



The Tipping Point

How the Subminimum Wage Keeps Incomes Low and Harassment High

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THE TIPPING POINT: HOW THE SUBMINIMUM WAGE KEEPS INCOMES LOW AND HARASSMENT HIGH

As one of the largest employers of women,¹ one of the largest employers of young people,² and one of the largest private sector employers,³ the restaurant industry plays an outsized role in shaping both the early formative work experiences of young women and men and the ongoing experiences of the millions who continue to work in it. The high levels of sexual harassment in this industry have been found by numerous studies. This report documents the findings of the first nationally representative sample to establish the prevalence of sexual harassment among tipped

workers, its connection to tipped workers' subminimum wage, and the consequences faced by survivors, including retaliation by employers for reporting. This harassment has become more severe and life-threatening for tipped workers during the COVID-19 pandemic.⁴ The research is particularly timely in informing discussions over legislation now being considered in Congress to phase out the subminimum wage for tipped workers.



KEY FINDINGS

The nationally representative survey, conducted by Social Science Research Solutions (SRSS) in January 2021, produced the following results:

- 1 | Overall, 71% of women restaurant workers had been sexually harassed at least once during their time in the restaurant industry.** This percentage is the highest of any industry reporting statistics on sexual harassment. Indeed, it dwarfs any other.
- 2 | While women restaurant workers are most frequently harassed by customers, they are also pervasively sexualized and sexually harassed by supervisors, managers, or restaurant owners.** Combining tipped and non-tipped workers, 44% stated they had been victims of sexual harassment from someone in a management or ownership role.
- 3 | Tipped workers who receive a subminimum wage – this occurs in 4 out of 5 states – experience sexual harassment at a rate far higher than their non-tipped counterparts.** Tipped workers were significantly more likely to have been sexually harassed

than their non-tipped counterparts: over three quarters versus over half (76% vs. 52%). This finding corroborates earlier studies that showed that workers in states with a subminimum wage of \$2.13 report double the rate of rate of sexual harassment compared with workers in states with no subminimum wage for tipped workers.⁵

- 4 | Tipped workers were sexually harassed significantly more frequently, in every way measured, than their non-tipped counterparts.** Tipped workers were more likely to be treated in sexist ways; more likely to be targeted with sexually aggressive and degrading behavior; received more persistent and intrusive sexual attention, were more likely to be coerced or threatened into sexual activity they did not want and were more likely to be victims of sexual assault than their non-tipped counterparts. These differences between tipped and non-tipped women workers' experiences were not only statistically significant but substantial.
- 5 | These experiences represented not one-time harassment, but often persisted over days, weeks, and in some cases, months.** Thirty seven percent of the workers interviewed described situations in which the harassment continued for a month or more, and that the behaviors during this period occurred frequently or almost every shift (35%).
- 6 | When workers reported the sexual harassment, tipped workers were less likely to say that the situation was corrected than their non-tipped counterparts (61% to 73%).** Tipped workers were substantially more likely than their non-tipped counterparts to say that they had been encouraged to "just forget about it" (39% to 23%).
- 7 | Virtually all (98%) of the harassed women workers reported experiencing at least one incident of retaliation when all forms of retaliation were taken into account; tipped workers experienced significantly and substantially more retaliation than their non-tipped counterparts.** There were almost no differences reported between tipped and non-tipped workers as to the particular form the retaliation took, with the exception that tipped workers were more likely to say they had been threatened by their employer for reporting sexual harassment; none of the non-tipped workers reported this experience.

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1. INTRODUCTION

COVID-19's devastating impact on the service sector has been well documented, including the closure of thousands of restaurants and the unemployment of millions of food service workers nationwide.⁶ These impacts fall especially hard on women who are tipped workers. A legacy of slavery, the federal subminimum wage for tipped workers is still \$2.13 an hour; 43 states persist with a subminimum wage in some form, forcing a workforce that is 65% women to rely heavily on tips to supplement their wages to support themselves and their families.⁷ Tipped workers across the country are disproportionately people of color and women,⁸ who suffer from nearly three times the poverty rate of the rest of the U.S. workforce and use food stamps at double the rate of the rest of the U.S. workforce.⁹

Since the COVID-19 pandemic, these workers have experienced massive declines in overall tips due to enforcing pandemic safety measures, while facing higher rates of exposure and death due to the virus. The same workers report higher rates of sexual harassment from customers demanding they remove their masks to judge whether they deserve tips.¹⁰



In 2021, Congress is considering the Raise the Wage Act, which proposes to raise the overall minimum wage to \$15 an hour and phase out the subminimum wage for tipped workers, workers with disabilities, and youth.¹¹ This bill would have a significant impact on the lives of many workers, especially women in the food service sector, who even prior to COVID had some of the lowest wages in the country compared with their male counterparts.¹² Research to further understand and document the relationship between the subminimum wage for tipped workers, tipped work, and sexual harassment is thus critical in this current debate.

