



#STOPGOLF

From the 'front of the house' to the 'back of the house' (and onto the green), Topgolf workers are speaking out against toxic work culture in the restaurant and golf entertainment industries.

DECEMBER 2021

Survivors Know
One Fair Wage

1 | OVERVIEW

As a result of the COVID-19 pandemic, the restaurant industry is going through massive upheaval. Over 1.2 million workers have left the service sector since 2019.¹ In May 2021, 54% of 2000 restaurant workers who remain in the industry reported that they are considering leaving, and 78% reported that the only factor that would make them stay or return to work in restaurants is a full, livable wage with tips on top.² Workers surveyed reported that with the COVID-19 pandemic, the industry's subminimum wage became intolerable, with tips greatly decreased due to a decline in sales, and increased levels of health risks, customer hostility, and sexual harassment,³ in an industry that already has the highest rates of sexual harassment.⁴



The industry's high rates of sexual harassment have long been attributable to the subminimum wage for tipped workers, still \$2.13 an hour — a legacy of slavery — that has forced a two-thirds majority woman workforce to tolerate inappropriate customer behavior to obtain tips to survive.⁵ In addition, non-tipped restaurant workers face pervasive sexual harassment, gender discrimination, and assault in the kitchen.⁶ Hazing rituals are commonplace, promoting a toxic and sexualized work environment where harassment is normalized, workers are discouraged from reporting issues of harassment, and women are expected to tolerate these behaviors in order to survive in the male-dominated space.⁷

Workers' mass exodus from the restaurant industry generally has led thousands of independent restaurants nationwide to raise wages and improve equity and other working conditions in their restaurants, and is also creating momentum for policy change to raise wages and address sexual harassment in the industry.⁸ However, corporate restaurant chains have resisted change, offering false wage increases and other bonuses to workers to address the staffing crisis, but still refusing to fundamentally change structures and systems that are at the root of harassment.

This report documents how Topgolf, a nationwide corporate restaurant and golf entertainment chain, currently epitomizes resistant corporate chains that are increasingly the holdouts of an industry undergoing tremendous change. Topgolf could instead be a leader, responding to a moment in which workers are no longer willing to accept poverty wages and pervasive harassment and assault by changing their wage structure and workplace policies. Such a move would have significant industry-wide impacts, reducing the sexual harassment and other risks workers across the country face in order to make a living wage.

2 | KEY FINDINGS

This report is based on pleadings from 12 legal cases against Topgolf, including two this year alone, as well as surveys, polls, and interviews with 72 workers from 28 locations of Topgolf in 15 states, conducted from March 20, 2021 - December 1, 2021. These workers' stories reflect a pattern and practice of sexual harassment,⁹ wage theft,¹⁰ and enforced white supremacy¹¹ pervading the entire corporation—disproportionately affecting women of color and those who are undocumented.

› **Within interviews, survey responses, and legal pleadings, Topgolf workers' stories reflect a pattern and practice of sexual harassment,¹² wage theft,¹³ and enforced white supremacy¹⁴ pervading the entire corporation—disproportionately affecting women of color and those who are undocumented.** Reflecting research showing that such sexual harassment can be most directly attributed to the subminimum wage for tipped workers,¹⁵ it is notable that Topgolf pays its tipped employees the lowest subminimum wage allowed in all the states in which they operate.

› **All Topgolf workers we spoke with describe a culture of toxic masculinity, unprofessionalism, and boundary crossing. While working at Topgolf:**

54% of all respondents reported being sexually harassed

63% of women and nonbinary reported being sexually harassed and/or assaulted

100% of Black, Indigenous, and/or Latinx/Hispanic women under 50 years of age reported being sexually harassed

27% of survey all respondents reported being sexually assaulted.

33% of women and non-binary workers under 50 years of age reported being sexually assaulted.

50% of women of color under 50 years of age were sexually assaulted

75% of tipped workers surveyed reported additional barriers such as a reduction in tips or fear of losing tips for enforcing COVID protocols, including 71% of all workers reporting they were overworked and the venue understaffed, with 54.5% of women reporting increased harassment and/or hostility.

› **When asked whether the work environment became worse during the COVID 19 pandemic, workers from Topgolf locations in three states described increased wage precarity resulting in higher incidences of quid pro quo sexual harassment.**

3 | TOPGOLF AND LEGAL ISSUES

Topgolf, a restaurant and golf entertainment chain, exemplifies both the toxic misogyny pervasive in the restaurant industry and restaurant chains' resistance to change. Topgolf operates at the intersection of the restaurant industry, the industry with the highest rates of sexual harassment of any industry,¹⁶ and another historically misogynistic industry: golf. The golf industry is widely regarded as male-dominated and exclusionary¹⁷ as highlighted by recent high-profile cases against the Golf Channel for sexual harassment, pay discrepancies, and unpaid wages¹⁸ — with male-only clubs persisting to this day.¹⁹

With over 25,000 workers at 63 US venues, Topgolf is growing rapidly. In 2019, Topgolf generated \$1.1 billion in revenue and has grown at a compound annual rate of 30% each year.²⁰ Initially, Callaway Golf owned 14% of Topgolf since 2006; in 2020, Callaway Golf paid \$2.66 billion to acquire the majority of Topgolf stakes, citing a 223% increase in revenue in the three years prior to merger.²¹ But Topgolf's growth and profits recently came into question. In September 2021, an investigation by the U.S. Department of Labor concluded Topgolf had committed wage theft, depriving at least 255 Topgolf workers in 25 states of overtime pay²² and from 2020–2021 it was the target of at least 12 lawsuits pending with regard to employment,²³ including at least 7 plaintiffs suing the company in federal court for sexual harassment, sexual assault, and/or gender discrimination.²⁴

Within two cases pending against Topgolf this year involving sexual assault by Topgolf Las Vegas managers of Indigenous and undocumented workers, and fraud by its corporate Human Resources department,²⁵ Topgolf publicly stated it was not responsible for the harassment and assault of its workers, citing that the risk of assault is naturally higher in this type of working environment.

