



## **UNIT 5**

# **Industry Laws and Regulations**

In this unit, students will study the various laws and regulatory agencies that impact the food service workplace, such as OSHA, ADA, FDA, and EHD. Students will develop a handbook on these laws and regulations and then prepare a plan for the food service classroom to obtain and maintain compliance with these laws.

- |                 |  |
|-----------------|--|
| <b>Module 1</b> | Identification of Laws, Regulations and Agencies |
| <b>Module 2</b> | Complying with Laws and Regulations              |
| <b>Module 3</b> | Enforcement by Regulatory Agencies               |

# UNIT 5

## Industry Laws and Regulations



### MODULE 1

## IDENTIFICATION OF LAWS, REGULATIONS AND AGENCIES

Module 1 provides a variety of instructional strategies designed to assist students in identifying the laws and and regulatory agencies that affect the food service industry. Topics that are covered include:

- Safety in the Workplace (OSHA)
- Americans with Disabilities Act (ADA)
- Department of Health Services

#### **Standard 5** *Laws and Regulations Affecting the Food Service and Hospitality Industry*

Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:

- 5.1 Describing and complying with the laws and regulations affecting the food service and hospitality industry;
- 5.2 Identifying local, state, and federal laws, regulations, and agencies established to protect employees, employers, customers, and others with special needs; and
- 5.5 Identifying and explaining policies and procedures established by the employer.



**FOOD SERVICE AND HOSPITALITY CURRICULUM**  
**UNIT 5: Industry Laws and Regulations**  
**Module 1: Identification of Laws, Regulations and Agencies**

STANDARDS	INSTRUCTIONAL STRATEGIES
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>Food Service &amp; Hospitality Content Standards</b> </div>	<p><b>Opener</b></p> <p>Show students the first half of a transparency (Resource 1) that lists a series of letters and ask students if they have any special meaning to them. Then show students the second half of the transparency and discuss how important the letters become when they relate to important laws and agencies that impact food service. Add that most of the laws and regulations are referred to by their initials and are sometimes referred to as an "alphabet soup." Tell them they will be learning about the most important laws and regulations regarding food service operations in this module.</p> <p><b>Safety in the Workplace (OSHA)</b></p> <p>Have students visit the OSHA web site to review the Occupational Safety and Health Act of 1970 that created the Occupational Safety and Health Administration. Have them download articles from the National Restaurant Association web site to read about how businesses must handle work-related incidents and illnesses, OSHA inspections, chemical hazards in the workplace and the materials safety data sheet (MSDS), and hazardous training programs.</p> <p>Have students act as OSHA inspectors and examine the classroom laboratory for possible hazards and report on what they looked for and what they found. Have one student group write an article about OSHA to place in the student-developed handbook on laws and regulations.</p> <p><b>Americans with Disabilities Act (ADA)</b></p> <p>Have students read about the American Disabilities Act (ADA), including the definition of disability and the types of accommodations that employers need to provide for employees and customers. Tell them that the ADA is enforced by a federal agency, the U.S Department of Justice. Refer them to the USDOJ web site for information about the ADA.</p> <p>Have students inspect the foodservice classroom for compliance with ADA and report on what they looked for and what they found. Have one student group write an article about ADA to place in the student-developed handbook on laws and regulations.</p>
<p><b>Standard 5</b>  <b>Laws and Regulations Affecting the Food Service and Hospitality Industry</b></p> <p>Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:</p> <ul style="list-style-type: none"> <li>5.1 Describing and complying with the laws and regulations affecting the food service and hospitality industry;</li> <li>5.2 Identifying local, state, and federal laws, regulations, and agencies established to protect employees, employers, customers, and others with special needs; and</li> <li>5.5 Identifying and explaining policies and procedures established by the employer.</li> </ul>	

**FOOD SERVICE AND HOSPITALITY CURRICULUM**  
**UNIT 5: Industry Laws and Regulations**  
**Module 1: Identification of Laws, Regulations and Agencies**

ASSESSMENT/EVALUATION	RESOURCES
<p>Students' reports from investigations of the food-service classroom identify possible hazards.</p> <p>Students' contributions to the handbook on laws and regulations describes the role of OSHA in ensuring employee/student safety.</p> <p>Students' reports from investigations of the foodservice classroom for ADA compliance identify areas in which accommodations must be provided.</p> <p>Student contributions to the handbook on laws and regulations describe the role of the ADA as it related to employees and customers.</p>	<p>Resource 1, "Alphabet Soup," Transparency Master</p> <p><a href="http://www.osha.gov">www.osha.gov</a>  <a href="http://www.restaurant.org/legal/law_osha">www.restaurant.org/legal/law_osha</a>  <a href="http://cdfa.ca.gov">cdfa.ca.gov</a></p> <p><a href="http://www.restaurant.org/legal/law_ada">www.restaurant.org/legal/law_ada</a>  <a href="http://www.usdoj.gov/crt/ada/adahom1">www.usdoj.gov/crt/ada/adahom1</a></p>



**FOOD SERVICE AND HOSPITALITY CURRICULUM**  
**UNIT 5: Industry Laws and Regulations**  
**Module 1: Identification of Laws, Regulations and Agencies**

