Behind the Kitchen Door:
The Promise of Opportunity in the San Francisco and Oakland Bay Area Restaurant Industry

BY: the Restaurant Opportunities Centers of the Bay Area, the Restaurant Opportunities Centers United, and the Bay Area Restaurant Industry Coalition

June 2016

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Abelard Foundation West
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Executive Summary

Behind the Kitchen Door: The Promise of Opportunity in the San Francisco and Oakland Bay Area Restaurant Industry is one of the most comprehensive research analyses of the restaurant industry in the Bay Area. The report draws on 525 worker surveys, 41 structured interviews with restaurant workers in the Bay Area, and 20 structured interviews with employers, along with other industry and government data. The Bay Area is a laboratory for progressive policies, and our study was inspired by the need for an analysis of the impact of trail-blazing policies enacted in the region to improve earnings and working conditions for low-wage workers, as well as the need to survey the range of other workplace issues critical to the lives of thousands of restaurant workers.

Through examining industry and government data alongside worker surveys and interviews, our study demonstrates that while the industry holds great prospects as a result of positive steps taken by legislators and high-road employers, many restaurant jobs in the Bay Area remain low-road jobs characterized by few benefits, low wages, and poor workplace conditions. Our survey instrument captured a range of problems with restaurant working conditions related to the availability of benefits, hiring and promotion practices, workplace discrimination, and job-specific training opportunities. In particular, we found that occupational segregation, wage violations including misappropriation of tips and service charges, and inadequate access to housing were all severe and had a disproportionate impact on workers of color.

A VIBRANT AND GROWING INDUSTRY

The Bay Area is home to a resilient and growing restaurant industry. The industry includes more than 177,807 workers in 10,618 establishments. Over the last decade, the industry has grown to over 9.5% of the local economy (see Figure ES1), contributing to the region’s reputation as a tourism, hospitality, and entertainment destination, and generating over $10.3 billion in revenue and $905 million in sales tax for the state and local economy. However, the benefits of this growth have not been equally shared.

A GROWING PROMISE

San Francisco has been at the forefront of the movement to raise working standards through progressive legislation. It was among the first cities to adopt a $15 minimum wage, secure scheduling for workers, paid sick leave, wage theft protection, and ban the box legislation. This movement has found echoes regionally in Berkeley, Oakland, Emeryville, and San Jose, making the region one of the more attractive labor markets for workers and progressive employers in the country. However, our study has surfaced enforcement gaps and areas where progressive legislation needs to be expanded to respond to the needs of restaurant workers. The Bay Area holds much promise for restaurant workers, but in many instances that promise has been denied.

Our key findings include:

HIGH ROAD

“[Due to high wages] we haven’t had to hire anyone in the kitchen for 7 years.”
—OWNER, fine dining restaurant, 25 years experience

• Interviews with employers in the Bay Area confirm that regional progressive legislation facilitates a restaurant industry where businesses compete on the basis of quality food and service, not by squeezing workers livelihoods.

• Employers reported low employee turnover and high productivity as a result of living wages and access to benefits.

• Many Bay Area employers lack formalized hiring, training, and promotion practices, and as a result, have reinforced occupational segregation in the restaurant industry.

HOUSING

• The Bay Area has among the highest rents in the country; restaurant workers’ lower purchasing power strongly affects how and where they live. A typical restaurant worker would need to work 107 hours per week to afford a home. In order to afford that rent, a worker would need an hourly wage of $30.48 in Oakland and $39.65 in San Francisco, CA. More than 95% of our survey respondents earned less than that amount.

• Restaurant workers in the Bay Area are paying on average $689 per month in rent, and must commute significant distances from lower-income areas with more affordable rents and sharing housing costs by living with more people. The average restaurant worker in the Bay Area lives in an apartment or home with 4 total residents, and 78.7% of restaurant workers do not work and live in the same city.

• Gentrification is also a concern. Workers of color pay higher rents, $695 per rent on average and live in homes with over three other roommates, compared to $664 for white workers who live with over two other roommates.
OCCUPATIONAL SEGREGATION

“I mean, diverse, but segregated, you know? Like always, the cooks are Mexican and the bussers are Mexican. You know, one of them is black… I guess it’s diverse, but like at probably every restaurant the cooks are Mexican, and the Back-of-House is Mexican, and the Front-of-House is white.” —BARTENDER

• Extensive occupational segregation exists in California and around the country, and this pattern is reflected in the Bay Area. This has an impact on wages that workers are able to earn. Workers of color experience a $6.12 wage disparity compared to white workers, and women experience a $3.34 wage disparity compared to men in fine dining occupations (see Table ES2). This race pay gap is the largest we have found around the country.

• According to government data, white workers are more likely to work in the higher paying Front-of-the-House occupations, such as bartenders and servers, than workers of color, who are more likely to work in the Back-of-the-House (see Table ES1).7

• Over half of bartenders are white, despite white workers being less than a quarter of the restaurant workforce overall.

• Although women make up the vast majority of servers and bartenders, including servers in fine dining, they are dramatically underrepresented among bartenders in fine dining. Women surveyed made up 66.7% of all full service restaurant servers, and 85.7% of servers in fine dining, but only 22.8% of full service restaurant bartenders, and were not represented among bartenders in fine dining.

WAGES AND MEAGER BENEFITS

“I don’t have health insurance. I also don’t have any dental, or eye, or anything like that… one time I couldn’t come into work because I was sick and they told me I had to get a doctor’s note. So I came into work sick, got all my coworkers sick, just because I couldn’t afford to pay a doctor just for [a] note, because I couldn’t afford health insurance, you know.” —SERVER

• Restaurant worker wages are above the industry average in part due to the progressive wage legislation in the region. However, great wage disparities still exist for workers based on race and gender, and workers of color, in particular, appear to be denied access to the industry’s most lucrative occupations (see Table ES2). As a result, workers of color in fine dining experience a $6 wage differential compared to white workers, among the largest race pay gaps in the country.

• A significant majority of restaurant workers do not receive workplace benefits such as employer-provided health coverage (82%). Although the percent that do have health insurance through an employer is higher than in other regions of the country, 52% report not having any form of

<table>
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<tr>
<td>WHITE WORKERS DISPROPORTIONATELY OCCUPY BARTENDER &amp; SERVER POSITIONS</td>
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<tr>
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<td>MEDIAN WAGES IN THE BAY AREA’S RESTAURANTS</td>
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<td>Wages are adjusted to 2016 by accounting for minimum wage increases in the region</td>
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<tr>
<td>Fine Dining</td>
</tr>
<tr>
<td>Tipped Occupations</td>
</tr>
<tr>
<td>Limited Service</td>
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</table>

Source: Bay Area Restaurant Industry Coalition survey data.
health insurance coverage which is also higher than in other regions. Twenty percent report having gone to the emergency room without being able to pay in the past year, nearly twice the rate we found in Seattle.

- Despite promising steps to raise wages for low-wage restaurant workers, 20% reported earning poverty wages (below the wage required for a full-time, full-year worker to support a family of three as defined by the Department of Labor’s Lower Living Standard Income Level. (See Table ES3).

**WAGE LAW VIOLATIONS**

“There was shadiness going on… they were taking certain things off your check, or would cut off times. So on my clock, hours would have a time sheet and I would try to match up the time sheet with my clock out slips so it would show what time you clocked in and the time you clocked out. So, it didn’t match up… I actually questioned my manager who was the one doing this. And she gave me a hard time saying, well, don’t you get a lot of breaks, and this and that.” —SERVER

- Workers reported extensive misappropriation of gratuities and service charges. Fifteen percent of tipped workers of color reported that management takes a share of their tips, compared to 13% of white tipped workers, and 14% overall.

---

**ACCESS TO PAID SICK DAYS AND THE CYCLE OF CONTAGION**

The Bay Area is one of the few regions of the country where workers are ensured a paid sick leave benefit by both state and city law, meaning that if they or a close family member falls ill they can take the day off without fear of retribution or losing a day’s wages. However, about half of all workers in San Francisco are denied this benefit, with negative consequences for both restaurant workers and the public.

Source: Bay Area Restaurant Industry Coalition survey data.
• 56.8% of Back-of-the-House workers in the Bay Area reported that they received supplemental income from tips, and that Back-of-the-House workers who received tips earned $18.72 compared to $12.55 earned by Back-of-the-House workers who did not receive tips.

• Service charges and tip pools that included Back-of-the-House workers helped balance income disparities between the Front and Back-of-the-House, but also created the potential for abuse as some employers used service charges to compensate supervisors, managers, owners, or to meet other business expenses.

• 25% of restaurant workers in the Bay Area report having worked off the clock without pay in the past 12 months.

• 33% report that they are not paid 1.5 times the normal wage when they work over 8 hours in a day or over 40 hours in a week in violation of California and federal labor laws.

• 11% of workers reported earning less than the minimum wage.

• Despite laws that require paid sick leave, only 27% of restaurant workers in San Francisco reported having access to paid sick days (see Figure ES2). This compared to only 6% of restaurant workers in other cities in the region that lacked access to paid sick days at the time of the survey.

SCHEDULING

“It varies a lot… The schedules are very uncertain. Um, just depending on how many employees they have at a given time. Since they’ve been short-staffed lately I’ve been working like 30-35 a week, but before that it was only 10-15. So, I never know, how much it’s gonna be”
—SERVER

• 26% of tipped restaurant workers experience frequent changes in their schedule, and an additional 50% of tipped workers sometimes experience changes in their schedule, compared to 16% and 43% of restaurant workers that do not receive tips. The majority of tipped workers are effectively expected to be on-call by their employers.

• 30% of tipped restaurant workers and 51% of restaurant workers that do not receive tips are never asked for their input when schedules are made or changed.

• 33% of tipped workers reported that their schedule was recently cut to under 30 hours per week, compared to 7% of restaurant workers that do not receive tips.
PROMOTIONS AND TRAINING

“You really only get a raise when you kind of move up the chain, as far as positions.” —HOSTESS

- 73% of restaurant workers did not receive a raise in the last year, 22% reported they were passed over for a promotion, raise, or given worse shifts, 57% did not move up in position from their last restaurant job to their current one, and 54% do not receive ongoing job training (see Table ES3).

- Workers of color are less likely to receive a raise or promotion than white workers. 78% of workers of color did not receive a raise, and 60% did not move up in position from their last restaurant job to their current one.

HEALTH AND SAFETY HAZARDS

“We don’t get any, like, sick time at all. I have worked while I was sick, even though when you are working in the food industry it is illegal to be at a restaurant depending on the type of illness you have because you are working around food. Sometimes you just have to work because you can’t find someone to cover your shift.” —BARISTA

- 91% of workers we spoke with have worked when their restaurant was understaffed.
- 28.8% reported doing something that put their own safety at risk.
- 29.3% have done something due to time pressure that might have harmed the health and safety of customers.
- 33% of restaurant workers report that their workplace has fire hazards, 56% in Back-of-the-House. 39% of workers surveyed have been burned while on the job, 43% in Back-of-the-House, and 42.5% have been cut on the job, 44% in Front-of-the-House.
KEY POLICY RECOMMENDATIONS

1. Address racial segregation in the industry through a combination of policies and programs that increase worker training and certification in livable wage job skills, push and train employers to desegregate their restaurants, and engage consumers in supporting restaurants that desegregate.

2. Mandate transparent, formalized hiring, promotion, and training processes that make a clear and fair ladder for workers to advance to higher-wage positions.

