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DINING OUT, DINING HEALTHY:

The Link Between Public Health and Working Conditions in New York City's Restaurant Industry



By the Restaurant Opportunities Center of New York (ROC-NY) and
the New York City Restaurant Industry Coalition

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EXECUTIVE SUMMARY

New York City's restaurants are vital to our economy. But there is a growing problem that is threatening to undermine the vitality of the industry: restaurant owners that maintain bad dining and working conditions, thereby putting the public's health at risk.

In this report, we show that restaurant employers who violate labor laws – for example, by paying less than the minimum wage or failing to pay overtime – present a serious danger to the public health. That's because these employers are pursuing a “low-road” business strategy, which depends on putting enormous pressure on workers and cutting costs on training and wages. The result is a set of workplace practices that endanger food safety, and therefore, the public health.

Our findings are based on two surveys of a total of 880 restaurant workers in New York City, conducted between June 2003 and February 2005. In these surveys, we compared restaurant workers who experienced many labor law violations at their job to those who experienced few labor law violations.

We found that workers who experienced many labor law violations were:

- **Six times more likely to report that they frequently had to cut corners because of time pressures, in ways that might have harmed the health or safety of customers.**
- **Twice as likely not to receive health and safety training from their employer.**
- **Three times more likely to report that they frequently had to perform several jobs at once.**
- **Three times more likely to report that they frequently had to work when their restaurant was understaffed.**
- **Four times more likely to report that they frequently had to do a job for which they weren't trained.**

These low-road business practices were strongly correlated with reports by workers that they had to engage in unsafe food preparation, including:

- **Serving dirty, expired, spoiled or leftover food to a customer**
- **Handling food improperly**
- **Sneezing, coughing or spitting on food**

Finally, analysis of official data from the New York City Department of Health and Mental Hygiene confirms the close connection between health code violations and unsafe workplace practices on the one hand, and labor law violations on the other.

In response, the New York City Restaurant Industry Coalition calls for public policies to promote good workplace practices in the restaurant industry. We must ensure that employers who have been adjudicated for violating labor and health and safety regulations – and who are therefore putting the consumer at risk – are not able to continue business as usual. Such policies will help the restaurant industry become a safer, more transparent, and ultimately stronger part of New York City's economy.



INTRODUCTION

New York City's restaurants are vital to our economy. Millions of visitors and residents frequent the City's cafes and restaurants every week, drawn by the promise of a world-class dining experience. Tens of thousands of workers, many of them immigrants, keep the industry running and depend on the jobs to support themselves and their families.

But there is a growing problem that is threatening to undermine the vitality of the industry: restaurant owners that maintain bad dining and working conditions, thereby putting the public's health at risk. Almost all New Yorkers have a story about the time they became seriously ill after eating out. As we will see, this is no accident.

Over the last three years, the New York City Restaurant Industry Coalition has conducted on-going and comprehensive research on the city's restaurant industry. The study demonstrates that restaurant owners who violate labor laws are also likely to violate health and safety code standards. These "low-road" owners are putting the safety of the public at risk by overworking their employees, pushing them to cut corners, asking them to do jobs for which they were not trained, and not providing basic health and safety training.

Action is clearly needed. In order to protect the health and safety of both customers and workers – and the vitality of the sector overall – the Coalition calls for public policies that promote good workplace practices in the restaurant industry.

In what follows, we present findings from several surveys of restaurant workers carried out between June 2003 and February 2005, resulting in a total sample of 880 workers from New York City. Our first survey of 530 workers, conducted during the summer and fall of 2003, explored the link between labor law violations and unhealthy workplace practices, such as understaffing, lack of training, forcing workers to juggle multiple jobs simultaneously, and other practices that push workers to cut corners that might harm themselves and the customer. Our second survey, carried out during July 2004 and February 2005 with 350 workers, further explored the implication of these "low-road" workplace practices for the health and safety of the consumer.

As reported in the New York Post in August 2004, stressful workplace environments and irresponsible practices in restaurants can have gruesome implications for the consumer. The August 23rd article reports a woman who bit into a fingertip while eating a salad ordered from an upscale mid-town establishment. The worker who had prepared the salad had cut his finger on the job, but was apparently unable to properly care for the injury or stop working. The restaurant was charged with negligence and the case was settled before trial soon after the article came out.

