

How McDonald's is Failing to Keep Its Workers Safe from COVID-19



INTRODUCTION

Over the course of the coronavirus pandemic, hundreds of thousands of McDonald's employees have continued coming to work, helping the country's largest fast food chain to consistently operate amid the health crisis. While the company closed 25 percent of its global stores, **99 percent of its US locations have remained open.** Despite workers' exposure to a range of health and safety risks, McDonald's has maintained that its employees' safety is of paramount concern for the company. McDonald's US President Joe Erlinger, for instance, asserted in March that "While we continue to serve our communities, the safety, wellness and economic security of our customers and employees is our top priority as it has been throughout our 65-year history and especially today."





A growing body of evidence, however, makes clear that McDonald's has in fact repeatedly failed in its duty to protect its workers. Across the US, McDonald's workers have contracted COVID-19, including one case from Monterrey Park, California, where a worker became critically ill with the virus and ended up on a ventilator for weeks.³ In another store in Oakland, California, workers were told to wear dog diapers and coffee filters as masks and were pressured to come to work while sick, resulting in an outbreak that is linked to 25 cases of COVID-19.⁴

To better understand the working conditions of McDonald's crew members, the Fight for \$15 and a Union conducted a nationwide online poll of **4,187 McDonald's workers** between June 16 and June 25, 2020. This June poll follows an April poll of 843 McDonald's employees that raised significant problems with the burger giant's provision of personal protective equipment and paid sick leave to its US workforce, among other issues.⁵

In addition, between June 18 and July 7, 2020, store surveyors visited **116 McDonald's locations across 12 states** to examine store conditions. The sample included 39 company-owned stores and 77 franchised stores operated by 53 different franchisees.⁶ At a large share of visited stores, the survey reveals that McDonald's management is not adhering to local or state safety orders as well as the company's own guidelines for preventing the spread of COVID-19. These conditions place McDonald's workers and customers at risk of contracting the virus and spreading it to coworkers, family members, and the public at large.

This report outlines the findings of both the worker poll and the store survey, helping to contrast McDonald's rhetoric with the reality faced by workers across the McDonald's system. The poll and survey, coupled with COVID-19 outbreaks at McDonald's locations across the US, demonstrate the company's disregard for the health and safety of its workers and customers. As the world's largest restaurant chain and second-largest private sector employer, McDonald's actions matter and set the tone for the broader fast food industry.

McDONALD'S REOPENING PLANS

In early spring, virtually all McDonald's locations closed their dining rooms – at least temporarily – in part as a consequence of state and local orders around the country that shut down in-person dining.⁷ As states began easing lockdowns in early May, McDonald's issued a set of internal guidelines for the safe operation of its nearly 14,000 US stores as the company started to reopen locations to dine-in customers.⁸ Although framed as a "reopening" guide, the document lays out safety requirements for McDonald's stores at different levels of operation, including those offering only drive-thru, delivery, and takeout options.

Among other guidelines, McDonald's identifies social distancing procedures for all workers, compels store employees to wear masks and gloves, and mandates enhanced cleaning procedures. Moreover, the guidelines state that McDonald's stores that allow customers into the lobby for takeout orders or dine-in meals should install protective panels, make hand sanitizer/wipes available to customers, post signage with information for customers to follow social distancing, and implement cleaning procedures in areas of the store with heavy customer traffic. 10



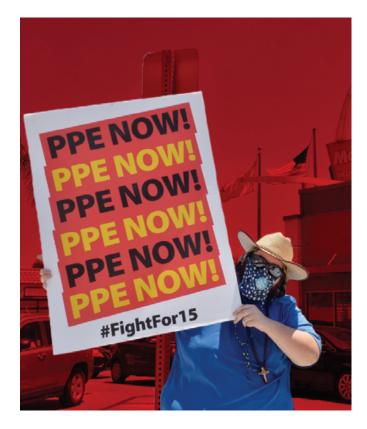
As of July 1, McDonald's reported that 2,200 of the stores had reopened their dining rooms. As COVID-19 infection rates spiked across the country in July, McDonald's announced a pause to its dine-in reopening, but it did not require stores with dine-in services to shutter those operations.¹¹