Previous studies have shown the correlation between the subminimum wage and sexual harassment. In 2014, the Restaurant Opportunities Centers (ROC) United and Forward Together conducted a survey of 688 restaurant workers nationwide. It found that workers in states with a subminimum wage of \$2.13 an hour were twice as likely to report experiencing sexual harassment as workers in the 7 states with a full minimum wage for tipped workers with tips on top, and three times as likely to report that their employer encouraged them to wear more provocative clothing (making them vulnerable to increased harassment) in order to earn more money in tips.¹³ The study demonstrated that the subminimum wage for tipped workers, which increases dependence on customer tips, forces

a workforce of mostly women to tolerate abusive customer behavior in order to survive economically and feed their families.

Since COVID-19, this power dynamic between tipped workers and customers has been exacerbated. In December 2020, our team published a study based on more than 1600 surveys of tipped workers collected in fall 2020. More than 40% of food service workers surveyed reported that they had noticed a change in the levels of unwanted sexualized comments from customers. Hundreds of women shared comments they received from male customers demanding they take off their masks so that they could calibrate their tips to their looks and willingness to expose them on demand.¹⁴ These findings demonstrated that the subminimum wage for tipped workers and forcing a workforce of mostly women to feed their families on tips subject to customers' sexualized discretion, extended from an issue of racial, economic, and gender inequality to a threat to life.

Building on these previous findings, the present study examines in further depth the sexual harassment of women in the restaurant industry and consequences, such as retaliation, for reporting it. No other study to date has surveyed a nationally representative sample to illuminate this experience both in depth and over the working time periods of those who serve in the restaurant industry. The report focuses on the nature and characteristics of the sexual harassment experienced by women who are tipped workers in restaurants across the country.

2. METHODOLOGY AND SAMPLE

This report summarizes the findings of the first ever nationally representative sample of women aged 31 and older who worked in the restaurant industry, 75% of whom rely on tips for the majority of their wage.

Working with SSRS, a large social science research consulting firm, employed women aged 31 and older were invited by email to participate, then screened to ensure they were currently employed and had previously worked in the restaurant industry. To provide representative non-biased results that corresponded to the target population, standard weighting techniques matched the sample's reported demographic characteristics with those of employed women aged 31 and over.



Of the 510 current and former women restaurant workers in the research sample, 406 worked in tipped positions, 104 were non-tipped. Food service is the most common first job for America's women.¹⁵ Not surprisingly, more than 75% of the sample were between 15 and 21 years old when they began working in the restaurant industry. Sixty-three percent of the participants identified as white, 13% as Black or African American, 17% as Latinx or Hispanic. Seven percent identified as mixed race or with another racial or ethnic background.

A widely-used validated survey instrument for investigating and measuring sexual harassment experiences in employment was adapted and modified based on previous research by ROC to examine the nature, character, and extent of sexual harassment by restaurant workers and its long-term effects on them. The perpetrators — customers, employers, and/or co-workers — were identified; the frequency and duration of sexual harassment was documented; the impact of particular experiences was focused; the consequences, including retaliation, of reporting sexual harassment to employers were investigated. Workers were asked to recall and describe the one event that had left the greatest impression on them. Participants were asked to rate each of these factors, experiences, and responses, and to provide open-ended responses to some. The instrument was self-administered online, with quality checks to ensure attention. Follow-up interviews were conducted with some consenting participants by One Fair Wage staff to provide further depth, detail, and voice to the findings.

3. THE SEXUAL HARASSMENT EXPERIENCED BY RESTAURANT WORKERS

NATURE AND TYPES OF SEXUAL HARASSMENT

Overall, 71% of women restaurant workers had been harassed at least once during their time in the industry. This percentage is the highest of any industry reporting statistics on sexual harassment, bearing out the findings of the 2014 study conducted by ROC United and Forward Together. As in that previous study, tipped workers were significantly more likely to have been harassed than their non-tipped counterparts – over three quarters versus over half (76% vs. 52%). Tipped workers were also harassed significantly more frequently in every way measured. Tipped workers were more likely to be treated in sexist ways; more likely to be targeted with sexually aggressive and degrading behavior; received more persistent and intrusive sexual attention, were more likely to be coerced or threatened into sexual activity they did not want, and more likely to be victims of sexual assault. These differences between tipped and non-tipped women workers were not only statistically significant but substantial. Tipping explains vastly more of the variance in these data than any other single factor.

Table 2 outlines these differences for each type of sexually harassing behavior. Table 3 summarizes these experiences.

