

New York State Assemblymember Carl Heastie, Speaker, New York Legislative Assembly
New York State Senator Andrea Stewart-Cousins, Senate Majority Leader

May 18, 2022

Dear NY Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie,

We, the undersigned, collectively represent and work for the rights and dignity of essential workers across New York. We are tipped workers, restaurant workers, car wash workers, delivery drivers, nail technicians, women workers and immigrant workers. We have spent the last twenty years organizing to build up for this moment of incredible opportunity. We support the One Fair Wage Bill A10203/S808 and call on you to prioritize and pass this legislation immediately.¹

Slow regrowth has been falsely linked to a shortage of people willing to return to work but it's [not a staff shortage, it's a wage shortage](#).² According to a [recent NY Times article](#), thousands of restaurants in New York and nationwide have stepped up to solve this wage shortage by raising wages from the subminimum wage for tipped workers to a median of \$13.50 plus tips.³ It's time for New York State to link arms with these employers - and the many other states that already require One Fair Wage - and stand up for all New York restaurant workers by ending the subminimum wage for tipped workers.

Tipped workers are [primarily women and women of color](#) and have long been underpaid and underprotected. The subminimum wage for tipped workers is a direct legacy of slavery, created at Emancipation to hire Black women without pay and make them live on tips. New York remains one of 43 states that persists with this subminimum wage for tipped workers, forcing tipped workers to suffer the [highest rates of sexual harassment and mistreatment against women](#) than in any other industry.⁴

Since COVID hit, thousands of workers have left the industry due to the low pay combined with the dangers of the workplace and widespread harassment exacerbated by the pandemic (often now linked to mask and vax enforcement).⁵ Sexual harassment from customers was magnified by workers enforcing COVID-19 safety protocols. [More than 40% of women food service workers in New York noticed an increase in harassment](#) from customers during the pandemic, while [82% noticed tip amounts plummeted](#).⁶ Hundreds of women servers were asked by customers to remove their masks in order for them to see their face and tip "appropriately". As a result, **New York has the highest rates of restaurant worker exodus of any state in the United States - [the rate of New York restaurant workers leaving the industry is double the national average](#).**

¹ https://nyassembly.gov/leg/?bn=A10203&leg_video=

² https://onefairwage.site/wp-content/uploads/2021/06/OFW_WageShortage_NY.pdf

³ [How to Make an Unloved Job More Attractive? Restaurants Tinker With Wages](#)

⁴ https://onefairwage.site/wp-content/uploads/2021/03/OFW_TheTippingPoint_3-1.pdf

⁵ https://onefairwage.site/wp-content/uploads/2021/09/OFW_NationalWageTheft.pdf

⁶ https://onefairwage.site/wp-content/uploads/2021/03/OFW_TheTippingPoint_3-1.pdf

Workers need a guaranteed high wages and stability to return to work in restaurants, and restaurants who have already met this benchmark deserve a level playing field. This issue has widespread support from workers, from employers and is key to President Biden's agenda. Deputy Labor Secretary, Julie Su while touring New York's High Road restaurants in April 2022, reaffirmed the President's commitment to One Fair Wage.⁷ In a moment in which the restaurant industry is desperately trying to recover and overcome a historic staffing crisis, enacting One Fair Wage could not be more important.

We ask you to prioritize One Fair Wage legislation and end the subminimum wage for tipped workers once and for all.

Signed,

1. One Fair Wage
2. Retail Wholesale and Department Store Union
3. A Better Balance
4. PowHer New York
5. Worker Justice Center of New York
6. Adhikaar for Human Rights and Social Justice
7. Community Service Society of New York
8. Fund Excluded Workers Coalition
9. New York Communities for Change
10. Columbia County Sanctuary Movement
11. Workers United NY NJ Regional Joint Board
12. Legal Momentum
13. Citizen Action of New York
14. Carroll Gardens Association
15. Mixteca Organization
16. NYC-Democratic Socialists of America Labor Branch
17. Sexual Harrassment Working Group
18. New York Poor People's Campaign: A National Call for Moral Revival
19. Make the Road New York
20. United Auto Workers (UAW Region 9A)
21. 13th Forward Coalition
22. Center for Disability Rights
23. Food Chain Workers Alliance
24. Strong Economy for All

⁷ <https://www.nrn.com/workforce/biden-administration-shows-support-ending-subminimum-wage>