



ALWAYS ESSENTIAL, STILL WAITING FOR CHANGE

Service Worker Fatalities
and Inequities During COVID
and Post-Pandemic

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One Fair Wage

UC Berkeley Food Labor Research Center

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INTRODUCTION

A legacy of slavery and a source of race and gender inequity, poverty, and harassment, the subminimum wage for tipped workers has been a topic of debate in the United States for the last decade – a debate that intensified with the pandemic. Given the mass exodus of millions of workers from the restaurant industry post-pandemic, workers are winning dramatic wage increases in both thousands of restaurants nationwide and in dozens of states through policy change.

California, Washington, and Nevada are among the seven states that already have One Fair Wage – a full minimum wage with tips on top. In November 2022, Washington, DC voters passed fair wage legislation for tipped workers on the ballot and in October 2023, Chicago lawmakers followed by passing fair wage legislation for tipped workers. In 2024, a dozen states having pending legislation and ballot measures to follow suit, including New York, Illinois, Massachusetts, Ohio, Michigan, and Arizona.¹

Despite this momentum, the overwhelming majority of tipped workers continue to struggle with economic instability and harassment, conditions that worsened during the pandemic. To better understand the impact of the subminimum wage on tipped workers during and after the pandemic, One Fair Wage surveyed over 2,000 tipped workers across the country from June 11, 2022 to August 4, 2023 with support of the Robert Wood Johnson Foundation. This report is a comprehensive summary of two years of this survey and data collection, and represents the largest study of service workers and their experiences during and post-pandemic conducted to date.

One Fair Wage also reviewed COVID-19 infection and mortality data of working-aged people in the United States along with U.S. COVID-19 occupational mortality data to see the pandemic's human impact on the industry.

Key Findings

1 | COVID and Health Experiences: Restaurant workers had the highest rates of death in 2020 of any industry outside of health care and fatalities in the industry from 2020 to 2023 may have exceeded 12,000. Over half of restaurant workers surveyed by one fair wage reported going into work while sick, even in jurisdictions with earned sick time policies.

A. Restaurant workers faced the highest number of deaths of any industry outside of health care in 2020. A review of analysis by the CDC of COVID fatalities of working-aged adults by industry showed 3,293 restaurant and food handling deaths in 2020 from COVID-19, second only to health care, which had 3,418 fatalities.² Through-

out the entire pandemic, OFW analysis shows 7,142 - 12,042 potential restaurant worker fatalities.³

- B.** Restaurant workers struggle with access to health care, and over half have gone to work sick. Only 10 percent of restaurant workers surveyed reporting receiving health insurance from their employer, and nearly half (47 percent) of Black men working in subminimum wage states reported not having any health care coverage at all. Of tipped workers surveyed, more than half (52 percent) said they had worked while sick – **a result of having to go to work to get tips even when earned sick time is the law.**⁴

2 | Post-Pandemic Inequities in Subminimum Wage Work: Post-pandemic conditions were worse in subminimum wage states than fair wage states, and worst of all for workers of color in subminimum wage states.

A. Wages And Unemployment

- › **Post-pandemic, tipped workers reported alarmingly high levels of wage theft in states that allow a subminimum wage.** Of workers surveyed from subminimum wage states, nearly half (47 percent) reported that their tips and wages from their employers did not bring them up to the full minimum wage in their state.⁵
- › **Workers surveyed in subminimum wage states reported being denied unemployment insurance at much higher rates than respondents from fair wage states.** Two-thirds of subminimum wages workers surveyed reported that they had great difficulty accessing unemployment insurance; they were told their subminimum wage was too low and tips did not count toward calculation of benefits.⁶

B. Racial Inequities

- › **Workers in subminimum wage states were nearly twice as likely to report that they were unable to secure unemployment insurance as workers in fair wage states, and this disparity was worse for Black workers.**
- › **Black workers reported that wages and tips did not bring them to at least the full minimum wage 24 percentage points more than their white peers (57 percent vs 33 percent).**⁷

C. Gender Inequities

- › **Women tipped workers in subminimum wage states surveyed by One Fair Wage reported wage theft at higher levels than their male peers (50 percent versus 45 percent).** In addition, half of women surveyed from subminimum wage states reported their tips had decreased since the start of the pandemic compared to 38 percent of their male peers.⁸

- › Women reported higher increases in hostility due to their gender than men. Nearly 1 in 4 women tipped workers (24 percent) of women reported that gender-related harassment has increased post-pandemic – 14 percentage points higher than men.⁹
- › White men are the only group to report no increase in hostility due to their race or gender post-pandemic; over 80 percent of white men indicated there was no increase in hostility. More than one third (35 percent) of white women reported an increase in hostility based on their gender. Black women reported the largest increase in hostility because of their race and gender.¹⁰
- › Government data shows that Black women in the restaurant industry make \$2.57 an hour less than their white male counterparts, which can also be understood as \$5,345 of income lost every year. Among front-of-house restaurant workers who are overwhelmingly tipped employees earning a subminimum wage, this increases to a race-gender wage gap of \$6.19 an hour, or \$12,875 annually.¹¹



3 | Industry Exodus: Workers report low wages and high health risks as the leading concerns for leaving the industry.