TABLE 1
PREVALENCE OF SEXUAL HARASSMENT AMONG WOMEN RESTAURANT WORKERS

Report at least one harassment experience
71% All Workers
76% Tipped Workers
52% Non-Tipped Workers

Source: SRSS nationally representative sample of 510 women who worked in the restaurant industry, January 2021

TABLE 2 | CONTINUED ON FOLLOWING PAGE
DEGREE AND NATURE OF SEXUAL HARASSMENT AMONG WOMEN RESTAURANT WORKERS

Sexist Behavior
59% All Workers
64% Tipped Workers
40% Non-Tipped Workers

- 1. Referred to women in insulting or denigrating terms
- 5. Made sexist or demeaning remarks (e.g., suggesting women can't/shouldn't do certain kinds of jobs
- 8. Treated you badly or less favorably because you're a woman

Source: SRSS nationally representative sample of 510 women who worked in the restaurant industry, January 2021

TABLE 2 | CONTINUED FROM PREVIOUS PAGE

DEGREE AND NATURE OF SEXUAL HARASSMENT AMONG WOMEN RESTAURANT WORKERS

Sexually Hostile Behavior

59% All Workers

63% Tipped Workers

41% Non-Tipped Workers

- 2. Told sexual stories or jokes that were offensive or demeaning to you.
- 3. Name calling based on dress, sexual activity, promiscuity, sexual orientation or preference
- 6. Made offensive or denigrating remarks about your appearance, body or sexual activities
- 9. Made crude gestures or used body language of a sexual nature.
- 11. Sent or showed you texts, messages, or pictures of a sexual or denigrating nature

Intrusive Sexual Attention

54% All Workers

59% Tipped Workers

36% Non-Tipped Workers

- 4. Kept asking you out (e.g., dates, drinks, dinner) even though you said “No”?
- 7. Touched you in a way that made you uncomfortable?
- 10. Attempted to stroke, fondle, grope, kiss, or grab you?

Sexual Coercion

33% All Workers

39% Tipped Workers

14% Non-Tipped Workers

- 15. Offered or implied some sort of reward or special treatment to engage in sexual behavior
- 16. Threatened some sort of retaliation if you weren't sexually cooperative (e.g., shift change)
- 17. Treated you badly because you wouldn't do what they wanted sexually
- 12. Told you to alter your appearance beyond the dress code (e.g., “be sexy”, wear tight clothing)
- 13. Asked/told you to flirt with guests

Sexually Assaultive Behavior

17% All Workers

20% Tipped Workers

7% Non-Tipped Workers

- 14. Exposed sexual or intimate parts of their body to you (e.g., penis)
- 18. Attempted to have sex with you that you did not want but was not successful
- 19. Had sex with you that you did not want

**TABLE 3
SUMMARY OF TYPES
OF HARASSMENT
EXPERIENCED BY
RESTAURANT WORKERS**

Figures sum to > than 100% because workers reported experiencing more than one type of behavior

	All Workers	Tipped Workers	Non-Tipped Workers
Sexist Behavior	59%	64%	40%
Sexually Hostile Behavior	59%	63%	41%
Intrusive Sexual Attention	54%	59%	36%
Sexual Coercion	33%	39%	14%
Sexually Assaultive Behavior	17%	20%	7%

Source: SRSS nationally representative sample of 510 women who worked in the restaurant industry, January 2021



Shelly Ortiz

“I was 15 years old...”

Shelly Ortiz started in the food industry when she was 15 years old; she was 25 when she finally left. She had worked as a barista, bartender, and server at different restaurants in Phoenix, Arizona while pursuing her work in documentary filmmaking. Although filmmaking was her dream, her restaurant work provided one huge advantage: compared to the sporadic nature of her film jobs, “[T]he restaurant industry had always provided consistency in income.” This consistency came at a price however, as she recalls being harassed regularly in virtually every restaurant she worked and every position she held; it only got worse with the pandemic.

“I had men [in] the line tell me if I was a feminist, then they could punch me”

As a young, gay Puerto Rican woman, she always had to stand her ground or prove her worth to her coworkers, managers, and customers. “I am very short in stature, so I’m just this short Puerto Rican girl, I always had a lot of obstacles against me to prove I was hardworking.” As a feminist, Shelly says she was often faced with men who saw her conviction for women’s rights as a justification for violence. “When I was younger, I had men [in] the line tell me if I was a feminist then they could punch me.”

Sexism and misogyny permeated every part of her working life. Shelly says that she could not recall a time when she was not treated differently, and worse, because she was a woman. Despite the regular occurrence of these incidents, whether sexualized remarks or being “hit on” by coworkers and customers, Shelly was still shocked this summer by the comments of a customer.

“[Because I wouldn’t take off my mask for him], he said... he had to stare at my tits”

On a busy summer Saturday night after the onset of the coronavirus pandemic, Shelly was serving an older man and his wife. After dropping off the check, the man told her to pull down her mask. “He said he wanted to see if the bottom half of my face was as cute as the top half, and I said no.

Then he said because of that, he had to stare at my tits.” Shocked, Shelly looked to the man’s wife in disbelief, seeking some sort of shared embarrassment or comfort, but saw nothing. She asked her manager to handle the check for her. But Shelly says she felt almost irresponsible, in that she put her own feelings of safety and comfort above the “customer experience,” feeling guilty she did not close the tab on her own as usual.

