

Staying Safe

at the Restaurant

is No Accident



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CHAPTER 1

RESTAURANT WORK CAN BE DANGEROUS

Lin has been working at a New York City restaurant for three years. He likes working there, but there are many problems, and he wishes that things could be better.

Last week, he almost lost his finger when he was using one of the slicing machines. His employer told him, “Be careful!” as if it is his fault that the machine isn’t working properly. He really would like to work under better conditions but he is only one person, and he is afraid he will have problems if he speaks up.

Last night Lin met up with two old friends, Paco and Cynthia, who also work in a restaurant. Lin talked about the problems at work. “I get paid \$7.00 per hour, no matter how many hours I work in a week. The working conditions are bad for all of us. One worker who was cleaning after the restaurant closed got really sick from the chemicals he was using, and no one was there to help him. He missed work for a



couple of weeks, and they didn’t pay him for the days he was out. We all know there are problems, but we are all too afraid to talk about it.”

“Well”, said Paco, “that’s what it was like in our restaurant a couple of years ago but things have gotten better. We went to a worker center for restaurant workers, and we

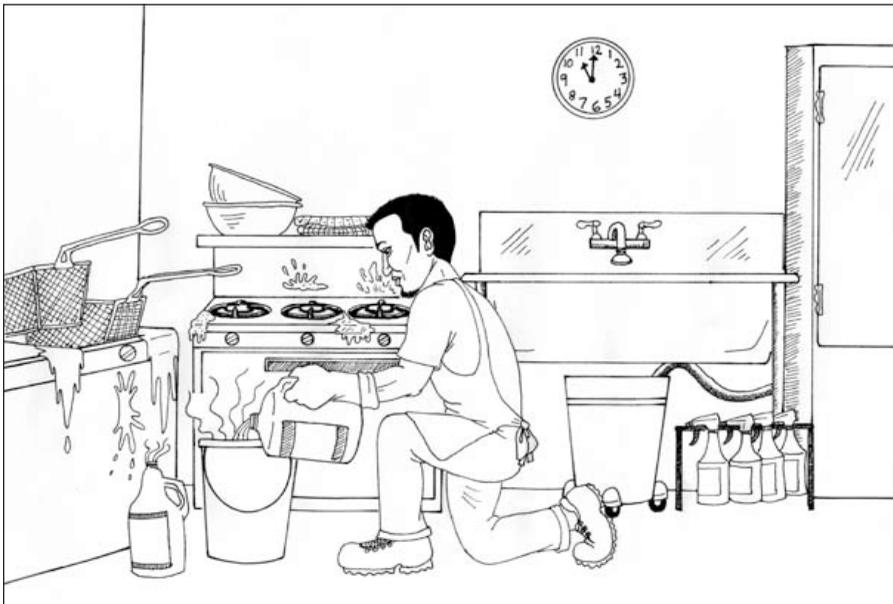
now get paid overtime, and the employer took care of some safety problems that we had at the restaurant.”

“How did that happen?” asked Lin. “Well, said Paco, “the first thing you should do is to try to get as much information as you can about the problems that other workers have at the restaurant. Chances are that other people have many of the same problems, and you’ll need to work together if things are going to change.”

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Discussion Question:

- 1) What are some of the ways you can gather information about health and safety problems in your restaurant?



1.

Working in a restaurant can be dangerous and unhealthy.

A **WORKPLACE HAZARD** is anything on the job that can hurt you or make you sick.

There are many hazards that can be found in restaurants.

- Wet and slippery floors, tripping hazards and spills can cause slips, trips and falls.
- Hot surfaces and deep fryers and grease can cause burns.
- Dull knives, unguarded slicing machines and broken dishware can cause cuts.
- Lifting heavy objects and working in awkward positions or postures are ergonomic hazards, and can lead to strains, sprains and muscle pain.
- Exposure to hazardous substances could lead to respiratory problems, skin and eye irritation.
- Handling cash, and lack of basic security measures can lead to incidents of workplace violence.

2.