D. Survey Responses Show Concerns Over Wages and Health

- › During and following the pandemic, 1.2 million workers left the restaurant industry. The number one reason workers surveyed said they are leaving the industry is because wages are too low. Restaurant workers surveyed showed concern about wages being too low, with nearly half (47 percent) saying it was the reason they were considering leaving the industry.¹²
- › Health risks were a contributing factor in the exodus – with only wages and benefits ranked higher than health safety for why workers are leaving the industry. Tipped restaurant workers have consistently reported that they are leaving because wages are too low, yet one of the next greatest concerns workers told OFW were health-related.¹³

1 BACKGROUND: AMERICA'S HISTORY OF LEAVING TIPPED WORKERS BEHIND

In United States, the history of tipped workers is a history of denied wage gains in favor of business interests. The movement to increase the minimum wage has made great gains for some workers at the state level across the U.S., yet tipped restaurant staff have been repeatedly left behind. In fact, since 1938 at the federal level, tipped workers, especially tipped restaurant workers, who are overwhelmingly women and disproportionately women of color and single mothers working in very casual restaurants and bars, have been repeatedly excluded from minimum wage increases by legislators due to lobbying from the national, state, and local restaurant associations.¹⁴ These



women, particularly women of color, have been repeatedly told to wait for a full minimum wage with tips on top, in the 43 subminimum wage states even while their counterparts in comparable fair wage states like California, are paid at least the full minimum wage with tips on top.¹⁵ This inaction may prove to have dire consequences for the future of the restaurant industry in subminimum wage states across the country.

The fight for increasing wages, both federally and in the states, has an unfortunate pattern of leaving out a large demographic from its gains – tipped workers. In practice, this means disproportionately leaving out women and women of color.¹⁶ At Emancipation, the restaurant industry sought the ability to hire newly freed slaves, especially Black women,

not pay them, and have them live exclusively on tips, a concept that had just recently arrived in the United States from Europe.¹⁷ The National Restaurant Association (NRA) was formed in 1919 with the express intent of ensuring that they would be able to continue to access free Black female labor and suppress farm workers' wages as well, to keep their costs low.¹⁸

The NRA succeeded in its mission in 1938 when the United States passed the first federal minimum wage legislation as part of the New Deal, but farmworkers, domestic workers, and hospitality workers were excluded.¹⁹ Tipped restaurant workers were given no wage and made to live exclusively on tips.²⁰ It was not until several decades later, in 1966, that these women were given any wage at all, but at that time they were given a subminimum wage – a percentage of the minimum wage, and forced to earn the remainder of the minimum wage in tips.²¹ Thirty years later, the federal subminimum wage for tipped workers was set at \$2.13 an hour and subsequently frozen. There has been no increase in the federal minimum wage for tipped workers ever since.²² To this day, tipped workers nationally are two-thirds (66.6 percent) women and dispro-

portionately women of color and single mothers.²³ This workforce, which is made up overwhelmingly of women, and women of color, went from having no entitled wages to having a subminimum wage.

To better understand how this continues to harm subminimum wage workers, One Fair Wage conducted a survey of over 2,000 tipped workers across the country June 2022 until August 2023 to study both the economic realities workers face and how the pandemic exacerbated these issues. This is the largest study of service workers and their experiences during and post-pandemic conducted to date, and the only such study to compare these workers' experiences in fair wage states versus subminimum wage states.

Workers surveyed in subminimum wage states reported greater challenges during and post-pandemic than workers in fair wage states with regard to unemployment insurance, health, race and gender differentials, and wage theft.

2 HEALTH EXPERIENCES AND THE COVID-19 PANDEMIC

Restaurant workers faced the highest deaths of any industry outside of medicine.

During the pandemic, the Centers for Disease Control and Prevention (CDC) named restaurants the most dangerous place for adults to be, and the University of California, San Francisco named restaurants the most dangerous place to work.²⁴ Tipped restaurant workers who interact most with customers were most vulnerable because they had to interact with high numbers of customers who continuously removed their masks to eat and drink, exposing these workers constantly to an airborne virus even if the workers themselves were masked.



