PROVIDING CALIFORNIA WORKERS WITH FREE ACCESS TO FOOD SAFETY INFORMATION: A PUBLIC HEALTH IMPERATIVE

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The restaurant industry has been one of the largest and fastest-growing employers in both California and nationwide for decades. Unfortunately, it has also been one of the lowest-paying employers for generations, dating back to the racist history of the National Restaurant Association lobbying (NRA) after Emancipation to hire newly freed Black workers for a zero dollar wage, forcing them to live off tips. These lobbying efforts to suppress wages have continued over the last 100 years, and recent evidence reveals that they have particularly ballooned over the last few decades due to the use of the National Restaurant Association’s scheme to force low-wage workers to pay for food safety training through its monopoly company ServSafe, the revenue from which funds their lobbying efforts without these workers’ knowledge.

At face value, a food safety training program for food service workers appears to be of critical importance to preserve the public’s health. However, as this report outlines, in California, this public health imperative has been used inappropriately to require workers to fund a trade lobby’s efforts to suppress wages. The California legislature is currently considering SB-476, which would shift the burden of paying for mandatory food safety training from the state’s lowest-wage workers to restaurant employers, and requires the state to publicly list multiple training providers beyond the National Restaurant Association’s monopoly training provider.

This report describes how the inappropriate use of a public health imperative to require workers to pay for food safety training directly contravenes basic and widely-accepted public health principles of providing critical community health information free to the most vulnerable members of a community.

1. History of Food Safety Training in California

The History of National Restaurant Association and Its For-Profit Food Handler Training Company: ServSafe

At Emancipation, despite the promises of Reconstruction after the Civil War, Black Americans were largely relegated into low wage jobs that maintained the hierarchy of the formerly enslaved workforce. While Black workers were barred from many occupations by racist discrimination, and sometimes by mob violence, there were certain industries such as railroad companies, restaurants, and hotels, where large numbers of Black workers were allowed to work. Companies in the North during this period ex-
plicitly targeted recently freed Black workers with labor agents and inducements from the Black press. The Pullman Company became one of the largest employers of Black workers in the early 1900s and is widely credited with solidifying tipping as common practice for employers. Although tipping was widely controversial, with many states calling for it to be banned altogether, the practice spread rapidly after Emancipation as employers in the hospitality sector hired newly freed slaves with an expectation of servility to white patrons who would tip in lieu of wages.

Many employers held the racist belief that Black people were inherently suited for service positions, a remnant of slavery. As one restaurant owner is quoted stating, “Colored men are the best waiters by nature, and are peculiarly adapted to servitude.” This belief also justified suppressing the wages of $0 an hour for tipped workers, based on the argument that their minimum wage could be obtained through tips. The minimum wage legislation in the New Deal ensured that Black food service workers received no wage and instead obtained their income entirely through tips.

The National Restaurant Association came together in 1919 responding to workers throughout the food system demanding higher pay and the possibility of a unionized workforce. The major topic that unified all 43,000 members at the time and every decade after World War I was how to keep the workers’ wages down.

Over the last more than 100 years since Emancipation, the National Restaurant Association and its CA chapter, the California Restaurant Association, have consistently lobbied to suppress restaurant worker wages at the local, state and federal level. In the last few decades, they have been particularly successful, managing to block all minimum wage increases at the federal level from 2009 until the present day – during which time their lobbying budget more than doubled in size.

As the New York Times reported in January 2023, the NRA and its state-level affiliates are now a “business league,” with more freedom to lobby than a traditional charity. As described above, over the last 100 years the NRA’s lobbying has focused on suppressing labor costs and in particular freezing local, state and federal minimum wages.

In 2009 the Congress raised the minimum wage to $7.25 an hour, despite heavy lobbying against the bill by the NRA. The minimum wage has not increased since that time. As reported by the New York Times, after that 2009 federal minimum wage increase, the NRA began looking for a new source of revenue to increase its lobbying budget, and focused on growing the revenue of a food safety training company that its sister charity organization had created – ServSafe. After 2009, the NRA bought the company from its sister organization, transforming it into a direct fundraising vehicle for the trade association.
California Food Handler Training Bill 2011

Following the trade association’s purchase of ServSafe, the National Restaurant Association’s state chapters in California, Texas and Illinois lobbied for changes in state law that would force all workers in these largest-industry states to take food safety training and pay for it themselves. In California, the legislature passed a bill in 2011 regarding food safety training as a result of the lobbying efforts of the National Restaurant Association. SB602 (Padilla, Chapter 309, Statutes of 2010) requires a food handler, as defined, to obtain a food handler card within 30 days from the date of hire at a food facility, with specified exceptions, and requires at least one of the accredited food safety certification examinations to be offered for no more than $15. Using a public safety argument, SB602 passed, with the California Restaurant Association serving as the prime sponsor of the bill.