3. Increase awareness and understanding of local labor laws though deepening and extending collaborations with community groups that train workers so that they know their rights and can organize to realize them.

4. Strengthen and extend existing progressive legislation to facilitate greater access to healthcare and scheduling rights among all restaurant workers in the Bay Area.

5. Ensure workers have a voice in ownership and control over gratuities and service charges left on their behalf.
Introduction and Methodology

The San Francisco Bay Area of Northern California, encompassing the five counties in the San Francisco-Oakland-Hayward Metropolitan Statistical Area, hereafter referred to as “the Bay”, is one of the largest metropolitan areas in the country, and has a world-renowned restaurant scene, fueled by organic farmers and chefs. The Bay is also a national leader in progressive legislation to improve working conditions for low-wage workers. San Francisco was one of the first cities to take steps towards a $15 minimum wage, and voters in Oakland recently voted to rapidly raise wages to $12 and adopt paid sick days. Although the region has adopted progressive labor standards, it is also one of the most expensive regions of the country to live. Many restaurant workers continue to earn poverty-level wages that don’t keep up with the exorbitant costs for rent in the area. Many more restaurant workers have jobs that offer very limited benefits, few advancement opportunities, and expose them to unhealthy, unsafe, and at times illegal workplace conditions as a recent sweep of labor law compliance by the DOL has shown.

Through integrating 525 in-person worker surveys with interviews and analysis of government data, we have assembled the most comprehensive picture of the state of the Bay’s restaurant industry to date. Our research reveals that while there have been important steps made towards improving working conditions in the Bay’s restaurant industry, major gaps and areas for advancement remain. Many employers continue to take the low road to profitability. Our worker surveys and interviews illustrate the impact this approach has had on people’s lives. Our primary research — interviews and surveys with restaurant workers coupled with government and industry statistics, provide the first comprehensive look at working conditions in the Bay Area’s restaurant industry. The result is a unique overview of the characteristics of workers in the industry, their wages, benefits, and working environment.

METHODOLOGY

INTERVIEW METHODOLOGY

In order to obtain a holistic picture of the daily lives of restaurant workers and to gain detailed information about the nature of working conditions, in-depth, open-ended, one-on-one interviews were conducted with 41 workers. Additionally, we collected 20 interviews with employers. For both sets of interviews, an interview guide was used to structure interviews and ensure that all interviews covered the same general topics, but workers and employers were also given the space to discuss issues and lead the conversation in directions that they considered relevant or important. Interviewers were trained in how to use the guide to conduct structured, open-ended interviews. The interviews were recorded and analyzed using Dedoose software.
and employers. The latter refers to strategies for achieving productivity and profitability. In this report, the former is used to denote employer practices that involve investing in workers by paying livable wages, providing comprehensive benefits, opportunities for career advancement, and safe workplace conditions as means to maximize productivity. The results are often reduced turnover as well as better quality food and service. The latter refers to strategies that involve chronic understaffing, failing to provide benefits, pushing workers to cut corners, and violating labor, employment and health and safety standards. Low-road practices are not simply illegal practices — they are employment practices, such as providing low wages and little or no access to benefits, that are not sustainable for workers and their families, and that have a long-term negative impact on both consumers and employers.

**High road** and **low road** are industry terms referring to opposing business strategies for achieving productivity and profitability. In this report, the former is used to denote employer practices that involve investing in workers by paying livable wages, providing comprehensive benefits, opportunities for career advancement, and safe workplace conditions as means to maximize productivity. The results are often reduced turnover as well as better quality food and service. The latter refers to strategies that involve chronic understaffing, failing to provide benefits, pushing workers to cut corners, and violating labor, employment and health and safety standards. Low-road practices are not simply illegal practices — they are employment practices, such as providing low wages and little or no access to benefits, that are not sustainable for workers and their families, and that have a long-term negative impact on both consumers and employers.

**SURVEY METHODOLOGY**

The survey was administered from May 2013 to July 2014 by staff, members, and volunteers from the Restaurant Opportunities Center of the Bay Area (ROC – the Bay Area), a community-based organization with significant contacts among restaurant workers and access to workplaces in the industry. A total of 525 surveys were conducted face-to-face with workers in the Metropolitan Statistical Areas encompassing San Francisco, Oakland, and San Jose. The bulk of the surveys were conducted in the San Francisco-Oakland-Hayward Metropolitan Statistical Area encompassing Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties, also known as the San Francisco Bay Area, along with 40 surveys that were gathered in San Jose. Therefore, unless otherwise specified, the Bay Area refers to the San Francisco-Oakland-Hayward Metropolitan Statistical Area. The sample consisted entirely of workers currently employed in the restaurant industry, with 50% of respondents with three years of experience or more in the industry. We sought to capture a wide range of experiences in each of the three main segments of the industry — fine dining, casual dining, and quick serve.

The sample was stratified to ensure that the workers interviewed were as representative as possible by gender, race, age, and segment, with an oversample in fine dining. Because there is no government data source listing individual restaurant workers and how to contact them, it is impossible to conduct a strictly random sample of this industry. Thus, we conducted a sample survey consisting of quotas of workers that agreed to be surveyed within target quotas based on segment, age, gender, and race/ethnicity derived from census analysis. We oversampled full service restaurants because limited service restaurants are far more often chains with less variation. We used the American Community Survey and Bureau of Labor Statistics industry data to identify the demographic quotas as well as proportions of Back-of-the-House and Front-of-the-House staff within full-service and limited service establishments.

To create a diverse sample, we limited the number of surveys to two per restaurant establishment. As with all methods, our sampling methodology has strengths and limitations. The strength of our outreach methodology is that it allowed us to include populations of workers typically underrepresented in the Census. In addition, in-person surveys lead to high question-specific response rates. To add to the rigor of the survey administration, we weighted the data according to proportions of Front and Back-of-the-House workers within full-service and limited service restaurants to appropriately reflect the actual distribution of positions in the industry. Resulting statistics were analyzed using Intercooled Stata 10 statistical data analysis software. Results from this survey refer to the weighted figures unless otherwise stated.

**WAGE METHODOLOGY**

Due to annual increases in wages in the San Francisco Bay Area, and steeper increases to the minimum wage in the cities of Oakland and San Francisco, we normalized wage data across the survey population to 2016 based on year to year percentage increases to base wages according to the increases in each city’s minimum wage in 2014, 2015, and 2016 when applicable based on the date the survey was conducted and date of increase to the minimum wage (see Table 6). A total of ten wage outliers that were greater than three standard deviations from the mean were removed from analysis. Due to the average tenure, fine dining oversample, and wage increases within the Bay Area, the median wage is higher for our sample than the overall wages recorded by employers in the Bay Area, yet provides a vivid view of the changes taking place in the Bay Area restaurant industry.
In the Bay, the robust restaurant industry is a source of significant public pride as well as a key driver of success in the local economy. Renowned across the world for both its ethnic diversity, culinary innovations, and commitment to slow (sustainable, local, and organic) food, the Bay’s restaurant industry has shown consistent growth over the last decade. Between 2004 and 2014, the number of food service and drinking establishments in the Bay Area has increased 21 percent, from 8,773 to 10,618. In 2012, the Bay Area restaurants generated $10.3 billion in revenue, accounting for an estimated $776 million in sales tax for the state and over $129 million for the local economy. Moreover, the area’s restaurant industry has added importance as a key node in the regional tourism and hospitality sectors, attracting visitors and increasing the amount of dollars entering the local economy (see Figure 1).

In order to assemble a comprehensive analysis of the issues faced by restaurant workers in the Bay Area, we collected 525 worker surveys and conducted 41 in-depth interviews with workers over an 8-month period. This primary research is supplemented with analyses of industry and government data and reviews of existing academic literature. The Bay Area’s growing restaurant industry includes more than 177,807 workers in 10,618 establishments, which contribute to the region’s tourism, hospitality, and entertainment sectors. Bay Area restaurant workers comprise 9.5% of the total local private sector employment. Our survey research found that nearly 20% of Bay Area restaurant workers are paid an hourly wage that would not support a family of three above the poverty level in the Bay.
The North American Industry Classification System (NAICS) categorizes the restaurant industry (“Food Services and Drinking Places”) into four segments: full-service restaurants, which have table service where the consumer orders from a menu at a table; limited-service restaurants, which have no table service; special food services, which provide services such as catering; and drinking places, which serve drinks but not food. The restaurant categories used in this report align with the NAICS categories, with the addition of a distinction within full-service between ‘fine dining’ and ‘casual restaurants.’ Distinguishing between these two categories is critical to our analysis because job quality, employer practices, and patterns for ethnic and racial employment and occupational segregation differ across the two segments. The categories used in this report are as follows:

1 FINE DINING includes full-service restaurants commonly referred to as “upscale” restaurants. The typical dining tab per person is above $40.

2 CASUAL RESTAURANTS, also described as ‘casual dining’ or ‘family style’ restaurants, are moderately priced full-service restaurants. They include franchise or chain restaurants, such as Olive Garden or Applebee’s, as well as independently owned establishments.

3 QUICK SERVE, limited service restaurants, serve food without table service. Examples include ‘fast food’ restaurants like McDonald’s, or ‘fast casual’ restaurants, like Chipotle, that may have higher prices and cater to different clientele.

4 BARS AND OTHER includes catering, and bars that do not serve food.

Jobs in the restaurant industry generally fall into one of three basic categories, each corresponding to different levels of compensation, potential for mobility, access to training, workplace conditions, and other indicators of job quality:

1 MANAGERS AND SUPERVISORS, INCLUDING CHEFS.

2 FRONT-OF-THE-HOUSE POSITIONS, including all staff that has direct contact with customers, such as servers, bartenders, hosts, and bussers.

3 BACK-OF-THE-HOUSE POSITIONS, or those that do not involve direct contact with customers, but are essential to a restaurant’s functions, such as dishwashers and cooks. Many quick service employees work a combined back of the house and front of the house position. Quick serve jobs are categorized as Back-of-the-House in this study because wages and working conditions in them are similar to those in Back-of-the-House jobs.
HOW MANY JOBS?

The restaurant industry is the fifth largest private sector employer in the Bay. In 2015, according to the Bureau of Labor Statistics, the Bay Area restaurant industry employed over 177,807 workers, 9.5% of all private sector employees.\(^{14}\)

Since 2005, the Bay Area restaurant industry’s share of private sector employment has risen from 7.5% to 9.5% (see Figure 2).\(^{15}\) While industry employment dipped during the Great Recession in 2009 and 2010, it has since rebounded and continued its growth trajectory.

WHAT ARE THE CHARACTERISTICS OF THE WORKFORCE?

Most jobs in the restaurant industry do not require formal education, with the exception of chefs and sommeliers (wine stewards). There is no formalized training or universally accepted certification for most restaurant jobs; instead most employees obtain job skills during on-site training. Back-of-the-House workers, often working in hot, cramped spaces, must be able to fill orders in a timely fashion in a high-pressure environment. Front-of-the-House staff and other employees who interact with customers need strong interpersonal skills, time and task management skills, and a working knowledge of food preparation and presentation.

