An aerial, black and white photograph of a city, likely Las Vegas, with mountains visible in the distance. The city is densely packed with buildings and streets. The text is overlaid on the left side of the image.

BANKING ON UNSAFE WORKING CONDITIONS

Placing Profits Before Protection of
Casino & Hotel Workers' Human
Rights in Deutsche Bank's U.S.
Supply Chain

BANKING ON UNSAFE WORKING CONDITIONS

**PLACING PROFITS BEFORE PROTECTION OF CASINO & HOTEL WORKERS'
HUMAN RIGHTS IN DEUTSCHE BANK'S U.S. SUPPLY CHAIN**

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“Sometimes I want to crawl out of work because I’m in so much pain. I cry but management just says, ‘Keep working Maria.’”

-- Maria, a housekeeper at Palace Station (see more of her story on p. 27)

I. EXECUTIVE SUMMARY

This report examines working conditions for employees of Station Casinos LLC, which is the third largest private employer in Nevada.¹ The report is based on interviews with 101 employees and raises serious human rights concerns related primarily to casino and hotel workers’ health and safety. Deutsche Bank, a multinational corporation based in Frankfurt, Germany is a partial owner of the company.

On April 27, 2016, a few weeks before this report was published, Station Casinos had its initial public offering (IPO) under the name of a newly created holding company called Red Rock Resorts, Inc.² As a result of that IPO, which was underwritten by Deutsche Bank and other investment banks, Deutsche Bank’s share of the company was reduced from 25% to 16-18%, and the Bank relinquished its governance rights. When

Deutsche Bank was informed of the human rights concerns discussed in this report, it responded by asserting that it had no role to play since it no longer had governance rights and previously had agreed not to interfere in Station Casinos’ operations.

The position that Deutsche Bank has taken impedes its ability to fulfill its preexisting human rights commitments under the international instruments it has agreed to follow, including the UN Global Compact, the UN Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and its own Statement on Human Rights. Deutsche Bank’s position also conflicts with its self-proclaimed status as a leader in the area of business and human rights.³ This report calls on Deutsche Bank to investigate and address the adverse human rights impacts alleged by the workers interviewed for this report, which are linked to its operations through its business relationship with Station Casinos.⁴

The report also calls on Station Casinos to investigate and address the allegations of its employees. This is not the first time that Station Casinos’ employees have reported violations of their rights. In 2012, the National Labor Relations Board (NLRB) found that Station Casinos had committed over 80

¹ See Vegas Inc., *The List: Largest Private Employers*, March 20, 2016, available at <http://vegasinc.com/business/public-record/2016/mar/21/the-list-largest-private-employers-march-20-2016/>.

² Red Rock Resorts Inc. has no assets other than its ownership and voting interest in Station Casinos LLC. See Red Rock Resorts, Inc., Amendment No. 5 to S-1 Form filed with the SEC on April 15, 2016, at p. 38. This report refers to the company as “Station Casinos” since that is how the workers refer to it.

³ See Deutsche Bank’s website at https://www.db.com/cr/en/positions/human_rights.htm and <https://www.db.com/cr/en/concrete-responsible-governance.htm>; Deutsche Bank Statement on Human Rights I (2015); Viktoriya Borysova and Dr. Antje Stobbe, Deutsche Banks, Sustainability at Deutsche Bank, Paris/London, 16-18 Nov 2015 at p. 22.

⁴ See UN Human Rights Office of the High Commissioner, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect, and Remedy Framework,”* Principle 13(b), 2011.

unfair labor practices, violating workers' rights to freedom of association and collective bargaining.⁵ Since that time, Station Casinos' employees have been protesting by the hundreds to obtain better working conditions.⁶

This report adds a new dimension to the narrative by highlighting fundamental health and safety concerns that have thus far received little public attention. These include allegations of inadequate safety gear, workplace injuries due to defective machinery, inadequate protection from abuse by customers, negative repercussions for reporting injuries and unsafe conditions, environmental hazards, inability to take breaks due to excessive workloads, severe mental stress related to understaffing, lack of job security, inadequate benefits, and fear of being disciplined for calling in sick.

In addition, workers reported feeling scrutinized and disparaged for supporting the Culinary Workers' Union 226 ("Union"). They expressed fear of being disciplined or fired for making one wrong move. In April 2016, an employee named Hilda Sanchez, who has been actively involved with the Union and even traveled to Deutsche Bank's headquarters in Frankfurt with a delegation from the

Union in 2011, was fired from her job as a housekeeper for reasons that she alleges were pretextual and retaliatory, according to her NLRB complaint.



Norma Flores, who works at Fiesta Henderson, distributing fliers outside Deutsche Bank's Frankfurt headquarters in 2012. Another interviewee, Hilda Sanchez, had met with Deutsche Bank in 2011 (see more of her story on p. 44)

The key allegations, summarized below raise serious concerns about abuses of the human rights to the highest attainable standard of physical and mental health, as well as to just and favorable conditions of work. In addition, although the interviews indicated improvements in the area of freedom of association since the NLRB's decisions, the allegations of less favorable treatment of Union supporters and retaliation merit further investigation by Station Casinos and Deutsche Bank.

⁵ Station Casinos d/b/a Place Station Hotel and Casino, 348 NLRB No. 77, p. 3 (2012); Station Casinos d/b/a Place Station Hotel and Casino, 358 NLRB No. 153, p. 1 (2012).

⁶ See, e.g., Amanda Finnegan, *Union Supporters Arrested at Protest of Station Casinos*, LAS VEGAS SUN, March 23, 2011; Mark Thomas, *Casino Workers on Hunger Strike*, CBS LAS VEGAS, April 19, 2012; Nikki Bowers, *3 Arrested in Culinary Union Protest, Station Casinos Responds*, CHANNEL 8 NEWS, Oct. 10, 2014; Jacqui Heinrich, *Workers Rally for a Union at Station Casinos*, CHANNEL 13 ACTION NEWS, Dec. 11, 2014; *Union Delivering Coal to Station in Labor Dispute*, ASSOCIATED PRESS, Dec. 10, 2014; Ricardo Torres, *No Arrests as Culinary Lead Protest at Palace Station*, LAS VEGAS SUN, Feb. 12, 2016.

A. Key Findings

The key allegations are as follows:

- **Inadequate safety gear and precautions**
 - Workers reported inadequate supplies of safety gear, such as gloves, masks, and goggles, as well as broken emergency eyewash stations;
 - Housekeepers reported being required to clean rooms with biohazards in them, including blood, vomit and excrement, without proper chemicals or training;
- **Preventable workplace injuries**
 - Workers reported numerous on-the-job injuries, including cuts, burns, eye infections, torn ligaments, twisted ankles, fractures, broken bones, and slip-and-falls;
 - Workers reported defective machinery, such as leaking dishwashers, broken steamers, a broken refrigerator, a broken sewer pipe, a leaking gas line, and broken carts that put workers in danger and resulted in some of the injuries mentioned above;
 - Workers reported feeling afraid to report injuries and unsafe conditions because they feared being disciplined for doing so;
- **Inadequate protection from abuse by customers**
 - Housekeepers spoke of having been abused by guests while cleaning hotel rooms and then experiencing negative repercussions, or receiving no assistance from management upon reporting the incident, or feeling afraid to report incidents;
- **Severe mental stress**
 - Workers reported excessive workloads and extreme stress due to understaffing, resulting in some workers being taken by ambulance to the hospital for panic attacks;
- **Environmental hazards**
 - Workers reported infestations of cockroaches and rodents at certain properties;
 - Workers reported having an inadequate supply of cleaning products and inadequate time to clean hotel rooms and food preparation areas properly;
 - Workers reported very poor air quality in some of the properties due to smoke, and some experienced persistent respiratory problems;