STANDARDS	INSTRUCTIONAL STRATEGIES
<div data-bbox="191 317 607 468" data-label="Section-Header"> <p><b>Food Service &amp; Hospitality Content Standards</b></p> </div> <p><b>Standard 5</b>  <b>Laws and Regulations Affecting the Food Service and Hospitality Industry</b></p> <p>Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:</p> <ul style="list-style-type: none"> <li>5.1 Describing and complying with the laws and regulations affecting the food service and hospitality industry;</li> <li>5.2 Identifying local, state, and federal laws, regulations, and agencies established to protect employees, employers, customers, and others with special needs; and</li> <li>5.5 Identifying and explaining policies and procedures established by the employer.</li> </ul>	<p><b>Department of Health Services</b></p> <p>Have a speaker from the Food and Drug Administration (FDA) or an inspector from the Environmental Health Department talk to the class about the health code and the California Uniform Retail Food Facilities Law, restaurant inspections, common violations and disciplinary action, inspection scorecards, and the meaning of the scorecards.</p> <p>Have students read about restaurant inspections in the literature and on the Internet and inform the class of any closures in the community. Have students look for rating cards posted at any location where food is sold and share their discoveries in class.</p> <p>Have students inspect the foodservice classroom for compliance with the Environmental Health Department (EHD) and report on what they looked for and what they found. Have one student group write an article about EHD to place in the student-developed handbook on laws and regulations.</p>

**FOOD SERVICE AND HOSPITALITY CURRICULUM**  
**UNIT 5: Industry Laws and Regulations**  
**Module 1: Identification of Laws, Regulations and Agencies**

ASSESSMENT/EVALUATION	RESOURCES
<p>Students determine compliance with Food and Drug Administration (FDA) and the Environmental Health Department (EHD) regulations.</p>	<p>Guest speaker from FDA or EHD</p> <p>Resources on food service inspections from the Los Angeles County Health Department: <a href="http://www.lapublichealth.org/eh/">www.lapublichealth.org/eh/</a></p>

# ALPHABET SOUP

If these letters were floating in a bowl of vegetable soup, would you think they had any meaning?

## OSHAMS DSEH DFOIRADA

They have very special meaning to the Food Service and Hospitality Industry.

OSHA -The Occupational Safety and Health Act

ADA -American Disabilities Act

MSDS -Materials Safety Data Sheet

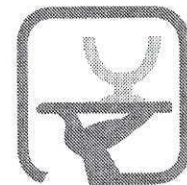
EHD -Environmental Health Department

FOIR -Food Official Inspection Report



# UNIT 5

## Industry Laws and Regulations



### MODULE 2

## COMPLYING WITH LAWS AND REGULATIONS

Module 2 presents strategies that will assist students in understanding how a food service establishment and its employees must comply with laws and regulations. This module addresses the following topics:

- Employer Rights and Responsibilities
- Employee Rights and Responsibilities
- Sexual Harassment

#### **Standard 5**    *Laws and Regulations Affecting the Food Service and Hospitality Industry*

Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:

- 5.3 Explaining employers' and employees' responsibilities and procedural requirements for complying with laws and regulations.

## FOOD SERVICE AND HOSPITALITY CURRICULUM

### UNIT 5: Industry Laws and Regulations

#### Module 2: Complying with Laws and Regulations

STANDARDS	INSTRUCTIONAL STRATEGIES
<div data-bbox="191 315 609 464"><b>Food Service &amp; Hospitality Content Standards</b></div>  <b>Standard 5</b> <b>Laws and Regulations Affecting the Food Service and Hospitality Industry</b> <p>Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:</p> <p>5.3 Explaining employers' and employees' responsibilities and procedural requirements for complying with laws and regulations.</p>	<b>Opener</b> <p>Ask students to share any stories they've heard regarding the relationship between employees and employers or employees and employees, e.g. unsafe job situations and discrimination against being hired. Inform students that by knowing the laws, they will know the rights and responsibilities of employees and employers. Ask students to explain the meaning of the terms "rights and responsibilities," such as the following:</p> <p>Right—something that is due a person by law, tradition, or nature.</p> <p>Responsibility—something for which one is responsible; duty, obligation, or burden.</p> <p>Using Resource 1, have students work in pairs to research one of the many federal laws that affect employer-employee relationships. Have them interview one or more food service managers to find out if they can give any examples of employee and employer incidents that can be related to laws being studied as well as any knowledge of related state and local laws. Have student pairs write short articles on the law being investigated for the student handbook on laws and regulations for the food service industry.</p> <b>Workplace Policies and Procedures</b> <p>Using Resource 2, review with students the federal laws they investigated. Tell students that each company must have policies and procedures to ensure the safe and efficient running of the company. Have student groups examine sample policies and procedures manuals from local food service establishments (or use Resource 3) Have students evaluate if, where, and how well the work-related laws and regulations are discussed in the manuals. Have students determine which manual best explains employee and employer rights and responsibilities.</p>

FOOD SERVICE AND HOSPITALITY CURRICULUM  
 UNIT 5: Industry Laws and Regulations  
 Module 2: Complying with Laws and Regulations

ASSESSMENT/EVALUATION	RESOURCES
<p>Students' written articles on federal, state, and local laws related to rights and responsibilities of food service employees and employers describe the main features of the laws and some examples of how they are used or enforced.</p>	<p>Resource 1A-B, "Laws that Effect Employer-Employee Relations," Student Information Sheet            Internet: various search engines</p> <p>Resource 2A-B: "Laws that Effect Employer-Employee Relations," Teacher Information Sheet</p> <p>Resource 3A-G, "Employee Handbook," Student Information Sheet            Sample policies and procedures manuals</p>



