



Jin Workers Win Class Settlement for Stolen Tips

from CPA press release posted 2/25/08

Chinese wait-staff who lodged a class action lawsuit against Jin Asian Cuisine Restaurant reached a settlement last month, compensating workers for tip theft and other wage irregularities. The owners of Jin Restaurant, a 1,000-seat venue located in Greater Boston, agreed to pay \$110,000 to all tipped employees who worked at the restaurant between 2004 and the present - estimated at approximately 30 to 50 workers.

Four Latino workers and two Chinese wait-staff first led the way in initiating the lawsuit in February 2007.

"This victory shows how the struggles of different immigrant communities are connected. Without these first few plaintiffs' willingness to stand up, the settlement affecting all tipped workers couldn't have been achieved," said Ameer Chew, Workers Center Liaison at CPA. The workers were recognized for their courage at CPA's annual banquet this Friday, February 22. The Latino workers, who did not serve as wait-staff but worked in cleaning and construction, reported that the restaurant did not pay them overtime or minimum wage, and complained of unsafe conditions and retaliation for speaking up about these problems. After the Latino workers and two former Chinese employees lodged a lawsuit against the restaurant for wage violations, more Chinese wait-staff began to come forward and join as plaintiffs. The Chinese waiters especially felt it unfair that after the restaurant took out an "administrative fee" from their tips, they were left with a 12% tip rate, compared to 15% for other local Chinese restaurants. While this administrative fee is legal when properly disclosed, the workers were concerned about the owners of Jin bringing a New York City practice to the Boston area. Additionally, they reported a pattern of illegal tip theft to cover the base pay of other employees, improper wage deductions for meal breaks, and discriminatory practices -- non-Chinese temp workers were paid \$30 per hour, a much higher rate than Chinese employees.

"When I started working I was a new immigrant, I didn't know about many protections. It's not fair that the restaurant [has been] taking advantage of recent immigrants," said Max Ng, a former employee of Jin and a plaintiff in the lawsuit.

In fall 2007, the Latino workers settled their portion of the lawsuit. The agreement in January represents the final class settlement, which will be paid out to the class of affected workers in several installments over the next two years.

"This settlement should send a powerful message to employers about the consequences of disregarding workers' rights," said Isabel Lopez, an organizer from MassCOSH, which helped mobilize support for the workers. The initiative of the Latino and Chinese workers demonstrates how the struggles of immigrant workers from different communities can reinforce each other. MassCOSH and the Chinese Progressive Association are members of a collaboration of community groups known as the Immigrant Workers Center Collaborative, which seeks to work together in uniting the struggles of immigrant workers across ethnic groups.

"We are pleased that we were able to reach a resolution of this class action lawsuit that will compensate such a large group of workers for the wages that were wrongfully withheld from them. If employers violate the wage laws, it is vital that they be held accountable-not just to the few workers brave enough to step forward, but to all workers who have been affected by the violations," said Hillary Schwab, the attorney representing the workers in this action.