❑ Inability to take breaks

- Workers reported being forced to skip their breaks, including lunch breaks, in order to complete excessive workloads;
- Some workers reported not having time to use the restroom, while others reported being reprimanded for stopping to use the restroom;

❑ Lack of Job Security

- On-call workers reported lack of job security due to unpredictable hours;
- Workers described fear of being disciplined or fired if they called in sick;

❑ Lack of Social Security

- Workers reported minimal benefits, including inadequate health insurance and retirement plans, and no paid sick leave;
- Part-time, on-call, and temporary workers have no health insurance;

❑ Excessive work without overtime pay

- Workers reported being given more work than could reasonably be accomplished in a regular workday and being expected to do it without receiving overtime pay;
- Workers reported being forced to work with a broken clock and receiving or being threatened with discipline for clocking out late;

❑ Discouragement of Freedom of association and collective bargaining

- Although the interviews indicated improvements in this area, some workers who support the Union reported being more closely scrutinized by management and felt management was looking for excuses to discipline or fire them;

❑ Discrimination

- The vast majority of workers did not report any discrimination, but some alleged discrimination based on sex, race, language, and political or other opinion (Union affiliation);

❑ Abuse of Human Dignity

- Workers reported that they were not treated with dignity and respect.



B. Key Recommendations

Based on these allegations, we recommend that Station Casinos and Deutsche Bank investigate and address the health and safety issues identified in the report, including by: (1) providing adequate safety equipment to protect workers; (2) ensuring that existing policies addressing health and safety issues are being properly implemented, or developing such policies if none exist; (3) promptly fixing defective machinery and broken equipment that can result in workplace injuries; (4) eliminating any infestations that create health risks; (5) monitoring and maintaining acceptable air quality in the casinos; (6) hiring necessary employees to reduce the mental and physical strain on workers; and (7) offering adequate benefits, including paid sick leave. Trainings should also be provided on labor and employment rights, as well as nondiscrimination policies, to encourage reporting and reduce fear of retaliation.

In addition, we recommend that Deutsche Bank apply its Environmental and Social Reputational Risk Framework (ES Risk Framework) and due diligence procedures to Station Casinos in order to determine whether its human rights commitments allow it to maintain a business relationship with the company, including investing, lending, underwriting transactions, or otherwise provides client services. Deutsche Bank should consult directly with employees of Station Casinos during this due diligence process and ensure that any investigator hired to look into human rights abuses is fully

independent and agreed upon by other stakeholders, including the workers.

We further recommend that Deutsche Bank's Centre for Sustainable Finance/ESG Office work closely with the Legal Department to ensure that the Bank's interpretation of its human rights commitments is consistent with the international instruments it has agreed to follow, including the UN Global Compact, UN Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises, and its own Statement on Human Rights.

In its response to this report, Deutsche Bank indicated it was not responsible because it had relinquished governance rights in Station Casinos as a result of the IPO that occurred in late April 2016. However, the Bank's human rights responsibilities under the instruments mentioned above are by no means limited to situations where it has governance rights. As a partial owner, lender, and underwriter, Deutsche Bank continues to have multiple business relationships with Station Casinos and should recognize that these relationships trigger human rights responsibilities.

Deutsche Bank also asserted that even when it had governance rights, those rights were limited by an agreement imposed by gaming regulators not to interfere in any way with the operations of Station Casinos. We recommend that Deutsche Bank's management consult with the Corporate Social Responsibility department before entering into any agreement that may prohibit it from fulfilling its human rights commitments.

II. METHODOLOGY

This report was prepared by Professor Fatma Marouf, Co-Director of the Immigration Clinic at the University of Nevada, Las Vegas (“Clinic”), which represents three of the workers who were interviewed for the report, and law students working under her supervision.⁷ Professor Sameer Ashar, Co-Director of the Immigrant Rights Clinic at U.C. Irvine, and Jennifer Rosenbaum, Robina Foundation Human Rights Fellow at Yale Law School, also helped draft and edit the report.

The Clinic was asked by the Union to conduct a human rights analysis of working conditions in casinos and hotels owned by Station Casinos. The Union’s primary concerns involved possible abuses of the rights to freedom of association and collective bargaining, access to health care, and job security. In 2014, Clinic students prepared a detailed questionnaire that addressed a wide range of issues relevant to the workplace, including but not limited to the concerns identified by the Union. The questionnaire addressed, among other things, health and safety, hours of work, breaks, remuneration, freedom of association and collective bargaining, discrimination, and harassment.

Between February and May 2015, Clinic students interviewed 101 workers. A few follow-up interviews with some of the workers were done in April-May 2016. The workers included cooks, kitchen workers, porters, housekeepers, food and beverage servers, buffet workers, dining room attendants, and sanitation workers. They were primarily full-time workers, but also included some part-time and on-call workers.

The interviewees worked at nine major hotel-casinos owned by Station Casinos: Red Rock Casino, Resort and Spa; Green Valley Ranch Resort, Casino & Spa; Palace Station Hotel & Casino; Sunset Station Hotel & Casino; Boulder Station Hotel & Casino; Santa Fe Station Hotel & Casino; Texas Station Gambling Hall & Hotel; Fiesta Henderson; and Fiesta Rancho.

All of the workers who participated did so voluntarily and were not compensated in any way. They were informed of the nature of the interview and how the information that they shared might be used. The workers that we interviewed all participate in the Union’s organizing efforts, since one of the fundamental rights that we wanted to examine was freedom of association. The Union arranged the interviews, which took place either at the Union’s office or at the workers’ homes.

Approximately 80 percent of the workers that we interviewed were Latinos, many of them immigrants. The majority of the workers spoke Spanish as their primary language and did not speak fluent English. One of the four Clinic students who conducted the interviews spoke Spanish. The other Clinic students used interpreters who were Union

⁷ This work is the sole product of its authors and does not represent the views of the Nevada Board of Regents, the University of Nevada, Las Vegas, the UNLV Boyd School of Law, or any of its units.

employees trusted by the workers. The interviews usually lasted between one and two hours. The majority of interviews were conducted with a single worker. Some were conducted with groups of two or three workers with responses recorded separately. In some cases, family members or Union employees were present during interviews.

Both Deutsche Bank and Station Casinos were informed of the key allegations and our preliminary recommendations and given an adequate opportunity (two weeks) to respond. We offered to meet or speak with representatives from both companies to discuss the draft report in detail, but neither requested a meeting or phone call.

Deutsche Bank's Legal Department responded by email, stating that the Bank had relinquished its governance rights and, prior to that, had agreed not to interfere in Station Casinos' operations. Deutsche Bank did not address the substance of the allegations or answer questions about whether the Bank had previously used its due diligence protocols when Station Casinos' employees had previously brought human rights concerns to the Bank's headquarters in 2011 and 2012.