# FOOD SERVICE AND HOSPITALITY CURRICULUM

## UNIT 5: Industry Laws and Regulations

### Module 2: Complying with Laws and Regulations

STANDARDS	INSTRUCTIONAL STRATEGIES
<div data-bbox="185 310 602 464"><b>Food Service &amp; Hospitality Content Standards</b></div>  <b>Standard 5</b> <b>Laws and Regulations Affecting the Food Service and Hospitality Industry</b> <p>Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:</p> <p>5.3 Explaining employers' and employees' responsibilities and procedural requirements for complying with laws and regulations.</p>	<b>Dealing with Harassment and Other Personnel Problems</b> <p>Invite a guest speaker from the human resources department of a food service establishment to discuss personnel problems and harassment in the food service workplace. Ask him or her to discuss typical personnel problems, including harassment. Ask the speaker to point out characteristics to help students identify types of personnel problems, when there is a case for harassment, and the appropriate strategies for handling these problems.</p> <p>If further information is needed to clarify the definition of sexual harassment in the workplace, discuss the following (Resources 4):</p> <ul style="list-style-type: none"><li>• What is sexual harassment?</li><li>• Types of sexual harassment</li><li>• Sexual harassment reported in the workplace</li><li>• Important legal terms</li><li>• Dangerous words</li><li>• Who gets harassed most often?</li><li>• Why people don't report harassment</li><li>• Effects of harassment</li><li>• Misconceptions regarding sexual harassment</li><li>• How to stop sexual harassment</li></ul> <p>Have student groups write possible case problems that describe incidents of harassment and the appropriate behaviors for dealing with them and share in class.</p>

FOOD SERVICE AND HOSPITALITY CURRICULUM  
UNIT 5: Industry Laws and Regulations  
Module 2: Complying with Laws and Regulations

ASSESSMENT/EVALUATION	RESOURCES
<p>Students' written and case problems accurately describe incidents of harassment and the appropriate procedures for dealing with them when they occur.</p> <p>Student-generated incidents reflect understanding of sexual harassment definitions</p>	<p>Guest speaker: Human Resource Specialist</p> <p>Resource 4A-G, "Sexual Harassment Information," Teacher Information Sheet</p>

## **LAWS THAT AFFECT EMPLOYER-EMPLOYEE RELATIONS**

**Directions:**

Work with another student to investigate one of the following federal laws related to employer/employee relations as assigned in class.

Using the career library resources and the internet, find out as much information as you can regarding the law assigned to you. Then interview at least one food service manager regarding any incidences he/she has experienced regarding the law, discussing how these laws affect employer/employee and employee/employee relations. Ask the manager if there are any local or state laws related to the federal law being investigated.

Write a short article about your assigned law and add it to the file for a class handbook on laws and regulations.

Age Discrimination Employment Act, 1967:

Americans with Disabilities Act, 1990:

Civil Rights Act 1964, 1991:

Drug-Free Workplace Act, 1988:

Employee Retirement Income Security Act, 1974:

Equal Pay Act, 1963:

Fair Labor Act of 1938 and the Amendment, Minimum Wage Act:

Family and Medical Leave Act, 1993:



## **LAWS THAT AFFECT EMPLOYER-EMPLOYEE RELATIONS (cont.)**

Freedom of Information Act, 1967:

Immigration Reform and Control Act, 1986:

Labor-Management Relations Act, 1947:

Labor Management Reporting and Disclosure Act (amendment to the Wagner Act):

Occupational Safety and Health Act, 1970:

Rehabilitation Act, 1975:

Social Security Act, 1935:

Federal Insurance Contributions Act (FICA), 1935:

Workers' Compensation:

## LAWS THAT AFFECT EMPLOYER-EMPLOYEE RELATIONS

**Age Discrimination Employment Act, 1967:**

Employers with 20 or more employees may not discriminate against employees because of age.

**Americans with Disabilities Act, 1990:**

Employers with 15 or more employees may not discriminate against persons with disabilities as long as they are qualified.

**Civil Rights Act 1964, 1991:**

Extends punitive damages and jury trials to victims of employment discrimination. No person may be excluded because of marital status, sexual preference and orientation, race, color, religion, national origin or ancestry.

**Drug-Free Workplace Act, 1988:**

Employers with government contracts are required to certify that the work place is drug-free.

**Employee Retirement Income Security Act, 1974:**

Pension plans for employees must follow specific regulations regarding their administration. Does not require that all employees be granted pension plans.

**Equal Pay Act, 1963:**

Prohibits gender discrimination involving equal work and equal pay.

**Fair Labor Act of 1938 and the Amendment, Minimum Wage Act:**

Federal law that specifies a minimum hourly wage and standard work week. The law also establishes overtime pay, equal pay, required records, and restrictions on child labor.

**Family and Medical Leave Act, 1993:**

Employers with 50 or more employees must give employees up to 12 weeks per year of unpaid leave from work for the birth or adoption of a child as well as continuing health care coverage during that time.

**Freedom of Information Act, 1967:**

Authorizes employers to release private information regarding employees under certain conditions.