McDONALD'S INADEQUATE PROVISION OF PERSONAL PROTECTIVE EQUIPMENT

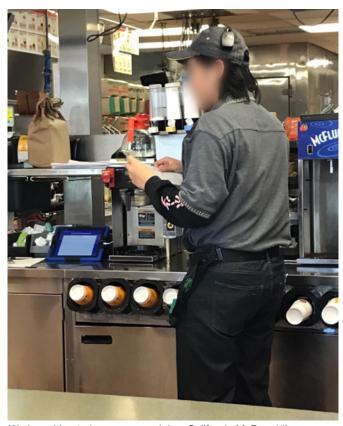
State and local health department orders across the country mandate that restaurant and other essential employees be provided necessary protections like face masks and gloves to stop the spread of COVID-19. For example, California guidance specifies: "Employers should provide and ensure workers use all required protective equipment, including face coverings and gloves where necessary." McDonald's own guidelines state that all workers should wear face masks, even when not required by local or state governments. Yet, there appears to be a failure to implement these necessary protections across the McDonald's system, evidenced by McDonald's workers and store surveyors who report a serious lack of personal protective equipment (PPE).

In the April poll of McDonald's workers, McDonald's employees reported a critical lack of protective equipment like gloves, masks, and even hand soap as they served the public during the initial months of the pandemic. According to the June poll of McDonald's workers, McDonald's is still failing to ensure that workers across its system have the most basic safety equipment to protect themselves and customers from coronavirus transmission.

Specifically, one in three (32 percent) McDonald's worker respondents reported in June that at least one of the following pieces of critical safety equipment was unavailable or had limited availability in their McDonald's stores: gloves; face masks; hand sanitizer; hand soap; and cleaning supplies to clean work surfaces, bathrooms, counters, and other critical areas. And one in seven (14 percent) reported that at least two of these pieces of equipment were either unavailable or had limited availability. McDonald's COVID-specific guidelines — as with standard food safety regulations in non-pandemic conditions — require workers who handle food or work in service areas to wear gloves.



Despite these basic regulations, store surveyors observed workers from a majority of visited stores (56 percent) not wearing gloves, including workers who were preparing fries and fulfilling drink orders along with those handling cash at the front counter.



Worker without gloves or a mask in a California McDonald's

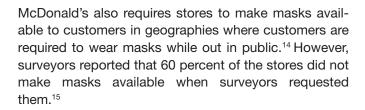


Workers handling food with no gloves in a Pennsylvania McDonald's

In addition to gloves, the store surveyors observed McDonald's workers either not wearing a mask or wearing one improperly at nearly half (44 percent) of the stores visited. McDonald's crew members worked without these critical face coverings in all areas of McDonald's stores, including employees preparing meals and bagging food orders in the kitchen, workers receiving payments at the counter, and individuals working at the drive-thru window. These observations were consistent across both corporate-operated and franchised locations, where workers were observed without masks or with improperly-worn masks at 41 percent and 45 percent of stores, respectively.



Workers improperly wearing masks in a New York McDonald's





Customers not wearing masks in a Pennsylvania McDonald's



Worker without gloves or a mask in a Wisconsin McDonald's

Surveyors also documented numerous other issues with PPE. McDonald's guidelines require that stores make hand sanitizer or hand wipes available to customers in the service area or the store's vestibule. Despite this requirement, surveyors found that well over half of the surveyed stores, 60 percent, did not make hand sanitizer or wipes available to customers.



Worker without a mask in a crowded New York McDonald's

SOCIAL DISTANCING CHALLENGES AT CRAMPED McDONALD'S LOCATIONS

Social distancing is one of the primary tools available to combat the spread of COVID-19. For example, California's guide to reopening restaurants instructs restaurants to "implement measures to ensure physical distancing of at least six feet between workers and customers. Place additional limitations on the number of workers in enclosed areas to ensure at least six feet of separation to limit transmission of the virus."17 The Illinois Public Health Workplace Health and Safety Guidance explains: "...your employer must comply, to the greatest extent feasible, with social distancing requirements. This means that your employer should: Make sure that you can maintain at least 6 feet of physical separation between yourself and others around you, including your coworkers and customers."18 However, the confined space in McDonald's kitchens and workers' daily interactions with customers make it extremely challenging to maintain the social distancing mandated by health professionals nationwide.

In the April worker poll, four in ten McDonald's crew members reported that it had been "very difficult to impossible to maintain social distancing" in their stores. In the June worker poll, McDonald's workers continue to attest to the challenges of social distancing at their McDonald's stores. Nearly two thirds (64 percent) continue to report that it is 'somewhat difficult' (26 percent) or 'very difficult' (38 percent) to maintain six feet of distance from coworkers and customers.



