

**“¡AGUÁNTATE!”**

## **HEAT, HAZARDS AND INDIFFERENCE TO SAFETY IN CALIFORNIA’S FAST FOOD RESTAURANTS**

**Fast food workers experience suffocating heat, burns and other injuries, even sewage flooding ... and our employers say: *¡Aguántate! – Deal with it! – And get back to work.***

– Angelica Hernandez, McDonald’s, Monterey Park

**SEPTEMBER 2023**

**WORKSAFE**  
safety, health, and justice for workers



## ABOUT THE AUTHORS

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Worksafe is California’s only statewide nonprofit focused on ensuring the occupational safety and health (OSH) rights of vulnerable workers through policy advocacy, capacity and coalition building, and impact litigation. Worksafe is a leader in engaging and convening worker advocates, legal aid organizations, academic institutions, and government agencies to prevent workplace injury, illness, and death by bringing justice to the workplace.

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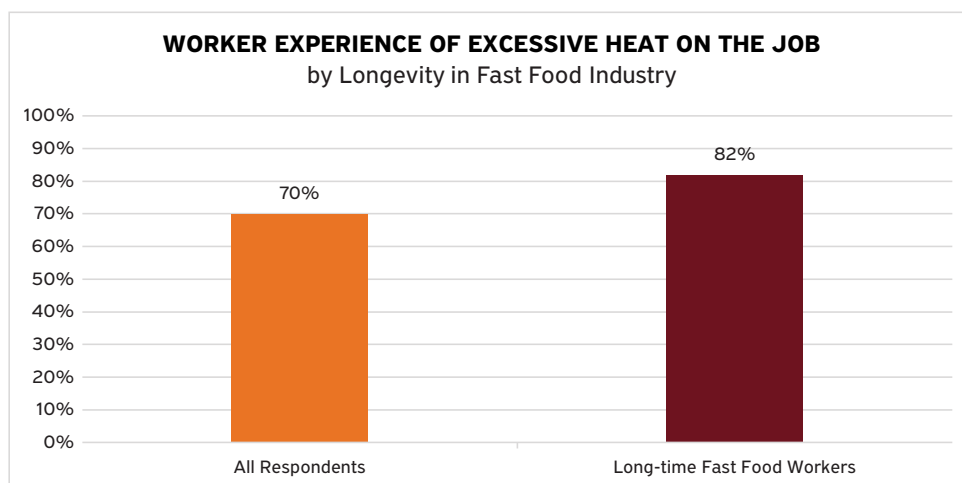
## EXECUTIVE SUMMARY

Temperatures in the kitchen reach over 100 degrees for days on end.<sup>1</sup> The air conditioner hasn't worked for months.<sup>2</sup> The vent above the grill is broken and the kitchen fills with smoke for days.<sup>3</sup> For weeks, sewage surges up through the drains when the toilet is flushed, filling the restaurant with toxic fumes, and then it floods the floor of the kitchen, seeping into workers' shoes.<sup>4</sup> The CO2 evacuation alarm has been going off for an hour and management denies there is any problem.<sup>5</sup>

California fast food workers routinely experience extreme heat, risk of burns and other injuries. Workers often avoid raising safety issues to their managers for fear of retaliation. When workers speak up, they may be retaliated against<sup>6</sup> and a dismissive response is the norm. No matter the severity of the risk – even following an injury – workers often hear, “*jaguántate!*” The message: it's nothing – get back to work.

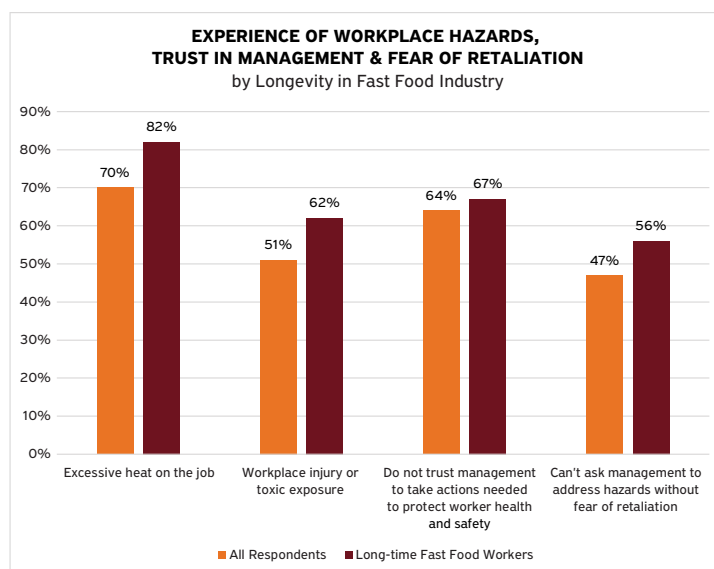
Fast food workers' experience of working conditions that pose serious risks to their health and safety is reflected in the results of the **2023 California Fast Food Workplace Hazards Worker Survey**, detailed in this report. As temperatures rise across the globe, our survey shows that fast food workers are on the front lines of indoor heat-related exposure at work.

- **82 percent** of long-time fast food workers surveyed (those who've worked more than five years in the industry), and **70 percent** of all fast food workers, report enduring excessive heat on the job.
- **79 percent** of those who report having worked in excessively hot conditions have experienced symptoms of heat-related illness (including excessive sweating, headaches, dizziness, nausea, weakness, mental confusion, cramping and fainting). **52 percent** say they have experienced two or more symptoms.
- **67 percent** of long-time fast food workers surveyed, and **64 percent** of all respondents, do not trust management to take the actions needed to protect their health and safety.
- **56 percent** of long-time fast food workers surveyed, and **47 percent** of all respondents, say that if there are health and safety issues at work, they can't ask management to address them without fear of retaliation.



In addition to heat, fast food workers experience burns, falls and other accidents on the job, as well as incidents of toxic exposure to excessive smoke, sewer flooding and other substances.

- **62 percent** of long-time fast food workers surveyed, and **51 percent** of all respondents, have experienced a workplace injury or toxic exposure on the job.
- **36 percent** of long-time fast food workers surveyed, and **29 percent** of all respondents, report having experienced an injury while on the job in fast food.
- **44 percent** of respondents who report having been injured on the job report that they needed medical care for those injuries, and **42 percent** report having had to miss work as a result of these injuries.



The survey findings echo the accounts of fast food workers in hundreds of complaints filed with Cal/OSHA and state and local regulatory agencies.<sup>7</sup> Both document the prevalence of health and safety hazards fast food workers face on the job and the widespread failure of fast food employers to keep their workplaces safe by mitigating hazards as they arise, training workers in safe practices, and responding adequately to injury and illness. Fast food workers report a lack of concern from management regarding their health, safety and well-being, as well as retaliation against those who speak up about unsafe conditions.

At one McDonald's in Oakland, temperatures reached as high as 106 degrees in the kitchen and 99 degrees in the lobby during the summer of 2022.<sup>8</sup> One worker, Ana Lopez, fainted from the heat and had to be taken to the hospital in an ambulance. Others experienced dizziness, migraine headaches and bloody noses. Management at this location did not provide employees with training on how to prevent heat illness, or allow cooling breaks or water breaks. On the contrary, managers charged workers for the cost of bottled water and forbade them to use McDonald's cups to obtain tap water for free.

For these workers, illness or injury can have devastating economic impacts. In an industry where one in six families lives below the federal poverty level,<sup>9</sup> even a modest medical bill or a few days out of work can be destabilizing. A major injury can be catastrophic.

Recommended solutions center around greater empowerment of the fast food workforce including through effective workers' rights trainings; strong protections against retaliation for speaking up; and ensuring that fast food workers have greater opportunities to participate in setting standards in their industry.

## POVERTY EMPLOYER

The fast food industry is a poverty employer, with a larger share of its workers in poverty than any other industry.<sup>10</sup> In California, one in six families with a frontline fast food worker lives below the federal poverty level. Nearly half – 44 percent – of front line fast food households in the state are rent burdened, spending more than 30 percent of their income on rent. A full quarter of California fast food workers are the main earners in their family.<sup>11</sup> The vast majority of these workers are people of color and 60 percent are Latino/Latina.<sup>12</sup> Two out of three are women, and more than a quarter are immigrants.

