

Exploitative practices exposed at McDonald's restaurants

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Last March, several court cases were filed on behalf of McDonald's food service employees in California, Michigan and New York. These lawsuits provide a glimpse into the exploitative and unlawful conditions that workers face throughout the fast-food industry.

A list of labor law violations in three of the California filings includes failure to pay wages on time, failure to pay all the wages owed, failure to pay overtime wages, failure to provide the required meal periods, and failure to provide required rest breaks, along with other violations. In many cases workers were asked to show up for shifts at a certain time. When they arrived, however, they were then forced to wait around (without pay) because of a program that the franchises use to monitor and calculate the amount of workers needed depending on the percentage of revenue.

In New York, some McDonald's franchisees have a practice of deducting "uniform cleaning expenses" from workers' paychecks. These "deductions" in turn push workers' paychecks below the minimum wage.

Albert from Fillmore, California is a 25-year-old former employee of McDonald's who left the restaurant to pursue an IT career. "There were quite a few days when we just didn't eat," he said, referring to the extremely low wages. "We were usually barely on time or at least a month late with our bills. The interest that builds up for the next bill makes it hard to keep up."

Regarding the work scheduling system, he explained, "Some workers had evening shifts and then immediately had to clock in for a morning shift with only two hours in between."

"They would steal wages from undocumented immigrants," Albert continued. "The employers would threaten the immigrants' jobs if they didn't make themselves available on-call at all hours. Some workers were pregnant and given no maternity leave. One worker slipped and hit his hip against a frying machine. He got

hit so hard that customers in the front heard it happen. He knew if he went to Urgent Care he would be punished by having his shifts cut or he would be laid off, so he had to work injured."

Jessica from Los Angeles, who worked for McDonald's for a year and a half, related similar experiences: "I injured myself many times on the job. If you get injured at that job, and it's not a 'serious' injury that requires immediate emergency attention, the managers would often brush it off as nothing. Even a minor injury is legally supposed to be reported and can often lead to more serious injuries down the line, but they never reported those injuries, even when they required hospitalization.

"One time I was moving so quickly due to shop time, and I was working with french fries at the time. The basket was greasy, so as I was picking the fries out of the grease the basket swung out of my hands and hit my arm and I still have a burn scar from it to this day. They wouldn't even let me go home after receiving this huge burn on my arm.

"When you say you are sick, they don't believe you ever, even when you are clearly sick. When they know you are sick they expect you to work anyway, or they punish you by cutting your hours down later on in the week or the next week."

As for wage theft, Jessica claims, "I experienced a lot of wage theft through various different means. Every type of wage theft happened more than once. Sometimes I couldn't take a lunch break due to their scheduling practices, and they never paid me for the lunch breaks I wasn't allowed to take, like they are legally obligated to do.

"They were never clear on which breaks we were allowed to take, so for about six months I worked there for seven-hour shifts and I didn't find out until many months that I was supposed to get two 10-minute breaks and a lunch. So they prevented me from taking one of my

breaks and never paid me for the time I worked for six months. Every time I worked a seven-hour shift I was ripped off 10 minutes of break money.”

When asked about her living conditions, Jessica responded, “There is no way I would be able to move out on my own with the money I made from McDonald’s. I had no choice but to sign up for food stamps because we had no food in the house.”

Sergio from Oxnard, California worked for McDonald’s for about two years before he finally quit. When asked about the work conditions he and other employees faced, he responded, “When you work eight hours at McDonald’s you’re required two 10-minute paid breaks by law, and I worked quite a few shifts where I wasn’t allowed both of my breaks.”

He added, “Other people had their schedules cut. If they called out sick, their hours would be cut later on. My manager and I would joke that this work is modern-day slavery. There’s abuse going on between the corporation and the employees.”

When asked about living conditions of fast-food service workers, Sergio responded, “I would have had to have a second job to make a living on my own. For some of the people I worked with it was their main source of income. One was a registered nurse and he just couldn’t make ends meet with that job. One guy even owned his own restaurant and worked at McDonald’s on weekends just to make ends meet. If you’re lucky to get a raise it will be maybe 5-10 cents more, maybe once a year. After ACA [i.e., Obamacare] took effect, many people lost their jobs so that the company wouldn’t be obligated to provide them with health care coverage. That’s capitalism.”

Asked what he meant by “that’s capitalism,” Sergio replied, “To squeeze as much money as you possibly can out of as little as you can. That’s really what capitalism is.”

In 2012, the Bureau of Labor Statistics reported that the median annual wage for food preparation and serving related occupations was only \$18,930, with a projected growth of only 9.4 percent by 2022. According to a 2013 study by the University of Illinois at Urbana-Champaign and UC Berkley Labor Center, the median wage for a fast-food worker is a mere \$8.69 per hour.

While most fast-food workers only work part-time with a median of 30 hours per week, the study reported, “Even full-time hours are not enough to compensate for low wages. The families of more than half of the fast-food workers employed 40 or more hours per week are enrolled in public assistance programs.” Furthermore, the study

notes, “Only 13 percent of core front-line fast-food workers receive health benefits through their employer, compared to 59 percent of workers as a whole.” The authors maintain that 44 percent of households with members in the food services sector are enrolled in some form of public assistance program.

Last year McDonald’s released an online pamphlet on budgeting advice for its workers, with tips on how to live off minimum wage. The budget even went so far as to recommend workers take a second job to make enough money to pay the bills. The “Sample Monthly Budget” attempts to allocate the \$2,060 Monthly Net Income Total, with the heating budget listed as \$0. The electric bill is a laughable \$90, and the Daily Spending Money Goal is a mere \$27, with a monthly limit of \$20 for health insurance. The budget does not include any money for food. What’s worse, the budget is for a full-time worker, and most fast-food workers are not full-time.

While massive fortunes pile up at the top of the fast-food industry, workers on a daily basis are scammed and cheated even out of the starvation-level wages that they earn. Popular anger continues to mount over these practices.

The unions are seeking to channel workers’ opposition to exploitative fast-food practices behind the Democratic Party and its toothless proposals. Since late 2012, an SEIU front group, under the name Fast-food Forward, has attempted to mobilize around a demand for a \$15 per hour minimum wage for fast-food workers, with protests spreading from New York to other regions. Meanwhile, the SEIU and other unions have championed the Obama administration’s proposal for a miserly \$10.10 federal minimum wage, which so far has not been backed up by any concrete measures.

In the meantime, the union-backed lawsuits themselves are being utilized to pacify opposition and defuse anger. Workers are doubtless being urged to look upon the lawsuits as some kind of solution to the conditions they face, and as an alternative to industrial and political struggle. Even if successful, the lawsuits are unlikely to achieve any results for the workers who participate besides a one-time payment of some portion of the wages and overtime that was unlawfully withheld from them.



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