Station Casinos' response also did not address the substance of the allegations, except to say that the "claims are simply without merit." Rather, Station Casinos challenged the methodology of the report based on the Union's involvement, due to what it described as the Union's "past practices of seeking to pressure Station to agree to a 'card check recognition' rather than the favored

process of a secret ballot election under the protections of the National Labor Relations Board." Although this report takes no position on Unionization or the method that should be used in deciding whether or not to Unionize, Station Casinos suggested that by preparing this report, the authors were "opposing democracy in the workplace." Station Casinos further asserted that "the information appears to have been gathered in a manner designed to support a conclusion that was reached prior the initiation of the project."

In human rights research, it is typical to focus on individuals who report having experienced abuses and for concerned local groups, including Unions, to approach an organization such as a law school clinic about an issue they believe needs further investigation. In fact, the Lund-London Guidelines encourage human rights researchers to collaborate with other organizations.⁸

The report was drafted and edited between April 2015 and May 2016. The Union had no input as to the content of the report, which is based solely on the interviews with the workers and the authors' own desk research. None of the authors have been involved with the Union's campaign concerning Station Casinos.⁹

⁸ See International Bar Association: Human Rights Institute, *Guidelines on International Human Rights Fact-Finding Visits and Reports ("Lund-London Guidelines")*, ¶¶ 4, 86, 1 June 2009, available at: <http://www.refworld.org/docid/4a39f2fa2.html>.

⁹ Sameer Ashar and Jennifer Rosenbaum had no prior involvement with the Union. Fatma Marouf's prior involvement was limited to serving on the UNLV/Culinary Union Brain Trust in 2012-13, a committee that she was asked to join by UNLV, and giving an educational workshop organized jointly by the Union and the UNLV Boyd School of Law on Deferred Action for Childhood Arrivals.

In the interest of protecting the workers who spoke with us from retaliation and other potential forms of harm, their names and other identifying information have generally been withheld from the report and only numbers are used in citing the interviews. A few workers gave informed consent to be identified in the report in order to give a human face to the alleged abuses.

III. BACKGROUND

A. Job Cuts and Corporate Restructuring

Deutsche Bank is the largest Bank in Germany and one of the largest financial institutions in the world; it has assets worth \$1.84 trillion, over 100,000 full-time employees, a presence in 70 countries, and 2,790 branches worldwide.¹⁰

In late 2007, Deutsche Bank began lending significant amounts of money to Station Casinos, a gaming and entertainment company in Nevada that was established in 1976.¹¹ Station Casinos' net revenue started dropping in 2008 and continued to drop through 2009, during which time the company fired 3,000 employees.¹² In June 2009, Station Casinos filed for Chapter 11 bankruptcy with over \$6 billion in debt.¹³

¹⁰ Deutsche Bank, Annual Report 2015, at p. 32.

¹¹ See 10-K Form for Station Casinos for year ending December 31, 2008, filed 3/5/2008, at p. 107 (referencing credit agreements with Deutsche Bank dated November 7, 2007 and February 7, 2008).

¹² Station Casinos' 10-K forms, available at <http://phx.corporate-ir.net/phoenix.zhtml?c=103083&p=irol-sec>.

Station Casinos emerged from bankruptcy on June 17, 2011, with the assistance of a land loan in the amount of \$105 million and two other loans in the amounts of \$1.575 billion and \$436 million from Deutsche Bank AG Cayman Islands Branch and JP Morgan Chase Bank, as well as a \$215 million loan from Jefferies Finance and Goldman Sachs.¹⁴ Station Casinos also went through a court-ordered restructuring in June 2011, and German American Capital Corporation, a wholly owned subsidiary of Deutsche Bank, became a 25% owner of the company and held 38.6% of the voting equity interest.¹⁵

In addition, German American Capital Corporation had the right to designate two individuals to serve on Station Casinos' Board of Managers.¹⁶ Certain "major actions" required the approval of a majority of the Managers designated by German American Capital Corporation.¹⁷

In October 2015, Station Casinos announced plans for an Initial Public Offering (IPO), stating the company would be publicly traded under the new name Red Rock Resorts.¹⁸ However, the CEO of Deutsche Bank subsequently announced that the IPO was being

¹³ Chris Sieroty, *Fertittas to Buy Out Shareholder to Get Majority of Ownership of Station Casinos*, LAS VEGAS REVIEW-JOURNAL, Feb. 7, 2012.

¹⁴ See Station Casinos 10-K for 2011 at 94.

¹⁵ *Id.* at 81.

¹⁶ *Id.* at 122.

¹⁷ *Id.* at 22.

¹⁸ Josh Kosman, *UFC Owners Must Wait to Cash in on Station Casinos IPO*, NY POST, Jan. 29, 2016.

postponed “due to market conditions.”¹⁹ On April 25, 2016, the company announced its IPO again and began publicly trading shares on April 27, 2016 under the name Red Rock Resorts, Inc.²⁰ The company raised over \$531 million in its IPO and priced 27.25 million shares at \$19.50 apiece; it also announced plans to buy Fertitta Entertainment, the company that has managed Station Casino’s business, for \$460 million.²¹ According to SEC filings, Deutsche Bank will remain a 16-18% owner of the company after the IPO.²²

As of March 2016, Station Casinos is the third largest private employer in Nevada.²³ It owns and operates nine major hotel-casino properties, as well as ten smaller casino properties, in the Las Vegas metropolitan area.²⁴ The nine major hotel-casinos are:

- Red Rock Casino, Resort & Spa
- Green Valley Ranch, Resort, Casino & Spa
- Palace Station Hotel & Casino
- Sunset Station Hotel & Casino
- Boulder Station Hotel & Casino
- Santa Fe Station Hotel & Casino
- Texas Station Gambling Hall & Hotel
- Fiesta Henderson
- Fiesta Rancho

¹⁹ Howard Stutz, *Report: Station Casinos to Postpone IPO*, LAS VEGAS REVIEW-JOURNAL, Jan. 29, 2016.

²⁰ See J.D. Morris, *With its New Corporate Name, Station Casinos IPO Raises More Than \$531 Million*, VEGAS INC., April 27, 2016.

²¹ *Id.*

²² Red Rock Resorts, Inc. Amendment No. 5 to Form S-1, filed with the SEC on April 15, 2016, at 165, available at <http://www.sec.gov/Archives/edgar/data/1653653/000104746916012225/a2228160zs-1a.htm>.

²³ See Vegas Inc., *The List: Largest Private Employers*, March 20, 2016, available at <http://vegasinc.com/business/public-record/2016/mar/21/the-list-largest-private-employers-march-20-2016/>.

²⁴ Station Casinos 10-K Form for 2015, at 3.

In addition, Station Casinos’ parent company, Red Rock Resorts Inc., recently acquired a tenth major property – the Palms hotel-casino – for \$312.5 million in May 2016.²⁵ Station Casinos’ principal source of revenue is gaming, primarily slot revenue, and it reports using its non-gaming offerings, including hotels, restaurants and other entertainment amenities, to attract patrons.²⁶

B. Ongoing Unionization Efforts

None of the Station Casinos’ owned properties are currently subject to a collective bargaining agreement or similar arrangement with any Union.²⁷ One of the key disputes between the Union and Station Casinos involves whether a decision about Unionization should be made through a “card check” process, preferred by the Union, or a secret ballot election, preferred by Station Casinos.²⁸

Although Station Casinos has stated that it is open to holding a secret ballot election at any time, its own annual reports (10-K forms) filed with the SEC indicate that the company opposes Unionization.²⁹ Station Casinos’ most recent Form 10-K, which was filed with the SEC in February 2016, states that

²⁵ Richard N. Velotta, *Station Casinos Parent Company Buys Palms for \$312.5 Million*, LAS VEGAS REVIEW-JOURNAL, May 10, 2016.