## **LAWS THAT AFFECT EMPLOYER-EMPLOYEE RELATIONS (cont.)**

**Immigration Reform and Control Act, 1986:**

Employers are required to hire only citizens and non-citizens who are authorized to work in the United States. Bans discrimination against citizens who may appear foreign and against non-citizens who have legal work permits.

**Labor-Management Relations Act, 1947:**

Regulates employees' rights to join a union and also regulates unfair management practices.

**Labor Management Reporting and Disclosure Act (amendment to the Wagner Act):**

A bill of rights for union members, requiring financial disclosures by unions.

**Occupational Safety and Health Act, 1970:**

Ensures safe and healthful working conditions for all employees.

**Rehabilitation Act, 1975:**

Prohibits discrimination on the basis of disability.

**Social Security Act, 1935:**

Provides a minimum income for retired workers based on taxes collected by employers and employees.

**Federal Insurance Contributions Act (FICA), 1935:**

A program that provides financial assistance to workers who have been laid off through no fault of their own. Funding is only available if employers pay into the program.

**Workers' Compensation:**

Insurance program that compensates workers or their dependents for work-related injuries, diseases, or death.



## EMPLOYEE HANDBOOK

At <company> we expect to hire only the highest quality people and we are prepared to treat you accordingly. Providing quality service to all our guests is our #1 priority. We have put together some policies and procedures which we feel are essential to any well run restaurant. Please read these over carefully, as a violation of any of these may result in your dismissal and remember, no handbook can replace common sense.

### EMPLOYMENT PRACTICES AND RELATIONSHIP

Individuals are hired based on staffing needs and applicant qualifications, without regard to race, sex, or national origin.

### TEAMWORK

We believe that this one word is a major factor in our success. Whether running someone else's food, or sweeping floors for the dishwasher, TEAMWORK must be a priority to one and all. If you are not busy, someone else always is. Find that person and help.

### GUEST FRIENDLY

This means always taking time to smile, make eye contact, learning and remembering names, or just saying hello to every guest you see. This means every employee striving to make each and every guest feel welcome and THANKING THEM FOR THE OPPORTUNITY TO ALLOW US TO HAVE A JOB AND WORK. This is mandatory; so don't get caught being "Guest Unfriendly." The staff of <company> has worked very hard over the years at being guest friendly; it has resulted in a very loyal clientele. This is a tradition which needs to be upheld by both new and old staff members, in all job functions of the restaurant.

### LIQUOR LIABILITY

The State of California has strict laws controlling the sale of alcoholic beverages. Violations of these laws can result in the loss of our liquor license and possible arrest of the person or persons involved. You will be terminated for violation of these laws. You share the responsibility with us of enforcing the following state laws and company policies.

It is against company policy and the laws of California to serve an intoxicated guest. We are all responsible for injuries incurred by that guest whom you thought could handle one more.

It is against the law to serve alcoholic beverages to anyone under 21 years of age.

Acceptable forms of I.D. are as follows: 1) a valid California driver's license, 2) military I.D., 3) passport 4) D.M.V. I.D., 5) a government issued I.D.

(Note: All I.D.'s must have a picture and must not appear to have been tampered with.)

A guest is obviously intoxicated when the average person can, simply observe that the guest is intoxicated. The usual signs are staggering, slurred speech, poor coordination, alcoholic breath, loud and aggressive behavior, etc. If you observe anyone you think has had enough, please notify the manager on duty.

## **EMPLOYEE HANDBOOK (cont.)**

### **PAYROLL/PAYPERIODS**

Pay periods run for two weeks beginning on a Saturday and ending 13 days later on a Friday. We process payroll that weekend and checks for that payroll period are issued the following Wednesday. Paychecks can be picked up on Wednesday or Thursday between 2 to 5 P.M., or after your next scheduled shift. **DO NOT** come in and ask for your check in the middle of lunch or during dinner hours, as we are attending to our guests who ultimately pay our checks.

### **TIME CARDS**

Time cards are handled manually. At the end of each shift you are responsible for bringing your time card to a manager to get signed out. All employees are required to sign their time cards at the end of each pay period.

### **SCHEDULING**

Employee work schedules will run for one week, Monday through Sunday. New schedules are posted every Saturday. All scheduling requests must be in by the Tuesday prior to posting. Schedule changes after posting are not encouraged. All schedule changes must be approved by a manager. If there are any scheduled shifts that you can't cover you're required to work. It is your responsibility to read your schedule, write it down and show up. Do not phone the restaurant asking what times you are scheduled.

### **TARDINESS**

Tardiness is inconsiderate to your fellow employees who must pick up the slack when you are late. If you are going to be late, please call and talk to the manager on duty. Do not just leave a message. Recurring tardiness will result in termination. On time means in uniform and being in your area of work at your scheduled time.

### **ILLNESS OR PERSONAL EMERGENCY**

If you think you are going to miss a shift due to illness or personal emergency, please call in as soon as possible. Complete communication and follow-up with management is your responsibility here. Failure to work a scheduled shift without notice may be grounds for termination.

### **MEETINGS**

All scheduled meetings are mandatory unless you receive permission otherwise.

### **PROBATIONARY PERIOD**

There is a probationary period of 60 days for each new employee.



## EMPLOYEE HANDBOOK (cont.)

### EMPLOYEE PHONE POLICY

The phones belong to <company>. You may use them if you ask for approval from management, i.e. to call for a ride. The phones are not for personal use. Incoming and outgoing phone calls for employees are for emergencies only! Receiving any other phone calls is a violation of company policy. Please ask management to use the restaurant phone. You may use the public phones when off duty and the uniform requirements have been met.