Census data shows that the Bay Area restaurant industry is generally younger, has a greater representation of workers of color, with a higher proportion of foreign-born workers and workers without a college degree than the overall workforce (see Table 1). Some key statistics include:

**GENDER**

Women make up 44% of the industry’s overall workforce, but comprise 52% of the industry’s tipped restaurant occupations, and 59% of servers. In contrast, women make up 47% of the region’s overall workforce.\(^ {16}\)

**AGE**

Bay Area restaurant workers are younger on average than the overall labor force of the city, but the industry is an important source of jobs for workers in all age brackets. The median age of restaurant employees is 33 compared to 41 in the overall work force. Twenty six percent of
restaurant industry workers are between the ages of 16 and 24, close to three times the rate of all Bay Area workers in the same age category, and the share of workers between the ages of 45 and 64 is 25%, or about two thirds of the 38% among all workers. However, in both the restaurant industry and the broader economy nearly half of all workers, 47%, are between the ages of 25 to 44 in both the restaurant industry and the overall economy.17

RACE
Approximately 74% of the restaurant labor force is comprised of Blacks, Asians, Latinos, and other workers of color, compared to 55% among all Bay Area workers. Latino workers comprise the largest single group by race or ethnicity, at 41%, compared to 21% among the total workforce. Asians represent 25% of the industry in both restaurants and overall.18 Black workers are slightly underrepresented in the restaurant industry, but are overrepresented in fast food occupations and food servers outside of restaurants, and earn the absolute lowest wages. 19 In total, the restaurant industry provides greater opportunities for workers of color than the rest of the economy, but as shown in chapter three, tends to segregate them in the lower earning segments of the industry.

FOREIGN BORN
In the Bay Area 55% of workers employed in the restaurant industry are foreign born, compared to 38% in the total workforce.20

EDUCATION
The restaurant industry provides greater opportunities for workers without extensive education, 60% have a high school degree or less compared to 29% among all Bay Area workers. Similarly, the restaurant industry provides greater opportunities for workers without a college Bachelor’s degree, 87% do not have a B.A., compared to 51% among all workers. However, 41% of all restaurant workers still have at least some amount of college education.21
WHAT DO THE JOBS PAY?

While the Bay Area restaurant industry employment has grown in the past decade, wages in the region have not kept pace. According to the Bureau of Labor Statistics’ Occupational Employment Statistics survey of employers, in 2015, the median hourly wage for a worker in the San Francisco-Oakland-Hayward restaurant industry was $11.62 per hour, compared to a $24.19 median wage per hour for all occupations. The average annual salary was $27,840 in the restaurant industry, less than half the average salary of $66,900 among all occupations. As seen in Table 2, in the greater Bay Area, the median hourly wage for food preparation and serving related occupations of $11.62 per hour is only 48% of the median wage for all the Bay Area Metro Area occupations ($24.19). Moreover, over two-thirds of the workers in the restaurant industry, 71%, are employed in positions that earn an hourly median wage below $12.37, the 2016 poverty wage needed to reach a low standard of living for a family of three in the metropolitan Bay Area if a person works full-time, full-year (2,080 hours; see Chapter IV). Our survey data of restaurant workers in the Bay Area found a $12.95 median wage, with 39.9% of workers earning below the poverty wage at the time the survey was conducted.

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<td>$12.72</td>
<td>$31,760</td>
<td>$13.50</td>
<td>$28,080</td>
</tr>
<tr>
<td>35-2019</td>
<td>Cooks, All Other</td>
<td>$15.27</td>
<td>$23,070</td>
<td>$15.82</td>
<td>$32,900</td>
</tr>
<tr>
<td>35-2021</td>
<td>Food Preparation Workers</td>
<td>$11.09</td>
<td>$26,460</td>
<td>$11.82</td>
<td>$28,220</td>
</tr>
<tr>
<td>35-3011</td>
<td>Bartenders</td>
<td>$12.99</td>
<td>$22,130</td>
<td>$15.18</td>
<td>$31,570</td>
</tr>
<tr>
<td>35-3021</td>
<td>Combined Food Preparation and Serving Workers, Including Fast Food</td>
<td>$10.64</td>
<td>$22,820</td>
<td>$11.37</td>
<td>$23,640</td>
</tr>
<tr>
<td>35-3022</td>
<td>Counter Attendants, Cafeteria, Food Concession, and Coffee Shop</td>
<td>$10.97</td>
<td>$25,120</td>
<td>$11.83</td>
<td>$24,610</td>
</tr>
<tr>
<td>35-3031</td>
<td>Waiters and Waitresses</td>
<td>$12.08</td>
<td>$27,900</td>
<td>$14.35</td>
<td>$29,850</td>
</tr>
<tr>
<td>35-3041</td>
<td>Food Servers, Nonrestaurant</td>
<td>$13.41</td>
<td>$22,320</td>
<td>$15.64</td>
<td>$32,530</td>
</tr>
<tr>
<td>35-9011</td>
<td>Dining Room and Cafeteria Attendants and Bartender Helpers</td>
<td>$10.73</td>
<td>$22,010</td>
<td>$11.98</td>
<td>$24,930</td>
</tr>
<tr>
<td>35-9021</td>
<td>Dishwashers</td>
<td>$10.58</td>
<td>$20,790</td>
<td>$11.34</td>
<td>$23,590</td>
</tr>
<tr>
<td>35-9031</td>
<td>Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop</td>
<td>$10.00</td>
<td>$27,860</td>
<td>$11.47</td>
<td>$23,850</td>
</tr>
<tr>
<td>35-9099</td>
<td>Food Preparation and Serving Related Workers, All Other</td>
<td>$13.39</td>
<td>$43,710</td>
<td>$13.68</td>
<td>$28,450</td>
</tr>
</tbody>
</table>

ECONOMIC DYNAMISM OR DANGEROUSLY LOW STANDARDS FOR BAY AREA JOBS?

The data presented in this chapter demonstrate the robust growth of the restaurant industry in the Bay Area and its centrality to the city’s economic life and recovery from the Great Recession. However, they also call attention to the fact that the growth of the restaurant industry has meant that a growing number of Bay Area jobs do not support a family. The patterns observed in Bay Area restaurant industry are part of an unsettling broader dynamic in the U.S. labor market of growing inequality with economic growth centered on low-wage service occupations.
Worker Perspectives

EARNINGS AND BENEFITS

EARNINGS

As a whole, our survey of workers in the Bay area found a higher median wage for restaurant workers than found in other regions of the country after adjusting all wages to 2016 wage increases. However, despite positive steps taken in the Bay Area towards raising the minimum wage, our survey indicates that many workers continue to struggle with low wages. The median wage of restaurant workers surveyed was $15.17. As seen in Table 3, nearly 20% were paid below the Department of Labor’s 2016 poverty rate for the Bay Area of $12.37 for a family of three.25 Reflecting the dynamics of low-wage employment, our research found that nearly 24% resort to working more than one job to make ends meet, and a fourth of these work three or more jobs.

In our survey, men earned a median of $15.76 and women a median of $14.50 per hour. This gap in earnings based on gender was widest in fine dining where men earned a median wage of $19.66 compared to $16.32 for women. Restaurant workers in fine dining establishments also reported the widest gap in earnings between white workers and workers of color, who earned median wages of $22.44 and $16.32 respectively, a difference of $6.12 per hour (see Table 4). This race wage gap is the highest we have found around the country, nearly twice as high as the $3.41 race wage gap in fine dining in Houston and approaching three times as high as the $2.53 race wage gap in Seattle.27,28 As a product of pervasive occupational segregation within the industry and between its segments, workers of color are disproportionately excluded from the top earning Front-of-the-House occupations, while men and white workers earn the highest wages.

When examining across all restaurants, we see white men earning the highest median wages at $15.35 per hour, white women $14.18 per hour, men of color earn $15.05 per hour, and women of color earn $15.17 per hour. Similarly, examining all tipped workers, white men earn the highest median wages at $19.22 per hour, white women earn $16.82 per hour, and men of color earn $17.13 per hour. However, we did find a discrepancy with tipped wages earned by women of color, who earned $17.69 per hour, and this was driven primarily by workers of color in the Back-of-the-House that receive tips. Women of color in the Back-of-the-House that received tips reported median earnings nearly $5 higher than women of color that did not receive tips. This finding merits greater study due to the smaller sample size for these two

---

**TABLE 3**

<table>
<thead>
<tr>
<th>Wage Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Than Minimum Wage</td>
<td>&lt; $10.84</td>
</tr>
<tr>
<td></td>
<td>10.9%</td>
</tr>
<tr>
<td>Below Poverty Line</td>
<td>$10.85 – $12.37</td>
</tr>
<tr>
<td></td>
<td>8.9%</td>
</tr>
<tr>
<td>Low Wage</td>
<td>$12.38 – $26.51</td>
</tr>
<tr>
<td></td>
<td>71.6%</td>
</tr>
<tr>
<td>Over 150% of Poverty</td>
<td>$26.52 – $42.17</td>
</tr>
<tr>
<td></td>
<td>6.9%</td>
</tr>
<tr>
<td>Living Wage</td>
<td>$42.18 and higher</td>
</tr>
<tr>
<td></td>
<td>1.6%</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.
groups, and the fact that a large sample of respondents of color marked ‘other’ and refused to specify a specific racial category, combined with recent court decisions barring sharing of tips with the Back-of-the-House. The wage gap nearly flattens for limited service, or fast food workers, who reported median earnings of $12.88, with variations of less than a dollar by race and gender.

**TIPPED WORKERS**

California is one of just seven states that have eliminated the subminimum wage system. Accordingly, tipped restaurant workers experience far less of the worst aspects of the two-tiered wage system such as high rates of poverty and sexual harassment (see Figure 3) — industry factors that are pervasive in states that maintain subminimum wages for tipped workers.34 The recent minimum wage increases in California and multiple cities in the Bay Area were a victory for all restaurant workers (see Table 6), but some will enjoy those gains faster than others.

Fifty five percent of our tipped survey respondents, 67% of servers, and 45% of bartenders surveyed were women, and 22% earned below the poverty line. Tipped workers reported experiencing the most erratic schedules of any group in our sample. Seventy six percent of tipped respondents reported that their schedules change frequently or sometimes (see Table 5), compared to 59% of workers that do not receive tips. If we look specifically at Front-of-the-House and Back-of-the-House, the percentage with erratic schedules is 76% and 59%, respectively. Indicative of the high rate of labor law violations experienced by tipped workers, 35% reported that they are not paid for working overtime compared to 28% of workers who do not receive tips. Similarly, 16% of tipped workers reported that they are not always paid on time and consistently, compared to nine percent of workers that do not receive tips. However, workers that did not receive tips reported that they were over one-and-a-half times as likely as their tipped counterparts (25% and 16%, respectively) to work for eight hours without a meal break.

Another source of concern for tipped workers arises in the misappropriation and distribution of tips. Fourteen percent of workers reported that

**TABLE 4**

<table>
<thead>
<tr>
<th>MEAN WAGES IN THE BAY AREA’S RESTAURANTS</th>
<th>Women</th>
<th>White</th>
<th>Men</th>
<th>People of Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>$15.76</td>
<td>$14.55</td>
<td>$14.25</td>
<td>$15.05</td>
</tr>
<tr>
<td>Fine Dining</td>
<td>$19.66</td>
<td>$16.32</td>
<td>$22.44</td>
<td>$16.32</td>
</tr>
<tr>
<td>Tipped Occupations</td>
<td>$19.34</td>
<td>$17.50</td>
<td>$18.15</td>
<td>$17.69</td>
</tr>
<tr>
<td>Limited Service</td>
<td>$13.25</td>
<td>$12.88</td>
<td>$13.00</td>
<td>$12.88</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data. Wages are adjusted to 2016 by accounting for minimum wage increases in the region.
management took a share of their tips. Misappropriation of tips is also exacerbated by race: 15% of tipped workers of color reported that management took a share of their tips, compared to 13% of white tipped workers.