²⁶ Station Casinos 10-K for 2015, at 3.

²⁷ *Id.* at 17.

²⁸ Jon Ralston, *Much at Stake Economically, Politically in Station, Culinary Fight*, THE SUN, Jan. 22, 2012.

²⁹ See, e.g., Station Casinos 10-K for 2014, at 20, and 10-K for 2015, at 21.

Union organization efforts could cause disruptions to its casino properties, discourage customers from visiting, and result in labor disputes, including work stoppages, all of which would harm the company financially.³⁰ The 10-K further states, “should employees at one or more of our properties organize, collective bargaining would introduce an element of uncertainty into planning our future labor costs, which could have a material adverse effect on the business of our casino properties and our financial condition and results of operations.”³¹

The dispute over Unionization at Station Casinos has been going on for many years, but it came to a head in February 2010, when the Union kicked off a “Now or Never” campaign to organize Station Casinos’ workers.³² It was the first time that employees at all of the company’s major properties participated in an organizing drive. That month, employees began wearing Union buttons to work and speaking to coworkers about the Union.³³ Station Casinos’ managers and supervisors responded to the Unionization campaign by reading “Sound Bytes” at meetings with employees explaining their position against Unionization.³⁴ Managers also distributed and posted “Sound Byte Alerts” that generally consisted of “one-sentence anti-Union or pro-Station Casino statements

followed by the exhortation ‘Don’t sign a Union card!’”³⁵

On June 27, 2012, a three-member panel of the NLRB found that Station Casinos had engaged in an unfair labor practice by threatening an employee at Palace Station with discharge if he engaged in Union activities and other protected activities.³⁶ Station Casinos was ordered to cease and desist threatening any employees with discharge if they engaged in protected activities.³⁷ It also had to post notices informing employees of their rights to Unionize and engage in other protected activities under federal labor laws.³⁸

On September 28, 2012, a different three-member panel of the NLRB found over 80 violations of federal labor laws by Station Casinos.³⁹ As a remedy for these unfair labor practices, Station Casinos was ordered to rescind disciplinary actions, compensate an employee who was wrongfully denied work opportunities, and offer reinstatement and back-pay to two employees who were wrongfully discharged.⁴⁰ In addition, the NLRB ordered Station Casinos to cease and desist its unlawful activities and to post notices informing employees of their rights under federal laws.⁴¹

³⁰ Station Casinos 10-K for 2015, at 21.

³¹ *Id.*

³² Station Casinos d/b/a Place Station Hotel and Casino, 348 NLRB No. 77, at 3 (2012).

³³ Station Casinos d/b/a Place Station Hotel and Casino, 358 NLRB No. 153, at 1 (2012).

³⁴ *Id.*

³⁵ *Id.* at 1.

³⁶ Station Casinos d/b/a Place Station Hotel and Casino, 348 NLRB No. 77, at 10 (2012).

³⁷ *Id.* at 10.

³⁸ *Id.* at 1, 10.

³⁹ Station Casinos d/b/a Place Station Hotel and Casino, 358 NLRB No. 153, pp. 82-85 (2012).

⁴⁰ *Id.* at 86.

⁴¹ *Id.* at 86-89.

Since before and after these NLRB decisions, there have been ongoing protests by workers who support the Union at Station Casinos' properties, including marches, picketing, sit-ins, and a weeklong hunger strike.⁴²



Casiano, pictured above, is a porter at Palace Station and participated in a hunger strike in 2012. He and 17 others spent a week living on nothing but water outside of Palace Station.

"I lost so much weight my wedding ring started to slip off and you could see my bones. It was difficult falling asleep at night because the cars were going by right next to us. It was hard but I did it to prove a point. If we don't stand up for ourselves this is how we will end up—homeless and starving."

⁴² See, e.g., Chris Sieroty, *Nearly 200 Culinary Workers Arrested During Palace Stations Protest*, LAS VEGAS REVIEW-JOURNAL, June 3, 2011; Cristina Silva, *Vegas Union Backers Hold Hunger Strike at Casino*, ASSOCIATED PRESS, April 19, 2012; Wesley Juhl, *Culinary 226 Members Protest Outside Palace Station*, LAS VEGAS REVIEW-JOURNAL, Feb. 12, 2016.

While some have characterized the Union's protests against Station Casinos and its call for a consumer boycott as bordering on "harassment," other members of the Las Vegas community have demonstrated their support for workers seeking Unionization.⁴³ For example, in a symbolic gesture, clergy delivered a lump of coal to Station Casinos' management in 2014 as a "Christmas present" to represent workers' discontent.⁴⁴ Recently, a state senator and congressional candidate publicly boycotted all Station Casinos' properties.⁴⁵



Clergy deliver hand-made coal to Station Casinos as a "Christmas present".

⁴³ Editorial, *Union Tactics Targeting Station Casinos Veer on Harassment*, LAS VEGAS REVIEW-JOURNAL, March 25, 2012.

⁴⁴ Union Delivering Coal to Station in Labor Dispute, ASSOCIATED PRESS, Dec. 10, 2014.

⁴⁵ Megan Masserly, *Kihuen Snubs NLV State of the City Address in protest of Station Casinos*, THE SUN, Jan. 20, 2016.

C. Economic Recovery and Continued Understaffing

In the years since Station Casinos emerged from bankruptcy, the Las Vegas economy has stabilized. Employment, taxable sales, and median home prices have all been increasing over the past several years.⁴⁶ Station Casinos has done well financially in this growing economy. In 2015, its revenue grew by 4.7% to \$1.35 billion.⁴⁷ Furthermore, Station Casinos reports that its Adjusted EBITDAM, a widely used measure of operating performance in the gaming and entertainment industry, has grown for 19 consecutive quarters.⁴⁸ Occupancy rates in its hotels were 93.5% in 2015.⁴⁹ This figure is particularly impressive given that Station Casinos' properties have approximately 4,000 hotel rooms.⁵⁰

Despite these financial gains, the number of workers employed by Station Casinos remains the lowest it has been since 2006. The total number of employees dropped by 3,000 between 2006 and 2014, even though Station Casinos has expanded its operations during that time. Station Casinos purchased Wildfire Anthem, a tavern located in Henderson, NV in July 2013 and

Wildfire Valley View, a tavern located in Las Vegas, in August 2013.⁵¹ In addition, two restaurants closed at Red Rock Resort, but three new ones opened in 2014, a new Italian restaurant opened in 2015, and a new Mexican restaurant opened in February 2016.⁵² The chart below shows the number of employees at Station Casinos and its net revenue year-by-year from 2006 through 2015, based on the company's annual 10-K forms filed with the SEC.