Workers crowded together in a kitchen at a Virginia McDonald's



Worker and customers not distancing at a Maryland McDonald's

Store surveyors also documented a lack of social distancing between employees and among customers at McDonald's stores. The layout of equipment in the kitchen and customer service areas creates workspaces that tend to be long and narrow, making it very difficult, if not impossible, for workers to move around the store without coming into close contact with each other. For example, at **over half (53 percent)** of visited stores, store surveyors observed a lack of social distancing between employees. Commonly-observed problems included workers congregating near the drive-thru windows and order assembly area, as well as workers crowding together in kitchens.



Workers crowded together in a kitchen at a New York McDonald's

McDonald's own guidelines describe social distancing as "the new normal" and a practice that "will be part of consumer expectations for quite some time."19 The guidelines detail several requirements relating to social distancing in the company's stores, including a rule that only permits more than one register to be open at a time if workers at those registers can maintain social distancing, or if there is a protective panel between the registers.²⁰ Despite this requirement, surveyors documented multiple stores where employees were working on adjacent cash registers, which do not allow for the mandated amount of social distancing. In many cases, workers who were failing to maintain social distancing were either not wearing a face mask or were improperly wearing one by failing to fully cover their mouth and nose.

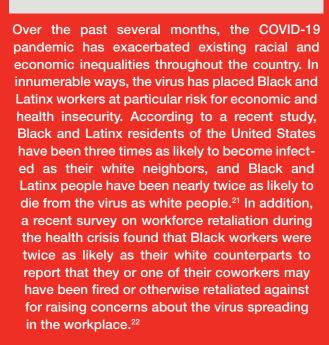


Workers not wearing masks or distancing at a Wisconsin McDonald's



Two adjacent registers open without six feet of separation at a New York McDonald's

COVID-19'S DISPARATE IMPACT ON BLACK AND LATINX WORKERS



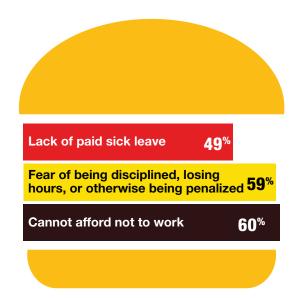
Clearly, McDonald's refusal to offer its workers a living wage, paid sick leave, and adequate safety protections contravenes the company's self-proclaimed alliance with the ongoing fight for racial justice across the nation. In particular, McDonald's has failed employees in COVID-19 hot spots like Los Angeles, the Bay Area, New York, New Orleans, Detroit, and Chicago, where its workforce is predominantly Black and Latinx. The urgency of this moment serves to highlight the pressing need for McDonald's to better protect its most vulnerable workers.

LACK OF SICK DAYS AND FEAR OF RETALIATION

Most McDonald's workers do not have paid sick leave. In 2015, McDonald's provided limited paid time off to corporate-operated store employees with one year of tenure.²³ In March, McDonald's responded to the COVID-19 outbreak by permitting workers at corporate-operated stores who are sent home or need to take sick leave for reasons related to COVID-19 to access two weeks of paid sick leave.²⁴ However, only five percent of all who wear the McDonald's uniform in the Unites States work in corporate stores, so this policy leaves out the overwhelming majority — roughly 95 percent — of McDonald's 850,000 US crew members.²⁵ And while workers in a few select states and localities, including California, Chicago, and New York City, also have access to legally-mandated paid sick leave, these laws do not cover most McDonald's workers.²⁶

It is not surprise then that, according to the June poll, a full **72 percent indicated that their McDonald's location does not offer paid sick leave.** This lack of paid sick leave is one of the reasons that nearly one in five McDonald's workers (18 percent) have come to work feeling sick during the pandemic.

Figure 1: Reasons McDonald's Workers Cited for Coming to Work Feeling Sick



Half (49 percent) of those who reported going to work feeling sick said that one reason for doing so was not having paid sick leave. In addition, 60 percent of those who reported coming to work feeling sick did so in part because they simply cannot afford not to work, and 59 percent of those who reported coming to work feeling sick did so in part because they are afraid to be disciplined, lose hours, or be penalized in another way by management for not showing up to their shift.

