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2D SESSION

H. RES. 1528

Recognizing the duty of the Federal Government to protect the rights of
restaurant workers.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2022

Ms. TLAIB (for herself, Mr. GARCÍA of Illinois, and Ms. NEWMAN) submitted the following resolution; which was referred to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, the Judiciary, Financial Services, Energy and Commerce, Agriculture, Oversight and Reform, Armed Services, Veterans' Affairs, Natural Resources, Foreign Affairs, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Recognizing the duty of the Federal Government to protect
the rights of restaurant workers.

Whereas as of 2022—

(1) there are over 11 million restaurant workers in the United States, comprising over 10-percent of the overall workforce; and

(2) over 60-percent of American adults report working in the restaurant industry at some point during their lives and 48-percent report having held their first regular job in a restaurant;

Whereas the restaurant industry workforce is extremely diverse, in which—

(1) 54-percent are women and nearly $\frac{1}{2}$ are workers of color;

(2) Latino and Latina workers are the most represented racial or ethnic group in the restaurant industry; and

(3) over $\frac{1}{5}$ of restaurant workers are immigrants, who are denied access to public programs simply because of their immigration status;

Whereas more than $\frac{1}{3}$ of all women working in the restaurant industry are mothers, and well over $\frac{1}{2}$ of those are single moms.

Whereas restaurant workers live in poverty at nearly 3 times the rate of the general workforce, and access food stamps and Medicaid at nearly twice the rate of the overall workforce.

Whereas employers in 16 States are permitted to pay restaurant workers just \$2.13 an hour before tips, a tipped minimum cash wage that Congress has not raised since 1991 and that exacerbates the economic impacts of sexism and racism, as demonstrated by the fact that in those 16 States—

(1) the racial divide in poverty levels is exacerbated, with restaurant workers of color living in poverty at levels 3.9 percentage points higher than white restaurant workers; and

(2) sexual harassment is higher than in the States where employers are required to pay the full minimum wage with tips on top;

Whereas 23.5-percent of workers in the restaurant industry lived without health coverage in 2017, which is nearly tri-

ple the national rate, and only 31-percent of restaurants offer health insurance coverage for their staff according to a survey of restaurant owners;

Whereas low wages, unjust working conditions, and bans on abortion coverage like the Hyde Amendment, all interfere with someone's ability to make their own decisions about pregnancy and whether to become a parent, and disproportionately affect women and people of color;

Whereas wage theft, discrimination, and other violations of wage and hour law are extremely common in the restaurant industry, and restaurant workers are more likely to experience discrimination in restaurants, including sex discrimination, discrimination against parents, racism and racist hiring practices;

Whereas the rate of sexual harassment among female restaurant workers is the highest of any industry, with female workers filing sexual harassment charges at twice the rate of the general workforce, with one survey of restaurant industry workers finding that more than 70-percent of women reported having experienced some form of sexual harassment in the workplace;

Whereas since the United States is currently the only OECD country with no national paid family leave and one of the few high-income countries without a national family caregiving or medical leave policy, the majority of restaurant workers have no guaranteed paid or unpaid leave;

Whereas in a survey of COVID impacts on the restaurant industry, 42-percent of respondents said that someone at their workplace tested positive for COVID-19 and 68-percent said that the virus impacted their workplaces

with them or their coworkers testing positive, and one in ten restaurant workers went to work with COVID–19 symptoms because of economic pressures;

Whereas nearly 6 million restaurant workers lost their jobs in 2020, disproportionately impacting women and workers of color; and

Whereas unemployment in the restaurant industry in the United States was 41.8-percent in April 2020, at the height of the pandemic, which was more than twice the rate of unemployment in the private sector overall: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) it is the duty of the Federal Government to
4 develop a restaurant workers’ bill of rights through
5 transparent inclusive consultation, collaboration, and
6 partnership with restaurant workers, including mem-
7 bers of frontline and vulnerable communities, labor
8 unions, civil society groups, academia, and busi-
9 nesses to ensure that restaurant workers have—

10 (A) the right to a thriving life by being
11 paid a thriving wage, having access to safe, sta-
12 ble and sufficient housing and affordable
13 childcare, and being economically secure in re-
14 tirement;

15 (B) the right to healing and rest by having
16 paid time to recover from illness, care for fam-

1 ily members, and engage in life outside of work
2 as well as consistent schedules that allow their
3 families to thrive;

4 (C) the right to a safe and dignified work
5 environment by ensuring restaurant workers are
6 safe from discrimination and harassment in the
7 workplace;