NEW YORK POST

WHAT WE FOUND: LOW-ROAD EMPLOYERS PUT THE PUBLIC'S HEALTH AT RISK

Our research shows that restaurant employers who violate basic labor laws present a serious danger to the public health. These employers are pursuing a “low-road” business strategy, which depends on putting enormous pressure on workers and cutting costs on training and wages. The result is a set of workplace practices that endanger food safety, and therefore, the public health.

The following sections highlight various measures of unhealthy workplace practices in New York City restaurants and the impact that these have on workers and consumers alike. We also draw on interviews with workers and employers to illustrate the real-life effects of low-road business practices, as well as the feasibility of alternative, “high-road” practices in the industry. Finally, we illustrate how official data from the New York City Department of Health and Mental Hygiene support our findings, and identify concrete steps that can be taken to improve the industry for both workers and consumers.

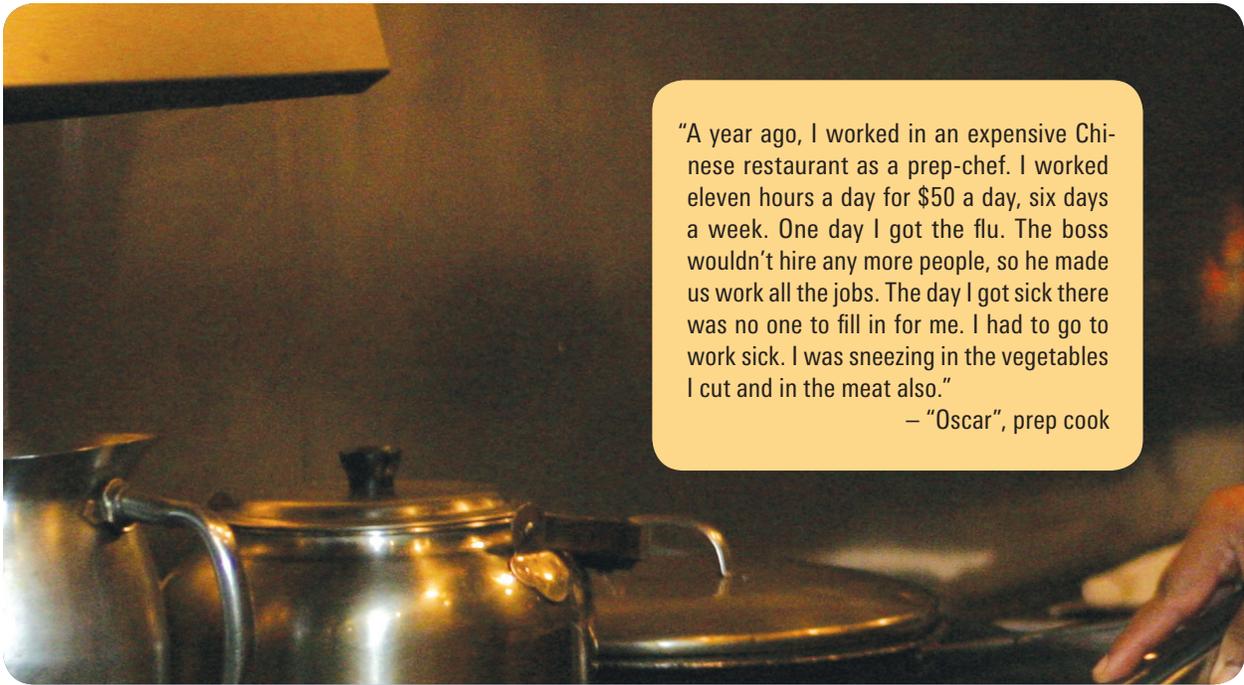
How we measure labor violations in restaurants:

The restaurant workers we surveyed reported the number of times they had experienced a labor violation at their job. We asked about the following specific labor violations:

- The employer paid the worker less than the minimum wage.
- The employer failed to pay overtime for work over 40 hours a week.
- The employer discriminated against the worker on the basis of race, ethnicity, gender, age, sexual orientation, language, immigration status, religion or politics

We then divided our sample into several groups of workers, based on the number of violations they experienced at their restaurant. In this report, we focus on workers who experienced:

1. **Many labor violations** (30% of the sample)
2. **Few labor violations** (38% of the sample)



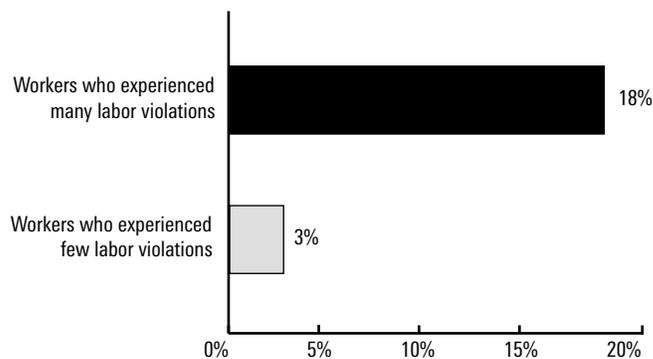
1. Pressure to cut corners, with potential harm to the customer

Restaurant workers who are under intense time pressure understand that cutting corners can put the public health at risk. But they often have little choice – especially when working at a restaurant where the employer is routinely violating standards, including labor laws.

