

# Hidden in Plain Sight:

Workers at Baltimore's Inner Harbor and  
the Struggle for Fair Development



SPRING 2011

**NESRI**

NATIONAL ECONOMIC  
& SOCIAL RIGHTS INITIATIVE

 **United  
Workers.org**

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### **About United Workers**

The United Workers is a multi-racial and bilingual human rights organization led by the poor to end poverty. We focus on human rights education, leadership development, and reflective action. In 2002, we were founded by homeless day laborers and have grown to a membership of over 2,500. We are leading the fight for fair development, which respects human rights, maximizes public benefits and is sustainable.

Since our founding, we have developed an effective model for organizing low-wage workers who tend to be excluded from traditional means of securing justice. In 2004, we launched the Living Wages Campaign at Camden Yards, focusing on the use of poverty-wage day labor to clean the city's new baseball stadium. After three years of struggle and under the threat of a hunger strike, stadium cleaners finally secured a living wage, raising wages from \$4/hr to the current living wage of \$12.28/hr. We extended and expanded the fight for fair development to Baltimore's premier tourist attraction, the Inner Harbor. On October 25, 2008, we declared the Inner Harbor a "Human Rights Zone." We are currently organizing 1,500 restaurant and retail workers to hold accountable the two developers, GGP and Cordish, demanding the basic human rights to Work with Dignity, Health Care and Education.

Contact United Workers: 410-230-1998, [info@unitedworkers.org](mailto:info@unitedworkers.org), <http://unitedworkers.org>

### **About NESRI**

In partnership with communities, NESRI works to build a broad movement for economic and social rights, including health, housing, education and work with dignity. Based on the principle that fundamental human needs create human rights obligations on the part of government and the private sector, NESRI advocates for public policies that guarantee the universal and equitable fulfillment of these rights in the United States.

NESRI's Human Right to Work with Dignity Program provides support to community and workers' organizations advocating for governmental and corporate policies and practices that guarantee the opportunity for all to have fulfilling and dignified work under safe and healthy conditions and to receive fair wages that support a decent living. NESRI facilitates the use of human rights language and advocacy strategies in order to promote an approach to workers' rights that is universal and addresses the rights of workers excluded from the protection of current labor law and demands accountability for human rights abuses from all employers. A cornerstone of this human rights approach is the participatory model – in which workers identify injustices and shape the strategies by which to demand and achieve their rights – that characterizes each of NESRI's partner organizations.

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### **Image on cover**

United Workers leader and former Cheesecake Factory worker, Raquel Rojas speaks out about human rights abuses, October 2010

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# ACKNOWLEDGEMENTS



We are indebted to the workers, community stakeholders, and scholars who gave their time and shared their stories through surveys and interviews for this report. We are particularly inspired by the tremendous leadership and courage of Inner Harbor workers who everyday choose to step forward and organize for economic human rights.

A huge thanks to Sam and Janet Bingham, both with decades of journalism experience, who dedicated many months and many late nights researching the Inner Harbor, its history and the many institutions that have contributed to its development. This report would not be possible without your dedication and commitment to transparent government and economic justice.

A special thank you to Peter Sabonis, Catherine Albisa, Catherine Norris, Evan Morchoisne, Jessica Schirmer, Joie Chowdhury and Erin Keskeny for assistance editing and proofreading this report, and to Christine Sullivan for her assistance with design and formatting.

Additionally, we would like to thank the Public Welfare Foundation, the Fund for Change, Ben and Jerry's Foundation, the Norman Foundation, and the Presbyterian Church U.S.A. Self-Development of People Foundation for supporting our work. We also want to thank our individual donors for their support.



*Low-wage workers, students, faith leaders, grassroots groups, and community activists gather to plan the B'more Fair, January 2009*

# EXECUTIVE SUMMARY



***Everyone has the right to work, to free choice of employment, to just and favourable conditions of work . . .***

***Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.***

***Universal Declaration of Human Rights Art. 23  
Signed by the United States in 1948***

Everyone has the human right to a decent job that allows him or her to live in dignity and to provide an adequate standard of living for his or her family. It is universally agreed that decent jobs are critical for the well-being of society, communities, families and individuals. It is therefore not surprising that when urban development, redevelopment, or revitalization projects are proposed and public monies are on the table, the message is that it's "all about jobs." Often launched with great fanfare about the local economic growth they will generate, these projects involve complicated partnerships between the local government and private developers. Local governments hand over public resources either directly or indirectly to initiate and encourage the project. However, they rarely oversee how money is spent and whether the project delivers on its promises. The re-development of Baltimore's Inner Harbor – a well-known downtown redevelopment project where about 1500 people go to work each day – has been no exception. After planners foresaw the decline of Baltimore's industrial base, this development effort was intended to turn the rusting port district into an entertainment center and tourist destination that would launch an era of renewed prosperity for the city's residents.

But, as the documentation in this report demonstrates, the Inner Harbor instead has become a glaring example of poverty zone development, with low-quality jobs and abusive wages and conditions. As in other poverty zone developments, the private developers – General Growth Properties and Cordish Companies – and their investors insisted on secure profits through access to public subsidies and advantageous leases with the vendors who run the businesses in the development. The vendors, many but not all extremely powerful and wealthy companies themselves, maximize their profits by minimizing their unfixed costs (in particular labor), which creates a downward pressure on wages and working conditions for the vendors' employees who work at the very bottom rung of the economic ladder. The end result in the Inner Harbor, which like other poverty zone developments is populated by grievously under-regulated restaurant and retail businesses, is that vendors' treatment of workers goes largely unchecked. In short, the development's profits do not trickle down, but are instead squeezed upward from the workers.

The direct and indirect public financial and political support for the developers by the city of Baltimore has often shifted economic benefits towards private gain and away from maximizing public goods. From the beginning, public tax dollars supported Inner Harbor development – through favorable leases of public land and other subsidies; public works like new parks, two major league stadiums, historic ships, and the science museum; and publicly funded marketing and government services that have made the Inner Harbor attractive to investment. The formal measure of success for these public investments has been a superficial assessment of whether a rundown area has been "cleaned up," whether customers are happy, whether businesses and investors are making money. Job creation has been addressed as a simple matter of quantity – how many jobs are created – not of quality. However, an evaluation of a development's impact on the city's working poor shifts the focus from short-term

commercial success and superficial beautification to a measure of the quality of the jobs created, the work conditions suffered and the wages paid.

Workers who toil for long hours at the Inner Harbor are often hidden in plain sight. Yet, their stories are the only ones that can really tell us whether the jobs created by publicly-supported development projects deliver a path out of poverty for local residents. Engaging more than a thousand workers over a three-year period, the United Workers, a Maryland-based grassroots human rights organization, has documented wages and working conditions in Baltimore's Inner Harbor as part of its Campaign for Fair Development. Through this documentation effort, workers in the Inner Harbor of Baltimore have generously shared their stories for this report. Together, their voices tell a bigger story of poverty zone development—development that brings profits to private developers and businesses but brings only poverty wages, insecure employment, and injuries to health, dignity and quality of life for local workers. Trapping workers in poverty, the development of the Inner Harbor fell far short of fulfilling the promise of new opportunities and equitable economic growth.

Despite the Inner Harbor's commercial success, workers routinely face violations of fundamental economic and social rights related to employment that perpetuate the city's chronic poverty. In particular, United Workers has found that:

- Documented violations of the right to work with dignity include: systematic failure to pay workers a living wage; chronic wage theft; and working conditions offensive to human dignity, including verbal abuse and bribery by supervisors.
- Documented violations of the right to health include: widespread lack of health insurance; lack of sick days; and failure to respond adequately to workplace injuries, including pressure to work while ill or severely injured under threat of termination.

Other common practices at the Inner Harbor unnecessarily diminish the quality of life of workers and their families and limit their ability to work their way out of poverty. These include the refusal of time-off in cases of serious personal loss and childcare

emergencies, failure to accommodate the scheduling needs of parents of schoolchildren, and scheduling policies that unnecessarily and arbitrarily impede workers' ability to attend school while they work.

The path toward transformation of the Inner Harbor from a poverty zone development to a fair development – one that respects workers' human rights – must begin with the developers, the large corporations that have controlled and profited from the redevelopment of the Inner Harbor. United Workers are therefore calling on the Inner Harbor's two major developers – General Growth Properties and the Cordish Companies – to enter into fair development agreements that require all vendors to meet basic human rights standards in their treatment of workers. Drawing on the precedents of living wage ordinances and community benefits agreements, these agreements require that all workers be paid a living wage and be treated with respect and dignity at work, and that a fund be established to address the workers' health care and educational needs.

A century ago, industrial workers likewise faced poverty wages and degraded labor conditions in Baltimore and elsewhere. True prosperity and progress in labor did not arrive until organized labor and public concern raised wages and forced changes in working conditions. The face of exploitation is different today. But the reasons to end it are the same. Those profiting from workers' labor must respect workers' human rights. As Baltimore continues to invest public money in development projects ranging from the East Baltimore redevelopment to the proposed demolition of the First Mariner Arena, it is important to reconsider the Inner Harbor, its history, and the human rights demands of its workers. Only then may Baltimore realize the promise of the Inner Harbor and a genuine revitalization of the city.

Of course, poverty zone development is not unique to Baltimore. Around the country, ever-increasing numbers of workers are employed in similar developments, shopping malls, and resorts filled with restaurants and retailers. These are the 21st-century version of the factory floor of 1900, where workers similarly faced the double challenge of unregulated industry and employers' limited social consciences. United



Workers chose the Inner Harbor as the first focus of its Campaign for Fair Development because if the Inner Harbor can embrace and realize the goal of lifting its workers out of poverty, it can be a model for other similar developments.

This report covers the history of the Inner Harbor and how the initial promise of increased economic prosperity for Baltimore's working poor devolved into the current poverty zone development. It also shares the stories of workers currently at the Inner Harbor,

documenting a wide range of human rights abuses related to employment. Next, we present United Workers' alternative model for human rights-based fair development – one that prioritizes transparency, accountability, participation, and the protection of workers' rights, while also promising increased economic returns on both public and private investment. The report concludes by explaining how United Workers' demands can transform Baltimore's Inner Harbor into a model of fair development.



*Low-wage workers march from Camden Yards to the Inner Harbor, declaring it a "Human Rights Zone," October 25, 2008*

## **Sinking in the Quicksand of Broken Promises: Restaurant Workers Facing Daily Abuses Are Hidden in Plain Sight**

Nadja Martens is like many young people who have hope for the future and a willingness to work hard to create opportunities. Dreaming of going to art school, she began working at the Hard Rock Café in Baltimore's Inner Harbor, believing that the flexible schedule of waiting tables would help her reach her goals. What she didn't expect were the poverty wages that led her to working longer and longer hours just to ensure her daily survival with some level of dignity.

