

A POCKET GUIDE TO

YOUR RIGHTS

#COFFEETO



Dear coffee professional,

For most of us, a career in the service industry is rewarding. It's filled with personal growth, amazing colleagues and friends, and skills that will last us a lifetime. But, it has its challenges and drawbacks too. And, of course, specialty coffee isn't immune from these challenges and drawbacks. Discrimination, harassment, and issues surrounding the safety and wellbeing of workers impact us all, even if we don't experience them directly. For those of us who want to be better allies and support our friends in need, how do we begin? And for those of us in currently distressing workplace situations, where can we turn for help to make sense of what's going on?

Even though the problems we face are nationwide (and, indeed, often transnational and industry-wide), there are many disparities and differences between federal and state laws, and confusion about what exactly our rights in the workplace are. So to help you out, in the following pages we've done the boring stuff for you and provided a rapid overview of what your labor rights are at a federal level. Have your rights been violated or has your welfare been undermined at work? We've got you covered there too, with some First Steps to take if you find yourself in a hostile or discriminatory work environment. And finally, we need to take care of ourselves...and others. In the final section of this guide, you'll find information about low-cost mental health resources and tips for supporting yourself and/or others both during and after untenable working situations.

We hope this little packet will be of some use to you, and want to let you know we're working on a more comprehensive guide which will include more details on state-by-state differences, more contextualizing and historic information to help you put everything into perspective, and more resources...but we need your help! You can support our mission to make workplaces throughout the specialty coffee industry inclusive and healthy by volunteering your time or donating at www.gofundme.com/startdrama. **Get in touch at coffeetoproject@gmail.com for more info!**



So grab a coffee, buckle in, and let's get ready to #startdrama together.

I What are your rights?


While in many regards the balance of power often seems to lie with the employer, as an employee (and human!) in the United States you have rights in the workplace! These come in the forms of state and federal laws.

State laws vary from state to state, and cover residents, visitors, and businesses in a given state. Federal laws exist at the national level and apply to the whole country, providing a basis of rights that are (or should be) equal across all persons in all states. In the event that state and federal laws disagree, the 'supremacy clause' (see Article VI of the Constitution) intervenes and federal law should prevail. Of course, in reality, it's often a bit more complicated than that, but these are the basic principles.

Discrimination comes in many forms in the workplace: it may start as early as the 'selective' hiring process, it may manifest itself as uneven rates of advancement and raises between coworkers of equal qualifications, or it could come in the form of a company's refusal to make adaptations to accommodate mobility limitations and/or health conditions. **Sexual harassment, which qualifies as a form of illegal discrimination at the federal level, is also rampant** throughout the service industry, and the hostile work environments it leads to are unhealthy and unsustainable.

Over 90% of service workers surveyed by the ROCU in 2014 had experienced sexual harassment on the job...

...and the numbers specifically for coffee don't look much better:



a 2018 study found that **54%** of **female baristas** surveyed were harassed **at least once per week** on the job.

While comprehensive studies on harassment directed toward gender non-conforming folk and other marginalized people have not yet been published, we can only imagine that this will significantly add to the statistical percentages, and it's clear this is a problem deeply entrenched in our workplace cultures and that we need to pitch together to address.

Workplace sexual harassment is legally classified into two categories: **'quid pro quo'** and **'hostile work environment'**. An example of quid pro quo harassment is offering a job or promotion in exchange for sexual favors, and it only takes a single instance of this for it to fall into illegal territory. A hostile work environment created by sexual harassment is characterized by a workplace with pervasive sexual conduct and a litigant (a person who sues) will have to prove many recurring instances to demonstrate a hostile work environment. **Some examples of sexual harassment leading to a hostile work environment include unwanted physical contact, excessively sexual workplace banter, showing sexual pictures or media content, or persistently asking someone out.**

These behaviors can come from customers, colleagues, and managers alike, and unfortunately, many service workers face a hostile work environment on a daily basis. But while we most often discuss hostile work environments in relation to sexual harassment, the phenomenon isn't unique to sexual harassment, but covers discrimination—based on age, sex, race, disability, religion, and other protected traits—that is persistent, unwanted, and disruptive to the worker. In order to prove a hostile work environment in court, an employee will have to show that they thought tolerating this behavior was necessary for them to continue in their employment.

Here is a list of federal laws that were designed to protect against discrimination, both in and out of the workplace. You may find it helpful to familiarize yourself with and call upon them if you feel something isn't right.