Not surprisingly as a result, analysis by the Centers for Disease Control and Prevention (CDC) of COVID fatalities by industry numbers indicated that restaurant and food service workers had the highest fatalities of any industry outside of healthcare in 2020 that the CDC reported on, with 3,293 deaths in the restaurant industry, and 3,418 deaths in the health care sector.²⁵ To extrapolate what that death toll would be for the rest of the pandemic, One Fair Wage compared the fatality rates from COVID for working-age adults in 2020, 2021, and 2022.²⁶ The data showed that the combined fatalities of 2021 and 2022 were 2.6 times greater than in 2020 alone for those aged 15-64. Based on this alone, it would indicate the total number of working-age COVID fatalities between 2020 - 2022 in the restaurant industry would be 12,042.

One Fair Wage surveyed over 2,000 restaurant workers and asked if, to their knowledge, they had contracted COVID and if they believed they did so at work. More than one third (37 percent) of tipped workers surveyed responded that they had contracted COVID, with 40 percent of those workers indicating that they believed they contracted the virus as a result of going into work at a bar or restaurant.

One Fair Wage analyzed the infection and fatality rates of working-age people to get an approximate likelihood of a fatality from contracting the illness, and compared the total number of infections with the percentage of in-

TABLE 1
COVID Infections

At any point, have you contracted COVID-19?	All
Yes	22%
Yes, I contracted COVID-19 from working in a restaurant or bar	15%
No	53%
Unsure	8%
I prefer not to say	2%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.²⁷



fections by age group. Centers for Disease Control and Prevention data displayed on Statista of the percentage of infections by age group found that 30.6 percent were non-working-age infections (seniors aged 65+ 13.5 percent and 0-17 year olds 17.1 percent).²⁸ Given this, we estimate that of the 104,538,730 known infections in the United States by April 2023, there were 72,549,878 known infections of working age adults.²⁹

We then compared the age distribution of fatalities to determine the number of working-age adults that died from COVID-19. Of the 1,134,641 deaths in the United States reported by June 2023, 1,642 were minors, and 858,323 were individuals 65 and over.³⁰ This left 274,676 reported deaths from the 72,549,878 known working-age infections, or 0.0037 reported deaths for every

known infection. This model to predict morbidity was not designed for individual health concerns, but for public policy purposes to better understand the total loss as a result of the virus.

We then analyzed workers' survey responses with regard to contracting COVID-19 and compared that to restaurant workforce to get an idea of the potential number of infections, and used the reported fatality-to-infection ratio to predict a number of fatalities.

If 37 percent of the over 5.2 million restaurant workers in the United States contracted COVID, that could mean 7,142 fatalities, with 2,856 being work-related.³¹ Tipped service worker responses that stated 40 percent of infections in the industry were work-related would also imply that of the potential 12,042 COVID deaths predicted from examining CDC fatality data, 4,882 were work-related fatalities.^{32,33}

Restaurant Workers Struggle With Access to Health Care, and Over Half Have Gone Into Work Sick

To get a better understanding of tipped restaurant workers' experiences post-pandemic, One Fair Wage asked a series of health-related questions. Given the ongoing risks they face by interacting with a large number of individuals in eating and drinking environments, One Fair Wage asked restaurant workers if they were concerned that their health is still at risk at their workplace post-pandemic. Of all workers surveyed, the overwhelming majority (57 percent) stated they were moderately to very concerned, and Black workers were far more likely to report that they were very concerned.³⁴

Concerns of workplace health risks lead to questions of access to health care. The U.S. Census estimated in 2022 that 10.8 percent of working-aged Americans are without

TABLE 2**Tipped Restaurant Workers Responses to How Rate Workplace Health Concerns**

How concerned are you that your health is at risk at your workplace?

Not at all concerned	19%
Only a little concerned	24%
Moderately concerned	30%
Very concerned	27%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.³⁵**TABLE 3****Health Concerns in the Workplace by Race**

How concerned are you that your health is at risk at your workplace?

	Black Tipped Workers	White Tipped Workers	Hispanic and Latina/o Worker NOFW
Not at all concerned	20%	18%	16%
Only a little concerned	24%	23%	36%
Moderately concerned	27%	36%	31%
Very concerned	30%	23%	17%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.³⁶**TABLE 4****Tipped Restaurant Workers in The United States**

Do you have health insurance?

Yes, my employer provides partial support for health insurance	6%
Yes, my employer provides full coverage of my health insurance	4%
Yes, I receive private health insurance by other means	17%
Yes, I receive health insurance through Medicaid	37%
Yes, I receive health insurance through Medicare (Medicare is a program for people 65 and older)	2%
No	33%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁴⁰

health insurance.³⁷ Only ten percent of workers surveyed said they received health insurance from their employer, and one-third of all tipped restaurant workers surveyed said they did not have access to health insurance at all – over three times the national uninsurance rate.³⁸ The highest percentage of restaurant workers – 47 percent – to not have health insurance were Black men working in states that allow a subminimum wage for tipped workers.