"You can't survive in the winter at all," Nadja says. Restaurants pay servers \$3.63 an hour, half the minimum wage of \$7.25. In the winter, tips don't even bring wages up to the minimum, and although they are supposed to, many employers often don't make up the difference. Nadja explained that "everybody has to pick up extra jobs in the winter or work more days and try to survive on three dollars an hour. It was nothing." Nadja had no choice but to spend up to 12 hours a day and six or seven days a week waiting, hoping for customers.

After struggling through the winter, she hoped to fare better in the spring and summer during the tourist season. Again her expectations of a decent job were abruptly shattered. "During the summer, you are not eating or going to the bathroom. You are on your feet constantly. But even though it is busy, we are not making more money. People think we make tons of money because we are so busy. Not true because there is no protection of our tips at all." While most customers believe their tips are going to one waiter or waitress, in reality those tips are subsidizing the wages of a much larger number of employees in the food chain – saving the employers money who can then pay



*Nadja Martens*

lower wages to the bussers, food runners, and bartenders. Servers also pay out tips not based on how much they actually receive, but as a percentage of sales, whether or not the customer tips. As Nadja explains, "you can have a fifty dollar check and they leave you [no tip]. So if I make the restaurant all this money but I only make ten percent in tips, I still have to tip out five percent of my sales [to other employees]."

Nadja also explained how the combination of lack of health insurance and the treatment of workers by her employer forced her to face the toxic choices of foregoing health care, working when sick or injured, or risking losing her job. "There is no getting sick at the restaurant. If you get sick, you can't afford to go to the doctor, and you can't afford a doctor's note. I worked sick all the time. [Y]ou are still working [when sick] because you can't get off. I remember one time I did get sick. I went to a free clinic and they gave me a note. I went to my job and they said it wasn't valid. They said, 'This does not look like a real doctor.' Everybody in the kitchen [works sick]. It doesn't matter how sick you are."

These daily indignities are increasingly woven into the fabric of the American workplace as communities try to survive in the context of poverty zone developments where decent jobs are nowhere to be found, despite the many promises made while developers seek public support for these private developments.



## The Human Rights Zone Campaign

After securing living wages for stadium cleaners at Camden Yards in 2007, United Workers leaders spent a year talking to workers across the city to choose the next campaign. At the Inner Harbor, they heard stories of human rights abuses reminiscent of the early days of the Living Wages at Camden Yards Campaign. They decided on a campaign to extend and expand the living wages victory to the Inner Harbor. On October 25, 2008, stadium workers and Inner Harbor workers joined together first at Light St. Presbyterian Church, where former Living Wages Hunger Striker, Linnette Wilkins, passed a Human Rights Zone flag to a new Inner Harbor member, Juan Paredes. Workers and community allies marched from Camden Yards to the Inner Harbor and declared the Inner Harbor a “Human Rights Zone,” making a commitment to organize and to secure the basic human rights to work with dignity, health care and education for all Inner Harbor workers within the “Zone.”

After the launch, Inner Harbor workers formed the Campaign Unity Committee made up of workers from across the harbor: restaurant workers, janitors and retail clerks. This committee surveyed members in early 2009 to formulate demands and identify the worst human rights violators. In March 2009, United Workers held a press conference just across the street from the Inner Harbor. Members put the development’s three worst economic human rights violators on notice: Phillips Seafood, the Cheesecake Factory, and M & S Grill. Veronica Dorsey, a United Workers Leadership Organizer and former cleaner at Camden Yards, opened the press conference to questions. A local television reporter asked if now is the “right time” for workers to make any demands of employers, given the economic crisis and high levels of unemployment. Without missing a beat, Dorsey responded with an answer that speaks to the heart of why workers have declared the Inner Harbor a Human Rights Zone, answering “yes, we feel it is [the right time] because we believe that all life is sacred, and we believe that all humans have the right to be respected and to have human dignity.” Dorsey’s response illustrates the power of a human rights framework to explain why workers are demanding that their rights be respected in all economic climates.

On April 18, 2009, Harbor workers led a march through the city to the Inner Harbor, where they demanded that Phillips Seafood enter into a six-month dialogue to resolve human rights abuses. Phillips Seafood responded by calling an emergency meeting of all of their workers and threatened to shutdown if workers organized. Later in the summer, Phillips Seafood managers threatened United Workers organizers and harassed workers who talked with United Workers organizers.

In the fall of 2009, the Campaign Unity Committee decided that rather than fight prolonged battle after battle with each Inner Harbor vendor, the transformation of the Inner Harbor from a poverty zone development to a fair development would need to begin with the developers, the large corporations that have controlled and profited from the redevelopment of the Inner Harbor. Workers articulated an alternative to poverty zone development: Fair Development that respects human rights, maximizes public benefits and is sustainable. As a first step towards Fair Development, workers demand Fair Development Agreements with Inner Harbor developers, GGP and Cordish, that mandate living wages through vendor lease agreements and the establishment of a fund to address workers’ health care and educational needs.



*Inner Harbor workers announce decision to shift demands to the top of the profit chain, to the developers, November 2009*

Over the course of 2010, workers continued to organize at each vendor, forming employer-based Human Rights Committees to tackle human rights abuses particular to each employer, while bringing together all workers to demand meetings with the Inner Harbor developers – GGP and Cordish. In early 2011, a representative from Cordish met with Inner Harbor leaders. As of April 2011, GGP has yet to respond to the demands or to the request for a meeting.

# I FROM DEVELOPMENT DREAM TO POVERTY ZONE



## A. The Promise

Conceptualized during the late fifties and sixties and built starting in the seventies, the Inner Harbor was one of the first attempts at downtown revitalization. The Harborplace Pavilions built by urban design pioneer James Rouse have inspired similar projects in places as far-flung as Osaka, Japan, and Sidney, Australia.<sup>1</sup> The attention and emulation is deserved, as the planners who laid out today's Harbor had the foresight to address a looming urban disaster before it reached crisis proportions. In 1950, the Port of Baltimore was processing more cargo than ever before, coming in second only to New York for imports. But city officials could already see the inevitable decline of the Port business due to factory automation and container shipping, the silting of the Chesapeake, alternative transportation means, and the decline of manufacturing.

Martin Millspaugh, Urban Affairs journalist and one of the Inner Harbor's chief architects, writes that, "[t]he story begins in the 1950's, when container ships replaced the traditional types of ocean-going vessels and caused the abandonment of old ports all over the Globe, leaving an industrial wasteland that cut the city centers off from their historical birthplace at the harbor."<sup>2</sup> By the mid-fifties, Baltimore was losing population quickly to the suburbs and to other cities that were less affected by the loss of industry.

In 1954, the year O'Neil's Department Store closed down the day after Christmas, city leaders and leaders from the business community formed the Committee for Downtown to conceptualize a new industry, something to replace the Port of Baltimore. They came up with the Inner Harbor at Baltimore, a series of promenades and boardwalks overlooking the water and backed by restaurants, shopping, and tourist attractions. The city began raising money for a plan for the Inner Harbor

in 1964, and began acquiring land in 1967.<sup>3</sup> "It was to supplement, to replace basically, the drain on our manufacturing jobs," says City Councilwoman Mary Pat Clarke. "It would help the economy of the city, it would help the families...It was all about the jobs to begin with, the Inner Harbor."<sup>4</sup>

These new jobs promised an antidote to what threatened to be a rapid decline for the city's businesses and population. Downtown shopkeepers had seen their sales drop sixteen years in a row.<sup>5</sup> Between 1959 and 1970, Baltimore lost 46,000 manufacturing jobs, or a third of its industrial base. By 1995, 75 percent of its industrial jobs and a third of its people were gone.<sup>6</sup>

## *Redevelopment Begins*

In 1962, as Baltimore's downtown business district quickly lost jobs to the suburbs and its shipping industry began to atrophy, the Charles Center, an impressive office building complex, opened downtown to rave reviews. This was the anchor for a comprehensive plan to save downtown Baltimore and to staunch the flow of businesses to the suburbs. Immediately, planners turned their gaze to the Inner Harbor. The Charles Center Inner Harbor Management (CC-IHM) Committee was formed, one of Baltimore's first such committees to bring together public and private advisors for a civic project. Architects and urban planners were invited to submit designs.

From the start, debates about what the Harbor should be animated discussions in city boardrooms. Initial plans included a police station, a junior college, offices for city hall, a nursing home, ball fields for Southern High School and park space for residents. Much discussion centered on housing. Most planners wanted to include housing for white-collar workers, in an effort to prevent white flight to the suburbs. A faction, however, resented the loss of mixed-income and low-



*A United Workers delegation including ARISE Chicago pays visit to GGP Headquarters in Chicago, Fall 2010*

income housing that already existed at the harbor and warned against its sacrifice.

Alongside these debates about what the Inner Harbor should become were concerns about whether the civic purpose of the Harbor's development could be maintained if private developers were given free rein. E. Hamilton Niles, an architect who drew up some of the first plans for the Harbor, said to the *Baltimore Sun* at the time of their release: "If we are not careful, city officials may take the easy way out and turn the whole thing over to private developers. It would be a gold mine for speculators, who would ring it with high rise apartment houses or whatever they like. But then this valuable resource would be lost to the people of Baltimore."<sup>7</sup>

These concerns were not misplaced, although the shift in emphasis was gradual. In November 1964, the narrow defeat of a \$15,600,000 public building loan referendum transformed what had been chiefly a civic project with private input and investment into a public-private partnership with priorities set by private enterprise. According to the *Baltimore Evening Sun*:

Mayor McKeldin said today that the city's inner harbor redevelopment program will begin on schedule despite the defeat at the polls Election Day of \$15,600,000 in public building loans. . . The mayor, who met with his top city planners yesterday to discuss the program, said the action of the voters will mean only a shift in emphasis in the vast \$260,000,000 plan. "We will have to change our initial emphasis in our development program," Mr. McKeldin said. "But I have been assured by those officials working on the plans that we can proceed according to schedule, using some other priority list."<sup>8</sup>

The article went on to comment, "Presumably, this meant that the planners will focus attention on the private aspects of the program, such as residential and business development, rather than the municipal office buildings that have been envisioned."<sup>9</sup>

The following June, Mayor McKeldin told "more than 800 persons at the Lord Baltimore Hotel that the initial renewal emphasis has been shifted from the proposed municipal office center southeast of City Hall to the waterfront itself because of the voters' refusal



last November ‘by a hair-breadth margin’ to authorize new public building loans.”<sup>10</sup> The mayor went on to say that “the first stages of the project would involve heavy public expenditures in an effort to provide dramatic attraction for private capital later.”<sup>11</sup> In other words, public spending that had already been approved would now go towards attracting private capital, so that the mayor would no longer have to rely on voter approval for the project.