Examining wages (see Table 4), tipped workers earn higher median wages than restaurant workers as a whole, but the gains in wages are heavily tilted towards white workers and white men in particular. Workers of color and women, in general, fare worse in tipped occupations, denied equal access to the livable wage jobs enjoyed by white workers and men.

Until recently, due to California’s status as a one wage state, tips could be shared with workers in the Back-of-the-House. A 2015 survey of restaurant workers in San Diego found that 29% of Back-of-the-House workers received tips. In this study of the Bay Area, we found that 56.8% of Back-of-the-House workers received tips, and that Back-of-the-House workers who received tips earned $18.72 compared to $12.55 earned by Back-of-the-House workers who did not receive tips. This finding merits further investigation.

### Table 4

<table>
<thead>
<tr>
<th>SCHEDULE CHANGE FREQUENCY</th>
<th>ALL</th>
<th>TIPPED</th>
<th>NOT TIPPED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequently</td>
<td>22.4%</td>
<td>25.7%</td>
<td>15.7%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>47.4%</td>
<td>49.6%</td>
<td>43.0%</td>
</tr>
<tr>
<td>Never</td>
<td>30.2%</td>
<td>24.7%</td>
<td>41.3%</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

### Anh Server Profile

Anh is an Asian American server with 8 years’ experience. She’s worked in fast casual and fine dining restaurants as a prep cook and server, respectively. Anh loves working with people and finds the restaurant industry an excellent vehicle for that. However, she doesn’t like the favoritism and sexual harassment problems that define the industry. Anh believes that the industry would be much more sustainable for workers and customers if workers had stronger protection against sexual harassment, defined career ladders and training opportunities, as well as access to benefits such as paid vacation days, and health insurance. She believes that creating pathways for better representation of women in back of house positions would help shift what she calls a patriarchal culture that is represented there.

According to Anh, in the restaurant industry, “rape culture is seen as pretty normative.” By this she means that employers, coworkers, and customers “act like women should accept sexual harassment and not view it as that.” Her own experience speaks to the pervasiveness of the issue, “I’ve experienced verbal sexual harassment both from customers and also one of the assistant managers, who makes super inappropriate comments.” To make matters worse Anh fears retaliation for demanding respect at work, “If they say something that makes you uncomfortable you’re just seen as too sensitive and so they don’t schedule you as much.”

Anh related what she considers a typical experience of sexual harassment in the restaurant industry:

“I had a customer who was drunk and he asked me for a glass of water. He said, ‘I’d kiss you if you bring me a glass of water,’ and the manager was right there, and I was like ‘no’, and he was really insistent and he got up and he was going to kiss me. The manager was standing right there but he didn’t do anything, I even looked at him to see if he saw, and he saw. But I felt like he should have stepped in and like, said something. But I didn’t complain about it because people who have made complaints in the past, they didn’t do anything about it and they kind of view you as a problematic employee. When they first gave me sexual harassment training, they kind of framed it as, some people are more sensitive towards it instead of saying these actions are completely inappropriate. They kind of already placed the blame on the victim.”
Even though restaurant workers in states with a subminimum wage for tipped workers experience sexual harassment at much higher rates, sexual harassment remains endemic to the restaurant industry in the Bay Area. One third of restaurant workers in the Bay reported experiencing or observing some form of sexual harassment, 24% from customers or guests, 19% from coworkers, and 12% from management. Unlike our findings in other states, rates of sexual harassment did not vary significantly by position or tips.

Sexual harassment experienced by restaurant workers in the Bay Area.

Source: Bay Area Restaurant Industry Coalition survey data.

<table>
<thead>
<tr>
<th>Source</th>
<th>Management</th>
<th>Coworkers</th>
<th>Customers</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9%</td>
<td>14%</td>
<td>17%</td>
<td>22%</td>
</tr>
<tr>
<td></td>
<td>3%</td>
<td>5%</td>
<td>6%</td>
<td>10%</td>
</tr>
</tbody>
</table>

The Bay Area is infamous for having among the highest rents in the country; restaurant workers’ lower purchasing power strongly affects how and where they live. The generally accepted standard on housing affordability is that rent should be no more than 30% of income. According to the National Low Income Housing Coalition, the fair market rent for a two-bedroom unit in Oakland is $1,585, and $2,062 in San Francisco. In order to afford that rent, a worker would need an hourly wage of $30.48 in Oakland and $39.65 in San Francisco, CA. Over 95% of the restaurant workers we surveyed earned less than the amount necessary to afford rent in Oakland, and more than 99% earned less than the amount necessary in San Francisco. A typical restaurant worker would need to work 107 hours per week to afford a home.

Survey data demonstrated that restaurant workers in the Bay Area are paying on average $689 per month in rent. In addition to this, many workers reported commuting significant distances from lower-income areas with more affordable rents and sharing housing costs by living with multiple people. On average, restaurant workers live in a house, apartment, or home with 4 total residents, and 79% of restaurant workers do not work and live in the same city.
TIP OWNERSHIP, TIP SHARING, AND SERVICE CHARGES IN THE BAY AREA

Tip sharing is a common means of pooling gratuities across workers who render service to a patron. This approach allows all employees who contribute towards a patron’s service to enjoy a fair share of gratuities even if they do not provide direct table service, and thus have little means of receiving tips directly.

Under the federal Fair Labor Standards Act (FLSA), which allows an employer to pay a subminimum wage to tipped employees, the employer may require that employees pool tips with other employees who customarily and regularly receive tips, but not with Back-of-the-House workers such as cooks and dishwashers who are paid the full minimum wage. However, courts have until recently held that the FLSA’s restriction on tip sharing between Front and Back-of-the-House workers applies only when employers pay their tipped workers a subminimum wage. As a result, many restaurants in the seven states (including California) that do not allow for a two-tiered wage system have included kitchen workers in their tip pools for years, and these workers have come to rely on tips as a significant portion of their income.

However, in February 2016, the Ninth Circuit Court of Appeals issued a ruling that disallows tip pools from extending to Back-of-the-House workers like cooks and dishwashers. Cutting these kitchen workers off from tips will exacerbate existing wage disparities in fine dining restaurants between Front-of-the-House and Back-of-the-House workers. As the wage disparity between Front and Back-of-the-House workers widens, so too does racial disparity, as white workers are concentrated in highly-tipped fine dining and bartending positions while workers of color are concentrated in lower earning tipped and Back-of-the-House positions in fine dining restaurants. This has contributed to the $6.12 per hour median wage gap between white workers and workers of color in the Bay Area fine dining restaurant sector. It has also contributed to high turnover and labor shortages in the Back-of-the-House that currently afflict the restaurant industry.

One means through which employers are addressing disparities between the Front and Back-of-the-House is through mandatory service charges. Under California law, service charges are the property of the employer, as opposed to gratuities, which are the property of tipped workers. Service charges allow flexibility in balancing disparities, but also create the potential for abuse as some employers use service charges to compensate supervisors, managers, owners, or to meet other business expenses.

Whether an employer mandates a tip pool or service charges, workers need policies that protect these tips and service charges, which are left by customers expecting they will compensate employees providing a service. One such policy was included in Santa Monica’s recent minimum wage ordinance, which requires that employers who collect service charges pay the entirety of those charges to workers who facilitate a customer’s service. Santa Monica’s Minimum Wage Ordinance allows flexibility in sharing service charges between Front and Back-of-the-House workers while ensuring transparency about how service charges are distributed by requiring that employers share with employees’ detailed records about service charge revenue receipts and spending. Emeryville and Oakland also mandate that service charges be paid to hospitality employees who collected them (see Service Charge Protections, below).

While these recent regulations protecting employee ownership of service charges mark a step forward, they also do little to challenge the authority of employers to distribute gratuities without the consent of employees. Democratic, voluntary tip pools offer an alternative model by extending the concept that gratuities are the property of the employee and creating a framework for workers to fairly and democratically decide on the distribution of gratuities.
DO YOU KNOW THE LAW?
BAY AREA LABOR STANDARDS

PATH TO A LIVING WAGE
All Employees in California have a path to $15, but many municipalities in the Bay Area have a faster track (see Table 6). Many workers, and more in cities with a minimum wage higher than the state minimum wage do not know the minimum wage, or believe it higher than it really is (see Figure 4). California businesses with 25 or fewer employees will have an additional year to comply with the new minimum wage. For those employees, the minimum wage will first increase on January 1, 2018 and will reach $15 on January 1, 2023.46

ACCESS TO PAID SICK LEAVE
On July 1, 2015, California’s new Paid Sick Leave Law went into effect, requiring employers to provide Paid Sick Leave at the accrual rate of one hour for every 30 hours worked. The Bay Area cities of San Francisco, Oakland, and Emeryville mandate additional Paid Sick Leave benefits beyond the State requirements.47 All of these policies offer 1 hour of sick leave for every 30 hours worked, but have different accrual caps ranging from 48 to 72 hours.

SCHEDULING RIGHTS
Covered employers in San Francisco (chain stores with at least 40 formula retail establishments worldwide) must conduct fair scheduling practices by giving two weeks’ notice of work schedules. Additionally, covered employers must offer any extra work hours to current qualified part-time employees before hiring new employees and treat part-time employees equally with respect to hourly wage, access to time off, and eligibility for promotion.48

HEALTH CARE SECURITY
The San Francisco Health Care Security Ordinance requires covered employers (20 or more employees) to satisfy an Employer Spending Requirement (based on business size), resulting in an additional pathway for low wage workers to gain access to health care.49

TABLE 6
SCHEDULE OF MINIMUM WAGE INCREASES IN CALIFORNIA, THE BAY AREA, AND SAN JOSE50

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>$8.00</td>
<td>$8.00</td>
<td>$9.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>San Francisco</td>
<td>$10.55</td>
<td>$10.74</td>
<td>$12.25*</td>
<td>$13.00*</td>
</tr>
<tr>
<td>Oakland</td>
<td>$8.00</td>
<td>$8.00</td>
<td>$12.25*</td>
<td>$12.55</td>
</tr>
<tr>
<td>Berkeley</td>
<td>$9.00</td>
<td>$10.00*</td>
<td>$11.00*</td>
<td>$12.53*</td>
</tr>
<tr>
<td>Emeryville</td>
<td>$8.00</td>
<td>$8.00</td>
<td>$14.44*</td>
<td>$14.82*</td>
</tr>
<tr>
<td>San Jose</td>
<td>$10.00</td>
<td>$10.15</td>
<td>$10.30</td>
<td>$10.30</td>
</tr>
</tbody>
</table>

*Effective dates for minimum wage increases fall on January 1 unless flagged with an asterisk. In San Francisco the minimum wage went up to $12.26 on May 1, 2015 and increases on July 1 annually thereafter. Oakland’s minimum wage went into effect on March 2, 2015. Berkeley’s minimum wage went into effect October 1, 2014 and increases on October 1 annually. Emeryville’s minimum wage for businesses with 56 or more employees went into effect June 2, 2015 and increases on July 1 annually.

