

**Opening Statement**  
**Bill 22-913, "Tipped Wage Workers Fairness Amendment Act of 2018"**  
**September 17, 2018**

Good morning. I am calling to order this public hearing on Bill 22-913, the "Tipped Wage Workers Fairness Amendment Act of 2018." This bill was introduced in July by 7 of the Council's 13 members. The stated purpose of the bill is to repeal Initiative 77.

On June 19, 2018, Initiative 77 was approved through a ballot initiative. This is how the Initiative was explained to voters; this is the summary statement that was on the ballot:

*"If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020; gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026; Beginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increases under the initiative will not apply to DC government employees or employees of D.C. government contractors."*

This statement on the ballot was misleading at best, dishonest at worst. The very first phrase – "*If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020*" – is false. Because the \$15 minimum wage is already required pursuant to DC Law 21-144, the "Fair Shot Minimum Wage Amendment Act of 2016." The next phrase – "*gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026*" – is misleading, because it suggests that tipped employees are not now entitled to the same minimum wage as all other employees, even though current law requires it.

The proponents' political rhetoric selling the initiative was equally misleading: that a vote for the initiative was a vote to increase wages for workers. Well, actually no, because all workers, including tipped workers are entitled to the same minimum wage. And, actually, many workers fear – and I believe – they will see a reduction in their earnings.

Initiative proponents are now arguing that it is undemocratic to repeal the will of the voters, even though the Initiative was falsely promoted.

Another argument for the initiative is that it will "protect" workers from sexual harassment: that a majority of tipped workers are women, that because they rely on tips for their income they have to put up with sexual harassment, that the so-called "One Fair Wage" will reduce their need for tips, therefore female servers will no longer be subjected to harassment, and therefore sexual harassment will end. It is appealing to suggest this, but it is tortured logic. Abusive men do not harass because waitresses tolerate it in order to get tips. Abusive men exert their so-called "power" in any situation they can (let's not forget the "Me Too" movement). Let me be clear: sexual harassment is despicable and must not be tolerated. But this Initiative is a false promise; it will not end sexual harassment; nor will it "protect" workers from it.

Another argument for the initiative is that "One Fair Wage" will reduce wage theft. But employers who exploit employees will do so regardless, and the answer is not to change the

economics of all restaurants, or to jeopardize the pay of well-paid tipped workers, but to improve enforcement by the government. This summer, for the first time that I know of, the DC Attorney General took two employers to court for wage theft – not involving tipped workers – and we need more of that. Initiative 77 will not solve or prevent wage theft.

Politically, ballot measures to raise the minimum wage are very popular. That is not what Initiative 77 does, but that is how it was sold to the voters. 77 may be well-intentioned, but the very people the Initiative is intended to help are overwhelmingly opposed. If we want to help workers – protect them from harassment and exploitation – there are better ways than Initiative 77.

But what is most troubling, is that a supposedly progressive initiative to benefit workers instead will hurt workers. Some workers will see a reduction in their earnings. That's just not the right formula for helping workers.

Finally, I want to return to the issue of overturning an initiative. I acknowledge that there are voters who are offended that the Council is considering this. I believe every councilmember is uneasy about it. But I say this: the Council amends laws all the time. And if a law is a bad law it should be amended or repealed. It doesn't matter if the law was adopted by Congress, the voters, or ourselves. Indeed, we adopted an eviction law this past June that we then repealed two weeks later. A bad law should be amended or repealed. So the true issue today is the merits. Is Initiative 77 good law?

The record in this matter is open for two weeks. That is, the record will close at 5:00pm Monday October 1st.