

Here's a Tip...



When Restaurant and Hotel Workers Don't Have Paid Sick Days, It Hurts Us All

February 8, 2007

Background

When you work hard, you should be able to care for yourself and your family. This is a fundamental American belief. Yet about half of the private sector workers in the United States do not have paid sick days. Instead, they must choose between taking care of themselves—or of a sick child—and getting a paycheck.¹

Paid sick days for restaurant and hospitality workers are particularly important. Typically, they are low-paid workers, so their employers' refusal to provide paid sick days makes it financially untenable to take time off. And it's a public health issue as well: restaurant and hospitality workers who come to work with a cold or other communicable illness—because they need a day's wages—may make their patrons sick.

A congressional bill—*The Healthy Families Act*—would provide seven paid sick days as a minimum standard for full-time workers and a prorated amount for part-time workers

who work at least 20 hours. Firms with fewer than 15 employees would not be obligated to meet the federal minimum standard, and firms that already met the minimum standard would not need to do anything further.

Some states and localities are also considering policies that would set a minimum standard for paid sick days. A paid sick days law has already been enacted in San Francisco by voter referendum. It provides nine sick days for full time workers, while workers with fewer work hours also can accrue paid sick days—everyone earns one hour per 30 hours worked.

Restaurant and hospitality workers are typically low-paid workers and can't afford unpaid time off:

- According to the Bureau of Labor Statistics, the mean hourly earnings of full-time waiters and waitresses are the lowest of 427 ranked occupations.² Also among the 25 lowest-ranked occupations are food preparers, bartenders, and cooks.
- Hotel clerks' wages are 407th out of 427. Other hotel workers fare even worse: maids and housemen are 418th, while baggage porters and bellhops are 425th.
- The average hourly wage for waiters and waitresses is \$4.00, for porters \$6.30, and for hotel clerks \$8.81 (in 2000). While these wages do not include possible income from tips, full-time work at these wages leaves these workers below poverty for a family of four. And many restaurant workers are limited to part-time hours; tips are often inadequate as well.
- In a New York City survey of restaurant workers, 57 percent earned wages below the poverty line, and 52 percent went to work when they were sick.³

Restaurant and hospitality workers rarely receive paid sick days from their employers:

- Nationally, three of every four workers in the lowest wage quartile have jobs that do not provide paid sick days. This is because employers decide whether to provide paid sick days for employees, and they are more likely to provide them for workers with higher wages.⁴
- The New York survey found that restaurant workers are typically without sick days (84 percent) and most often do not have any vacation days at all (70 percent).⁵
- Workers in the accommodation and food industry are the least likely to have paid sick days—17th of 17 industries.⁶

Many workers who currently have no paid sick days have the most frequent exposure to the public: workers in food service, nursing homes, child care centers, and retail clerks. We will all be healthier, and workplaces will be more productive and efficient, when workers gain the basic right to time to maintain our society's health.

Vicky Lovell, Institute for Women's Policy Research
Massachusetts Legislature May 2005

If food service workers go to work sick they can infect colleagues and patrons:

- The U.S. Centers for Disease Control and Prevention (CDC) in Atlanta estimates that noroviruses, the pathogens associated with outbreaks, are actually more common in restaurants. In 2004, the most recent year for which data are available, 251 reported outbreaks of foodborne illnesses across the country—involving nearly 10,000 victims—were thought to be viral. According to CDC statistics, almost all were classified as norovirus related, and 93 were norovirus outbreaks tied to restaurants.⁷
- Paid sick days minimize the spread of the flu. Research indicates that workers sick with the flu are likely to infect 1.8 of every 10 coworkers. Forty percent of workers report having contracted the flu from a colleague, according to the Institute for Women's Policy and Research.⁸

Some employers provide paid sick days, and public recognition is growing:

- In Madison, Wisconsin, a paid sick days bill nearly passed in the city council, losing by one vote. Yet the process of bringing the legislation forward helped inform citizens and employers, including Barbara Wright, owner of Madison's The Dardanelles restaurant:

I did not really think about offering paid sick days until a bill was proposed in our city. I realized then that this was something I could do for my employees—I can't afford to provide health insurance. Now, I'm glad that in my restaurant, when my workers are sick they can afford to stay away. It's better for my employees and better for my customers: that means it's better for business. I hope a bill gets passed, but I did not wait.⁹

