

OPEN THE GATES OF JUSTICE

A diverse group of people, including a priest, are shown in a protest or demonstration. They are holding signs that feature angry faces and the Hyatt logo. The background is a stylized, high-contrast image of a crowd.

*A Clergy Report on Working
Conditions at Hyatt Hotels*

Participants

This investigation was conducted by Jewish clergy and community leaders who have pledged to honor Hyatt boycotts. The following Jewish clergy and local community leaders participated in interviews with Hyatt workers in ten cities across country: Mr. Donald Armstrong, Ms. Marya Axner, Rabbi Linda Bertenthal, Cantor Michael Davis, Rabbi Larry Edwards, Rabbi Bruce Elder, Rabbi Jonathan Klein, Rabbi Peter Knobel, Rabbi John Linder, Rabbi Jane Rachel Litman, Ms. Susan Lubeck, Rabbi Victor Mirelman, Rabbi Barbara Penzner, Ms. Jane Ramsey and Rabbi Julie Saxe-Taller. Grateful acknowledgment is extended to the following members of other religious groups, who participated in the interviews: Rev. B.J. Birkhahn-Rommelflanger, Bishop Otis Charles, Ms. Kim Bobo, Father Edward Dura, Rev. C.J. Hawking, and Rev. Calvin Morris.

Interviews were conducted with over 30 Hyatt workers from both union and non-union hotels from Boston, Massachusetts; Burlingame, California, Chicago, Illinois; Honolulu, Hawaii; Indianapolis, Indiana; Los Angeles, California; San Antonio, Texas; San Francisco, California; Santa Clara, California; and Scottsdale, Arizona.

For more information, contact us at www.justiceathyatt.org or email us at contact@justiceathyatt.org.

Supporting documentation for this report can be found at www.justiceathyatt.org.

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Summary

As faith leaders, we believe that we have a moral responsibility to promote the just and ethical treatment of workers, and to intervene when powerful individuals or institutions seek to undermine their fundamental right as workers and as human beings. We have watched with deep dismay in recent years, as Hyatt, a multi-billion dollar corporation, has eliminated jobs, replaced career housekeepers with minimum wage temporary workers, and imposed dangerous workloads on those who remain. The most vivid dramatization of Hyatt's actions came one day in August 2009, when Hyatt summarily fired nearly 100 housekeepers from three Boston-area hotels, replacing longtime housekeepers with new ones from a temporary agency at far lower rates of pay. Hyatt's actions sounded alarm among religious leaders in Boston and beyond, prompting action by faith leaders and further inquiry into Hyatt's treatment of workers at other hotels across North America.

This report, the result of direct conversations with Hyatt workers across the U.S., details a broader practice by Hyatt that we find contrary to the religious traditions we uphold. We have found that Hyatt has undermined the safety and stability of jobs by subcontracting work and increasing housekeeping workload to dangerous levels. Moreover, we have found that in refusing to remain neutral as non-union Hyatt employees organize, Hyatt has attempted to thwart the efforts by non-union hotel workers to improve their lives and exercise their fundamental right as workers to collectively bargain. We find these practices to be oppression against workers. In the Jewish legal tradition, the Jewish clergy identify this mistreatment of workers as the Biblical prohibition *oshek*.

We call on Hyatt to directly hire its workers, pay them a living wage, refrain from interfering when workers organize for a voice in their workplace decisions, and

Workers at 18 Hyatt Hotels across the United States and Canada have called for boycotts of the hotels where they work. We pledge to treat the Hyatt as lo kasher/not kosher for events and celebrations until it treats its workers with justice.

embrace the solidarity of workers across hotels rather than trying to divide workers from one another.

We believe that a more democratic and equitable industry in which workers and employers collectively determine wages and working conditions is a blessing that Hyatt should embrace. We are humbled by the commitment that workers have expressed for each other. We are inspired by their willingness to sacrifice so that they and their coworkers in hotels across the country will have the power to make the hospitality industry accountable to them as equals with their employers. We pray that God may bless their solidarity.

Workers at 18 Hyatt Hotels across the United States and Canada have called for boycotts of the hotels where they work. We pledge to honor their boycotts. The Jewish clergy pledge to treat the Hyatt as lo kasher/not kosher for events and celebrations until it treats its workers with justice.



