



Kate Harrison
Vice Mayor, District 4

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Contact: kharrison@cityofberkeley.info

CITY OF BERKELEY PASSES STRONGEST-IN-NATION ORDINANCE TO PROTECT LOW-WAGE AND PART-TIME WORKERS

Last night, amidst a backdrop of historic labor action, the Berkeley City Council passed an ordinance from Vice Mayor Kate Harrison and the Labor Commission to protect and compensate low-wage and part-time workers at some of Berkeley's largest employers. The Fair Work Week Ordinance reduces the mental and physical strain of last-minute schedule changes or extreme back-to-back shifts, and requires covered employers to offer part-time workers additional hours before hiring new part-time staff.

Scheduling insecurity harms workers as well as their families. Vice Mayor Harrison said after the vote, "I'm proud that our City listened our most vulnerable workers, including emotional testimony from residents and workers experiencing exploitative scheduling practices that contribute to stress, exhaustion, and on-the-job injuries. The harm is real in people's lives; we have an obligation to ensure a fair balance for employees and our biggest employers."

Berkeley's ordinance builds on laws in Emeryville, San Francisco, and Chicago by increasing the number and types of large employers covered. A [recent academic study](#) of a related Emeryville ordinance showed that the law decreased work days for parents while increasing work hours per day and improved parent well-being. The ordinance is the culmination of four years of careful consideration with labor and impacted businesses at the Labor Commission and Council policy committees.

The Berkeley ordinance applies to building services, healthcare, hotel, manufacturing, retail and warehouse employers with 10 or more employees in Berkeley and 56 or more workers globally. For restaurants, retailers/franchisees, and non-profits, the ordinance covers employers the number of global employees is set at 100 or more globally. The ordinance requires 1-4 hours of 'predictability pay' for last minute schedule changes made less than two weeks or 24 hours before a given shift. It also requires employers to offer and distribute additional hours to existing part-time employees as they become available, and allows workers to refuse harmful 'clopening' shifts that begin less than 11 hours after the end of the previous day's shift.

The new law will become effective for all covered employees in November 2023, and includes important investments in business outreach and new staffing for citywide enforcement.

Julia Saravia, a 13-year Berkeley McDonald's worker and Fight for \$15 and a Union leader told the Berkeley City Council on November 3: "The unstable schedule practices negatively affect vulnerable workers. For example, many service workers are paid low wages and workers lose money, time, and gas

when they [employers] change the schedule at the last minute. Sometimes we have to travel far to get to work and at the last minute they cut our hours. In addition, we have personal matters like going to the doctor, church, or the store, and...tak[ing] care of children and families.”

SEIU 1021 member Andrea Mullarkey said “Extreme opposition to providing these basic rights and human dignity was overpowered by worker solidarity between our rank-and-file City workers and a broad labor-community coalition. I am inspired by these workers standing up for themselves and each other to secure critical protections for the most exploited and precarious workers in Berkeley.”

Labor Commissioner and workers’ rights attorney Andy Katz said “This Ordinance provides relief to low-wage workers struggling to balance multiple jobs and family responsibilities. Workers deserve predictable schedules, the right to rest in between long shifts, and opportunities for full-time employment.”

The legislation can be accessed [here](#).

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