The whole ordeal left her feeling disposable and sexually commodified, a feeling she said was not new, especially after the pandemic began and restaurant work became more competitive. “You feel really disposable as an industry worker, especially as a woman, to be made to feel like your physical presence is a factor in getting money.” When she talked to her coworkers about it, she found sympathy and camaraderie in that most everyone said they regularly experienced such comments. She feels the pervasiveness of behavior like this desensitizes tipped workers, lowering their expectations and even standards for how they will be treated. After her initial feelings, Shelly says the entire evening felt “so normal.”

“No one should have to tolerate threats to their safety in order to put food on their table.”

Since leaving the food industry, Shelly says she has begun to heal. “Since I have left the food industry my self-worth has come up so much. I had to reprogram my brain.” Her time away has allowed her to reflect more on her decade as a tipped worker, and the impact that relying on tips has on job security, safety, and integrity.

“[Tipping] does put a lot of value in performative working... No one should have to tolerate threats to their safety in order to put food on their table.” At restaurants, she often heard guests complaining that a server failed to smile enough or was not energetic. “If you are not a perfect server then you are not going to make a living wage.” She feels now that she is out of the industry, she has a responsibility to speak out about these experiences. “I can speak and not face repercussions with my employer.” Shelly hopes to see a living wage implemented to free restaurant workers from tolerating inappropriate, rude, and threatening behavior from others. “I wish there was less pressure on women and queer people to be able to just do a job well and not have to tolerate horrible and destructive behavior.”

A CLOSER LOOK

Because sexual harassment is so widespread in the restaurant industry, and women workers typically are employed by various establishments over time, in multiple types of jobs over the course of their career in food service, summary numbers such as those reported above collapse many incidents, restaurants, and harassers in a food service worker's life. To get a deeper sense of the reality of their experience, our participants were asked to tell us about the one experience that had the greatest effect on them. This offered a closer look at what happened to the participants, who did what, how they felt, what they did about it, and what happened as a result.

Some of the women surveyed detailed sexist norms they had to endure while working in the restaurant industry such as being expected to “smile” through inappropriate behavior and not to expect any change in these behaviors from male customers and colleagues:

“I think the most common one is the ‘be pretty and smile.’ Every time I’m in a situation where I’m interacting with customers, there’s always at least one sexist older man who thinks it’s ok to say that. They act as if because I’m working I’m forced to flirt with them. My male coworkers are never told anything like that.”

“A supervisor made sexual advances towards me and when I complained I was told ‘You know that’s how he is.’”

Other women reported sexually defamatory rumors, intrusive sexual attention, and sexual assault, in some instances from coworkers as well as customers:

“My boss made comments about having sex with me to my coworkers even though it did not happen. Additionally, my boss also would stare at me and make sexual comments about my appearance.”

“We all usually hung out after work and his friends that didn’t work at [the] restaurant and they mistreated me and one of them raped me while I was sleeping at somebody’s house one night!”

“I had a much older coworker, who was technically a superior, smack my butt as I walked by him.”

“[T]here was a supervising manager that was constantly making sexually inappropriate comments and jokes that were very dirty and made me very uncomfortable, especially because he would call me out or hit on me after.”

“When my supervisor forced me to let him go down on me.”

“Coworker telling me about his sex life and asking me about mine. Often and getting way close to me smelling my hair etc.”

“Coworker harassing me and stalking me.”

“That one customer tried rape and use my weakness.”

Notably, for the most part, these experiences involved many kinds of harassing behavior and continued at times for weeks or months. Unlike a common stereotype that sexual harassment is a single brief event, this shows that in reality it can be an ongoing process that lasts for a considerable period of time, particularly for women who are harassed by coworkers, supervisors, or managers. In the present research, 37% of the sample reported that the situation reported here continued for a month or more, and that the behaviors in

this episode occurred frequently or almost every shift (35%). Fifty-three percent of non-tipped workers and 43% of tipped workers reported that they were between 16 and 21 years of age when this experience of sexual harassment happened – formative years in these women’s lifelong work experience.



When asked to tell about the experience of sexual harassment that had the most effect on them, participants described being subjected to a wide range of behaviors from sexist and sexually hostile remarks (11%) to egregious encounters that included coercion and/or sexual assault (36%). Approximately 27% reported experiencing a single type of harassing behavior only; 14% reported that their experience included every form of sexual harassment measured by the survey; another 12 % reported experiencing every form of harassment

except sexual assault; 12% described sexist and sexually hostile remarks along with some form of intrusive sexual attention; 11% reported sexist and sexually hostile remarks alone. Some experiences were brief – 27% said this most affecting experience happened only one time – but most were not; 37% said the experience lasted a month or more. Some workers were in their 30’s and beyond at this time, but fully 75% of the tipped workers were under 24 years old when this happened to them. In the sections below, these experiences are unpacked to examine who committed them, how the victims responded, and – particularly – the impact of tipping on the experience of harassment and its aftermath.

