

118TH CONGRESS  
1ST SESSION

# H. RES. 702

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2023

Ms. TLAIB (for herself, Mr. CARTER of Louisiana, Ms. LEE of California, Mr. BOWMAN, Mr. ESPAILLAT, Ms. CLARKE of New York, Ms. BUSH, Ms. OCASIO-CORTEZ, Ms. PRESSLEY, Mr. CASAR, Mrs. RAMIREZ, Mr. MCGOVERN, Ms. OMAR, Mr. GARCÍA of Illinois, Mr. GRIJALVA, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Ms. JACKSON LEE) submitted the following resolution; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, Financial Services, Energy and Commerce, Agriculture, Oversight and Accountability, 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

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## RESOLUTION

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

Whereas, as of 2022—

(1) there are over 12.5 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 4.9 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 triple 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;

1           (B) the right to healing and rest by having  
2           paid time to recover from illness, care for fam-  
3           ily members, and engage in life outside of work  
4           as well as consistent schedules that allow their  
5           families to thrive;

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

10          (D) the right to healthcare and bodily au-  
11          tonomy by making certain that all restaurant  
12          workers have comprehensive, affordable and ac-  
13          cessible health and reproductive care, protection  
14          against discrimination on the basis of gender  
15          identity, and protection against discrimination  
16          regarding hair texture or hairstyles associated  
17          with a particular race or national origin; and

18          (E) the right to participation in govern-  
19          ance by exercising their rights as citizens, vot-  
20          ers, activists, and organizers at all levels of gov-  
21          ernment and at our workplaces, free from pres-  
22          sure and coercion from employers;

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

1 (A) enacting a Federal law requiring all  
2 tipped and non-tipped restaurant workers to be  
3 paid a full thriving wage, which would eliminate  
4 the tip credit and prohibit employers from pay-  
5 ing workers anything less than the full min-  
6 imum wage, with tips on top;

7 (B) exploring options to provide retirement  
8 benefits to all workers regardless of the type of  
9 employment or level of compensation the worker  
10 received through the course of their work his-  
11 tory, including by expanding Social Security or  
12 establishing funded portable retirement ac-  
13 counts;

14 (C) exploring the viability of a Federal  
15 guaranteed basic income program;

16 (D) ensuring enforcement of wage and  
17 hour regulations by—

18 (i) providing a private right of action  
19 for affected workers in the restaurant in-  
20 dustry;

21 (ii) increasing Federal resources for  
22 investigation and enforcement of wage vio-  
23 lations in the restaurant industry;

24 (iii) engaging in strategic enforcement  
25 of the restaurant industry, which includes

1 conducting proactive, rather than reactive,  
2 investigations;

3 (iv) developing sustained partnerships  
4 with worker centers, unions, legal advocacy  
5 organizations, and other community-based  
6 organizations that are embedded in res-  
7 taurant worker communities to conduct in-  
8 vestigations;

9 (v) investing resources into informa-  
10 tional campaigns to businesses and know  
11 your rights campaigns for workers;

12 (vi) strengthening penalties and rem-  
13 edies for wage violations in the restaurant  
14 industry and engaging in robust compli-  
15 ance agreements with violators; and

16 (vii) ensuring that employers are sub-  
17 ject to penalties if they retaliate against  
18 restaurant workers who report wage viola-  
19 tions;

20 (E) modernizing and reforming Federal  
21 unemployment insurance laws to—

22 (i) guarantee universal minimum  
23 standards for benefits eligibility, duration,  
24 and adequacy, with States free to enact  
25 more expansive benefits;

1 (ii) reform financing of Federal unem-  
2 ployment insurance to eliminate incentives  
3 for States and employers to exclude work-  
4 ers, reduce benefits, and contest valid  
5 claims;

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

13 (iv) enact a Federal requirement that  
14 all States provide at least 26 weeks of UI  
15 benefits, and use better measures of labor  
16 market distress to automatically extend  
17 and sustain benefits during downturns;