- The San Francisco paid sick days law takes effect in February 2007. It became law through a ballot initiative with strong public support—61 percent. The restaurant association decided not to attack the paid sick days initiative. As the association’s vice president noted, “to be honest, if we fight it, we look like complete jerks.”¹⁰
- In New York City, restaurant workers often have no sick days. But the New York City Restaurant Manual, published by the Mayor’s Office, urges paid sick days, stating, “When employees become ill at work, they should be allowed to leave without losing the day’s pay. To allow a sick employee to continue to work handling food, endangers not only the employee’s health but the customers’ health as well. Employees who know they will forfeit wages by leaving work because of illness may hide the illness from the employer, thus putting everyone at risk.” The publication also notes that “the *NYC Restaurant Manual* is offered as a public resource. It does not create new legal obligations and it is not a substitute for the official sources of applicable law.”¹¹

Providing paid sick days is essential to fulfilling America’s promise that when you work hard and play by the rules, you can take care of yourself and your family. Today, without paid sick days, restaurant and hotel workers cannot financially afford to take time off to care for themselves or their children when they are sick. That’s not good for families, and it’s not good for America’s public health. It’s time to ensure that work provides paid sick days—for the good of us all.

For more information, contact Jodie Levin-Epstein at jodie@clasp.org.

SOME RESOURCES on PAID SICK DAYS

CLASP ([www.CLASP.org](http://www.clasp.org))

Paid Sick Days Legislation: A Legislator's Guide (with links to state and city bills),

http://www.clasp.org/publications/paid_sick_days.pdf

Get the Prescription: Child Care Workers Need Paid Sick Days,

http://www.clasp.org/publications/get_prescription.pdf

Presenteeism and Paid Sick Days, <http://www.clasp.org/publications/presenteeism.pdf>

INSTITUTE FOR WOMENS POLICY RESEARCH (www.iwpr.org)

Paid Sick Days Improve Public Health by Reducing the Spread of Disease,

<http://www.iwpr.org/pdf/B250.pdf>

Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act,

<http://www.iwpr.org/pdf/B248.pdf>

No Time to be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave,

<http://www.iwpr.org/pdf/B242.pdf>

NATIONAL PARTNERSHIP for WOMEN and FAMILIES

(www.nationalpartnership.org)

<http://www.nationalpartnership.org/portals/p3/library/PaidLeave/SickDays/GetWellSoon.pdf>

<http://www.nationalpartnership.org/portals/p3/library/PaidLeave/SickDays/NeedForHealthyFamiliesActOct05.pdf>

URBAN INSTITUTE (www.urban.org)

Getting Time Off: Access to Paid Leave Among Working Parents,

http://www.urban.org/UploadedPDF/310977_B-57.pdf

WORK LIFE LAW (www.uchastings.edu)

One Sick Child Away from Being Fired,

http://www.uchastings.edu/site_files/WLL/onesickchild.pdf

9to5, NATIONAL ASSOCIATION of WORKING WOMEN (www.9to5.org)

Paid Sick Days is the Cure, http://www.9to5.org/display_story.php?id=24

YOUNG WORKERS UNITED (www.youngworkersunited.org)

Endnotes

¹ <http://www.iwpr.org/pdf/B250.pdf>

² Statistics from 2000. <http://www.bls.gov/ncs/ocs/sp/ncar0002.pdf> Table 1

³ <http://www.rocny.org/documents/ROC-NYExecSummary.pdf>

⁴ <http://www.iwpr.org/pdf/B250.pdf>

⁵ <http://www.rocny.org/documents/ROC-NYExecSummary.pdf>

⁶ <http://www.iwpr.org/pdf/B242.pdf>

⁷ <http://www.germcentral.com/industries-supermarkets-norovirus.html>

⁸ <http://www.iwpr.org/pdf/B250.pdf>

⁹ Personal communication with CLASP. October, 2006

¹⁰ Dan Scherotter, Vice President Golden Gate Restaurant Association NPR/Marketplace October 5 2006

¹¹ http://www.nyc.gov/html/dca/downloads/pdf/NYC_restaurant_guide.pdf *Restaurant Owner's Manual*
City Of New York, Mayor's Office of Immigrant Affairs, Michael R. Bloomberg Mayor February 2006