The Inner Harbor Urban Renewal I plan, featuring a 22.3 million dollar federal grant, was approved in 1967, and the city began collecting land.<sup>12</sup> By 1981, the city had spent 103.6 million dollars in Urban Development Action Grants and Community Block Development Grants to collect, backfill and landscape the Inner Harbor.<sup>13</sup>

The late 60s and 70s had been a rough period for Baltimore, marked by the 1968 race riots following Martin Luther King’s assassination, accelerated white flight, and ever fewer jobs available. By 1970, Baltimore had one of the nation’s highest homicide rates, and the white portion of the population had dropped from 78% to just over 50%.<sup>14</sup> Meanwhile, jobs continued to erode. In his essay, “A Third World City in the First World,” economist Marc Levine noted that in 1950, Baltimore had 950,000 residents, 34 percent of whom had jobs in manufacturing. Between 1950 and 1970 Baltimore lost 46,000 manufacturing jobs. By 1995, only eight percent of city jobs were in manufacturing.<sup>15</sup>

Meanwhile, however, valiant efforts were made to slow the decline. In an attempt to restore interest in downtown Baltimore and bridge the racial and class tensions, the first city fair was held in Charles Center in 1970. It moved to the Inner Harbor in 1973, drawing 1.5 million people over one weekend in September.<sup>16</sup> Over the following years, the fair became a city institution, attracting people of all ethnicities. The Bicentennial arrival of the Tall Ships in 1976 drew thousands more to the Inner Harbor, and city planners began to move forward with plans for a more permanent city center at the Harbor.

In 1978, James Rouse, a national developer based in Baltimore, had just met with huge success with his “festival marketplace” concept in Boston. He approached

Mayor Donald Schaeffer with a plan for Harborplace: “two glass and steel market buildings, with skylights and the informal rooflines of old-fashioned beach pavilions,” with a proposed price tag of \$15 million.<sup>17</sup> Harborplace, which Rouse hoped to position next to the water at the Inner Harbor, was to be modeled after Rouse’s newly opened and so-far quite successful Faneuil Hill and Quincy Market in Boston. The plans for the Inner Harbor had always included development, and this was exactly the type of development that Schaeffer was looking for: attractive, promising some 1,000 jobs, and guaranteed to attract tourists to Baltimore and bolster the flailing economy.

However, because of the popularity of the City Fair, and the beauty of the greenspace that Baltimore’s Inner Harbor had become, a local group, Citizens for Preservation of the Inner Harbor, opposed Rouse’s proposal and collected 12,000 signatures to put a referendum opposing the building of the pavilions on that November’s ballot. Mayor Schaeffer put a competing referendum supporting construction of the pavilions on the same ballot, worded in such a way that confused voters might vote yes on both of the two competing measures. The only way the pavilions would be blocked was if a majority voted YES on the greenspace referendum and NO on the greenspace plus pavilion referendum. If both measures got yes votes, the issue would go to the courts, and Schaeffer had reason to believe “his referendum question is ‘more specific,’ and suggested it might fare better if there were a court battle.”<sup>18</sup> Critics complained that Schaeffer’s referendum was intentionally worded to confuse voters, leading the casual observer to believe greenspace would not be compromised by the buildings. “His proposed ballot question for a partial park is typical of the worst dirty political ploy—the name-is-the-same game,” said Citizens for Preservation of the Inner Harbor.<sup>19</sup>

In the months leading up to the referendum, Schaeffer and Rouse worked overtime to win the African American vote by promising jobs. They held press conferences, visited churches, and discussed their plans in detail with community leaders. The October 7 *Baltimore Afro-American* reported that “Rouse and the city administration say that at least 1,000 jobs will be created in addition to 400 additional construction

jobs where minority contractors will be used. 'We have made a commitment to recruit black businesses, not just minority businesses, but black businesses, in Baltimore for the Inner Harbor. What we would be seeking is well-run, quality operations. We will do all we can,' said Scott Ditch, vice-president for Public Affairs for the Rouse Company."<sup>20</sup> While Rouse was willing to make promises, he "turned down a request by a group of blacks to give them written guarantees that will insure [sic] certain percentages of representation in the development."<sup>21</sup>

Nonetheless, Harborplace was endorsed by voters in the November 14 referendum, after African American leaders secured promises from Rouse and Schaeffer of minority preference in hiring. Harborplace opened its doors in 1981 with great fanfare, heralding the presence of 1,000 new jobs for Baltimoreans.

## B. The Trade-Off: Public Support for Private Development

Private development of public waterfront property in the Inner Harbor thus began with an implicit deal among the city of Baltimore, its residents, and private developers. The city would offer incentives for developing some of its most prized real estate along the harbor waterfront, and this in turn would usher in a new era of prosperity for the people of Baltimore through economic growth and new employment opportunities at the harbor. The Rouse Corporation opened the Harborplace Pavilions in 1981, which was sold to General Growth Properties (GGP) in 2004. And in the mid-1990s, the Cordish Company revamped the city's old power plant and opened "The Power Plant" as an entertainment and shopping destination. The Harborplace Pavilions and the Power Plant complex are the flagship enterprises of the redeveloped Inner Harbor and have attracted dozens of businesses to downtown Baltimore. Neither of these projects would have come into being, however, without massive subsidies from the public sector. Unfortunately, a full investigation of public spending at the Inner Harbor has never been undertaken – not by the city, not by its development agency, the Baltimore Development Corporation, and not by the prime political supporter of Inner Harbor Development, the Greater Baltimore Committee. What is clear from available sources, however, is that a large

public investment in development has been made at the Inner Harbor.



*Leadership Organizer, Veronica Dorsey, holds worker surveys used to determine the "worst of the worst," March 2009*

## General Growth Properties and Harborplace

General Growth Properties (GGP) purchased Harborplace from Rouse in 2004 as part of a rapid expansion that helped make the Chicago-based company the second-largest mall owner in the United States, with more than 200 properties nationwide. But in the process the company amassed \$27 billion in debt. In April 2009, GGP filed the biggest real estate bankruptcy in U.S. history.<sup>22</sup> According to news reports, the bankruptcy resulted from the company's "inability to refinance mounds of debt, taken on during a rapid expansion, when credit markets crumbled."<sup>23</sup> Harborplace itself, however, was paying its bills as they came due and was not in default when the bankruptcy filings occurred.<sup>24</sup> In November 2010, GGP emerged from bankruptcy, destined to split into two companies. The larger company, which has kept the GGP name, owns 185 malls nationwide, including Harborplace.

## The Power Plant and the Cordish Companies

The Cordish Companies are a conglomerate of real estate enterprises best known for flashy entertainment and gaming developments in major cities. With experience gained from stints as Chairman of the Baltimore City Housing Authority in 1972, and as first director of Urban Development Action Grants under President Carter in 1978, David Cordish learned the intricacies of government programs, and his company's method has been to partner with a city and capitalize on a wide array of government subsidies. Between 2000 and 2009, the company negotiated and implemented public subsidies totaling nearly \$1 billion nationally, including Tax Increment Financing, Historic Tax Credits, New Markets Tax Credits, Tourism Tax Credits, PILOTS, and grants.<sup>25</sup>

In 1998, Cordish began leasing the old Baltimore City Power Plant on Pier 4 in the Inner Harbor, built by the city in the early 1900s to provide electricity to Baltimore. The building had stood vacant for almost ten years. Cordish brought in the first ESPN Zone—a Disney sports-theme restaurant, a Hard Rock Café, and a Barnes & Noble bookstore.<sup>26</sup> In 2000, Cordish turned a nearby failed retail complex into Power Plant Live!, a restaurant and entertainment complex. These projects secured Cordish's reputation as a developer specializing in urban redevelopment. Baltimore's Power Plant and Power Plant Live! have served as showroom models for similar Cordish projects across the U.S., including Fourth Street Live! in Louisville, Kentucky; Power & Light District in Kansas City, Missouri; The Power Plant of Hampton Roads, Virginia; and plans for Daytona Live! Philly Live! Indiana Live! and Las Vegas Live!

### The Power Plant Lease

In 1997, Cordish signed a 75-year Lease Agreement with the city of Baltimore for the Power Plant building. For the first ten years, Cordish was required to pay only \$1000 a year for the building. Thereafter, 22 percent of net profits were to go to the City. However, the terms of the lease minimize the amount ultimately paid to the city by guaranteeing Cordish 4.5 percent of gross revenue off the top for managing the facility (two stories of which house Cordish's corporate headquarters) and by deducting a long list of expenses before calculating the remaining 22% to be paid to Baltimore, with 78% percent of the net remaining going to Cordish.<sup>27</sup>

Despite the lack of direct city revenue from the leasing arrangement, the lease agreement recognizes "the importance of the Development of the Project to the general welfare of the community" and "the public aids that have been made available by law and by the City of Baltimore for the purpose of making such Development possible."<sup>28</sup> There is also language in the lease that recognizes a role for Cordish in ensuring at least the legal minimum of workers' protections. The lease agreement requires that Cordish "shall use its reasonable efforts...to cause all Tenants to . . . h) comply with all Applicable Laws."<sup>29</sup> It is unclear what efforts Cordish has undertaken to ensure that vendors comply with all applicable labor laws. For example, we do not know whether Cordish has made any effort to prevent the wage violations documented in this report or to prevent ESPN Zone from closing without providing proper notification to employees in compliance with the federal WARN Act, as alleged in a pending lawsuit.<sup>30</sup>

Indeed, public money set the stage long before Harborplace and the Power Plant were developed. Taxpayer money supported the physical transformation of the old harbor. A dingy realm of decaying warehouses and wharves became a well-maintained gaslight quarter with parks, promenades and new public institutions like the Science Center, the Aquarium, the Convention Center and, later, two major league stadiums. This extraordinary infrastructure clearly makes the Inner

Harbor far more attractive for commercial development and should be figured into any estimation of the property's value. Meanwhile, public funds, loans, tax breaks, leases, land sales, and other incentives have contributed directly to the bottom line of the developers of the Inner Harbor. The following chart offers some examples of public spending in the Inner Harbor that has directly or indirectly benefited its private developers.



