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 ½ are workers of color;

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

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

Whereas more than 1/3 of all women working in the restaurant industry are mothers, and well over ½ 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

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

(1) it is the duty of the Federal Government to develop a restaurant workers’ bill of rights through transparent inclusive consultation, collaboration, and partnership with restaurant workers, including members of frontline and vulnerable communities, labor unions, civil society groups, academia, and businesses to ensure that restaurant workers have—

(A) the right to a thriving life by being paid a thriving wage, having access to safe, stable and sufficient housing and affordable childcare, and being economically secure in retirement;

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

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

(D) the right to healthcare and bodily autonomy by making certain that all restaurant workers have access to comprehensive and affordable healthcare, including a full range of reproductive and gender-affirming care; and

(E) the right to participation in governance by exercising their rights as citizens, voters, activists, and organizers at all levels of government and at our workplaces, free from pressure and coercion from employers;

(2) the right to a thriving life will be implemented by—

(A) enacting a Federal law requiring all tipped and non-tipped restaurant workers to be paid a full thriving wage, which would eliminate the tip credit and prohibit employers from paying workers anything less than the full minimum wage, with tips on top;
(B) exploring options to provide retirement benefits to all workers regardless of the type of employment or level of compensation the worker received through the course of their work history, including by expanding Social Security or establishing funded portable retirement accounts;

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

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

   (i) providing a private right of action for affected workers in the restaurant industry;

   (ii) increasing Federal resources for investigation and enforcement of wage violations in the restaurant industry;

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

   (iv) developing sustained partnerships with worker centers, unions, legal advocacy organizations, and other community-based organizations that are embedded in res-
taurant worker communities to conduct investigations;

(v) investing resources into informational campaigns to businesses and know your rights campaigns for workers;

(vi) strengthening penalties and remedies for wage violations in the restaurant industry and engaging in robust compliance agreements with violators; and

(vii) ensuring that employers are subject to penalties if they retaliate against restaurant workers who report wage violations;

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

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

(ii) reform financing of Federal unemployment insurance to eliminate incentives for States and employers to exclude workers, reduce benefits, and contest valid claims;
(iii) update eligibility standards to match the modern workforce, and guarantee benefits to underemployed and part-time workers, and everyone looking for work but still jobless through no fault of their own, including workers engaged in caregiving; and

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

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

(G) eliminating at-will employment and enacting just cause termination policies that—

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

(ii) ensure that employers’ rules and regulations (those which if broken could cause termination) are standardized, just,
reasonable, and are in place to make the workplace safe and legal;

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

(iv) ensure that employers thoroughly inform employees regarding fireable offenses;

(v) require that employers provide employees with ample notice regarding violations;

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

(vii) ensure that employees are not retaliated against by employers for exercising their right to contest termination in a judicial or internal process; and

(viii) ensure that traditionally excluded workers like domestic, agriculture, and undocumented workers are included in any such policies;

(H) enacting policies that help ensure affordable housing as a human right for all Americans, including by—
(i) modernizing the current Federal Housing program to ensure free, quality federally funded subsidies, support, and guidance for restaurant workers to obtain affordable housing and mitigate bureaucratic obstacles;

(ii) increasing investment in building and preserving affordable housing to address the severe shortage of affordable homes for people with low incomes;

(iii) taking expanded steps to prevent evictions, including by establishing a national housing stabilization fund to help families facing a financial shock avoid eviction;

(iv) taking steps to advance fair housing and racial equity in housing, including improving enforcement of the Fair Housing Act and expanding it to prohibit housing discrimination based on sexual orientation and gender identity; and

(v) allocating additional resources to combat homelessness;

(I) investing in a robust, qualified childcare system that is accessible to all work-
ers, regardless of their ability to pay or their immigration status, by—

(i) establishing free, quality federally funded training programs and advancement opportunities for early educators;

(ii) ensuring child care providers make a thriving wage to support themselves and their families and thrive;

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

(iv) ensuring a wide variety of funded options that meet caretakers’ diverse and unique needs;

(v) expanding the funding and scope of the Maternal, Infant, and Early Childhood Home Visiting Program; and

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

(3) the right to healing and rest will be implemented by—

(A) a Federal requirement that employers provide paid sick, family, medical and vacation leave to all restaurant workers regardless of
their immigration status, implemented through

the enactment of—

(i) Federal legislation that guarantees

all employees a minimum amount of paid

family and medical leave, with continued

health insurance coverage and meaningful

wage replacement during leave, and with

guaranteed job security and protection

from retaliation upon the employee's re-

turn from leave;

(ii) Federal legislation that entitles all

workers to a minimum number of paid

days of vacation; and

(iii) Federal legislation that mandates

a minimum number of hours of paid sick

and safe leave per calendar year for per-

sonal and family care regardless of posi-

tion, tenure, and hours worked per week;

and

(B) a Federal requirement that busi-

nesses—

(i) post employees' work schedules at

least two weeks in advance or not later

than a certain number of days before their

shift begins;
(ii) ensure adequate rest between shifts;

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

(iv) allow employees to make scheduling requests or decline schedule changes without fear of retaliation;

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

(vi) ensure that employees not be penalized or retaliated against for lawful absences under no-fault attendance policies.