Number of Employees and Net Revenue at Station Casinos

YEAR	EMPLOYEES	NET REVENUE
2006	14,600	\$1.34 billion
2007	14,500	\$1.45 billion
2008	13,400	\$1.30 billion
2009	11,689	\$1.06 billion
2010	12,224	\$945 million
2011	11,800	\$1.18 billion
2012	12,000	\$1.23 billion
2013	12,000	\$1.26 billion
2014	11,600	\$1.29 billion
2015	11,700	\$1.35 billion

Deutsche Bank's involvement with Las Vegas casino-hotels has not been limited to Station Casinos' properties. Deutsche Bank also owned the Cosmopolitan, which it purchased in 2008 after the original developer defaulted on a \$760 million construction loan.⁵³ For

⁴⁶ See, e.g., Megan Downs, *Economy in Fourth Year of Escalating Recovery*, UNLV News Center, June 17, 2014 (discussing a report by the UNLV Center for Business and Economic Research), available at <https://www.unlv.edu/news/release/report-southern-nevada-economy-fourth-year-escalating-recovery>. Jennifer Robison, *Median Single Family Las Vegas Home Price Rises 9.5% in January*, LAS VEGAS REVIEW-JOURNAL, Feb. 8, 2016.

⁴⁷ Station Casinos Form 10-K for 2015, at 36.

⁴⁸ *Id.* at 34.

⁴⁹ *Id.* at 37.

⁵⁰ *Id.* at 3.

⁵¹ Station Casinos 10-K for 2014, at 7.

⁵² *Id.* at 5; Station Casinos 10-K for 2015, at 5; see also Susan Stapleton, *Four New Restaurants Coming to Red Rock Resort, Las Vegas Eater*, April 14, 2014, available at <http://vegas.eater.com/2014/4/14/6242353/four-new-restaurants-coming-to-red-rock-resort>.

⁵³ Michael J. De La Merced, *Deutsche Bank to Sell Cosmopolitan Casino to Blackstone*, N.Y. TIMES, May 15, 2014.

years, Deutsche Bank was embroiled in a contract dispute with the Union over job security, health care, wages, and a successorship clause that would guarantee the contract would carry over if the property were sold.⁵⁴ The Cosmopolitan was one of only a few major resorts on the Las Vegas Strip without a Union contract.⁵⁵

Employees of the Cosmopolitan began picketing on a regular basis in 2013, resulting in hundreds of arrests for acts of civil disobedience.⁵⁶ In May 2014, Deutsche Bank finally sold the Cosmopolitan for \$1.73 billion in cash to Blackstone Group.⁵⁷ The Cosmopolitan was Unionized on December 1, 2015, after the Blackstone Group entered into a four-year contract with the Culinary Workers Union and the Bartenders Union.⁵⁸

Deutsche Bank's past labor disputes at the Cosmopolitan and the ongoing labor disputes at Station Casinos underscore the importance of examining whether its human rights commitments are being honored in its U.S. investment supply chain.

A Few Station Casinos Properties



⁵⁴ Chris Sieroty, *More Than 100 Arrested at Workers Picket Cosmopolitan to Spur Contract Negotiations*, LAS VEGAS REVIEW-JOURNAL, Nov. 1, 2013.

⁵⁵ J.D. Morris, *The Cosmopolitan Agrees to 4-Year Union Contract*, LAS VEGAS SUN, Dec 1, 2015.

⁵⁶ *Id.*; see also 98 Arrested on Las Vegas Strip During Cosmopolitan Casino Union Protest, ASSOCIATED PRESS, March 21, 2013; Craig Huber, *Culinary Union Promising Weekly Protests Outside Cosmopolitan*, Fox 5 KVVU-TV, Aug. 13, 2013 (updated Oct. 22, 2013).

⁵⁷ *Deutsche Bank Finally Sells Cosmopolitan for \$1.73 Billion*, FORBES, May 20, 2014.

⁵⁸ See Morris, *supra* note 55.

IV. THE INTERNATIONAL HUMAN RIGHTS FRAMEWORK

This section addresses the applicability of human rights principles to Deutsche Bank and Station Casinos and relevant human rights principles related to the workplace.

A. Applicability of Human Rights Norms to Deutsche Bank and Its Business Partners

Human rights treaties technically impose obligations on governments, not on private corporations, but they also have important implications for corporations. During the past fifteen years, the United Nations Office of the High Commissioner for Human Rights has expounded on the responsibility of corporations to respect human rights in addition to following domestic laws. The most significant developments in this area have been the UN Global Compact, established in 2000, and the UN Guiding Principles on Business and Human Rights, issued in 2011. In addition, the OECD Guidelines for Multinational Enterprises was most recently updated in 2011. Deutsche Bank has publicly committed itself to applying the human rights principles set forth in these documents through the formal policies that it has adopted.⁵⁹

The UN Global Compact, launched in 2000 by the UN Secretary General, is a

voluntary initiative for corporate social responsibility that addresses human rights. Deutsche Bank has agreed to participate in the UN Global Compact since July 26, 2000.⁶⁰ It has pledged its commitment to upholding the principles of the UN Global Compact on its website, in its publication for potential investors called Sustainability at Deutsche Bank, and in its official Statement on Human Rights.⁶¹

The Global Compact recognizes that businesses can help promote human rights through their core business activities, strategic social investment and philanthropy, advocacy and public policy engagement, and partnership and collective action.⁶² It sets forth ten principles in the areas of human rights, labor, the environment, and anti-corruption. These ten principles include supporting and respecting the protection of internationally proclaimed human rights, making sure the company is not complicit in human rights abuses, and upholding freedom of association and the

⁵⁹ See *Deutsche Bank Statement on Human Rights; Sustainability at Deutsche Bank; Code of Business Conduct and Ethics for Deutsche Bank Group*; see also Deutsche Bank's website, at https://www.db.com/cr/en/positions/human_rights.htm, and <https://www.db.com/cr/en/concrete-responsible-governance.htm>.

⁶⁰ See United Nations Global Compact, Participants and Stakeholders, available at <https://www.unglobalcompact.org/what-is-gc/participants> [hereinafter UN Global Compact]; see also Deutsche Bank's website at https://www.db.com/cr/en/positions/human_rights.htm.

⁶¹ See Deutsche Bank's website at <https://www.db.com/cr/en/concrete-responsible-governance.htm>; *Deutsche Bank Statement on Human Rights*.

⁶² See Blueprint for Corporate Sustainability Leadership, adopted by Global Compact participants at the Leaders Summit in June 2010.

effective recognition of the right to collective bargaining.⁶³

In addition, Deutsche Bank has agreed to follow the UN Guiding Principles on Business and Human Rights, which complement the UN Global Compact.⁶⁴ Principle 13 states that the responsibility to respect human rights requires businesses not only to “[a]void causing or contributing to adverse human rights impacts through their own activities,” but also to “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services *by their business relationships, even if they have not contributed to those impacts.*” (Emphasis added). The commentary explains that a business enterprise’s “activities” include both actions and omissions and that its “business relationships” include relationships with business partners, entities in its value chain, and any other entity directly linked to its business operations, products, or services.⁶⁵

The UN Guiding Principles on Business and Human Rights further provides that the specific human rights that corporations must respect include, *at a minimum*, those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and

Cultural Rights (collectively known as the International Bill of Rights), as well as in the ILO’s Declaration on Fundamental Principles and Rights at Work.⁶⁶

Principle 17 of the UN Guiding Principles requires business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts. “The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.”⁶⁷ Human rights due diligence should cover adverse human rights impacts that a corporation may be linked to by its business relationships.⁶⁸

Principle 18 elaborates on the due diligence process, explaining that it should involve “meaningful consultation with potentially affected groups and other relevant stakeholders.” The UN’s Interpretive Guide further stresses that the due diligence process should “involve direct consultation with those who may be affected or their legitimate representatives.”⁶⁹

Consistent with the UN Guiding Principles, Deutsche Bank has integrated human rights considerations into the due diligence procedures required by its Environmental and Social (“ES”) Risk Framework. However, Deutsche Bank

⁶³ UN Global Compact, Principles 1-3.