Since the crisis began, McDonald's has worked to ensure that it can evade the legal responsibility to provide paid sick leave to its employees. In March 2020, *Business Insider* obtained leaked audio showing that the company has been directly lobbying President Trump to exclude it from legislation mandating companies to provide paid sick days in this time of crisis.²⁷ In addition, *Politico* reported that the International Franchise Association, a McDonald's surrogate, has also lobbied heavily to make sure that companies like McDonald's are excluded from legislation mandating paid sick days, going so far as to brag about the number of emails its members sent to Congress.²⁸

WORKERS ATTACKED FOR ENFORCING MASK WEARING AND OTHER SAFETY MANDATES

In addition to pandemic-related health threats, McDonald's workers have been placed at additional risk through their position as enforcers of McDonald's mask requirements, social distancing standards, and other store safety rules. Repeatedly, McDonald's reopening guidelines encourage employees to engage with customers who are not complying with safety rules or who are involved in arguments with other customers over safety compliance.²⁹ Troublingly, this advice is offered despite a number of incidents in which workers have been physically assaulted or otherwise threatened for seeking to enforce safety guidelines.

According to the June poll, **nearly half (44 percent)** of McDonald's workers report that they have been verbally or physically threatened or abused by McDonald's customers refusing to follow safety guidelines or involved in altercations among customers over safety guidelines. If McDonald's workers are relied upon to enforce these local orders, they will continue to bear the risk of verbal and physical abuse from hostile customers who do not want to follow these orders.

A number of high-profile incidents involving customers who have attacked McDonald's workers for enforcing mask requirements and other safety guidelines have taken place around the country. For example, in June 2020, a 19-year-old McDonald's worker in Oakland was attacked by a customer after asking him to put on a mask. According to the Cal-OSHA complaint, the man hit the worker, grabbed her neck, and hurled racial and misogynistic slurs, during which the store manager did nothing to help her.30 In the complaint, the victim of the attack states that workers at the store have never had training on how to deal with belligerent customers. Meanwhile, in early May 2020, three Oklahoma City McDonald's workers were injured by gunfire and a fight that reportedly commenced when customers attempted to access the dining area of the restaurant, which was closed due to the pandemic.31 When the workers told the customers that the dining area was closed, the customers reportedly produced a gun and soon began firing.

The potential risk of harm to these Plaintiffs [McDonald's Workers] and the community at large is severe. It may very well be a matter of life or death to individuals who come in contact with these restaurants or employees of these restaurants on a regular, or even semi-regular basis, during the COVID-19 pandemic. And while there are many individuals who believe the pandemic is no longer a threat, science and medical research indicate otherwise. There is a long road to recovery for all of us. The balance of equities therefore leans in favor of the injunction.

Cook County, IL Circuit
Court Judge Eve Reilly

JUDGES SIDE WITH WORKERS

Around the country, McDonald's workers have been at the forefront of the fight to ensure that employers adequately protect their employees during the COVID-19 pandemic. In response to McDonald's failures to protect their safety, workers across the country have taken legal action against the company.

On June 22, 2020, a California state judge issued a temporary restraining order blocking an Oakland store, where at least 11 workers and numerous family members were diagnosed as COVID-19 positive, from reopening for more than a week in the absence of permission from the Alameda County Department of Environmental Health.32 The order concerned a lawsuit by McDonald's workers who alleged that their employer's failure to implement sufficient health and safety practices - such as quarantining sick workers, conducting adequate cleaning, providing personal protective equipment, and maintaining social distancing - caused COVID-19 to spread among workers and their families. The plaintiffs stated that this failure to protect workers created a public nuisance. After a hearing, the court allowed the store to reopen, but only if several conditions aimed at ensuring the safety of the store's workers and customers were met.33

Meanwhile, in Chicago, five McDonald's workers and four of their live-in relatives filed a lawsuit asserting that poor safety standards on the job endangered the public and failed to meet safety guidelines set by Governor J.B. Pritzker, thereby creating a public nuisance.34 On June 24, 2020, an Illinois judge ruled that McDonald's state operations and franchisee DAK4 LLC must do more to protect employees from the risk of COVID-19 at McDonald's restaurants.35 Writing that "the potential risk of harm to these plaintiffs and the community at large is severe," Judge Eve Reilly granted a partial injunction that ordered McDonald's to better train employees on appropriate social distancing procedures and to better enforce mask-wearing policies. The company's implementation of adequate safety measures, Judge Reilly explained, "may very well be a matter of life or death to individuals who come in contact with these restaurants or employees of these restaurants on a regular, or even semi-regular basis, during the Covid-19 pandemic."

