Disconnected institutions: restaurant work and the involvement of customers in work relations

Kaitlyn Matulewicz
PhD Candidate, Law
University of Victoria
The construction of precarious restaurant work

• “Tipping challenges labour law because customers engage in an employing function of remunerating workers but are outside the employment relationship (Albin 2010, 970–71).”
• “Paycheques don't mean anything to me. I honestly forget when I get paid. It’s so funny the dynamic between the kitchen and the servers. We'll be like, ‘Is it—when's payday?' And they know exactly when payday is because they rely on—that’s their income.”
“my income depends on how much somebody likes me, or what their judgment of the quality of job that I’ve done is. I could textbook, I could do absolutely everything right, but if I say one thing they don’t like or, you know, I remind them of someone they dislike—any small cues that upset them, they don’t like me so they're gonna tip me less. And that is the biggest most frustrating thing for me is knowing that I’m good at my job and I do a good job but people don’t recognize that.”
Tips as insecure income

• “since they expect us to be making tips we don't get paid as much. And if it's a slow day, you're not making any money, pretty much, which is awful. It’s no good.”
Insecure schedules

• “I just mentioned to her, I said, ‘Hey, I understand if there’s a day where you really don’t need me but it cost me five bucks just to get here and back and if I’m not making any money it really sucks. Do you think you could try to call me half hour or forty-five minutes in advance next time you thought that was the case? And she's like, ‘Oh well this is the restaurant business. That’s not how it works.”
“[W]hat would be good is if people were, I don’t know, told what their rights were before they started working at a place. Because yeah, nobody knows what the hell is okay and not okay. And if I were to try and challenge that and say legally you have to give me two hours pay...they’d probably fire me.”.. I feel like on the one hand there is a lot of resources for us to be able to know [our rights] but it’s just, it’s just words, you know. When it comes to it, your boss has a lot of power over you.”
• “I always got cut after 45 minutes and that’s not legal at all. But, I don’t know, if you don't work, you don't work.”

• “Structure, it’s a lot more loose in a restaurant. A lot more loose structure for sure in restaurants, in general. As opposed to working somewhere that follows all legal requirements and stuff like that. Restaurants don’t generally do that. But the place I work at now pays me overtime, which is really cool.”
• “I guess you could call it an unspoken rule, if you don’t feel like doing your job, there are ten more people waiting for it.”
• In the US, ‘breastaurants’ have become “the second-fastest growing sector in the casual dining industry behind upscale burgers” (Kingston 2012).
“[T]here is definitely that pressure to like, wear shorter skirts lower tops and like be flirtatious—although that’s not really my personality type—and all the time, by customers, or employers and other employees.” She described how she felt pressured: “The manager would comment or like make flirtatious comments towards some of the employees that did dress a little more risqué, I guess. He would be like, ‘Oh, you’ll make lots of money da, da, da, da, da, da.’
• “I didn’t really answer it. And I know they wanted me to play along. They were very intoxicated at this point, so I thought that was, that was a little annoying. But I just dealt with it. That’s what you have to do when you’re in the restaurant industry as a female. You just have to, kind of deal with it and move on and just get through the night.”
“[w]hen you would stop responding to it and then they would go sour and they wouldn’t tip well. Then the server would come up and be like ‘Why didn’t you keep him going? Why did he—he didn’t leave a good tip.’ And it would almost leave a blame because you wouldn’t continue the flirting.”
Worker resistance

• F.E.D. U.P (Feminist Eatery Database-Undercover Project)

• #notonthemenu ROC- United