For these workers, illness or injury can have devastating economic impacts. When workers must choose between paying their rent or paying for basic household necessities like food and utilities, even a modest medical bill or a few days out of work can be destabilizing. A major injury can be catastrophic. One study from 2020 found that California workers who lost at least four days of work due to workplace injuries lost about 20 percent of earnings over the following two years.<sup>13</sup>

The imperative in the fast food industry to keep stores open while minimizing costs is commonly implemented at the corporate and franchise levels through decisions to keep staffing levels low and defer necessary maintenance and repairs.<sup>14</sup> At the store level, managers who are tasked with keeping stores open often use threats of retaliation to keep workers on the job when they are injured or sick, when air conditioners fail during heat waves, when sewage floods the kitchen, or when malfunctioning equipment leaks gas.<sup>15</sup>

When workers take steps to protect themselves from obvious dangers like these, they often meet with retaliation rather than support. Managers at the Oakland McDonald's location forced Cynthia Martinez to work on a very hot day with a heat-triggered migraine headache, while vomiting and severely dizzy, because her manager told her there was no one to cover her shift.<sup>16</sup> When she called in sick the following day, management gave her a written warning for missing work. A few days later, a manager gave her another warning on what she says was a false charge, suspended her for three days, and told her that she'd lose her job if she got another warning. "I am a single parent and I need my job," she stated in the retaliation complaint she filed with the Division of Labor Standards Enforcement. "I did not do anything wrong. That is why I am fighting for my rights, and so people won't be fired or disciplined unfairly for calling in sick. Everyone who calls in sick at this store gets a written warning."



## INDUSTRY STRUCTURE TO BLAME

At the root of all of these problems – the high risk of illness and injury, the lack of concern from management, the retaliation – is the fact that fast food workers lack power in their industry and have little effective recourse for these and other workplace hazards. Often when workers speak out about issues they are facing in their stores, they risk reprisals in the form of schedule cuts, threats and even termination. Regulatory enforcement has proved insufficient to address these widespread issues. The industry’s franchise model exacerbates these problems. Under that model, global fast food companies concentrate power and profit at the corporate level while shielding themselves from liability for workplace violations, leaving franchise operators to bear the burden of high operating costs and slim profit margins. This system drives franchise operators to cut costs where they can – by neglecting to fix a broken air conditioner, for example, or neglecting to maintain the plumbing. The result is an exceedingly high rate of employer non-compliance with wage and hour laws and health and safety regulations alike.<sup>17</sup>

For all these reasons, labor policy expert David Weil has identified the franchise model as one of a handful of “sectoral sources of vulnerability” in our economy that increase workers’ exposure to a host of risks in the workplace and beyond.<sup>18</sup> These structural problems bring into focus the urgent need for worker empowerment and sector-wide solutions to improve conditions in fast food. Without power in their industry, there is little fast food workers can do to improve this situation. In recent years, fast food workers at hundreds of locations in California have walked off the job when the danger grew too extreme. But it shouldn’t take a strike to keep a workplace safe. The balance of power in the fast food industry must shift so that global corporations are held accountable and workers have an effective voice in improving conditions.



*At one corporate-owned McDonald’s location in Monterey Park (950 West Floral Drive), mechanical failures involving air conditioning, heating, ventilation and plumbing systems are an ongoing difficulty.<sup>19</sup> These failures have endangered workers’ health by exposing them to excessive heat, smoke, sewage flooding and sewer gas, and workers have filed numerous complaints on these matters to Cal/OSHA. Most recently, in July 2023, workers reported that the air conditioner was broken for four consecutive days during a period when outdoor temperatures were in the mid 90s. One worker, Angelica, had to leave work early because the heat in the kitchen was unbearable. “I got a bad headache from the heat,” she says, “I felt dizzy. I was sweating excessively and I could no longer work.”*

*One day over the same period, the store’s evacuation alarm and strobe lights went off in response to an occurrence in the basement, where workers take their rest breaks. Management told workers to ignore the alarm and continue working – that there was no problem. But a technician from the soda distribution company later confirmed that gas was leaking from the CO2 tank in the basement due to the extreme heat. “I noticed that one of my coworkers looked pale,” Angelica says. “She told me that she felt bad and had a feeling of desperation following her break in the basement. We don’t know for certain if these were symptoms of exposure to a CO2 gas leak or symptoms of heat stress or both.”*

*These are not isolated incidents at this location. For six days in December 2021, the heating system spewed smoke and a very strong burnt smell in the kitchen, lobby and restroom, causing headaches and extreme fatigue among the workers. The manager at the time confirmed that the problem was coming from the heating system, yet nothing was done. Four months earlier, in August, the toilets in the restroom backed up and sewer water came up out of a floor drain, flooding the kitchen. A kitchen worker had to roll up her pants as her shoes filled with foul-smelling sewer water. Two months before that, in June, the AC was broken for seven days during a heat wave.*



One month earlier, in May, managers forced workers to operate the grill and the fryers despite a vent fan being broken and dripping with black oil. The smoke became so extreme and intolerable that the store, which was normally 24 hours, was forced to close. Workers suffered burning eyes and headaches for several days due to the smoke exposure.

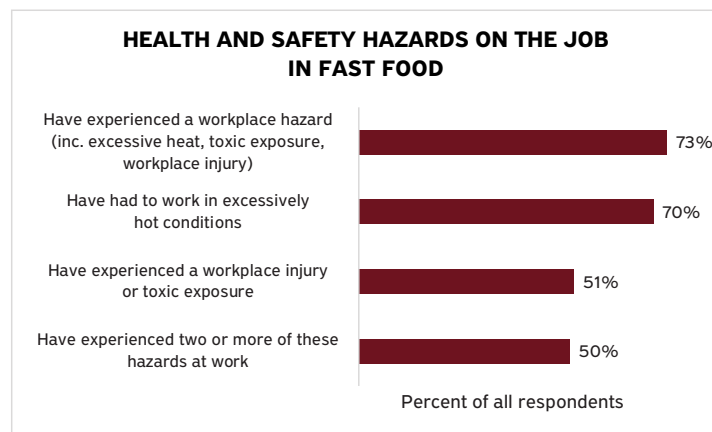
The vent fan for the fryers also broke in September 2020 and dozens of employees worked for two days with the building full of smoke. One month after that, in October, a brown liquid leaked down the wall from a pipe and spread across the floor, creating an overwhelming odor of sewage in the basement break room and storage area. For at least three years, the workers report, a strong sewage smell filled the lobby area, coming from the drain near the soda machines. Management installed three air freshener sprayers to cover the smell.

“Instead of fixing these issues, McDonald’s simply tries to cover them up,” Angelica and her coworkers insist. “This pattern of disregard by McDonald’s management for our health when there is a mechanical or system failure has to stop.”



# WORKPLACE HAZARDS THREATEN FAST FOOD WORKER HEALTH & SAFETY

The 2023 California Fast Food Workplace Hazards Worker Survey obtained responses from 396 fast food workers from 273 fast food locations in 89 cities across California. It was offered in Spanish and English and conducted in July and August 2023. The workers who responded to the survey represent 43 different fast food brands, including McDonald's, Jack in the Box, Carl's Jr., Taco Bell, Subway, Burger King and KFC. The survey included questions about three categories of workplace hazards common in fast food: excessive heat, injury and toxic exposure. It also included questions about management response to workplace hazards. The results are detailed in the following sections.



The results of the survey show that 73 percent of respondents have experienced at least one form of a health-threatening hazard or injury on the job. Seventy percent have had to work in excessively hot conditions at their fast food workplaces, and 51 percent report having been injured or experiencing toxic exposure on the job. Fifty percent of respondents report having experienced two or more of these hazards or injuries at work.

The findings also indicate that the longer a person works in fast food, the more likely they are to experience excessive heat, toxic exposures or injuries on the job, the more likely they are to lack trust that management will fix these hazards, and the more likely they are to fear retaliation for raising concerns about health and safety problems at work. Eight-five percent of fast food workers with five years or more in the industry have experienced one of these hazards on the job. The rate climbs to 92 percent for those with 10 or more years in fast food. Fifty-six percent of workers with five or more years in fast food say that if there are health and safety issues at work, they can't ask management to address them without fear of retaliation. More than two-thirds of fast food workers with five or more years in the industry surveyed say that they do not trust management to take the actions needed to protect their health and safety.