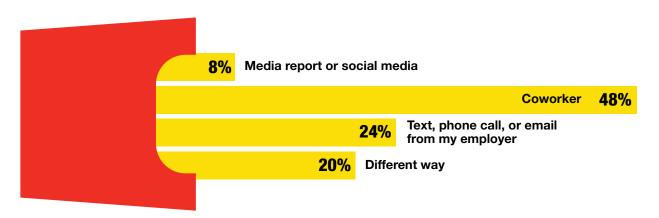
SEVERE MISMANAGEMENT OF POSITIVE COVID-19 CASES

In addition to the lack of PPE and paid sick leave, McDonald's management has failed to consistently inform its workers in a timely manner about confirmed cases of COVID-19 in their stores. Health officials suggest that notification of potential exposure to COVID-19 is critical in stopping the spread of the virus.³⁶ For example, a California Department of Public Health memo to local health departments concerning how to respond effectively to workplace outbreaks stresses the importance of identifying "additional employee cases and close contacts of cases to control further spread in the workplace." Close contacts are defined as "someone who spent 15 minutes or more within 6 feet of an individual with COVID-19 infection during their infectious period, which includes, at a minimum, the 48 hours before the individual developed symptoms."37

Based on individual media reports alone, scores of McDonald's workers in at least 20 states have tested positive for COVID-19.³⁸ The scale of worker outbreaks around the country is likely substantially larger, as the media does not always learn about or choose to cover every instance of positive workers at individual stores.

According to the June poll, 15 percent of McDonald's workers report knowing about a confirmed case of coronavirus at their McDonald's store. McDonald's workers, in most cases, were not informed about these cases by their employer, despite the cramped kitchens, close interpersonal interaction, and other risks that make transmission among coworkers a serious threat. In fact, only about one in four McDonald's workers who report knowing of a confirmed COVID-19 case initially heard about it from their employer via text, phone call, or email.

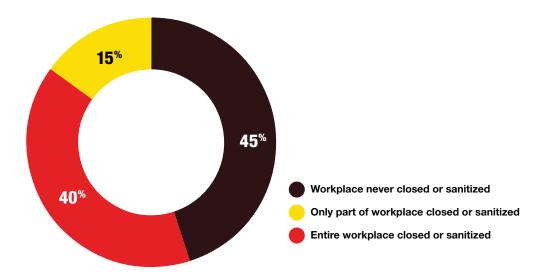
Figure 2: Initial Method McDonald's Workers Heard about COVID-19 Confirmed Cases at their Workplaces



Worse still, nearly half (46 percent) of workers who report knowing about a confirmed COVID-19 case at their McDonald's store were never notified by their employer.

Further, 45 percent of workers who report knowing about a confirmed COVID-19 case at their McDonald's store say that their store was never closed or sanitized following the confirmation of the COVID-19 case. And another 15 percent report that only part of their McDonald's store was closed or sanitized following the confirmed case.

Figure 3: Share of McDonald's Stores Closed or Sanitized after a COVID-19 Confirmed Case



In addition to reporting a failure to clean stores following positive COVID-19 cases, workers report minimal quarantining efforts by the company. Only 28 percent of workers who knew of a confirmed case at their store were offered to quarantine by their supervisors, and of workers who did quarantine, more than a third (36 percent) were not paid at all during the quarantine period. The lack of quarantining flies in the face of directives from health departments across the country, such as the following from the Illinois Department of Commerce: "Any employee who has had close contact with a coworker or any other person who is diagnosed with COVID-19 should quarantine for 14 days after the last/most recent contact with the infectious individual and should seek a COVID-19 test at a state or local government testing center, healthcare center or other testing locations."39



At one McDonald's in Oakland, California, workers have taken a stand against management in response to the company's disastrous failure to create a safe environment on the job. After being told to wear dog diapers and coffee filters as masks, workers walked out on strike and effectively closed the location for weeks, in what has been described as "the longest running McDonald's shut down by a strike." At least 11 workers and numerous family and community members have tested positive for COVID-19.

Troublingly, restaurant management reportedly failed to inform workers that they had been exposed to COVID-19 and did not implement adequate social distancing or cleaning procedures. Workers noted that management at the store told employees to come to work even when they were sick. 41 Moreover, in Berkeley, California, at least 10 workers at another McDonald's location tested positive for COVID-19, which may have been spread by an employee who also worked at the McDonald's in Oakland. 42



CONCLUSION

Despite the company's statements to the contrary, McDonald's is systematically failing to protect the safety and well-being of its workers. Store inspections, worker polling, and a range of other evidence demonstrate that McDonald's is **prioritizing expediency over safety, and profit over worker dignity.** As the nation's largest fast food chain, McDonald's has the opportunity to set an example of how to do the right thing for their employees, customers, and communities. Instead, McDonald's has continued to let its workers down.