### BREAKS

We ask you to be reasonable and to be sure breaks do not hinder guest satisfaction. All staff members are to be provided a break of 10 consecutive minutes for each four hours worked. Rest periods are paid time. The supply room is to be used as a break area. If you are anticipating working more than four hours and would like to take a break, please inform management early so arrangements can be made. If you do not inform management that you want a break, it will be assumed you are voluntarily electing to forego the break. Breaks must be taken in the back room. You are not allowed to order or eat anything from the restaurant at this time. You may drink approved beverages from the restaurant. While on break you are considered on duty, but cannot be in an "on duty/service" area of the restaurant. Breaks are either taken or not, you are not able to collect the time at the end of the night.

A one-half hour meal period is provided for every 5 hour work period, unless six hours will complete the day's work and the employee voluntarily elects to forego the meal period. Meal periods are to last 30 minutes, employees are considered off duty and the employee is free to leave the premises. The meal period is not paid time. If you wish to have a meal from the restaurant you must follow the rules applying to off-duty status. You must be seated through the hostess station, and you must bring a change of shirt. You may sit and eat at the bar if off duty qualifications are met and you are of age. You are not permitted to eat at the drink rail. If you anticipate working 6 hours and anticipate taking a meal break, you must inform managers and you will have 30 minutes to return to your station.

### ON-DUTY/OFF-DUTY

If you are on duty at <company> you must:

- a. assume the role of an employee.
- b. be dressed and ready for your shift at your scheduled time, not walking in the door.
- c. be in your section or doing something for the guest when you are on the clock, this includes no congregating and socializing in the bus station, kitchen, hostess station, drink well of the bar or at the table of an off duty employee.
- d. do not sit down.
- e. WORK.

If you are off duty at <company> you must:

- a. assume the role of a guest.
- b. you may not be in an on-duty area of the restaurant, i.e. around the hostess stand, in the bus station, or in the kitchen.

## **EMPLOYEE HANDBOOK (cont.)**

- c. change into a completely different shirt, (no loggoed shirts), must completely remove your apron, and store any work clothes and tools in an off-duty area. (i.e. your car).
- d. immediately leave the building and premises if still in uniform or wait on the benches in the lobby of the restaurant if waiting for a ride.
- e. you may eat if you wish, but must be seated through the hostess stand and must sit in an area so designated. If you are of age, you are permitted to eat at the bar. Eating is not permitted after the dinner shift. All P.M. employees must immediately leave after signing out and may not return to the premises that evening.
- f. not sit or congregate at the drink rail unless the restaurant is on a wait and you are waiting for dinner as a guest.
- g. not socialize with on-duty staff.

### **SMOKING**

Employee smoking is only permitted outside or at the bar and only during breaks.

### **DRINKING**

Drinking alcoholic beverages is permitted only if you are over 21, off duty, not sitting at the main bar, out of uniform, and capable of handling alcohol in a mature manner. Coming to work under the influence of alcohol is not allowed. If you are caught drinking or under the influence it will result in automatic termination.

### **DRUGS**

Drugs or any discussion of the use or sale of drugs is not allowed. If we suspect you are under the influence or promoting the sale of drugs inside the restaurant, it will result in automatic termination.

### **ARGUMENTS**

NEVER argue with a guest. If you have any problems with a guest, please be pleasant and get a manager as soon as possible.

NEVER argue with a manager or fellow employee on the floor, it is unprofessional, insubordinate, and can be handled better in the office away from our guests.

### **ACCIDENTS AND EMERGENCIES**

If a guest or employee has an accident, render initial assistance and notify a manager as soon as possible. If you feel medical assistance is needed, call or have someone else call 911 immediately. It is best to leave the well-being of a guest or employee up to the medical judgment of professionals trained to deal with these situations. Often a person will feel embarrassed after an accident and refuse medical treatment, but let them tell that to the paramedics and let the medical experts make that decision not us. Always report any accident to management no matter how small. Never admit liability no matter who is at fault. This is our initial protection against lawsuits that can arise from the smallest of incidents.



## EMPLOYEE HANDBOOK (cont.)

### ADVANCEMENT

We at <company> believe that the best staff members come from within the ranks. In making decisions about promoting staff members or hiring new staff the ability someone has shown to be guest friendly, work consistently hard, be a team player and show good common sense, weighs very heavily.

If you are in question of management's evaluation of your job performance, please make an appointment at a proper time to have it reviewed.

If management is an ultimate position for you, please let your feelings be known to our current management team. Our door is always open.

### CURRENT RECORDS

Keeping our records up to date benefits everyone involved. Please notify your manager of any changes pertaining to your personnel files.

### HARASSMENT

We, at <company>, will not tolerate the harassment of any of our employees by our managers or by fellow employees. If you feel at any time that you are being harassed, please see < > immediately.

### EMPLOYEE PARKING

The employee parking area is in the same area as our guests. Please be considerate on busier days and leave those parking stalls closer to the building for the guests. When leaving the restaurant at night all employees (especially females) should be walked to their car. If needed, notify a manager and they will see you out. There is no employee off-duty loitering permitted in the parking lot. This is for your safety and the safety of those employees still in the restaurant.