BAN THE BOX
San Francisco’s ‘Fair Chance Ordinance’, prohibits employers with 20 or more employees from inquiring about a job applicant’s criminal history on an employment application, ‘banning the box’ where applicants might otherwise be required to indicate criminal convictions. The law also prohibits covered employers from asking about criminal records during an initial interview. If an applicant voluntarily discloses their criminal history then that information may only be considered in the selection process if it has “a direct and specific negative bearing on that person’s ability to perform the duties or responsibilities necessarily related to the employment position.”51

SERVICE CHARGE PROTECTION
Emeryville’s service charge law requires that hospitality employers who collect service charges from customers must pay the entirety of those charges to the hospitality workers who performed the services for which the charge was collected. Additionally, employers must disclose in writing how the charges are distributed and report to employees. Similarly, Oakland’s Minimum Wage Law contains provisions that require hospitality employers who collect service charges from customers to pay all of those charges to their employees.52

WAGE THEFT PREVENTION
San Francisco, through its own labor standards and enforcement agency (OLSE), offers workers additional wage theft protection above the State of California, by empowering the City to conduct investigations and hold noncompliant employers accountable. Of particular interest is the OLSEx’s community-based enforcement model which realizes enforcement from the bottom-up by empowering workers and their organizations to conduct outreach and education about the law as well as identifying workers with potential wage theft claims.53

FIGURE 4
WHAT IS THE MINIMUM WAGE?
Workers do not always know the minimum wage. Well over one third of workers surveyed did not know the minimum wage, and another third believed it higher than in actuality.
Gentrification is also a concern. Workers of color pay higher rents, $695 per rent on average, and live in homes with over three other roommates, compared to $664 for white workers who live with over two other roommates. Overall, 27% of restaurant workers earning a low wage live in a house with five or more total residents, compared to 14% of those earning 150% of the poverty wage or more. Fourteen percent of restaurant workers earning a poverty wage live in a house with seven or more total residents.

**BENEFITS**

“I don’t have health insurance. I also don't have any dental, or eye, or anything like that… one time I couldn’t come into work because I was sick and they told me I had to get a doctor’s note. So I came into work sick, got all my coworkers sick, just because I couldn’t afford to pay a doctor just for [a] note, because I couldn’t afford health insurance, you know.” —SERVER

The majority of restaurant workers surveyed reported that they do not receive workplace benefits. Eighty two percent of workers surveyed do not have health insurance through their employer and 52% reported not having any form of healthcare insurance coverage. Even when employers do offer healthcare, it is often inadequate and doesn’t extend to part-time workers. As one hostess we interviewed pointed out, “[I’ve had] no health benefits really from any of the restaurants I’ve worked at. Unless it’s full time, but none of those jobs are full time.”

The absence of employer-provision of job benefits and health care at the workplace displaces the responsibility to other family members or the state to meet restaurant workers basic needs. Twenty percent of restaurant workers surveyed have had to rely on the Emergency Room without being able to pay. A significant number of the 52% of restaurant workers who report not having any form of health insurance coverage rely on community clinics, free services at health fairs, and the Emergency Room to receive their healthcare. Most strikingly, 19% of restaurant workers without health insurance report that they primarily receive healthcare through the emergency room (see Table 7).

<table>
<thead>
<tr>
<th>TABLE 7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>JOB BENEFITS REPORTED BY RESTAURANT WORKERS</strong></td>
</tr>
<tr>
<td>82.1%</td>
</tr>
<tr>
<td>51.7%</td>
</tr>
<tr>
<td>19.8%</td>
</tr>
<tr>
<td>88.4%</td>
</tr>
</tbody>
</table>

**HOW WORKERS WITHOUT INSURANCE RECEIVE HEALTHCARE**

| 26.9% | Have not seen a doctor since being uninsured |
| 54.0% | Free or discount health clinic |
| 19.1% | Emergency Room |

Source: Bay Area Restaurant Industry Coalition survey data.
SICK LEAVE

WORKING WHILE SICK IN THE BAY: PAID SICK LEAVE IMPLEMENTATION

In 2007, San Francisco enacted a paid sick days benefit for all employees in the city so they would not be forced to work when sick, or so they could have the opportunity to care for a sick family member.54 In 2015, the State of California enacted paid sick days for workers statewide, and that same year Oakland and Emeryville also adopted more expansive paid sick days provisions.55 Although this survey was conducted before the enactment of statewide paid sick days regulations, a similar benefit already existed in San Francisco so here we compare access in San Francisco to the entire Bay Area and discuss implications for access to this important benefit.

“We don’t get any, like, sick time at all. I have worked while I was sick, even though when you are working in the food industry, it is illegal to be at a restaurant depending on the type of illness you have because you are working around food. Sometimes you just have to work because you can’t find someone to cover your shift.” —BARISTA

Since San Francisco enacted the ordinance in 2007, employers have been required to provide paid leave for their employees to attend to their own or their family’s health and critical safety needs. A trail-blazing policy, San Francisco was the first city to create a path to paid sick leave for all workers. Nearly a decade after the enactment of paid sick days in San Francisco, restaurant workers reported significant difficulties accessing the benefit, but reported higher access than other workers in the Bay Area. Nearly three quarters (73%), of restaurant work-

<table>
<thead>
<tr>
<th>Reason</th>
<th>San Francisco</th>
<th>Other Bay Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have worked when sick</td>
<td>62.7%</td>
<td>59.3%</td>
</tr>
<tr>
<td>Could not afford to take day off without pay</td>
<td>73.2%</td>
<td>60.7%</td>
</tr>
<tr>
<td>Concerned I would be fired or penalized</td>
<td>38.6%</td>
<td>15.1%</td>
</tr>
<tr>
<td>Couldn’t find anyone to replace me and didn’t want to overburden coworkers</td>
<td>58.6%</td>
<td>50.4%</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.
Restaurant workers in San Francisco reported that they do not receive paid sick leave, compared to 94% of restaurant workers in the rest of the Bay (see Figure 5). Restaurant workers in San Francisco were three times as likely to have access to paid sick days than workers in the rest of the Bay. With the statewide implementation of paid sick days and expansion to other cities, it is possible that restaurant workers across the Bay Area now have access similar to what was found in San Francisco, but it is clear that significant enforcement challenges remain to ensure this benefit is universally available.

“If you’re sick, you either have to go in or you have to get your shift covered, but if you can’t get your shift covered then you get written up. But the only thing they do, say, is if you bring in a doctor’s note you won’t be written up… most of us don’t have health insurance so we’re not going to go to the doctor’s to pay you know a hundred bucks just to get a doctor’s note. So, most of the time if someone gets sick they’ll just go in and work it, or they’ll try to get someone to cover it. But it’s kind of hard to get shifts covered there because now they’re kind of short-staffed because so many people have quit. It was during December and January when everyone was getting sick. I initially got like ten people sick, it was crazy and I felt really bad but they made me come into work. And everyone was getting better and then suddenly some other person got sick. It was another server and it just spread all over again. So everyone just got sick again.” —SERVER

Only 11% of restaurant workers in San Francisco used sick leave to care for an ill family member or a dependent, but nearly half (47%) took unpaid time off from work to care for a family member. Sixty three percent of restaurant workers in San Francisco reported that they’ve worked while sick. Of those who went into work sick, 64% coughed or sneezed while handling food, and 41% reported getting a co-worker sick (see Table 9). As one server recounted:

“One time I couldn’t come into work because I was sick and they told me I had to get a doctor’s note. So I came into work sick, got all my coworkers sick just because I couldn’t afford to pay a doctor just for a note, because I couldn’t afford health insurance.” —SERVER
Restaurant workers reported that they prepared and served food while sick for a variety of reasons. Seventy three percent of restaurant workers in San Francisco reported that they couldn’t afford to take the day off without pay compared to 61% of other workers in the Bay Area, indicative of the higher cost-of-living in that city. Nearly two-fifths (39%) of workers who worked sick in San Francisco were concerned that they could be fired or penalized, compared to only 15% in the rest of the Bay. As evidence that many managers continue to require ill workers to find a replacement for their shifts, 59% of restaurant workers who went into work sick in San Francisco reported that they couldn’t get their shift covered (see Table 8). Despite paid sick leave having been on the books for nearly a decade, many restaurant workers didn’t have access to the benefit.

“There’s a lot of bullying that goes on. Talking behind peoples’ back and drama. And it even goes to the managers. They’ll make up excuses that because so and so went partying this weekend, that’s why they’re sick, and it’s your fault. So, they see it as a bad thing.”

—SERVER

<table>
<thead>
<tr>
<th></th>
<th>SAN FRANCISCO</th>
<th>OTHER BAY AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Unable to complete the necessary tasks for work’</td>
<td>28.9%</td>
<td>30.9%</td>
</tr>
<tr>
<td>‘My illness got worse or lasted longer’</td>
<td>30.5%</td>
<td>45.5%</td>
</tr>
<tr>
<td>‘Coughed or sneezed while handling food’</td>
<td>63.8%</td>
<td>19.3%</td>
</tr>
<tr>
<td>‘I got other workers sick’</td>
<td>40.6%</td>
<td>16.9%</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

Sarah SERVER

Anh is an Asian American server with 8 years’ experience. She’s worked in fast casual and fine dining restaurants as a “I was working in a very, very high end restaurant. It was Valentine’s Day, of course. One of the busiest days of the year in a restaurant. By the time we got to pre-shift meeting, it was obvious that I couldn’t speak any longer because my throat hurt so bad. But, of course, there was no way they were going to let me go, and I didn’t know at this point I had strep throat. It was very, very painful, to the point that a couple of times during the night there were tears coming to my eyes. You can’t really swallow, and in reality you have to keep talking, even though the plan is for you to not talk. I said a couple of times during the evening, ‘is it possible for me to leave now?’… and it wasn’t. So I spent the whole night serving up a little bit of strep, along with their cocktails.”

“I was fortunate enough to work in a restaurant where I had health insurance, but I certainly did not have any paid days off. And no way that my boss had any provisions... for accommodating anyone who was sick. ‘Y’know, that’s just the way that it’s always been… that’s just the way it is. [Y]ou just suck it up and do your shift.’ This is what we hear on and on, again, that this is what we do and we just work through it and try to be careful.”
WORKING CONDITIONS

SCHEDULING

“It varies a lot…. The schedules are very uncertain. Um, just depending on how many employees they have at a given time. Since they’ve been short-staffed lately I’ve been working like 30-35 a week, but before that it was only 10-15. So, I never know, how much it’s gonna be” —SERVER

Our survey indicates that many restaurant workers struggle with unpredictable schedules. Twenty percent of workers reported that their schedule changed frequently, and an additional 47% reported that their schedule sometimes changed. Without predictable schedules restaurant workers in the Bay Area struggle to plan budgets to meet their family’s needs. Moreover, workers with unstable schedules relayed that the associated insecurity left them unable to plan to take up additional work or training, and made childcare arrangements difficult. Not only did many workers relate that their schedules were “posted just a few days before”, but that their schedules were heavily shaped by either favoritism or retaliation on the part of managers. One server described how this dynamic affected schedules at her restaurant, “my boss would have favorites… if she liked you, she would hook you up, if she didn’t, you were screwed.”

Only 29% of workers reported regularly having input in schedule making. Thirty percent of restaurant workers reported being issued their schedules without any input into hours or changes to the schedule, and another 34% reported only sometimes being asked for their input into scheduling. As discussed earlier, this problem was most acutely felt by tipped workers. (see Table 5). Creating space for restaurant workers to attend to their family and personal needs is impossible without affording workers the right to confer with management about their scheduling preferences.