Extreme heat is a serious threat, accounting for more deaths per year than any other weather-related hazard.<sup>20</sup> It can trigger heat-related illnesses, such as heat stroke, which is life-threatening, and aggravate other medical conditions. Heat-related illnesses occur when the body's temperature rises too high to be cooled by the normal process of sweating.<sup>21</sup> This state can cause damage to the brain and other vital organs. Extreme heat also impacts mental health. One study found that a 10 degree Fahrenheit increase in same-day temperature in California was associated with a 5 percent increased risk of emergency room visits for mental health disorders and a 6 percent increase in visits for self-injury and suicide attempts.<sup>22</sup> Heat stress can also lead to insomnia and impact cognitive function.<sup>23</sup>

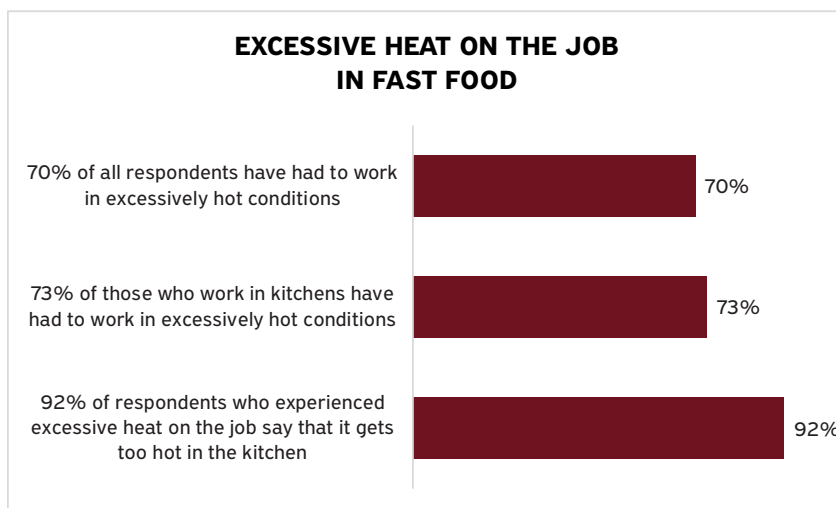


There is also a strong correlation between extreme heat and injury on the job. One study from 2021 compared 18 years of California workers' compensation injury reports with local weather records and found that the overall risk of workplace injuries was 5 to 7 percent higher on days when the temperature was between 85 and 90 degrees than on days when temperatures were in the 60s.<sup>24</sup> The risk was 10 to 15 percent higher when temperatures were over 100 degrees. The researchers concluded that extreme heat had likely caused 20,000 additional workplace injuries annually in California since 2001 – *19 times the annual number identified as caused by extreme temperatures in workers' compensation records.*

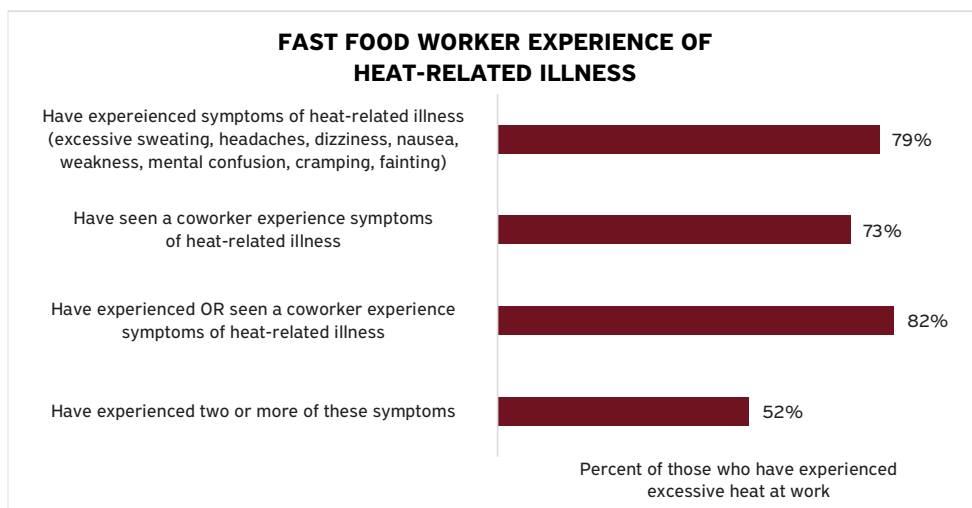
The risk is even higher, the researchers found, for low-wage workers such as fast food cooks and cashiers. “Due to the fact that lower wage workers are more likely to work in dangerous occupations, more likely to live and work in places with greater heat exposure, and experience larger marginal increases in risk on hotter days,” they write, “the net effect on injuries is far greater for low income groups. We estimate that, for someone from the bottom quintile of the zip-code level residential income distribution, the annual effect is approximately five times larger than for someone from the top quintile of the residential income distribution.”<sup>25</sup>

## EXCESSIVE HEAT

Eighty-two percent of long-time fast food workers surveyed and 70 percent of all respondents report having worked in excessively hot conditions. Though excessive heat can be a problem in all areas of a fast food restaurant, it is most severe in kitchens. Seventy-three percent of those who work in kitchens report having endured excessive heat while working in fast food. Fast food kitchens tend to be small, crowded and poorly ventilated. They are typically oriented around radiant heat sources, such as grills, fryers, ovens and toasters. Of those who have worked in excessively hot conditions, 92 percent report that when it gets too hot at work, it's too hot in the kitchen specifically.



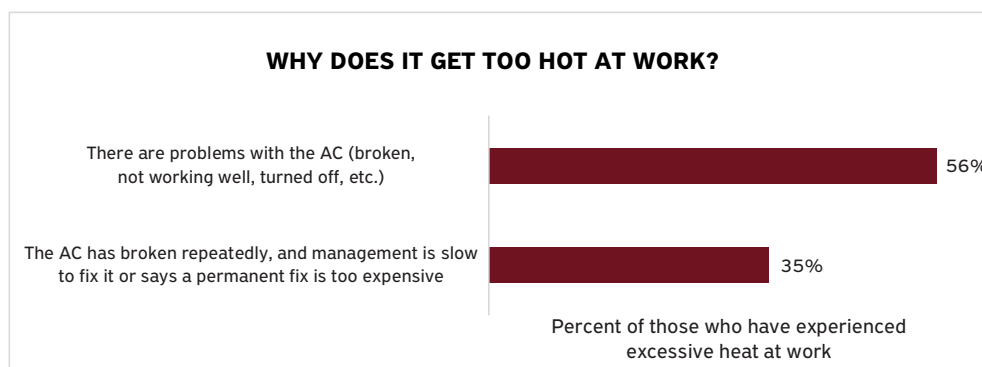
Eighty-two percent of fast food workers who have endured excessive heat on the job report that they have experienced or have seen a coworker experience symptoms of heat-related illness at work. These symptoms include excessive sweating, dizziness, nausea, headaches, weakness, mental confusion and fainting. Seventy-nine percent have experienced one or more of these symptoms themselves, and 52 percent have experienced two or more symptoms. The most commonly reported symptom is excessive sweating (64 percent), followed by headaches (52 percent) and dizziness (30 percent). Four percent report that they have experienced fainting due to excessive heat at work.



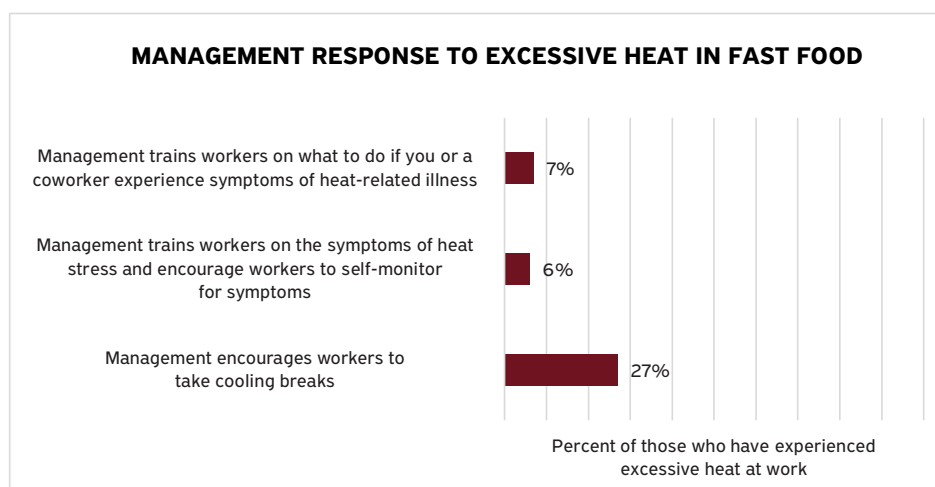
In August 2023, in a Taco Bell in San Jose, it was 91 degrees in the kitchen when Margarita Leal Jimenez began to feel dizzy and weak and her vision became blurry.<sup>26</sup> “The next thing I knew the manager was sitting me down telling me I had just fainted,” she says. She had lost consciousness for several seconds. “The manager and another coworker carried me to a chair and instead of calling 911 the manager told me to call my daughter to take me to the hospital. On the way to the hospital, my chest felt tight and I had a severe headache. The emergency doctor explained that my symptoms were likely a result of excessive heat exposure and told me to take at least a week off work, rest, and drink water, as I was becoming dehydrated.”