Prior to SB6O2’s passage, obtaining a food handler training certification was an option but not a requirement in California. Notably, ServSafe provides the food handler certification card for workers and managers for fees of $15-$150, while the same information provided by ServSafe to obtain the card for a fee is available completely free on the Center for Disease Control’s website.

Over the last decade, ServSafe has been the monopoly provider of this food handler training in California. As explained later in this report, California workers are often told by their employers that they must take ServSafe specifically before they can begin work. CA workers and even independent restaurant owners and managers have always been aware of other options for food service training such as Always Food Safe. ServSafe has become synonymous with this training thanks to its market dominance.

The passage of similar food safety bills in multiple states led to an influx of new customers and revenue for ServSafe. More than 3.6 million workers have taken this training, providing about $25 million in revenue to the restaurant industry’s lobbying arm since 2010. While the food handler training is available nationally in all 50 states and the District of Columbia, online databases maintained by the National Restaurant Association show the vast majority of its classes are taken in these same four large states where food-handler classes are mandatory for all food service workers: Texas, California, Illinois and Florida.

There are nearly 3 million restaurant workers nationwide and over 615,000 in California. Given the size of California’s restaurant industry, being one seventh of all restaurant workers nationally, a huge portion of the NRA’s lobbying funds come from California’s workers paying for food safety training. Given that restaurant workers are among the lowest paid workers in the state, this means that the lowest-wage workers in California are funding a national trade lobby’s efforts to suppress their own wages and the wages of their fellow restaurant workers nationwide.
How it Works:
Surveys of CA Chain Restaurant Corporations’ Practices With Regard to Food Handler Training

As a sample, One Fair Wage surveyed six corporate restaurant chains in California by inquiring about the requirements for potential job applicants to take food handler training. All corporate chain restaurants surveyed reported that anyone interested in working for them would have to take food handler training and pay for it themselves, at a cost of $7 to $20. About half of the corporations indicated that potential employees must take “Servsafe” specifically, rather than being provided with the option of taking any training.

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>Location</th>
<th>Contact Number</th>
<th>Would I be required to pay for my own food safety training or will the company provide it?</th>
<th>Were you told to get ServSafe specifically or were you given other options?</th>
<th>What do I search online to get it?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denny’s</td>
<td>North Hollywood, CA</td>
<td>(818) 765-0689</td>
<td>Worker must pay for their own training, at a cost of about $10. Company does not pay.</td>
<td>Worker was told to google “food handler training.”</td>
<td></td>
</tr>
<tr>
<td>Applebee’s</td>
<td>Chatsworth, CA</td>
<td>(818) 885-6519</td>
<td>Worker must pay for their own training. Company does not pay.</td>
<td>Worker was told to google “ServSafe” and that “ServSafe” would cost about $10.</td>
<td></td>
</tr>
<tr>
<td>IHOP</td>
<td>Encino, CA</td>
<td>(818) 783-4470</td>
<td>Worker must pay for their own training. Company does not pay.</td>
<td>Worker was told to google “ServSafe” and that “ServSafe” would cost about $20.</td>
<td></td>
</tr>
<tr>
<td>Olive Garden</td>
<td>Glendale, CA</td>
<td>(818) 240-7119</td>
<td>Worker must pay for their own training, at a cost of $7. Company does not pay.</td>
<td>Worker was told to google, “food safety training.”</td>
<td></td>
</tr>
<tr>
<td>Yard House</td>
<td>Burbank, CA</td>
<td>(818) 840-6700</td>
<td>Worker must pay for their own training. Company does not pay.</td>
<td>Worker was told they would have to obtain the certification online before starting.</td>
<td></td>
</tr>
<tr>
<td>Eddie V’s</td>
<td>El Segundo, CA</td>
<td>(310) 414-0074</td>
<td>Worker must pay for their own training. Company does not pay.</td>
<td>Worker was told to google “ServSafe” and that “ServSafe” would cost about $10.</td>
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</tr>
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Source: One Fair Wage Surveys of Corporate Chain Restaurants, 2022
2. Food Safety Training Should be Freely and Equitably Accessible to Restaurant Workers for the Good of Community Health

