

A vertical rainbow gradient background, transitioning from red on the left to purple on the right.

No Pride In Subminimum Wages

**The Harsh Realities Of Being
An LGBTQ Restaurant Worker**

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One Fair Wage

UC Berkeley Food Labor Research Center

1 | INTRODUCTION

The subminimum wage has long forced a workforce that is overwhelmingly women to tolerate inappropriate customer and supervisor behavior because their income is so dependent on customer tips. In December 2020, One Fair Wage released survey data in which restaurant workers reported that the situation worsened during the pandemic, with sexual harassment both increasing in quantity and severity — becoming life-threatening. In 2021, Bureau of Labor Statistics data revealed that nearly one million workers left the industry, and further One Fair Wage surveys revealed that a majority of workers who remain working in restaurants are leaving, citing low wages, lessened tips, and increased hostility and harassment as the primary reasons for their departure.¹ A spring 2022 survey builds on these developments with new findings about how these conditions have impacted LGBTQ workers in particular.



The subminimum wage for tipped workers is a direct legacy of slavery that continues to impact vulnerable workers in 43 states. Previous reports by One Fair Wage has shown that the subminimum wage is harmful to workers' economic security, creates a culture of sexual harassment in the workplace, and fosters large wage gaps by race and gender.² One Fair Wage's latest analysis of 2022 survey data of restaurant workers shows that the subminimum wage encourages rampant homophobia and trans-

phobia in the restaurant industry that affects a workforce that is disproportionately members of the LGBTQ community and that LGBTQ restaurant workers face even higher levels of sexual harassment, homophobia, and transphobia than their non-LGBTQ peers.

KEY FINDINGS

- 1. LGBTQ workers are overrepresented in the restaurant industry and low-wage jobs in general, that put them at a higher risk of contracting COVID-19 than other workers.** Of restaurant workers surveyed by One Fair Wage in March, 18 percent identified as LGBTQ.³ This is nearly double the percentage of the U.S. population as a whole that identifies as LGBTQ.⁴
- 2. Restaurant workers experience the highest levels of sexual harassment in any industry.**⁵ LGBTQ restaurant workers report even higher numbers of sexual harassment than



cis/straight restaurant workers. LGBTQ respondents reported witnessing or experiencing sexual behaviors or comments that make them uncomfortable or feel unsafe at work at a higher rate than their straight counterparts — 82 percent and 67 percent, respectively — and 72 percent of LGBTQ workers reported that this harassment made them consider leaving their jobs, compared with 41 percent of straight workers

3. A majority of restaurant workers also reported widespread transphobia and homophobia in the workplace in the form of comments or behaviors from customers, supervisors, or colleagues, and over 80 percent of LGBTQ workers reported experiencing or witnessing homophobic and transphobic comments in the workplace. Over half (58 percent of respondents) reported that they experienced or witnessed transphobic or homophobic comments or behaviors from customers, supervisors, or colleagues. Over 8 in 10 (81 percent) of LGBTQ respondents said they experienced or witnessed transphobic or homophobic comments or behavior from customers, supervisors, or colleagues, compared with 41 percent of straight respondents.

2 | **NEARLY ONE IN FIVE RESTAURANT WORKERS ARE MEMBERS OF THE LGBTQ COMMUNITY**

LGBTQ workers are overrepresented in the restaurant industry. This puts LGBTQ peoples at higher risk of contracting COVID-19 and disproportionately impacted by the subminimum wage than their non-LGBTQ peers.

OFW's new analysis of survey data adds to the evidence that LGBTQ communities face greater economic challenges than their non-LGBTQ peers. Of restaurant workers surveyed by One Fair Wage in March, 18 percent identified as LGBTQ, with 8.4 percent of respondents identifying their sexual orientation as gay/lesbian, and another 9.5 percent identifying as bisexual.⁶ By comparison, according to a February Gallup poll, 7.1 percent of Americans surveyed considered themselves to be members of the LGBTQ community.