⁶⁴ See Deutsche Bank’s website at https://www.db.com/cr/en/positions/human_rights.htm; see also Deutsche Bank Statement on Human Rights.

⁶⁵ United Nations Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy Framework”* 15 (2011).

⁶⁶ UN Guiding Principles on Business and Human Rights, Guiding Principle 12.

⁶⁷ *Id.* at Principle 17.

⁶⁸ *Id.* at Principle 17(b).

⁶⁹ UN Human Rights Office of the High Commissioner, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* 33 (2012).

does not appear to have applied its ES Risk Framework to its relationship with Station Casinos up to this point, despite having received complaints from Station Casinos' workers in 2011 and 2012.

Deutsche Bank has also adopted an official Statement on Human Rights, which provides that the Bank "consistently pays attention to how its business activities may affect human rights" and "will not engage in activities or relationships when there is clear evidence of severe human rights violations."⁷⁰ Deutsche Bank further asserts that it seeks to avoid human rights abuses through its business relationships.⁷¹ In particular, Deutsche Bank "strives to work with vendors whose policies and practices regarding human rights are consistent with [its] own," and expects its "vendor partners and their supply-chains" to abide by all applicable laws, including adhering to health and labor standards at the workplace.⁷²

Deutsche Bank's website further states that "[c]ompliance with legal requirements is also mandatory for business partners," and that if any business partners fundamentally violate these principles, Deutsche Bank will terminate its business relationship with them.⁷³

The issue of how to handle human rights abuses linked to an enterprise by

its business relationships is also addressed by the OECD Guidelines for Multinational Enterprises, which Deutsche Bank has pledged to uphold. The OECD Guidelines confirm the need to prevent, mitigate and address abuses, and explain that it is appropriate for an enterprise "to use its leverage to influence the entity causing the adverse human rights impact to prevent or mitigate that impact."⁷⁴

As a partial owner of Station Casinos, as well as a longtime lender and an underwriter for its IPO, Deutsche Bank has a responsibility to prevent, mitigate, and address adverse human rights impacts caused by Station Casinos. Even if it no longer has governance rights, it has leverage through its business relationships with Station Casinos that can be used to influence the company's behavior.

With respect to workplace rights specifically, Deutsche Bank has stressed that it "attaches great importance to protecting labor and employment rights," including the rights to freedom of association and collective bargaining.⁷⁵ For its own employees, Deutsche Bank asserts it has systems in place "to constantly ensure health and safety at work," promote "health and safety awareness," provide "direct and indirect access to medical care," and "reduce workplace accidents and job-related illnesses."⁷⁶

⁷⁰ *Deutsche Bank Statement on Human Rights*.

⁷¹ *Id.*

⁷² *Id.* at 3.

⁷³ See Deutsche Bank's website at <https://www.db.com/cr/en/concrete-labor-rights.htm>.

⁷⁴ OECD Guidelines for Multinational Enterprises 33, ¶ 43 (2011 edition), available at <http://www.oecd.org/daf/inv/mne/48004323.pdf>; see also *id.* at 31, ¶¶ 2-3.

⁷⁵ See Deutsche Bank's website at <https://www.db.com/cr/en/concrete-labor-rights.htm>.

Moreover, the Code of Business Conduct and Ethics for Deutsche Bank Group has a strict nondiscrimination policy and does not permit “retaliation against anyone for making a complaint or cooperating with an investigation concerning discrimination and harassment.”⁷⁷

Station Casinos also has a Code of Business Conduct and Ethics, which requires “sincere respect for the rights and feelings of others,” compliance with all local, state, and federal laws, compliance with all environmental, health, and safety laws, and maintaining a workplace that is free from discrimination or harassment.⁷⁸ Although Station Casinos’ Code does not mention human rights, the principles it espouses are completely consistent with human rights norms. Those norms are explained in detail below.

B. Discussion of Specific Human Rights Norms Relevant to the Workplace

The three foundational human rights documents mentioned in the UN Guiding Principles on Business and Human Rights are the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the

International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The UDHR is not a legally binding document, although some of its provisions have become part of customary international law. The ICCPR and ICESCR are treaties that legally bind their member states. The General Comments issued by the Committee on Economic, Social and Cultural Rights (CESCR), which monitors implementation of the ICESCR, provide authoritative interpretations of the rights set forth in that treaty.

The ILO’s Declaration on Fundamental Principles and Rights at Work is also considered a foundational document that sets forth four key principles: freedom of organization and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination with respect to employment and occupation.

This section discusses eight human rights norms relevant to the workplace that are set forth in the declarations and treaties mentioned above. These include: (1) health and safety; (2) rest periods and sick leave; (3) fair remuneration; (4) social security, including health insurance and retirement benefits; (5) job security; (6) freedom of association and collective bargaining; (7) nondiscrimination; and (8) dignity.

⁷⁶ *Deutsche Bank Statement on Human Rights* at 2.

⁷⁷ *Code of Business Conduct and Ethics for the Deutsche Bank Group* at 9.

⁷⁸ Station Casinos LLC, *Code of Business Conduct and Ethics*, available at <http://phx.corporate-ir.net/phoenix.zhtml?c=103083&p=irol-govconduct>.

1. Health and Safety

Article 12 of the ICESCR protects the right to safe and healthy working conditions, as well as the right to the highest attainable standard of physical and mental health, which includes “all aspects of environmental and industrial hygiene.” General Comment 14, which provides an authoritative interpretation of Article 12 emphasizes that the right to health extends to “healthy occupational and environmental conditions.”⁷⁹ It further explains that the right to environmental and industrial hygiene includes: preventive measures against occupational accidents and diseases; prevention of exposure to harmful substances, including harmful chemicals; minimizing the causes of health hazards that are inherent in the work environment; and safe and hygienic working conditions.⁸⁰

In addition, General Comment 14 interprets the right to prevention, treatment and control of diseases to include “occupational” diseases.⁸¹ In discussing the elements of a national policy that minimizes the risk of occupational accidents and diseases, General Comment 14 also mentions: “control of dangerous materials, equipment, substances, agents and work processes;” “adequate protective clothing and equipment;” “adequate inspection;” “the conduct of inquiries into serious accidental and diseases;” “the

⁷⁹ UN Committee on Economic, Social and Cultural Rights, General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12), at ¶ 11, U.N. Doc. E/C.12/2000/4 (Aug. 11, 2000).

⁸⁰ *Id.* at ¶ 12.2(b).

⁸¹ *Id.* at ¶ 12.2(c).

requirement of notification of occupational accidents and diseases;” and “the protection of workers and their representatives from disciplinary measures for actions properly taken by them.”⁸²

In March 2016, the UN Committee on Economic, Social and Cultural Rights adopted General Comment 23 on the right to just and favorable conditions of work set forth in Article 7 of the ICESCR.⁸³ General Comment 23 indicates that just and favorable conditions of work are a prerequisite for enjoying the right to the highest attainable standard of physical and mental health, since rest periods and leaves help avoid occupational accidents and disease.⁸⁴ Consequently, the analysis of what is “just” must take into account both the type of work and the physical and mental capabilities of the workers.⁸⁵ Prevention and response to accidents and disease, as well as recording of relevant data, are important components of Article 7.⁸⁶

Like the ICESCR, the European Social Charter provides a right to “safe and healthy working conditions.”⁸⁷ Furthermore, the EU’s Charter of Fundamental Freedoms provides a “right to working conditions which respect

⁸² *Id.* at n.25 to ¶ 36.