“Plaintiff would not have been allegedly sexually harassed but for her employment with Topgolf and she faced a much greater risk of assault than that of the general public because of her employment.”

—Defendant Topgolf USA Las Vegas, LLC's
Motion to Dismiss Plaintiff's Amended Complaint²⁶

“That is, they would not have been allegedly sexually harassed or assaulted but for their employment with Topgolf LV, and they faced a much greater risk of assault than the general public because of that employment.”²⁷

—Defendants Topgolf USA Las Vegas, LLC, and Topgolf USA, Inc.'s
Motion to Dismiss Plaintiffs' Amended Complaint



Treating restaurant work as inevitably high-risk disincentivizes change — allowing Topgolf and other restaurant chains to benefit from the dangerous environments they foster in pursuit of greater profits though substandard wages and divestment from sexual harassment prevention.

Recognizing Topgolf’s resistance to change, sexual assault survivors initiated a nationwide organizing campaign in July 2021 with their co-workers to end all sexual abuse within Topgolf, which extends to ending the subminimum wage for tipped workers. These workers’ efforts have expanded to include nearly 100 workers from 28 Topgolf locations in 15 states; their increasing voice and power is both symbolic of the new energy and momentum among workers across the economy to organize and strike, and could represent a key to pushing Topgolf and other restaurant corporations to stop resisting change and follow the lead of thousands of independent restaurants that are creating a more sustainable industry for all.²⁸ Survivors Know and One Fair Wage are working with this growing group of workers to transform their shared vision into powerful collective action.

4 | THE TIPPING POINT: THE SUBMINIMUM WAGE AS A KEY SOURCE OF SEXUALIZATION OF RESTAURANT WORKERS

At many of its venues, Topgolf pays front-of-house workers a subminimum wage of as little as \$2.13 per hour, forcing workers to rely on customer tips to bring them to the full minimum wage. At present, at least 60 Topgolf servers and bartenders from states including but not limited to Arizona, Alabama, Florida, Missouri, Texas, Tennessee, and Virginia are suing Topgolf for its unlawful attempts to improperly exploit the subminimum wage for tipped workers as allowed by the federal Fair Labor Standards Act.²⁹ These tipped workers were required to perform jobs such as cleaning the restaurant and washing dishes, without access to customers and thus no opportunity to receive tips, while still being paid a subminimum wage rather than the full minimum wage for their work. In addition, Topgolf failed to inform workers of their use of the subminimum wage and unlawfully used tips to subsidize the wages of back-of-house workers, including dishwashers.³⁰

Topgolf not only pressures but also rewards its managers with bonuses for meeting or exceeding labor targets, creating an incentive to keep the wages paid to tipped workers low,³¹ at the expense of workers' health and safety. When asked what happened when they reported sexual harassment by customers on whom they rely on tips to Topgolf managers, all Topgolf tipped workers reported feeling unsupported. Many reported being punished for being "unaccommodating" or "unfriendly," with several workers saying their harassers were given a "free hour" (of golf) by management as compensation for the workers' refusal to be sexually abused or objectified.

"I was on the tee line ringing out a tab. A drunk guest grabbed me and kissed me. I didn't even push him off of me; I just stepped back. I said, 'Don't ever touch a woman without them asking. That is inexcusable.' I wasn't even cussing at him. His buddy turns to me and spits at my feet. He goes, 'Well I just signed the check. Maybe you would have gotten a tip if you let my buddy kiss you.' I said, 'I don't give a shit about your money.' I walked into the lobby where my manager was and said, 'I want them kicked out and I want the cops called.' He said, 'Stop overreacting.' I'm like, 'He just grabbed me, I had a drunk man kiss me. I'm done. That's sexual assault.' The manager says, 'They're leaving, it's ok,' and brushes it off. In a yearly review it was written [in my personnel file] that I have a tendency to be combative with guests and to yell at guests."

—Bay Host at Topgolf in Naperville, IL

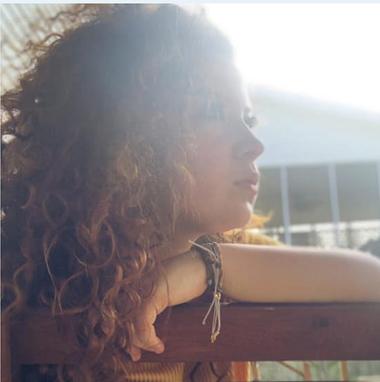
"[M]ost men would speak extremely sexual/demeaning to me and instead of helping, managers would shame me into thinking it was my fault. I've never once had someone have my back when feeling unsafe. They care more about themselves and guests than our safety."