Introduction

*Levi Yitzhak from Berdichev
declared all the matzah
made in the town factory
traif/unsuitable for Passover use.
'Do you not see the young girls
who work for pennies
forced to bake
from dusk to dawn
so you can feast
while they go hungry
never mind the lonely dark miles to and from home.
Not Kosher!'
The women still repeat his single line of prayer:
"Ribbono Shel Olum, give a power
to everyone exhausted"*

–from a poem by Rabbi Lynn Gottlieb

*While Hyatt's actions may be legal, they are based on an
immoral approach to making profits.*

–Rabbi Barbara Penzner

On August 31, 2009, all 98 housekeepers at the Hyatt Corporation's three Boston area hotels were fired in one day and all housekeeping was outsourced to Hospitality Staffing Solutions. Many of the fired housekeepers had worked for Hyatt for over 20 years. Many were required to train their

*I gave my strength, my honesty
and my youth to that job for 20
years and this is how Hyatt pays us.
Everything we have, we put there.
Hyatt should be ashamed of what
they did to us.*

–fired Boston Hyatt Housekeeper

replacements before being fired, being told that their trainees were vacation replacements. Before being fired, the housekeepers had made about \$15 an hour plus benefits and cleaned 16 rooms a day. Housekeepers at Hospitality Staffing Solutions (HSS) start at the minimum wage of \$8.00 per hour. They reportedly receive



no sick days, vacation days, health care or pension, and they are required to clean up to 30 rooms a day.

In response to Hyatt managements' actions, the rabbinic cabinet of the New England Jewish Labor Committee, led by Rabbi Barbara Penzner, spearheaded a community support effort calling on Hyatt to hire back its fired housekeepers. The Jewish Labor Committee launched a boycott of the three Boston area Hyatt Hotels, which was soon endorsed by about 300

The Torah commands us "You shall not abuse a needy and destitute laborer" (Deut. 24:14), and the Rabbis later teach that employees have a right to organize and demand just conditions and compensation for their labor (Tosefta Bava Metzia 11:24).

We cannot stand idly by as the housekeepers and hotel workers of the Hyatt Hotels stand to lose their hard won and fair compensation. The call to pursue justice (Deut. 16:20) demands that we stand with these workers so that they don't slip into poverty.

Therefore, we, the undersigned concerned rabbis, cantors, and community leaders, call on the owners and leadership of Hyatt Hotels to commit to the Jewish and universal obligations to treat workers fairly and to recognize the value of their labor. We call on all Jewish institutions and individuals to support Hyatt workers in their disputes, and we express our willingness to boycott Hyatt properties in support of these principles if requested to do so by the affected workers.

–from "An Appeal for Justice at Hyatt," a boycott pledge signed by 300 Jewish clergy and community leaders.

rabbis, the Central Conference of American Rabbis and the Governor of Massachusetts.

Many of us initially endorsed the boycott because we were appalled that Hyatt fired its entire housekeeping staff in one day. But subsequent

events led us to extend our concern to Hyatt's treatment of all of its workers throughout its hotels. In a meeting with Rabbi Penzner and other clergy, Hyatt management said that it regretted the way that it replaced its Boston housekeepers but that subcontracting was part of its business model. We have since talked with

We have extended the boycott to all Hyatt hotels where workers have called for a boycott and call on our colleagues to do the same.



many Hyatt and HSS workers and have learned of Hyatt's pervasive use of subcontracting at its non-union hotels and its interference and opposition to workers organizing. By contrast, both Hilton and Starwood hotel chains have agreed to employer neutrality at many properties when workers organize.

Hyatt chose to fire its Boston housekeepers on August 31, 2009, the same day that labor contracts at union Hyatt hotels in Chicago expired. Labor agreements in San Francisco expired two weeks earlier and contracts in Los Angeles expired at the end of November. Workers naturally took this as an indication that they were next.

As a result of these concerns, and because of requests from workers at several union and non-union Hyatt hotels, as well as our understanding of the texts of our traditions that address the power disparity between employers and employees by calling for a living wage and real participation by workers in the determination of their compensation and working conditions, we have extended the boycott to all Hyatt hotels where workers have called for a boycott and call on our colleagues to do the same.

This report is our explanation of why we have joined with workers to call for justice at Hyatt and why we think that acting in solidarity with workers is essential if we are to achieve a more fair and equitable society. We are mindful that if Hyatt had not fired all of its Boston housekeepers in one day, many of us might not have gotten involved. The extreme income and wealth inequality in the United States is alarming to us. Yet, subcontracting

*The General Manager addressed us:
"The hotel is not making money. We
are eliminating the housekeeping
position. Any questions?" I asked:
"How are we going to take care of
our children?"*

–fired Boston Hyatt Housekeeper

and other means of driving workers wages down to the minimum has been going on for decades without clergy boycotts.