Lori Gaines

In 2017, Lori Gaines* at age 25 entered the restaurant industry, working as a bartender in New York City. Having worked outside food service up to that point, Lori was unprepared for the amount of sexism and harassment she faced at her new job. She quickly learned that she would receive little respect from guests in ways that were directly tied to being a woman.

“I used to have plenty of customers come in and make comments they never would have said to men, calling me honey or sweetie.”

Initially, Lori was scared to speak up. As it was her first time working in a restaurant, she did not want to risk angering customers by speaking up, since she was dependent on their tips that made up a substantial part of her wage. She felt it better to brush off these comments. But as time went on, she became aggravated at the constant stream of disrespect in almost every interaction. She started telling customers: “If you want to be served by me you have to treat me with respect, like you would speak to a male.”

These irritations were bad enough, but minor compared with the unwanted attention, including sexual harassment, she experienced on her late-night shifts. As a bartender, Lori often dealt with overly intoxicated customers. While many men were annoying and some were dangerous, one man in particular came to her mind when recounting her experience working these shifts.

“I can think of one particular person who would come in, and he would be fine in the beginning. But then he would get really drunk, he would start calling me names and say we should go out, and [he would] get progressively drunker, and try to go behind the bar.”

Frustrated with this customer’s behavior, Lori brainstormed several solutions and presented them to her bosses. “I tried multiple times to get the owners to ask certain people not to come, or put a drink limit, but nothing came from that.”

By the time she began to regularly deal with sexual harassment from that particular customer, she was luckily always working alongside another staff member. Previously, she had to work closing shifts until four in the morning by herself. After several of these shifts, she quickly let her bosses know she was completely uncomfortable with being alone. “I would never feel comfortable working by myself... it’s uncomfortable, especially if they’re drinking. You never know what they will say or if they would try to act on something.”

Lori feels her reliance on tips exacerbated these issues. She needed a steady income, and tips were a large part of that. In the beginning, she said she felt pressure to simply deal with the unwanted comments, even sexual proposals from guests.

“I had people sit there and tell me they would pay me money for me to lean over them and kiss them.”

After a while, she could no longer stand to be subjected to that kind of behavior. “Of course, if you just stand there and smile and accept things, they feel happy and they tip you more. If you say something back, they won’t tip or will leave a tiny tip. That didn’t matter at that point, it’s better to stick up for yourself.” Often, when she stood up for her boundaries and demanded respect from customers, they tipped her less. She paid for her dignity herself.

“I don’t think I would’ve lasted too long.”

Eventually, in 2019, Lori left bartending and the restaurant industry behind. She now works in an office. Although there is sexism in the world, she says, it is not nearly as frequent or severe in her current position. “[Sexism] exists obviously at any other job, but it’s nothing compared to what it was in the restaurant.” The managers and owners of her restaurant cared little about her comfort or safety and failed to safeguard her during the years she worked there. “If I told them anything, they wouldn’t really care too much.” Lori is happy to be out of food service and away from the need to subject herself to unwanted behavior that is normally considered unacceptable in order to make a living.

*A pseudonym is used to protect the worker.

4. PERPETRATORS OF SEXUAL HARASSMENT

WHO ARE THE SEXUAL HARASSERS?

When restaurant workers were asked to identify who harassed them, forty-eight percent of the tipped workers reported that they were harassed by customers (28% by only customers), while only 26% percent of non-tipped workers were harassed by customers at all. This is not surprising given that tipped workers, especially if they are paid a subminimum wage by their employer, are dependent on customers for tips, and must tolerate customer behavior to obtain those tips. Conversely, the non-tipped workers were more likely to be harassed by supervisors/managers/owners (48%) and 37% were harassed by only supervisors/managers/owners. Although the overall percentage of sexual harassment by coworkers did not vary with respect to tipped status, non-tipped workers were considerably more likely to be harassed by only their coworkers.

TABLE 5
WHO WAS THE
SEXUAL HARASSER

	All Workers	Tipped Workers	Non-Tipped Workers
Supervisor, Manager, or Owner	44%	44%	48%
Coworkers	45%	46%	44%
Customers	45%	48%	26%
Supervisor, Manager, or Owner only	25%	22%	37%
Coworkers only	23%	22%	30%
Customers only	27%	28%	20%

TABLE 6
REACTION TO THE SEXUAL HARASSER¹⁶

Very/Extremely	Very/Extremely
71% annoying	55% embarrassing
70% inappropriate	51% upsetting
63% demeaning	39% threatening
61% disrespectful	34% frightening
61% disturbing	31% traumatic
56% degrading	

REACTION TO THE SEXUAL HARASSER

Research has shown that virtually all targets experienced negative emotions in response to being sexually harassed. In the present study, the great majority of the participants found their experience to be very or extremely annoying (71%), inappropriate, (70%), demeaning (63%), and/or disturbing; more than half of them felt upset, embarrassed or degraded; almost 40% felt very or extremely threatened, and approximately one-third felt very or extremely frightened, and found the experience very or extremely traumatic. Tipping status had little effect on the more intense reactions (i.e., threatening, frightening, traumatic); however, tipped workers were more likely to find their experiences to be very or extremely disrespectful, annoying, demeaning, disturbing, embarrassing, degrading, and upsetting.