—Ace Trainer at Topgolf in Naperville, IL

“He was complaining about the price of an hourly bay rental – the bay is the area which you play from. When I’m using my customer service voice, I’m a lot more flamboyant, obviously gay... Customer service is a lot more ‘turned on’ you have to be on and going and constantly peppy. He picked on that and told me that if he was going to pay that amount of money, I better be ‘on my knees under the table servicing him,’ but in more graphic terms.”

—Platinum Host at Topgolf in Dallas, TX

A 2014 study found that workers in states with a subminimum wage of \$2.13 an hour were twice as likely to report experiencing sexual harassment as workers in the seven states with a full minimum wage for tipped workers with tips on top, and three times as likely to report that their employer encouraged them to wear more provocative clothing.³² At Topgolf, this takes the everyday form of sexualized uniforms for women with managers telling them to be “date night ready,” a phrase used throughout Topgolf’s venues.



TOPGOLF SURVIVOR PROFILE

BRITTANY

Brittany has worked in the service industry since she was 18 years old, and she is currently employed at an animal shelter near her home in South Carolina. Brittany is an artist; she paints, plays eight instruments, and sketches tattoos. She is an avid conversationalist who loves meeting new people, so working at a server seemed to fit her personality perfectly. In 2017, she began work at Topgolf Charlotte in North Carolina and helped to open the venue as a bay host

(server). She later became an event ambassador (server who works private parties). The first year after the Charlotte venue opened, she loved it: “I used to train and tell people, ‘this is the best job you’re ever gonna have, everybody here is so awesome, it’s like a party all the time.’ You almost let things go under the rug because of how much money you are making in that beginning. Whether I had a good night or bad night, or somebody harassed me or made me mad, I just made \$400.”

When Brittany was promoted to become an event ambassador, she was very excited. “They made it seem like being an event ambassador is a big honor. . . I remember my first month of events; I made outrageous money, I got my paycheck and was like, this has to be wrong, there’s no way I made this much.” However, over time, she noticed her tips going down. “But then my tips started disappearing . . . When you first start they put you in the best sections and often let you have your full tip — over time, they start gradually taking from it.” In addition, as event ambassador, she was in charge of getting there early, checking in with the kitchen, setting up the event, then cleaning up after — all without being clocked in.



On one occasion, Brittany was the sole server for a big event. At the end of the night, the party left her a \$300 tip. “On my paycheck, there was no way I got that. I took it to my [events] manager, and I asked him, “Can I see if my event got put on here?” The events manager admitted that they withheld her tips, allocating them to other workers, as an arbitrary punishment. In addition, Brittany did not feel comfortable around this manager as he requested nude images from Brittany’s co-workers.

Brittany was often expected to endure sexual harassment from drunk customers, especially if they were “platinum members”. “If you were a Platinum member, people who pay extra, the things they get away with, it’s insanity. . . They would throw bottles at you and management would be like ‘meh’. They would get away with saying a lot of inappropriate stuff. They wouldn’t tip.” She felt incredibly unsafe around these drunk male guests that venue management would overserve. “Management would have their friends show up and be like, ‘Oh, I know so and so’, and management would keep giving them drinks. But they are sitting there super drunk trying to touch me and rub up on me, and the manager would say, ‘Oh, they’re just playing.’ I won’t be playing when I punch them in the face for touching my butt. . . One group had been sitting at the bar for a while then when they got to the table I said ‘I’m gonna give them one more round and that’s it.’ A table like that would harass you, and management would go over and laugh with them and chat it up, not even ‘How much have you guys been drinking’, then would come back and say ‘No, just keep serving them’ or ‘I got them a bucket on the house’.”

Brittany was also disturbed by the manager’s assumption that guests were entitled to touch her body, “I got in trouble one time. It was this guy’s birthday. He had kept hitting on me. I did my usual brushing things off — ‘No no no, I have a boyfriend’. This table said that before they got their check, they wanted to take a group photo. He said, ‘get in the photo with us’. I get in the photo, and he grabs my breast. I told him ‘no!’ He said ‘come on just for the picture’ I said ‘No! I don’t want you touching me.’ So he got really mad, and he called me a bitch. I said, ‘We can take the picture, and that is it.’” She then left and returned with their check. “He grabs onto my breast — ‘See, I do what I want. It’s my birthday. I turn around to see where a manager was and one watched it happen. So I go over to a group of managers and say, ‘He’s got to go; he’s intoxicated.’ My manager said he wasn’t going to do anything because it was his birthday... his birthday?! I said, ‘So you guys go by the same rule that it’s his birthday so he can do whatever he wants?’ And they were like, ‘It’s his birthday, we’re not going to ruin the guy’s birthday.’ I was like, ‘This man just groped me’, and they just said, ‘Don’t worry, it’s fine.’ I was obviously very angry.”

The more Brittany’s managers and co-workers observed her being sexually harassed and assaulted by guests, the more her managers felt entitled to sexually objectify her as well. “One year I dressed as Britney Spears for Halloween, but like appropriate. I thought it would be funny because my name is Brittany. The Director of Operations put on the song and said, “Why don’t you jump on the table and dance for me? I said no. He said, ‘Well then, how about a private dance?’ I again said no. He said, ‘Why?’ and I said, ‘Well because this is work and I’m trying to do my job.’”