It is part of the purpose of this report to challenge the complacency that we and the mainstream religious community have previously exhibited to these business practices, to identify these practice as oshek/oppression, and to propose steps that we, as people of faith, can do to stand in solidarity with workers as they challenge their employers to live up to the ideals set by

our religious traditions for more equitable workplaces and a more equitable society.

*Hyatt practices are oshek/
oppression against workers.
As such, the Jewish Clergy
pledge to treat Hyatt as lo
kasher/not kosher until it treats
its workers with justice.*

After a brief introduction to the Hyatt Corporation, we describe Hyatt's business practice of outsourcing jobs and how this harms workers. We describe Hyatt's opposition to union organizing, and we take a close look at how Hyatt treats housekeepers, who do the hardest jobs in the hotel industry. We also describe the

extraordinary level of worker solidarity in the hotels and the efforts of Hyatt to divide workers from each other. Included in our report is an exploration of a stream of texts within the Jewish tradition in which workers' compensation and working conditions are presumptively unfair unless they are determined through collective bargaining. This section synthesizes many of the core principles and religious texts that have led us to conclude that Hyatt practices are oshek/oppression against workers. As such, the Jewish Clergy pledge to treat Hyatt as lo kasher/not kosher until it treats its workers with justice. Our report closes with our recommendations to Hyatt for change.

The Hyatt Corporation

As of year end 2010, the Hyatt Corporation owned, managed or franchised 325 hotels in North America and Hawaii and 453 hotels throughout the world. In 2010, Hyatt had \$1.6 billion dollars in cash and short term investments and reported profits of \$66 million. In 2010 its CEO Mark Hoplomazian received total compensation of \$6 million dollars, an increase of 63% from his 2009 compensation.

Until 2009, Hyatt was privately owned by the Pritzker family, one of the richest families in the United States, with 11 members on the Forbes 400 list. In 2009 the family took Hyatt public. Pritzker family members received \$900 million dollars as part of the public offering. Earlier this year, Hyatt itself purchased almost \$400 million worth of shares from certain Pritzker family members. Each share retained by the Pritzker family counts for ten normal shares so the Pritzkers have a dominant voting majority in the company. Many members of the Pritzker family are active in the Jewish community and they are known for their support of charitable causes.

Hyatt is building its thriving business on the backs of workers who are increasingly expected to do more work for less pay.

–Rabbi Larry Edwards

Mr. Gutierrez sees that now Hyatt has begun to hire a lot of part-timers, who don't even make as much as he does and have no health care or other benefits. Some of these people are on welfare even though they are working. Hyatt policies create a system where taxpayers pay for health care for Hyatt workers. That isn't fair to anyone. They are poor corporate citizens.

–Rabbi Jane Rachel Litman

Outsourcing: Hyatt's Business Model

The story of the “Hyatt 100” in Boston represents one dramatic example of how Hyatt has turned to outsourcing agencies to staff its hotels, replacing its own employees with those from temporary agencies at lower rates of pay and benefits. In other Hyatt hotels such as those in Indianapolis and San Antonio, Hyatt has been slowly subcontracting out directly employed

jobs, so that now about half of all housekeeping positions are outsourced.

As part of our investigation, members of the clergy committee met with employees, who work at Hyatt hotels, but are supplied by a subcontracting agency, Hospitality Staffing Solutions (HSS). HSS is one among a number of subcontractors Hyatt uses to staff its hotels. HSS employees, some of whom have worked at a Hyatt hotel for seven or eight years, are typically paid minimum wage with no sick days, vacation days, or pension. None were able to pay for health insurance for their families and were reliant on state support for family health care. HSS workers who applied for jobs directly with hotels were told that hotel contracts

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An advertisement by one of Hyatt's subcontractors, Hospitality Staffing Solutions (HSS)

with HSS forbid them from directly hiring HSS employees until a year after they left HSS.

HSS workers report how they feel dehumanized and disposable by both Hyatt and HSS managers. This feeling is confirmed by the following advertisement that HSS has placed in hospitality trade publications and on its website. It presents hospitality workers as if they were items for sale in a vending machine.

