

ROC-NY

Labor & Training/Safety Violations

**Prepared by the
Community Development Project
of the Urban Justice Center**

December 23, 2003



**Presented to Christina Chang, Assistant to the Commissioner
New York City Department of Health and Mental Hygiene**



Executive Summary

This report highlights that restaurant workers that were experiencing labor violations such as not receiving minimum wage, not being paid for overtime work, or facing discrimination, were more likely to be working in workplaces that violated health and safety regulations. The correlation between labor violations and workplace health and safety are in fact shocking.

Of workers in workplaces with higher labor violations:

- **Three-quarters (76%) did not receive on-going training.**
- **Almost two-thirds (65%) did not receive workplace safety training.**
- **Almost two-thirds (65%) reported that it got unsafely hot in the kitchen.**
- **Forty-one percent (41%) reported workplaces with fire hazards.**
- **Over half (55%) were burned on the job.**
- **Almost half (47%) frequently or sometimes put their own safety at risk.**
- **Forty percent (40%) frequently or sometimes worked under pressure that might have harmed the health and safety of customers.**
- **Forty-one percent (41%) frequently did several jobs at once.**
- **Almost half (46%) frequently or sometimes did a job they were not trained for.**
- **Forty-one (41%) frequently worked when the restaurant was understaffed.**



Survey Methodology

- Surveys were conducted from June 2003 through November 2003.
- The surveys were carried out by staff, members and volunteers of ROC-NY, Andolan and Urban Justice Center.
- A total of 527 surveys were collected.

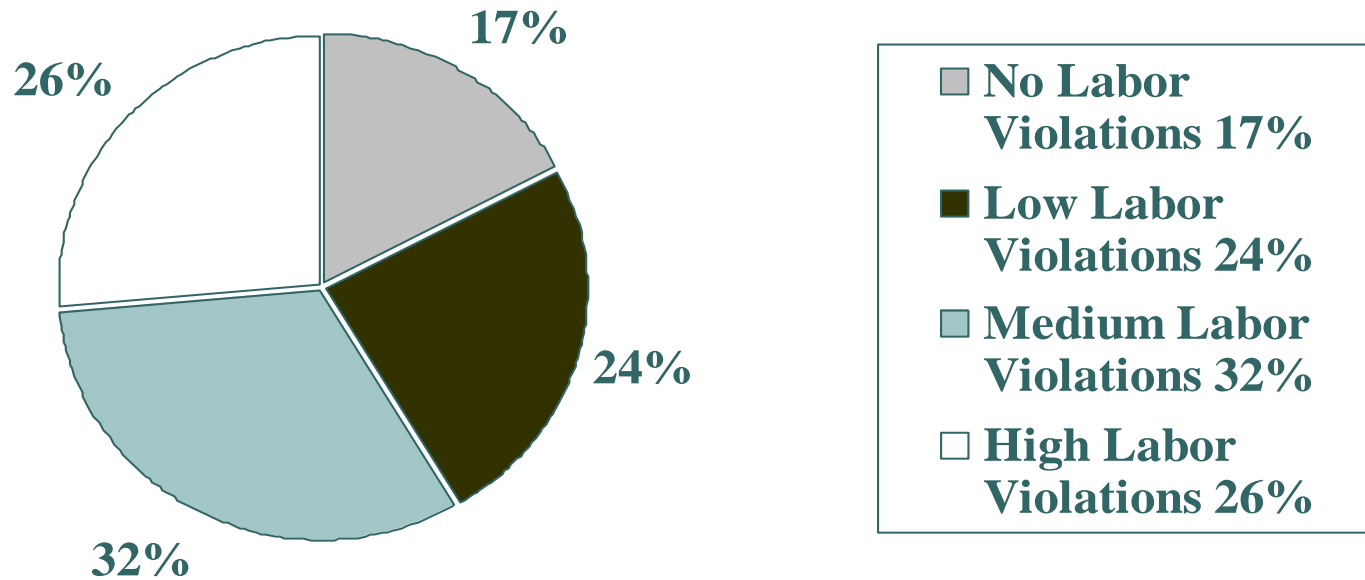
Report content was compiled by Saba Waheed, Laura Day and Laine Romero-Alston of the Urban Justice Center. Data support was provided by Jon Gibs, Research Director, The InfoPro.



Labor Violations Index

- Labor Violations were determined by abuse in the following categories:
 - Minimum Wage Abuse
 - Overtime Compensation Abuse
 - Discrimination
- Then, the workers were grouped based on their experience of the above listed categories of abuse. The groups ranged from workers that experienced no labor violations to those that experienced high labor violations.
- For additional details, please see appendix.

