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According to a [finding](#) by the Economic Policy Institute, about \$2 billion in wages are stolen from workers in California every year. A [report](#) by the National Employment Law Project (NELP) found that over 1 in 10 workers in California are paid less than the state minimum wage. To an individual worker, the stolen wages [can](#) equal more than two months' rent, three months of childcare, and nearly a year's worth of groceries for themselves and their family. These workers are oftentimes [people of color, women, and immigrants](#) in the restaurant industry.



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These workplace violations are colloquially known as wage theft. In California, wage theft occurs when employers fail to pay workers their legally entitled minimum wage, overtime, meal and rest breaks, or tips. It also includes off the clock work, a scenario in which an employer demands employees to “clock out” of work early, but employees are still required to provide unpaid labor to their employer.

In California, workers can file a free, administrative wage [claim](#) with the state Labor Commissioner's Office (LCO and also known as the Division of Labor Standards Enforcement) to recover unpaid wages and penalties. The LCO also consists of the [Bureau of Field Enforcement](#) (BoFE) unit, which is tasked with enforcing California's Labor Code by conducting site-wide inspections and issuing/defending citations against businesses that fail to follow the law. In [2021](#), nearly 19,000 claims, representing more than \$338 million in stolen wages, were

filed at the LCO. During fiscal year [2015-2016](#), BoFE conducted over 2,000 inspections and cited over \$81 million in owed wages and penalties.

In 2016, the [California Strategic Enforcement Partnership](#) (Partnership) was established to focus on anti-wage theft enforcement efforts in 6 low-wage, and high violation industries. The Partnership was a groundbreaking collaboration between the LCO, NELP, and 14 workers' rights community-based-organizations (CBOs). These CBOs are key to addressing wage theft in BoFE cases, as many low-wage and immigrant workers may not be aware of their legal rights or are afraid to speak up in fear of retaliation. These organizations "[have the language and cultural competency, as well as deep knowledge of industry practices and community context, to intensively engage and support workers throughout every step of the investigation process and beyond.](#)" Over the years, the Partnership has "[identified, pursued, and are nearing resolution on over 30 cases involving hundreds of workers, and millions of dollars in \[wage theft\].](#)" Three of the Partnership cases are highlighted below.

## **Kome, Genwa, and Burger King Workers Seeking Justice**

### **The Case of Kome Workers**

In 2017, a group of immigrant workers from Kome Japanese Seafood Buffet in Daly City reached out to the [Chinese Progressive Association](#) (a worker center that has been organizing San Francisco's Chinese immigrant community since the 1970s) and [Asian American Advancing Justice – Asian Law Caucus](#) (the nation's first legal and civil rights organization with a focus towards addressing the needs of low-wage, immigrant, and underserved Asian Americans and Pacific Islanders). The workers were a part of a [multi-year public campaign and investigation](#) into complaints regarding unpaid wages, lack of overtime wages, stolen tips, and other Labor Code violations. During the campaign, workers organized together [against retaliation](#). Meanwhile, Kome's owners [engaged in alleged fraudulent transfer](#) of their assets, in which they allegedly attempted to shield their assets from litigation. In 2020, with the workers' bravery in stepping forward and support from the Partnership, 133 restaurant workers – including hosts, servers, cooks, and dishwashers – won a \$2.6 million settlement from unpaid wages, split shift premiums, penalties, and payments due to the restaurant's closure without proper notice. This case highlighted not just the success of the Partnership, but also worker empowerment and organizing. As brave [one worker](#) said, "I was treated unfairly many times, and that anger helped me conquer my fears. As a result, I joined the organizing efforts and learned that with unity comes protection for all of us."



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### **The Case of Genwa Workers**

In 2018, workers from Genwa Korean BBQ restaurant in Los Angeles reached out to the [Koreatown Immigrant Workers Alliance](#) (a worker center that has been organizing Korean and Latinx workers) and [Bet Tzedek Legal Services](#) (a legal services organization based in Los Angeles county) about wage theft. Like the Kome workers, the Genwa workers engaged in a multiyear campaign that also uncovered unpaid wages, split shift premiums, and penalties. BoFE [cited](#) Genwa’s owners for \$2.1 million on behalf of 325 affected workers, including servers, dishwashers, and cooks. Genwa workers’ bravery resulted in a million dollar citation and a historic and industry first. Last year, the workers ratified their first [union contract](#) with the recently established California Retail & Restaurant Workers Union, becoming the “[first privately owned and operated Korean restaurant in the United States to successfully organize](#)” a union. Formerly victims of wage theft, Genwa workers organized for stronger workplace protections including seniority rights, pay increases to \$21 per hour, a retirement plan, healthcare stipend and reimbursement, and other benefits.

### **The Case of Burger King Workers**

In January 2023, the LCO [found](#) that 230 employees across five franchised Burger King restaurants in San Francisco were owed \$2.2 million dollars in unpaid wages and penalties. These workers were required to work off the clock and denied meal and rest breaks. Their campaign was supported by [Trabajadores Unidos Workers United](#) (TUWU, a multiracial and bilingual membership organizing center) and [Legal Aid at Work](#) (a legal services organization based in San Francisco). While the Burger King franchise owners [expressed intent](#) to appeal the LCO ruling, a former Burger King worker is hopeful that the case [sends a message](#) to other restaurant workers: “we have been fighting hard to get back the wages rightfully owed to us . . . [T]o other workers: don’t be afraid, if something is wrong and you’re being exploited, you can stand up, speak out, and win.”

The Kome, Genwa, and Burger King workers faced working conditions and wage theft that are familiar to many workers in the low-wage industries. Through organizing and legal support from worker centers, legal aid organizations, and the Partnership, these workers were able to hold their employers accountable, recover what they were legally entitled to, and, in the case of Genwa workers, unionize in the restaurant industry. As wage theft in the restaurant industry is identified and litigated, we should focus on expanding and supporting collaborations like the Partnership. While agencies like the LCO are statutorily tasked with enforcing the Labor Code, we have seen time and time again how workers – low-wage workers in particular – do not know about their rights or are silent because of retaliation. Therefore, CBOs like the ones introduced above, play a vital role in empowering and supporting workers as they come forward to seek justice in the workplace. As one Kome worker bravely [indicated](#): “[t]his settlement provides a credible signal that if owners exploit their workers, there will be oversight and workers will be compensated . . . [w]hat I want out of this is to send the message that workers have rights that will be protected, that workers can have a recourse.”



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