While early on, Topgolf management attempted to justify the unprofessional and boundaryless work environment as ‘fun’ and like a constant party, they could not keep up the facade. “Things



started really going downhill when they started making us do a lot of what they call ‘clopens’ — they were awful, no one should ever have to work them. This meant I was leaving at 3:30 - 4:00 am after cleaning on a Saturday, then they wanted me to be there at 7:30 in the morning on Sunday. I would just sleep in my car and be exhausted for my next shift. There was one week I did five “clopens” in a row. I was physically sick from no sleep.” After Brittany let management know she was becoming sick as a result of her schedule, they retaliated by sending her home and giving her bad shifts. “I think it’s truly like a big show, it’s all a facade. There’s no love there. They don’t care about you. You’re just another body on the floor. You’re either there to help the company make money or you’re not going to be there . . . I watched harassment be allowed or blamed on the victim. I saw wages get cut. I saw management use their titles for negative reasons.”

However, there is one experience that stands out to Brittany as the most egregious and is the reason she no longer feels safe in the restaurant industry. Around Christmas 2019, Brittany was sexually harassed by a table of men who insisted she come home with them so they could “take turns with her”. Brittany had just had her nails done with her mom and sister for the holidays. After continuously ignoring sexual advances from this table of men, one of them began commenting on her nails and attire, calling her “trashy”. He grabbed her hand and ripped her acrylic nail off, causing her finger to bleed. Brittany, and other workers who witnessed the assault, informed management. “[Topgolf management] came back and accused me of doing it myself and told me to continue to serve them. When I refused to do so, they got very angry with me. As other staff members... asked if I was okay, it only angered management more and they sent me home for my ‘attitude.’” Feeling unsettled and unsafe, the next day, Brittany went to speak with the Director of Operations to complain about her manager’s handling of the situation. Several days later, Brittany was informed by Topgolf’s HR department that she was being written up for “sitting on a guest’s lap” and “encouraging the behavior.” “I was not listened to but instead blamed.”

Brittany’s experience at Topgolf has motivated her to foster healing environments for other women and safe spaces for employees in the workplace. She is organizing with her former Topgolf co-workers, to transform the restaurant industry on the whole — beginning with Topgolf.

“We all have the same goal and this is for the cruelty and injustices that Topgolf is full of to end! I can’t change what has happened to anyone although I wish I could but I sure can hope for change for future employees.”

5 | THE SUBMINIMUM WAGE PERPETUATES RACIAL INEQUITY

Fifty four percent of all survey respondents under 50 years of age stated they were sexually harassed while working at Topgolf. However, within this same age group, 100% of Black, Indigenous, and/or Latinx/Hispanic women reported being sexually harassed.

One former Operations Manager told Survivors Know that Topgolf uses its point-of-sale system³³ to rank bay hosts (servers) based on sales and tips. Workers who ranked low in this system were retaliated against with undesirable shifts, disciplinary action, and even termination. However, these rankings were often divided along racial lines, with white women generating more tips and sales, producing discriminatory outcomes, and women of color being put on performance plans without reason. Research shows that after controlling for service skills restaurant customers discriminate against Black servers by tipping them less than their white co-workers.³⁴ In addition, women who rejected sexual advances from customers or chose to dress in less revealing clothing were significantly disadvantaged and faced disciplinary action.



The subminimum wage promotes systemic racism,³⁵ causing women of color — from the front of the house to the back of the house — to be simultaneously objectified and treated as expendable. This year, Niarrie Doddson, a Black woman, sued Topgolf after she was sexually harassed and racially discriminated against at its St. Louis venue. Ms. Doddson was hired as a bay host in 2018. Topgolf management deprived her of tips, commented on her breasts, and referred to her as “Whoopi” — used as a racial slur. In April 2019, Ms. Doddson spoke with Topgolf’s Human Resources (HR) regarding racial harassment and discrimination in the workplace, including that Black workers were being disproportionately punished and segregated. After making a second complaint to Topgolf Human Resources, she was demoted and eventually fired for pretextual reasons. In her complaint, Ms. Doddson states, “The workplace was filled with racial tension, including a white employee telling Black employees that it was better for him to handle the “white crowd” and a white male telling a Black female to settle her ghetto butt down.”³⁶

Workers who are sexually harassed by managers struggle to reject advances in fear of losing their jobs and jeopardizing their family’s livelihoods. This is especially the case for undocumented workers who faced threats of deportation should they complain.³⁷

“After the first time I didn’t want to go to have sex with [my manager at Topgolf], it would be on a daily routine, he would make comments — ‘you know it would be so sad if I called ICE.’ It didn’t feel like an empty threat.”

—Anonymous Topgolf worker

In another case pending against Topgolf this year, Ciara Williams, an Indigenous woman and pastry cook who began working at Topgolf Las Vegas in 2016 was sexually assaulted in the walk-in freezer by her manager Silvino Hinojosa — a high-performing chef who was popular with upper management.³⁸ This assault occurred only months after another woman, Elba Servin, reported to Topgolf’s Human Resources that he had raped her and was now threatening her with deportation. However, Topgolf took no action whatsoever to protect her or other at-risk workers.³⁹ Ms. Williams reported the sexual assault to Topgolf’s Regional Human Resources Manager and filed a written complaint. Topgolf still took no action against the man who assaulted her. Instead, Ms. Williams was placed on a different shift. Within months, he was promoted to a salaried manager and placed on her shift with great supervisory power over her. Ms. Williams was constructively terminated in 2018.⁴⁰ The man who assaulted her was not terminated until two additional women reported being sexually harassed and threatened by him to the MGM Grand security department in which Topgolf, Las Vegas is housed.^{41,42}



TOPGOLF SURVIVOR PROFILE

CAMILA

Camila* is 30 years old and comes from a large Latinx family, with three brothers and one sister. She has lived in Louisiana and North Carolina, but she currently lives in Texas with her fiancé and dog. She loves to camp, hike, and dance; she even taught dance while still in high school. She is currently working full time on her bachelor’s degree in elementary education. She loves a good brunch on weekends.