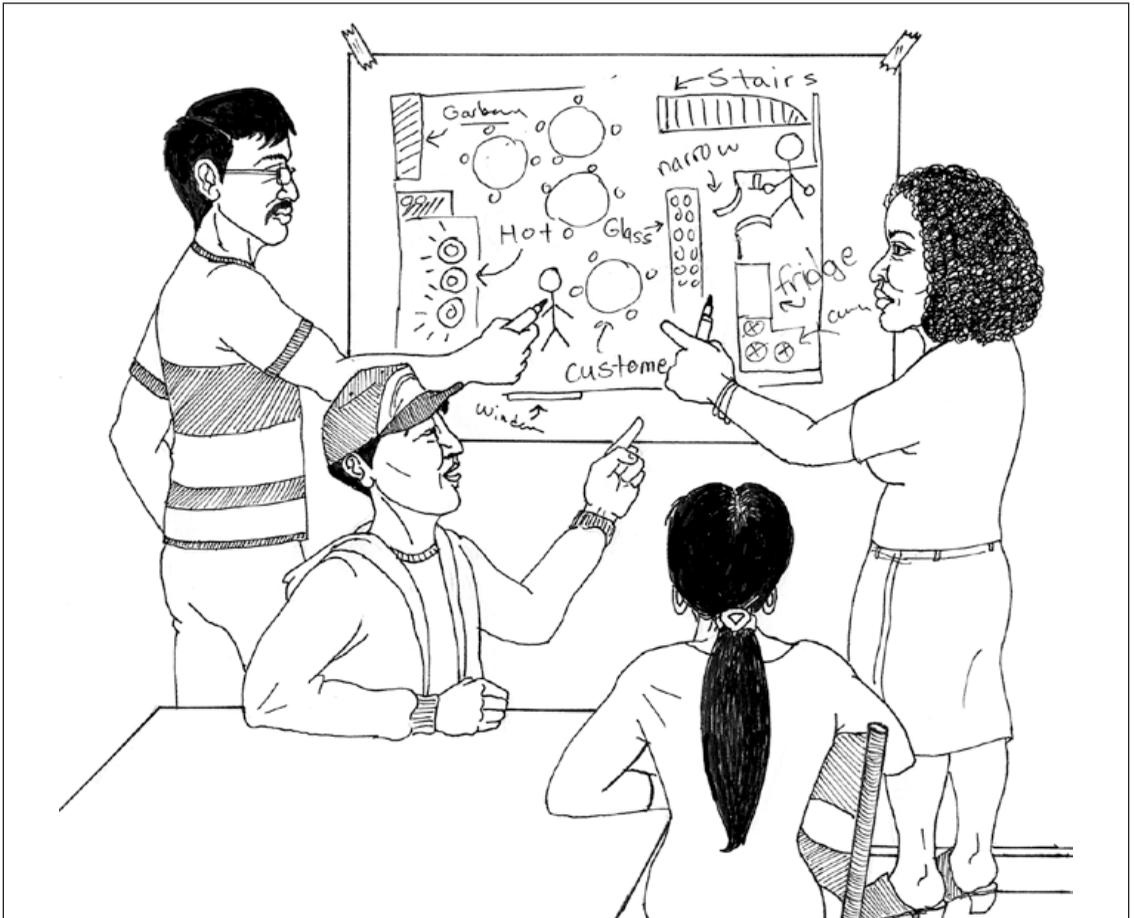
If you want to make your workplace safer, start things off by gathering information from co-workers on the hazardous conditions that exist in your workplace. You can do this by drawing a hazard map of your restaurant, by having people fill out a survey, or by just talking with co-workers informally and taking notes about their experiences. Once you have identified the hazard, you can look to find ways to eliminate or reduce that hazard.

CHAPTER 2

MAKING OUR WORKPLACES SAFER

“So what did you do to make your restaurant safer?” asked Lin.

“Well”, said Paco “first, I met with my co-workers after work one night – it’s hard to talk about all of this while you’re at the job. About half of the people came, and we had a good discussion about all our problems. We drew a map of the restaurant, and on the map, we marked all the places where there are hazards. A hazard is anything that can cause you to be injured or could make you sick. It was amazing how many



hazards we had! Then we used a health and safety questionnaire, and I helped my co-workers to fill it out.”