In the advertisement HSS claims to be an expert in shielding its hotel corporate clients from “trailing liability.” This means that by hiring HSS, Hyatt shields itself from liability for wage and hour violations, safety and health violations, immigration violations, and any other violations of the law that may be committed by HSS. Hospitality Staffing Solutions has faced a 2009 class-action suit on behalf of more than 100 janitors and housekeepers at two Pittsburgh Hyatts.¹ The Indiana Occupational Safety and Health Administration recently issued a safety order proposing fines of more than \$50,000 following injury complaints lodged by Hyatt and HSS housekeepers against HSS and Hyatt.² One HSS employee who reported safety complaints

The hospitality industry is built on making guests feel welcome and cared for. Good beds and fluffy comforters, without friendly and welcoming staff, cannot create a hospitable environment. Hyatt wants its workers to be hospitable and caring, without showing hospitality and caring itself to its workers. The outsourcing approach—replacing loyal employees with poverty wage permanent temps—is demeaning to workers and detrimental to its long-term vision of hospitality. The refusal to reach a fair agreement on contracts and recognize workers’ rights to organize undermines its leadership in the community. The Hyatt Corporation could be a great American hotel chain, but greatness begins with great treatment of workers.

—Kim Bobo, Executive Director
of Interfaith Worker Justice

1 http://www.boston.com/business/articles/2009/09/26/hotel_staffing_company_faced_wage_complaints/

2 http://www.in.gov/dol/files/HOSPITALITY_STAFFING_SOLUTIONS.pdf

to the Indiana Occupational Safety and Health Administration was fired a couple weeks after the safety order was issued. HSS has indicated that it fired the worker because of a mismatched social security number.

UNITE HERE, a union representing approximately 100,000 hotel workers across North America, has successfully negotiated collective bargaining agreements at union Hyatt hotels that protect workers from being terminated because of a no-match letter.

In Boston, where workers were not protected by a collective bargaining agreement, all directly employed housekeepers were fired and housekeeping was entirely turned over to HSS in one day. After protests Hyatt removed HSS as its outsourcing agency and replaced it with another company called United Temps. In other cities, non-union Hyatt hotels have been transitioning to HSS slowly over a number of years. As directly hired employees leave, they are either not replaced at all, and the workload of other employees is increased, or they are replaced with HSS employees. At the Indianapolis Hyatt Regency, for example, 50% of housekeepers are now employed by HSS. No new housekeeper has been directly hired by Hyatt in Indianapolis since 2008.

The presence of a staffing agency in the hotel also appears to degrade the working conditions of directly employed workers in the hotel. Wages of directly employed workers are low, and workers report overwork from chronic understaffing. Hyatt housekeepers in several properties where Hyatt uses subcontracted housekeeping staff clean as many as 30 rooms a day, nearly double what is typically required at unionized Hyatt hotels.

Health and Safety Concerns for Hyatt Housekeepers

A study of hotel worker injuries from 50 U.S. hotels was published in the *American Journal of Industrial Medicine* in February 2010.

By company, housekeepers working at Hyatt hotels in the *AJIM* study had the highest injury rate of those hotels studied, with a risk of injury twice that of the company with the lowest rates. Housekeepers we surveyed at union and non-union Hyatt hotels report pain and injuries from their work as housekeepers.

Women at one unionized Hyatt clean 16 rooms a day, which gives room attendants less than one half hour to clean an entire room, re-cart supplies and move to the next room.

At some Hyatt hotels, where housekeepers have no union, conditions are even worse. Room attendants at non-union hotels clean as many as 30 rooms a day, nearly double the quota of union properties. This workload leaves room attendants as little as 15 minutes to clean a room—that's 15



These employees remembered when local managers understood and embraced the concept of “ohana” (family), where both workers and managers had respect for each other and both had obligations to care for each other. With continual cost cutting and labor cutbacks borne by the workers to improve profits for mainland owners in Chicago and on Wall Street, the exploitation and power abuses recall Hawaii’s plantation era.

–Donald Armstrong, President,
Congregation Sof Ma’arav

As they were talking, what went through my mind was the image of the taskmasters of Egypt, who would give more work to the Israelites when they complained of harsh treatment.

–Rabbi Victor Mirelman

minutes to make beds, scrub clean the toilet bowl, bathtub and all bathroom surfaces, dust, vacuum, empty the trash, change linens—among other things.

Rushing to complete the work takes a dangerous toll on workers’ bodies, in some cases leading to permanent injuries. Injured workers must often choose between continuing to work in pain or not work at all. A tough decision in today’s economy.

When asked what they recommend to improve their working conditions, housekeepers told us that lowering the room quota would reduce rushing and wear on the body.