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

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



- 1 (i) require that employers have just  
2 cause for termination of employment;
- 3 (ii) ensure that employers' rules and  
4 regulations (those which if broken could  
5 cause termination) are standardized, just,  
6 reasonable, and are in place to make the  
7 workplace safe and legal;
- 8 (iii) place the burden of proof that an  
9 employee is in violation of any such rule of  
10 regulation on the employer;
- 11 (iv) ensure that employers thoroughly  
12 inform employees regarding fireable of-  
13 fenses;
- 14 (v) require that employers provide em-  
15 ployees with ample notice regarding viola-  
16 tions;
- 17 (vi) ensure that employers carry out a  
18 thorough and just investigation when a  
19 worker is accused of a fireable offense;
- 20 (vii) ensure that employees are not re-  
21 taliated against by employers for exercising  
22 their right to contest termination in a judi-  
23 cial or internal process; and
- 24 (viii) ensure that traditionally ex-  
25 cluded workers like domestic, agriculture,

1 and undocumented workers are included in  
2 any such policies;

3 (H) enacting Federal policies to reduce the  
4 high rate of gender, race or national origin, sex-  
5 ual orientation, and other forms of employment  
6 discrimination in the restaurant industry by,  
7 among other things—

8 (i) improving enforcement of existing  
9 laws on employment discrimination and  
10 better funding the Federal agencies tasked  
11 with enforcing those laws;

12 (ii) implementing and enforcing legis-  
13 lation prohibiting discrimination based on  
14 a person's hair texture or hairstyle if that  
15 style or texture is commonly associated  
16 with a particular race or national origin;

17 (iii) mandating employers to train  
18 their employees so long as they employ 5  
19 or more employees anywhere, even if they  
20 do not work at the same location and even  
21 if not all of them work or reside in the  
22 same State;

23 (iv) clarifying and enforcing Federal  
24 laws regarding independent contractors to

- 1 fight misclassification of employees in in-  
2 dustries such as the on-demand economy;
- 3 (v) eliminating the use of the “felony  
4 box” in job applications;
- 5 (vi) enacting policies to eliminate cur-  
6 rently existing gender and racial pay gaps  
7 and adding significant penalties for em-  
8 ployers who refuse to comply; and
- 9 (vii) establishing better mechanisms  
10 for workers to report discrimination with-  
11 out fear of retaliation; and
- 12 (I) investing in a robust, qualified  
13 childcare system that is accessible to all work-  
14 ers, regardless of their ability to pay or their  
15 immigration status, by—
- 16 (i) establishing free, quality federally  
17 funded training programs and advance-  
18 ment opportunities for early educators;
- 19 (ii) ensuring child care providers  
20 make a thriving wage to support them-  
21 selves and their families and thrive;
- 22 (iii) ensuring equal access to childcare  
23 for all parents and caretakers, not just  
24 birthing mothers;

1 (iv) ensuring a wide variety of funded  
2 options that meet caretakers' diverse and  
3 unique needs;

4 (v) expanding the funding and scope  
5 of the Maternal, Infant, and Early Child-  
6 hood Home Visiting Program; and

7 (vi) ensuring access to free, quality,  
8 nontraditional hour care, including night  
9 care;

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

12 (A) a Federal requirement that employers  
13 provide paid sick, family, medical and vacation  
14 leave to all restaurant workers regardless of  
15 their immigration status, implemented through  
16 the enactment of—

17 (i) Federal legislation that guarantees  
18 all employees a minimum amount of paid  
19 family and medical leave, with continued  
20 health insurance coverage and meaningful  
21 wage replacement during leave, and with  
22 guaranteed job security and protection  
23 from retaliation upon the employee's re-  
24 turn from leave;

1 (ii) Federal legislation that entitles all  
2 workers to a minimum number of paid  
3 days of vacation; and