# Inner Harbor Activities Involving Public Funds

Date	Project Cost	Type of Public Participation	Purpose
1970s	Not readily available	Not readily available	Demolishing of more than 400 Inner Harbor structures to make way for new development
1975-1981	\$103.6 million	Urban Development Action Grants and Community Block Development Grants	To collect, backfill and landscape the Inner Harbor
1976		HUD monies	Maryland Science Center
1979	\$52 million	Bonds	Convention Center—provides a large portion of visitors to Inner Harbor in preparation for development
1979	\$35 million	\$10 million Urban Development Action Grant & Below-market rate loans	Hyatt Regency Hotel—accommodations for visitors to Inner Harbor
1979-1999	30% subsidy on construction cost	Funding mechanism not readily available	Every hotel built downtown in this period—accommodations for visitors at Inner Harbor
1981	\$21.3 million	Baltimore City funding through HUD monies and bonds	National Aquarium
1980s	\$1.6 billion	Federal Tax Subsidies initiated by President Reagan was a major factor in attracting private real estate investment in this period.	Private real-estate investment in 15 hotels and 3.5 million square feet of office space in and around the harbor
1992	More than \$200 million	Revenue Bonds and notes	Oriole Park at Camden Yards
1990s	Not readily available	Bonds	Parking Garages close to Harbor to accommodate increased tourism
1994	Not readily available	Empowerment Zone Funding	To develop Inner Harbor East
1995	\$147 million	State funding	Columbus Center, a tourist attraction that later went bankrupt
1996	\$151 million	State and City Bonds	Expanded Convention Center
1998	More than 200 million	Bonds, Sports Lottery	M & T Bank Stadium (Baltimore Ravens) (originally Ravens Stadium)
1999	More than \$40 million	Loans, grants, tax abatements	Marriott Waterfront Hotel
1999	\$500 million	25 year property tax break for hotels	State legislature passes major tax breaks open to hotel projects worth \$500 million +

2001	Not readily available	Payments in Lieu of Taxes (Municipal)	Payments arranged to offset some of the tax revenue lost by the 1999 tax breaks
2005	More than \$30 million	Bonds	Maryland Science Center Expansion
2005	\$74.6 million	Not readily available	Aquarium Expansion
Yearly	Not readily available	Not readily available	Increased police-security spent at Inner Harbor
Yearly	More than \$20 million	State Expenditure on Stadiums after accounting for profits	Ravens Stadium (1998) and Orioles Park at Camden Yards (1992) which provide a large portion of clientele at the Inner Harbor. (especially Yankee and RedSox fans)
Yearly	Not readily available	Not readily available	Landscaping at Inner Harbor
Yearly	Not readily available	Not readily available	Marketing of Inner Harbor to Tourists

The developers understand the bargain they are striking with the local community and portray themselves as specialists in transforming blight into bling. The website of The Cordish Companies, which developed the Power Plant, expresses the common view:

The success of the Company's many projects has served to revitalize numerous distressed urban areas, yielding hundreds of millions of dollars of direct economic benefits to the public sector. In addition, the "spin-off" benefits to cities and non-profits resulting from these projects have been well documented to significantly exceed the direct benefits.<sup>31</sup>

The fulfillment of these promises of direct and indirect benefits to the public sector from private development at the Inner Harbor have never been the subject of a public accounting in Baltimore, and the evidence of the workers' plight at the Inner Harbor suggests that whatever benefits may be streaming to the public sector are not benefitting Inner Harbor employees.

In its groundbreaking report, "Subsidizing the Low Road," the non-profit research group Good Jobs First highlighted the lack of mechanisms in place to ensure that the publicly-supported private development at the Inner Harbor created jobs that truly benefit Baltimoreans:

#### Sources for Chart:

For a comprehensive summary of government subsidies in the Inner Harbor, see Good Jobs First (2002), "Subsidizing the Low Road: Economic Development in Baltimore."

See also Levine, Marc (2000), "A Third World City in the First World: Social Exclusion, Racial Inequality and Sustainable Development in Baltimore, U.S.A. in *The Social Sustainability of Cities: Diversity and the Management of Change*, edited by Mario Polese and Richard Stern. Toronto: University of Toronto Press, 2000.

Figures on the Baltimore Convention Center can be found on the Baltimore Convention Center website -- Fact Sheet. <http://www.bbcenter.org>

Figures on the National Aquarium can be found on the website for Reference for Business: Encyclopedia of Business, 2nd Edition, <http://www.referenceforbusiness.com/history/Mi-Nu/National-Aquarium-in-Baltimore-Inc.html>

Information about the trash receptor in Jones Falls can be found in Fritze, John, "A clean Revolution? Inventor hopes Water Wheel will Beautify Harbor by Sifting out Jones Falls Trash." *The Baltimore Sun*, Oct. 22, 2007.

For general historical background on public subsidies that have made the Inner Harbor possible, see:

Millsbaugh, Martin L. (2003), "The Inner Harbor Story" in *Urban Land*, April 2003.

Granath, Kaj (2005), "Beggar or Chooser: 42 Years of Waterfront Development in Baltimore's Inner Harbor. What did Baltimore Learn?" Baltimore, Md, Institute for Policy Studies, Johns Hopkins University.

Harvey, David (1991), "A View from Federal Hill" in *The Baltimore Book: Two Views of Local History*, ed. by Elizabeth Fee, Linda Shopes, and Linda Zeidman. Philadelphia: Temple University Press, 1991.



*Prayer circle before press conference to announce three worst violators, March 2009*

In the 1970s and 1980s, Baltimore successfully transformed the Inner Harbor into a popular tourist destination. However, the city neglected to enact standards to ensure that the new tourism jobs were of high quality. As a result, low wages and part-time hours are so prevalent that *all but three of the city's non-managerial tourism job titles pay less than the federal poverty line for a family of four; many pay far less.*

The need to ensure that tourism subsidies create public benefits is critical because the costs are so high. Government bodies have spent \$2 billion in building and maintaining the city's tourist facilities since the 1970s, and hundreds of millions more in subsidies to tourism-related businesses.<sup>32</sup>

While the lack of transparency and accountability around Inner Harbor projects makes precise calculations difficult, as far back as 1992, one analysis estimated that

almost \$60 million in city redevelopment loans since the 1970s had not been repaid and found that "City Hall had not even kept count of how much money was doled out to developers during Baltimore's boom years, how much has been repaid, and how much has been lost."<sup>33</sup>

As for the city's leases with the developers, until forced into some degree of transparency by a court decision in 2006, the Baltimore Development Corporation – the agency responsible for Inner Harbor lease agreements – kept all records regarding the agreements private.<sup>34</sup> The terms of the lease agreements are now available under public records laws, but hardly represent an economic bonanza for the city (see "The Power Plant Lease" textbox on page 5).

In short, much has transpired over more than 40 years of Inner Harbor development, but a close accounting of the return on public investment has never been conducted to determine the impact of the Inner



Harbor on chronic poverty in Baltimore. This lack of transparency and accountability has allowed public funding to support these private projects at the Inner Harbor without creating decent jobs for the people of Baltimore whose tax money has buoyed the development.

Over the years virtually every kind of government-enhanced financing has been used at least once in support of private enterprise at the Inner Harbor, often in complex packages of public and private money, grants, below market equity loans, revenue bonds, special taxes and the sale of naming rights. Federal, state, and city programs have all contributed critical support. The city has invoked eminent domain to aggregate land. Current plans include purifying the water in the harbor itself to a “swimmable and fishable” level.

In recent years, the city has made some efforts to seek contributions from the benefitting businesses at the Inner Harbor. In 2004, twenty-four years after the opening of Harborplace initiated an era of intense commercial development, the Waterfront Partnership,

a special tax district, was created so that Inner Harbor businesses would pay for the more lavish landscaping, higher maintenance standards, the corps of Waterfront Guides for visitors, and other amenities that set the area apart from the rest of the city. Prior to this, the city paid for nearly the whole cost. Basic services of course still do come out of the city’s budget.<sup>35</sup>

These recent piecemeal contributions, however, do not address the fundamental lack of accountability at the Inner Harbor. Not one of the entities directly responsible for managing the progress of The Inner Harbor – not the Baltimore Development Corporation, not the Waterfront Partnership, not the Inner Harbor Advisory Committee – has issued or called for a full assessment of the impact of the public investment in private development. There has been no analysis of how private developers externalize many of their costs by reaping the benefits of public investment both directly and indirectly, including the profits reaped from the labor of a harbor workforce earning poverty wages with no health care or educational benefits – a workforce whose taxes are paying to subsidize the architects of this poverty zone development.



*Winston Gupton, ESPN Zone cook, speaks out at Emergency Press Conference to protest ESPN's sudden closing, June 2010*

# II POVERTY ZONE DEVELOPMENT IN THE INNER HARBOR: THE WORKERS' EXPERIENCE



## Methodology

The analysis presented in *Hidden in Plain Sight* is based on qualitative interviews and surveys of workers in the Inner Harbor, as well as publicly available secondary data. The data gathering process, which was undertaken by United Workers from 2008 to 2011, began with a six-question survey of over 1,000 workers who were identified arriving or leaving work at the Inner Harbor. This survey asked the following six questions in order to identify the most pressing issues and concerns of a broad cross-section of Inner Harbor workers:

- 1) Where do you work?
- 2) How long have you worked here?
- 3) What do you do?
- 4) What do you like about your job?
- 5) What would you like to see changed?
- 6) What is your work schedule?

The second step in United Workers' extensive data gathering process involved follow-up qualitative interviews with over 250 workers at the worker's home or at another location preferred by the worker. During this interview, workers were asked to provide more in-depth information regarding the issues raised in the short survey. Additionally, open-ended questions were asked leading to sharing of information about other issues not addressed in the initial short survey. Through this process, United Workers identified the most pressing concerns of workers in the Inner Harbor and formulated their demands around the human rights to work with dignity, to health, and to education.

In 2009, forty-seven additional Inner Harbor Workers were surveyed in one-hour interviews. The questionnaire used for this survey – *Invisible No More: Economic Human Rights Violations at Baltimore's Inner Harbor* – is included as Appendix A to this report. This survey is identified throughout the report as "the 2009 Survey."

During 2010 and 2011, nineteen more qualitative interviews were conducted with Inner Harbor workers, economists, and other stakeholders, including the Inner Harbor coordinator for the Baltimore Development Corporation and civic leaders (city council members, leaders of community organizations, etc.). These interviews are cited in the endnotes where relevant and the questions asked of the workers interviewees are included in Appendix B. This primary research was supplemented by analysis of industry reports, academic literature, and primary sources such as contemporary newspaper coverage of Inner Harbor development.

The pervasive daily realities for workers at the Inner Harbor are poverty-level wages and a culture that chronically assaults workers' dignity. It is clear that the Inner Harbor, once hoped to represent part of a solution to poverty among Baltimore's working poor, has become part of the problem. United Workers has spent the last several years organizing and representing workers in Baltimore's Inner Harbor and gathering documentation of the violations of workers' economic and social rights. Their organizers have interviewed workers and other Inner Harbor stakeholders, analyzed survey results and court documents, and uncovered widespread practices that fail to respect the human rights of the workers and also – in many cases – break the law.

## A. Violations of the Human Right to Work with Dignity

The human right to work with dignity encompasses workers' rights to a living wage as well as to conditions of work that respect human dignity. United Workers has documented chronic violations of these norms by Inner Harbor employers.

### 1. Barriers to Earning a Living Wage

The Universal Declaration of Human Rights states that everyone who works has the right to wages that ensure the worker and his or her family an existence worthy of human dignity. This means all workers must earn at least a living wage. In the case of the Inner Harbor, wages below the Maryland state living wage fail to provide workers with a standard of living adequate for the health and well-being of the workers and their families, including the rights to food, clothing, housing, and medical care.<sup>36</sup> Low wages, failure to protect and supplement servers' tips when necessary, pressuring or forcing workers to work "off the clock," and other similar "cost-cutting" tactics at the Inner Harbor all pose significant barriers to workers' ability to earn a living wage.