Many hotels have recently introduced new room amenities without reducing the number of rooms assigned to housekeepers each day. Luxury beds with heavier mattresses and linens, triple-sheeting, duvets and extra pillows are increasingly common. Other add-ons like coffee pots, spa robes and large, hard-to-clean mirrors make room cleaning more difficult and time-consuming. Mattresses can weigh around 100 lbs. or





more, and often women are supplied with flat sheets, which—unlike the fitted sheets we use at home—require housekeepers to lift these heavy mattresses several times each time they make a bed. Hyatt housekeepers at one hotel report to us being injured while lifting the new heavy mattresses that the Hyatt installed during renovations of the hotel. The new mattresses are on boards instead of box springs making it much harder for workers to get their hands under the mattresses to lift them to change the sheets. Workers reported injured hands, including split finger nails. One worker reported that after she injured her hands, blood got onto the comforter of the bed. She then had to change the comforter which required her to work even faster to meet her quota for the day. After workers complained

I interviewed Nenita Ibe, who moved to the U.S. from the Philippines 13 years ago. She had a convenience store in the Philippines, but hoped to better support her family here. She is 68 years old. Meeting Nenita, I imagined her spending full days cleaning bathrooms on her knees and lifting the mattresses which are heavier now since the hotels are competing to provide more and more luxurious bedding. She now has a badly injured arm from her work, confirmed by a workers' compensation doctor. The company, while acknowledging her injury, has long delayed paying her for time she lost working due to the injury. Meanwhile her own insurance does not cover physical therapy. I am left wondering: What does it mean to fulfill our covenant with the God who led the Israelites out of slavery, if not to stand up against the mistreatment of people at work?

—Rabbi Julie Saxe-Taller

With pain, I heard the stories of seven Hyatt employees, who came to our Temple to tell me of their suffering. Subjected to a dehumanizing "points system," housekeepers must literally run to make a quota of cleaning up to 30 rooms per shift and injuries are the unsurprising result. One housekeeper reported being told by a physician she had carpal tunnel syndrome, but a manager disagreed and she did not receive light duty. As I listened to the seven men and women telling me their stories in Spanish and English, I remarked, "You are being treated like cogs in a machine, not human beings." But each of these women and men is created in God's image. Like Isaiah before us, let us raise our voices against the oppression of workers, at Hyatt in San Antonio and everywhere.

—Rabbi Barry Block

about the renovated beds, Hyatt gave the housekeepers a wedge to place between the board and mattress, which workers report to us does not help. Workers are provided a 15-minute break period, but several reported that they did not take their break so that they could meet their room quota.

I have chronic leg and back pain. I have been injured many times but I have only reported two work-related injuries to management. I only reported these two because there were witnesses. Eventually, I was moved to a public area of the hotel where the work is less hard but I was told by a manager, "the next time you fall down, you will be disciplined." A pregnant co-worker had brought a note from her physician saying that the regular housekeeping work put her in danger. The manager's response was, "I don't have light duty work. You have to do the same as everybody else."

—Hyatt housekeeper

Hyatt's Interference in Union Organizing

Hilton and Starwood hotel chains agreed to refrain from interfering when workers organized at certain hotels. Hyatt has not. Since the 2005, over 5,000 workers have joined the union at Hilton and Starwood hotels, whereas only approximately 500 workers at Hyatt have won union recognition from Hyatt during the same time period.

As the Reconstructionist Rabbinical Association noted in a 2009 resolution, many employers intimidate, harass, coerce and even fire people who try to organize unions. Workers are fired in one-quarter of private-sector union organizing campaigns, and most workers who try to form unions are subjected to repeated, coercive, one-on-one, anti-union meetings with their supervisors, which are illegal in many countries.

At Hyatt workers told us of intimidation, including mandatory group and one-on-one anti-union meetings with managers, and unfair treatment of

There was the first action. Since then, it's been hell in that place. Once they knew you were public, you turned yourself into a target. Everyone is targeting you every day. After going through so much negative stuff against us, not just me, but for all the public people in there, I thought to myself "why did I get involved in this?" If I had known, I probably wouldn't do it. It's not easy. It's huge pressure every day.

–Hyatt worker

pro-union workers. Indianapolis Hyatt workers told us that the Indianapolis Hyatt Regency has hired a security company, whose director has harassed and threatened pro-union workers. Workers have filed an unfair labor practice charge about this situation.

Given the power that employers have over employees to discipline, change shifts, and fire, just about anything an employer says or does to indicate his or her anti-union bias will be experienced as intimidating by employees.



In 2008, the Committee on Jewish Law and Standards of Conservative Judaism approved a responsum called *Work, Workers and the Jewish Owner*, written by Rabbi Jill Jacobs that concluded that

Jewish employers should allow their employees to make their own independent decisions about whether to unionize, and may not interfere in any way with organizing drives by firing or otherwise punishing involved workers, by refusing workers the option for “card check” elections, or by otherwise threatening workers who wish to unionize. When hiring low-wage workers or engaging contractors who supply low-wage workers, Jewish employers should strive to hire unionized workers when possible.