The store’s air conditioning had been broken for a month. “The heat in the store felt suffocating,” Margarita says. “I told management multiple times that it is too hot at work but they just told me they’d already put it in the request for the AC to be fixed, that they were just waiting for the repair crew.” But weeks went by and it wasn’t fixed. “Management brought in two fans,” she says, “one in the prep line and the other by the cash register, but the fans did not provide any relief. Management does not provide cooling breaks. Management has also not trained us on how to prevent, identify, and respond to heat-related illness symptoms.”

Hot days affect workers in many industries. What makes the problem particularly hazardous in the fast food industry is the consistent failure of employers to take effective preventative measures. Fast food workers report that management is often slow to ensure that broken air conditioners in their stores are repaired, and repairs often do not fix the problem permanently. Fifty-six percent say that it gets too hot at work because there are problems with the air conditioning in their stores (the air conditioner is broken, not working well or has been turned off). Thirty-five percent say that the air conditioning in their stores has broken multiple times and that management is slow to fix it, or management says that a permanent fix is too expensive. Fans will not prevent heat-related illness in extreme heat, according to the Centers for Disease Control (CDC). “Air conditioning is the strongest protective factor against heat-related illness,” the CDC states.<sup>27</sup>



Under pressure to keep stores open and keep labor costs low, managers often require workers to keep working, denying them water breaks, cooling breaks, rest breaks and meal breaks and not allowing them to go home or seek emergency medical attention when they experience symptoms of heat-related illness.<sup>28</sup>



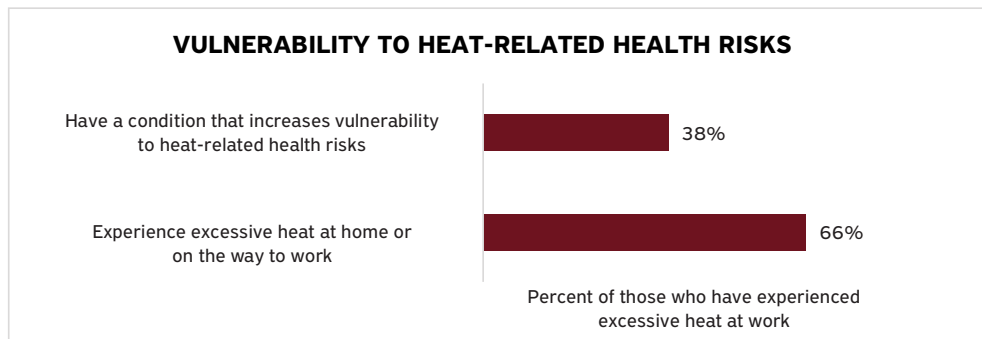
*“For over a year now, we have been dealing with excessive heat at the store on hot days. In July, the temperature reached 96 degrees in San Jose and it felt hotter inside the store than outside, especially in the kitchen. The heat feels suffocating and causes me to sweat excessively. The store gets hot because the AC is in a constant cycle of breaking down, getting fixed temporarily, and then breaking down again. The previous manager used to put fans in the store to provide some relief, but the current manager only put a fan in his office.”*

**– RAMONA MARTINEZ, CARL’S JR., SAN JOSE<sup>29</sup>**

At one Cinnabon location in Northridge, the air conditioning had been broken for nearly a year when workers walked off the job in June 2023, after one worker, Pablo Gomez, threw up from the heat.<sup>30</sup> A dozen workers from this location, including Pablo, filed a complaint with Cal/OSHA the following month detailing this and other heat-related symptoms. “I have been getting migraines,” says Vero Aguilar, another of the workers. “One coworker, a minor, told me that he also goes home with a migraine from the heat. Another had a nosebleed he said was from the heat. I tried everything to stay cool – I wet my shirt, I put my visor in the freezer, I took multiple cooling breaks – but it didn’t work, I was still too hot and still got a migraine.”

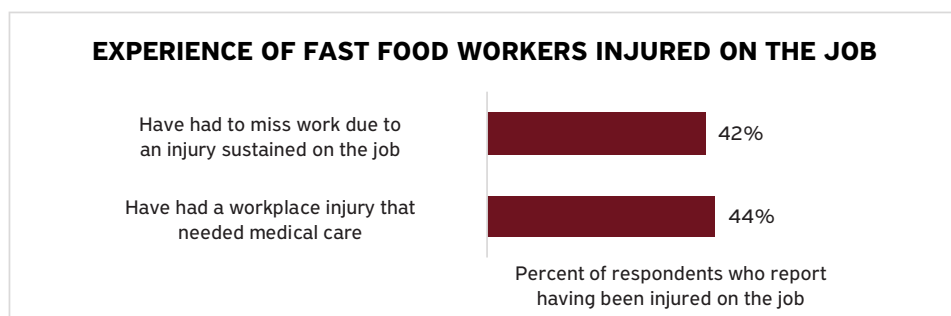


Certain conditions – including heart problems, high blood pressure, poor circulation, pregnancy, mental illness, being overweight, and being over 65 – make people more susceptible to extreme heat and increase the likelihood of heat-related health risks.<sup>31</sup> Thirty-eight percent of fast food workers who have endured excessive heat at work report having one or more of these conditions. Also at increased risk are those who experience excessive heat at home or on their way to work.<sup>32</sup> Sixty-six percent of those who have had to work in excessive heat say that their homes get too hot when the weather is warm or that they get overheated on their way to work when temperatures outside are high.

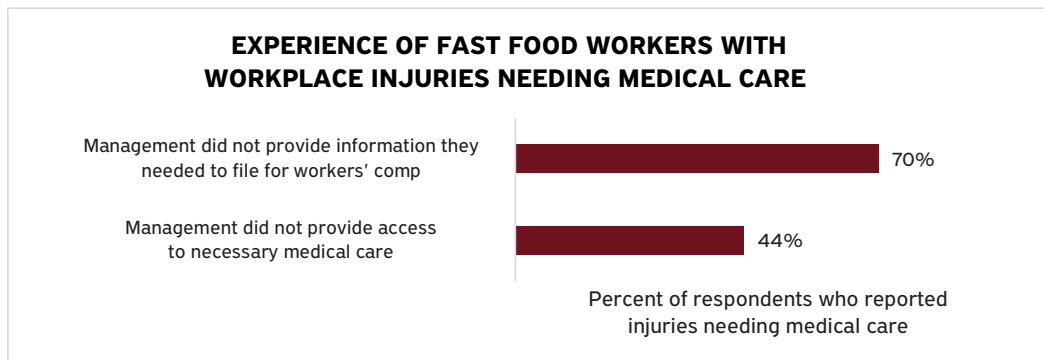


## INJURY

Thirty-six percent of long-time fast food workers, and 29 percent of all fast food workers surveyed, report that they have suffered injuries on the job, including burns, cuts, musculoskeletal injuries (such as from falls and lifting accidents), and injuries resulting from delivery-related car accidents. Forty-two percent of those who have been injured on the job report that they have had to miss work due to workplace injury. Forty-four percent have needed medical care for these injuries. Fast food workers consistently report that managers fail to prevent workplace injuries, and fail to make sure that injured workers receive necessary treatment. The 2021 workers compensation study noted above documented that high heat is a significant factor in increasing the likelihood of all types of workplace injuries, as workers whose full capacity is impaired by heat end up suffering falls, cuts, burns, and so on.<sup>33</sup> Chronic understaffing and constant pressure from management to work faster are also key factors contributing to the unsafe workloads that often lead to injuries in this industry.



When fast food workers suffer serious injuries, management often does not respond appropriately. Forty-four percent of those who experienced injuries requiring medical care at work report that their managers failed to ensure they received the care they needed. Seventy percent of those who suffered work injuries requiring medical care say that their managers did not provide them with the information they needed to file for workers compensation. The inadequate response from management compounds the harm of the initial injury by increasing the risk of serious or long term health effects from an untreated injury and exacerbating economic hardship.



**Musculoskeletal injuries.** Fifty-six percent of workers who reported specific types of injuries on the job experienced an injury to soft tissue, bones or the head. This category includes falls, which can result from tripping hazards in obstructed pathways or floors becoming slippery with grease, water or other substances.<sup>34</sup> Fast food workers also face the danger of falls when reaching for items on shelves or other elevated places using ladders or steps. This category also includes injuries from lifting, lowering or carrying heavy objects – common tasks in fast food work – and repetitive strain due to repeated and continued performance of common job tasks. The risk of repetitive strain injuries is heightened by unsafe workloads brought about by short-staffing and failure to rotate job positions, as well as pressure from management to work faster, often without required rest breaks.