Camila worked in retail as a teenager but eventually switched to the restaurant industry. “I thrive in customer service positions. I like fast-paced work. I like to interact with my customers, and am very patient and caring in my work. I found out that my area was getting a new Topgolf and was so excited to be a part of it. The interview process was incredibly fun and inviting. This company spoke of wonderful ‘Core Values’ and seemed to respect their employees so much that they would only call them ‘associates,’ and customers were so important to them that they were only to be considered ‘guests.’ I was so excited to be chosen to work for such a caring company and be a part of this new location. I was hired on as ‘guest services’ but became a ‘platinum host’ before we opened.” Camila would later become a trainer and a bay host. “The training was fun; the people I got to work with all seemed wonderful.”

*Name has been changed to protect identity.



However, after the venue opened, the environment quickly changed. Topgolf managers were no longer fun, respectful, and caring. “Managers and leads became cold, controlling, negligent and manipulative. We were asked to come in early each shift for meetings off the clock. We were not allowed the overtime that management would schedule us for and were forced to clock out early yet stay and continue to work. If we were sick, there were no sick days. It was very upsetting to see this company that preached such high moral values now be so toxic and manipulative.”

Guests often harassed Camila. “Topgolf is supposed to be a family-friendly business. However, guests were often disrespectful verbally and even physically. There was an instance where a guest slapped my butt, and I reported this to my floor manager, and the manager told me it wasn’t a big deal, that I was overreacting. When I said I was not comfortable with serving these guests, he made it seem like I was just trying to get out of work. I was treated poorly by that manager after that point.”

On one occasion, a drunk customer Camila was serving attempted to sexually assault her, and when she pushed him away he grabbed her head and licked her face. Terrified for her own safety and the safety of other Topgolf workers, Camila immediately reported this to a Topgolf manager. Rather than ask this man to leave, they scolded Camila and began to assign her less desirable shifts and sections. “The customer was allowed to stay; I was told I was overreacting. It was clear that sexual assault was not only not taken seriously by managers, but it was also turned around to be our fault or that we were being dramatic and were treated disrespectfully and overlooked for promotions because we were not seen as “favorites” if we reported these things.”

Approximately a year after she started working at Topgolf, a new manager was hired at the venue. “We got a new platinum host manager that came from another location — later found out that he was transferred to our location due to sexual misconduct at his previous location. He should have been fired, not transferred with a promotion.” Before Camila knew about his past offenses, they seemed to hit it off. They wound up having a short sexual relationship, and she thought she could trust him. However, one night, he violently raped her.

As this manager raped her outside of work, she did not tell anyone for a long time. In addition, as her previous complaints had only led to adverse actions against her, she feared retaliation should she report it. However, the sexualized environment at Topgolf was triggering the traumatic stress she had developed — being raped, then working alongside this man for months. “Then, while at work, standing in the main bar area with several other people around to witness, a male coworker slapped my butt violently. This triggered a PTSD response in me, and I spun around and hit him in the chest and yelled, “Who do you think you are?!” and then ran away before breaking down emotionally.” A female manager found her and asked her if she wanted to file a report. “She told me that the same co-worker... had several previous reports filed against him for similar situations. I lost it. How could this company let someone stay after even ONE sexual misconduct report, let alone four other reports? How could they transfer and promote (the manager that raped me) someone that had sexual misconduct and put others at risk? I immediately asked to put in my two weeks’ notice.”



Camila wants other Topgolf workers to see through the propaganda Topgolf uses to manipulate them into working in sexually exploitative environments for subminimum wages. “TopGolf preaches their ‘core values’ and claims to ‘care’, but when it comes down to it, they are toxic, careless, manipulative and they not only won’t do anything about sexual assault, but they almost seem to support it by covering things up, not firing people, and even promoting people with known reports against them.”

For many years Camila told no one about what happened to her at Topgolf. But now she wants to tell her story to protect other women. “The dark truths of Topgolf need to come to light and big changes need to happen within the company. I hope to help push for the changes to keep current and future Topgolf employees safe and give them a good and respectful work environment.” In the meantime, Camila has a message for all Topgolf consumers: if you see a Topgolf worker being sexually harassed, groped, or mistreated, “be prepared to be upstander and do something, because management will only retaliate... and don’t let your daughters work at Topgolf.”

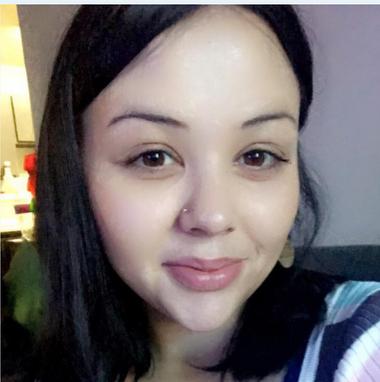
6 | THE SUBMINIMUM WAGE FOSTERS SEXUAL HARASSMENT BY MANAGEMENT

When customers pay more for sexualized service and managers demand it, this promotes a toxic workplace where women are perceived by co-workers and managers as vulnerable and subservient.⁴³ This power imbalance fosters an environment where sexual misconduct is normalized, tolerated, and ignored.⁴⁴ That so many workers in the restaurant industry have experienced sexual harassment suggests that management is not invested in regulating and may actively promote the sexualization of the restaurant workplace, as sexual harassment can be used as a way to build a subservient and dependent workforce based on exerting physical and financial control over workers trying to survive on a subminimum wage.⁴⁵

“Managers abused their power. Favoritism was high. Management was sleeping with non-management which in turn gave them better shifts/sections.”