⁸³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 23 on the Right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), U.N. Doc. E/C.12/GC/23 (March 8, 2016) [hereinafter General Comment 23].

⁸⁴ *Id.* at ¶ 25, 34.

⁸⁵ *Id.* at ¶ 27.

⁸⁶ *Id.* at ¶¶ 25, 28.

⁸⁷ Council of Europe, European Social Charter, art. 3, 529 U.N.T.S. 89, entered into force Feb. 26, 1995.

health, safety and dignity,” as well as the right of access to preventive health care and medical treatment.⁸⁸ The American Declaration includes the “right to the preservation of health and wellbeing,” and the San Salvador Protocol also protects the right to health.⁸⁹

2. Rest Periods and Sick Leave

The UDHR guarantees “just and favourable conditions of work,” as well as the “right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”⁹⁰ Similarly, Article 7 of the ICESCR provides that “[e]veryone has the right to just conditions of work,” including “rest and leisure.”⁹¹ General Comment 23 on Article 7 explains that rest and leisure, limitations on the number of working hours, paid vacations, and paid holidays help “avoid work-related stress, accidents and disease.”⁹² It explains that daily rest periods are important for workers’ health and safety.⁹³

Where urgent work requirements or abnormal work pressures require skipping rest periods, General Comment

⁸⁸ Charter of Fundamental Freedoms of the European Union, Dec. 18, 2000, art. 31 & 35, O.J. C 364/01.

⁸⁹ American Declaration of the Rights and Duties of Man, art. 11, OAS Res. XXX, OAS Doc. OEA/ser.L./ V/I.4 (1963) (adopted by the Ninth International Conference of American States, March 30-May 2, 1948) [hereinafter American Declaration]; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, art. 10, Nov. 17, 1988, O.A.S.T.S. No. 69, 28 L.L.M. 156 (1989) [hereinafter San Salvador Protocol].

⁹⁰ Universal Declaration of Human Rights, art. 23 & art. 24, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948).

⁹¹ ICESCR at art. 6 & art. 7.

⁹² General Comment 23, *supra* note 83 at ¶ 34.

⁹³ *Id.* at ¶ 38.

23 states that workers should receive “compensatory rest as much as possible within the seven-day work period,” and that exceptions to the normal rest periods should be defined “through consultation with workers and employers and their representative organizations.”⁹⁴

In addition, workers have a right to both annual leave (vacation) and “paid sick leave” according to the Committee’s interpretation of Article 7.⁹⁵ The Committee explains that “[p]aid sick leave is critical for sick workers to receive treatment for acute and chronic illnesses and to reduce infection of coworkers.”⁹⁶ General Comment 23 further provides that “[l]eave due to illness or other reasons should not be deducted from paid annual leave.”⁹⁷

The European Social Charter (Art. 2), EU Charter (Art. 31), American Declaration (Art. 14-15), and San Salvador Protocol (Art. 7) also all protect the right to just conditions of work, including a right to rest and leisure. The EU Charter specifically provides that this includes the right to limitation of maximum working hours, to daily and weekly rest periods, and to an annual period of paid leave (Art. 31).

3. Fair Remuneration

The right to just conditions of work also encompasses fair remuneration. General Comment 23 explains that the determination of what is “fair” should

⁹⁴ *Id.* at ¶ 42.

⁹⁵ *Id.* at ¶ 30.

⁹⁶ *Id.* at ¶ 30.

⁹⁷ *Id.* at ¶ 41.

take into account various factors, including “the impact of work on health and safety of the worker, [and] specific hardships related to the work and impact on the worker’s personal and family life.”⁹⁸ Furthermore, “[a]ny assessment of fairness should also take into account the position of women workers, particularly where their work and pay has been traditionally undervalued.”⁹⁹

Fair remuneration must be enough to provide a “decent living,” meaning it must be “sufficient to enable the worker and his or her family to enjoy other rights in the Covenant, such as social security, health care, education and an adequate standard of living, including food, water and sanitation, housing, clothing, and additional expenses such as commuting costs.”¹⁰⁰

The notion of a “decent living” is reinforced by Article 11 of the ICESCR, which provides a “right to an adequate standard of living” and describes just and favorable conditions of work as including earning “[a] decent living for oneself and one’s family.”¹⁰¹ Similarly, the UDHR provides a “right to a standard of living adequate for the health and well-being of [the individual] and of his family.”¹⁰²

The revised European Social Charter also includes the right to a “fair remuneration” (Art 4), and the American Declaration provides a “right to receive such remuneration as will, in proportion

to [the worker’s] capacity and skill, assure him a standard of living suitable for himself and for his family” (Art. 14).

4. Job Security

The right to just conditions of work in the ICESCR includes measures to protect job security (Art. 7). General Comment 23 on Article 7 states: “Where workers have precarious contracts, supplements to the wage, as well as other measures to guard against arbitrariness, may be necessary in the interests of fairness to mitigate the lack of job security.”¹⁰³

The EU Charter explicitly includes a right to protection against unjustified dismissal (Art. 29). Similarly, the revised European Social Charter provides a “right to protection in cases of termination of employment,” (Art. 24), as well as “the right of workers’ representatives to enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers’ representatives” (Art. 28).

5. Social Security

The UDHR provides a “right to social security” (Art. 22) and specifically mentions “the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [the individual’s] control” (Art. 25).

Likewise, the ICESCR provides a “right to social security, including social insurance” (Art. 9). General Comment 19

⁹⁸ *Id.* at ¶ 10.

⁹⁹ *Id.* at ¶ 10.

¹⁰⁰ *Id.* at ¶ 18.

¹⁰¹ ICESCR, art. 11.

¹⁰² UDHR, art. 25.

¹⁰³ General Comment 23, *supra* note 83, at ¶10.

elaborates on the right to social security in Article 9 of the ICESCR. It explains that, “the right to social security is of central importance in guaranteeing human dignity to all persons when they are faced with circumstances that deprive them of their capacity to fully realize their Covenant rights.”¹⁰⁴

Social security includes access to benefits “to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.”¹⁰⁵

In terms of health care, General Comment 19 emphasizes that health insurance plans must be affordable.¹⁰⁶ It recognizes that access to adequate health care is necessary to ensure income security.¹⁰⁷ In order to be “adequate,” health insurance plans must enable people “to afford the goods and services they require to realize their Covenant rights.”¹⁰⁸

General Comment 19 explicitly links access to health care to the right to health in article 12 of the ICESCR.¹⁰⁹ In fact, General Comment 19 references General Comment 14 on the right to

health in explaining that “essential health care” includes “access to health facilities, goods and services on a non-discriminatory basis, provision of essential drugs, access to reproductive, maternal (prenatal as well as post-natal) and child health care, and immunization against the major infectious diseases occurring in the community.”¹¹⁰

Among groups that deserve “special attention,” General Comment 19 mentions “part-time workers,” “casual workers,” and “sick or injured workers.”¹¹¹ The General Comment states: “Where social security schemes for such workers are based on occupational activity, they should be adapted so that they enjoy conditions equivalent to those of comparable full-time workers.”¹¹²

The General Comment further explains that States parties have an obligation to prevent third parties, including corporations and other entities, from interfering in any way with the enjoyment of the right to social security.¹¹³ Importantly, “States parties should *extraterritorially* protect the right to social security by preventing their own citizens and national entities from violating this right in other countries.”¹¹⁴

¹⁰⁴ Committee on Economic, Social, and Cultural Rights, General Comment 19: The Right to Social Security (Art. 9), ¶ 1, U.N. Doc. E/C.12/GC/19 (Feb. 4, 2008) [hereinafter General Comment 19].