WAGE THEFT

“There was shadiness going on… they were taking certain things off your check, or would cut off times. So on my clock, hours would have a time sheet and I would try to match up the time sheet with my clock out slips so it would show what time you clocked in and the time you clocked out. So, it didn't match up… I actually questioned my manager who was the one doing this. And she gave me a hard time saying, well, don't you get a lot of breaks, and this and that.” —SERVER

Employer practices that break wage and hour laws are often described as ‘wage theft.’ Our survey found that wage theft is widespread in the Bay Area restaurant industry. A full third of restaurant workers who worked over 40 hours a week, or over eight hours in a day, reported not receiving the legally mandated overtime rate (see Table 10). One server reported to us that they only received overtime pay after challenging their boss, “That’s one thing I would say, if you’re going to have me work overtime I should get paid for it… I’m not going to stay here and, you know, work for free.” Similarly, a quarter of all restaurant workers reported working off the clock without pay, 19% of restaurant workers reported working more than 8 hours without a paid break, and 36% of restaurant workers reported that they were required to pay for all or
a portion of their uniform. Fourteen percent of restaurant workers that received tips reported that management took a portion of their tips.

“No I didn’t actually get any breaks. If we requested a break- we- I mean, I guess we had the chance to, but we were always on our feet. Always, like assisting somebody, always, you know… oh, we always had to be ready to give water to somebody.” —SERVER

“When I first started working at [a barbeque restaurant], uh no, I was not paid on time a lot of times.” —BUSSER

Employment law violations occurred unevenly between industry segments. Restaurant workers in fine dining restaurants were nearly twice as likely as fast food workers to work more than eight hours straight without a meal break (see Table 10), but workers in fast food were more likely to not receive overtime pay properly.

“We'd all sign waivers because of lunches. In restaurants, unless it's a corporate place, you don't take lunch breaks. It's not what happens.” —BARTENDER

<table>
<thead>
<tr>
<th>EMPLOYMENT LAW VIOLATIONS REPORTED BY RESTAURANT WORKERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
</tr>
<tr>
<td>Experienced overtime wage violations</td>
</tr>
<tr>
<td>Worked off the clock without pay</td>
</tr>
<tr>
<td>Management takes share of tips</td>
</tr>
<tr>
<td>Worked more than eight hours straight without a meal break</td>
</tr>
<tr>
<td>Earned below the minimum wage</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

Flor COOK

Flor is from Oaxaca, Mexico, and is indigenous Zapoteca. She is 37 and has been living in the Bay Area for 7 years. Making food is part of Flor’s culture and is her passion. At her last kitchen job, Flor experienced and witnessed many instances of labor and verbal abuse. Flor was only assigned as a prep-cook, yet she was given many more responsibilities such as, “receiving produce, making prep lists, cooking main plates, and training more than 10 people in a kitchen.” She played such a vital role in the kitchen that she even shared her traditional recipes with the chef at this Oaxacan Mexican Restaurant. “The executive chef [took] advantage of my knowledge, skills, and passion for Mexican cuisine and would also make me create whole new recipes [and menus] without any direction.” All of this was asked of her with “no incentives or proper pay of [her] dedication and teachings.”

In addition to this uncompensated cultural theft, she also experienced labor abuses. Her “daily schedule exceeded up to 12 hours without access to breaks [or] food breaks.” After giving her heart, soul, and sweat to the restaurant, they ended up firing her. “There is no security in the infrastructure of the industry,” Flor stated. “It’s vital to emphasize that the abuse continued against workers and more specifically towards indigenous workers and people of color… [is] because of language barriers, the need to keep our jobs or the lack of knowledge to our basic rights within this industry… We couldn’t do or say anything about it for fear of their actions, [and] we do not know how to proceed against these injustices.” Currently Flor, along with other ex-employees of this restaurant are filing a class-action lawsuit for their labor abuses and wage theft. Flor is seeking justice not only for her and her colleagues, but also for the entire Oakland community.
HEALTH AND SAFETY

Our survey revealed hazards in restaurant workplaces that do not comply with regulations intended to protect the health and safety of workers. Thirty three percent of restaurant workers reported fire hazards such as non-functioning fire extinguishers and blocked doors. Nineteen percent reported that there were no mats on the floor to prevent potential slips and 18% that cutting machines in their kitchen lacked appropriate guards. Twenty nine percent of restaurant workers reported having to carry out tasks in the workplace that put their safety at risk.

As a result of pervasive health and safety hazards in the workplace, the rate of workplace injuries reported by restaurant workers in the Bay Area was high. Thirty nine percent of restaurant workers reported suffering burns on the job, 38% had endured work related cuts, and nearly half (45%) came into contact with toxic chemicals in the workplace. Back-of-the-House workers were more likely than Front-of-the-House workers to experience burns, and to come into contact with toxic chemicals on the job, while Front-of-the-House workers were more likely to experience cuts on the job (see Table 11). Thirteen percent of restaurant workers reported that they’ve slipped and injured themselves on the job (see Table 11). Nearly a quarter (24%) reported chronic pain caused by or exacerbated by their work duties.

Hazards in the workplace can be amplified by understaffing, defined as not having enough personnel to run the restaurant without excessive stress and strain on workers. Ninety one percent of workers reported that they’ve worked when their restaurant was understaffed, and 85% reported having to perform several jobs at once. Related to this, nearly half (47%) of restaurant workers related that they’ve performed work that they were not trained for. Threadbare staffing levels pressure workers to perform under undo stress in ways that endanger their health and safety as well as the well being of customers — 29% of restaurant workers reported that they’ve done something due to time pressure that might have been unsafe for customers.

### Table 11

<table>
<thead>
<tr>
<th>Workplace Injuries</th>
<th>Total</th>
<th>Front-of-the-House</th>
<th>Back-of-the-House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire hazards in the restaurant</td>
<td>33.4%</td>
<td>21.4%</td>
<td>55.7%</td>
</tr>
<tr>
<td>Have been burned while on the job</td>
<td>38.7%</td>
<td>36.9%</td>
<td>42.8%</td>
</tr>
<tr>
<td>Have been cut while on the job</td>
<td>37.8%</td>
<td>44.1%</td>
<td>24.2%</td>
</tr>
<tr>
<td>Have come into contact with toxic chemicals</td>
<td>44.5%</td>
<td>36.4%</td>
<td>61.7%</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

UNFAIR APPLICATION OF DISCIPLINE

Many restaurant workers reported being disciplined more severely or often than their co-workers on the basis of their race, gender, age, immigration status, or sexual orientation. Of those who experienced more severe discipline than their co-workers, race was the most prominent factor cited in the uneven application of discipline reported (37%), closely followed by gender at 32%, age at 31%, and immigration status at 28% (see Table 12). Thirty nine percent of restaurant workers reported that they or a co-worker had experienced verbal abuse in the past 12 months.
Of those who had experienced or observed verbal abuse, race was the most cited factor in shaping that abuse (49% of respondents), followed by gender at 39%, age at 35%, and sexual orientation at 23% (see Table 13).

### TABLE 12
**UNEVEN APPLICATION OF DISCIPLINE**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responded that in the past 12 months they or a co-worker had been disciplined more often or severely than others</td>
<td>16.8%</td>
</tr>
</tbody>
</table>

Of those who reported frequent or more severe discipline, reported that a factor was:

- Race or ethnicity: 36.5%
- Gender: 32.1%
- Age: 30.9%
- Immigration status: 28.2%
- Language: 26.6%
- Politics: 13%
- Sexual orientation: 8.4%
- Religion: 3.3%
- Prior Criminal Record: 1.6%

Source: Bay Area Restaurant Industry Coalition survey data.

### TABLE 13
**EXPERIENCE OF VERBAL ABUSE**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responded that in the past 12 months they or a co-worker had experienced verbal abuse</td>
<td>38.6%</td>
</tr>
</tbody>
</table>

Of those who reported experiencing verbal abuse, reported that a factor was:

- Race or ethnicity: 48.8%
- Gender: 38.8%
- Age: 34.8%
- Sexual orientation: 23.4%
- Language: 20.5%
- Politics: 18.3%
- Immigration status: 15.6%
- Religion: 5.4%
- Prior criminal record: 2.2%

Source: Bay Area Restaurant Industry Coalition survey data.

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**WORKER PROFILE**

**Jenny**

**LINE COOK**

“I have been working in restaurants in the Bay Area over the past three years. Originally interested in pursuing a career as a chef, I started out in the Back-of-the-House working as a line cook. In many of the restaurants where I worked, I experienced wage theft in many forms. At one restaurant, I would work a 12 hour shift from noon to midnight. However, cooks were not allowed to clock in until 2pm. We were perpetually understaffed and there was so much work to do that it was necessary to get to work “early” in order to prep all the food on time. In addition, it was a rare occasion to be sitting down for a full thirty minutes for my meal break. I usually found myself scarfing as much food down as possible within five minutes so that I could get back to prepping food.

My wage as a cook was usually minimum wage or a little bit higher. I had the privilege of switching over to Front-of-the-House as a server at one of the restaurants where I used to cook. I found the huge income disparity between Front-of-the-House and Back-of-the-House workers to be appalling and unfair. In a five hour serving shift I made more money than I ever did working a 12-hour cooking shift. It is also distressing to see that Back-of-the-House jobs are often relegated to marginalized, vulnerable communities such as immigrants and people of color. There is a disproportionately higher number of white workers with higher paying and managerial restaurant positions, such as Front-of-the-House jobs.”
MOBILITY WITHIN THE INDUSTRY

OPPORTUNITIES FOR ADVANCEMENT

In addition to poor wages and benefits, restaurant workers reported that they have few opportunities to advance in pay and responsibility in the industry. Well over half (57.3%) of restaurant workers reported that they had not moved up from their previous job and 54.4% that they do not receive the necessary on-the-job training to be promoted. Without formal training ladders, many workers reported that there was no pathway to regular raises. As one hostess related, “you really only get a raise when you kind of move up the chain as far as positions.” When asked what change they’d most like to see in their restaurant, one dishwasher pointed towards “better training and maybe a better pathway so that people could get promoted and more opportunities.” Echoing this experience, many restaurant workers we interviewed expressed frustration with being passed over for opportunities by people with less experience. Of those who reported that they were passed over by a promotion, 30% suggested that race or ethnicity was a factor, 22% that gender was a factor, and 20% that language spoken was a factor in being passed over for a promotion (see Table 14).

OCCUPATIONAL SEGREGATION

“Everybody who work at the higher paying positions are predominately white, so there is definitely a lack of diversity there, and we’ve actually come in and complained to one of the female managers about it, saying that we wanted it to be more diverse and represent the people, because most of the servers are white. And the manager just basically said she didn’t care, you know.” —BUSSER

While the restaurant industry in the Bay thoroughly reflects the multi-cultural and multi-racial fabric of the city, there is also significant occupational segregation within the industry. This segregation is most pronounced around differences in position and industry segment. Our research indicates that workers of color are disproportionately represented in those industry segments and occupations where poverty wages and poor working conditions are most concentrated in the Back-of-the-House (see Tables 15 & 16). White workers disproportionately occupy living-wage jobs in the industry, such as chefs and bartenders, and people of color disproportionately occupy lower-wage jobs, such as bussers and dishwashers.