APPENDIX

The 4,187 McDonald's workers who completed the June worker poll were distributed across the US with respondents in all 50 states and the District of Columbia. The online poll was conducted between June 16 and June 25, 2020.

Table 1: McDonald's Worker Poll Respondents by US Geographic Region

Region	Total Responses	Percent of Total
West	735	18%
Midwest	1,394	33%
Northeast	593	14%
South	1,465	35%
TOTAL	4,187	100%



Surveyors visited 116 McDonald's stores in 12 states between June 18 and July 7, 2020.

Table 2: McDonald's Store Visits, by State

State	Total Stores Visited	Drive-thru or Window Pickup Only	Lobby Open	Dine-in Open
New York	31	1	30	0
California	25	8	17	0
Pennsylvania	11	1	10	2
Wisconsin	10	1	9	1
Florida	8	0	8	5
Illinois	7	0	7	0
Virginia	6	0	6	0
Michigan	5	1	4	0
New Jersey	5	0	5	1
Minnesota	4	2	2	0
Maryland	3	0	3	0
Ohio	1	0	1	1
TOTAL	116	14	102	10

NOTES

Ben Miller. "McDonald's reports 25 percent of its global restaurants are closed." Chicago Business Journal. April 8, 2020. Available at: https://www.bizjournals.com/chicago/news/2020/04/08/mcdonalds-reports-25-percent-of-its-global.html

Joe Erlinger. "What We're Doing to Support Our Customers, Employees and Communities." McDonald's USA. March 23, 2020. Available at: https://news.mcdonalds.com/news-releases/news-release-details/what-were-doing-support-our-customers-and-communities

Marjorie McAfee, Cho Park, Kristofer Rios, John Kapetaneas, and Anthony Rivas. "Underlying crisis': Foodservice workers protest lack of COVID-19 safety measures, hazard pay." ABC News. April 17, 2020. Available at: https://abcnews.go.com/Business/underlying-crisis-food-service-workers-protest-lack-covid-19/story?id=70195869

⁴ Andrea Nakano. "Oakland McDonald's Workers File Lawsuit Over Working Conditions During COVID-19 Outbreak." KPIX 5. June 17, 2020. Available at: https://sanfrancisco.cbslocal.com/2020/06/17/oakland-mcdon-alds-workers-file-lawsuit-over-working-conditions-during-covid-19-outbreak

Service Employees International Union. "Working at McDonald's During a Pandemic." April 8, 2020. Available at: https://s3.us-east-1.amazonaws.com/protectallworkers.org-assets/pdfs/mcdonalds-worker-covid-19-survey-data-brief-2020-04-08.pdf

of the 116 surveyed stores, 102 allowed customers to enter the store. Of those, 92 were at Stage 1 of opening, meaning they only offered takeout; 10 stores were at Stage 2 of opening, meaning they offered both takeout and dine-in options. The remaining 14 stores did not allow customers inside the store.

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- McDonald's Corporation. Dine-In Reopening Playbook. May 12, 2020. Available at: https://s3-prod.chicagobusiness.com/2020-05/mcdon-alds-reopening-playbook.pdf On its face, the reopening playbook is binding only on corporate stores. Id. at 2. Although the document states that it is "intended...for the use of the employees and franchisees of the McDonald's System," it takes the position that franchisees "are exclusively responsible for complying with all statutes, laws, and regulations applicable to their restaurants." Id. However, other sections of the document contemplate that franchisees will use it, and identify specific procedures and conduct relevant only to owner/operators. For example, according to the document, "re-opening a dining room of an individual restaurant is the decision of the Owner/Operator in partnership with the Ops Officer." Id at 5 (emphasis in original). And, despite disclaimers, the document expressly imposes at least one requirement on some franchised restaurants. Experience of the Future ("EOTF") restaurants are "required to open with table service using the modified table service procedures." Id. at 45. Clearly, the company anticipates franchisees reading the document and, in some cases, complying with the requirements within it.
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- New York City, California, and Chicago all enacted paid-sick leave legislation before the COVID-19 outbreak. While some places, like Chicago, have enacted changes reinforcing their paid-sick leave law in response to the COVID-19 pandemic, paid-sick leave laws do not mandate additional safety requirements.
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