by example, flattening the curve and building a foundation of public health policy that would be emulated across the country.

As studies predicted, COVID-19 cases have risen dramatically across the country in fall 2020, with over 100,000 new cases reported each day. New York City is particularly at risk of a deadly second wave. New data from Nature reveal that in large metropolitan cities, crowded indoor venues such as restaurants accounted for 8 in 10 new infections during the first months of the coronavirus pandemic.¹⁹ Lower-income communities and communities of color were reported to face a higher risk of transmission because they were more likely to frequent higher density establishments with less square footage. This and other data indicate that it is more critical than ever to equip employees at high risk transmission sites with every possible tool to thwart an increase in COVID-19 incidence. Our survey data, however, reveal that restaurants in New York State are not properly poised to address these rising concerns, despite their increased risk.

While our fall 2020 survey of New York restaurant workers yielded very similar results to the responses of workers nationwide, such findings are even more troubling in New York which, con-

TABLE 6

**Summary of COVID-19
Health Impacts on New York
Restaurant Workers**

Restaurant Employee Exposure to COVID-19	New York	All States Surveyed
Has personally contracted COVID-19	15%	10%
Knows someone who has contracted COVID-19	90%	88%
Of those who know someone infected, percent who knows someone who has died from COVID-19 or COVID-19 complications	53%	42%
Employees who report that one or more employees at their restaurant has contracted COVID-19	43%	44%
Employees who interact with 30 or more unmasked people during their shift	37%	31%
Employer Implemented COVID-19 Safety Protocols		
Employer consistently follows all COVID-19 safety protocols	33%	31%
Employee Safety Protocols Instructed by Employer		
Employer consistently instructs employees to follow all COVID-19 safety protocols	11%	10%
Employer has not conducted a mandatory training about COVID-19 prior to reopening for dining or other customer-facing services	38%	37%



sistent with the *Nature* report is a higher density and thus a higher risk location. Table 6 indicates several survey questions in which New York restaurant workers reported slightly or significantly higher risks than workers in all states surveyed. In nearly every instance New York’s rate of risk or increase in negative experience during the pandemic was higher than the national rate. New York workers were two thirds more likely to have contracted COVID themselves – 15% of New York workers reported having the virus compared with 10% among all states surveyed. Ninety percent of New York service workers reported knowing someone who contracted COVID-19, compared with 88% of workers in all states surveyed. And among workers who knew someone who had contracted COVID-19, 53% of New Yorkers knew someone who had died of the virus, compared with 42% of workers in all states surveyed. In New York, 67% of workers reported that their employers are not consistently following

COVID-19 safety protocols, compared with 69% of workers in all states surveyed – both very high. Indicative of this negligent hands-off approach is the fact that 38% of New York workers reported that their employers had not conducted a mandatory training about COVID-19 protocols prior to reopening their businesses for dining or other customer-facing services, compared with 37% of workers in all states surveyed.

The lack of compliance with safety protocols on the part of employers, and the lack of state enforcement of these protocols, has had real impact on the everyday lives of the New York restaurant service workforce. Thirty-seven percent of these New York restaurant workers, versus 31% nationally, report that they come into contact under a six foot distance with more than 30 people during a single shift. Additionally, the increased levels of harassment seen across all states surveyed are slightly higher in New York, with nearly 79% of workers reporting increased hostility from customers since the beginning on the pandemic in March compared with 78% in all states surveyed.

TABLE 7

Increased Risk, Hostility, and Harassment, NY v All States Surveyed

Customer Harassment and Impact on Tipping

	New York	All States Surveyed
Report that tips have decreased since COVID-19	79%	83%
Report that tips have decreased since COVID-19 by at least 50% or more	57%	66%
Experienced or witnessed hostile behavior from customers in response to staff enforcing COVID-19 safety protocols	79%	78%
Felt reluctant to enforce COVID-19 safety protocols upon customers out of concern that customer would tip less	57%	58%
On a weekly basis has received a decreased tip from a customer in response to enforcing COVID-19 safety protocols	64%	65%
Has experienced or witnessed a noticeable change in overall levels of unwanted sexualized comments from customers	40%	41%

In New York alone, 42% of responding restaurant workers surveyed indicated that the levels of harassment had changed; 21% of men and fully 65% of women indicated that they had experienced or witnessed a change in the level of unwanted sexual comments; 54% of these women said comments had changed “somewhat” or “to a large degree.”

