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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

February 7, 2018

Ms. Dawn Sweeny
President and Chief Executive Officer
National Restaurant Association
2055 L. Street NW, Suite 700
Washington, DC 20036

Dear President Sweeny:

I write to your association with deep concern regarding harassment in the workplace. In recent months, stories of sexual harassment have dominated the headlines and sparked a national conversation about change, power dynamics, and equality in the workplace and beyond. Workers across the country are speaking out about their experiences, and their stories have made clear that we all have a great deal of work to do to address this pervasive, systemic, and longstanding issue. Although we are seeing headlines about powerful and famous people being called to account for their actions, we are seeing far less action in industries outside of the spotlight. Therefore, I hope and expect that you are taking steps to address concerns about misconduct in your industry and to ensure your members' workplaces are free from harassment.

The accommodation and food services industry employs nearly 11 million workers and has some of the highest rates of reported sexual harassment in the country.¹ According to data collected by the Equal Employment Opportunity Commission ("EEOC") from 2005 to 2015, the accommodation and food services industry accounted for the greatest portion of sexual harassment claims filed.² Disturbingly, a 2014 survey of restaurant workers found that nearly 80 percent of women and 70 percent of men had faced some form of sexual harassment from co-workers, and almost 80 percent of women and 55 percent of men reported sexual harassment from customers.³ A different survey reported that 40 percent of fast food workers who are women have experienced unwanted sexual behaviors while at work.⁴ The pervasiveness of sexual harassment in the restaurant industry is only exacerbated when considered in the context of the subminimum wage: women working in states with a \$2.13-per-hour tipped minimum wage are twice as likely to be sexually harassed as women working in states requiring tipped workers to be paid the full federal minimum wage.⁵

As shocking as these numbers are, they likely underestimate the rate of sexual harassment. The EEOC estimates that 85 percent of all workers who are subjected to harassment never file a formal legal charge,

¹ *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (January 2018), <https://www.bls.gov/cps/cpsaat18.htm>.

² Jocelyn Frye, *Not Just the Rich and Famous: The Pervasiveness of Sexual Harassment across Industries Affects All Workers*, Center for American Progress (November 2017), <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous/>.

³ *The Glass Floor: Sexual Harassment in the Restaurant Industry*, The Restaurant Opportunities Centers united Forward Together 13 (October 2014), http://rocunited.org/wp-content/uploads/2014/10/REPORT_TheGlassFloor_Sexual-Harassment-in-the-Restaurant-Industry.pdf.

⁴ *Key Findings from a Survey of Women Fast Food Workers*, Hart Research Associates 1 (October 2016), <http://hartresearch.com/wp-content/uploads/2016/10/Fast-Food-Worker-Survey-Memo-10-5-16.pdf>.

⁵ *The Glass Floor: Sexual Harassment in the Restaurant Industry* at 13.

and 70 percent of all workers never file a complaint internally.⁶ It has long been clear that the magnitude of the problem in your industry should not be ignored, and I am hoping that the recent focus on this issue will provide the needed push to make real progress.

As the Ranking Member of the U.S. Senate Committee with jurisdiction over issues of workplace harassment, I am extremely concerned about this issue and am seeking an update on efforts to prevent and address harassment in workplaces across the country.

As part of that effort, I am interested in the ongoing discussions, plans, and actions within the National Restaurant Association (“NRA”) aimed at protecting employees and establishing an equal and harassment-free workplace. I request a briefing with my staff within the next three weeks to discuss any recent efforts you have undertaken to assess and address workplace harassment in your industry.

I also request the following information:

1. Any polling, surveys, or research the NRA has conducted in order to understand the scope of the problem within the industry;
2. Any research or actions the NRA has undertaken to assess and address risk factors specific to the industry;
3. Any surveys the NRA has conducted to solicit feedback from employees about how to best address harassment in the industry and the results of the surveys;
4. Any steps the NRA has taken to ensure its associated employers are fully and properly educating their employees about workplace harassment policies and rights;
5. Any best practices the NRA has identified among its associated employers to accurately assess and address workplace harassment; and
6. Any suggestions you may have about how to strengthen and improve legal protections and processes in the workplace.

Studies have shown that workplaces that tolerate harassment have more of it, while workplaces that intentionally act to address issues of harassment have less of it.⁷ Employers and employees in your industry are undoubtedly looking to you for leadership in how to tackle this persistent problem with the urgency it requires. I appreciate you taking this matter seriously, and I look forward to our continued discussions. If you have any questions regarding this letter please contact Carly Rush or Joe Shantz at 202-224-0767 with my Health, Education, Labor, and Pensions Committee Staff.

Sincerely,



Patty Murray
United States Senator
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions

cc: Lamar Alexander, United States Senator,
Chairman, Senate Committee on Health, Education, Labor, and Pensions

⁶ Chai R. Feldblum & Victoria A. Lipnic, *Select Task Force on the Study of Harassment in the Workplace: Report of the Co-Chairs*, U.S. Equal Employment Opportunity Commission 16 (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

⁷ Feldblum & Lipnic at 32.