In our survey, we asked workers how often they were forced to cut corners that might have harmed the health and safety of customers. As Figure 1 shows:

- **Of workers who experienced many labor violations, 18% said that they frequently had to cut corners because of time pressures in ways that might have harmed the health or safety of customers.**
- **That's six times the rate (3%) for workers who experienced few labor violations.**

Figure 1: Percent of workers that report having to frequently cut corners that might harm the health or safety of customers



Source: ROC 2003/04 Survey

2. Lack of health and safety training

Health and safety training is absolutely critical for workers who handle and prepare food. Cooks need to learn at which temperatures to heat food, and how to safely store and refrigerate it. Food preparers need to learn how to use cutting machines in order to avoid injuring themselves and possibly contaminating food. And dishwashers and cleaners need to learn how to maintain sanitary conditions and handle volatile cleaning solutions. Clearly, this type of knowledge is vital to food safety, and ultimately, the public's health.

But employers who violate labor laws typically do not invest in health and safety training for their employees. As Figure 2 shows:

- **Of workers who experienced many labor violations, 66% said that they did not receive health and safety training from their employer.**
- **That's almost twice the rate (34%) for workers who experienced few labor violations.**

"When I was working in my restaurant, I saw a friend cut off a piece of his finger and keep working because the assistant chef made him, told him it was nothing. He told him to put a Band-Aid on and keep working. The accident happened because there weren't enough employees and the worker wasn't trained to be a salad man. They never trained him, so he cut himself. Even though he was bleeding he kept serving salads and I was in anguish knowing that the customers would find a piece of his finger in their salad. It hugely affects the health of the client."

—“Angelina,” pastry maker

Employers who do not provide health and safety training for their workers are putting the public's health at risk. Workers who do not receive health and safety training often engage in unsafe practices because they are not armed with the proper information. As Figure 3 shows:

- **Of workers who did not receive health and safety training, 44% reported handling food improperly, as compared to 31% who did receive training.**
- **Workers who did not receive health and safety training were nearly twice as likely to both sneeze, cough, or spit into food and to serve dirty, expired, spoiled, or leftover food to a customer.**

Figure 2: Percent of workers that report lack of health and safety training from their employers

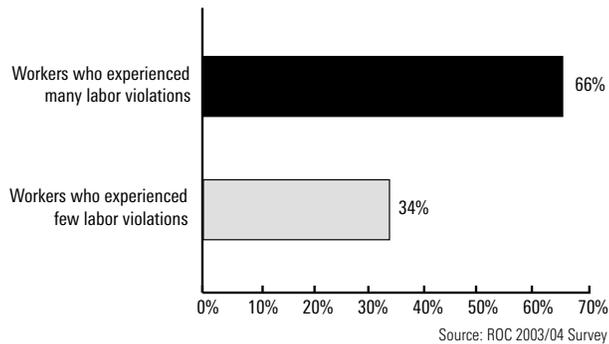
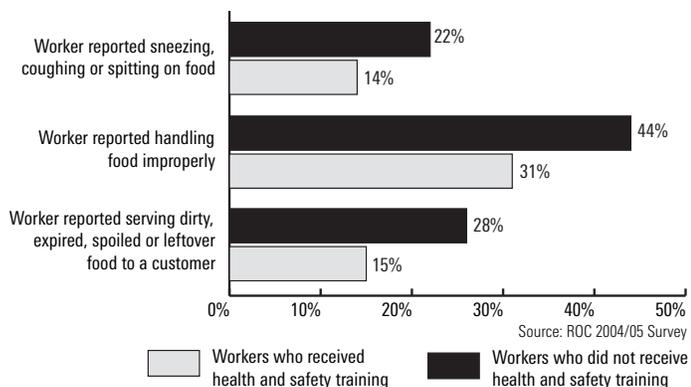


Figure 3: Implications of lack of worker health and safety training for consumer health