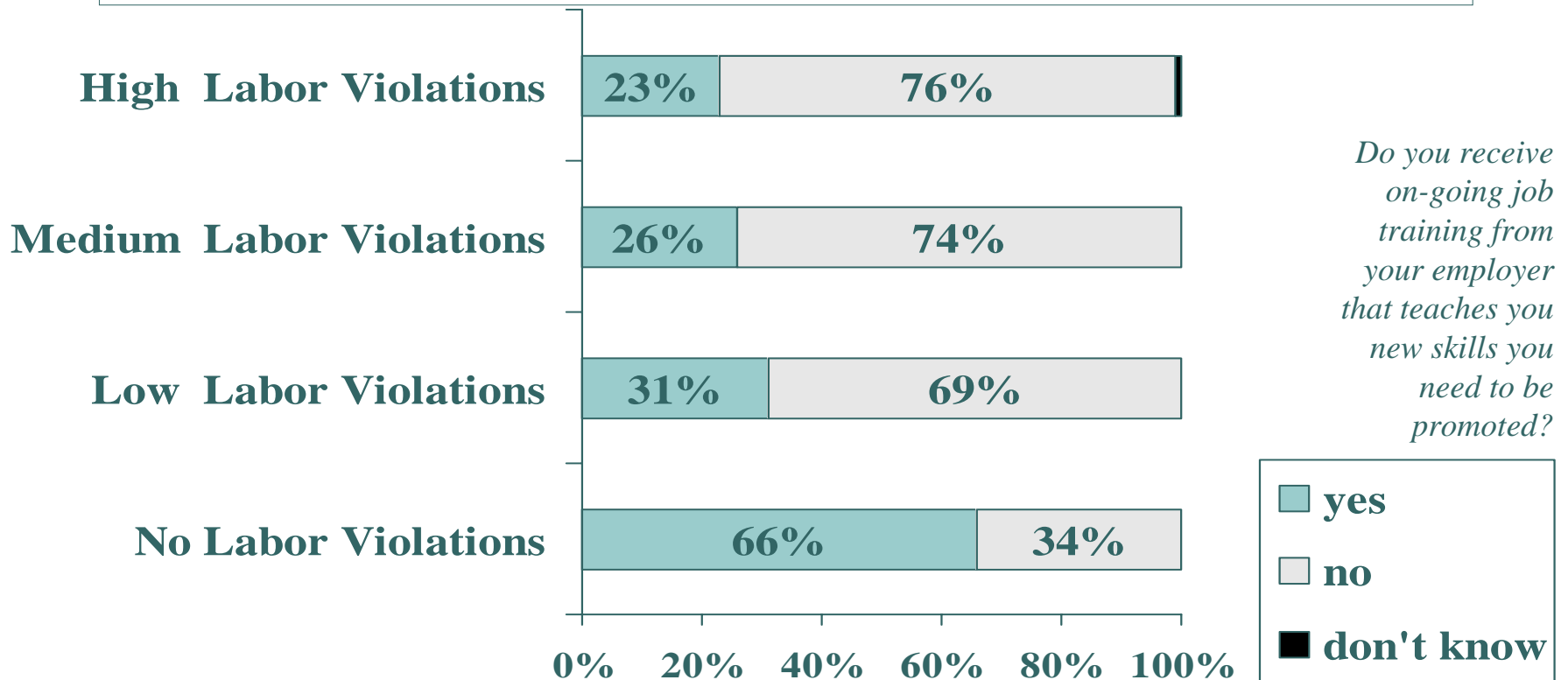
Distribution of Labor Violations Score



Job Training

Labor violations were more likely to exist in the workplace where employees did not receive on-going job-training.

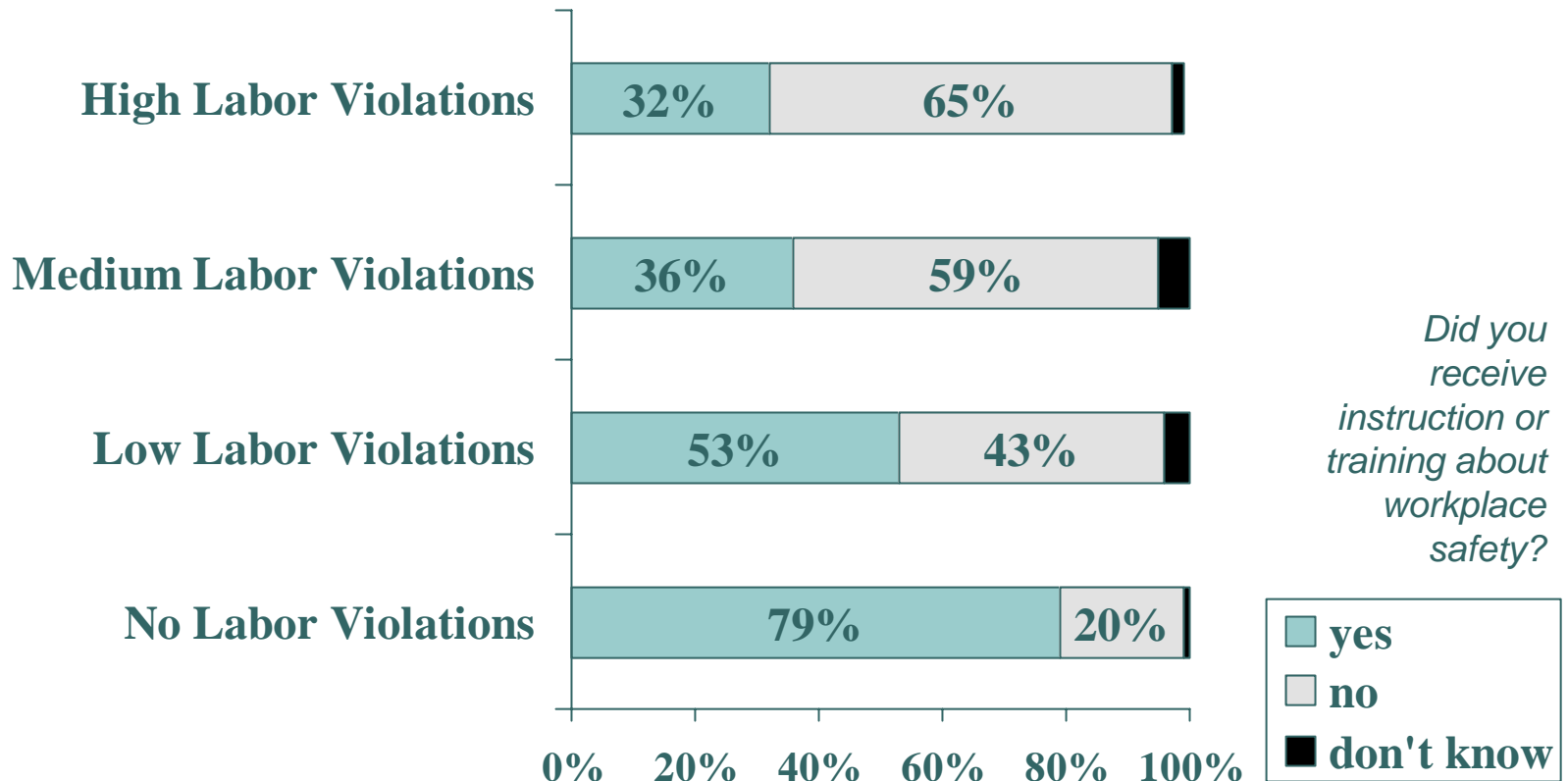
- Seventy-six percent (76%) of workers in workplaces with high labor violations did not receive on-going training
- Sixty-six percent (66%) of workers in workplaces with no labor violations received such training