Economic and workplace disparities in the restaurant industry can be most readily analyzed by industry segment (fine dining, cas-

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**TABLE 14**

<table>
<thead>
<tr>
<th>EXPERIENCE OF VERBAL ABUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responded that in the past 12 months they or a co-worker had been passed over for a promotion</td>
</tr>
<tr>
<td>Of those who reported being passed over for a promotion, reported that a factor was:</td>
</tr>
<tr>
<td>Race or ethnicity</td>
</tr>
<tr>
<td>Gender</td>
</tr>
<tr>
<td>Language</td>
</tr>
<tr>
<td>Immigration status</td>
</tr>
<tr>
<td>Age</td>
</tr>
<tr>
<td>Politics</td>
</tr>
<tr>
<td>Sexual orientation</td>
</tr>
<tr>
<td>Religion</td>
</tr>
<tr>
<td>Prior Criminal Record</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

**TABLE 15**

<table>
<thead>
<tr>
<th>JOB DISTRIBUTION BY POSITION AND RACE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WHITE</strong></td>
</tr>
<tr>
<td>Front-of-the-House</td>
</tr>
<tr>
<td>Bartenders and Barbacks</td>
</tr>
<tr>
<td>Servers</td>
</tr>
<tr>
<td>Bussers, Runners, Expediters</td>
</tr>
<tr>
<td>Back-of-the-House</td>
</tr>
<tr>
<td>Chefs (Sous and Pastry)</td>
</tr>
<tr>
<td>Cooks (Line and Prep)</td>
</tr>
<tr>
<td>Dishwashers</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.

**TABLE 16**

<table>
<thead>
<tr>
<th>JOB DISTRIBUTION BY SEGMENT AND RACE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WHITE</strong></td>
</tr>
<tr>
<td>Fine Dining</td>
</tr>
<tr>
<td>Front-of-the-House</td>
</tr>
<tr>
<td>Back-of-the-House</td>
</tr>
<tr>
<td>Casual Family Style</td>
</tr>
<tr>
<td>Front-of-the-House</td>
</tr>
<tr>
<td>Back-of-the-House</td>
</tr>
<tr>
<td>Quick Serve</td>
</tr>
</tbody>
</table>

Source: Bay Area Restaurant Industry Coalition survey data.
ual, and quick serve), and occupation type (Front-of-the-House or Back-of-the-House) and, in both our data show a significant wage gap by both race and gender. Within occupation types, workers of color are paid less than their white counterparts, except for in the lowest paying positions (see Table 18). In the Front-of-the-House, white men reported median wages of $16.94 compared to $14.44 for white women, $15.76 for men of color, and $14.50 for women of color.

“I mean, diverse, but segregated, you know? Like always, the cooks are Mexican and the bussers are Mexican. You know, one of them is black… I guess it’s diverse, but like at probably every restaurant the cooks are Mexican, and the Back-of-House is Mexican, and the Front-of-House is white.” — BARTENDER

Our research indicates that a worker’s location in either Front or Back-of-the-House strongly shapes their earning potential, access to benefits, opportunities for training and advancement, and working conditions. Workers of color are highly represented in kitchen positions — constituting 79% of Back-of-the-House workers. Moreover, Back-of-the-House workers experience greater exposure to unsafe work conditions than Front-of-the-House workers (see Table 11). Forty three percent of kitchen workers have been burned and 62% have been exposed to toxic chemicals, compared to 37% and 36% for workers in the Front-of-the-House.

Those working in the best-paid positions in the restaurant industry — fine dining servers and bartenders — reported receiving a median wage of $28 per hour. However, fine dining serving and bartending positions in the Bay Area are also the most difficult to access for workers of color. White workers represented over 42% of bartending staff in our survey, and the disparity is even greater when examining data from the American Community Survey (see Table 19). Conversely, workers of color were overrepresented in the sample of limited service, or fast food prepping and serving workers, with a median wage of just $12.88 per hour.

“They never hired anyone that was African American.” — COOK

Disparities in pay and workplace conditions were equally evident when comparing the compensation of men and women. Men working in fine dining reported earning a median wage of $19.66 compared to women earning a median wage of $16.32 in the same segment. Male workers overall reported earning a median wage of $15.76 per hour compared with female workers reporting earning $14.50 (see Table 4). Only 41% of bartenders and barbacks in the Bay Area are women (see Table 17).
“I know for Back-of-the-House, a lot of people are really unhappy because they constantly have to deal with being yelled at all the time. Verbal abuse.” —SERVER

“A manager was dating a bartender, and I was bartending at the same time. And they — I could tell she was getting favored with more set schedules, setting up like the bar, and all that stuff. So just special treatment that none of the other bartenders ever received from the manager when they were working with him. So just not fairly treating everyone equally and fairly.” —BARTENDER

Along with occupational segregation and disparities in working conditions and economic outcomes in the Bay Area restaurant industry, promotion, hiring, and training practices were also of concern. Bay Area restaurant workers reported experiencing discrimination in promotion practices. Of workers who reported being unfairly passed over for a promotion, nearly a third (30%) reported that race was a strong factor in shaping that decision (see Table 14), and 22% of workers who reported being passed over for a promotion reported that gender was a factor.
SPECIALS

- STIRFRY + RICE OR NOODLES
- ADD CHICKEN
- SALMON SALAD + AVO
- ROAST VEGETABLES SALAD + ROAST PUMPKIN SEEDS, PRAWN, PECAN, SESAME SEEDS + 7OE
- BEEF, STEW
- GREEN BEANS + VEGGIE SOUP
- PEA + CARROT SOUP
Our interviews with 20 employers in the Bay area revealed a number of strategies for thriving in a high-road policy environment with strong consumer preferences for healthy and sustainably sourced food. These employers model practices that link worker well-being with customer satisfaction while maintaining successful businesses. Overwhelmingly, employers placed emphasis on the benefits of reduced turnover and higher productivity as products of providing fair wages and benefits. These employers demonstrate that the high road to profitability is possible in the restaurant industry and that all stakeholders — employers, workers, and customers, benefit from satisfied, well compensated, and well trained employees.

EMPLOYER INTERVIEWS FOUND THE FOLLOWING:

Turnover and Productivity
Low employee turnover and high productivity were seen as key to profitability in the high-road policy landscape of the Bay area.

Wages and Benefits
Living wages and access to paid sick leave were lifted up by employers as defining features of the Bay area restaurant industry.

Informality & Occupational Segregation
Informal hiring, training, and promotion practices reinforced occupational segregation in the restaurant industry which remains pervasive in the Bay area.

Taking the High Road
Bay area restaurant employers embraced a strategy for realizing profit on the basis of quality food and service, not by squeezing workers livelihoods.
EXTERNAL FACTORS AFFECTING WORKPLACE PRACTICES

Customer demand for sustainable and healthy food and labor laws that protect workers are the most salient factors affecting both employers and workers in the Bay area restaurant industry. With laws that guarantee workers a living wage and access to paid sick leave, the Bay area models policies that point towards a high-road strategy for profit and offers a model for the future of the restaurant industry nationally.

Employers reported that high road policies help Bay area restaurants compete on the quality of their food and service rather than through pushing labor costs to a minimum. Many of the employers we interviewed agreed that to thrive in the consumer preference and policy environment of the Bay area involved embracing their human capital and reducing employee turnover as a strategy towards long-term profitability.

MINIMIZING TURNOVER

“[Turnover] really underrated, how much it affects profitability. And the exhaustion factor. People always say owning a restaurant is hard. Turnover is hard. Hiring and training is hard. Learning to trust somebody, finding out who you can trust. All of that is wearying.” —OWNER, fine dining restaurant, 25 years experience

In interviews, employers overwhelmingly reported economic benefits in terms of savings on training periods and enhanced productivity as a product of paying their workers a living wage. Other strategies to retain workers include offering training, promoting from within, offering workplace benefits. One quick serve restaurant owner who pays a living wage and offers healthcare to his workers told us as a result, “People are staying a really long time.” Another employer in fine dining that offered dental, a 401k match, as well as healthcare, reported that “7 out of 12 waiters have been with me half the time I’ve been here, at least 12 years. In the back, 50% have been here at least 12 years. One guy has been here all 22 years [the restaurant] has been open. The newest hire was probably about two years ago.”

Another practice utilized by restaurants in the Bay area that employers reported minimized turnover was worker ownership through cooperatives. One worker-owner told us, “Co-ops, these bakeries, have pretty low turnover.” According to that worker-owner, co-ops were especially cognizant that worker turnover affects restaurant profitability, “it’s a huge investment to train candidates. I think we… fleshed out the numbers once and training them not only how to be a baker but about what a co-op is, it’s a big investment. When a candidate doesn’t work out or somebody leaves taking institutional knowledge with them, it’s a big factor.”

WORKER PRODUCTIVITY

“It’s not just wages, it’s also when you’re an owner, you care more, you care about the product you’re making, you care about your group.” —WORKER-OWNER, quick serve cooperative, 10 years experience
Employers we interviewed were adamant that worker productivity is key to sustaining an effective and profitable business. Many pointed out that investing in their human capital through practices like paying higher wages for workers, improving working conditions and benefits, creating a pathway to worker-ownership, or offering training and opportunities for advancement, resulted in higher worker productivity.

**WAGES AND BENEFITS**

“[Due to high wages] we haven’t had to hire anyone in the kitchen for 7 years.”
—OWNER, fine dining restaurant, 25 years experience

Several employers that we interviewed celebrated the fact that living wage policies in the Bay area have created a level playing field where restaurants compete on the quality of their food and service rather than through pushing workers living standards down. Many employers also hoped for immigration reform as a means to further curb unfair competition by dissuading restaurants from paying sub-minimum wages to these more vulnerable workers.

**INFORMALITY AND OCCUPATIONAL SEGREGATION**

“We’re hiring right now. We don’t really have a process, every single person who works here lives in neighborhood, they tell their friends, Facebook, I don’t think we’ve ever placed a craigslist ad ever; we haven’t had too much trouble.” —OWNER, quick serve restaurant, 3 years experience

Our interviews with employers revealed a widespread culture of informality – defined by a lack of human resource practices detailing objective criteria for hiring and promotion. A majority of the restaurant employers we interviewed did not have a formalized hiring, training, promotion, or grievance procedure. Employers whose restaurants had diverse Front-of-the-House staff had implemented standardized human resources procedures like formal job posting, regular training opportunities, and clear career ladders.

When hiring, employers reported leaning heavily on the social networks of their existing workforce to recruit new workers and only very rarely publicized information about new openings. These informal recruitment and advancement processes facilitate subjectivity in hiring and can enable selections based on race, national origin, and other considerations unrelated to a worker’s knowledge and abilities. One employer affirmed the prevalence of this dynamic, “you hire who you are familiar with, inherent tendency… there is a familiarity with culture and background, which plays a role in the hiring process. A review of Craigslist postings show that hiring based on appearance remains a common practice in the Bay, lending itself to the application of implicit and explicit biases.