Whereas Hilton and Starwood hotel chains have agreed to employer neutrality and card check recognition at many properties, pledging to collectively bargain with workers when a majority of workers at these properties have joined the union, Hyatt insists upon requiring that a National Labor Relations Board election be held. NLRB election campaigns occur in an environment of extreme power disparity between workers and employer, in

My position on Angie Lau’s plight is rooted in the social teachings of the Roman Catholic Church that affirm the dignity of labor, the famous social encyclical by Pope Pius XII, the Rerum Novarum (on the Conditions of Labor) in 1861. The Pope argued, among other things, that a worker had a right to wages sufficient to support the worker and his/her family. The worker’s right is also extended to reasonable hours, rest periods, health safeguards, and a decent work environment.

–Rev. Father Ed Dura

Working without a union contract leaves Kwok and all the Hyatt employees vulnerable to the caprice of management. His overarching concern is freedom for employees to organize without interference from management. Here, the Episcopal Church stands with Kwok.

–Bishop Otis Charles

which employers are free to fire workers for practically any reason. These conditions are so intimidating that Human Rights Watch has determined that the United States is in violation of the fundamental human right to organize unions.

One of Hyatt Corporation's most effective weapons that it wields against workers organizing is its use of HSS and other staffing agencies. By contracting with HSS, Hyatt has effectively stripped from workers their fundamental human right to bargain collectively with the employer that actually determines their wages and working conditions.

Solidarity

According to workers at union hotels, it took them nearly two years to persuade Hyatt to withdraw bargaining proposals that would have cut their benefits or the benefits of future employees. Workers say they could never have accomplished this alone. Workers attributed their success to the support of workers at other union and non-union Hyatt hotels, workers at Hilton and Starwood hotels, and their community allies who are honoring their boycotts. They spoke of how important it is for them to stand with workers at non-union Hyatt hotels as they call for an end to pernicious subcontracting and for a fair process for non-union workers to organize unions. Workers explained to us that solidarity with other workers is not an act of charity, but arises from recognition that more members in the union



*If I were a union hotel worker,
I would want workers in other
hotels to join the union too so
that together we would have
more power.*

–Rabbi Bruce Elder to Rick Segal,
manager of the
Chicago Park Hyatt

*Channeling the core Jewish
value of pursuing justice to help
others, Mary asserts, “I have a
voice, I try to speak for people
who don’t have a voice.”*

–Ms. Susan Lubeck,
Progressive Jewish Alliance

*I was struck by the solidarity
workers feel for each other and,
in particular, the way unionized
workers stand up for non-
unionized Hyatt workers.*

–Cantor Michael Davis

diminishes the power disparity between workers and employers.

To date, Hyatt has refused to allow workers at non-union hotels to organize free from employer interference. Workers are currently circulating a petition at union Hyatt hotels, pledging that the signers are more than willing to agree to a contract that treats them fairly but they are not willing to agree to a contract that prevents them from acting in solidarity with their fellow workers throughout the industry. We stand with these workers whose actions are in keeping with the highest teachings of our religious traditions.



photo: Joe Levy

Judaism and the Equitable Workplace

In multiple cities across the United States, members of the clergy have sat down with Hyatt workers to hear their stories. We heard from Mary who told us she had been given muscle relaxants and a medicated patch for her back because of the pain she experiences as she performs her work. She said, “We all see each other getting broken; the longer you’ve been there the more broken you get.” We heard from a worker whose fingers have been hardened and deformed by constantly having to put her hands in between mattresses when changing the sheets.

We have concluded that Hyatt must be treated as lo kasher/not kosher for events and celebrations until it treats its workers with justice.

As we have listened carefully to the stories told to us by Hyatt workers, the Jewish clergy reflected on the Jewish texts and teachings on labor. Our conclusions about Hyatt’s treatment of workers and our recommendations for change have been guided by the core texts and teachings. These texts cry out against the extreme income and power inequality that exists between employers



and employees in the hotel industry and they compel us to support workers in their collective efforts to be treated as truly equal partners with their employers.

The stories of workers have led the Jewish clergy who have contributed to this report to find Hyatt's practices to be *oshek*/oppression against workers. We have concluded that Hyatt must be treated as *lo kasher*/not kosher for events and celebrations until it treats its workers with justice.

The Lord enters into judgment with the elders and officials of his people: It is you who have devoured the vineyard; that which was robbed from the poor is in your houses. What do you mean by crushing my people, by grinding the face of the poor? Says the Lord God of hosts.