An Upper West Side Restaurant Mistreats Its Workers and Puts the Public's Health at Risk

In-depth interviews with workers from a small Upper West Side restaurant illustrate how employers who violate labor laws and engage in irresponsible workplace practices force their workers to cut corners and work under unhealthy conditions, with serious and detrimental implications for the public. The restaurant was investigated by the New York State Attorney General's office and violations of the minimum wage and overtime laws were found. At the same time, workers reported that they were forced to engage in practices that put the public's health at risk. For example, waitresses from this restaurant described being forced to work even while sick with the flu. "R" explains that

I have no choice but to work when I am sick. One time I was unable to talk because my throat was so bad and I had a high temperature. I was taking customer orders and I had to run to the kitchen to drink water to avoid coughing in front of the client. I am in constant contact with the food served and I prepare the drinks. When I am sick, it is impossible to avoid sneezing in or around the drinks.

Similarly, kitchen workers such as cooks and dishwashers report that the fast pace and understaffing of the kitchen leads to many accidents that go untreated. For example, "S" reports that several workers who were cut or hurt on the job were told by their employer:

... to just to put a glove on and continue working, even when the glove filled up with blood. The blood inevitably gets into the food that is served. This is bad hygiene and can make the customer sick.

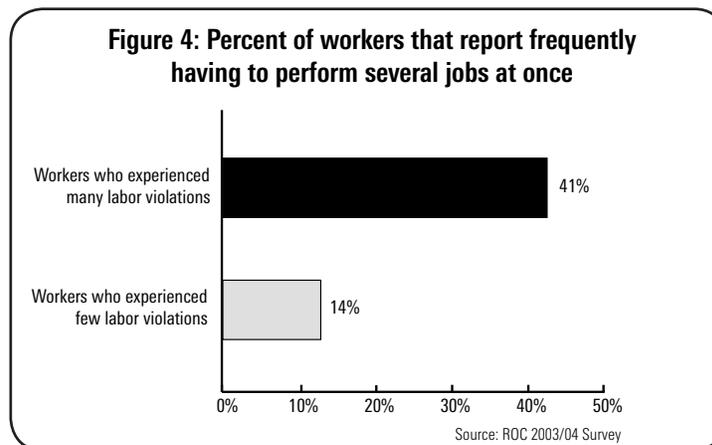
Such horrifying stories are the everyday reality in restaurants that are violating labor laws and putting the public's health at risk.

3. Pressure to perform several jobs at once

Another threat to the public health occurs when workers are forced to do several jobs at once. For example, employers may order a dishwasher with no knife or cooking experience to help with cooking. They might force a junior cook to take over as lead cook, or have workers repair machines or clean the kitchen while they are still doing their principal task. This kind of overload can easily lead to cutting corners – like not wearing gloves or not storing cleaning agents away from the stove – that, in the end, hurt food safety for customers.

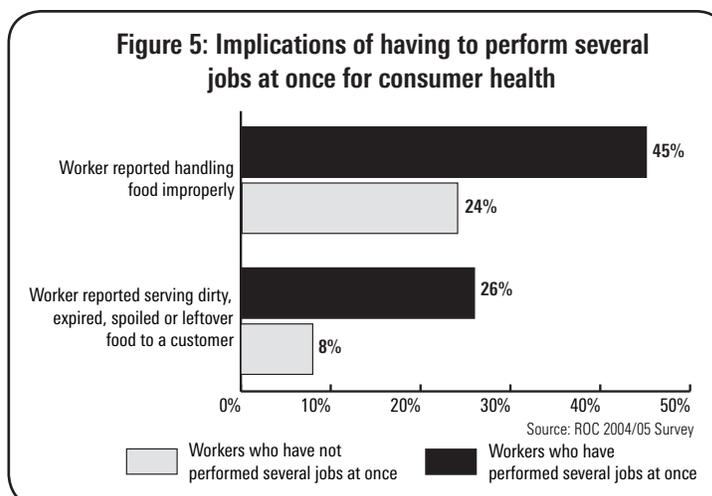
Yet employers who violate labor laws often require their workers to do several jobs at once. As shown in Figure 4:

- **Of workers who experienced many labor violations, 41% said that they frequently had to perform several jobs at once.**
- **That's three times the rate (14%) for workers who experienced few labor violations.**



Employers who are forcing their workers to juggle several jobs at once are putting their customers in danger. As Figure 5 shows, workers who have to perform several jobs at once are more likely to handle food improperly and serve bad food to customers:

- **Of workers who reported having to perform several jobs at once, 45% said that they had handled food improperly**
- **26% of workers who had to perform several jobs at once reported serving bad food to customers, compared to only 8% of workers who did not have to juggle several different jobs.**

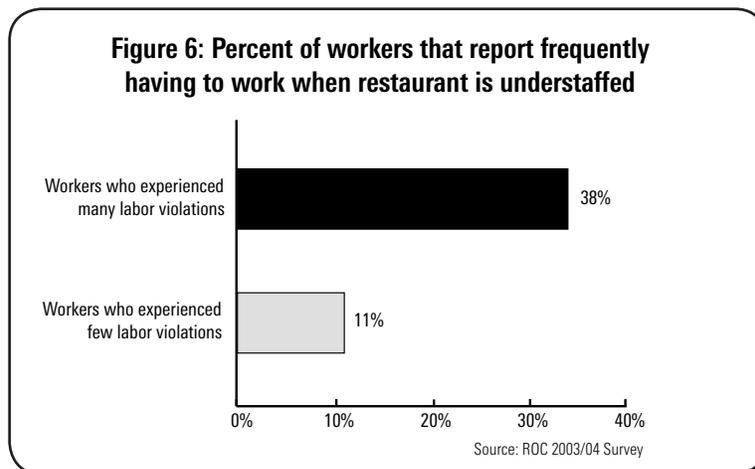


4. Chronic understaffing

Chronic understaffing is another common way for restaurants to save on labor costs. But when frantic workers barely finish one task before running to the next, it's food safety that suffers – an ingredient that was dropped on the floor is thrown back in the pot, cooks re-use utensils without cleaning them, workers cut themselves but do not have the time to clean and bandage the injury. That's why employers who care about the safety of both their workers and customers make sure to staff their restaurants adequately.

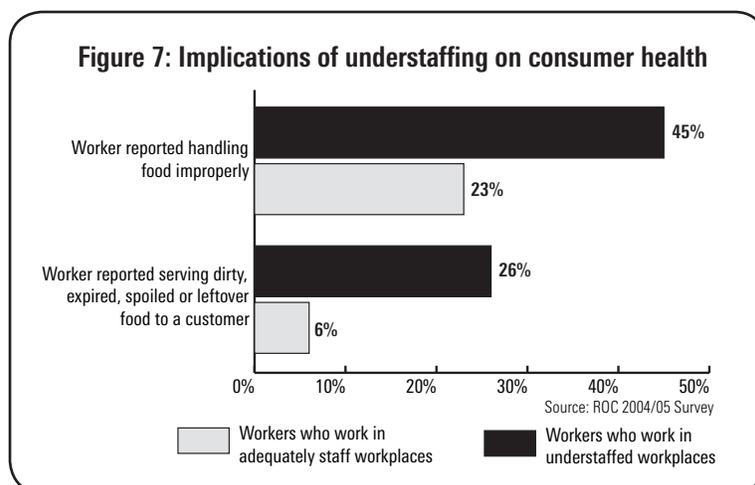
By contrast, employers who violate labor laws are much more likely to be understaffed. As Figure 6 shows:

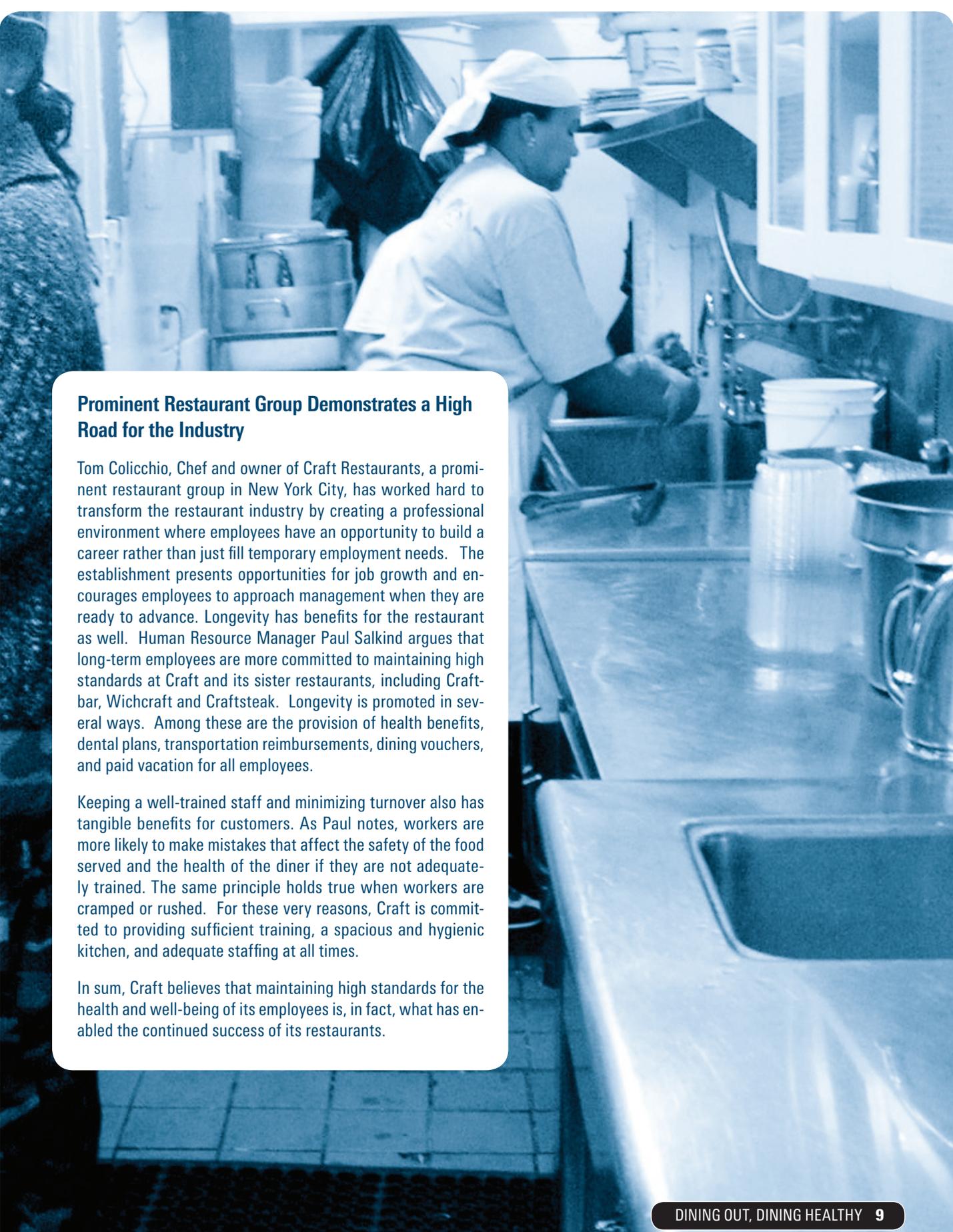
- **Of workers who experienced many labor violations, 38% said that they frequently had to work when the restaurant was understaffed.**
- **That's more than three times the rate (11%) for workers who experienced few labor violations.**



When employers do not hire enough staff for their restaurant, workers are forced to engage in unsafe practices. As shown in Figure 7:

- **Workers in understaffed restaurants were almost twice as likely to handle food improperly, compared to workers in fully staffed restaurants.**
- **26% of workers in understaffed restaurants report having served bad food to customers, compared to only 6% of workers in fully staffed restaurants.**



A photograph of a chef in a white uniform and hat working in a professional kitchen. The chef is positioned in the center-right of the frame, facing right. The kitchen is filled with stainless steel equipment, including a sink, a stove, and various containers. The lighting is bright, and the overall atmosphere is clean and professional. The image is overlaid with a semi-transparent white box containing text.

Prominent Restaurant Group Demonstrates a High Road for the Industry

Tom Colicchio, Chef and owner of Craft Restaurants, a prominent restaurant group in New York City, has worked hard to transform the restaurant industry by creating a professional environment where employees have an opportunity to build a career rather than just fill temporary employment needs. The establishment presents opportunities for job growth and encourages employees to approach management when they are ready to advance. Longevity has benefits for the restaurant as well. Human Resource Manager Paul Salkind argues that long-term employees are more committed to maintaining high standards at Craft and its sister restaurants, including Craftbar, Wichcraft and Craftsteak. Longevity is promoted in several ways. Among these are the provision of health benefits, dental plans, transportation reimbursements, dining vouchers, and paid vacation for all employees.

Keeping a well-trained staff and minimizing turnover also has tangible benefits for customers. As Paul notes, workers are more likely to make mistakes that affect the safety of the food served and the health of the diner if they are not adequately trained. The same principle holds true when workers are cramped or rushed. For these very reasons, Craft is committed to providing sufficient training, a spacious and hygienic kitchen, and adequate staffing at all times.