5. CONSEQUENCES OF REPORTING THEIR SEXUAL HARASSMENT



RESPONDING TO THE HARASSMENT

Sexual harassment is rarely a single one-time event. It is, rather, a process that unfolds across some period of time; women are required to respond to this progression, depending on the options realistically available to them and what is at stake. One of the most common responses among survivors is to ignore the person and act as if what was done to them did not happen. At the same time, most women try to avoid the harassing person to the degree possible, going so far as to transfer to another location, or even quit their jobs altogether.¹⁷ In the present sample, at least 1 out of 5 (21%) left their jobs in response to sexual harassment.

Depending upon the situation, some women try to pass the behavior off as a joke or try in some other way to defuse the situation, so as not to offend the harasser or make him angry. In this group of studied participants, this was particularly true of the tipped workers – most likely because of their greater harassment by customers and the obvious pressure on them not to offend male customers. Remarkably, given the inequality of their situations, slightly less than

half the sample approached the problem directly and told the offender to stop. One in four sought advice or support from friends and coworkers.

As noted in the table, 49% of women directly told the person acting inappropriately to stop. A number of women shared their stories of directly confronting their offender through threats of calling another authority, by having a male coworker support them or taking on the offender themselves:

“I let them know that I will not be pushed around.”

“I threatened them with getting the manager or police involved.”

“I don’t take this type of behavior from anybody they were warned and I was stern about it.”

“Had a coworker act as my boyfriend. The other guy backed off.”

“Beat the crap out of him.”

“I went to my boss.”

“[T]alked to my other boss, and he was transferred.”

“I shouted for help, male bartender stopped the attack.”

“I delivered a serious smack down and told them they had small penises.”

“After my manager began luring me into dark, out of the way areas by taking my hand and stroking it suggestively I finally got the courage to make a joke about how it was gross and he was old enough to be my father. He immediately stopped and I noticed that he began to leave the other girls alone after that, too. I was only 18 years old and needed the job, but it validated for me that I needed to stand up for myself, and I still got to keep my job. If it had gone a different way I think it might have taught me a totally different lesson. I’m thankful I was able to gather my courage.”

However, a slight majority of respondents (51%) did not confront the offender directly. These women either found indirect ways of handling the offender such as trying to ignore him or changing their appearance to avoid further incidences:

“This behavior happened at different jobs, different industries and I mostly ignored all of it.”

“I followed the direction to dress according to code by doing my hair and makeup.”

“I think I was just stunned by the times it happened and it was customers so you can’t react or you could get fired.”

TABLE 7
HOW DID YOU HANDLE
THE SITUATION?

	All Workers	Tipped Workers	Non-Tipped Workers
I tried to ignore it	66%	66%	63%
I tried to avoid the person	53%	53%	55%
I told the person to stop	49%	51%	42%
I tried to make a joke of it	28%	31%	16%
Talked to friends/coworkers for advice/support	27%	27%	26%
I quit my job	21%	22%	16%
I transferred to another location	4%	4%	2%



REPORTING THE HARASSMENT

Reporting the harasser and making a complaint are widely considered the most appropriate and effective methods of dealing with this problem. As these results confirm, however, the reality is considerably more complicated. Research over many years has shown that women are extremely reluctant to report sexual harassment at work.¹⁸ Although the present participants are considerably more likely to report than those studied previously,¹⁹ only about half had complained to their employer; there were no differences between tipped and non-tipped workers with respect to complaining, nor to whom they complained. There were, however, serious differences in how the organization responded. Over 70% of both groups said the offender was talked to and approximately half said that he was disciplined. However, tipped workers were less likely than non-tipped workers to say that the situation was corrected (61% to 73%) and substantially more likely to say they had been encouraged to “just forget about it” (39% to 23%).