(Isaiah 3:14-15)

A story is told of wealthy merchants, who came to Rabbi Yaakov of Radzimin and complained to him: "Rabbi, the crop is so abundant this year that the price of wheat has plummeted. The cost of shipping the grain is more than we can get for the grain. We may lose all our money." The rabbi answered with a smile, "The same way God supports the poor when the prices are high, God supports the wealthy when the prices are low."

As religious leaders with a commitment to the moral bottom line, we consider it unacceptable when in good times employers keep their profits for themselves and in bad times they pass on their losses to their workers. We insist that the best business practice is the one that benefits workers, many of whom have served their hotels for over two decades. The best business practice benefits the guests, who want their rooms cleaned by trained and dedicated staff and who have sufficient time to do a thorough job cleaning each room. The best business practice benefits the community,

which thrives on good jobs at good wages but which loses economic strength when the workforce is paid below a living wage. While Hyatt's actions may be legal, they are based on an immoral approach to making profits.

In Jewish tradition, Passover is the beginning of liberation while Shavuot is the forging of a society of binding mutual obligation. In the Land of Israel, Passover and Shavuot marked the beginning of two grain harvests. In Leviticus we learn that our people brought a sheaf of grain as the omer offering at Pesach (Leviticus 23:9). On Shavuot, the people offered two loaves of bread (Leviticus 23:17). A sheaf can be untied and its contents separated, while the ingredients in a loaf of bread are bound together.

In the book of Leviticus, the description of the festival of Shavuot is followed by the injunction to share with the needy.

When you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest; you shall leave them for the poor and the stranger. I am the Lord.

(Leviticus 23:22)

In this way, Shavuot is tied to addressing economic inequality.

The Mishnah emphasizes that this obligation is not charity.

He who does not allow the poor to glean or allows one and not another, or helps one of them (in the gathering), robs the poor. Concerning such a man it has been said, "Remove not the ancient landmark." (Proverbs 22:28)

(Mishnah Peah 5:6)

A fundamental principle of economic justice is derived from the commandment not to move landmarks, found in Proverbs 22:28, and also Deuteronomy 19:14, “You shall not remove your neighbor’s landmarks, set up by previous generations,” and Deuteronomy 27:17, “Cursed be he who moves his fellow neighbor’s landmark.” The principle refers to the Jubilee, the practice every 50 years that addressed economic inequality by reverting property to its original owners according to the ancient borders.

The curse against removing landmarks is followed by curses against those who harm the blind, the widow, the orphan and the stranger. These represent the weakest sectors in a society. Traditions emanating from the law of *hasagat gevul*—not to remove landmarks—extend beyond the agricultural realm to our obligations to keep economic inequality in check.

In Jewish tradition, the power imbalances inherent in relations between multi-national companies or even individual hotel owners and their employees requires that workers be allowed to organize and negotiate collectively the terms of their employment. The follow texts address our obligations towards ensuring that workers have a voice in the decisions that affect them.

Talmud Tractate Bava Batra 8b

ורשאין בני העיר להתנות
על המדות ועל השערים,
ועל שכר פועלים
ולהסיע על קיצתן.

The people of the city are authorized to stipulate weights and measures and to set workers’ wages and to establish penalties for breaking the rules.

People’s responsibility for each other includes the domain of determining fair wages.

Tosefta Bava Metzia 11:24

ורשאים הצמרין והצבעין
לומר כל מקח שיבוא
לעיר נהא כולנו שותפין בו.

The wool workers and the dyers are authorized to say, "We will all be partners in any business that comes to the city."

The Tosefta establishes the authority of workers to govern their crafts.

Rav Kook (oral statement) (in Tzvi Yaron. Mishnato shel haRav Kook. 164)

בארגון הפועל לשם שמירה והגנה
על תנאי העבודה יש משום צדק
ויושר ותיקון העולם. ארגון
הפועלים יכול בתור בא-כוח
הפועלים לתבוע לדין גם את
נותן העבודה וגם את הפועל
הגורם לזה שעל-ידי עבודה בלתי
מאורגנת מביאים נזק ומפסידים
ממון לפועלים, כי הפועל הבלתי
מאורגן עובד בתנאים יותר
גרועים הן במחירי עבודה הן
בשעות העבודה וכו', וזה עלול
לקלקל תנאי עבודה בכלל.

Within the workers' organization, which is formed for the purpose of guarding and protecting the work conditions, there is an aspect of righteousness and uprightness and tikkun olam (literally—repair of the world). The workers' organization may sue both the employer and the worker who causes this problem, because unorganized labor brings damage and loss of money to workers. For the unorganized worker works under worse conditions—both in regard to wages and in regard to working hours, etc. And this is likely to make working conditions worse in general.