In sum, Craft believes that maintaining high standards for the health and well-being of its employees is, in fact, what has enabled the continued success of its restaurants.

5. Lack of job-specific training

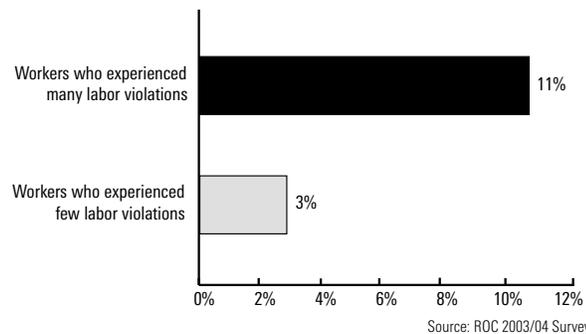
All positions in a restaurant require skills, and workers usually learn those skills while on the job. Cooks have to learn a myriad of rules about preparing specific dishes, dishwashers have to learn about the restaurant's machines, waiters have to learn how to juggle multiple plates and cups without hurting themselves and their customers. Restaurant employers who care about food safety realize that it takes time to learn these skills, and therefore invest in training before letting workers take on a job that is new to them. But employers who violate labor laws are less scrupulous, and are more likely to force workers to do jobs for which they were not trained. As shown in Figure 8:

- **Of workers who experienced many labor violations, 11% said that they frequently had to do a job for which they weren't trained.**
- **That's almost four times the rate (3%) for workers who experienced few labor violations.**

"A few years ago, I worked as a salad maker at an Italian restaurant. The dishwasher cut himself with a glass and kept washing the plates. The plates were stained with blood. They kept using the plates though and it put the customers' health at risk. There was so much pressure on him from the chef and manager. At that moment everyone was totally busy. We had no choice. I didn't eat dinner that night because he dirtied everything he touched."

— "Juan," salad maker

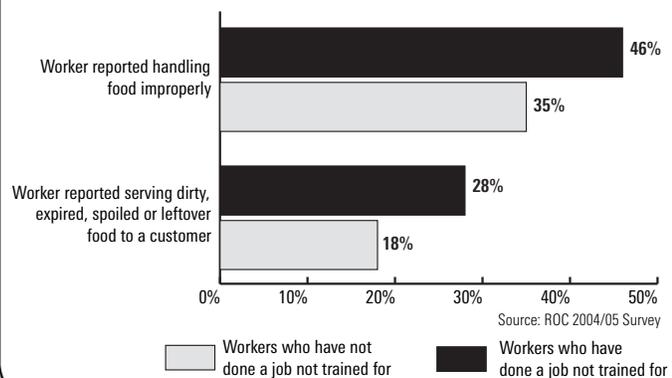
Figure 8: Percent of workers that report frequently having to do a job for which they were not trained



Employers who force their workers to do jobs for which they are not trained are effectively causing their workers to engage in unhealthy and unsafe practices. As Figure 9 shows:

- **Workers who had done jobs for which they were not trained were more likely to handle food improperly**
- **Workers who had done jobs for which they were not trained are more likely to serve bad food to a customer.**

Figure 9: Implications of lack of job-specific training on consumer health



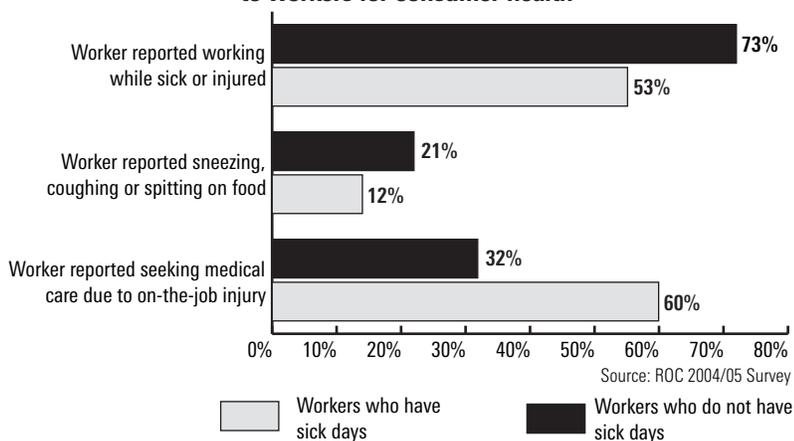
Implications of the Lack of Health Benefits for Consumer Health