Workplace Safety Training

Lack of workplace safety training was more likely to exist in workplaces with high labor violations.

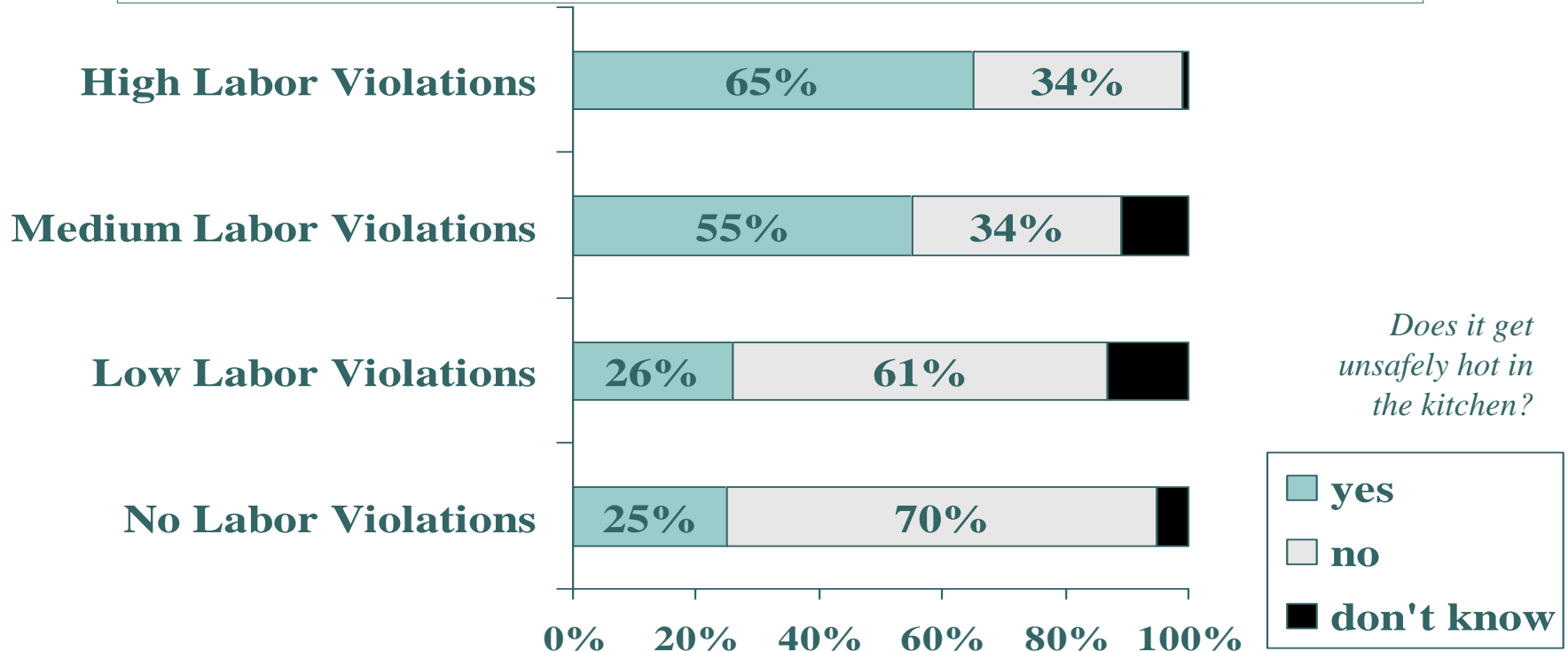
- Sixty-five percent (65%) of workers in workplaces with high labor violations did not receive workplace safety training
- Seventy-nine percent (79%) of workers in workplaces with no labor violations did receive safety training



Unsafely Hot In Kitchen

Workplaces that permit kitchens to get unsafely hot have high levels of labor violations.