TABLE 8
REPORTING THE
HARASSMENT

	All Workers	Tipped Workers	Non-Tipped Workers
Did you report it to anyone?	48%	48%	50%
To whom did you report?			
A manager	22%	21%	26%
A supervisor	16%	17%	12%
The owner	16%	17%	11%
HR/Personnel	7%	8%	0%
What did they do?			
The person was talked to	72%	73%	72%
The situation was corrected	63%	61%	73%
The person was disciplined	51%	51%	52%
My complaint was discounted	44%	44%	42%
No action was taken that I know of	42%	43%	39%
I was encouraged just to forget about it	38%	41%	23%
The person was fired	29%	29%	28%

TABLE 9
REASONS FOR
NOT REPORTING

All Workers

75%	I didn't want to make a fuss
57%	Afraid it would make things worse
54%	Not important enough
52%	Didn't want trouble w/ coworkers
48%	Person was just joking around
44%	Normal workplace behavior
43%	I didn't want to get in trouble
38%	I didn't know how or to whom
33%	I was afraid I would lose my job
26%	Others had and it did no good
9%	I was warned not to complain

CHOOSING NOT TO REPORT

Slightly more than half the entire group chose not to report the sexual harassment at all. Asked why not, the most frequent reason noted for both groups of workers was “I didn’t want to make a fuss.” Slightly over a third of each group indicated that they didn’t know how or to whom to report. Overall, no meaningful differences emerged between the two groups in their reasons for not reporting.

The women who detailed their reasons for not reporting the harassment range from trying not to get anyone in trouble to minimizing the impact of the incident altogether:

“I try not to take anything personal.”

“Just didn’t want to get the person in trouble.”

“It’s hard to speak up when you are young and co-workers are older.”

“Sometimes it’s hard being a woman, especially if you keep getting advances, I try to deal with it nicely and calm.”

RETALIATION

Whether a victim reports or not, she is still highly vulnerable to retaliation — from harassers who are angry and vengeful, to coworkers who take his side, and supervisors and managers who don’t want “the hassle” of dealing with the situation. In the present group, fully 98% of the sexually harassed workers reported experiencing at least one incident of retaliation. When all forms of retaliation were taken into account, tipped workers experienced significantly and substantially more retaliation. There were almost no differences reported between tipped and non-tipped workers as to any particular form of retaliation, with the exception that only tipped workers said they had been threatened; none of the non-tipped workers endorsed this description.

Reporting the harassment often produced retaliation: workers, tipped or non-tipped, who reported their sexual harassment to their employer said they had been the target of significantly and substantially more retaliatory responses than those who did not report. Further, an interaction emerged between tipped status, reporting, and retaliation: tipped workers who reported sexual harassment to their employers experienced significantly more retaliation than non-tipped workers who took similar action.

Acting as if one has dignitary rights at work, as if there are limits to the abusiveness that must be tolerated, limits that can be invoked by the worker herself, seemed to be intoler-

able to some others in the workers' environment. As noted in the table, 22% of workers reported that coworkers gossiped about them and treated them unkindly or cruelly because they reported what happened to them. Some women even told of being intentionally made to work on the same shift with their offender and that the harassment got worse. The impact was not confined to the workplace or to the time on that particular job:

"I was followed from work by the manager and he did it several times like he was warning me."

"I had a manager [and] cook throw food at me when I went back to the kitchen to retrieve food."

"Everyone was judging me that I was bad at everything."

"The servers shunned me because it had happened to them and they blew it off, they thought I was uppity."

"They would not talk to me."

"I was laughed at ...was called a liar but it was all on tape."

"I was bullied in the restroom by a bunch of vigilante."

"I was treated as if it was my fault, after complaining about it, the owner intentionally put the guy that was harassing me to work with me in all my shifts, they tried to intimidate me. Told the police that I was lying, they made tons of rumors about me. After I quit they would try to sabotage other job opportunities for me. They stalked me. The guy who was harassing me tried to run me over. It was all very traumatizing to the point of me not wanting to go back to that town, and feeling uncomfortable even driving in it. For a long time I didn't even want to step outside my home, and I couldn't stand having men near me, it automatically freaked me out."

"I was given the worst schedule of all the servers and I was always on the same schedule as the perpetrator. People at work ignored me."

One of the most common forms of retribution experienced by women who shared their stories was economic. These women reported having their hours cut or working longer than usual, performing other coworkers' duties, and being given shifts that are known for being slow because they had complained about being sexually harassed:

"My hours were cut severely."

"I had to start splitting my tips and I also always had to stay late then usually my hours got cut and I also had to start doing the job of 3 employees."

“Given fewer shifts.”

“I was made to work later than my shift.”

“[G]iven unfavorable duties.”

“I was told to do jobs other staff were supposed to do when everybody had a turn but I had to do it every time I work like clean the restroom and prep the onions.”

“Things I needed done for work were ignored.”

“I was put on closing as a teenager that just got out of high school and I was driving alone at 2 am most mornings in the age of no cell phones.”

“Sent home early every night.”

“Since the incident was done by the head manager, my supervisor couldn’t or wouldn’t help me with the issues I was having. My hours were cut from 40+ to 12 hours a week. I had to quit my job because the hours I was refused hurt my financial situation.”

“Unfairly treated and talked about like I’m a slacker but I have 3 jobs. The male in the position prior to me also had 3 jobs and it was ok for him to come late every day. It was not okay for me. My boss would speak to me like I didn’t care and was just flakey. He also changed the spelling of my name and my SSN in his payroll ‘square app’ which prevented me from getting 3 months of unemployment earlier this year while the country was on lockdown. I’ve lost my car and my home. I’m still waiting for that money.”