One fine dining employer we spoke with exemplified the bias that can result from not having a formal hiring process. When asked whether they had a formal hiring process, the employer replied, “I don’t. I’ve hired wait staff. I have to see you face to face and I don’t look at resumes. I hire people that I trust, and then I trust them.” When asked about their promotion process this owner replied, “There isn’t really a process, it’s prove yourself and then we’ll reward you… a
lot of people don’t want to be promoted. I have a dishwasher who’s been washing for 15 years and is totally content.” Without formal processes for hiring and promotion, an employer’s bias and stereotypes can result in occupational segregation. This restaurant owner related that in their restaurant “Mexicans are in the kitchen and Americans are out front.” The reason cited was that, “I would never hire an American to work in the kitchen. They are lazy, entitled; they have a huge sense of what’s owed to them, even in a restaurant like this one where we give them so much.”

Although many restaurants still request head shots to prospective applicants, some are fostering a culture of inclusivity and opportunity.

**Server/Bartender, Host, Runner** — … (Financial District San Francisco)
… restaurant is looking for hard working, dedicated, and experienced persons with engaging qualities…
Attach a photo of yourself if possible

**Bartender** (mission district)
Looking for “on call” bartender for Mission neighborhood bar.
Please forward PHOTO, WORK EXPERIENCE and REFERENCES.

**Bartenders, Cocktail Waitress & Bouncers wanted for nightclub** (SOMA)
Bartender:… Please include your resume and if you have a picture that would be a plus too.

Cocktail Waitress:… Looking for a female that has experience working in the bar industry. Has to be friendly, have great customer service and know how to up sell bottle service… Please send a resume and picture if interested.

Bartender/Model… We are seeking a bartender/model… In your reply to this posting please include… 3. A picture of yourself. The hospitality/model business is largely predicated on providing great customer service and presenting yourself in a professional manner. Please include a picture of yourself so we know you are not a slob

**BARTENDERS, SERVERS, HOSTS, BUSSERS, LINE COOKS, PREP COOKS, DISHWASHERS**
If you have experience offering ABSOLUTE GUEST SATISFACTION we want you to be a part of our team!

… Equal Opportunity Employer Committed to Fostering a Diverse and Inclusive Working Environment… Qualified candidates with criminal history will be considered for employment.
Conclusion and Policy Recommendations

The High Road is Possible

By examining workers’ experiences alongside industry and government data, we’ve developed a comprehensive picture of the Bay Area’s restaurant industry. Our research suggests that the package of labor policies enacted by cities in the Bay have helped lift earnings and working conditions for restaurant workers considerably. Many Bay Area restaurant owners stand out in the industry by running successful restaurants while offering their employees fair wages, benefits, and working conditions. These policies foster employee satisfaction, lower turnover costs, and increased productivity. However our research also demonstrates that there remains much progress to be made in widening access to the provisions of the Bay Area’s labor standards and deepening their enforcement. Many Bay Area restaurant jobs are still characterized by low wages, no benefits, and unsafe working conditions. Low-road practices continue to compromise the health and safety of workers as well as customers, demonstrating the need for greater and more rigorous enforcement of current protections such as wage and hour and paid sick leave, as well as expansion of worker protections such as around scheduling and tip ownership.

POLICYMAKERS SHOULD:

1 Address racial segregation in the industry through a combination of policies and programs that increase worker training and certification in livable wage job skills, push and train employers to desegregate their restaurants, and engage consumers in supporting restaurants that desegregate.

2 Mandate transparent, formalized hiring, promotion and training processes that make a clear and fair ladder for workers to advance to higher-wage positions.

3 Increase awareness and understanding of local labor laws though deepening and extending collaborations with community groups that train workers so that they know their rights and can organize to realize them.

- San Francisco’s Office of Labor Standards Enforcement (OLSE) offers a promising model for city-community collaboration in enforcement. This model should be expanded in San Francisco and extended regionally.
Strengthen and extend existing progressive legislation to facilitate greater access to healthcare and scheduling rights among all restaurant workers in the Bay Area.

Ensure workers have a voice in ownership and control over gratuities and service charges left on their behalf.

- Service charge protections such as those in place in Emeryville, Oakland, and Santa Monica, mark an important step forward but also do little to change the authority of employers to distribute gratuities without consent of employees.

- California should develop rules for democratic, voluntary tip pools that ensure fairness and increase worker voice.

Support job training programs that provide high-quality and accessible training in the special skills needed to advance within the industry, particularly for underrepresented groups such as people of color, women, and immigrants. Policymakers can provide:

- Incentives to employers who provide on-the-job or off-premises training of this nature.

- Training programs for underrepresented populations to obtain skills to advance to living-wage positions within the industry.

Strengthen and enforce employment laws in the restaurant industry and penalize violators at a level that will deter other employers from violating laws in the first place. This includes:

- Wage theft: higher penalties are needed so that risk of potential damages outweighs immediate gains.

- Similar measures should also be taken to enforce paid sick leave, and health and safety standards.

- Employers must be educated about their legal responsibilities to their employees, and employees must be educated about their legal rights.

Ensure that restaurant workers and their families have affordable access to healthcare. Restaurant workers too often have to rely on emergency room treatment, which raises healthcare costs for the broader community.

Protect workers from violations of federal, state, and local anti-discrimination and equal employment opportunity laws.

- Assist advocates engaged in anti-discrimination campaigns through intervention aimed at encouraging employers to change their discriminatory practices. Additionally, by increasing penalties against employers who violate anti-discrimination laws, legislators can create a deterrent to such discrimination.

- Ensure that employees understand their rights under anti-discrimination laws and make enforcement of such laws within the restaurant industry a priority.

- Adopt legislation that would provide incentives or require employers to provide regular, ongoing sexual harassment training with all employees, including managers.
10 Publicly support collective organizing among restaurant workers.

11 Initiate and support further study and dialogue on occupational segregation and other areas where more study is needed.

EMPLOYERS SHOULD:

1 Adopt systematic and fair hiring and promotions practices.

2 Adopt and clearly communicate policies and procedures, including anti-discrimination and harassment policies, to protect the well being of all workers.

3 Clearly communicate to workers about their benefits, such as earned sick days.

4 Enhance job quality and employee retention by increasing wages and developing scheduling practices that meet both employer and worker needs.

5 Employers that move away from tipping should practice open book management so that workers have a clear sense of whether they are receiving their fair share.

6 Learn techniques that successful restaurant employers use to implement livable wages, benefits, scheduling control, and career ladders. ROC The Bay can act as a resource to provide technical assistance to employers.

CUSTOMERS SHOULD:

1 Support responsible restaurant owners who provide fair wages, benefits, and opportunities for workers to advance. Many of these restaurants can be found in the Restaurant Opportunities Centers’ National Diners’ Guide (www.rocunited.org/dinersguide).

2 Speak to employers every time you eat out and let them know you care about livable wages, benefits, and opportunities for women and people of color to advance in the restaurant industry.

3 Where workers have filed legal charges against employers who are violating the law, call the company and let them know that you will not support illegal practices.

WORKERS SHOULD:

1 Become involved in the Bay Area restaurant worker movement. There are many opportunities for involvement in worker-led committees, trainings and more.

2 Support high road employers and thank them for raising standards in the industry.

3 Demand other restaurants they frequent adopt high road practices by speaking to management, writing reviews that include labor standards, and share their experiences on social media.
### Unweighted Survey Demographics

**Sample Size = 525**

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<thead>
<tr>
<th>Age</th>
<th>% of Sample</th>
<th>Race/Ethnicity</th>
<th>% of Sample</th>
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</thead>
<tbody>
<tr>
<td>25 and under</td>
<td>53.3%</td>
<td>White</td>
<td>24.6%</td>
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<tr>
<td>26-35</td>
<td>30.2%</td>
<td>Black</td>
<td>13.1%</td>
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<tr>
<td>36-45</td>
<td>11.3%</td>
<td>Latino, any race</td>
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<tr>
<td>46-55</td>
<td>3.9%</td>
<td>Asian</td>
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<tr>
<td>Over 55</td>
<td>1.3%</td>
<td>Other</td>
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<tr>
<th>Restaurant Segment</th>
<th>% of Sample</th>
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<tbody>
<tr>
<td>Fine dining</td>
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<tr>
<td>Family style</td>
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<td>Quick Serve</td>
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<td>Bars and other</td>
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<th>Nativity</th>
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<tr>
<td>Born in the U.S.</td>
<td>72.3%</td>
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<tr>
<td>Foreign born</td>
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<thead>
<tr>
<th>Gender</th>
<th>% of Sample</th>
<th>Position</th>
<th>% of Sample</th>
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<tbody>
<tr>
<td>Female</td>
<td>49.2%</td>
<td>Front-of-the-house</td>
<td>43.4%</td>
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<tr>
<td>Male</td>
<td>50.6%</td>
<td>Back-of-the-house</td>
<td>56.6%</td>
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<table>
<thead>
<tr>
<th>Location of Restaurant</th>
<th>% of Sample</th>
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<tbody>
<tr>
<td>Oakland</td>
<td>28.7%</td>
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<tr>
<td>San Francisco</td>
<td>25.3%</td>
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<tr>
<td>Berkeley</td>
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<tr>
<td>San Jose</td>
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<td>Hayward</td>
<td>5.8%</td>
</tr>
<tr>
<td>Emeryville</td>
<td>5.2%</td>
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<tr>
<td>Alameda</td>
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<td>Castro Valley</td>
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<tr>
<td>Union City</td>
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<td>Fremont</td>
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<td>San Leandro</td>
<td>1.4%</td>
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<tr>
<td>Other57</td>
<td>3.2%</td>
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Source: Bay Area Restaurant Industry Coalition survey data.
Acknowledgments

THIS REPORT WAS RESEARCHED AND WRITTEN BY:
Mike Rodriguez, Research Associate
Teófilo Reyes, Research Director, Restaurant Opportunities Centers United

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THIS REPORT SHOULD BE CITED AS:
Notes


2 Ibid.


4 Kathryn Vasel, “These cities have the highest rents in the country,” CNN Money, April 1, 2016, accessed at: http://money.cnn.com/gallery/real_estate/2016/04/01/cities-with-highest-rents/


12 See supra note 1.


14 See supra note 1.

15 Ibid.


17 Ibid.

18 See supra note 6.

19 See supra note 16.

20 See supra note 14.

21 Ibid.


23 Ibid.


25 Ibid.


30 Ibid.


33 See supra note 1.


35 Cumbie v. Woody Woo, Inc., dba Vita Cafe, 596 P.2d 577 (9th Cir. 2010)


37 See supra note 34.

38 Kathryn Vasel, “These cities have the highest rents in the country,” CNN Money, April 1, 2016, accessed at: http://money.cnn.com/gallery/real_estate/2016/04/01/cities-with-highest-rents/


41 See supra note 35.

42 Oregon Rest. & Lodging Ass’n v. Perez, 816 F.3d 1080, 1090, (9th Cir. Or. 2016), also available at: http://cases.justia.com/federal/appellate-courts/c9d/13-35756/13-35756-2016-02-23.pdf?ts=1456250580


45 Santa Monica Minimum Wage Ordinance accessed at: http://beta.smgov.net/strategic-goals/inclusive-diverse-community/minimum-wage-ordinance


50 See supra note 31.


53 See supra note 7.


56 See supra note 7.

57 Piedmont, and Newark, each representing 0.4% of total sample, and Townsend, Pleasanton, Livermore, Rockridge, Lake Merritt, Concord, Burlingame, Moraga, San Lorenzo, Fairfield, Milpitas, and East Bay each representing 0.2% of total sample.
Behind the Kitchen Door:
The Promise of Opportunity in the San Francisco and Oakland Bay Area Restaurant Industry