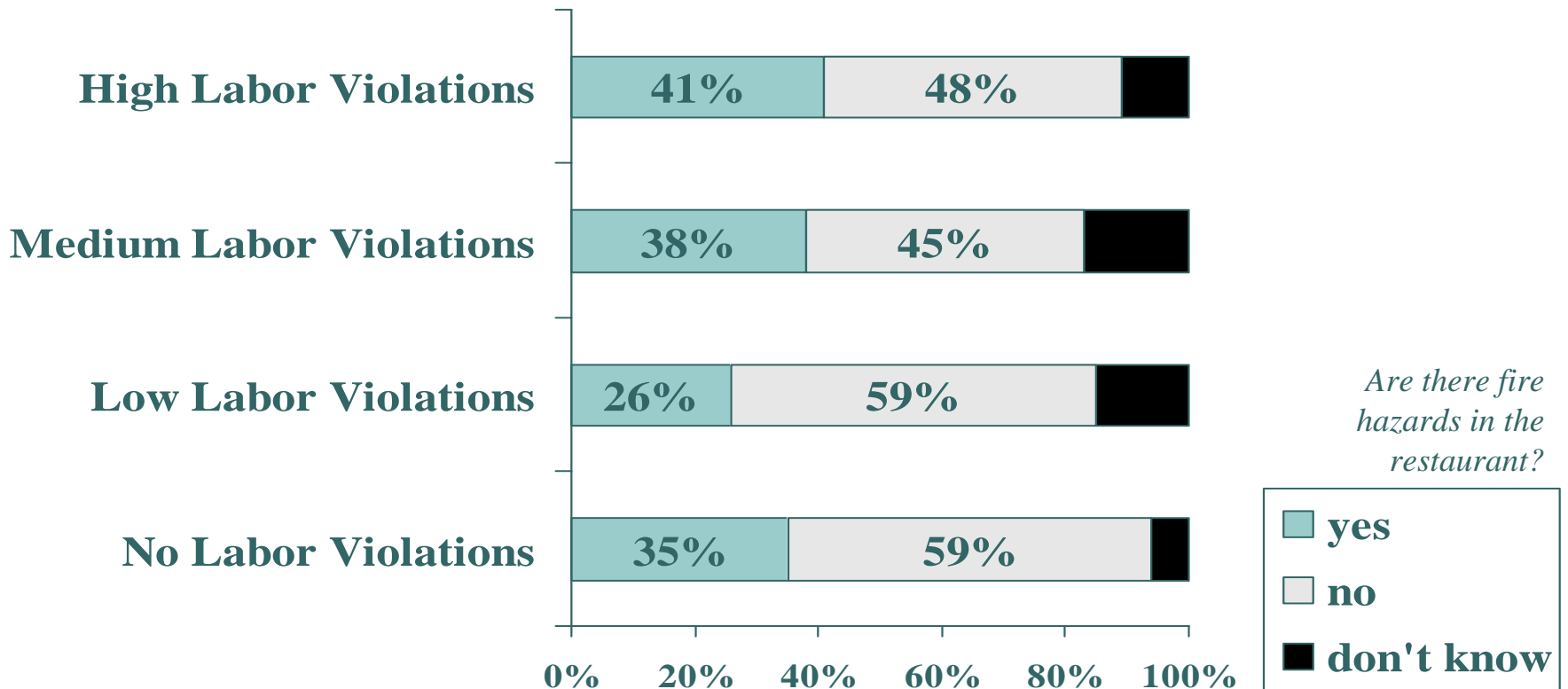
- Sixty-five percent (65%) of workers in workplaces with high labor violations reported that it got unsafely hot in the kitchen
- Twenty-five percent (25%) of workers in workplaces with no labor violations reported that it got unsafely hot in the kitchen



Fire Hazards

Workplaces that have a high level of labor violations were more likely to have fire hazards.

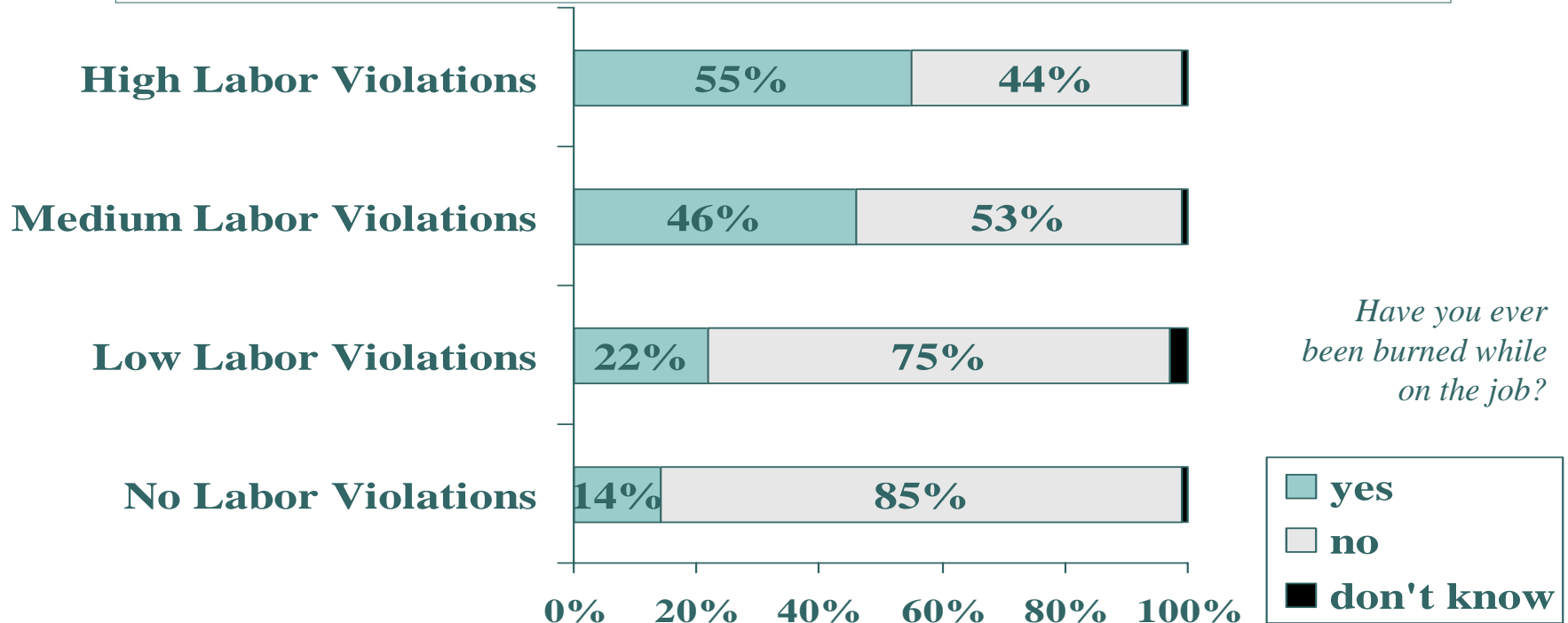
- Forty-one percent (41%) of workers in workplaces with high labor violations reported having fire hazards
- Twenty-six percent (26%) of workers in workplaces with low labor violations reported having fire hazards