—Event Ambassador at Topgolf in Charlotte, NC

When asked whether the work environment became worse during the COVID 19 pandemic, workers from Topgolf locations in three states described increased wage precarity resulting in higher incidences of quid pro quo sexual harassment. Often, when tables paid in cash, some Topgolf managers would offer to retroactively mark meals and drinks in the system as ‘comped’ by the company — allowing a server to pocket the cash and keep their tips — in exchange for sexual favors. Two of these workers feared reporting this quid pro quo sexual harassment by management, believing they would more likely be fired for theft.



TOPGOLF SURVIVOR PROFILE

SAMANTHA

Samantha L. Velasquez-Knowles is 26 years old and grew up in Hayward, California. Samantha’s mom is from Costa Rica and her step dad was Filipino. “We had a mixed cultured experience from food, festivals, traditions, and clothing at home on top of living in cities that are full of different people and cultures from all around the world that I made friends with and experienced.”

In 2013, Samantha got her first job in the industry, at a fine-dining Japanese restaurant in San Francisco, later moving to Las Vegas to finish her culinary training. “I was always looking for



something better, more experience, and just looking to constantly move up. If I wasn't getting a raise and higher position then I would take my knowledge and look for another restaurant that would be more challenging with higher standards." However, she soon discovered that the culinary world was not welcoming to women. "In the culinary industry it is a lot harder for a woman from the very beginning . . . They always want you to 'prove your worth' . . . There were plenty of times that I was told I needed to perform sexual acts to get the job and then told, 'Don't act like you've never done this before for a position.' I responded with a loud — 'No!' Even though I was abused growing up, I still always had self respect and growing up in church I never felt alone, I always believed and still believe God is by my side."

Samantha began working in the kitchen at Topgolf Las Vegas in 2016. "I was so excited. I quit my job to work there, especially since everyone was getting equal pay — or so I thought." Soon after, she was selected to work the "VIP floor"— which she found to be a hypersexualized environment. "Other places I worked at was a lot of men just constantly complimenting you, and being very creepily sweet, but not like this new environment at Topgolf where executive chefs and their friends would greet each other by grabbing and shaking their genitals in front of your face, smacking my butt, being followed into the walk-in fridge." Topgolf front-of-house workers have also highlighted the "VIP floor" as problematic: "Only female bayhosts can be on the VIP floors. In the summer the uniforms are very skimpy and that's to drive up the cost of those bays, and those bays come at a premium. So you're literally paying for the ability to ogle bayhosts. It's awful. It's disgusting. It's built into the price structure. And the fact that Topgolf pays server wages to these bay hosts — you are going to have more women of color and more queer people taking those positions. The dynamic it creates — the guests think these women are beneath them. The way Topgolf structures its company is a handbook on how to run a company from a sexist and racist point of view."

This dynamic bled into Topgolf VIP's kitchen, with managers treating female cooks as sexual objects they were entitled to ogle and touch. After sexually harassing her for over a month, including sexual innuendos, comments, and inappropriate touching, Samantha's supervisor, a Topgolf kitchen manager, altered her schedule to match his and told her to meet him at a hotel room for sex. Samantha refused. Later, he followed her into the walk in freezer and sexually assaulted her. Someone witnessed the assault and reported it to Topgolf's Human Resources department. Several days later, Samantha was called into the Human Resources office. During this meeting, the Executive Sous Chef (who was close friends with her abuser) was so aggressive toward Samantha, she thought she was being fired. Immediately after this meeting, Samantha was demoted and transferred to a lower floor. Topgolf took no remedial action whatsoever against the kitchen manager who assaulted her. "I was told it was my fault, which I never believed and never will still. I was treated like the criminal when I was the victim . . . I went from working on the VIP floor, which I enjoyed, having bigger responsibilities and being trusted to cook for someone like Justin Timberlake, to working on the lower level. I was hurt but I'd rather keep my job and not argue as long as they kept my harasser away from me." However, within less than a week the man who assaulted her was transferred to once again become her immediate supervisor. "They put my harasser downstairs with me like I was being mocked, followed, antagonized and it made me feel



very unsafe. But I put up with it because I had a one-year-old son to take care of and bills to pay.”

For several weeks after Samantha was transferred, she was asked to train line cooks on the lower floor as she is bilingual and knew every station. She was then terminated. “I was let go and without a pay stub, just some money on a card which I felt was far from what was owed to me. With all my experiences working in restaurants, Topgolf haunted me the most with the disgusting environment management created, how they defended my abuser, how close friends they all were, having lunch in the office together, laughing about things, while I was just there, trying to work — scared, confused, and seeing nobody help.”