8 (D) the right to healthcare and bodily au-
9 tonomy by making certain that all restaurant
10 workers have access to comprehensive and af-
11 fordable healthcare, including a full range of re-
12 productive and gender-affirming care; and

13 (E) the right to participation in govern-
14 ance by exercising their rights as citizens, vot-
15 ers, activists, and organizers at all levels of gov-
16 ernment and at our workplaces, free from pres-
17 sure and coercion from employers;

18 (2) the right to a thriving life will be imple-
19 mented by—

20 (A) enacting a Federal law requiring all
21 tipped and non-tipped restaurant workers to be
22 paid a full thriving wage, which would eliminate
23 the tip credit and prohibit employers from pay-
24 ing workers anything less than the full min-
25 imum wage, with tips on top;

1 (B) exploring options to provide retirement
2 benefits to all workers regardless of the type of
3 employment or level of compensation the worker
4 received through the course of their work his-
5 tory, including by expanding Social Security or
6 establishing funded portable retirement ac-
7 counts;

8 (C) exploring the viability of a Federal
9 guaranteed basic income program;

10 (D) ensuring enforcement of wage and
11 hour regulations by—

12 (i) providing a private right of action
13 for affected workers in the restaurant in-
14 dustry;

15 (ii) increasing Federal resources for
16 investigation and enforcement of wage vio-
17 lations in the restaurant industry;

18 (iii) engaging in strategic enforcement
19 of the restaurant industry, which includes
20 conducting proactive, rather than reactive,
21 investigations;

22 (iv) developing sustained partnerships
23 with worker centers, unions, legal advocacy
24 organizations, and other community-based
25 organizations that are embedded in res-

1 taurant worker communities to conduct in-
2 vestigations;

3 (v) investing resources into informa-
4 tional campaigns to businesses and know
5 your rights campaigns for workers;

6 (vi) strengthening penalties and rem-
7 edies for wage violations in the restaurant
8 industry and engaging in robust compli-
9 ance agreements with violators; and

10 (vii) ensuring that employers are sub-
11 ject to penalties if they retaliate against
12 restaurant workers who report wage viola-
13 tions;

14 (E) modernizing and reforming Federal
15 unemployment insurance laws to—

16 (i) guarantee universal minimum
17 standards for benefits eligibility, duration,
18 and adequacy, with States free to enact
19 more expansive benefits;

20 (ii) reform financing of Federal unem-
21 ployment insurance to eliminate incentives
22 for States and employers to exclude work-
23 ers, reduce benefits, and contest valid
24 claims;

1 (iii) update eligibility standards to
2 match the modern workforce, and guar-
3 antee benefits to underemployed and part
4 time workers, and everyone looking for
5 work but still jobless through no fault of
6 their own, including workers engaged in
7 caregiving; and

8 (iv) enact a Federal requirement that
9 all States provide at least 26 weeks of UI
10 benefits, and use better measures of labor
11 market distress to automatically extend
12 and sustain benefits during downturns;

13 (F) requiring that large companies and
14 franchisors first offer rehiring opportunities to
15 former employees, before hiring new employees,
16 to stop employers from cutting costs by letting
17 go of their experienced, higher-paid workers in
18 favor of new, lower-paid workers;

19 (G) eliminating at-will employment and en-
20 acting just cause termination policies that—

21 (i) require that employers have just
22 cause for termination of employment;

23 (ii) ensure that employers' rules and
24 regulations (those which if broken could
25 cause termination) are standardized, just,

1 reasonable, and are in place to make the
2 workplace safe and legal;

3 (iii) place the burden of proof that an
4 employee is in violation of any such rule of
5 regulation on the employer;

6 (iv) ensure that employers thoroughly
7 inform employees regarding fireable of-
8 fenses;

9 (v) require that employers provide em-
10 ployees with ample notice regarding viola-
11 tions;

12 (vi) ensure that employers carry out a
13 thorough and just investigation when a
14 worker is accused of a fireable offense;

15 (vii) ensure that employees are not re-
16 taliated against by employers for exercising
17 their right to contest termination in a judi-
18 cial or internal process; and

19 (viii) ensure that traditionally ex-
20 cluded workers like domestic, agriculture,
21 and undocumented workers are included in
22 any such policies;

23 (H) enacting policies that help ensure af-
24 fordable housing as a human right for all
25 Americans, including by—

1 (i) modernizing the current Federal
2 Housing program to ensure free, quality
3 federally funded subsidies, support, and
4 guidance for restaurant workers to obtain
5 affordable housing and mitigate bureau-
6 cratic obstacles;