“We brought all the questionnaires and the map to the worker center ” said Cynthia, “and they invited us to a health and safety workshop to learn how our restaurants could be safer places to work. They talked about how we can avoid cuts and burns, and what the employer should do to keep us from slipping on the floors in the kitchen. We also talked a lot about chemicals and how we can prevent ourselves from getting sick from them. There are a lot of things that the employer should be doing to keep us from getting injured, and I took that information back to the other workers.”

“So what are some of the things we can do to make our restaurant safer?” asked Lin.

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Discussion Questions:

In your small group, discuss some of the things you can do to:

- 1)** Prevent cuts with knives, or cutting fingers on machines:

- 2)** Prevent burns:

- 3)** Prevent hazards from electrical equipment:

- 4)** Protect yourself from exposure to hazardous chemicals:

- 5)** Prevent slips and falls:

- 6)** Prevent violence in your workplace:

CHAPTER 2 SUMMARY: **Making Our Workplaces Safer By Reducing Hazardous Conditions**

There are ways to prevent workers from getting hurt on the job. Employers should take steps to control hazardous conditions, by eliminating the hazard altogether, or by reducing the effect of the hazard by changing work practices and processes, or by using personal protective equipment.

INJURY	HOW TO MAKE WORK SAFER
Slips, Trips and Falls	Provide rubber mats in cooking areas; Mop up spills promptly; wear correct shoes with slip-resistant soles; make sure stairways are well-lit.
Cuts and lacerations	Keep knives sharp and stored properly; inspect regularly to make sure safety devices, such as guards, are in working order.
Burns and scalds	Make sure food is dry when placed in hot oil. Workers should wear chef jackets (long-sleeved) to protect upper bodies. Wait until oil in deep fryers is cool before handling or transferring. Provide oven mitts and dry towels to handle hot equipment. Replace faulty electrical cords.
Muscle strains	Redesign counter height and width to reduce continuous stretching; do not store frequently used items about shoulder height; use proper lifting technique.
Exposure to chemicals/ toxic substances	Receive training on proper use and how to minimize exposure. Label all hazardous substances, ensure good ventilation when using, and store separately.
Workplace Violence/ Harassment	Keep cash register funds to a minimum, count cash in a secure room; provide training so that workers can defuse potential violence. Provide confidential way for workers to report violence or harassment and have a policy to deal with incidents.

(From the Restaurant Owner Manual, NYC Department of Immigrant Affairs, 2006)

CHAPTER 3

OUR RIGHTS ON THE JOB

“Wow, said Lin, “this information is great! I want to share this with my co-workers. I think that we can start to get people involved more if they believe that there are ways to make things better at the restaurant.”

“Yes, said Paco, “and what people need to know most is that it is the employer’s **responsibility** to make the workplace safe. Sometimes our employers tell us that we get cut or burned because we are not careful, but most times it happens because of the conditions we work under.”

“There is a federal agency called OSHA, which stands for the Occupational Safety and Health Administration. Under the OSHA law, they set rules, which they called standards, which require our employers to provide us with safe working conditions. There is a standard that says that mats should be provided to prevent you from slipping on wet floors, or there should be a guard on a machine to prevent you from getting cut, or that we should be trained to work safely with chemicals. We know there



are a lot of laws that protect the customers, but we have laws that help to protect us also. There are even laws that say if you are under 18, there are certain jobs you can't do because they are too dangerous for teenagers."

"And it's not just safety and health problems", said Cynthia. "People are injured on the job and don't get workers' compensation. Some people aren't being paid right, and there is so much discrimination – you could work there for 10 years and never get offered a better position if you don't "look" the right way."

"So how do I learn more about my rights on the job?" asked Lin.

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Discussion Questions: Do You Know Your Rights on the Job?

- 1) Who is responsible for providing you with a safe workplace?

- 2) What is workers' compensation, and who pays for it? Can any worker receive compensation if s/he is injured on the job?