Access to health insurance is not the only determinant of access to care, but research has repeatedly shown those without insurance may delay accessing health care and are less likely to receive care at all.³⁹ This is particularly true for workers in an industry that can have unpredictable schedules and little to no access to health benefits. To understand care access, One Fair Wage asked tipped workers questions about access to health facilities, doctors' appointments, and if they had worked while sick, all to get a better picture of workers' health situations post-pandemic.

When looking at the breakdown by race in states that allow a subminimum wage for tipped workers, the largest group of tipped workers without any access to health care at all are Black men (47 percent), followed by Hispanic/Latino men (41 percent). Over one quarter (29 percent) of Black women reported having no health insurance at all, and the same was true for 26 percent of Hispanic/Latina women, 24 percent of white men and 22 percent of white women.⁴¹

Of tipped workers surveyed, over half (52 percent) reported they had worked while sick.⁴³ While 41 percent surveyed indicated they skipped doctor visits due to a lack of insurance or the ability to afford co-payments. Of workers surveyed, 34 percent reported they had to go to the emergency room because they lacked insurance.⁴⁴

TABLE 5**Tipped Restaurant Workers in Subminimum Wage States by Race and Gender**

Do you have health insurance?	Black Men	Black Women	White Men	White Women	H/L Women	H/L Men
Yes, my employer provides partial support for health insurance	4%	5%	11%	8%	7%	11%
Yes, my employer provides full coverage of my health insurance	4%	3%	2%	5%	4%	6%
Yes, I receive private health insurance by other means	9%	10%	34%	26%	35%	24%
Yes, I receive health insurance through Medicaid	35%	52%	25%	37%	28%	18%
Yes, I receive health insurance through Medicare (Medicare is a program for people 65 and older)	1%	2%	4%	2%	0%	0%
No	47%	29%	24%	22%	26%	41%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁴²

TABLE 6**Tipped Restaurant Workers Going in While Sick****Have you had to work shifts while sick?**

Yes	52%
No	38%
N/A (have never been sick while having a work shift)	11%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁴⁵

When researchers looked at emergency room use of uninsured versus insured working-age adults, they found that 12 percent of the uninsured in their study visited the emergency in a one-year period.⁴⁶ This was for all emergency room visits, not just visits for not having access to general medical care. When One Fair Wage asked restaurant workers if they had visited an emergency room because they lacked health insurance, 34 percent said they had – nearly three times the overall research population.⁴⁷

TABLE 7**Tipped Restaurant Workers Having to Go to ER Due to Cost****Have you had to go to the emergency room because of a lack of health insurance?**

Yes	34%
No	66%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁴⁸

Use of the emergency room for lack of insurance by race and gender did not perfectly mirror lack of insurance, but the top three groups with the highest level of not being insured (Black men, Hispanic/Latino men, and Black women) also had the highest answer rates for going to the emergency room because they lacked insurance (Black men 41 percent, Black women 32 percent, and Hispanic/Latino men 31 percent).

TABLE 8**Tipped Restaurant Workers Having To Go To ER Due To Cost In Subminimum Wage States By Race And Gender****Have you had to go to the emergency room because of a lack of health insurance?**

	Black Men NOFW	Black Women NOFW	White Men NOFW	White Women NOFW	Hispanic/Latina Women NOFW	Hispanic/Latino Men NOFW
Yes	41%	32%	23%	36%	29%	31%
No	59%	68%	77%	64%	71%	69%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁴⁹

3 POST-PANDEMIC ECONOMIC, GENDER, AND RACE DISPARITIES IN SUBMINIMUM WAGE WORK

Subminimum Wage Workers Report Wage Theft and Widespread Problems Attempting to Receive Unemployment

The subminimum wage for tipped workers has resulted in workers not being able to obtain government benefits during the pandemic and not receiving the full minimum wage post-pandemic. In March 2020, about 6 million workers lost their jobs.⁵⁰ In fair wage states, 87 percent of workers surveyed said they had an interruption in employment during the pandemic. Of those, 42 percent of workers surveyed stated they were unable to secure unemployment benefits when they lost their employment during the pandemic. In subminimum wage states, 92 percent of workers surveyed stated they had an interruption in employment. Of those that had an interruption in employment, 68 percent were not able to receive unemployment. **Thus, workers in subminimum wage states were nearly twice as likely as workers in fair wage states to report that they were unable to secure unemployment insurance.**

TABLE 9

Unemployment Insurance Access in Fair Wage v. Subminimum Wage States

Were you able to successfully secure Unemployment Insurance during the pandemic?

	OFW States	Subminimum Wage States
Yes	23%	12%
Yes, but with great challenges	28%	18%
No	36%	62%
I did not experience an interruption in income or employment	13%	8%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁵¹

TABLE 10

Tipped Worker Wage Theft in Subminimum Wage States

Do your tips or additional wages from your employer bring you up to the minimum wage in your state?