7 (ii) increasing investment in building
8 and preserving affordable housing to ad-
9 dress the severe shortage of affordable
10 homes for people with low incomes;

11 (iii) taking expanded steps to prevent
12 evictions, including by establishing a na-
13 tional housing stabilization fund to help
14 families facing a financial shock avoid evis-
15 tion;

16 (iv) taking steps to advance fair hous-
17 ing and racial equity in housing, including
18 improving enforcement of the Fair Hous-
19 ing Act and expanding it to prohibit hous-
20 ing discrimination based on sexual orienta-
21 tion and gender identity; and

22 (v) allocating additional resources to
23 combat homelessness;

24 (I) investing in a robust, qualified
25 childcare system that is accessible to all work-

1 ers, regardless of their ability to pay or their
2 immigration status, by—

3 (i) establishing free, quality federally
4 funded training programs and advance-
5 ment opportunities for early educators;

6 (ii) ensuring child care providers
7 make a thriving wage to support them-
8 selves and their families and thrive;

9 (iii) ensuring equal access to childcare
10 for all parents and caretakers, not just
11 birthing mothers;

12 (iv) ensuring a wide variety of funded
13 options that meet caretakers' diverse and
14 unique needs;

15 (v) expanding the funding and scope
16 of the Maternal, Infant, and Early Child-
17 hood Home Visiting Program; and

18 (vi) ensuring access to free, quality,
19 nontraditional hour care, including night
20 care;

21 (3) the right to healing and rest will be imple-
22 mented by—

23 (A) a Federal requirement that employers
24 provide paid sick, family, medical and vacation
25 leave to all restaurant workers regardless of

1 their immigration status, implemented through
2 the enactment of—

3 (i) Federal legislation that guarantees
4 all employees a minimum amount of paid
5 family and medical leave, with continued
6 health insurance coverage and meaningful
7 wage replacement during leave, and with
8 guaranteed job security and protection
9 from retaliation upon the employee's re-
10 turn from leave;

11 (ii) Federal legislation that entitles all
12 workers to a minimum number of paid
13 days of vacation; and

14 (iii) Federal legislation that mandates
15 a minimum number of hours of paid sick
16 and safe leave per calendar year for per-
17 sonal and family care regardless of posi-
18 tion, tenure, and hours worked per week;
19 and

20 (B) a Federal requirement that busi-
21 nesses—

22 (i) post employees' work schedules at
23 least two weeks in advance or not later
24 than a certain number of days before their
25 shift begins;

1 (ii) ensure adequate rest between
2 shifts;

3 (iii) provide employees with additional
4 pay when employers make last-minute
5 schedule changes and for on-call shifts;

6 (iv) allow employees to make sched-
7 uling requests or decline schedule changes
8 without fear of retaliation;

9 (v) offer newly available hours to
10 qualified existing staff before making new
11 hires; and

12 (vi) ensure that employees not be pe-
13 nalized or retaliated against for lawful ab-
14 sences under no-fault attendance policies.

15 (4) the right to a safe and dignified work envi-
16 ronment will be implemented by—

17 (A) taking steps to ensure workplace
18 health and safety in the restaurant industry, in-
19 cluding by—

20 (i) requiring employers, with input
21 from employees, to develop, adopt, and dis-
22 tribute plans, which must at a minimum
23 follow guidelines from the CDC and
24 OSHA, to protect employees' health and
25 safety at work that must be activated when

1 a Federal or State pandemic state of emer-
2 gency is declared;

3 (ii) requiring employers to train all
4 workers on hazards and the measures the
5 employer has implemented in the work-
6 place to protect workers from dangers in-
7 cluding working with sharp knives, elec-
8 trical hazards, slippery and cluttered
9 floors, fire hazards and burns from cooking
10 equipment and hot food, musculoskeletal
11 disorders, dangerous cleaning and other
12 chemicals, workplace violence, and
13 COVID-19;

14 (iii) requiring employers to permit em-
15 ployees at a worksite to establish a joint
16 labor-management workplace safety com-
17 mittee where employee members can raise
18 health and safety concerns, hazards, com-
19 plaints, and violations to the employer to
20 which the employer must respond;

21 (iv) improving enforcement of existing
22 workplace safety laws and better funding
23 the Federal agencies tasked with enforcing
24 those laws; and