Burned On Job

Workplaces that do not violate labor laws are safer working environments for employees.

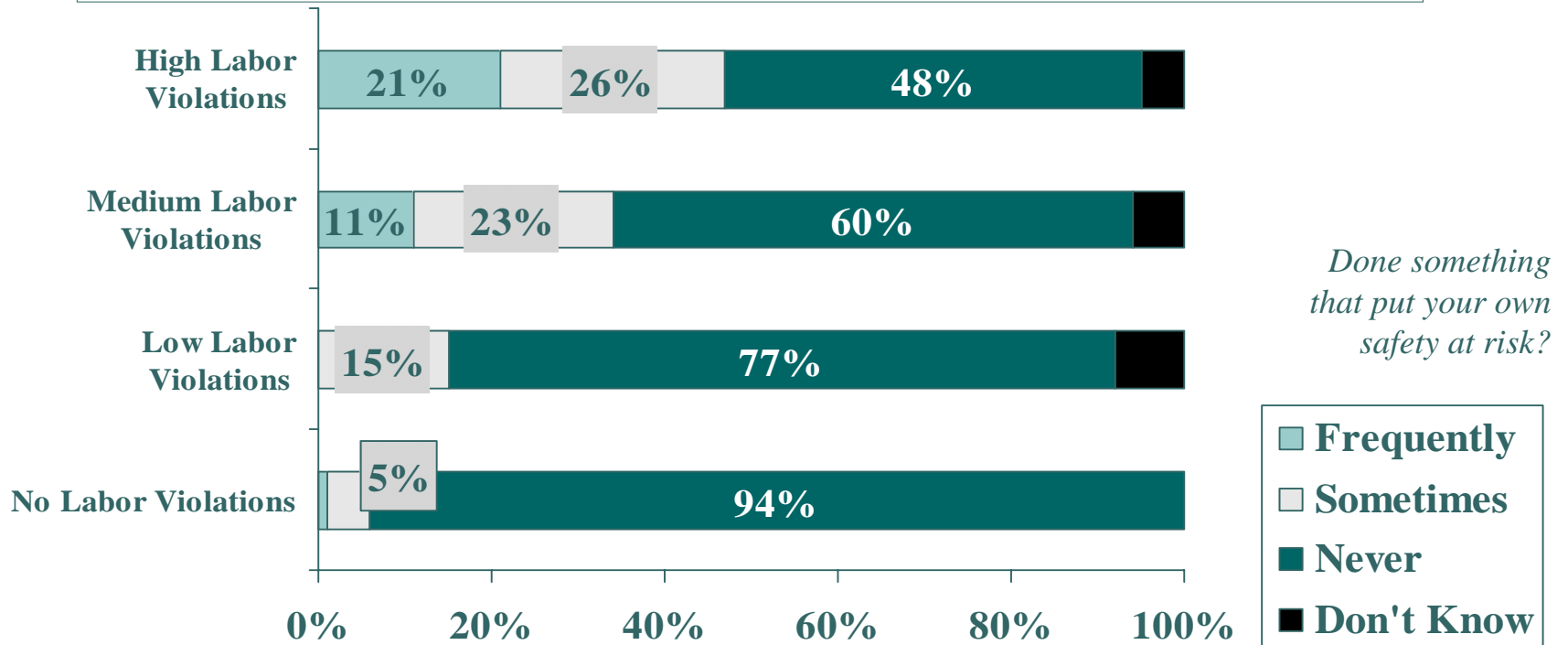
- Fifty-five percent (55%) of workers in workplaces with high levels of labor violations reported being burnt on the job
- Fourteen percent (14%) of workers in workplaces with no labor violations reported being burnt on the job



Safety at Risk

Workers in workplaces with high labor violations were more likely to put their own safety at risk.

