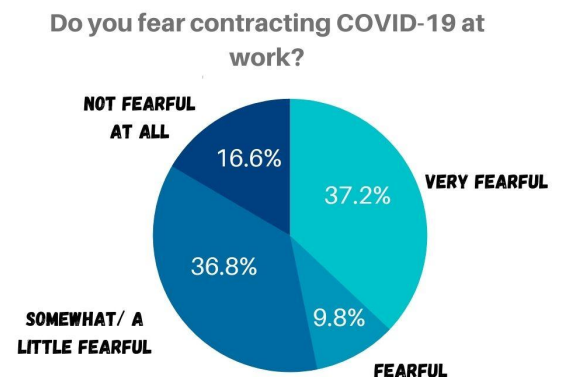




“Don't Dessert Us” Findings

In Fall 2020, Cheesecake Factory workers and Restaurant Opportunity Center United members launched a survey to assess workplace conditions in “factories” across the United States. We surveyed 277 workers in 37 states, including servers, bartenders, bussers, hosts, cooks, dishwashers, bakery workers, and management. Results illustrated Cheesecake Factory workers overwhelmingly identify workplace safety and COVID-19 as issues in their workplaces.

A majority of Cheesecake Factory workers reported experiencing some fear of contracting COVID-19 at work, with 37.2% of workers reporting that they are *very* fearful of contracting the virus. A fear substantiated by our findings that 71.5% of surveyed workers stated an employee at their “factory” reported symptoms of COVID-19, meaning (at the bare minimum) nearly 200 Cheesecake Factory workers across the United States have likely contracted COVID-19.



One anonymous Cheesecake Factory worker shared, “we had a server come in with a 101 temp out of fear of not being able to pay her rent. Our EKM took her temp, saw it was over, and told her ‘Go to the walk-in freezer and come back, and we’ll try this again.’” The worker reflected on the interaction, sharing, “It made me feel very unsafe and made me realize that the temp taking is a joke to the managers.” This interaction illuminates a larger issue with Cheesecake Factory’s unsafe sick time policies, with 54.9% of surveyed workers reporting they do not have access to sick time in the middle of a pandemic.

"I myself have gone in kind of sick because our managers are punishing us for calling out sick by not scheduling us the next week."

Anonymous

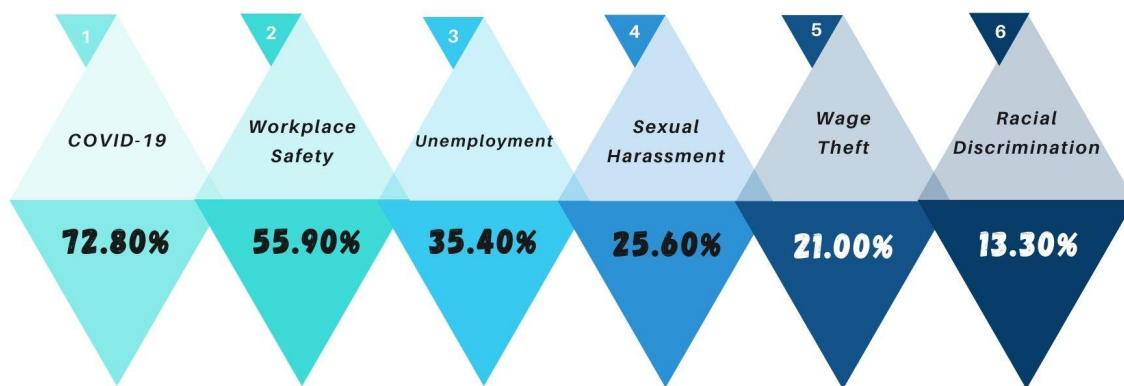
Workers shared other incidents where they felt that their employer didn't follow CDC guidelines. One worker reported that their store “had numerous people out for contact with a positive person. But no extensive sanitizing has been done. Not all employees are notified. Only ones who they think may have been near [the] infected employee.” In such a manner, ensuring staffing levels and corporate profits appear to be more of a priority to Cheesecake Factory than worker safety.

Cheesecake Factory’s negligence is especially concerning as a quarter of survey respondents were told **NOT** to discuss a COVID-19 diagnosis. A third of surveyed workers say they have witnessed an employee at work who appears sick or who has complained of feeling sick, and 54.9% of workers say they don’t have access to sick time. Restaurant workers are on the frontline of the COVID-19 pandemic, making industry

giants like Cheesecake Factory centerstage in addressing a national crisis that requires a response from all stakeholders. Restaurant labor practices and availability of sick time are absolutely essential to our country's economic and social recovery from COVID-19.

Cheesecake Factory workers also had the opportunity to share workplace issues. They identified six major workplace issues that have been exacerbated by the pandemic: COVID-19, workplace safety, unemployment, sexual harassment, wage theft, and racial discrimination. Workers also included issues of abusive management, wage theft, harassment, and discrimination. Workers' voices and experiences must play a key role in COVID-19 recovery as already poor labor practices have worsened in the pandemic.

WORKPLACE ISSUES



As identified by 277 Cheesecake Factory workers surveyed in Fall 2020

Background on Cheesecake Factory

As one of the country's largest restaurant employers, Cheesecake Factory's treatment of workers represents the challenges that workers are facing during the COVID-19 pandemic. Workers report lack of sick pay, lack of adherence to CDC guidelines, rampant sexual harassment, and racial discrimination. Meanwhile, Cheesecake factory executives remain concerned with "maximizing sales, managing costs and preserving cash."¹ Even before the pandemic's added pressures, Cheesecake Factory saw multiple civil rights, racial discrimination, and wage theft and overtime lawsuits.

The Families First Coronavirus Response Act secured sick time protections for workers at corporations with fewer than 500 employees. Yet, this legislation does not cover cheesecake Factory workers (which before the pandemic numbered over 46,000²). Cheesecake Factory executives remain focused on communicating to investors a history of outperforming in the industry, yet workers aren't receiving the hazard pay and paid

¹ https://s22.q4cdn.com/604834465/files/doc_financials/2020/q3/Investor-Presentation-October-2020.pdf

² https://s22.q4cdn.com/604834465/files/doc_financials/annual/2020/Cheesecake-Factory-2019-Annual-Report.pdf

sick time that other industry leaders provide or that the federal government mandates for smaller corporations. While executives may have taken a pay cut according to their October Investor Report, they disclosed that their full compensation was restored during the third quarter of 2020.³ **For David Overton, founder and board president of the Cheesecake Factory, this means a total compensation of \$6,715,890 in 2019**, while those that labor for his unconscionable salary fear losing their homes, losing their jobs, and contracting a potentially deadly disease.⁴

Summary of Statistics

- 46.6% of workers surveyed are either fearful or very fearful of contracting COVID-19 at work.
- 71.5% of workers report that an employee at their "factory" reported symptoms of COVID-19 (that's nearly 200 workers across the United States).
- 69.3% of workers know that a coworker tested positive.
- 25.3% were told **NOT** to discuss a COVID-19 diagnosis.
- 44% feel management would retaliate against them if they raised concerns about workplace safety.
- Over 40 workers reported that, as far as they know, an employee has been allowed to work after being diagnosed with COVID-19.
- A third of surveyed workers have witnessed an employee at work who appears sick or who has complained of feeling sick.
- 54.9% of workers say they don't have access to sick time.

³ https://s22.q4cdn.com/604834465/files/doc_financials/2020/q3/Investor-Presentation-October-2020.pdf

⁴ <http://d18rn0p25nwr6d.cloudfront.net/CIK-0000887596/71e68d10-5418-4d4b-bb7a-51a0bf287cea.pdf>