*The manager asked me to carry some boxes of pineapple. I told her I couldn't do it because they were too heavy and she told me that I had to do it. She knows that handling the boxes of pineapple is heavy lifting, and usually only strong men are assigned that work at this Domino's. I tried to do it but it was too much and I was injured, resulting in uterine prolapse, which can be caused by heavy lifting, especially without the right training – and I never received any training. I told the manager right away about the accident and that I was in pain, but she did not say anything. She did not offer me medical treatment or information about workers comp. I am continuing to receive medical treatment for this injury, which I have to pay for myself. At the treatment, they told me I needed to rest for two weeks but I could only afford to rest for one day because I only had one day of sick leave.*

**– BERTHA PEREZ, DOMINO'S, LOS ANGELES<sup>35</sup>**

Edith Villegas, a Chick-fil-A worker in Ventura, sustained a repetitive strain injury in the left shoulder as a result of being forced to work at an intense rate.<sup>36</sup> “Imagine producing and carrying 180 baskets of fries in three hours with no break,” she says. “At this job I have typically worked four to six hours straight with no break at all. If there is even just one minute to spare, the manager tells me to do another task instead of taking a break, to make eggs or biscuits or clean the oven or make salads or fruit. It feels like the manager thinks I am an octopus that can do the work of many people at once.”

*In October 2022, I had a serious fall from a ladder at work when I lost my balance putting away dishes on a high shelf. I put out my arms and hands to break my fall and when I got up I was in terrible pain and I had to leave work early because I could not work. At that point, I did not tell management about the injury because I didn't want any trouble. The next day I woke up with severe pain in both shoulders, both arms, my right wrist and my back. I went to a traditional healer (huesero) who told me that both of my shoulders were dislocated and that I needed to rest for three days and take Tylenol.*

*Two days after the accident, I woke up swollen and in severe pain. I called HR and said I fell from a ladder at work and that I was injured and could not come to work. She responded, "No, you have to come to work." She told me that she would review the video of the accident and decide if I could go home from work. I came to work like she said, despite the pain, expecting that I would be sent home. Instead, I was told I had to work my full eight-hour shift until 10 p.m. and that I could go to the doctor after my shift. I was not even allowed to take the regular 10-minute rest break after two hours of work – I had to work four hours straight with no break until my meal break.*

*I was given a referral to a clinic where they took x-rays and diagnosed me with strain of the muscle, fascia and tendon in my lower back and both shoulders. Despite this diagnosis, the clinic gave me paperwork saying that I should go back to work immediately, the same day, with only minor restrictions. I was very upset because I was in pain and needed to go home and rest. I told management that I could not go back to work immediately and they told me that, because of these documents, I had to come to work the next day, Wednesday, or receive a disciplinary order.*

*On Wednesday I woke up in terrible pain. I talked to my husband and he saw that it was hard for me to get out of bed. He told me that they can't force me to work when I am injured and that I should quit, so that is what I did. I did not know anything about workers compensation and management did not give me information or forms to fill out for workers compensation.*

**– MARIA JIMENEZ, CHICK-FIL-A, SAN DIEGO<sup>37</sup>**

**Burns.** Forty percent of workers who reported specific types of injuries have experienced a burn. These injuries are especially common among workers in kitchens, as a result of contact with fryers, stoves, ovens and hot liquids such as grease, coffee and boiling water.<sup>38</sup> To prevent these injuries, fast food employers must train workers on safety practices, maintain equipment properly, and provide necessary protective gear, such as gloves and mitts.

"I suffered a serious burn in April 2023 when hot water fell on my whole arm at work," says Sulcely Anabel Recinos, who works at a Popeye's in Citrus Heights.<sup>39</sup> "There was no first aid kit and the manager treated me improperly with ice, which can further damage the tissue." No one offered to take her to the hospital, and in fact the store manager mocked her, saying, "What are you doing, taking a bath?" This was the second burn injury Sulcely sustained on the job. The first occurred when a tray just out of the oven tipped over and fell on her arm. She did go to the hospital in that case, she says, but "I had to miss three days of work to recover. I did not have any available sick pay because I had just started working at Popeyes, so I missed three days of pay."

**Cuts.** Twenty-one percent of workers who reported specific types of injuries have sustained a cut, laceration, or puncture wound while working in fast food – common injuries where workers regularly handle knives, slicers, and other cutting tools.<sup>40</sup> While cuts are most common in kitchens, they can happen to workers in any position. Proper maintenance and safeguarding of cutting and slicing equipment, and ensuring that workers are trained in safe practices for handling cutting tools are critical for the prevention of these sorts of injuries.



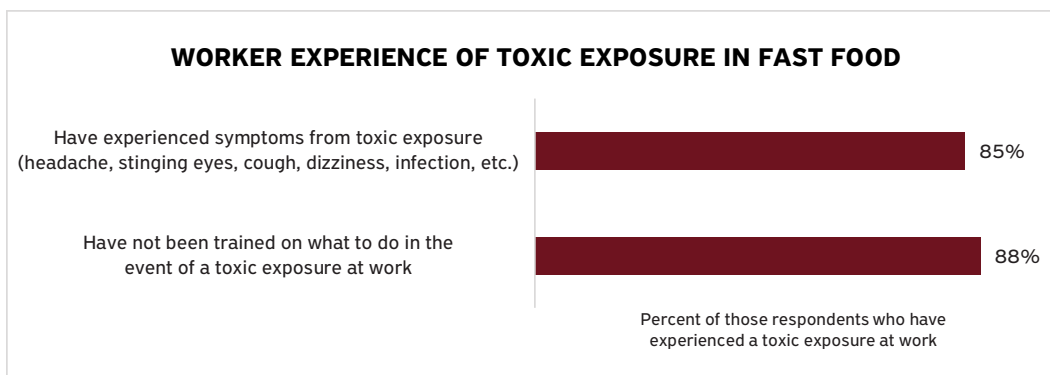
When Jose De La Torre, a delivery driver for Papa John’s Pizza in Lynwood, sliced his thumb while opening a box with a knife, he recalls that a manager said, “Don’t cry about it.”<sup>41</sup> “He brought me a stapler to staple my thumb back together,” Jose says. “Then he got me a band aid. He didn’t send me to the doctor or give me any information about workers’ comp or how to get medical help. I had to continue working while I tried to keep pressure on my thumb. It continued to bleed a lot for a week. I lost feeling and sensation in that finger.”

## TOXIC EXPOSURE

Fifty percent of long-time fast food workers surveyed and 38 percent of all respondents report having experienced one or more incidents of toxic exposure while working in fast food. Nearly a quarter of long-time fast food workers – 23 percent – have been exposed to two or more of these hazards. Common forms of toxic exposure faced by fast food workers include excessive smoke from the grill or fryer; the presence of sewer water, sewage flooding, or sewer gas in work areas; natural gas leaks from equipment including grills, broilers and steamers; and CO2 gas leaks from tanks connected to soda machines.<sup>42</sup>



Of those who have experienced toxic exposure on the job, 85 percent report that they have experienced symptoms such as headache, stinging eyes, dizziness, or infection from the exposure. Eighty-eight percent say that they have not been trained on what to do in the event of a toxic exposure at work.



**Sewage-related exposures.** Sixteen percent of workers surveyed have experienced a sewage-related exposure on the job, including exposure to sewage floods, sewer water and sewer gas. Sewer water might back up and emerge through floor drains in the kitchen and throughout the store, often where mops are stored, near sinks where dishes are washed or at the grill in the kitchen.

One Burger King in Los Angeles had regular sewage flooding problems for nearly a month in late 2022 before workers at the store walked off the job in protest.<sup>43</sup> The situation began with clogged drains and backups in the bathroom. “When the toilets were flushed, the water would rise from the drains in the floor in the bathrooms,” says Jason Abraham Ponce, who works at this store. “From one drain the water was coming up yellow and from the other drain the water was coming up dark gray. The water smelled like shit and garbage. Sometimes we are able to clean up the flooding and it goes away, and sometimes it kept on spraying and spraying and overflowing and overflowing and no one could use the bathrooms or run water in the sinks.”

Later, the kitchen began to flood. “The sewer water flooding in the kitchen absorbed into my shoes when I had to walk through the kitchen,” Jason says. Throughout this time, management continued to claim it would fix the problem but didn’t. Workers were not provided with training or personal protection equipment to deal with the mess.