Most restaurants at the Inner Harbor pay a starting wage of \$8–\$9 per hour. The 2009 Survey of forty-seven workers conducted by United Workers found that the starting wage of participants averaged \$8.66

per hour, and the median starting wage is \$8.50 per hour. While these wages are above the federal minimum wage—currently \$7.25 per hour—they fall well below Maryland's Living Wage of \$12.28 per hour and Baltimore's Living Wage of \$10.59 per hour.

***"I make around \$20,000 a year as a server. I struggle with eviction every month... I live on the bare minimum... You'd think we would get paid more at the Inner Harbor. All the public money spent on tourism rather than the people who live here—you'd think the city would invest in the workers. They just spent \$17 million on a rubber sidewalk on Pratt Street for a one-day event, the Grand Prix—all this money on the appearance. I feel it is unfair, like they are painting a house that has a bad foundation. They should fix the foundation; if you are going to build something you got to start from the ground up."***

***- A server at Houlihan's Restaurant in the Inner Harbor***

Servers in the Inner Harbor face special challenges due to tipping arrangements. Inner Harbor restaurants pay servers \$3.63 per hour. The servers are expected to make the rest of their wages in tips. If the total for the week falls below minimum wage, restaurants are supposed to pay the difference. Many do not. Many do not even calculate tips in order to ensure their servers receive minimum wage. Servers at the Hard Rock Cafe, The Cheesecake Factory, Houlihans, and Phillips Seafood have complained of making far less than minimum wage during the winter months, when business is slow.



***United Workers leader, Carl Johnson, and David Harvey speak at City From Below Conference, Spring 2009***



***Yeah, it was real slow. I got no tips, and when I got my check it was at the three dollar per hour rate. The restaurant did not adjust to make sure I got paid the minimum wage... You could be working for three hours, and if no one came in you would get paid nothing. Managers did not care if they were wasting our time. It was not an option to get our wage adjusted to earn the minimum wage. When I worked at the Harbor, during the off-season I would say that November, December, January, February, 100 percent of the time I was not paid minimum wage.***

***- Jason Bandy, server at Capitol City, Phillips and cook at Dick's Last Resort***

***You can have a fifty dollar check and they leave you [no tip] ... but I still have to tip out 5% of my sales.***

***- Nadja Martens, a server at Hard Rock Café***

The end result is that a few low-tipping tables – whether the cause is bad service or a back up in the kitchen beyond the server's control – or a slow day with no customers, can lead to the server making less than even minimum wage as the server is still required to pay a portion of the salaries of bussers and bartenders, and despite the law, cannot count on more than \$3.63 per hour from the restaurant.

Another strategy employed by restaurant managers for limiting wages is to force servers who need extra cash to work without clocking in, so that they are earning

tips only and costing the restaurant nothing. More than 65 interviews with Cheesecake Factory tipped employees showed that the restaurant encouraged servers and other tipped employees to work off the clock. This is theoretically a “voluntary” arrangement, but servers who choose not to do it are not scheduled for sought-after high-volume shifts or are sent home first on slow nights, while their “work-for-tips” counterparts keep working and receive better schedules.

Additionally, to avoid adhering to the restaurants' own policies requiring raises based on length of employment, vendors cut staff at the end of the busy summer season and rehire them the following spring. Many Latino workers report that, even when they work continuously,

they are not informed of policies requiring raises. Some work for years without seeing a raise at all. Initial surveys and qualitative interviews of Cheesecake Factory workers reflect widespread negligence on the part of the restaurant in adhering to its own policy regarding wages. Meetings with workers from restaurants across the Harbor, United Workers discovered the same pattern of abuse. Workers who do receive raises find that their hours are cut to neutralize the impact of the wage increases. One worker remarked that she preferred not to get a raise because she wanted to keep her hours.



***Inner Harbor server, Jason Bandy, shares his experiences working at multiple harbor restaurants, Summer 2010***

Employers also take a portion of the servers' tips to subsidize the wages of other employees such as the bussers, the food runners, and the bartenders, through a process known as “tipping out.” This cost-cutting measure by employers allows them to avoid paying minimum wages to these categories of workers. The amount servers must pay to other employees is calculated not on actual tips received, but as a percentage of their total sales to customers (i.e. the total of their customers' checks).

## A Raise No One Can Afford

Juan Paredes worked at The Cheesecake Factory for twelve years, making \$12 per hour after his last raise in 2005. When J.P.'s hourly wage increased, he lost the vacation days that he had accrued while making \$9 per hour and found himself being sent home before the other cooks on slow nights. He was given fewer hours per week, even in the busy season.

S.T., who worked as a kitchen supervisor at ESPN Zone, had a similar experience. As one of the restaurant's "higher wage" employees, she was often the first to be sent home, especially in the winter, when business was slow. She got "very few hours," she noted, "sometimes, like sixteen [hours per week], sometimes as few as nine." Consequently, S.T. had to "cash in" her vacation time to pay her bills.

Workers also report being required to work "off the clock" after they have been clocked out. Dominique Washington, a cook at Five Guys, was surprised to find that the restaurant clocked everyone out at 11pm each night, giving workers just one hour after closing to clean up. On busy weekend nights, the team often cleaned until 1am, working their last two hours without pay. At The Cheesecake Factory, employees can't clock themselves out, but have to ask the manager. Raquel Rojas lost \$1000 in wages due to managers clocking her out while she was still working: "The manager asked me to stay until they closed the restaurant. I said okay, fine [...]. I told the manager that I needed to clock out at the end of the night. The manager said that I had clocked out at 9 p.m. I told him, 'As you see, I was here working past 9 p.m.' It was 11:30 p.m. The manager never fixed my time and I was never paid for those hours. This happened frequently, two or three times a week. I would lose eight hours of pay a week."

The computerized systems that measure workers' productivity also create barriers to earning a living wage when used unfairly. At Phillips Seafood, a plan called the "Server Productivity Chart" is in place. It analyzes a server's sales during a shift in several categories. Those in the top ten percent of sales in those categories win various incentives. Those in the bottom ten percent, however, are usually put in the back where few customers want to be seated, and sent home when sales slacken. If they stay at the bottom in the categories, they are suspended or fired. The problem with this plan is that an initial failure to "upsell"

(convince customers to order more and higher-priced items) – which may be a simple case of bad luck in terms of who sits at your assigned tables one evening – starts a process in motion that makes it almost impossible to make a living wage, or even maintain your employment: "If you get a bunch of tables in the back, you're never going to improve your upsales," says Steven Taylor. "And if you get sent home first, you're not going to improve because you're not getting any sales at all, you're at home instead. So after a couple weeks, you're just going to get fired."

Computerized systems also create incentives for supervisors to limit employees' wages. Evaluating supervisors almost exclusively by the productivity ratio they achieve encourages them to ask employees to work "off the clock" for tips only, to pay employees under the table, and to fudge the accounting for overtime, each of which violates the law, but all of which in fact occur regularly in the restaurant industry. A similar system exists at Cheesecake Factory, where managers are given huge bonuses if they can reach specified expense-to-sales ratios. "You stop being human, you become a number. I felt like I was walking around with a dollar sign on my head," says K.S., a server.

Employers such as Hooters also use ATM debit cards to pay for overtime or to pay workers without bank accounts. These cards carry abusive fee arrangements. A worker is forced to pay \$3.00 to \$5.00 just to check his or her balance. To withdraw money, a worker pays \$5.00 and up to \$6.00 per withdrawal. To make matters

worse, the worker cannot remove all the money at once, nor can the worker leave the money there for more than two weeks. In short, workers pay up to \$30.00 to withdraw a \$400.00 deposit.

All of these barriers to earning a living wage are exacerbated by the seasonal nature of Inner Harbor employment. After Labor Day, workers regularly have their hours dramatically reduced or are laid off. This means that workers must either apply for partial or full unemployment during the winter, or find a second job. Moses Garrison, a dishwasher at Phillips Seafood, describes how management “pulled everyone into a meeting and just started telling everybody they would have to...start laying people off... During the two years that I worked there, I was just getting laid off and picked back up, laid off, picked back up.”

All of these practices—low wages, failure to protect and supplement servers’ tips when necessary, cutting the hours of higher paid employees, pressuring or forcing workers to work “off the clock,” limiting employees’ tip-earning potential based on computer-generated evaluations of sales – particularly when combined with the seasonal nature of the jobs—create significant barriers to Inner Harbor workers earning enough to pull themselves or their families out of poverty. Some of these practices, such as neglecting to pay servers minimum wage and requiring employees to work without pay, also violate U.S. and state labor laws. All of these practices make earning a living wage at the Inner Harbor an unattainable goal for most workers. Indeed, in the 2009 Survey, 49% of respondents reported utilizing government assistance (TANF, Unemployment, Food Stamps, Social Security, Food Pantries) in an effort to make ends meet.



*Emergency press conference to protest the sudden shut-down of ESPN Zone, June 2010*



## 2. Working Conditions Offensive to Human Dignity

Alongside the barriers to earning a living wage, United Workers has documented widespread mistreatment of Inner Harbor workers in ways that offend their human dignity. Just as with wage violations, some of these affronts to workers' dignity also violate U.S. and state law. Others – while perhaps not legally prohibited – create the pervasive climate of disrespect for workers' humanity and widespread misuse of power over employees that characterize the daily lives of Inner Harbor workers.

Nadja Martens describes the failure to protect employees from customers' harassment and verbal abuse. Female servers and hostesses at Hard Rock Café were required to wear very short, tight dresses. Some customers verbally harassed the female workers: "I had a table [of customers who started] comparing us to Hooters waitresses. They said 'you have very slutty outfits but you don't fill them up like the Hooters girls.' I was 18 years old. I went in to [my manager]... but the manager [wouldn't] go to the table... The customers confronted the manager and the manager of course gave them discounted food and apologized." Nadja Martens also described the experience of a pregnant hostess. "She offered to pay for a new uniform and the manager refused. As the uniform stopped fitting her, [management] started reprimanding her for not wearing the uniform correctly. Her schedule started getting smaller and smaller until she had no days at all. The manager would call her a whore for getting pregnant. It wasn't like a real firing—just slowly but surely, her schedule went from two days to one day to no days and then she was gone. All because she was pregnant."

As described above regarding wages, Inner Harbor managers often use scheduling as a way to reward or punish workers and lower costs. At Tir Na Nog, one manager coerced workers into buying food and drinks brought from her home by wielding her scheduling power. If workers didn't buy the snacks, they were "blacklisted" and lost shifts on the schedule. As worker G.C. explained: "Before, I was working from Thursday until Sunday. But because I don't buy stuff from her,

I'm only on the schedule Saturday(s) and Sundays. What she does is try and make your life miserable by cutting your hours or looking for a small mistake. At the end people are tired of the situation. People just get pushed out of the restaurant." The unchecked power of managers over scheduling – and thus over workers' livelihoods – allows such abuses of power to occur and creates a climate of fear and powerlessness among workers that pervades the Inner Harbor.