The foundational goal of public health is to protect and promote the health of all people and communities. Public health practice is structured around the 10 Essential Public Health Services, which encompass informing, educating and empowering people about health issues, and utilizing laws and regulations designed to improve and protect health. As updated by the Public Health National Center for Innovations, the de Beaumont Foundation, and a task force of experts in 2020, the Essential Public Health Services centrally aim to achieve equity by actively promoting “policies, systems, and overall community conditions that enable optimal health for all and seek to remove systemic and structural barriers that have resulted in health inequities.”

Ensuring accurate and accessible information and education is a cornerstone of health protection as it enables healthy behaviors, practices, and decision-making at both the individual and population level. Information flow is central to ensuring proper and safe food handling by restaurant workers, which is of paramount importance to prevent foodborne illnesses and protect both workers and consumers in restaurants. A safe food system requires participants who are well-informed about and skilled at transporting, storing, preparing, and serving food in a safe manner. The importance of training and safe food practices for public health is not in doubt – it is good for worker health, good for the health of consumers, and good for community health.

But policies requiring safe food handling should not introduce new, systemic and structural barriers that result in health inequities for marginalized people, including the low wage, and often immigrant restaurant workforce, both in California and across the nation. If we want safe food and a well-informed food service workforce, public health requirements and practice should ensure that restaurant workers have the information and skills they need with as few barriers as possible – and policies should be implemented in a way that minimizes burdens for workers.

This is not what’s happening currently, however. Today, food handlers are forced to bear the cost of their food handling certifications, which adds another layer of financial strain for already strained workers. This is in contrast to other public health initiatives that ensure freely accessible training – for example developing free CPR programs in areas with high risk for out-of-hospital cardiac arrests. Public health has and can step in to ensure free and equitable access to essential information. Given the importance of reducing foodborne disease risk, achieving equity, and ensuring workers’ economic security – public health practice should also make food safety information and training available to restaurant workers.
accessible and free to food handlers.

The expectation that food handlers have to pay their own food handling certification costs is particularly vexing for another reason – the fees they pay to ServSafe are then used by the restaurant industry to lobby for anti-worker wage and benefit policies and regulations that further depress restaurant worker wages – which in and of itself leads to negative health and social outcomes. Indeed, the relationship between income and health is well established from decades of public health research. Higher income is associated with living longer and protection against chronic disease, and a recent national poll found that most US adults say their personal finances are a major source of stress – especially among lower income households.  

The COVID-19 pandemic intensely illustrated why equity must be at the center of public health practice, and the importance of free and readily available access to accurate information, both at the individual level and population level. In the context of food safety, this means:

♦ Ensuring restaurant workers have access to free, comprehensive information, education or training in appropriate languages;

♦ That information and training are delivered by credible organizations free of conflict of interest or the perception thereof; and,

♦ That effective communication methods are used and presented at times, places, and/or by means that accommodate food handlers’ needs and constraints.

These guidelines reflect commonly accepted public health principles and practices and can be used to create effective and easily achievable programs to support a needed food safety workforce.

**CONCLUSION**

Per public health doctrine and federal government protocol in other sectors, employers or public agencies should provide freely accessible food safety training and provide certification to restaurant workers, as some of the lowest-wage, most vulnerable workers in the state, in order to ensure the public’s health. This training has been freely accessible for decades on various public health websites, including the Centers for Disease Control; employers should be required to ensure workers obtain this important information, rather than forcing the state’s lowest-wage workers to pay for this training. If the true motivation for ensuring workers obtain this information is an interest in preventing foodborne illnesses and maintaining the public’s health, we must ensure the state’s lowest-wage, most vulnerable workforce can freely access the information, now and in the future.
END NOTES


7. Ibid.

8. Ibid.

9. Ibid.


14. NYT.


17. Ibid.


22. “Food Safety” The World Health Organization. (“Food handlers and consumers need to understand how to safely handle food and practicing the WHO Five keys to safer food at home, or when selling at restaurants or at local markets.”) Accessed 19 May 2023 https://www.who.int/news-room/fact-sheets/detail/food-safety.