The vast majority of restaurant employers do not provide health-related benefits, such as health insurance or paid sick days, for their employees. The lack of these benefits for workers has serious implications for the health of the consumer. No sick days means that workers have to choose between coming to work sick and forgoing a critical day's wage to stay at home to recover or see a doctor. In addition, without health care, accessing necessary medical attention or medicine to prevent illness or treat it when it occurs is often impossible. When workers get sick, they are left with few choices. Because they are not allowed to take time off or cannot afford to, they are forced to work while sick. Our research illustrates the risks of not providing sick days and health insurance to workers for the customer:

- 72% of workers who did not receive sick days reported working while sick compared to 58% of workers who did receive those benefits.
- Nearly double the number of workers (21%) who do not receive sick days reported sneezing, coughing, or spitting in food as compared to those who did receive sick days (12%).
- Almost half the number of workers without sick days sought medical care (32%) due to an on-the-job injury compared to workers who did receive sick days (60%). Workers who receive health insurance were more than twice as likely to seek medical care (62%) as workers who do not receive health insurance (29%).

Source: ROC 2004/05 Survey

Figure 10: Implication of not providing paid sick days to workers for consumer health





Government data supports the link between labor and health code violations

Data from the New York City Department of Health and Mental Health (DOHMH) support our survey findings showing that low-road employers put the public's health at risk. Over 300 workers surveyed provided us names of the restaurants where they worked. Of those, we were able to identify the health code violations as reported by DOHMH inspectors (available on the Department's website) for 197 of them. We found that employers who violated labor laws were also likely to have been charged with the following critical health code violations: (1) Live animal present in food storage, preparation or service area, including but not limited to, cockroaches, flies, mice, rats, cats, and dogs; (2) Live flies/other insects present in facility; (3) Cooked or prepared food cross-contaminated; (4) Cold food held above 41°F except during necessary preparation; (5) Canned food product swollen, leaking, rusted, severely dented; and (6) Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.

THE SOLUTION: PUBLIC POLICIES TO PROMOTE HEALTHY WORKPLACE PRACTICES IN THE RESTAURANT INDUSTRY

Our study has shown that restaurant owners who violate labor laws are also endangering the public by relentlessly cutting corners, overworking their employees, and not providing basic health and safety training. In other words, restaurant owners who violate labor laws put the public's health at risk.

In response, the New York City Restaurant Industry Coalition calls for public policies to promote good workplace practices in the restaurant industry. We must ensure that employers who have been adjudicated for violating labor and health and safety regulations are not able to continue business as usual. Such policies will help the restaurant industry become a safer, more transparent, and ultimately stronger part of New York City's economy.

ABOUT OUR STUDY

From June to November of 2003, the New York Restaurant Industry Coalition conducted an initial survey on workplace practices of 530 restaurant workers in New York City. From July 2004 through February 2005, we conducted a second survey on consumer health implications of bad workplace practices with 350 workers. On both occasions, workers were surveyed on subways, in their neighborhoods, in the vicinity of restaurants during breaks or at the end of shifts, and inside the restaurants themselves. While the two resulting samples are not strictly random, we have confirmed with government data that they reflect the industry as a whole, in terms of the types of restaurants, workers and occupations they capture.

The goal of the two surveys was to examine the relationship between workplace practices and public health in the City's restaurants. These practices include health and safety training, job-specific skills training, and wage and hour practices, as well as practices that create stressful workplaces, such as understaffing and making workers juggle multiple jobs at once. All practices were reported by the workers themselves (in particular, see the sidebar for our measure of labor violations).

The two surveys were supplemented by analysis of secondary industry data, in-depth worker interviews, and analysis of restaurant inspection reports and other data obtained from the New York City Department of Health and Mental Hygiene (NYC DOHMH).

NEW YORK CITY RESTAURANT INDUSTRY COALITION:

Brennan Center for Justice at NYU School of Law
Dr. Steve Markowitz, Center for the Biology of Natural Systems, Queens College
Center for Immigrant Health, New York University Medical School
Commission for the Public's Health System
Community Service Society
CUNY Law School Main Street Legal Services
Dr. Manny Ness, Brooklyn College, CUNY
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New York Committee for Occupational Safety & Health (NYCOSH)
New York Immigration Coalition
New York Jobs With Justice
Restaurant Opportunities Center of New York (ROC-NY)
UFCW Local 1500
Urban Justice Center, Community Development Project

For More Information:

Restaurant Opportunities Center of New York
99 Hudson St., 3rd Floor New York, NY 10013
Tel: (212) 343-1771 Fax: (212)-343-7217
www.rocny.org