### EMPLOYEE BENEFITS

**OFF-DUTY EMPLOYEE DISCOUNT** - All employees are encouraged to dine in our restaurant as a guest when off duty. You and your guests will receive a 25% discount on the total bill to a maximum bill of \$150, after which you will pay the full amount. Please behave like a guest and tip like one (15% tip before discount).

**ON DUTY EMPLOYEE DISCOUNT** - For employee meals, you will receive a 50% discount on any meal consumed immediately before or after a scheduled shift. Order it from an on-duty server and eat it only in designated areas.

### WORKERS COMPENSATION

All employees are immediately covered for 100% of all medical bills resulting from on-the-job injuries. All on-the-job injuries, no matter how small, must be reported immediately.

### LOCKERS

Lockers are provided for your convenience; please keep them clean. Do not leave any valuables in the locker room. You will be asked to provide a combination lock for security. All lockers must be emptied out at the end of each shift.

## **EMPLOYEE HANDBOOK (cont.)**

### **SPECIFIC RULES AND POLICIES**

1. Follow lawful instructions given by your management team.
2. Be courteous and gracious to our guests and to your fellow employees. Follow the golden rule.
3. All food and beverages must be rung up before they are consumed.
4. Never falsify company records.
5. Do not remove anything that does not belong to you from the premises.
6. The use of foul language within the restaurant is prohibited.
7. NEVER discuss tips in front of a guest.
8. You will be required to clean your area of responsibility before and after your shift. You will be required to perform your designated side work before you may sign out.
9. Never bring firearms or other weapons onto the premises.
10. Never destroy or damage company property.
11. Never engage in any illegal activities.

### **POLICIES REGARDING GUESTS**

1. Notify a manager if you suspect a guest stealing. NEVER ACCUSE A GUEST OF STEALING.
2. Any articles found in the restaurant should be given to a manager right away with an explanation of where they were found.
3. We do not accept personal checks.
4. If a guest accidentally is spilled on, apologize first, then see that they are taken care of and notify a manager immediately.
5. If a guest in a group is being obnoxious, using foul language, or in any way offending you or others, notify a manager at once. NEVER argue with or provoke a guest. The key to handling such a situation is for the manager to react BEFORE things get out of hand. MANAGEMENT WILL BACK YOU UP 100% WITH AN OUT OF LINE GUEST, BUT PLEASE LET A MANAGER HANDLE THESE SITUATIONS.

### **SAFETY/SANITATION**

Safety is everyone's responsibility. Always be aware of any unsafe condition. If you see any unsafe conditions please report immediately. The following is a list of "safety instructions."

1. Horseplay is forbidden. Although it may seem fun and innocent it has been the source of many accidents.
2. Do not operate any equipment unless you have been trained to do so.
3. Please pick up anything you drop immediately. Wipe up all spills right away and don't leave oily spots on the floor.
4. Lift heavy items correctly, bend your knees, use your legs to lift the weight. Get help when needed.
5. Use the proper knife for the job. Do not leave knives in the sink or under a cloth where it can't be seen. Put all knives in their proper place when you are done with them.
6. To prevent slips and falls, proper footwear must be worn. A sturdy shoe with a plastic or non-



## EMPLOYEE HANDBOOK (cont.)

grip and non-hardened sole is recommended. All shoes must be closed toe and closed heel.

High heels are not recommended; any heels worn must be less than 5/8 inch high.

7. CLEAN AS YOU GO. After completion of one project, always clean up the area before you start the next.

8. Place broken glass only in designated containers. Always use cardboard or dustpans when picking up broken glass. NEVER use your bare hands.

9. If you are able to correct minor hazards, please do so right away. Report all hazards that you cannot correct as soon as possible.

10. Always wash your hands before starting your shift and after going to the restroom. It is a good idea to wash your hands regularly during your shift. There is a sink provided in the kitchen for this purpose.

11. Your Mom or "they" do not work here. Always look to clean up areas, even if you did not make the mess. It is part of teamwork.

12. Health and sanitation to the public is one of our ultimate responsibilities. This job belongs to everyone. do not condone or practice actions that endanger the health of our guests. Using dirty plates, silverware or violating County Health Code Laws.

<COMPANY> IS AN EQUAL OPPORTUNITY EMPLOYER, HIRING AND PROMOTING BOTH HOURLY AND MANAGEMENT PERSONNEL ON MERIT WITHOUT REGARD FOR AGE, SEX, RACE, OR NATIONAL ORIGIN. WE HOPE YOUR TIME WITH US WILL BE BOTH ENJOYABLE AS WELL AS EDUCATIONAL.

## **SEXUAL HARASSMENT**

Sexual Harassment is unwanted sexual or gender based behavior that occurs when one person has formal or informal power over the other.

There are three elements to sexual harassment:

- The behavior is unwanted or unwelcome.
- The behavior is sexual or related to the gender of the person.
- The behavior occurs in the context of a relationship where one person has more formal power than the others (such as a supervisor over an employee or a faculty member over a student) or more informal power (such as one peer over another).

### **Types of Sexual Harassment (Conditions Creating Sexual Harassment)**

Sexual Harassment exists when any of four conditions are met:

- Submission to the conduct is made a term or condition, either explicitly or implicitly, of obtaining education or employment;  

or
- Submission or rejection of the conduct is used as a factor in decisions affecting that person's education or employment;  

or
- The conduct has either the purpose or effect of "substantially interfering" with a person's education or employment;  

or
- 4. The conduct creates an "intimidating, hostile or offensive" educational or work environment.