	Subminimum Wage States
Yes	27%
No	47%
I do not receive tips	13%
Unsure	12%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁵⁶

Two-thirds of the nearly 300,000 workers who applied for relief funds from One Fair Wage reported that they faced great difficulty in obtaining unemployment insurance.⁵² In subminimum wage states, workers reported that they were told by their state that their wages were too low to qualify for benefits, and in many instances they were told that their employers had not reported their tips or that their tip income did not count toward the calculation of their income to qualify them for benefits.⁵³

Post-pandemic, tipped workers reported alarmingly high levels of wage theft in states that allow a subminimum wage. In states that allow employers to pay a subminimum wage for tipped workers, both federal and state law require employers to ensure that workers receive enough tips to bring their hourly income to the full minimum wage or they must make up the difference.⁵⁴

Of workers surveyed from subminimum wage states, nearly half (47 percent) reported that their tips and wages from their employers did not bring them up to the full minimum wage in their state. When analyzing this question by race, 33 percent

of white workers in subminimum wage states reported that their tips and wages did not meet the state minimum wage, while Black workers reported that tips did not bring them to the full minimum wage at nearly double that rate, at 57 percent.⁵⁵

Black Workers Reported Lower Rates of Receiving Unemployment and Higher Levels of Wage Theft than Their White Peers

In states that allow a subminimum wage for tipped workers, One Fair Wage surveyed 695 Black women, 452 Black men, 296 white women, 106 white men, 114 Hispanic/Latina women, and 90 Hispanic/Latino men.⁵⁷ One Fair Wage also surveyed 107 individuals from fair wage states, who provided a natural comparison with regard to wages and working conditions.⁵⁸

In states that allow a subminimum wage for tipped workers, respondents reported obvious racial inequities with regard to the occupations they held in the industry. White workers surveyed were more likely to report they worked in higher-tipped positions such as servers and bartenders compared to Black and Hispanic / Latina/o respondents, who were more likely to report they held the position of a host or busser.⁵⁹

TABLE 11

Occupation of Survey Respondents by Gender and Race

What is/was your role in the restaurant industry?

	Black Women NOFW	Black Men NOFW	White Women NOFW	White Men NOFW	Hispanic/Latina Women NOFW	Hispanic/Latino Men NOFW
Server	42%	25%	54%	34%	44%	31%
Host/Hostess	19%	8%	12%	3%	18%	4%
Busser/Runner	6%	22%	2%	8%	4%	24%
Bartender	8%	10%	16%	25%	11%	16%
Back of House	8%	18%	4%	23%	6%	16%
None of the Above	8%	12%	2%	4%	1%	2%
Other	9%	5%	10%	4%	15%	7%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁶⁰

With the pandemic, these racial inequities were exacerbated. In subminimum wage states, 95 percent of Black workers reported an interruption in income and of those workers, 78 percent stated they were not able to receive unemployment insurance. By comparison, 89 percent of white workers in subminimum wage surveyed reported an interruption in income and of those workers, 43 percent reported not receiving unemployment insurance.⁶² While Hispanic and Latina/o identified respondents reported

TABLE 12**Access to Unemployment Insurance in Subminimum Wage States by Race**

Were you able to successfully secure Unemployment Insurance during the pandemic?

	Black NOFW	White NOFW	H/L NOFW
Yes	7%	22%	13%
Yes, but with great challenges	14%	28%	20%
No	74%	39%	52%
I did not experience an interruption in income or employment	5%	11%	15%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁶¹

TABLE 13**Do Tips and Wages Bring You Up to the Minimum Wage by Race**

Do your tips or additional wages from your employer bring you up to the minimum wage in your state?

	Black NOFW	White NOFW	H/L NOFW
Yes	18%	41%	45%
No	57%	33%	26%
I do not receive tips	14%	13%	13%
Unsure	11%	14%	16%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁶³

the lowest level of interruption in income (85 percent), nearly two thirds (61 percent) stated they did not receive unemployment benefits.

Post-pandemic, Black workers reported higher levels of wage theft in states that allow a subminimum wage for tipped workers. In particular, Black workers reported that wages and tips did not bring them to at least the full minimum wage by at nearly double the rate of their white peers (57 percent vs 33 percent.)

Women in Subminimum Wage States Reported Higher Levels of Wage Theft, Harassment, and Declining Tips Than Their Male Peers

A nationally representative survey by the Social Science Research Solutions (SRSS) conducted in January 2021 found that 71 percent of women in the restaurant industry reported they had been sexually harassed at work at least once during their time in the restaurant industry.⁶⁴ This survey also found that tipped workers experience sexual harassment at a rate far higher than their non-tipped counterparts. Women, however, hesitate to report instances of sexual harassment because it often leads to retaliation.⁶⁵ In this study, workers who reported harassment to their employers said that they had been the “target of significantly and substantially more retaliatory responses than those who did not report.”⁶⁶ Tipped workers in particular experienced significantly more retaliation than non-tipped workers who took similar actions. Of workers surveyed, 98 percent of those who were sexually harassed experienced at least one incident of retaliation.⁶⁷ Among the most common forms of retaliation reported was economic retribution.