Public perception commonly sees the LGBTQ community as being people of means; this myth of LGBTQ affluence is well documented.⁷ Yet, the reality is that LGBTQ people face many economic hardships. LGBTQ people in the United States are more likely than the general population to have experienced a cut in work hours. According to a survey by the Human Rights Campaign, 30 percent of LGBTQ respondents had their work hours reduced during the pandemic, compared to 22 percent of the general population.⁸

LGBTQ Americans' are more likely to live in poverty than other workers, with 22 percent living below the poverty line compared to 16 percent of their straight counterparts.⁹ LGBTQ people of color face even greater economic inequality than their white LGBTQ counterparts.¹⁰ Gay and bisexual men consistently report lower incomes than their straight peers.¹¹ At the same time, the Williams Institute of UCLA found that "Lesbians in same-sex couples and Black LGBTQ people are at greatest risk of poverty in the LGBTQ community."¹² While 25 percent of straight people rent, 41 percent of LGBTQ people do. This signifies there is a significant wealth gap.¹³

3 | THE UNLIVABLE TREATMENT OF LGBTQ RESTAURANT WORKERS

A. Restaurant workers face the highest level of sexual harassment of any industry and LGBTQ workers reported even higher numbers of sexual harassment than cis/straight workers.



Tipped workers often have to tolerate abusive employers and customers and adjust to variations of tips by shift, day, and season with varying amounts of customer traffic. Their dependence on tips thus makes them vulnerable to wage instability, and because workers are reliant on tips from customers for their income, it puts workers at risk of harassment and even assault.¹⁴ According to One Fair Wage's survey of workers in March, 67 percent of all respondents reported that they regularly witness or experience sexually harassing comments or behaviors. Of those surveyed, 73 percent of women and 78 percent of women of color report witnessing or experiencing sexually harassing comments or behaviors.¹⁵ While 82 percent of LGBTQ respondents reported regularly experiencing or witnessing sexual harassment — the highest level of any measurable category within the One Fair Wage survey.

COVID-19 compounded the crisis of sexual harassment. The reduction in customers and tips gave individual customers more power over workers — especially women, people of color, and LGBTQ people.¹⁶ This 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.¹⁷ 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 fewer tips.¹⁸ According to a One Fair Wage survey conducted in 2021, Black workers reported receiving even lower tips (73 percent) when they enforced COVID-19 protocols versus their white counterparts (62 percent).¹⁹

According to those One Fair Wage surveyed in the spring of 2022, sexual harassment increased since the start of the pandemic and LGBTQ people reported harassment increased since the start of the pandemic at a higher rate than their non-LGBTQ counterparts (51 percent vs 41 percent). The survey also found that 72 percent of LGBTQ workers reported that this harassment made them consider leaving their jobs, compared with 41 percent of straight workers.

B. Restaurant workers experience high levels of transphobic and homophobic comments in general; LGBTQ workers report extremely high rates of homophobic and transphobic comments.

Respondents to One Fair Wage's spring 2022 survey reported high levels of transphobic and homophobic behavior from customers, colleagues, and supervisors. LGBTQ workers across sectors frequently report they experience similar behavior, but at significantly lower rates than what One Fair Wage found in its survey of restaurant workers. In one study, 25 percent of LGBTQ people reported experiencing discrimination based on sexual orientation or gender identity with half saying it negatively impacted their work environment.²⁰ When One Fair Wage surveyed workers, 81 percent of LGBTQ restaurant workers reported they had experienced or

witnessed transphobic or homophobic comments or behavior from customers, supervisors, or colleagues, compared with 41 percent of straight respondents.