4 (iii) Federal legislation that mandates  
5 a minimum number of hours of paid sick  
6 and safe leave per calendar year for per-  
7 sonal and family care regardless of posi-  
8 tion, tenure, and hours worked per week;  
9 and

10 (B) a Federal requirement that busi-  
11 nesses—

12 (i) post employees' work schedules at  
13 least two weeks in advance or not later  
14 than a certain number of days before their  
15 shift begins;

16 (ii) ensure adequate rest between  
17 shifts;

18 (iii) provide employees with additional  
19 pay when employers make last-minute  
20 schedule changes and for on-call shifts;

21 (iv) allow employees to make sched-  
22 uling requests or decline schedule changes  
23 without fear of retaliation;

1 (v) offer newly available hours to  
2 qualified existing staff before making new  
3 hires; and

4 (vi) ensure that employees not be pe-  
5 nalized or retaliated against for lawful ab-  
6 sences under no-fault attendance policies;

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

9 (A) taking steps to ensure workplace  
10 health and safety in the restaurant industry, in-  
11 cluding by—

12 (i) requiring employers, with input  
13 from employees, to develop, adopt, and dis-  
14 tribute plans, which must at a minimum  
15 follow guidelines from the CDC and  
16 OSHA, to protect employees' health and  
17 safety at work that must be activated when  
18 a Federal or State pandemic state of emer-  
19 gency is declared;

20 (ii) requiring employers to train all  
21 workers on hazards and the measures the  
22 employer has implemented in the work-  
23 place to protect workers from dangers in-  
24 cluding working with sharp knives, elec-  
25 trical hazards, slippery and cluttered

1 floors, fire hazards and burns from cooking  
2 equipment and hot food, musculoskeletal  
3 disorders, dangerous cleaning and other  
4 chemicals, workplace violence, and  
5 COVID-19;

6 (iii) requiring employers to permit em-  
7 ployees at a worksite to establish a joint  
8 labor-management workplace safety com-  
9 mittee where employee members can raise  
10 health and safety concerns, hazards, com-  
11 plaints, and violations to the employer to  
12 which the employer must respond;

13 (iv) improving enforcement of existing  
14 workplace safety laws and better funding  
15 the Federal agencies tasked with enforcing  
16 those laws; and

17 (v) re-examining existing anti-retalia-  
18 tion protections, lack of a worker's private  
19 right of action, current standards, and  
20 penalties and sanctions for workplace safe-  
21 ty violations and, if necessary, updating  
22 them to make sure they are effective;

23 (B) enacting Federal policies to reduce the  
24 high rate of sex (including sexual orientation  
25 and gender identity) discrimination, racial dis-

1           crimination, and other forms of employment  
2           discrimination in the restaurant industry by—

3                   (i) improving enforcement of existing  
4                   laws on employment discrimination and  
5                   better funding the Federal agencies tasked  
6                   with enforcing those laws;

7                   (ii) clarifying and enforcing Federal  
8                   laws regarding independent contractors to  
9                   fight misclassification of employees in in-  
10                  dustries such as the on-demand economy;

11                  (iii) eliminating the use of the “felony  
12                  box” in job applications by expanding the  
13                  Federal ban the box law to private compa-  
14                  nies;

15                  (iv) enacting equal pay policies to  
16                  eliminate currently existing gender and ra-  
17                  cial pay disparities and adding significant  
18                  penalties for employers who refuse to com-  
19                  ply;

20                  (v) ensuring that employers treat  
21                  part-time and full-time employees equally  
22                  when they hold substantially similar jobs;  
23                  and

24                  (vi) establishing better mechanisms  
25                  for workers to report discrimination with-



1 out fear of retaliation, especially for un-  
2 documented workers, and ensuring that  
3 employers are subject to penalties if they  
4 retaliate against workers who report dis-  
5 crimination; and