COVID-19 compounded the crisis of sexual harassment. The reduction in customers and tips gave individual customers more power over individual women workers, and also gave more power to supervisors who control which shifts these workers work; since tips vary with shifts, supervisors control workers' tip income by giving them better or worse shifts. The reduction in tips was further exacerbated by forcing workers to enforce public health guidelines on customers who are often unwilling to cooperate, which workers reported resulted in them receiving less tips.⁶⁸ According to a One Fair

Wage survey conducted in February 2021, Black workers reported receiving even lower tips (73 percent) when they enforced COVID-19 protocols versus their White counterparts (62 percent).⁶⁹

Given these conditions, it is not surprising that in One Fair Wage's fall 2020 survey of 1,675 tipped workers, 45 percent of all workers and 50 percent of women cited a noticeable increase in harassment during the pandemic.⁷⁰ They also reported a change in the intensity and quality of the harassment – thousands of women reported being regularly asked to remove their masks so that men could judge their looks and their tips on that basis, changing the nature of the harassment to becoming life-threatening.⁷¹

The fact that tipped workers who earn the subminimum wage are two-thirds women and disproportionately single mothers makes them uniquely vulnerable to harassment. As sole breadwinners in their household, these women are even more vulnerable to harassment in restaurants than other workers because tips are the only income for their entire household.

There are over 800,000 (813,205) single mothers working in the restaurant industry, with 425,000 single mothers in front-of-house, largely tipped positions.⁷² This makes the restaurant industry the sector with the highest concentration of single mothers in any industry (9 percent).⁷³ The next highest concentration is in the general medicine/ specialty hospital industry.⁷⁴

Subminimum wage work greatly impacts the economic prospects of single mothers. Single mothers in the restaurant industry are particularly burdened as they are less likely to secure night and weekend shifts which offer better tips because of a lack of childcare options.⁷⁵ In some part, this can help explain the wage gap between single mothers and men in the restaurant industry. In all restaurant positions, single mothers receive lower wages than men. In 2021, single mothers working in restaurants received an average wage that was \$1.54 less than the average man. Front-of-house positions witnessed a larger gap. The average hourly wage for a single mother was \$16.62 (\$17.81 in front-of-house positions). In front-of-house positions in particular, single mothers



received an average of \$2.01 lower than the average man.⁷⁶ Already earning less than men pre-pandemic, and now earning even less in tips during the pandemic, women, women of color, and single mothers in the industry are facing the greatest vulnerability to harassment because of the increased power customers and supervisors have over them – when tips are so low, these women must tolerate more in order to obtain the meager tips they are now receiving.

Women Reported Higher Levels of Wage Theft and Customer Hostility Than Men

Women in subminimum wage states surveyed by One Fair Wage reported wage theft at higher levels than their male peers (50 percent versus 45 percent). This gap widened when looking at race and gender together. While 24 percent of white men reported that their tips and wages did not bring them up to the full minimum wage, 59 percent of Black women reported tips and wages from their employer did not bring them up to the full minimum wage.⁷⁷

TABLE 14

Tipped Worker Wage Theft in Subminimum Wage States by Gender

Do your tips or additional wages from your employer bring you up to the minimum wage in your state?

	NOFW Women	Men NOFW
Yes	28%	24%
No	50%	45%
I do not receive tips	9%	19%
Unsure	12%	12%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁸⁰

TABLE 15

Customer Hostility Due to Race or Gender

Did you experience increased customer hostility and harassment during the pandemic due to your race or gender?

	Women Tipped Workers	Men Workers
Yes- due to my race	7%	14%
Yes- due to my gender	13%	2%
Yes- due to my race and gender	11%	8%
No	69%	76%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁸⁵

In addition, half of women surveyed from subminimum wage states reported their tips had gone down since the start of the pandemic, compared to 38 percent of their male peers.⁷⁸ While 58 percent LGBTQ-identified people surveyed reported their tips decreased compared to 42 percent non-LGBTQ-identified people.⁷⁹

Women and women of color in particular have repeatedly reported in One Fair Wage surveys that harassment has gotten even worse. In April 2022, One Fair Wage reported that nearly half of all women (46 percent) and exactly half of all women of color (50 percent) said they have experienced increased customer and/or supervisor harassment during the pandemic, compared to 33 percent of men.⁸¹ This same report found that nearly three quarters of all women (73 percent) and nearly 8 in 10 women of color (78 percent) report that they regularly experience sexual behaviors from customers that make them uncomfortable, compared to 61 percent of men.⁸²