- Titles VI and VII of the Civil Rights Act of 1964
- Titles I and V of the Americans with Disabilities Act of 1990
- Age Discrimination in Employment Act of 1967
- Equal Pay Act of 1963
- Title II of the Genetic Information Non-discrimination Act of 2008
- Executive Order 11246
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. 4212
- Title IX of the Education Amendments of 1972
- Federal Family and Medical Leave Act

II. I think my rights have been violated. What do I do?

People of every race, ethnicity, religion, age, ability, gender, sexual orientation, and class have certain protected rights. If you think your rights are being violated, be it through workplace harassment, pay or hiring discrimination, or a hostile work environment, the very first step is to *begin documenting everything.*

If you feel comfortable approaching someone in management or human resources (if you're one of the lucky few in the coffee/hospitality industry with an HR department!) about your situation, do that, but remember to document the meeting and any follow-up or action taken.

If you don't have an HR department, encourage the owners of your workplace to hire an external HR company. HR consultants are increasingly popular among small to medium sized businesses and can help standardize and manage employee (and employer!) conduct expectations and disciplinary issues in a neutral and professional fashion.

If your rights may have been violated, **a few first steps you can take are:**

1. Keep a detailed record of everything that has happened and all subsequent actions you and the company take.
2. Start looking into local resources. For example, advocacy groups, support groups, clinical services, or labor/employment attorneys.
3. Decide on which organization or legal route you feel comfortable with. We know that with regards to lawyers this step can feel difficult, especially if you have limited financial resources, but

it's important that you find a team that works for you! A good lawyer or legal team will listen to you, explain your options in a way that you understand, and allow you to decide how to proceed. Laws are weird and complicated and vary depending on your location, which is why we need professionals to help us work through the system and advocate for ourselves and others! A true professional can translate from 'legalese' to something that is intelligible to you, so you can make the best and most informed decisions possible. *Many lawyers offer free consultations. These consultations can inform you of what your options are and may help you determine if you want to proceed with a legal case or not.*

If you're not sure about how to find a lawyer, or which sort of lawyer to look for (employment/labor or civil rights), a good starting point is to **reach out to local or national organizations** that work with food service workers. Yes, even if you occupy a different coffee role that isn't barista, it can still be a good place to start, because **these people have experience** working with supply chains and other providers involved in food service **and can help you** to find a more specific team to suit your needs. We've included **a list of resources and organizations at the end of this packet** that are good initial points of contact. If you live somewhere without a similar organization in your town, don't be scared to reach out to wider state or regional networks, because **they can help you** find someone closer!

We understand you're in a scary position, and reporting workplace violations can be difficult. Many have faced repercussions in the workplace for reporting harassment and discrimination, **but it is illegal for employers or managers to retaliate against an employee for reporting workplace violations**. According to the Equal Opportunity Commission:

Asserting these EEO rights is called 'protected activity', and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- communicating with a supervisor or manager about

- employment discrimination, including harassment
- answering questions during an employer investigation of alleged harassment
 - refusing to follow orders that would result in discrimination
 - resisting sexual advances, or intervening to protect others
 - requesting accommodation of a disability or for a religious practice
- asking managers or co-workers about salary information to uncover potentially discriminatory wages.

If you tried to settle workplace issues in-house before seeking outside counsel and have faced repercussions (demotion, firing, being passed over for promotions, hostility, harassment, etc.), you may have a second case to bring to the lawyers or advocacy organizations, in addition to whatever the original problem was.

‘speaking about it and just hearing your options is a good idea, because you can protect yourself,’ because ‘even if you aren’t interested in filing a claim, there may be other options available to you to be able to move forward.’

– Nina R. Frank, an employment lawyer in New York, in an interview with Levo

III Taking Care of Yourself and Others

We're not going to beat around the bush. Some of the experiences had by people in our industry have been horrific. The psychological and physical toll these experiences can take may sometimes seem like too much to bear.

If you or anyone you know is contemplating suicide, please reach out to someone who cares and is trained in crisis situations. Call the National Suicide Prevention Lifeline at 1-800-273-8255. Deaf or hard of hearing individuals can call 1-800-799-4889. The National Suicide Prevention Lifeline is available 24/7 and they provide further resources at www.suicidepreventionlifeline.org.

If you would like to talk specifically about sexual harassment or assault with someone who is knowledgeable in these areas and trained to help, please call the National Sexual Assault Hotline at 1-800-656-HOPE (4673) or chat online at online.rainn.org. RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. The National Sexual Assault Hotline is available 24/7. RAINN provides additional information at www.rainn.org.

