

May 13, 2022

Dear Senate Majority Leader Stewart Cousins and Speaker Heastie,

We are women leaders nationwide. We wrote to Governor Hochul in fall 2021, asking her to prioritize ending the subminimum wage for tipped workers as the most effective means to significantly reduce sexual harassment in the restaurant industry, the industry with the highest rates of harassment of any industry in the United States. **We write now because the dramatic increase in customer hostility and sexual harassment faced by tipped workers has reached crisis levels, and the need to end the subminimum wage for tipped workers has become an urgent imperative. We urge you to take action to end the subminimum wage for tipped workers through legislation, by prioritizing and passing Assembly Bill A10203/Senate Bill 808 - immediately.**¹

About 60% of tipped workers in New York State are women, making the subminimum wage for tipped workers a gender pay equity issue. As New York State has repeatedly claimed its commitment² to being a leader in achieving equal pay for women, New York must end the subminimum wage for tipped workers now.

As you know, with the COVID-19 pandemic, women workers have reported a significant decrease in tips and a significant increase in customer hostility and harassment, with hundreds of women workers reporting that they are regularly asked to take off their masks so that male customers can judge their looks and their tips on that basis³, and several news reports of workers being assaulted while trying to enforce COVID protocols on the same customers from whom they must obtain tips to survive. A recent report showed that 58% of women of color report not earning enough tips to even earn the state subminimum wage, and 50% of women reporting that sexual harassment has increased even higher in 2022 - above and beyond the already elevated levels of harassment reported during the pandemic⁴. This is a step in the *wrong* direction for New York State.

This impossible and unacceptable situation has led to hundreds of thousands of workers leaving the restaurant industry; nearly 1 million workers have left the industry nationwide since 2019 (that's 10% of the national workforce)⁵. In New York, nearly 150,000 workers representing 21% of the workforce have left — **New York workers have left the industry at the highest rate of any US state or territory, and a rate that is twice the national average**⁶. Of those who remain in the industry, a May 2021 survey of New York workers indicates that 50% say they're

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

² https://www.governor.ny.gov/sites/default/files/atoms/files/Subminimum_Wage_Report_123119.pdf

³ One Fair Wage, Upstate NY Food Service Workers Experiences of Health and Harassment During COVID-19 (October 2020) https://onefairwage.site/wp-content/uploads/2020/12/OFW_COVID_WorkerExp_UNY.pdf

⁴ Survivors Know and One Fair Wage, #StopGolf (December 2021)

⁵ U.S. Bureau of Labor Statistics. (2021). NAICS Codes 7132, 7139, 7211, 722, 8121. Quarterly data 2019-2021, All establishment sizes. Quarterly Census of Employment and Wages.

⁶ Ibid.

leaving restaurants, and 90% say the only thing that will make them return to working in restaurants is a full, livable wage with tips on top⁷.

The fact is that many restaurants *are* raising wages to attract talent and save their businesses. One Fair Wage documented 3,000 restaurants nationally and over 500 in NY who are now paying a full, livable wage with tips on top to recruit staff.⁸ Many of these restaurants have lobbied to keep subminimum wages in place in the past. The restaurant lobby continues to say that higher wages will hurt the industry at the same exact time their members are *paying higher wages to save their industry*. The restaurant lobby can clearly not be trusted when it comes to saying what's best for restaurants, let alone workers.

On the other hand, many independent restaurants are supporting the call for One Fair Wage because they want to level the playing field — to end the race to the bottom and stop penalizing restaurants that do right by their workers. And they say that moving to One Fair Wage across the board, for all restaurants under law, is the only way to send a clear signal to workers that these are permanent wage increases and it's worth coming back to work in restaurants.⁹ With 50% of workers who remain saying they're leaving, New York restaurants are not able to fully reopen unless we pass One Fair Wage.¹⁰

You've been very clear about the need to get workers back to work. In the restaurant industry, one of the largest and most important industries in New York, there will not be a way to get them back to work unless you take executive action for One Fair Wage; that is the only way to send hundreds of thousands of workers a signal that wage increases will be permanent and it is worth coming back to work in restaurants.

We urge you to end the subminimum wage for tipped workers before the end of the legislative session. It is long overdue for this shameful legacy of slavery and source of rampant sexual harassment to end. One Fair Wage is how we save the restaurant industry in New York State and do right by all working New Yorkers

Sincerely,

Saru Jayaraman, President, One Fair Wage

Gloria Steinem, author and activist

Jane Fonda, actress, author, and activist

⁷ One Fair Wage (May 2021). It's a Wage Shortage, Not a Worker Shortage: Why New York Restaurant Workers are Leaving the Industry, and What Would Make Them Stay.

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

⁸ One Fair Wage. (August 2021). One Fair Wage Employer Database.

https://docs.google.com/spreadsheets/d/1-vFr82dPJwvNkveapdTnwjpnKt84aDzp6MXxi_DMyc/edit#gid=144425502

⁹ One Fair Wage. (September 2021). Raising Wages to Reopen: Restaurants Nationwide Raising Wages to Save Their Businesses After COVID-19.

https://onefairwage.site/wp-content/uploads/2021/09/OFW_RaisingWagesToReopen_3.pdf

¹⁰ One Fair Wage (May 2021). One Fair Wage Worker Public Health Survey Data, Collected 10/20-4/21. It's a Wage Shortage, Not a Worker Shortage: Why New York Restaurant Workers are Leaving the Industry, and What Would Make Them Stay. https://onefairwage.site/wp-content/uploads/2021/06/OFW_WageShortage_NY.pdf

Lily Tomlin, actress
Catharine A. MacKinnon, legal scholar, public intellectual, activist
Abigail E. Disney, filmmaker, philanthropist, & activist
Alyssa Milano, activist and actress
Darryl Hannah, activist and actress
Randi Weingarten, President, American Federation of Teachers (AFT)
The Very Rev. Dr. Kelly Brown Douglas, Dean, Episcopal Divinity School at Union Theological Seminary
Christine Pelosi, documentarian and activist
Shaunna Thomas, President, UltraViolet
Joanne N. Smith, President & CEO, Girls for Gender Equity
Rebecca Dixon, Executive Director, National Employment Law Project
Susan McPherson, CEO of McPherson Strategies
Negin Farsad, comedian and podcast host
Charlotte Clymer, writer and LGBTQ activist
Mia Farrow, actress
Amy Schumer, actress - NO ONE
Tiffany Dufu, Founder & CEO The Cru
Martina Navratilova, tennis player
Alysia Reiner, actress
Danielle Moodie, commentator and activist
Valarie Kaur, author and activist
Bellamy Young, actress
Karen Meheil, activist
Bev Neufeld, Executive Director, POWHer
Jenna Arnold, author and activist
JoEllen Chernow, Co-Director of Survivors Know
Akane Kumagai, Co-Director of Survivors Know
Julie Campbell-Bode, Board Chair of Fems for Democracy and Fems for Dems
Aimee Allison, Founder, She the People
Susan Celia Swan, Executive Director V-Day and One Billion Rising
Esta Soler, President, Futures Without Violence
Teresa C. Younger, President & CEO, Ms. Foundation for Women
V (formerly Eve Ensler), author, activist and founder V-Day and One Billion Rising
Heather Booth, activist
Nancy Trevino, Presente.org
Ana Oliveira, President, The New York Women's Foundation
Aleyamma Mathew, Director, Collective Future Fund
Cristina Tzintzún Ramirez, President of NextGen America
Kavita Ramdas, President, Nathan Cummings Foundation

(Growing list)