Women in subminimum wage states reported higher increases in hostility due to their gender than men, since the start of the pandemic with nearly one in four women (24 percent) of women indicating that gender-related harassment has increased – 14 points higher than men.⁸³ White men are the only group to report no increase in hostility on account of their race or gender, with 80 percent indicating this. More than one third (35 percent) of white women reported an increase in hostility based on their gender. Black women have seen the largest increase in hostility because of their race and gender.⁸⁴

The Restaurant Industry has Always had Notoriously High Gender and Racial Wage Gaps That Persisted Throughout and After the Pandemic

The pay and treatment gap experienced by Black women compared to white men is a large and complex issue with many causes and antecedents. Generally, women and women of color experience occupational segregation that concentrates them in lower-paying industries that women have traditionally occupied, rather than the more lucrative industries that men occupy.⁸⁶

This has persisted through the pandemic and through record high inflation in 2022. Previous studies indicate the reasons for this disparity: Black women tipped workers generally earn far less in wages and tips than white men due to both customer implicit bias – resulting in customers tipping Black women less than their white male counterparts – and occupational segregation in which Black women and other workers of color are segregated into more casual restaurants where tips are less.⁸⁷

In September 2022, One Fair Wage compared the wages of front-of-house positions in the industry. Researchers found that Black women in the restaurant industry make \$2.57 an hour less than their white male counterparts, which can also be understood as \$5,345 of income lost every year. Among front-of-house restaurant workers who are overwhelmingly tipped employees earning a subminimum wage, this increases to a race-wage gap of \$6.19 an hour, or \$12,875 annually.⁸⁸

As described above, our most recent survey data (2022-2023) shows that Black women were the least likely group by race and gender to report that their tips or additional wages from their employer brought them up to the minimum wage



in their state. This most recent survey data shows that conditions have worsened for Black women since survey data was collected and published in One Fair Wage's September 2022 report. In that report, 53 percent of Black women reported that their tips and wages did not bring them to the full minimum wage at least once over the last month; now, close to 60 percent of Black women report that their tips and wages regularly do not bring them to the minimum wage.⁸⁹ The 2022 survey also found that Black women were more than 3 times as likely to report that they experienced higher levels of customer hostility during the pandemic compared to white men (20 percent v. 6 percent).⁹⁰

Women of color experience occupational segregation that concentrates them in lower paying industries and in the lower paying places within those industries that women have traditionally occupied, rather than the more lucrative industries that men occupy.⁹¹ Unique among pay inequities, the subminimum wage for tipped workers was an original pay gap created intentionally to deny Black women any wage at all, forcing them to live on tips. One Fair Wage survey data and income analysis continually find a pay gap and worse working conditions for Black women than their white male counterparts. This original and intentional pay inequity has been compounded over the last 160 years since Emancipation by ongoing inequities in hiring by employers and tipping and harassment by customers – resulting in an unlivable situation for Black women.⁹²

4 THE GREAT INDUSTRY EXODUS

During the pandemic 6 million restaurant workers lost their jobs nationwide, and by 2022, 1.2 million workers had still not returned to the restaurant industry.⁹³ The number one reason workers surveyed said they are leaving the industry is because wages are too low. Restaurant workers surveyed showed concern about wages being too low, with nearly half (47 percent) saying it was the reason they were considering leaving the industry.⁹⁴

TABLE 16

Factors Causing Worker Exodus from Restaurants

If you are considering leaving, what is driving that decision?

Wages and tips are too low	47%
Lack of paid leave	22%
Lack of paid sick leave, excluding family and medical leave	19%
Concerns about COVID-19 safety	19%
Concerns about hostility and harassment from customers	14%
Concerns about hostility and harassment from coworkers and/or management	13%
Moving to a different city, state, or country.	5%
Moving into a position within the restaurant industry	4%
Transitioning to a different industry	10%
None of the above	16%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.⁹⁸

TABLE 17

Factors That Would Motivate Restaurant Workers to Stay in Industry

If you are considering leaving, what would make you consider staying?
Or if you have left, what would make you consider returning?