6 (C) enacting Federal policies to ensure  
7 that all immigrant workers and their families  
8 currently in the United States have the oppor-  
9 tunity to normalize their immigration status,  
10 whether by temporary authorization, lawful per-  
11 manent status, or full citizenship, including im-  
12 mediate eligibility to work and to access health  
13 care and other government programs and sup-  
14 ports, as well as—

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

17 (ii) enacting H.R. 3149 (117th), the  
18 HEAL for Immigrant Families Act of  
19 2021;

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

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

1 (i) decoupling healthcare coverage  
2 from employment; and

3 (ii) exploring moving toward a single-  
4 payer, Government-administered healthcare  
5 system which would cover all residents of  
6 the United States for all medically nec-  
7 essary services, including doctor, hospital,  
8 preventive, long-term care, mental health,  
9 abortion care and other reproductive health  
10 care, gender-affirming care, dental, vision,  
11 prescription drug, and medical supply  
12 costs;

13 (B) taking steps to protect access to repro-  
14 ductive rights and health care for all workers in  
15 the United States, irrespective of race, socio-  
16 economic status, employer, State of residency,  
17 immigration status, gender identity, and sexual  
18 orientation; and

19 (C) enacting H.R. 2234 (117th), the  
20 EACH Act of 2021;

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

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

1 (i) eliminating the racist exclusions  
2 and barriers within the National Labor Re-  
3 lations Act, providing full inclusion and the  
4 right to a union for all workers, includ-  
5 ing—

6 (I) reestablishing voluntary rec-  
7 ognition of unions upon majority sup-  
8 port; and

9 (II) not holding a secret election  
10 and guaranteeing the ability of work-  
11 ers to talk openly about unionization  
12 at work and union organizers to speak  
13 to workers openly;

14 (ii) expanding national labor protec-  
15 tions related to employees' rights to orga-  
16 nize, participate in unions, and collectively  
17 bargain in the workplace and pass the  
18 Richard L. Trumka Protecting the Right  
19 to Organize Act that—

20 (I) would permit labor organiza-  
21 tions to encourage participation of  
22 union members in strikes initiated by  
23 employees represented by a different  
24 labor organization; and

1 (II) prohibits employers from  
2 bringing claims against unions that  
3 conduct such secondary strikes;

4 (iii) repealing the Labor Management  
5 Relations Act, 1947 (known as the “Taft-  
6 Hartley Act”) and the amendments made  
7 by such Act;

8 (iv) banning State and local “right-to-  
9 work” laws;

10 (v) establishing strict and significant  
11 penalties when employers break laws in an  
12 effort to bust unions; and

13 (vi) ending “captive audience” meet-  
14 ings; and

15 (B) protecting the right of all citizens to  
16 vote, and making voting as accessible as pos-  
17 sible, especially for historically excluded commu-  
18 nities, such as Black and Brown people, women,  
19 returning citizens, and those in poverty, by—

20 (i) establishing universal registration  
21 and voting;

22 (ii) implementing legislation requiring  
23 each State to permit any eligible individual  
24 on the day of a Federal election and on

1 any day when voting, including early vot-  
2 ing, is permitted for a Federal election—

3 (I) to register to vote in such  
4 election at the polling place using a  
5 form that meets the requirements  
6 under section 9(b) of the National  
7 Voter Registration Act of 1993 (or, if  
8 the individual is already registered to  
9 vote, to revise any of the individual’s  
10 voter registration information); and

11 (II) to cast a vote in such elec-  
12 tion;

13 (iii) opposing laws and policies which  
14 seek to erect further barriers and make  
15 ballot access more difficult; and

16 (iv) passing the Same Day Registra-  
17 tion Act of 2023, the Freedom to Vote  
18 Act, and the John R. Lewis Voting Rights  
19 Advancement Act; and

20 (7) a Restaurant Workers’ Bill of Rights must  
21 be developed through transparent and inclusive con-  
22 sultation, collaboration, and partnership with res-  
23 taurant workers, including members of frontline and

- 1 vulnerable communities, labor unions, civil society
- 2 groups, academia, and businesses.