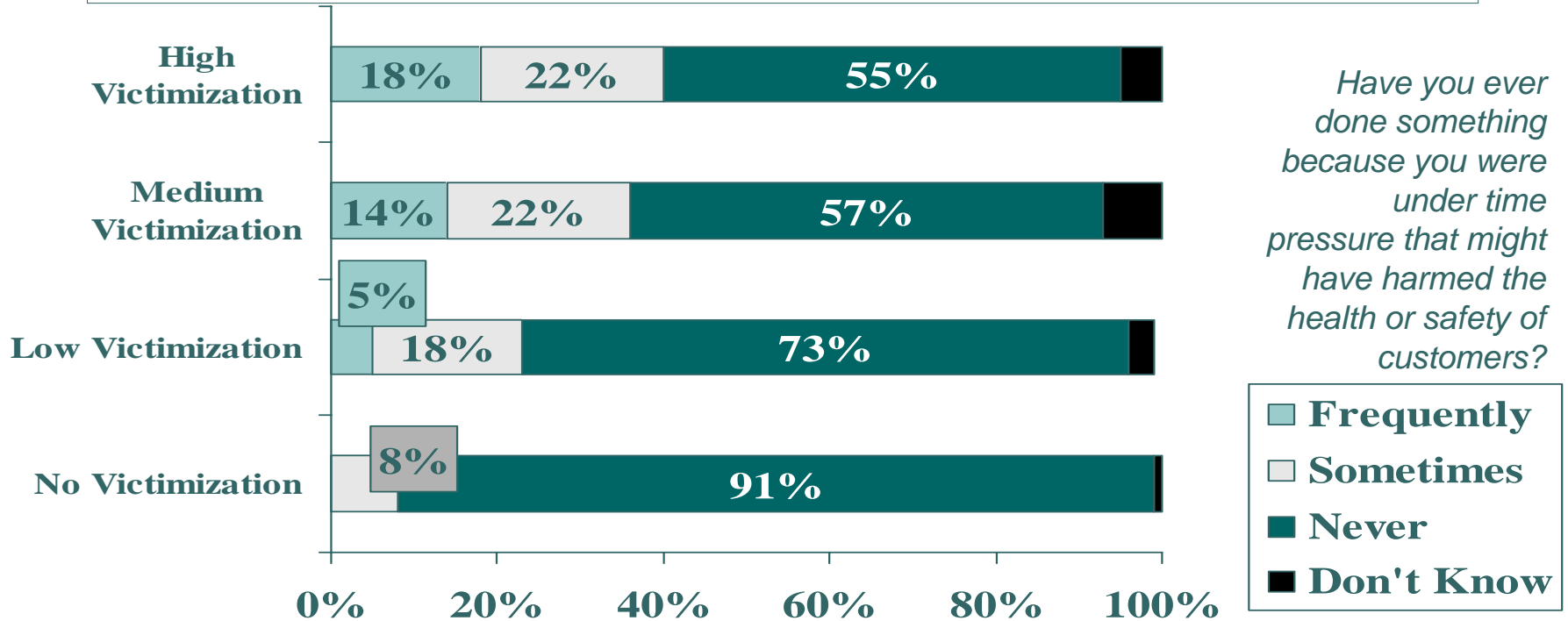
- Forty-seven percent (47%) of workers in workplaces with high labor violations frequently or sometimes put their own safety at risk
- Ninety-four percent (94%) of workers at workplaces with no labor violations never put their safety at risk



Time Pressure

Workers in workplaces with high labor violations were more likely to harm the health and safety of customers due to time pressure.

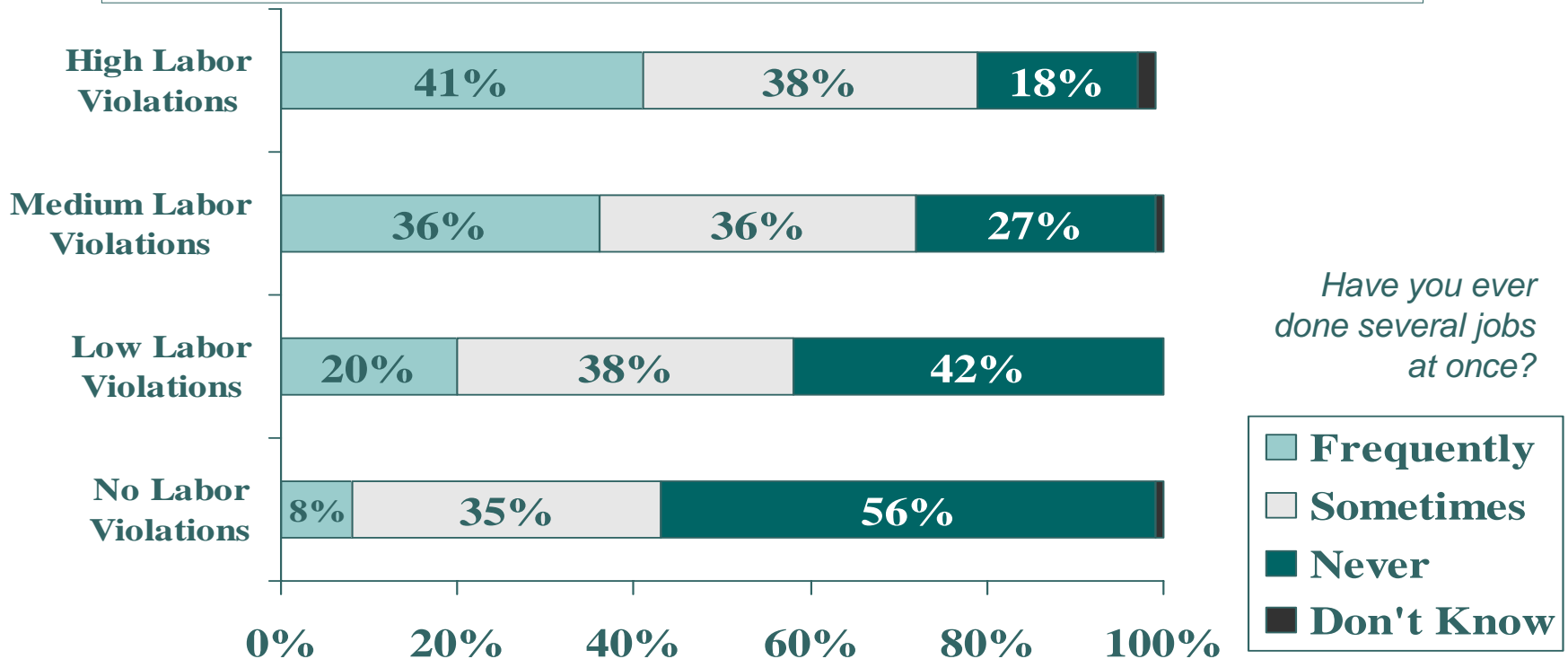
- Forty percent (40%) of workers in workplaces with high labor violations frequently or sometimes worked under pressure that might have harmed the health and safety of customers
- Ninety-one percent (91%) of workers in workplaces with no labor violations never harmed the safety of customers due to time pressure