**Workers also felt degraded by being forced to use unsanitary and repugnant facilities.**

*We had our own bathrooms and our own locker rooms, which were disgusting. [The bathroom] was like a hole and then just sewage everywhere. You could smell the sewage coming up the stairs. There was sewage coming out into the bathroom, and this was connected to the locker rooms. It was sick and disgusting. [The customers] had this beautiful clean bathroom with brass handles and marble. We had a cemented floor with drainage in the middle of the room in the basement."*

**- Nadja Martens, a server at Hard Rock Cafe**

Failure to recognize and respect the human dignity of workers at the Inner Harbor adds the daily sting of humiliation to the injustice of inadequate wages, and creates a degraded labor environment where abuses can happen every day without consequences.

## B. Violations of the Human Right to Health

The human right to health means that every person has the right to the highest attainable standard of physical and mental health, which includes access to medical services and healthy working conditions. United Workers has documented the lack of access to health care for Inner Harbor workers, as well as constant pressure to work when ill and inadequate responses to on-the-job injuries.

### 1. Lack of Access to Health Care

Most of the larger employers at the Inner Harbor





*Over 500 Inner harbor workers and allies march on Our Harbor Day, May 1, 2010*

offer “buy in” healthcare coverage to their full-time employees, but very few employees are able to afford or to qualify for these benefits. A 2009 Survey conducted by United Workers of 47 workers at the Inner Harbor showed that 79 percent had no health insurance. Of these, twenty-two had declined the coverage offered by the employer, because either it was too expensive, they did not qualify, they had missed the short window of time allotted to sign up, or better benefits were available through Medicaid. The rest, 75 percent of whom were non-English speaking Latinos, had never been informed of the option to be covered. Of the fourteen respondents who had health insurance, many reported policies that made maintaining coverage difficult or impossible. For example, The Cheesecake Factory offers health insurance to employees who work at least 300 hours per quarter, at an average of at least 25 hours per week, for the cost of \$300 per month. In the winter, when employees’ hours are routinely cut, averages drop and workers often lose their healthcare coverage. Ironically, if an employee gets sick, lost work-time for the illness can result in lost healthcare coverage.

For those not able to buy in to employer health insurance plans, purchasing individual health insurance is prohibitively expensive in relation to wages earned at the Inner Harbor, as is paying out of pocket for adequate health care. Thus, when underpaid, uninsured workers need to receive health care—as they inevitably do—they are forced to go into debt. In fact, a number of

Inner Harbor workers are subject to wage garnishment orders for unpaid medical bills. Surveying garnishment cases for just six vendors at the Inner Harbor revealed that seventy of those cases were for medical bills. For example, of 30 wage garnishment cases brought against Uno’s employees in 2009, 25 were for unpaid medical bills, a total of \$58,294. The other five were for utility bills.<sup>37</sup>

In short, the healthcare coverage available to Inner Harbor workers is available only to certain employees, many of whom are never informed of its availability, and is nevertheless too expensive for all but a few.

## ***2. Pressure to Work When Ill or Injured***

United Worker’s 2009 Survey revealed that few Inner Harbor employers offer sick days. Seventy-four percent of workers surveyed had no paid sick days. Workers must choose between aggravating illnesses and exposing co-workers and customers by coming to work sick, or facing punishment or job loss. Workers report direct financial penalties for calling in sick. According to L.K., “If I have a doctor’s visit one day and bring in a note, [when normally I’m] scheduled for five days, they will give me four days [the next week] and punish me for going to the clinic.” Raquel Rojas brought a note from a free clinic to prove that she was sick from bronchitis. Her manager refused to accept the note because it wasn’t from a “real doctor,” so she continued working. The bronchitis developed into walking pneumonia,



*Harbor workers testify along the trail of the Human Rights Hunt, October 2010*

forcing her to stay home from work for two weeks. When she returned, she was told that she had been “removed from the schedule.”

Requiring doctor’s notes to excuse sick days thus fails to protect workers from retaliation for missing work, and instead places an unnecessary financial burden on employees. FiveGuys employee Dominique Washington explains the situation he faced when he became sick: “If you take off, you have to bring back a doctor’s slip. If you don’t bring back a doctor’s slip saying you went to the doctor’s, they... write you up and suspend you or fire you... [So] I went to a doctor, who charged me \$100 to say it was some type of virus and to drink water and take Tylenol... I wouldn’t have gone to the doctor if it wasn’t for that [rule]. I would have just stayed home and rested myself back to health... [B]asically I had to pay a hundred dollars to not get in trouble at work.” These practices effectively pressure employees to work while ill, needlessly prolonging and aggravating illnesses

and exposing co-workers and customers to workers’ illnesses. Finally, the low wages also force workers to keep working despite health conditions.

The 2009 Survey also found employers’ widespread failure to respond adequately to workplace injuries. Of the workers who had been injured on the job, almost two-thirds reported that their employer failed to respond appropriately. Workers at the Inner Harbor are encouraged to continue working at all costs, creating dangerous conditions in the restaurants. Nadja Martens was forced to work with a sprained ankle. K.S. dislocated his wrist and felt pressured to continue working until the end of his shift and throughout the week. K.T. burned her arm very badly on an oven and lost a week of work. When she returned, her arm was still bleeding but she was told by her manager that if she wanted to earn money she had better keep working. Workers report watching co-workers chop off parts of their fingers and having management bandage it up and tell



them to keep going. Workers are treated like machines that have malfunctioned and need to be restarted at all costs, rather than as human beings with dignity and rights that must be respected on the job.

## **C. Other Practices Adversely Affecting Workers' Quality of Life and Opportunities**

Along with inadequate wages, disrespectful treatment, and insufficient access to health care, workers at the Inner Harbor face employer practices that significantly and unnecessarily diminish their quality of life and their ability to work their way out of poverty. These include the refusal of time-off even in cases of childcare emergencies or personal loss, failure to accommodate the scheduling needs of parents of schoolchildren, and scheduling policies that unnecessarily impede workers' ability to attend school.

### ***1. Inability to Take Time Off to Care for Children or to Grieve Personal Loss***

Workers at the Inner Harbor often face scheduling practices that give no consideration for the needs of workers with children or of workers facing family crisis. Steven Taylor, a former server at Phillips Seafood, explains "there is no scheduled off-time. There is a show-up time...At Phillips, it's 'you come in at eleven, and we'll tell you when you're done.' In the summer, that might be 8pm. In the winter, that might be one in the afternoon. They send people home based on sales... [But if you] leave on the spot to go take care of your child, you're probably going to sacrifice your job." Nadja Martens reached her breaking point with HardRock Café when her great-grandfather died. "They wouldn't give me the time off to be at the funeral. I had asked to be off work; it wasn't this huge funeral—I wanted to be with my family."

Such unpredictable and inflexible scheduling – paired with the constant threat of termination or schedule reduction for missing work – puts parents in untenable situations. When her son was sent home for riding a bike inside his school, S.T. was told he could not return until she came in for a parent conference. Unfortunately,

this incident coincided with the beginning of Spring — the period when business picks up at the Inner Harbor. S.T. was just starting to be scheduled for more hours at work, and after a tough winter, the bills had piled up. She knew that asking for time off at that time to go to a parent conference would mean losing wages and possibly a permanent reduction in her schedule. She could not take that risk, and her son stayed home.

### ***2. Barriers to Pursuing Education***

The poverty wages and unpredictable scheduling at the Inner Harbor frustrate workers' abilities to further their education so they can find a way out of poverty. Although Inner Harbor businesses tend to lay off workers and reduce employees' hours right around the time the typical school year begins, the necessity of finding second jobs to make ends meet, and the reality of constantly changing work schedules prevent most workers from furthering their education in the off-season.

The 2009 Survey of 47 Inner Harbor workers found that 28 percent of the workers had not finished high school, while 38 percent had ended their education in the 12th grade. Only 4 percent of those surveyed had graduated from a 4-year university. Most workers expressed a desire to advance their education, but consistently find themselves without the time or money. The Survey showed that only about one in ten were actively pursuing additional training.

Even when workers are able to come up with the money to attend school, scheduling practices prevent workers from simultaneously attending school and working. Dominique Washington explained, "it's hard to do school and work, too. When I was working at Five Guys I had homeschooling online to get my high school diploma. I'd get on any nearby computer and just do my classes online, but since I was working so much and every time somebody called out [sick] they called me [to come replace them], I didn't really have time to do it. I just stopped and they suspended my classes."

Thus, Inner Harbor workers find themselves trapped in underpaid, unpredictable employment, which fails to accommodate their families' and children's needs, and

undermines their aspirations of moving upward out of poverty. These workers' experiences are a far cry from the initial hopes for the Inner Harbor and the promises of what it would mean for the city of Baltimore and its residents.



*United Workers announce the three worst violators at the Inner Harbor, March 2009*

## D. Broken Promises: The Inner Harbor Today

Unfortunately for the people of Baltimore, city planners failed to create mechanisms that could make developers accountable for their promises. Whereas unions had fought for decades to ensure that factory and stevedore jobs guaranteed an eight-hour workday, days off and sick leave, the service jobs offered at Harborplace and the Power Plant offer no such guarantees. By investing public resources into developments that cater to two of the least regulated industries in terms of labor – restaurants and retailing – without setting enforceable standards, Baltimore city government and its chosen developers opened the door to an employment culture where exploitation is standard practice.

Thus, as reflected in the stories above, despite the public monies invested and the jobs promised, the

reality of working conditions at the Inner Harbor today is grim. The comments of two civic leaders close to this history of the Inner Harbor sum up the disappointment well. Bishop Miles is a leader of Baltimoreans United in Leadership Development (BUILD)—a coalition of church leaders working to influence city policy through grassroots organizing, an organization that played an important role in the movement to institute a city living wage ordinance:

What we discovered was that the jobs at the Inner Harbor, service industry jobs, were paying minimum wage, most of them were part time, and/or seasonal. And that people weren't making enough to meet basic family needs—rent, food and clothing...if they work they should make enough to take care of their families. Why should people be working for their poverty?<sup>38</sup>

Councilwoman Mary Pat Clarke, who was on the city council when the Inner Harbor was being developed, also laments the failure of the development to live up to its public purpose: "The whole point of the Inner Harbor was to replace our manufacturing jobs with hospitality jobs, and I think we realize that... those jobs are not going to pay what organized labor got in Sparrow's Point [the location of Baltimore's steel mills]. But it can't fall so far short that it keeps people among the working poor. That's not what we had in mind."<sup>39</sup>

How can this history of broken promises be reversed? How can the Inner Harbor and other development projects live up to their promise of economic prosperity? How can they create jobs that offer workers paths out of poverty rather than trapping workers in chronic poverty? The next section addresses how a human rights-based approach to development can improve outcomes for developers, local businesses, and workers alike, and thus improve the development's impact on the community as a whole.