Whether or not you are in a crisis situation, one of the most important steps a person can take toward addressing the harassment or discrimination they have faced is to accept that what they have experienced is valid. Too often, the lines between what is or isn't harassment or discrimination are hazy, and that can lead to self doubt and even self blame. However, when we feel something isn't right with a situation, that's usually a sign that something is indeed very wrong.

Hopefully at this point you feel empowered with some basic knowledge of your rights. Now we encourage you to trust that you deserve to have your rights upheld and protected. Your employers, coworkers, customers, vendors, colleagues, and others **must** abide by the law, and any violation of your rights is wrong and may be

illegal. You deserve a safe and healthy work environment, and your right to this is guaranteed by law. You deserve to accept that you may be a victim—and that victimhood is not equal to weakness. There is great strength and courage in validating our own experiences when we have been victimized, and in taking steps to heal. To start that journey of healing, let's look at some of the symptoms we may experience during and after going through harassment, assault, or discrimination:

Symptoms Common to Depression

- Persistent sad, anxious, or 'empty' mood
- Feelings of hopelessness, pessimism
- Feelings of guilt, worthlessness, helplessness
- Loss of interest or pleasure in hobbies and activities, including sex
- Thoughts of death or suicide, suicide attempts

Symptoms Common to Generalized Anxiety Disorder (GAD)

- Worry
- Anxiety
- Tension

Symptoms Common to Both Depression and GAD

- Agitation
- Dysphoria (a state of unease or dissatisfaction with life)
- Sleep disturbances (insomnia, early-morning awakening, or oversleeping)
- Decreased energy, fatigue, feeling 'slowed down'
- Difficulty concentrating, remembering, making decisions
- Restlessness
- Irritability

According to the DSM-5 (Diagnostic and Statistical Manual of Mental Disorders, 5th Edition), the standard classification of mental disorders used by mental health professionals in the

U.S. and considered to be the authority on psychiatric matters, victims of traumatic events (including sexual violation) often re-experience the event through flashbacks or recurrent dreams. The memories may be distressing, so the victim may attempt to avoid memories, thoughts, feelings, or external reminders, sometimes called triggers. Victims may blame themselves or others. They may distance themselves from other people, and/or have a decreased interest in activities. Their cognitive abilities may be challenged, and they may have difficulty remembering key aspects of the traumatizing event. Victims may experience heightened aggression, recklessness, self-destructive behavior, sleep disturbances, hypervigilance, or other related problems.

The American Psychiatric Association defines PTSD as:

exposure to actual or threatened death, serious injury, or sexual violation. The exposure must result from one or more of the following scenarios, in which the individual:

- directly experiences the traumatic event;
 - witnesses the traumatic event in person;
 - learns that the traumatic event occurred to a close family member or close friend (with the actual or threatened death being either violent or accidental);
- or
- experiences first-hand repeated or extreme exposure to aversive details of the traumatic event (not through media, pictures, television or movies unless work-related).

Depression, anxiety, and PTSD are just a few possible outcomes of experiencing an unwanted or traumatic situation. Some people develop other mental health symptoms or disorders, and some people don't develop any symptoms or disorders at all. It is important to observe your behaviors and moods during and after going through difficult circumstances. This will help you assess if you are comfortable with how the situation is impacting you or if further intervention is needed.

Of course, we are not mental health experts, and we encourage you to talk to the real deal! Just as you would see a doctor if you were sick, go to a dentist for a cavity, or see a physical therapist if you experienced an injury, having regular visits with a mental health professional is a great way to take care of yourself and keep your whole self healthy. There are a variety of mental health professionals you can work with, some of whom can help determine if you have any of the aforementioned disorders or symptoms.

Here are just a few types of mental health professionals:

- **Psychiatrist** - “A physician who specializes in the prevention, diagnosis, and treatment of mental illness. A psychiatrist must receive additional training and serve a supervised residency in his or her specialty.” Psychiatrists are medical doctors (MDs) who are familiar with an extensive array of psychological disorders and the medicines that treat them. They are legally permitted to diagnose mental health disorders and prescribe medication.
- **Psychologist** - “A professional specializing in diagnosing and treating diseases of the brain, emotional disturbance, and behavior problems. Psychologists can only use talk therapy as treatment; you must see a psychiatrist or other medical doctor to be treated with medication. Psychologists may have a master’s degree (MA) or doctorate (PhD) in psychology. They may also have other qualifications, including Board certification and additional training in a type of therapy.” Psychologists are legally permitted to diagnose mental health disorders, but are not permitted to prescribe medication.
- **Licensed Therapist**, sometimes referred to as **psychotherapist** - “Psychotherapy, or talk therapy, is a way to help people with a broad variety of mental illnesses and emotional difficulties.” Therapy focuses on treating mental health disorders through psychological means rather than medical. Therapists are not legally permitted to diagnose mental health disorders or prescribe medicine.