Did Several Jobs at Once

Workplaces with high labor violations were more likely to have workers do several jobs at once.

- Forty-one percent (41%) of workers in workplaces with high labor violations frequently did several jobs at once
- Eight percent (8%) of workers in workplaces with no labor violations frequently did several jobs at once

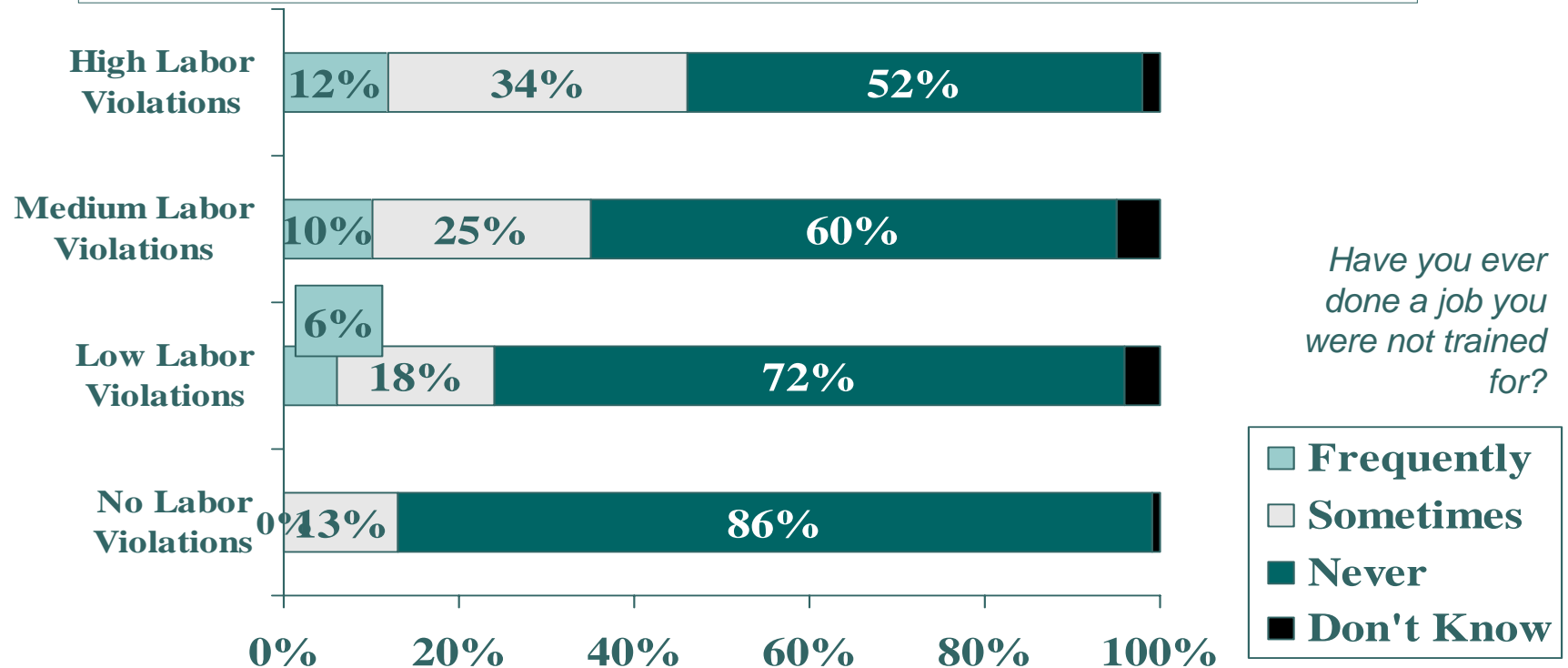


Correlations of Labor Violations and Job Training

Did Jobs Not Trained For

Workers doing work they were not trained for were more likely to exist in workplaces with high labor violations.