# III FAIR DEVELOPMENT: A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT



The poverty wages and degraded working conditions experienced by workers at the Inner Harbor today are not the inevitable outcome of private corporate involvement in urban redevelopment projects. United Workers has designed the framework of an alternative model for development – Fair Development – that respects workers’ human rights, maximizes public benefits, and is sustainable. While this human rights-based approach to development is relatively new to the United States, many cities across the country have recognized the need for enhanced standards for workers’ wages and working conditions when private businesses do public work.

## A. Numerous Precedents: Living Wage Laws and Community Benefit Agreements

Baltimore itself made history when it passed the first city living wage ordinance in 1994 requiring private contractors doing business with the city to pay their employees a living wage. This ordinance was the product of local organizing, in which grassroots organizations mobilized around the crisis among the working poor, and of a galvanizing study revealing that 27 percent of people using food pantries and other support services in Baltimore worked full-time.<sup>40</sup> BUILD member churches organized this effort after seeing Inner Harbor workers at their food pantries. Faith, labor, and community leaders argued that people should not have to work for their poverty. As of 2010, several other major cities—including San Francisco, New York, Boston, and Los Angeles—had passed living wage laws.<sup>41</sup> Living wage ordinances have become one method by which cities help ensure the basic rights of workers engaged in publicly funded work.

Community benefit agreements (CBAs) are another vehicle for ensuring that private development projects aided by public support do indeed benefit the local community. CBAs are legally binding agreements between developers and community organizations addressing a broad range of community needs. CBAs have instituted requirements for the creation of living wage jobs, health care, educational opportunities, affordable housing, and the mitigation of environmental impacts.<sup>42</sup> For example, in 2008, The One Hill Coalition in Pittsburgh signed an agreement with the owners of the Pittsburgh Penguins stadium requiring that jobs created in connection with the stadium pay a sustaining wage (\$12-\$30 per hour).<sup>43</sup> This landmark CBA incorporated a range of community concerns, including protections for local businesses and a guaranteed community voice in development plans going forward. CBAs have been negotiated in cities across the country, including Atlanta, Denver, Los Angeles, Minneapolis, New Haven, Pittsburgh, San Diego, San Francisco, Syracuse, and Washington D.C., to ensure real benefits for communities affected by development.<sup>44</sup> These agreements reflect the widespread recognition that allowing developers to proceed with maximum profits as their sole goal poses grave risks to the health and welfare of communities.

Even where CBAs have not been implemented, cities are extending living wage laws to profitable business and tourist districts. In 2007, the Los Angeles City Council passed a living wage ordinance requiring hotels near Los Angeles International Airport (LAX) to pay their employees a living wage. The ordinance affected 3,500 hotel workers in the area surrounding LAX.<sup>45</sup> The Santa Monica city council has also passed a living wage zone ordinance that requires employers in a profitable area along the city’s beachfront to pay a living wage.<sup>46</sup> The Baltimore City Council itself recently considered



*Stadium cleaners announce Living Wages Hunger Strike, August 2007*

legislation that would require big-box retailers to pay a living wage, although the measure was defeated in the wake of allegations that it would drive business away from the city.<sup>47</sup>

But what is to be done in developments like the Inner Harbor, where workers are not covered by local living wage laws, and where no CBA is in place? How should an alternative model of development be shaped and implemented that can both protect workers' rights and satisfy concerns about attracting business?

Human rights standards offer an alternative rights-based approach to development that underscores the importance of public participation, transparency, and accountability, and requires respect for workers' human rights.

## **B. Why A Human Rights-Based Approach?**

First and foremost, a human rights-based approach ensures that workers' basic human rights are prioritized by measuring progress by the concrete outcomes in workers' lives, rather than by measures like "the number of jobs created" that can misrepresent the human reality of a development's impact. A rights-based approach also leads to better outcomes for both workers and businesses, and better reflects democratic ideals of public participation and informed decision-making by ensuring transparency, accountability and the participation of the affected community.

## ***1. Better Outcomes for Workers and the Community while Allowing Businesses to Thrive***

Poverty zone development devalues workers' health and autonomy, burdens the public welfare system, and constricts the local economy. At the Inner Harbor today, workers and taxpayers pay the hidden costs associated with poverty zone development. Rights-based standards can transform jobs at the Inner Harbor into real opportunities for local communities to emerge from poverty without hindering – and in fact increasing – businesses' ability to remain profitable.

First, a rights-based approach – by linking development to particular human rights goals, like living wages and accessible healthcare – leads to healthier communities. While access to healthcare clearly improves workers' health and extends their lives, a living wage also has meaningful effects on workers' health. Higher income is associated with improved health outcomes. Based on the association between income and a variety of health indicators, a study evaluating the potential impact of a San Francisco living wage ordinance concluded that the proposed ordinance would produce substantial health benefits, including reductions in the likelihood of premature death, number of days sick, and depressive symptoms.<sup>48</sup>

Paying parents who work at the Inner Harbor a living wage will also improve outcomes for their children. Due to constraints on parents' ability to allocate scarce resources to their children's basic needs, children living in poverty are twice as likely as non-poor children to repeat a grade of school, 3.5 times as likely to drop out of school between the ages of 16 and 24, and half as likely to complete a four-year degree.<sup>49</sup> Poverty during the pre-school years has a greater impact on children's academic achievement than poverty during any other period of childhood.<sup>50</sup>

Making healthcare accessible to workers allows workers to meet their basic needs and significantly reduces their reliance on Medicaid and unemployment insurance. Workers lacking health insurance and sick days often forego necessary treatment and recuperation from illness, increasing the likelihood that they will need

emergency care. Needlessly prolonging illness and recovery is of course unacceptable on any grounds, but the added burden on the public welfare system further warrants an end to these practices.<sup>51</sup> Employers should not be allowed to shift the cost of maintaining their workforce to public welfare systems.

Furthermore, paying Inner Harbor workers a living wage is in the interest of Baltimore's local economy. Workers spend their incomes on food, gas, rent, and other consumer necessities.<sup>52</sup> In fact, wage increases for low-income families more effectively boost consumer spending than tax cuts. A study by the Federal Reserve Bank of Chicago found that a \$1 increase in hourly wage resulted in \$2,800 in new spending per year per household.<sup>53</sup> The 2004 increase in San Francisco's minimum wage is estimated to have generated an additional 70 to 90 million dollars in annual spending by low-income communities.<sup>54</sup>

Critics of human rights-based Fair Development raise concerns that living wages and improved working conditions will discourage retailers from doing business at the Inner Harbor and perversely reduce work opportunities for low-income people desperate for jobs. Analyses of the economic impacts of living wages, however, have found that living wage policies may pay for themselves through improvements in productivity due to a reduction in worker turnover and very little or no disemployment.<sup>55</sup> For example, a living wage policy in the San Francisco airport—where 73 percent of the workforce was affected—added costs for employers equivalent to 0.7 percent of revenue or \$1.42 per airline passenger.<sup>56</sup> Lessons from localities that have implemented living wages indicate that businesses can sustain added costs through more efficient employment practices combined with manageable reductions in profit and modest price increases.

## ***2. Increased Participation, Transparency, and Accountability***

The reality that many development projects, including the Inner Harbor, benefit from public support—in the form of access to land or money or both—provides further impetus for adopting a rights-based approach to development. The development-related decisions and ensuing actions regarding where people work,



play and live eventually affect much more than simply the use of a particular plot of land. They define the distribution of opportunities. Development policy affects the housing people live in, the jobs they hold, and the entertainment they enjoy. A development is the embodiment of the values held by the collective heart and mind of a community.

Public resources should be used to maximize public benefit, and in a democratic society, communities must have access to the processes and information that will allow them to evaluate that benefit. Developers and cities utilizing public resources should therefore take an approach to development that prioritizes public participation in decision-making, transparency in the process, and public accountability, so that the community can make informed choices about how development proceeds.

## C. Human Rights Principles and Norms

While communities have been calling for more accountable development for decades, the idea of human rights-based development is relatively new in the United States. It is therefore both appropriate and instructive to look to human rights norms and examples of those norms in action. Under human rights law, it is well established that governments have an obligation, when pursuing economic development projects, to ensure that those projects benefit the entire population equally. Both the UN General Assembly and the International Labor Organization (ILO) have adopted this standard of fair and responsible development. The UN General Assembly, in its Declaration on the Right to Development, established that “States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.”<sup>57</sup> The ILO, for its part, creates international standards by adopting Conventions that States may sign. In ILO Convention 117, the ILO recognized that improving the well-being of the population should be the goal of any economic development project: “The improvement of

standards of living shall be regarded as the principal objective in the planning of economic development.”<sup>58</sup>

### 1. *The Principles of Participation, Transparency, and Accountability*

The United Nations General Assembly has stated that development should be characterized by the interrelated human rights principles of participation, transparency, and accountability. These principles promote human rights and provide an effective means of ensuring fair development practices.

- The principle of participation requires that all groups and individuals likely to be affected by a given action have a say in how that action is undertaken.<sup>59</sup> In the context of development, this means that surrounding communities must be given a seat at the negotiating table so that their concerns and interests can be heard. Throughout the life of the project, and even after its completion, a commitment to participatory processes is essential.<sup>60</sup>
- Development must be conducted transparently so that community groups and other members of civil society can operate as an effective check on governments and private developers.<sup>61</sup> Decisions that affect public budgets—such as fund allocations and tax credits—and the processes by which those decisions are made should be clear and available for public scrutiny.
- Systems should be in place for holding the architects of a development project—governmental agencies, private developers, local businesses, etc.—accountable for both the successes and failures of the project. Accountability promotes strong governance practices and provides an additional way for communities to voice their satisfaction or dissatisfaction with the development project.<sup>62</sup>

### 2. *Human Rights to Work with Dignity and to Health*

Development should respect and promote human rights. Under well-established human rights standards, all persons have the right to work with dignity and the right to the highest attainable standards of mental

and physical health. These rights are enshrined in foundational human rights treaties, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the American Declaration on the Rights and Duties of Man.

The right to work with dignity guarantees that all workers are entitled to just and favorable working conditions. The right consists of four separate, yet interrelated components: (1) the right to remuneration that provides all workers with “[a] decent living for themselves and their families”;<sup>63</sup> (2) the right to safe and healthy working conditions; (3) the right to equal opportunity with regard to wages and the opportunities for promotion, without discrimination of any kind; and (4) the right to “rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”<sup>64</sup> The absence of

any one of these components signifies a violation of the right to work with dignity.

The right to the highest attainable standard of mental and physical health does not guarantee that each individual will be able to enjoy a healthy life. Rather, the right guarantees that, for each individual, the necessary preconditions to being healthy are present. Thus the right to health includes not only access to quality health care, but also a right to a healthy environment, a right to sanitary conditions at home and on the job, and a right to access clean and healthy food and water.<sup>65</sup>

Under international law, governments have an obligation to ensure that every citizen is able to enjoy the right to work with dignity and the right to health. In order to fulfill this obligation, governments must refrain from adopting or endorsing any laws, policies, programs or projects that result in a violation of these



*Harbor worker, Juan Paredes, testifies about human rights violations, March 2009*

rights. Simultaneously, they are required to promulgate such laws and policies as are necessary to protect citizens from third party interferences with these rights, and to ensure that, to the greatest extent possible, all persons are in a position to exercise these rights. Private actors must refrain from interfering with the economic and social rights of others.