A full, stable, livable wage	52%
Paid leave	22%
Increased hours	21%
Paid sick leave, excluding family and medical leave	21%
Health insurance or benefits	21%
Less hostility / improved working environment	18%
Better COVID-19 safety protocols and enforcement	17%
Assignment to different shift or timeslot	11%

Source: One Fair Wage (2023). One Fair Wage Worker Public Health Survey Data, Collected 06/22-8/23.¹⁰⁰

Not surprisingly, given tipped workers' high levels of exposure and interaction to hundreds of customers on a regular basis, health risks were also a contributing factor in the exodus – with only wages and benefits ranked higher than health safety for why workers are leaving the industry. Tipped restaurant workers have consistently reported that they are leaving because wages are too low, yet one of the next greatest concerns workers told OFW were health-related.⁹⁵ Health concerns were the highest concern after wages and paid leave benefits. This is on top of the fact that over half of respondents (57 percent) were moderately to very concerned about health risks at work.⁹⁶

When asked what would make them stay working in restaurants, tipped workers surveyed reported that higher wages would be the most motivating factor, with more than half of all workers surveyed reporting that a full, stable, livable wage would be the most motivating factor to cause them to stay in the industry.⁹⁷

When asked to select all the things that would motivate these workers to return, they again stated that the number one thing that would get them to return would be a full, stable, livable wage (52 percent), followed by paid leave (22 percent), and increased hours, paid sick leave, and health insurance all garnering 21 percent each.⁹⁹

5 CONCLUSION: WORKERS ARE WAITING FOR CHANGE NO LONGER

The largest survey of tipped workers post-pandemic to date shows that pre-pandemic and pandemic challenges faced by tipped workers in subminimum wage states have continued and, in most cases, worsened. Tipped workers in subminimum wage states struggled to access unemployment insurance and were more likely to leave the industry than in fair wage states like California. Post-pandemic, these workers continue

to report alarmingly high levels of wage theft, lower average wages, and higher government assistance needs in subminimum wage states compared to their fair wage counterparts.

It should be no surprise, then, that millions of workers have left the industry and continue to leave. The resulting staffing crisis has created a moment of worker power, with thousands of restaurants raising wages voluntarily to recruit staff. As a result of workers' courage in demanding higher wages, policy is advancing in cities and states across the country to end the subminimum wage for tipped workers. In November 2022, with nearly 75 percent support at the ballot, Washington DC voted to end the subminimum wage for tipped workers. On October 4, 2023, the Chicago City Council voted to end the subminimum wage for tipped workers. Following

these wins, in 2024, a dozen states having pending legislation and ballot measures to follow suit, including New York and Illinois, and polling shows that the issue is likely to pass in the four states where it is in the ballot, in Massachusetts, Ohio, Michigan, and Arizona.¹⁰¹

In this way, the pandemic's exacerbation of the horrific conditions faced by tipped workers for generations pushed workers to their limit, and has resulted, finally, in dramatic marketplace transformation that is advancing policy change. Especially in the name of the thousands of workers who died due to their exposure to the virus at work, and vulnerability to customer bias, harassment and unwillingness to follow COVID protocols as a result of their dependence on tips, we must end this legacy of slavery that is the subminimum wage for tipped workers now.



APPENDIX: METHODOLOGY

To measure employment and wage statistics of workers the restaurant industry across a One Fair Wage used American Consumer Survey data five-year sample (2017 to 2021), hosted by IPUMS, and included the following occupation codes:

4000 Chefs and head cooks
4010 First-line supervisors/managers of food preparation and serving workers
4020 Cooks
4030 Food preparation workers
4040 Bartenders
4055 Combined food preparation and serving workers Fast food and counter workers
4110 Waiters and waitresses
4120 Food servers, nonrestaurant
4130 Dining room and cafeteria attendants and bartender helpers
4140 Dishwashers
4150 Hosts and hostesses, restaurant, lounge, and coffee shop
4160 Food preparation and serving related workers, all other
4400 Gambling services workers
4500 Barbers
4510 Hairdressers, hairstylists, and cosmetologists

The distinction between front of house and back of house workers were delineated as such:

Tipped Restaurant Workers:

4040 Bartenders
4110 Waiters and waitresses
4120 Food servers, nonrestaurant
4130 Dining room and cafeteria attendants and bartender helpers

Restaurant Workers:

4000 Chefs and head cooks
4010 First-line supervisors/managers of food preparation and serving workers
4020 Cooks
4030 Food preparation workers
4040 Bartenders
4055 Combined food preparation and serving workers Fast food and counter workers
4110 Waiters and waitresses
4120 Food servers, nonrestaurant
4130 Dining room and cafeteria attendants and bartender helpers
4140 Dishwashers
4150 Hosts and hostesses, restaurant, lounge, and coffee shop
4160 Food preparation and serving related workers, all other

Tipped Workers:

4040 Bartenders
4110 Waiters and waitresses
4120 Food servers, nonrestaurant
4130 Dining room and cafeteria attendants and bartender helpers
4400 Gambling services workers
4500 Barbers
4510 Hairdressers, hairstylists, and cosmetologists

To measure employment statistics One Fair Wage used 5-year ACS samples, hosted by IPUMS organized by occupation, sex, and a combination of race/ethnicity to accurately measure employment statistics.

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