*Sewage and sewer water have been flooding the kitchen for days. Sometimes we have to stand in and walk through a large puddle of sewer water and sewage particles while we work at the fryer and the grill and the table where we assemble the sandwiches. The smell of sewage in the kitchen is overwhelming and I feel sick and my stomach hurts. My stomach felt like it turned upside-down twice, and I feel nauseated and I have a bad headache. We have to stand in this sewer water while we cook and prepare food, and it soaks into my shoes, which smell like urine and excrement.*

**– MARISOL MARTINEZ, BURGER KING, LOS ANGELES<sup>44</sup>**

**Gas leaks.** Twelve percent of workers surveyed have been exposed to gas leaks or gas smells at work. Leaking natural gas is dangerous as a toxin in its own right, as well as for its explosive potential. One day in April 2023, workers at a McDonald’s in East Los Angeles noticed a musty smell in the back area of the store, where the CO2 tanks are kept.<sup>45</sup> Not long after, an alarm went off for about an hour. Alexis Paulino, who was working at the time, says: “I asked the manager what was going on, and she said, ‘Don’t worry about it.’ I went to the back to see what was going on, and I saw the CO2 detector screen said, ‘Caution, evacuate immediately.’ I saw that the monitor showed 3 percent, and later 2 percent. It took a long time to go down to 1.”

At this same location, on multiple occasions workers have smelled gas, which they believe comes from the connection between the gas line and the grill. Workers remove this connection to clean the grill. Alexis believes that because they receive no training, some may reconnect it improperly, resulting in leaks.

“I work in the front area and in the drive-thru in the back, and I have sensed the smell of gas several times,” says Mariel Garcia, who also works at this store. “The gas makes me feel nauseated and light-headed and gives me a headache. Every time it happens, I talk to the managers about it. I ask whichever manager is on shift, ‘Do you smell gas?’ And they always answer yes. But then they go back to doing their job and I go back to doing my job, nothing changes. This is a pattern, and I think something needs to be done about it.”



*There is a strong smell of gas at this Taco Bell store and when we turn on the fryer there is a loud boom sound, which happens at least twice a day. The smell of gas is strongest at 7 a.m. when the store is first opened after being closed at night. We believe the gas smell is coming from a hose connected to the fryer along the drive-thru wall. The flames from the gas for the fryer and the temperature of the fryer do not stay steady, and the temperature goes down for several minutes at a time and then goes up again. We all inhale the gas when we enter the building in the morning – it is not safe. The gas leak has been going on for over three months and management is not taking action to fix it.*

**– DULCE M. ESCALANTE, DELMY RAMIREZ, SIMON DE LOS REYES, TACO BELL, OAKLAND<sup>46</sup>**

**Smoke.** Twenty-eight percent of workers surveyed have been exposed to excessive smoke on the job. While some smoke is inherent in grilling, excessive smoke generally arises from broken or poorly maintained ventilation systems.

When the exhaust fan in the kitchen broke at one McDonald's in Oakland, several workers filed a complaint with Cal/OSHA stating, "management continued to run the kitchen as usual and the kitchen filled with smoke. We experienced sore and watery eyes, and sore throats."<sup>47</sup> Some of the workers continued to have sore throats and coughs more than a week later.

## MANAGEMENT RESPONSE

A systematic disregard by management for worker health and safety compounds all of the hazards faced by fast food workers on the job. In the survey, 59 percent of workers who've reported a workplace hazard to their managers say the problem was not fixed in a reasonable amount of time.

The same patterns are also documented in fast food workers' health and safety complaints, which are filled with accounts of owners and managers ignoring, making fun of, not taking seriously and failing to address hazards that workers call to their attention. Management regularly fails to treat illnesses and injuries when they occur, call 911 when necessary, close a store when a serious hazard arises or fix equipment that is the source of the problem. This negligence could be life-threatening – in the case of a heat stroke, for instance, 911 must be called immediately, according to CDC guidelines.<sup>48</sup> Heat stroke can be fatal without immediate treatment.

Dora Argueta, a McDonald's worker in Los Angeles, recounted the callous responses she received from managers when she spoke up about 90-plus degree heat in the kitchen: "When I told my manager that it was too hot, he joked and told me 'This is a way to burn calories.' He laughed. But to me this is not a laughing matter. The heat in the kitchen feels suffocating and caused me to have a headache and feel dehydrated."<sup>49</sup>

Fast food workers also face retaliation for raising concerns about workplace hazards. The majority of survey respondents (67 percent of long-time workers and 64 percent of all respondents) say they do not trust management to take the actions needed to protect their health and safety. Fifty-six percent of long-time workers, and 47 percent of all respondents, say they do not feel they can ask management to address health and safety problems without fear of retaliation. As these numbers indicate, fast food workers are less likely to trust that management will fix health and safety hazards, and more likely to fear retaliation for raising concerns about these problems, the longer they work in the industry.



The threat of retaliation was a significant factor for Dora and her coworkers. “I believe many of my coworkers are suffering due to the heat but they are afraid to speak up due to fear of retaliation and having their hours cut if they speak up,” she says. “When I’ve spoken up about safety the managers called me ‘lazy’ and accused me of not wanting to work. Managers have taunted me, asking ‘Are you going on another bathroom break?’ as I often go to cool down.”

A supervisor assaulted one Papa John’s Pizza worker in Lynwood, Salvador Rodriguez, a manager, after Salvador complained about the excessive heat and other problems.<sup>50</sup> “She poked me in the chest five times so hard she gave me bruises,” he says, “when I confronted her about the excessive heat and lack of water, and also the wage theft that I was experiencing. She screamed at me, all my coworkers saw it.” When the director of operations came to the store that day in response to the altercation, she said, “I don’t want to hear about this happening again.”

“You can take that two ways,” Salvador says. “Maybe she was saying she didn’t want it to happen, but maybe she was saying she didn’t want to know about it. Management did not do anything to fix the problem of excessive heat, and did not provide water or any training on how to identify the symptoms of heat illness or what to do about it. The next week I almost passed out from the heat at work, and ended up in the hospital for IV fluid because I was dehydrated.”



*One day I saw flames coming from the burrito station food warmer. When I told the shift lead about it, she responded, “You are crazy, why are you saying lies?” She said she wouldn’t inform the store manager about the fire so I texted him images of the burnt heating element from the food warmer. I told him about the flames and said it needed to be fixed. When I returned to work several days later, the same food warmer was still in use, it had not been fixed, and I saw flames come out of it again. I know this machine well because I clean it every night that I close. I am concerned that there could be a fire and someone could get burned.*

**– BLANCA SALGADO, CARL’S JR., SAN JOSE<sup>51</sup>**



## THE AGGRAVATING EFFECTS OF POVERTY

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The fast food industry is a poverty employer, with a larger share of its workers in poverty than any other industry.<sup>52</sup> In California, one in six frontline fast food worker households lives below the federal poverty level.<sup>53</sup> Nearly half live below 200 percent of the federal poverty level – a common measurement for public benefits eligibility – and many rely on public benefits to get by. Fast food employers compound the effect of low wages by denying most fast food workers a full-time schedule<sup>54</sup> and imposing high rates of on-demand and unpredictable scheduling,<sup>55</sup> making it harder for workers to pay bills on time and to save for emergencies. A quarter of fast food workers are the main earners in their family.<sup>56</sup> The high poverty rate among California’s fast food workers makes them vulnerable to workplace hazards and highly likely to experience economic insecurity as a result of an illness or injury.

The CDC recognizes low-income status as a risk factor for heat-related illness<sup>57</sup> and has identified low-income populations as “disproportionately affected” by extreme heat.<sup>58</sup> Workers who live in hotter neighborhoods have less ability to tolerate heat on the job because they can’t cool down outside of work. This is especially true for workers who walk or bike to work, rely on public transportation, drive a car that lacks functioning air conditioning, or can’t afford to use their car’s air conditioning due to gasoline costs.

Research has shown that low income communities of color are those at highest risk from extreme heat. One 2021 study found that temperatures in areas with high rates of poverty can be as much as 7 degrees Fahrenheit warmer during the summer months than wealthier neighborhoods.<sup>59</sup> The same holds true in communities of color, compared with non-Hispanic, white neighborhoods.

In California, the vast majority of fast food workers are people of color, and 60 percent are Latino/Latina.<sup>60</sup> Several factors make these workers more susceptible to heat illness than others.<sup>61</sup> For instance, an estimated 30 percent of Latino/Latina households do not have air conditioning, and more than 40 percent are energy insecure, meaning they cannot afford the energy required to heat and cool their homes, or they must choose between paying their electric bill or paying for food, medical care or other basic necessities.<sup>62</sup> Unsurprisingly, Latino/Latina people are overrepresented in counties with the highest rates of heat illness in California.<sup>63</sup>

Low income workers are also at higher risk of workplace injury generally, outside of heat.<sup>64</sup> As noted above, lower income workers are at least five times more likely to be hurt on the job due to heat than are high income workers.<sup>65</sup>

## ECONOMIC IMPACTS OF INJURY AND ILLNESS

For low income workers, illness or injury can have devastating economic impacts. As a result of their low wages, nearly half – 44 percent – of front line fast food worker households in California are rent burdened, spending more than 30 percent of their income on rent.<sup>66</sup> Most do not have significant savings to fall back on, or access to traditional lenders or credit. Thirteen percent of fast food workers have no health insurance at all, and 36 percent rely on Medi-Cal (California’s Medicaid program). Increased energy costs due to rising temperatures are an additional financial burden.