- **Faith-Based Counselor** - "Faith-based counselors provide psychological support and counseling services to their clients, combining theology and spirituality with theories of modern behavioral science." Faith-based counselors can be found in many different religions and belief systems. They are not legally permitted to diagnose mental health disorders or prescribe medicine.

Finding the right mental health professional can seem overwhelming, especially if you are actively experiencing difficult mental health or physical symptoms. Fortunately, there are systems in place to support you when you need them. One excellent organization designed to connect people with needed services is 211. 211 can be contacted by phone by simply dialing 2-1-1 on any cell phone or landline, or online at www.211.org. There are also many regional 211 websites, such as www.211bayarea.org, which are designed to give locals more tailored regional options. The 211 organization provides listings of specific services and professionals, such as psychiatrists or therapists, within your area.

Toxic situations often create problems in our physical well being. Sometimes injuries can be incurred during an assault. Other times, we may have to leave a bad work environment and suffer financial strain or homelessness due to loss of income. 211 also provides contact information for housing needs, food stamps and food banks, sliding scale doctors, income assistance, job training, local charitable organizations, resources for human trafficking victims, unemployment assistance, crisis situations, and more. (Note: Local 211 websites may vary in what information they provide.)

There are a multitude of ways you can practice good self care and there is no single perfect answer. Self care looks different for everyone. In addition to seeking the help of a mental health professional, here are just a few options to try and see what works best for you:

- Physical exercise or movement, such as jogging, swimming, yoga, bike riding, etc.
- Meditation or focused breathing
- Play time with pets, which studies show have many positive physical and psychological impacts

- Creative expression, such as art, music, dancing, makeup, etc.
- Prayer or other religious activities
- Quality and healthful time alone
- Quality time engaging in healthy relationships (family, friends, romantic, etc.)
- Volunteer at a shelter for homeless or abused people, an animal shelter, at your local religious organization, a political campaign, a co-op, or in a coffee-related organization

People who have been put through an unwanted or traumatic situation tend to isolate themselves from others, often to protect themselves or those they care about from having to deal with difficult feelings. Sometimes we withdraw because we lack the energy or motivation to socialize. Reaching out to trusted family or friends can open the door to recovering from the damage your aggressors have caused. In addition to seeing a mental health professional, some options for seeking support include talking to a friend or family member, joining a support group, or starting your own support group of family and friends.

Whatever your circumstances, whatever feelings or symptoms you're experiencing, whatever course of action you take, take good care of yourself. Communicate with those around you so they know you're going through a difficult time. Tell them how they can support you, or at least be understanding. Give yourself the tools you need to process what you have been through and to heal. Be patient; healing takes time. **For further questions about your rights and options, contact coffeetoo@gmail.com.**

Please note that we cannot give legal, medical, or psychiatric advice. However, we can point you toward resources and will give you lots of love. Thanks for taking the time to read about your rights and options.



**Stay tuned for more,
#coffeetoo**

IV Resources

211.org

American Civil Liberties Union: aclu.org

Better Brave: betterbrave.com

Coffee Equality Toolkit: http://coffeeequalitytoolkit.wikia.com/wiki/Coffee_Equity_Toolkit_Wiki

Coffee People: www.coffeepeople.org

Compliance Training Group: compliancegroup.com

Departments of Labor: Each state has a department focusing on labor. Some are called 'labor and industry', some 'labor and workforce development' and some just 'labor'. Look up your state's department to find information on workers compensation, labor regulations, and more!

Equal Employment Opportunities Center: eeoc.gov

Labor Law Center: Go to laborlawcenter.com for labor law posters and OSHA compliance tools for your workplace.

National Disability Rights Network: <http://www.ndrn.org>

National Economic and Social Rights Initiative: nesri.org

National Law Center on Homelessness & Poverty: nlchp.org

National Lawyers Guild: nlg.org

Occupational Safety and Health Administration: <https://www.osha.gov/law-regs.html>

The Opportunity Agenda: opportunityagenda.org

Rape, Abuse & Incest National Network: rain.org

Rape Victims Advocates: <https://www.rapevictimadvocates.org>

Restaurant Opportunities Centers United: rocunited.org

Southern Poverty Law Center: splcenter.org

Suicide Prevention Lifeline: suicidepreventionlifeline.org

US Human Rights Network: ushrnetwork.org

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