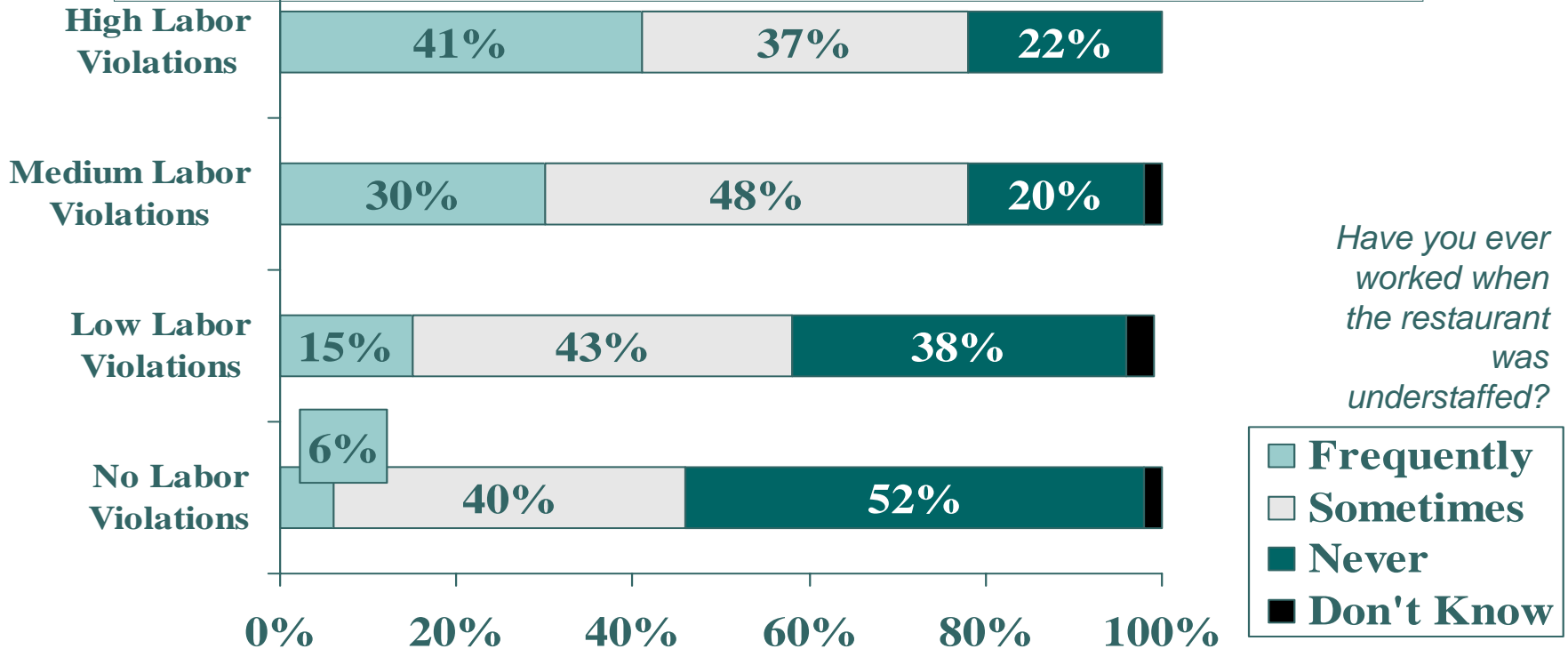
- Forty-six percent (46%) of workers in workplaces with high labor violations frequently or sometimes did a job they were not trained for
- Eighty-six percent (86%) of workers at workplaces with no labor violations never did jobs they were not trained for



Worked When Understaffed

High Labor violations were more likely to have workers work when the workplace is understaffed.

- Forty-one percent (41%) of worker in workplaces with high labor violations frequently worked when the restaurant was understaffed
- Six percent (6%) of workers in workplaces with no labor violations frequently worked when the restaurant was understaffed





Appendix –

Components of Labor Violations Score

The Labor Violations score is a sum of the three abuse scores listed below. The worker scores are then broken into four groups: No abuse, Low abuse, Medium abuse, High abuse.

- Minimum Wage Abuse: Cases received a score of either one or zero. Zero represents that a worker received at least minimum wage, one represents that a worker did not receive minimum wage. This wage differs depending on whether the worker received tips as part of his/her salary.
- Compensation Abuse: Scores range from zero to one depending on the level of abuse. Abuse in this case is defined based on the following three elements:
 - Receipt of overtime pay: Cases received a score of either one or zero. One represents that a worker received overtime pay, zero means that they did not.
 - Paid Break: Cases received a score of either one or zero. One represents that individual workers worked for over 4 hours without a break, excluding lunch. Zero means that a worker received a break.
 - Work off clock: Cases received a score of either one or zero. One represents individuals who worked off the clock without being paid their hourly wage. Zero means that this was not the case for the worker.
- These three scores are summed, then normalized from a range of zero to one to make them comparable to the other components of the overall Labor Violations score.
- Discrimination: Scores range from zero to one depending on the level of abuse. Abuse in this case is defined based on the following three elements:
 - Promotions: Cases received a one or zero. One represents that a worker was passed over for promotion and/or paid less than others for doing similar work. Zero means that this had not happened.
 - Verbal Abuse: Cases received a one or zero. One represents that a worker was abused verbally for individual characteristics such as religion, age, immigration status, etc. Zero means that this had not happened.
 - Discipline Abuse: Cases received a one or zero. One represents that a worker was disciplined more severely than others for individual characteristics such as religion, age, immigration status, etc. Zero means that this had not happened.
- These three scores are summed, then normalized from a range of zero to one to make them comparable to the other components of the overall Labor Violations score.