#1 and #2 = quid pro quo harassment

#3 and #4 = hostile environment harassment



## **NATIONAL SEXUAL HARASSMENT SURVEYS OF EMPLOYEES**

- The National Association of Female Executives surveyed its members in 1991 and found that 53 percent of the 1,300 women had been sexually harassed or knew someone who had been.
- A survey conducted by Working Women magazine in 1988 found that 90 percent of Fortune 500 companies had received sexual harassment complaints; one-third had lawsuits filed against them; and 64 percent of their personnel officers said most complaints were valid. Forty percent of the companies provided no sexual harassment training; 42 percent provided training to managers only.
- The U.S. Merit Systems Protection Board, a federal agency, surveyed 20,000 federal workers about incidents of sexual harassment in government offices in 1980 and found that 1 percent of females said they had been pressured for sexual favors. In 1987, when the board repeated the survey among 8,500 workers, its findings were similar. The '87 survey also asked these women about offensive conduct of less flagrant varieties: 35 percent cited remarks, 28 percent suggestive looks, 26 percent touching, 15 percent pressure dates, and 12 percent unwanted love letters and calls.
- In November 1991, shortly after the Clarence Thomas hearings, the American Management Association surveyed 524 of its member companies. AMA found that 52 percent had dealt with allegations of sexual harassment in the past five years. Among those respondents, 17 percent of the claims were dismissed without action, 14 percent resulted in termination of the offender, 27 percent resulted in a formal reprimand, 6 percent resulted in the offender being transferred to a new position and 22 percent ended in counseling or mediation between the two parties. Three-quarters of AMA's respondents have policies and procedures in place to deal with incidents of sexual harassment, and 40 percent have offered some kind of training on the issue.
- Several studies of faculty suggest that 20 percent to 50 percent of women faculty have experienced sexual harassment from other faculty or administrative staff.

## **IMPORTANT LEGAL TERMS**

### **Quid pro quo harassment**

Harasser requires favors of victim in return for some action by harasser, or harasser retaliates against victim for refusing sexual favors

### **Hostile environment harassment**

- Victim usually subjected to unwelcome repeated sexual comments, innuendoes or touching, which alter conditions or interfere with school or employment performance or access to opportunities provided by the institution.

Conduct is gender-based, and creates an intimidating or offensive place for employees to work or students to go to school.

Usually requires a pattern of this sort of behavior, but sometimes one incident is enough, if severe or outrageous.

- Can occur off campus grounds, e.g. school sporting event, on bus, or on school trip.
- Can be caused by teachers, administrators, bus drivers or other staff, students, vendors or persons temporarily on campus.

### **Unwelcome**

A way of determining whether conduct is sexual harassment. "Unwelcome" means conduct was not wanted or willingly permitted. Victim may "voluntarily" submit to sexual intercourse, but behavior may still be considered unwelcome.

### **Reasonable person**

A standard used by the U.S. Supreme Court to determine if conduct is sexual harassment. Thus, conduct is sexual harassment if a reasonable person with the victim's perspective would consider it so. (Some courts use reasonable woman standard to show that the victim's perspective should be considered and to distinguish between a man's view of conduct and a woman's)

## **DANGEROUS WORDS**

When responding to a complaint, be careful that these words don't come out of your mouth

- It's just teasing — no big deal.
- The people in our organization would never do ...
- I know he/she didn't mean anything like that.
- It's your fault for dressing so provocatively.
- You need to learn to handle these things.
- Just ignore it.
- He puts his arms around everyone.
- Why can't you learn to accept a compliment?
- You must have wanted it, otherwise you would have told him no.
- That's how they do things where he comes from.
- It's just a joke. Lighten up.
- No one's filed a charged so our hands are tied.
- We've never had a complaint, so we don't have a problem.
- This kind of behavior is all part of growing up.
- It's a matter of hormones, we can't control that.
- If we had to discipline everyone who used bad language, we'd never get anything else done.
- It's just a prank that got out of hand.
- Oh well, boys will be boys.



## HARASSMENT'S VICTIMS

### Who Gets Harassed Most Often

Females in non-traditional fields

Women and girls of color

- Young, inexperienced, unassertive, socially isolated girls or boys, or women or men
- Lesbian and gay persons
- Persons with physical or emotional disabilities
- Persons temporarily vulnerable by a life crisis
- Students and other persons in menial or low-level jobs
- Persons who have been sexually assaulted or abused, including victims of incest
- Persons who are economically disadvantaged
- Persons who are single or divorced
- Persons who are not covered by an effective sexual harassment policy

### Why People Don't Report Harassment

- Embarrassment.
- Belief that the behavior will end if ignored.
- Fear of losing one's job or status.
- Fear of retaliation.
- Fear of being blamed for inviting the harassment.
- Concern about being labeled a troublemaker.
- Fear of harmful rumors and loss of privacy.
- Conviction that nothing will be done about the problem.
- Fear that the complaint process could be worse than the harassment.