When workers are forced to choose between paying their rent and paying for basic household necessities like food and clothing, even a small medical bill or losing a few days of work can be difficult to handle. A major injury can be catastrophic. One study from 2020 found that California workers who lost at least four days from work due to workplace injuries lost about 20 percent of earnings over the two post-injury years.<sup>67</sup> Other

studies have tracked comparable losses even a decade after an injury.<sup>68</sup> Reductions in income after injury can lead to problems covering rent, utilities or car loan payments, and can increase debt and reliance on predatory payday lenders. Even spending on food declines after injury.<sup>69</sup> All these risks are worse for low wage workers.

## WORKERS' COMPENSATION FALLS SHORT

Workers' compensation, though intended to solve this very problem, is often little help in practice, especially for low-wage workers. Many workers do not know about their right to make a workers' compensation claim. In general, fewer than half of eligible workers apply for workers' compensation.<sup>70</sup> And for those who do, the payout is likely to be minimal. The erosion of workers' compensation insurance programs over the years, driven by lobbying from employer groups, has made it increasingly difficult for workers to obtain the benefits to which they're entitled, including coverage for medical expenses as well as wage replacement. Those who do receive wage replacement benefits receive less than a fifth of their lost wages, on average.<sup>71</sup> The odds are worse for low-wage workers, who face numerous additional barriers to filing, including greater job insecurity, the threat of retaliation, lack of knowledge about their rights and often a limited command of English.<sup>72</sup>

As noted above, only 30 percent of fast food workers who suffered work injuries requiring medical care say that their managers provided them with the information they needed to file for workers' compensation. Eighty-six percent of fast food workers surveyed report that they either do not know about workers' compensation, or do not know how to access it. These figures are consistent with the accounts of fast food workers who have filed complaints with Cal/OSHA reporting a lack of adequate response from management to injuries they have suffered on the job.

Bertha Perez, a Domino's worker in Los Angeles, was delivering pizzas in January 2023 when another car hit hers.<sup>73</sup> She told management about the accident as soon as she got back to the store. They said she could go home but did not offer any medical care or information about workers' comp or a ride home. "I was worried that if I went home I wouldn't get paid," she says, "and I need money to pay my rent and bills, so I said I just wanted to wait a little bit and then I continued working. I was scared to go back to delivering pizzas right away because my head still hurt and I still felt like I was in shock from the accident, but I told myself 'I have to do it.' I had to make the fear go away and keep working."



*I missed work the whole month of February because I had a fall at work and injured my ankle. I was just lying on the floor for about five minutes. A manager told me I should just put my foot in hot water with salt to make the swelling go down, which is not correct first aid for a new injury like this. The manager called me two or three times a week the whole time I was recovering but she didn't ask me how I was feeling or if my ankle was recovering, she just asked me to come back to work. I didn't go to the doctor or a clinic because I don't have health insurance. The managers never told me about workers' comp or how to get care for an injury at work. I didn't have any income for the whole month I was home recovering, not workers' comp and not disability, and they didn't pay me the three days of sick pay I had available.*

**– ELIZABETH JUAREZ, MCDONALD'S, EAST LOS ANGELES<sup>74</sup>**

As a result of the broken workers' compensation system, "the costs of workplace injuries are borne primarily by injured workers, their families, and taxpayer-supported components of the social safety net," according to a

2015 study by David Michaels, then-Assistant Secretary of Labor for OSHA.<sup>75</sup> Specifically, the study found that 63 percent of the financial cost of workplace injuries and illness is covered by workers, their families and their private insurance, while 16 percent is shouldered by government programs. Only around 21 percent is paid by employers.

## **ECONOMIC INSTABILITY AND HOUSING INSECURITY**

Low earnings and a high rent burden make eviction and homelessness a real risk for California's fast food workers. According to a recent study from the Economic Roundtable, fast food workers make up 11 percent of all homeless workers in California.<sup>76</sup> In other words, if the fast food industry provided sustaining pay and stable employment, there would be 10,120 fewer homeless workers in California. The authors of the study estimate that homelessness would have grown about one-fifth less in California if the fast food wage floor were adequate to ensure that workers have stable housing.

In the city of Los Angeles, the study notes, a quarter of frontline workers spend over half of their income to remain housed.<sup>77</sup> These workers are forced to choose between paying for household necessities such as food and utilities, and paying their rent. These trade-offs collapse if income is lost as a result of changes to a work schedule, loss of a job or a large, unavoidable expense, such as a medical bill. For fast food workers, the economic impacts of injuries and illnesses caused by workplace hazards can lead to unpaid rent, eviction and homelessness.

## **OTHER FACTORS DRIVING WORKPLACE HAZARDS IN FAST FOOD**

### **THE CONTRADICTION IMPERATIVE: KEEP COSTS DOWN, KEEP STORES OPEN**

The industry imperative to keep stores open while minimizing costs creates dangerous conditions for fast food workers.<sup>78</sup> This imperative is implemented at the corporate and franchise level through decisions to keep staffing levels low and to defer necessary maintenance and repairs. Low staffing levels pressure workers to do more and move faster, raising the risk of accident and injury. Inadequate investment in buildings and equipment also threatens worker safety. For instance, the excessive heat complaints that fast food workers file frequently point to a broken air conditioner as the reason for the overheated conditions. Aging kitchen equipment is more likely to leak gas, and poorly-maintained plumbing is more likely to back up, leading to toxic exposure.

Another way employers keep costs down is to forego or skimp on worker training. Workers routinely report that they receive no training in preventing heat illness or even recognizing its symptoms and that they have never heard of any heat illness prevention plan. Workers who aren't trained to recognize heat illness, lift heavy boxes properly, or properly clean and reconnect gas grills are at higher risk of endangering themselves and others.

Managers tasked with keeping their stores open no matter what find they have few options other than denying workers the breaks they're entitled to under California labor law (including water breaks and cooling breaks through periods of extreme heat), compelling them to work when injured or sick, or in the face of obvious hazards. Managers often inform workers that there is no one to replace them if they leave early or call in sick, and threaten to cut their hours or fire them if they don't keep working. Retaliation has a toxic effect not only on the worker who experiences it but also the coworkers who witness it, demonstrating throughout a work place what could happen to anyone who speaks up.



Restaurant kitchens will always present hazards to employees. These workspaces are small, often crowded, fast-paced, fast-paced, and typically oriented around radiant heat sources, such as grills, fryers, ovens and toasters. They're filled with large equipment, hot surfaces, boiling oil, sharp blades and heavy loads to carry. It is possible to operate a kitchen safely, however. Providing adequate ventilation, working air conditioners, functional equipment, rest breaks, paid sick leave and effective training would all go a long way toward improving workplace safety, but these improvements require a level of investment that fast food corporations and franchise owners are often unwilling to make. Existing regulatory bodies alone are not equipped to address these industry-wide problems.

## CHALLENGES TO ENFORCEMENT

When a lack of compliance with basic workplace standards is widespread in an industry, as it is in fast food, case-by-case regulatory enforcement cannot address the scope of the problem. With jurisdiction over almost every workplace in California, a fully staffed Cal/OSHA with just 349 authorized enforcement positions<sup>79</sup> would fail to adequately regulate the more than 20,000 fast food locations in the state.<sup>80</sup> Considering these numbers, the fact that Cal/OSHA is understaffed (as of July 2023, 34 percent of the agency's enforcement positions were vacant<sup>81</sup>), and the fast food industry's imperative to keep costs low while keeping stores open, it is unsurprising that workplace hazards often go unaddressed.

The pandemic only exacerbated these difficulties. One 2022 study looked at COVID-19-related complaints to Cal/OSHA across all industries over the first year of the pandemic. It found that, although 7,820 such complaints were deemed valid by Cal/OSHA, only 627 onsite inspections occurred, and only 32 citations were issued.<sup>82</sup> McDonald's ranked third of all establishments in the state for total number of complaints (62), yet it received only one onsite inspection and no citations. The study found little correlation between complaint rates and mortality rates within individual industries and concluded, "[One] reason the Cal/OSHA complaint system may not have prevented excess mortality is inadequate enforcement, namely insufficient levels of inspections or response to worker complaints." The number of Cal/OSHA inspectors has been steadily decreasing for years, the study points out, and dipped by 20 percent in 2020 alone.