In 2018, the Restaurant Opportunities Center (ROC) United conducted an LGBTQ workers' survey in the Midwest with support from LGBT MAP.²¹ They found that one-third of LGBTQ restaurant workers surveyed reported experiencing verbal abuse including slurs and threats; had been given less favorable shifts, passed over for promotion, or paid less than others; and had been unfairly disciplined more often than others due to their gender identity or sexual orientation. This was higher than their national sample of restaurant workers, where only 15 to 20 percent of workers reported experiencing unfavorable treatment or discipline.

4 | CONCLUSION: EQUALITY AND PRIDE ARE NOT ENOUGH

While the Equality Act is critical legislation needed to expand civil rights to protect LGBTQ individuals from discrimination in employment, housing, credit, jury duty, and federally funded programs for health and education, this civil rights legislation is toothless without the economic security workers need from living wages and economic justice programs.



When 1 in 3 LGBTQ Americans, including 3 in 5 transgender Americans, experienced discrimination in 2019, it is clear nondiscrimination policies are needed but it is also a reminder that such rampant discrimination cannot be stopped with nondiscrimination laws alone. We also need legislation that ensures the floor is high enough to avoid economic harm and give workers the power to reject harassment on the job — making the need to end the subminimum wage that much more important.”²²

In restaurants, this discrimination has been reported to be rampant. One Fair Wage’s surveys show that LGBTQ peoples — along with all other marginalized and eco-

nomically disadvantaged groups — are harmed by the subminimum wage. LGBTQ peoples, women, and people of color are all put a risk of dangerous sexual harassment, targeted harassment based on race and sexual orientation, and assault in an industry that is overwhelmingly women and disproportionately people of color. We also see these survey results indicate rampant homophobic and transphobic harassment happening in an industry that is disproportionately LGBTQ. This makes requiring One Fair Wage that much more important.

METHODOLOGY & ENDNOTES

METHODOLOGY

Data about worker experiences comes from a survey of 369 respondents who reported that they are current restaurant workers who work in a position that receives tips. The survey asked workers primarily about sexual harassment in the restaurant industry since the pandemic. The survey was sent to a non-representative sample from the One Fair Wage COVID-19 Tipped and Service Workers' Emergency Relief Fund applicant pool of tipped service workers in various states, collected between March 7, 2022 until March 28. This data is not exhaustive.

ENDNOTES

- 1 One Fair Wage. (2022, April). Unlivable: Increased Sexual Harassment and Wage Theft Continue to Drive Women, Women of Color, and Single Mothers Out of the Service Sector. <https://onefairwage.site/wp-content/uploads/2022/04/OFW.Unlivable.pdf>.
- 2 One Fair Wage. (2022, February). The Great Black Restaurant Worker Exodus. <https://onefairwage.site/the-great-black-restaurant-worker-exodus>.
- 3 OFW Sexual Harassment Survey, March 2021.
- 4 Jones, Jeffrey M. (Feb 2022). LGBT Identification in U.S. Ticks up to 71%. Gallup. <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx>.
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- 14 Saru Jayaraman. One Fair Wage: Ending Subminimum Pay in America. New York, NY: The New Press, 2021. 16.
- 15 One Fair Wage. (April, 2022). Unlivable: Increased Sexual Harassment and Wage Theft Continue to Drive Women, Women of Color, and Single Mothers Out of the Service Sector. <https://onefairwage.site/wp-content/uploads/2022/04/OFW.Unlivable.pdf>.
- 16 One Fair Wage. (December, 2020). Take off your mask so I know how much to tip you: Service Workers' Experience of Health & Harassment During COVID-19. <https://onefairwage.site/wp-content/uploads/2020/12/OFW.COVID.WorkerExp-1.pdf>.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 One Fair Wage. (February, 2022). The Great Black Restaurant Worker Exodus. <https://onefairwage.site/wp-content/uploads/2022/02/OFW.BlackWorkerExodus.pdf>
- 20 *Ibid.*
- 21 Restaurant Opportunities Center United. (July 2018). Memo: Survey of LGBT Workers in the Restaurant Industry.
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