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 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 ⅕ of restaurant workers are immigrants, who are denied access to public programs simply because of their immigration status;

Whereas more than ⅓ 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 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

Resolved, That it is the sense of the House of Representatives 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 family 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 comprehensive, affordable and accessible health and reproductive care, protection against discrimination on the basis of gender identity, and protection against discrimination regarding hair texture or hairstyles associated with a particular race or national origin; 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 restaurant 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 Federal policies to reduce the high rate of gender, race or national origin, sexual orientation, and other forms of employment discrimination in the restaurant industry by, among other things—

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

(ii) implementing and enforcing legislation prohibiting discrimination based on a person’s hair texture or hairstyle if that style or texture is commonly associated with a particular race or national origin;

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

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

(v) eliminating the use of the “felony box” in job applications;

(vi) enacting policies to eliminate currently existing gender and racial pay gaps and adding significant penalties for employers who refuse to comply; and

(vii) establishing better mechanisms for workers to report discrimination without fear of retaliation; and

(I) investing in a robust, qualified childcare system that is accessible to all workers, 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 return 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 personal and family care regardless of position, tenure, and hours worked per week; and

(B) a Federal requirement that businesses—

(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 em-
ployees at a worksite to establish a joint
labor-management workplace safety com-
mittee where employee members can raise
health and safety concerns, hazards, com-
plaints, 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-retalia-
tion protections, lack of a worker’s private
right of action, current standards, and
penalties and sanctions for workplace safe-
ty 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 dis-
crimination, 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 in-
dustries 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 compa-
nies;

(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 with-

out fear of retaliation, especially for un-
documented workers, and ensuring that
employers are subject to penalties if they
retaliate against workers who report dis-

(C) enacting Federal policies to ensure
that all immigrant workers and their families
currently in the United States have the oppor-
tunity to normalize their immigration status,
whether by temporary authorization, lawful per-
manent status, or full citizenship, including im-
mediate 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 com-
prehensive, quality, affordable health care, with-
out 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;

(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—

(I) reestablishing voluntary recognition of unions upon majority support; and

(II) not holding a secret election and guaranteeing the ability of workers to talk openly about unionization at work and union organizers to speak to workers openly;

(ii) expanding national labor protections related to employees’ rights to organize, participate in unions, and collectively bargain in the workplace and pass the Richard L. Trumka Protecting the Right to Organize Act that—

(I) would permit labor organizations to encourage participation of union members in strikes initiated by employees represented by a different labor organization; and
(II) prohibits employers from bringing claims against unions that conduct such secondary strikes;

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

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

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

(vi) ending “captive audience” meetings; and

(B) protecting the right of all citizens to vote, and making voting as accessible as possible, especially for historically excluded communities, such as Black and Brown people, women, returning citizens, and those in poverty, by—

(i) establishing universal registration and voting;

(ii) implementing legislation requiring each State to permit any eligible individual on the day of a Federal election and on
any day when voting, including early vot-
ing, is permitted for a Federal election—

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

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

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

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

(7) a Restaurant Workers’ Bill of Rights must
be developed through transparent and inclusive con-
sultation, collaboration, and partnership with res-
aurant workers, including members of frontline and
vulnerable communities, labor unions, civil society groups, academia, and businesses.