(4) the right to a safe and dignified work environment will be implemented by—

(A) taking steps to ensure workplace health and safety in the restaurant industry, including by—

(i) requiring employers, with input from employees, to develop, adopt, and distribute plans, which must at a minimum follow guidelines from the CDC and OSHA, to protect employees’ health and safety at work that must be activated when
a Federal or State pandemic state of emergency is declared;

(ii) requiring employers to train all workers on hazards and the measures the employer has implemented in the workplace to protect workers from dangers including working with sharp knives, electrical hazards, slippery and cluttered floors, fire hazards and burns from cooking equipment and hot food, musculoskeletal disorders, dangerous cleaning and other chemicals, workplace violence, and COVID–19;

(iii) requiring employers to permit employees at a worksite to establish a joint labor-management workplace safety committee where employee members can raise health and safety concerns, hazards, complaints, and violations to the employer to which the employer must respond;

(iv) improving enforcement of existing workplace safety laws and better funding the Federal agencies tasked with enforcing those laws; and
(v) re-examining existing anti-retaliation protections, lack of a worker’s private right of action, current standards, and penalties and sanctions for workplace safety violations and, if necessary, updating them to make sure they are effective;

(B) enacting Federal policies to reduce the high rate of sex (including sexual orientation and gender identity) discrimination, racial discrimination, and other forms of employment discrimination in the restaurant industry by—

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

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

(iii) eliminating the use of the “felony box” in job applications by expanding the Federal ban the box law to private companies;

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

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

(vi) establishing better mechanisms for workers to report discrimination without fear of retaliation, especially for undocumented workers, and ensuring that employers are subject to penalties if they retaliate against workers who report discrimинation; and

(C) enacting Federal policies to ensure that all immigrant workers and their families currently in the United States have the opportunity to normalize their immigration status, whether by temporary authorization, lawful permanent status, or full citizenship, including immediate eligibility to work and to access health care and other government programs and sup-
ports, as well as—

(i) enacting H.R. 5227 (117th), the LIFT the BAR Act of 2021; and
(ii) enacting H.R. 3149 (117th), the HEAL for Immigrant Families Act of 2021.

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

(A) ensuring that all individuals living in the United States have equal access to comprehensive, quality, affordable health care, without the threat of financial hardship, by—

(i) decoupling healthcare coverage from employment; and

(ii) exploring moving toward a single-payer, government-administered healthcare system which would cover all residents of the United States for all medically necessary services, including doctor, hospital, preventive, long-term care, mental health, abortion care and other reproductive health care, gender-affirming care, dental, vision, prescription drug, and medical supply costs;

(B) taking steps to protect access to reproductive rights and health care for all workers in the United States, irrespective of race, socioeconomic status, employer, State of residency,
immigration status, gender identity, and sexual orientation; and

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

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

(A) taking steps to preserve the right of workers to freely organize and bargain collectively with employers, including by—

(i) eliminating the racist exclusions and barriers within the National Labor Relations Act, providing full inclusion and the right to a union for all workers, including by—

(I) reestablishing voluntary recognition of unions upon majority support without a secret election; and

(II) guaranteeing the ability of workers to talk openly about unionization at work and for union organizers to speak to workers openly;

(ii) repealing the Labor Management Relations Act, 1947 (known as the “Taft-Hartley Act”) and the amendments made by such Act;
(iii) enacting H.R. 842, the Protecting
the Right to Organize Act of 2021;
(iv) banning State and local “right-to-
work” laws;
(v) establishing strict and significant
penalties when employers break laws to
bust unions; and
(vi) prohibiting “captive audience”
meetings; and
(B) protecting the right of all citizens to
vote, and making voting as accessible as pos-
sible, especially for historically excluded commu-
nities, such as Black and Brown people, women,
returning citizens, and those in poverty, by—
(i) establishing universal registration
and voting;
(ii) opposing laws and policies which
seek to erect further barriers and make
ballot access more difficult;
(iii) expanding voter registration and
voting access;
(iv) establishing Election Day as a
Federal holiday; and
(v) strengthening election security.