- 3) What if my employer doesn't pay me overtime, and doesn't pay my co-worker minimum wage? Is there anyone I can call?

- 4) Is it illegal to discriminate against employees because of their race or ethnicity?

CHAPTER 3 SUMMARY: **Our Rights On The Job**

As restaurant workers:

1.

You have the right to a safe and healthy workplace.

The Occupational Safety and Health Administration (OSHA) is the federal agency that enforces safety and health in the workplace. OSHA requires employers to provide a workplace free from recognized hazards that can cause death or physical harm to a worker.

2.

You have the right to file a worker compensation claim if you are injured on the job.

If you are injured at work, you have a right to file a worker compensation claim. Your employer is required by law to have worker compensation insurance. An employer should not pay for an employee's medical expenses, and your employer should not pressure you if you wish to file a claim.

3.

You have the right to be paid minimum wage.

New York State minimum wage for non-tipped workers is now \$6.75 per hour; it is increasing to \$7.15 per hour in 2007. For tipped employees, your hourly rate and tip credit combined must be at least equal to this minimum hourly wage. See "Resources" at the end of this booklet to get help with these issues.

4.

You have the right to be paid overtime whenever you work more than 40 hours in a week. Your employer must pay 1 ½ times the normal rate of pay for each additional hour. (Example: If an employee earns \$7.00 per hour, that employee must be paid \$10.50 an hour for those hours over 40 hours in the week worked.)

5.

You have the right to be given a ½ hour meal break when you work a daytime shift of more than 6 hours. (Employees whose shift begins before 11:00 am and ends after 7:00 pm must also be given a 20-minute break between 5:00 pm and 7:00 pm.)

6.

You have the right to form or attempt to form a union with other employees in a restaurant. An employer may not interrogate employees about their union activities, and they can not threaten employees with the loss of their job if they attempt to organize.

7.

You have protection against anti-discrimination under the law. It is illegal for your employer to discriminate against you in hiring and firing, compensation, transfer, promotion, recruitment, getting fringe benefits, or other terms and conditions of employment. Harassment and retaliation for taking action against discrimination is also illegal. Employers must post notices about the Federal anti-discrimination laws.

8.

If you are less than 18 years old, the laws regarding minors' employment apply to you. Young workers are limited in the number of hours they can work, and in the type of work that they can do. You can't work in a restaurant if you are under 14 years old, and you can not operate washing, slicing mixing or other high-risk machines if you are under 18 years old.

(From the Restaurant Owner Manual, NYC Department of Immigrant Affairs, 2006)

CHAPTER 4

TAKING ACTION

“Okay,” said Lin, “but now I know what’s wrong, and that my employer is responsible for providing a safer workplace, and that I have rights on the job. But that’s doesn’t solve our problems. We need to talk with our employer about these issues – how do we do that? How do we get things to change? Everyone is afraid to talk – no one wants to get fired.”

“Well,” Cynthia said, “this is what we did. We got together, gathered all the information, and went to speak with the people at NYCOSH and the worker center. They offer training sessions for workers, and they helped us to organize ourselves. They helped us bring these issues to our employer’s attention, and they also helped us to go to various government agencies to fight for our rights. They showed us that by working



CHAPTER 4 SUMMARY: **Taking Action**

It is your right to be safe on the job.

1.

Know your rights on the job. You have the right to a safe and healthy workplace, and your employer is required by law to keep your workplace safe. In addition, you have rights that ensure that you are paid minimum wage, paid overtime, and have a right to worker compensation benefits if you are injured on the job.

2.

Work with worker advocacy organizations to develop effective strategies to win your struggle. When starting out, it is useful to work with people who have experienced similar problems. Their input can help you and your co-workers to be more successful in taking on these issues.

3.

Remember that you are not alone – you can always do more by getting together with other workers. Join with other restaurant workers to work to change your working conditions. Your efforts will help not just you, but others who share in the same struggle for better workplaces.



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RESOURCES

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www.rocny.org

Funding for this publication was provided by the
National Institute for Occupational Safety and Health (NIOSH) and the
New York City Department of Youth and Community Development (DYCD).