Rabbi Jill Jacobs has drawn attention to Rav Kook's use of the term *tikkun olam* to emphasize that Rav Kook saw collective bargaining as instrumental in repairing the balance of power between employer and employees which is necessary for the halachic system to function properly. The conclusion that Rav Kook saw collective bargaining as normative can also be drawn by noting that he wrote that *unorganized labor brings damage and loss of money to workers* instead of saying that organized labor raises wages.

Hebrew texts and translations are from Work, Workers, and the Jewish Owner, by Rabbi Jill Jacobs, a responsum approved by the Committee on Jewish Law and Standards of the Rabbinic Assembly of Conservative Judaism, May 28, 2008.

CENTRAL CONFERENCE OF AMERICAN RABBIS

Therefore, we call on the owners and leadership of Hyatt Hotels to commit to the Jewish and universal obligations to treat workers fairly and to recognize the value of their labor. We call on all Jewish institutions and individuals to support Hyatt workers in their disputes. No celebration can be truly joyous if it takes place at an institution which withholds fair wages from its most vulnerable employees.

COMMITTEE ON JEWISH LAW AND STANDARDS OF CONSERVATIVE JUDAISM

Jewish employers should allow their employees to make their own independent decisions about whether to unionize, and may not interfere in any way with organizing drives by firing or otherwise punishing involved workers, by refusing workers the option for “card check” elections, or by otherwise threatening workers who wish to unionize. When hiring low-wage workers or engaging contractors who supply low-wage workers, Jewish employers should strive to hire unionized workers when possible.

THE RECONSTRUCTIONIST RABBINICAL ASSOCIATION

Be it further resolved that, whenever possible, the Reconstructionist Rabbinical Association pledges to hold all RRA conventions, programs and events in hotels that have no outstanding or ongoing labor disputes.

THE AMERICAN CONFERENCE OF CANTORS

The Hyatt hotel workers have called for a boycott of certain Hyatt hotels. The American Conference of Cantors pledges in its conference business to honor the workers’ boycott and will not patronize any of those hotels until a just resolution is reached.

Recommendations

WE CALL UPON THE HYATT CORPORATION TO:

- 1) **Rehire immediately the housekeepers it fired** from its Boston area hotels on August 31, 2009. Their wages, benefits and seniority should be restored to what it would have been had they not been fired.
- 2) **Cease using Hospitality Staffing Solutions (HSS)** and other staffing agencies for work that had previously been performed by directly employed workers. Hire these workers directly.
- 3) **Accept a fair process to enable workers to choose whether to form a union, free of employer intimidation or interference.**
- 4) **Bargain in good faith with workers.** Pay workers a living wage with benefits and ensure a healthy and safe workload. Allow housekeepers at sufficient time so that they may safely and thoroughly clean each room. Respect the needs of workers who are pregnant or who have other medical conditions requiring light duty. Do not require overtime of some workers when others are on layoff. Involve workers in all decisions, including decisions concerning renovations that effect workload.
- 5) **Work with UNITE HERE and with employers in the hospitality industry to ensure that all workers in the industry are treated with respect** and that hotels compete with each other on quality rather than by reducing workers' compensation and working conditions.

Often she is required to lift and carry 50-pound bags of flour. She feels that many people think that if they speak up about their work conditions, their hours will be cut. Her job is exhausting as she is on her feet 8 hours each day.

–Rev. C.J. Hawking

WE CALL UPON ALL PEOPLE TO:

Honor workers' boycotts. Do not eat, sleep, or patronize boycotted Hyatt hotels, treating Hyatt as lo kasher/not kosher until a fair settlement is reached.

Write statements and support policies of our institutions to honor workers' boycotts and not to hold events at hotels with labor disputes. Our institutions should include protective language for labor disputes in all event contracts and consult with the union before scheduling events.

Teach and learn the social teachings on labor from our religious traditions so that they will no longer be the best kept secrets of our religious traditions.



Supporting documentation for this report can be found at www.justiceathyatt.org.



It becomes a “shanda” (shameful incident) when the Jewish business is at the forefront of lowering the status of workers, and we, as Jews and Jewish leaders, are responsible for making sure that the Jewish world of business and commerce is one that values being a “mentsch” (upstanding member of the community) and treating employees with the decency and standard that society has decided. Yes, they may legally be able to outsource more or refuse to recognize “card checks,” which reflect employees desire to unionize; however, when the other major hotel chains—Starwood and Hilton—give the employees these rights and protections, Hyatt should be at the very least on par. Anything below this is not doing “what is good and straight in the eyes of God.”

—Rabbi Asher Lopatin



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