TABLE 10
RETALIATION

	All Workers	Tipped Workers	Non-Tipped Workers
People gossiped about me in an unkind way	22%	24%	12%
I was slighted, ignored, or ridiculed by others at work	18%	20%	7%
I was considered a “troublemaker”	18%	19%	11%
I was blamed for the situation	16%	17%	10%
I complained and the situation got worse	16%	17%	10%
I was given less favorable job duties	16%	17%	10%
I was denied an opportunity I deserved	16%	18%	9%
I was mistreated in another way	14%	16%	10%
My performance was evaluated unfairly	14%	15%	9%
I was disciplined unfairly	12%	14%	5%
I was denied a promotion I deserved	12%	13%	5%
I was threatened	11%	12%	0%
I lost my perks/privileges	10%	11%	%
I was denied training I deserved	9%	10%	3%
I was transferred to a less desirable	8%	8%	7%
I was unfairly demoted	7%	8%	2%

WAS IT REALLY SEXUAL HARASSMENT?

Less than half of this group, tipped or non-tipped, considered their experiences to be sexual harassment at the time that they occurred. This perception changed over time. Over two decades later, 75% of workers considered their experiences to constitute sexual harassment.

Many of the women shared stories of being more aware that what happened to them was sexual harassment and that their age when the incidences happened was key to them not feeling like they had any power in the dynamic with management or customers:

“It’s hard to speak up when you are young and co-workers are older.”

“I was just a kid at that time so I thought it was my fault it all happened and back then I liked to wear I guess you would call them sexy clothes and I flirted with all my customers to get a tip.”

“It has brought to my attention that many of my work experiences have included sexual harassment in some form, and while I used to ignore it and shrug it off as typical behavior from men I’ve learned to be more assertive and not tolerate that kind of behavior.”

“I realize the seriousness of the situation now and how it can become a huge problem. I knew when to stop it this time.”

“Sometimes it’s hard to recall the times these situations happened, for trying to block them out. I had sexual trauma growing up and it affected me heavily.”

“The survey was eye opening to think about situations that occurred many years ago. [S]ometimes the male ego gets in the way of acting like and being a professional. [K]arma has a way of catching up to people.”

“It is interesting that you asked if I felt it was harassment NOW even though I did not then. With age and recent events I have come to view many past workplace experiences differently.”

TABLE 11
DID YOU CONSIDER
THIS TO BE
HARASSMENT?

	All Workers	Tipped Workers	Non-Tipped Workers
At the time...	47%	48%	46%
Now...	75%	74%	79%

6. CONCLUSION

As this research shows, women in the service sector have a long history of being undervalued, subjected to sexist norms as a condition of their work, and being demeaned or overly sexualized in the workplace. Since the pandemic, these unequal outcomes have gotten much worse, as women bear the brunt of today's crisis. Women — disproportionately women of color — have suffered the most in job losses and have the added responsibilities of child care while many schools remain closed.²⁰ Women who work in the restaurant industry in particular have had the compounded role of enforcing safety protocols needed to protect the public while facing economic retaliation and sexual harassment from the very people they are trying to protect.²¹ This report highlights that this vulnerability is not new and that it is exacerbated in every way by their dependence on tips to make up a majority of their wage.



The power dynamic between women tipped workers and male customers that supports sexual harassment can be significantly reduced by eliminating the subminimum wage for tipped workers. Seven states — CA, OR, WA, NV, MT, and AK — require restaurants to pay a full minimum wage with tips on top. These states have a significantly lower rate of tipped workers living in poverty, relying on food stamps, and reporting sexual harassment on the job.²²

Momentum is increasing for the country to follow these states' lead. Congress is currently in the process of considering the Raise the Wage Act, which would finally eliminate slavery's legacy of the subminimum wage for tipped workers and increase the minimum wage to \$15 for all workers. Enacting One Fair Wage — a full minimum wage with tips on top — now is a COVID emergency, not only for service workers themselves but also for the long-term economic stability of their families and the communities that rely on them. In January 2021, nearly 40% of New York City restaurant workers surveyed by One Fair Wage reported that they were considering leaving their restaurant or the industry altogether; 50% said they were leaving due to COVID concerns, and 41% said they were leaving due to low wages and tips.²³ These workers are essential to the businesses that have remained open since the pandemic and have been key to any degree of normalcy, from dining out to picking up groceries, experienced by the average person. If the nation wants to ensure both economic recovery and public health, these workers must be paid the full minimum wage, enabling them to enforce safety protocols and reject dangerous and demeaning sexual harassment from customers. As this study found, sexual harassment in the restaurant industry has persisted at the highest levels prior to the pandemic. Most likely, it will extend beyond the pandemic if no action is taken. One Fair Wage — an equal and just wage — must be enacted as permanent law now.

ENDNOTES

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