In a project like the Inner Harbor, public and private actions have been inextricably intertwined over decades, and private developers profit from public

support and from workers' labor. While all private actors must be held responsible for respecting workers' human rights, these public subsidies make for a compelling case to create special mechanisms for accountability in this context. United Workers has therefore made the following demands of developers at the Inner Harbor, in the hopes that Baltimore can lead the way in a Campaign for Fair Development that promises to bring a human rights-based approach to development projects across the nation.



*Dominique Washington sings during a tone-setting Unity circle on the first evening of the Fair Food Solidarity Tour, December 2009*



# IV UNITED WORKERS' DEMANDS FOR FAIR DEVELOPMENT



United Workers demands that Inner Harbor developers enter into agreements with United Workers – not unlike the community benefit agreements implemented elsewhere – that guarantee living wages and health and educational benefits for workers at the Inner Harbor.

These agreements would have an initial term of fifteen years and would require developers to respect workers' human rights and to work with their vendors – the businesses that operate in their developments – to make a commitment to protecting the human rights of all workers related to the development. Specifically, the agreements require the following:

## Work with Dignity Demands:

- Require, through prospective lease agreements or renewals, that tenants treat workers with respect and dignity.
- Require, through prospective lease agreements or renewals, that tenants pay workers at least the state living wage.
- Require, through prospective lease agreements or renewals, that tenants ensure that contractors and sub-contractors pay workers at least the state living wage.
- Treat management, maintenance, administrative, security, entertainment and other directly controlled Inner Harbor workers, contractors and sub-contractors with respect and dignity, and pay these workers, contractors, and sub-contractors at least the state living wage.
- Work with United Workers to develop and offer incentives under existing leases to ensure work with dignity in the Inner Harbor.

## Health Care Demands:

- Fund a Health Care for All Program, in partnership with a community health care provider, that provides preventative medical care for workers and their families and ensure that it will:
  1. Fund at least \$500 per year per worker (adjust for medical inflation).
  2. Secure a community health care partner that is acceptable to workers.
  3. Give workers a voice in program development and operation.
  4. Provide workers, through a process developed together with United Workers, with veto power over program budget and spending priorities.

## Education Demands:

- Fund an Education for All Program, in partnership with a community education provider, that provides expanded access to educational programs for workers and their families and ensure that it will:
  1. Fund at least \$500 per year per worker (adjust for inflation).
  2. Secure a community education partner that is acceptable to workers.
  3. Give workers a voice in program development and operation.
  4. Provide workers, through a process developed together with United Workers, with veto power over program budget and spending priorities.

In addition, the agreements will contain provisions

requiring that workers have a seat at the table in decision-making that affects their livelihoods and treatment.

United Workers has reached out to the developers – GGP and Cordish – requesting to meet to discuss the harbor-wide human rights abuses and to examine possibilities for how the developers could become part of the solution. Allies and the media have also called upon the developers to engage with United Workers. In November 2010, Cordish responded to this request and met with leaders from United Workers in March 2011, beginning a dialogue that – if continued – has the potential to move toward improving the

status of workers' human rights at the Inner Harbor. Unfortunately, GGP has remained silent. By remaining silent, developers remain an invisible power at the Inner Harbor, difficult to challenge. Yet increasing public attention to the public resources benefiting private developers is raising the inevitable questions about why workers and their communities are being forced to pay such a high economic and personal price to bolster developers' profits. United Workers and its Campaign for Fair Development therefore demand that the developers emerge from the shadows, become part of the solution, and work toward realizing the promise of the Inner Harbor for all Baltimoreans.



*Human Rights Zone March to Inner Harbor, April 2009*

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- <sup>59</sup> See Universal Declaration of Human Rights, Art. 21(3) (providing that "the will of the people shall be the basis of the authority of government").
- <sup>60</sup> See Report on the Sixth Session, United Nations Committee of Experts on Public Administration, 2007, p. 6, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan026221.pdf> (noting that "[e]ffective participation help[s] ensure efficiency and economic growth on the one hand and social justice on the other").
- <sup>61</sup> See International Covenant on Civil and Political Rights, Art. 19(2) (establishing that "[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds").
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# APPENDIX A: Invisible No More

## Economic Human Rights Violations at Baltimore's Inner Harbor

Full Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number \_\_\_\_\_

Age \_\_\_\_\_ Race \_\_\_\_\_ Gender   M     F  

Where were you born? \_\_\_\_\_  
\_\_\_\_\_

What is your native language? \_\_\_\_\_  
\_\_\_\_\_

Do you speak any other language?   Y     N   --   Span     Eng     French    
Other: \_\_\_\_\_

What level?   Beginner     Intermediate     Fluent  

Do you have any children?   Y     N   How many? \_\_\_\_\_

How many people do you live with? \_\_\_\_\_  
\_\_\_\_\_

How many bedroom/apt house do you live in? \_\_\_\_\_  
\_\_\_\_\_

How much is your rent? \_\_\_\_\_  
\_\_\_\_\_

What is your family budget for a month?

Food:	Utilities:
Clothing:	Transportation:
Healthcare:	Education:
Childcare:	Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Are you or a member of your family using any social services** (welfare, unemployment, medicare, food stamps, social security, etc.)?   Y     N  

**What?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Do you utilize any food pantries through your church or soup kitchens?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WORK**

**Where do you work?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What is your job title?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How many other people work in your area?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How many people work at your workplace?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What is your shift?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How many hours do you work in a week (Hours in tourist vs. off-season)?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What is your weekly schedule?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**How long have you worked here?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What was your starting wage (for servers without tips and with tips) (Tourist season vs. off season)?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Wage now?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Are you paid over-time?**   Y     N   \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Do you get breaks:?**   Y     N   **How often?** \_\_\_\_\_  
\_\_\_\_\_



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**Do you receive all of your tips?** \_\_\_\_\_

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**Are you paid for all your hours of work?** \_\_\_\_\_

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**Do you receive raises? How/When?** \_\_\_\_\_

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**Do you get paid extra for working holidays?** \_\_\_\_\_

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**Do you get paid extra for working weekends?** \_\_\_\_\_

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**Are you given proper equipment?** \_\_\_\_\_

**Are you ever told to do more then one job or speed up your work?**

**When? Why?** \_\_\_\_\_

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**Do you have more than one job?**   Y     N  

**Where?**(if within the Inner Harbor, return to questions at top of “Work”)

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**Why?** \_\_\_\_\_

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**Have you worked at other places within the Inner Harbor** (If yes return to questions at top of “Work”)?   Y     N  

**Where?** \_\_\_\_\_

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**Did you start through a temp agency?**   Y     N  

**Why?** \_\_\_\_\_

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Name of temp agency? \_\_\_\_\_  
\_\_\_\_\_

How long were you a temp employee? \_\_\_\_\_  
\_\_\_\_\_

How do you get to work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **VOICE ON THE JOB**

What is an example of when you or other workers have been disrespected by a manager? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When you or other workers raise issues about the workplace, how do managers respond (If they say they don't speak up, ask why not)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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## JOB SECURITY

**Are you ever made to wait to clock-in at work (waiting for customers)?  
How often has this happened to you (in a month's time)?**

[illegible]

**Are you ever given a shift or hours that are then taken away or cut?  
How often has this happened to you (in a month's time)?**

[illegible]

**Do you ever get called in to work when you are not scheduled? How often has this happened to you (in a month's time)?**

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**What happens if you are not able to come in or say no?**

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## **HEALTHCARE**

**Does your employer offer health care:**   Y     N  

**Do you have health care through employer?**   Y     N  

**Why not?** \_\_\_\_\_

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**What is the name of the insurance?** \_\_\_\_\_

**What does it cover? What does it not cover?** \_\_\_\_\_

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**What is the cost to employees?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**How many hours do you need to work to be part of the healthcare plan?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do your family members have healthcare** (if so, through who)?

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(Follow up to elicit feelings) \_\_\_\_\_

[illegible]

employer take responsibility? \_\_\_\_\_

[illegible]

**WORK:** \_\_\_\_\_

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**Do you receive vacation days? How does the system work?**

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**EDUCATION**

**What is the highest grade completed:**

Elementary: \_\_\_\_\_ Technical School: \_\_\_\_\_  
High School: ( 9 10 11 12 GED ) \_\_\_\_\_  
Trade School: \_\_\_\_\_ University: \_\_\_\_\_  
Other: \_\_\_\_\_

**Does the employer offer training? Y N \_\_\_\_\_**

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**What and How? \_\_\_\_\_**

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**Are you in any kind of educational programs now (including language classes)? Y N \_\_\_\_\_**

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**How does having to pay for these educational programs affect the other cost in you life? \_\_\_\_\_**

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## **DISCRIMINATION**

**Have you ever experienced discrimination on the job?** (race, gender, language, documentation, criminal record, sexual orientation, education level, favoritism) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Do you have a criminal record?**   Y     N  

**Did your employer ask if you have a criminal record?**   Y     N  

\_\_\_\_\_

\_\_\_\_\_

**What was the question?** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**How has this been a barrier for you at this workplace?**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**How has this been a barrier for you in general?**

\_\_\_\_\_





[illegible]

# **APPENDIX B: In-Depth Interview Questions**

- 1) When and where did you work at the Inner Harbor?**
- 2) What was your job and describe what you did exactly?**
- 3) What were you paid? How long were you paid that salary?**
- 4) Did you ever get a raise? What was the process for getting a raise?**
- 5) What were your work hours? Did your hours change from winter to summer?**
- 6) What was your job in the winter? What was your job in the summer?**
- 7) Did you get health care? If you did, can you describe the process of getting health care?**
- 8) Did you ever get sick on the job? How did the job treat you during those times?**
- 9) Were you ever injured on the job? What did your employer do in those instances? Did you go to the doctor? What was the charge? How much did it cost to go to the doctor? How long did you call out sick? Were you given sick leave? Were you allowed time off to heal?**
- 10) What is your education? Since starting at the Inner Harbor have you taken any classes to advance yourself? Have you been able to move up on the pay scale? How do you learn new things on the job to make your job better?**
- 11) How did you learn what you know about your job?**
- 12) What are your aspirations? Do you plan on continuing your education? What are you planning to do in that regard? If they say no, why not?**

- 13) Do you have children? What is your relationship with your children's education?
- 14) Are you able to take time off in order attend parent conferences?
- 15) Did you feel respected on the job?
- 16) If yes, tell me how?
- 17) If no, give me some instances where you experienced disrespect on the job?
- 18) Were there other people around who were disrespected?
- 19) If they were a server, how did your wages work ? What tip system? Did you feel like that was fair? What worked about it? What didn't?
- 20) Were there bonuses? Did people work harder because of the bonuses? What was the effect?







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