1 (v) re-examining existing anti-retalia-
2 tion protections, lack of a worker’s private
3 right of action, current standards, and
4 penalties and sanctions for workplace safe-
5 ty violations and, if necessary, updating
6 them to make sure they are effective;

7 (B) enacting Federal policies to reduce the
8 high rate of sex (including sexual orientation
9 and gender identity) discrimination, racial dis-
10 crimination, and other forms of employment
11 discrimination in the restaurant industry by—

12 (i) improving enforcement of existing
13 laws on employment discrimination and
14 better funding the Federal agencies tasked
15 with enforcing those laws;

16 (ii) clarifying and enforcing Federal
17 laws regarding independent contractors to
18 fight misclassification of employees in in-
19 dustries such as the on-demand economy;

20 (iii) eliminating the use of the “felony
21 box” in job applications by expanding the
22 Federal ban the box law to private compa-
23 nies;

24 (iv) enacting equal pay policies to
25 eliminate currently existing gender and ra-

1 cial pay disparities and adding significant
2 penalties for employers who refuse to com-
3 ply;

4 (v) ensuring that employers treat
5 part-time and full-time employees equally
6 when they hold substantially similar jobs;
7 and

8 (vi) establishing better mechanisms
9 for workers to report discrimination with-
10 out fear of retaliation, especially for un-
11 documented workers, and ensuring that
12 employers are subject to penalties if they
13 retaliate against workers who report dis-
14 crimination; and

15 (C) enacting Federal policies to ensure
16 that all immigrant workers and their families
17 currently in the United States have the oppor-
18 tunity to normalize their immigration status,
19 whether by temporary authorization, lawful per-
20 manent status, or full citizenship, including im-
21 mediate eligibility to work and to access health
22 care and other government programs and sup-
23 ports, as well as—

24 (i) enacting H.R. 5227 (117th), the
25 LIFT the BAR Act of 2021; and

1 (ii) enacting H.R. 3149 (117th), the
2 HEAL for Immigrant Families Act of
3 2021.

4 (5) the right to healthcare and bodily autonomy
5 will be implemented by—

6 (A) ensuring that all individuals living in
7 the United States have equal access to com-
8 prehensive, quality, affordable health care, with-
9 out the threat of financial hardship, by—

10 (i) decoupling healthcare coverage
11 from employment; and

12 (ii) exploring moving toward a single-
13 payer, government-administered healthcare
14 system which would cover all residents of
15 the United States for all medically nec-
16 essary services, including doctor, hospital,
17 preventive, long-term care, mental health,
18 abortion care and other reproductive health
19 care, gender-affirming care, dental, vision,
20 prescription drug, and medical supply
21 costs;

22 (B) taking steps to protect access to repro-
23 ductive rights and health care for all workers in
24 the United States, irrespective of race, socio-
25 economic status, employer, State of residency,

1 immigration status, gender identity, and sexual
2 orientation; and

3 (C) enacting H.R. 2234 (117th), the
4 EACH Act of 2021; and

5 (6) the right to participation in governance will
6 be implemented by—

7 (A) taking steps to preserve the right of
8 workers to freely organize and bargain collec-
9 tively with employers, including by—

10 (i) eliminating the racist exclusions
11 and barriers within the National Labor Re-
12 lations Act, providing full inclusion and the
13 right to a union for all workers, including
14 by—

15 (I) reestablishing voluntary rec-
16 ognition of unions upon majority sup-
17 port without a secret election; and

18 (II) guaranteeing the ability of
19 workers to talk openly about unioniza-
20 tion at work and for union organizers
21 to speak to workers openly;

22 (ii) repealing the Labor Management
23 Relations Act, 1947 (known as the “Taft-
24 Hartley Act”) and the amendments made
25 by such Act;

1 (iii) enacting H.R. 842, the Protecting
2 the Right to Organize Act of 2021;

3 (iv) banning State and local “right-to-
4 work” laws;

5 (v) establishing strict and significant
6 penalties when employers break laws to
7 bust unions; and

8 (vi) prohibiting “captive audience”
9 meetings; and

10 (B) protecting the right of all citizens to
11 vote, and making voting as accessible as pos-
12 sible, especially for historically excluded commu-
13 nities, such as Black and Brown people, women,
14 returning citizens, and those in poverty, by—

15 (i) establishing universal registration
16 and voting;

17 (ii) opposing laws and policies which
18 seek to erect further barriers and make
19 ballot access more difficult;

20 (iii) expanding voter registration and
21 voting access;

22 (iv) establishing Election Day as a
23 Federal holiday; and

24 (v) strengthening election security.

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