## MISCONCEPTIONS ABOUT HARASSMENT

### **Misconception #1: Sexual harassment concerns are killing humor**

Humor isn't dead in the office or classroom. But jokes or kidding can become bad news when:

- There's a power difference by position
- There's numerical or other power imbalance between you and your group and another person involved.
- Jokes are frequent and sexually explicit or graphic
- Jokes are unwelcome

### **Misconception #2: Sexual harassment concerns are killing freedom of speech**

- Freedom of speech involves the free discussion of ideas; it does not include asking students or employees for sexual favors or intimidating them because of their gender.

### **What Targets of Harassment Can Do to Stop It**

Targets of harassment can do a number of things themselves to stop the conduct.

Tell the offender that the conduct is unwelcome and must stop.

Adopt an icy "Miss Manners" approach (I beg your pardon!)

Refuse to answer personal questions.

Place a copy of the organization's harassment policy on the offender's desk or in his mailbox.

Send the harasser a letter:

Provide a factual account of what happened.

Describe how the incident(s) made you feel.

Explain what you want to happen next.

Deliver the letter in person.

Keep a copy.

## EFFECTS OF HARASSMENT

	Effects on the Victim	Effects on the Work or Learning Unit	Effects on the Institution
<b>Potential Psychological Effects</b>	Shame Fear Humiliation Self-doubt Embarrassment Guilt Anger Powerlessness Stress Withdrawal Isolation Degradation	Morale problems Tarnished reputations Decreased trust Confusion/ bewilderment Shock	Lowered morale Public relations problems Loss or trust Hostile employee/ student relations Polarization of men and women Anger toward institution Diminished reputa- tion of institution Recruitment difficulties
<b>Potential Economic Effects (Costs)</b>	Reduced productivity Loss of job Job search expenses Loss of seniority Loss of references Medical expenses Increase absenteeism	Reduced productivity Increased workload Supervisor's performance Safety can be ejopardized Review potentially affected Potential turnover costs for recruiting and training	Legal expenses Cash settlements Reduced productivity Increase in used of benefits

# UNIT 5

## Industry Laws and Regulations



### MODULE 3

## ENFORCEMENT BY REGULATORY AGENCIES

Module 3 presents strategies that will assist students in understanding the role of regulatory agencies, such as OSHA and the Health Department, which enforce the laws governing the food service industry. The following topic is addressed:

- Enforcement of laws by regulatory agencies

#### **Standard 5**    *Laws and Regulations Affecting the Food Service and Hospitality Industry*

Students will understand the laws and regulations that affect employers, employees, and customers. They will demonstrate content proficiency by:

- 5.4 Explaining how local, state, and federal regulations and laws are enforced by regulatory agencies, including the California Occupational Safety and Health Administration (Cal/OSHA).



## FOOD SERVICE AND HOSPITALITY CURRICULUM

### UNIT 5: Industry Laws and Regulations

#### Module 3: Enforcement by Regulatory Agencies

STANDARDS	INSTRUCTIONAL STRATEGIES
<div data-bbox="188 317 605 468"><b>Food Service &amp; Hospitality Content Standards</b></div>  <b>Standard 5</b> <b>Laws and Regulations Affecting the Food Service and Hospitality Industry</b>  Students will understand the laws and regulations that affect employers, employees, and cus- tomers. They will demonstrate content proficiency by:  5.4 Explaining how local, state, and federal regulations and laws are enforced by regula- tory agencies, including the California Occupational Safety and Health Administration (Cal/OSHA).	<b>Opener</b>  Ask students to recall the information they have gathered regarding the various laws and regulation affecting the food service industry. Have them review the ways these laws and regulations are enforced. Use resources from the Internet to verify the enforcement strategies of the various agencies.  <b>Compliance with Laws and Regulations</b>  Have students review information from Resource 1 in Module 2, "Laws That Affect Employee-Employer Relations," then take the students on a field trip to a food service establishment to learn about how it has complied with OSHA, ADA, EHD and other employment regula- tions and laws. Ask the manager to take students on a tour to point out what the establishment has done to be in com- pliance with these laws and regulations, tell who in the establishment is responsible for making sure they are in compliance, and present the business point of view regard- ing these laws and regulations. Have him/her explain how the regulatory agencies responsible for overseeing these laws enforce them.  Ask students to evaluate the class-developed handbook for adequacy of information based on information given on fieldtrip. Have students add to information and revise arti- cles in handbook if needed. Have students make copies of the handbook for their portfolios. Have each student write a one-minute paper about their own conclusion regarding the serious nature of these laws and regulations.  Have the class determine a plan for the foodservice class- room for maintaining compliance with these laws and being prepared for an inspection at any time.



FOOD SERVICE AND HOSPITALITY CURRICULUM

UNIT 5: Industry Laws and Regulations

Module 3: Enforcement by Regulatory Agencies

ASSESSMENT/EVALUATION	RESOURCES
<p>Students' evaluation reflects adequacy of information contained in class-developed handbook.</p> <p>Students' papers reflect knowledge of the serious nature of the laws and regulations affecting food service and the importance of all workers working together to keep in compliance with these laws.</p> <p>Students' plan reflect realistic approach to maintaining laws and regulations and ensures adequacy of information contained in class-developed handbook.</p>	<p><a href="http://www.usdoj.gov/crt/ada/enforce">www.usdoj.gov/crt/ada/enforce</a>  <a href="http://www.osha.gov/">www.osha.gov/</a></p> <p>Unit 5, Module 2, Resource 1, "Laws That Affect Employee-Employer Relations," Student Information Sheet</p>