## SOLUTIONS

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The low-wage, high violation fast food industry is this way by design. Global fast food corporations established the franchise system to concentrate profit at the corporate level and shield themselves from liability for health, safety and labor violations, leaving franchise operators to shoulder the burden of high operating costs in the face of slim operating margins. The pressure to maintain those margins creates an incentive for franchise operators and store-level managers to cut corners at the expense of workers, keeping staffing levels low and deferring necessary maintenance and repairs, while using the threat of retaliation to keep workers on the job when they are injured or sick, or when poorly maintained facilities fail, causing extreme heat, gas leaks, sewage flooding and other serious hazards.

This system relies on the disempowerment of workers to persist. As worker safety analyst Peter M. Smith has argued, where exposure to dangerous conditions is high and where the prevalence of workplace safety procedures, worker awareness of their rights and worker empowerment are all low, workers are at higher risk for illness and injury.<sup>83</sup> Such is the case in the fast food industry. Studies have found that workers who reported being more empowered had much lower injury rates.<sup>84</sup>

So long as fast food workers lack power in their industry, they have little effective recourse for workplace violations. Their risk of illness and injury – as well as wage theft,<sup>85</sup> workplace violence<sup>86</sup> and sexual harassment<sup>87</sup> – will remain high. Management will continue to disregard their illnesses and injuries, fail to provide appropriate medical attention, and fail to fix the problems that caused these issues. And they will continue to threaten and penalize workers for speaking up.

The solution to lowering the unacceptable rates of health and safety hazards and workplace violations in the fast food industry is to empower fast food workers sector-wide. This begins by ensuring that they know their own rights, namely through access to workers' rights trainings conducted by a third party. Empowering workers involves staunchly protecting their right to speak up against improper practices by shielding and defending workers from retaliation. And it requires giving workers a voice in setting workplace standards in their own industry, including through councils where workers' representatives have a seat at the table alongside fast food corporations and local owners. Changing the industry's fundamental power dynamics is essential to achieving lasting change.

Fast food workers understand the root of the crisis they face every day: it's about power. In recent years, they've risked retaliation from their employers to file hundreds of complaints with regulatory authorities documenting their struggles, to rally in front of their stores and go on strike at hundreds of fast food locations across the state. But it shouldn't take a strike to keep a workplace safe. Workers need a voice on the job, with the power, training and practical means to uphold strong standards for safety in fast food workplaces. Workers' elected representatives must act to address this crisis and must include workers in raising standards to turn this large, poverty-generating and unsafe industry into a model of good, safe jobs.



## APPENDIX

# CAL/OSHA INJURY AND ILLNESS PREVENTION PROGRAM

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In California, and across the U.S., workers have limited rights when they are hurt at work. The ability of workers to take legal action when put at risk or injured is curtailed through one system that is supposed to protect them from injury (Cal/OSHA) and another that is supposed to take care of them following injuries at work (Workers' Compensation). Employers are largely shielded from liability beyond these remedies. That means when these systems are ineffective, as they often are in practice, workers have little recourse.

Programs to educate and empower workers can improve the functioning of these programs, but stronger standards and enforcement mechanisms may also be needed. Fines, even in cases of worker fatalities, are notoriously low and protections from traditional forms of liability mean that employers are insufficiently incentivized to protect their workers.

Cal/OSHA was set up to provide meaningful protection for workers – not as a fig leaf that too often shields employers from liability for unsafe working conditions. The Occupational Safety and Health Act is a federal bill that was created and passed into law in 1970 as a response to public outcry against rising injury and death rates on the job. The Act led to the creation of the federal Occupational Safety and Health Administration (Fed/OSHA). Fed/OSHA allows states to establish their own separate programs for occupational safety and health, which California opted to do in 1973. Cal/OSHA has jurisdiction over health and safety issues that arise in most workplaces in California, including in fast food. It is charged with creating, enforcing and adjudicating laws concerning health and safety in the workplace.

Since 1991, California law requires employers to establish, implement and maintain an effective Injury and Illness Prevention Program (IIPP). The IIPP standard says that employers must have an active program to “find and fix” hazards in the workplace. This standard is described in section 3203 of the General Industry Safety Orders (GISO) and section 1509 of the Construction Safety Orders (CSO). It requires employers to, among other things:

- Identify all workplace hazards and determine how serious they are.
- Investigate all job-related injuries, illnesses and near-misses using people who are trained to get to the bottom of things and identify root causes.
- Fix the hazards – that is, get rid of them, reduce their effects, or offer protective equipment – “in a timely manner.” There are special rules for imminent or immediate hazards.
- Communicate with workers, in a language and way that they can understand, about the health and safety hazards they face in the workplace and how to report hazards. Reporting should be promoted and cannot be discouraged, especially through fear of retaliation.
- Train employees about the threat of workplace hazards. Specifically, they must train supervisors about their responsibilities and the hazards facing the employees they oversee, train new employees, train employees who are given new tasks or jobs for which they are not yet trained and train current employees when new hazards are introduced.

The IIPP standard is one of Cal/OSHA's most important standards because it is intended to protect workers from health and safety hazards that aren't explicitly addressed in a specific standard. The IIPP standard requires that employers make an effective workplace safety plan that covers all hazards at their worksite and gives Cal/OSHA inspectors authority to enforce the plan.



For example, though there is currently no Cal/OSHA standard specifically governing indoor heat temperatures or protections, under the IIPP standard, employers must protect workers from the hazard of excessive heat exposure, even indoors, with an effective health and safety plan that addresses this hazard.

While the IIPP is designed as a tool for worker empowerment, its effectiveness is limited by a climate of limited enforcement, among workers whose poverty leaves them vulnerable to employer retaliation. To truly be effective, the IIPP standard must be situated in a culture of management commitment to health and safety, with workers who are able to report problems without the threat of retaliation, and who are involved in the regulatory process in meaningful ways.

The intent for worker collaboration in labor code enforcement already exists, but as this report shows, there are significant gaps between intent, law, and the actual practice of employers. Several new policies and regulations including SB 553 regarding workplace violence prevention and Cal/OSHA's proposed indoor heat standard contribute to increasing protections for workers, but sectoral solutions are needed to ensure that California's over 500,000 fast food workers have a voice on the job and the power to improve conditions in their industry.





## Endnotes

- 1 Complaint filed with Cal/OSHA on July 31, 2023, RE: Church's Chicken, 1886 University Ave., Riverside CA 92507.
- 2 Complaint filed with Cal/OSHA on July 31, 2023, RE: Church's Chicken, 1886 University Ave., Riverside CA 92507.
- 3 Complaint filed with Cal/OSHA on August 3, 2023, RE: McDonald's, 950 W. Floral, Monterey Park, CA 91754.
- 4 Complaint filed with Cal/OSHA on December 8, 2022, RE: Burger King, 5850 Crenshaw Blvd, Los Angeles, CA 90043. Complaint filed with Cal/OSHA on August 3, 2023, RE: McDonald's, 950 W Floral, Monterey Park, CA 91754.
- 5 Complaint filed with Cal/OSHA on August 3, 2023, RE: McDonald's, 950 W. Floral, Monterey Park, CA 91754.
- 6 Complaint filed with DLSE-BOFE on October 13, 2022, RE: McDonald's, 6300 E 14<sup>th</sup> Street, Oakland CA 94621. Retaliation complaint filed with DLSE-BOFE on April 26, 2021, RE: Wendy's 6181 Sepulveda Blvd., Van Nuys, 91411. Retaliation complaint filed with DLSE-BOFE on March 9, 2023, RE: Jack in the Box, 850 W. Imola Ave., Napa, 94559.
- 7 Since April 2020, Fight for \$15 has aided California fast food workers in filing over 300 health and safety complaints with Cal/OSHA, local public health departments and other regulatory agencies documenting hazards related to COVID-19, workplace injury, excessive heat, toxic exposure, violence, and many other serious health and safety issues at their workplaces.
- 8 Complaint filed with Cal/OSHA on October 13, 2022, RE: McDonald's, 6300 East 14th Street, Oakland, CA 94621.
- 9 Daniel Fleming and Patrick Burns, "Hungry Cooks: Poverty Wages and Homelessness in the Fast Food Industry," Economic Roundtable, May 2023, p. 2, 14. <https://economicrt.org/publication/hungry-cooks/>
- 10 Daniel Fleming and Patrick Burns, "Hungry Cooks: Poverty Wages and Homelessness in the Fast Food Industry," Economic Roundtable, May 2023, p. 2, 14. <https://economicrt.org/publication/hungry-cooks/>
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