Despite Samantha’s love of cooking, she can no longer work in the restaurant industry with its current misogynistic norms and power structures. “I can’t even focus anymore on my career — what used to be my dream. I’d rather be working minimum wage than to be abused and intimidated like I was at Topgolf. As a woman in the kitchen I was not taken seriously. I felt I needed to basically not be myself, not be kind to anyone or I’d be responsible for someone abusing me. It’s like that in the kitchen for women, even if I defend myself I’m considered ‘sexy and feisty’ . . . Food has always made me so happy, especially when the customers are happy — being able to share that with them, that enjoyment with their family and friends is what I love most about it. It’s hard to do that when there’s toxicity and rape culture toward women in the restaurants and in the kitchen.”

Samantha has left the culinary industry for now. However, her culinary dream has not died. Rather than continue to climb the ladder of a male-dominated industry, Samantha plans to one day open a restaurant, cooperatively owned by survivors. “One day I want to start a cafe that is women-owned and a safe, peaceful, and equal place to work for servers and chefs. That would be such a huge difference to have a place of work, doing what we love, not having to worry about these things.”

In the meantime, she is organizing with former co-workers and fellow survivors to change the restaurant industry, beginning with Topgolf. “I just want to help everyone that feels like they are helpless, like they will lose their job for saying something and for people at home who have kids that have to put up with abuse from their employer. Topgolf was definitely the worst when it came to my safety and sanity. I truly don’t want anyone to feel this way! I felt like I was ‘lucky’ to be working there and didn’t want to mess it up — thinking I couldn’t be hired at a place as good as Topgolf. In the kitchen, women are really treated with disrespect all the time and unfairly. I was taken advantage of so many times. Being able to speak out now and help others is a huge relief and letting others know that they aren’t alone and we can do something to change this.”

7 | RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

A February 2021 seminal report by leading sexual harassment experts Professors Catharine A. MacKinnon and Louise Fitzgerald from One Fair Wage found that tipped restaurant workers face the highest levels of retaliation for reporting sexual harassment of any industry in the United States.⁴⁶ At Topgolf, this retaliation was based on a unique culture of loyalty; former Topgolf workers have described Topgolf’s hiring and training programs as “indoctrinating” and “cult-like.” Workers said that when they reported violations to managers, their managers behaved as though personally offended.

According to the U.S. Equal Employment Opportunity Commission (EEOC), managers may become “openly hostile towards an employee’s protected activity” if they perceive a complaint as “bad for morale” or “highly offensive,” recognizing that the more serious the offense, the more likely the worker is to be retaliated against.⁴⁷ In addition, if managers’ income and bonuses are dependant upon the degree to which they can exploit their workers — as at Topgolf — they may be more hostile and inclined to conceal any “bad morale” caused by worker complaints of sexual misconduct by customers, co-workers, or managers.

“Managers overworked staff and in return extreme hostility and abuse in several ways and even when you report something about it like report it to HR they withhold your pay soooooo.”
—Bartender at Topgolf in Alpharetta, GA

All Topgolf workers we spoke with describe a workplace pervaded by toxic masculinity, bullying, unprofessionalism, and boundary crossing beginning with management. Three women reported being drugged and raped by a Topgolf coworker or manager at a work-related social event, and four women reported being forcibly raped by a Topgolf manager. In addition, within survey responses and qualitative interviews, workers reported Topgolf’s party culture frequently devolved into drug use by upper management, with two directors of operations engaging in inappropriate relations with underage female employees. Overwhelmingly, when these violations were reported to Topgolf’s corporate Human Resources department, workers reported that either no action was taken, or they were retaliated against.

Unlike studies which link pervasive sexual misconduct in a workplace to workers’ reticence to report it,⁴⁸ the Topgolf workers we spoke with generally reported the violations against them to their managers. Workers cited Topgolf’s “open door” policy and its use of the



Human Resources reporting system, called ‘Convercent,’ as reasons they felt comfortable making the complaints. However, from the perspective of these workers, greater access to reporting methods did not lead to greater protections. **Seventy-five percent of workers who were sexually harassed at Topgolf say they reported it to a Topgolf manager or Human Resources; 78% of those workers saying they were retaliated against as a result.** We also found the more serious the offense reported, the more likely the worker was to be retaliated against after reporting. **Of the survey respondents who were sexually assaulted, 86% reported it; 100% of these workers say they were retaliated against as a result.** According to workers, Topgolf’s “open door policy” meant ill-trained male supervisors, ambivalent toward sexual violence, were often those receiving (and woefully mishandling) highly sensitive complaints.

“Despite “open door policy” practically every “open door” scenario we (those coming to management with an issue) get punished instead of receiving any kind of help.”

—Event Ambassador at Topgolf in Chattanooga, TN

“I had reported derogatory comments made around me by a fellow sous Chef in Naperville, mostly in regards to a transgender male cook we had. . . Eventually I got fed up and reported these comments (amongst many other racial slurs) to HR and my DO and virtually no action was taken since I couldn’t provide a specific time and place and witnesses, but it was one of those things that it happened so often that it was just common to deal with whatever came out the guys mouth”

—Sous Chef at Topgolf in Naperville, IL

One survey respondent told Survivors Know that Topgolf threatened to fire her if she spoke about her co-worker sexually assaulting her: “Started with messages from co-workers that I felt uncomfortable with. He proceeded to start saying those things at work in my ear. To sum it up, I was drugged, sexually assaulted, and threatened . . . I filed a police report and took it to management. They said HR would follow up with me and it never happened. They also promised that our schedules would be opposing and not overlap, but they did once and he kept coming in to play when he was off and I would work. I continued to ask about what was going on for 2 weeks until I had to quit because my mental health was suffering. The management also threatened my job by saying I was not allowed to discuss with anyone . . . They said Topgolf’s HR would have to deal with it first and they never did.”