Table 5 describes all the kinds of comments these women experienced; below are some of the most egregious comments from New York specifically:

*“I bet youre so hot under that mask.” “I wouldnt be able to stay 6 feet from you”
“come back to my place, we dont have to wear masks.”*

*“They say the eyes are the windows to the soul but it’s really the mouth —
show me your mouth.”*

*A table of young men asked me to remove my mask because they wanted to “guess how
old I was.” I did not remove the mask. And it has occasionally happened that men will
joke about the mask and not being able to see my face.*

*Being hugged and talked to so closely to me without a mask and my employers not
doing any single thing or saying for fear of retaliation.*

*Everyone is just becoming more and more hostile and have zero manners whatsoever —
bartending has never been this difficult... every shift I’m on the verge of having a nervous
breakdown and in the two bar jobs I have we keep losing bartenders.*

*Have been asked to remove mask to see smile or face and I then let them know servers
have to have masks sewn to their face to prevent a server risking getting a customer sick
and they should appreciate me not removing it. With them not having to wear them
or the constant forgetting when not seated, I end up usually being the one coughed on,
drooled on by a kid or even better a kid touching me with their snotty hands, spat on bc
god forbid anyone chew with their mouth closed. So it’s only a matter of time before I get
it or my coworkers but at least the customers are protected by me wearing my mask.*

I’ll take your mask off and stick my tongue down your throat.

Let me see this pretty face; take it off.

Come closer, you don’t need to be afraid. I won’t bite

*Let’s see what is behind the mask. Want to see your smile. Take it off, not just the mask.
Etc., etc. To self and coworkers.*

Just as New York took impressive leadership at the onset of the pandemic, heeding science and proactively pursuing life-saving public policy measures, Governor Cuomo must now lead by ensuring that the workers being asked to enforce public health protocols in the highest-risk locations — restaurants — be paid a full minimum wage, and thus empowered to actually enforce these rules



and protect themselves and everyone against the virus. Given the sheer density of New York City and the enormity of the restaurant industry in New York, it is more critical than ever to provide workers with a dependable wage that will erase the perverse tradeoff, the sexual quid pro quo, between enforcing COVID-19 precautions and earning sufficient tips to live.

By giving workers an improved level of support without jeopardizing their health and their livelihoods, One Fair Wage will provide New York with a better chance to avoid a COVID-19 resurgence. Of the workers we surveyed, over 65% percent of those responding endorsed the statement:

"I do not want to return to work in a restaurant until we have One Fair Wage. I do not want to return to work until we have the necessary safety protocols to keep us safe! If I return to work before One Fair Wage becomes law, I cannot guarantee that I can enforce social distancing and mask guidelines with non-compliant customers, because I am dependent upon tips from those same customers. Governor Cuomo, enact One Fair Wage!"

To prevent a rising second wave of the pandemic, New York must strengthen its foundation of responsible public health policy and social justice and enact One Fair Wage legislation for the safety, equality, and dignity of its 750,000 food service workers and the public's health.²⁰

IV. CONCLUSION

Service sector workers 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.

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. New York Governor Cuomo has indicated that he would move NY to eliminate the subminimum wage for tipped workers as a way to reduce sexual harassment in the restaurant industry.^{21,22} 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.²³

Enacting One Fair Wage in New York and nationwide has become a COVID-19 crisis concern, both for service workers and for the public health. If we do not want New York 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 New York 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.

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

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

EMBARGOED

ONE FAIR WAGE

THE UC BERKELEY FOOD LABOR RESEARCH CENTER

PROFESSOR CATHARINE A. MACKINNON

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