—Former Caddie, Topgolf Chattanooga, TN

“The sexual harassment was reported to HR with no outcome at all. The retaliation was the worst kept secret at the Dallas venue. All the managers knew what was happening.”

—Guest Services Shift Lead at Topgolf in Dallas, TX

“A few of the women who filed reports were hand-picked to come to [the Director of Operations] office to be interviewed. I was told the charges could not be substantiated as there were no cameras to capture video evidence. We were told the reports lacked substance because precise dates and times were not given, but the thing was it was all the time [...] they said “can’t do anything about it”.

—Bay Host at Topgolf in San Antonio, TX

According to survey responses and qualitative interviews, Topgolf’s upper management and Human Resources department would often state that there was insufficient evidence to initiate an investigation. In addition, when their complaint did lead to an investigation, Topgolf’s centralized Human Resources department often delegated it back to venue upper management who were friends with the perpetrators or engaged in similar behavior themselves. Three former female Topgolf workers, two of whom were managers, said they were fired after reporting violations by their superiors including sexual misconduct and/or systemic racial discrimination to Topgolf’s corporate Human Resources department. In each case, they were terminated by the venue’s Director of Operations for “starting rumors” or “causing drama”.

“I didn’t talk to a single person at the venue about [sexual misconduct by the bar manager] and contacted HR immediately to report it. My [Director of Operations] pulled me into the office soon after and fired me stating I was spreading rumors. I really thought they would look into it from the outside perspective but they had managers from the venue who are golfing buddies with the bar manager do the investigation . . . I don’t know why the home office never stepped in. I was pretty upset when he came back with the “rumor starting” line. I guess they know that had worked for them in the past and it would work again.”

—Events Office Manager at Topgolf in Spring, TX

8 | TOPGOLF WORKERS ARE ORGANIZING FOR CHANGE

Within the #Stopgolf Solidarity Circle (SGSC), survivors and Topgolf workers, both current and former, are building a community of support, mutual aid, and collective action. This space addresses the immediate needs of survivors and workers — placing them in the larger context of system failure, structural racism, and corporate greed.

“I opened the Charlotte location in 2017 and gave my literal blood, sweat and tears (lots and lots of tears) to this company for 2 years. While I was an associate there, I worked as a Bay Host, Bartender, ACE Trainer, Marketing Champion, and Event Ambassador. I had many name tags and wore them proudly. Until I was promoted . . . and realized that some of the stuff I went through was not in our Core Values and people need to be held accountable. So this [Stopgolf Solidarity Circle] was started, not to shut down TG, but to make them aware that some of their venues (especially the top venues) are not living up to expectations. Whether it was favoritism, exclusion, harassment, abuse, or just plain terrible staff/guests that weren’t dealt with properly, we want to know your survival! . . .The service industry can be awful, but when you have a supportive family, it makes it easier. Let’s help hold Topgolf accountable and have them hear our voices.”

—Donna, Event Ambassador at Topgolf in Charlotte, NC

We need higher pay for cooks . . .I feel like everyone should be getting the same pay and all servers and cooks should be sharing the tips especially since it’s all a team effort and servers shouldn’t also have to solely rely on tips to decide if they get to pay their bills or not. They deserve a fixed income as well and share the tips that took the entire team to make the customer happy.”

—Cook at Topgolf in Las Vegas, NV

Through surveys, polls, and conversations in the #Stopgolf Solidarity Circle, current and former Topgolf employees have articulated an initial set of structural changes to be implemented at Topgolf:

- 1\ Reduce sexual harassment in the restaurant industry by providing livable wages - workers need a full minimum wage with tips on top.

- 2\ Commit to supporting the implementation of a general Ethics and Culture Oversight Committee for all venues, composed of current non-managerial Topgolf employees, survivors, as well as advocates and legal representatives specializing in sexual harassment, diversity, and inclusion. The activities of the committee will include, but are not be limited to, establishing and monitoring metrics, measuring compliance, and the implementation of an ethical and inclusive environment for all employees.
- 3\ In addition to Topgolf's trainings, all Topgolf managers and supervisors are obligated to attend trainings by the Ethics and Culture Oversight Committee prior to promotion and three times per year thereafter.
- 4\ Immediately eliminate all financial incentives for Topgolf managers related to meeting or exceeding labor targets.
- 5\ Implement a monthly survey developed by the oversight committee to identify and prevent harassment issues.

9 | CONCLUSION

As over 1.2 million workers have left the restaurant industry since June 2019,⁴⁹ pundits and lawmakers continue to ask why service workers are leaving the industry. In a May 2021 survey of 2000 restaurant workers, 54% said they were leaving the industry, and 78% said the only factor that would make them stay or return to work in restaurants would be a full, livable wage with tips on top.⁵⁰ The profiles and quotes in this report provide further clarity as to why workers are refusing to work for the subminimum wages the restaurant industry provides: the level of sexual harassment attributable to the subminimum wage for tipped workers has never been tolerable, and has now become life-threatening.

The service sector has a long way to go to end sexual harassment, assault and discrimination in their workplaces. Topgolf epitomizes the corporate restaurant industry, with pervasive sexual harassment and assault that can be attributed to the subminimum wage for tipped workers and a misogynistic, racist culture. For this reason, by committing to long-term structural changes that ensure safe and equitable workplaces, Topgolf could also set an example.

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