¹⁰⁵ *Id.* at ¶ 2.

¹⁰⁶ *Id.* at ¶ 13.

¹⁰⁷ *Id.* at ¶ 17.

¹⁰⁸ *Id.* at ¶ 22.

¹⁰⁹ *Id.* at ¶ 22.

¹¹⁰ *Id.* at ¶ 59, n.35; *see also* Committee on Economic, Social, and Cultural Rights, General Comment 15: The Right to Water (Arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), ¶¶ 43-44, 29th Sess., 2002, U.N. Doc. E/C.12/2002/11 (Jan. 20, 2003) [hereinafter General Comment No. 15].

¹¹¹ General Comment 19 at ¶¶ 31, 33.

¹¹² *Id.*

¹¹³ *Id.* at ¶ 45.

¹¹⁴ *Id.* at ¶ 54 (emphasis added).

Among regional human rights instruments, the European Social Charter protects the right to social security (Art. 12) and the right to social and medical assistance (Art. 13). The EU Charter specifically includes “the right to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment” (Art. 34). Similarly, the American Declaration provides a “right to social security which will protect [against] the consequences of unemployment, old age, and any disabilities . . . that make it physically or mentally impossible . . . to earn a living,” (Art. XVI) and the San Salvador Protocol protects the right to social security (Art. 9).

6. Freedom of Association and Collective Bargaining

The UDHR states that “[e]veryone has the right to freedom of peaceful assembly and association” (Art. 20(1)), and, more specifically, “[e]veryone has the right to form and to join trade Unions for the protection of his interests” (Art. 23(4)). The ICCPR likewise protects “the right to freedom of association, including the right to form and join trade Unions” (Art. 22). In addition, the ICESCR protects the right to form and join trade Unions, the right for trade Unions to function freely, and the right to strike (Art. 8.). In addition, the ILO Declaration on Fundamental Principles and Rights at Work includes “freedom of association and effective recognition of right to collective bargaining” as one of four core rights.

Among the relevant regional human rights instruments, the European Convention on Human Rights guarantees the right to form and join trade Unions (Art. 11) and the European Social Charter guarantees the rights to organize and bargain collectively (Art. 5-6). Similarly, the American Declaration on the Rights and Duties of Man guarantees the right to associate with others to promote one’s legitimate interests in a labor Union (Art. 27) and the San Salvador Protocol guarantees trade Union rights (Art. 8).

7. Nondiscrimination

The right to nondiscrimination is one of the most fundamental human rights. It is protected by virtually every human rights instrument, including the UDHR (Art. 2), the ICCPR (Art. 2), and the ICESCR (Art. 2, 7). Regional human rights instruments also prohibit discrimination, including the European Convention on Human Rights (article 14), the EU Charter (articles 21, 23), the American Declaration (article II), and the San Salvador Protocol (article 3).

The grounds that constitute discrimination under international human rights law are broader than under U.S. law, including “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹¹⁵ Discrimination based on “political or other opinion” includes treating someone less favorably because of views on or membership in a trade Union, which is considered an opinion-based association.¹¹⁶

¹¹⁵ ICCPR Article 2; see also ICESCR Article 2 (same).

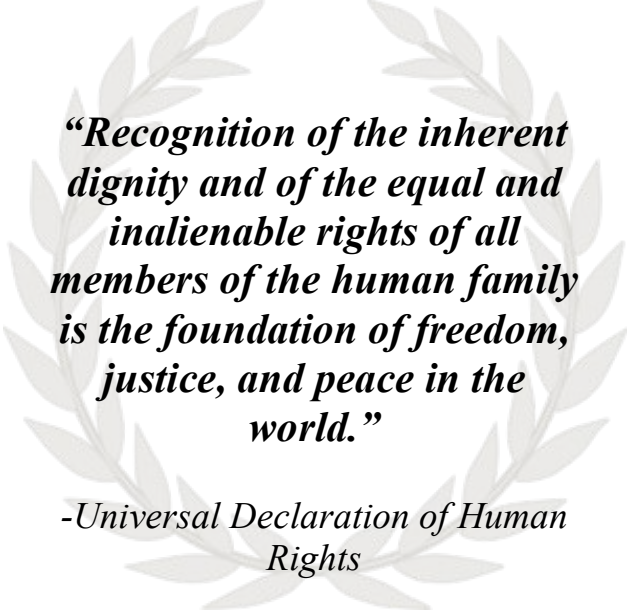
In addition, Article 7(c) of the ICESCR specifically requires an “[e]qual opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.” General Comment 23 on Article 7 explains, “there should be no place for irrelevant criteria such as personal preference or family and social links.”¹¹⁷ Furthermore, “workers must have the opportunity for promotion free from reprisals related to trade Union or political activity.”¹¹⁸

8. Dignity

Dignity is the foundation for all human rights. The preamble of the UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” Article 1 of the UDHR reiterates, “All human beings are born free and equal in dignity and rights.” The Preambles of ICCPR and ICESCR similarly provide that human rights “derive from the inherent dignity of the human person.”

Regional human rights treaties also emphasize the concept of dignity. For example, the first Article of the Charter of Fundamental Rights of the European Union states “Human dignity is inviolable. It must be respected and protected” (Art. 1). Similarly, the American Convention on

Human Rights states, “Everyone has the right to have his honor respected and his dignity recognized” (Art. 11(1)).



“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

-Universal Declaration of Human Rights

¹¹⁶ Committee on Economic, Social and Cultural Rights, General Comment 20 on Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights, at para. 23, U.N. Doc. E/C/12/GC/20 (July 2, 2009).

¹¹⁷ General Comment 23, *supra* note 83, at ¶ 31.

¹¹⁸ *Id.* at ¶ 31.

V. FINDINGS

A. Right to Health and Safety

1. Physical Health and Safety

Workers reported various types of threats to their physical health and safety, including handling biohazards without proper equipment, violence from customers, inadequate safety equipment, defective machinery, workplace injuries, and negative repercussions for reporting injuries.

Inadequate Safety Equipment

Some workers reported not having all of the safety equipment that they need. Specifically, a few workers reported that they did not have masks or protective eyewear.¹¹⁹ One worker explained that she is usually provided with gloves, masks, and goggles, but sometimes they run out and she has to bring her own.¹²⁰ Another worker stated that one of the chemicals she works with is so strong it makes her eyes water and gives her headaches; she also wanted a mask and goggles.¹²¹ After requesting new gloves after the original pair ripped, one worker was denied new gloves.¹²² Another worker reported that oven cleaners in the sanitation department have been asking for new masks for years and that their emergency eyewash stations are broken

¹¹⁹ Interview 54; Interview 56; Interview 73; Interview 75.

¹²⁰ Interview 56.

¹²¹ Interview 68.

¹²² Interview 89.

or non-functioning.¹²³ Some employees reported being forced to use plastic bags as aprons, because management told them that they could not afford real aprons.¹²⁴

Exposure to Biohazards in Hotel Rooms

Several housekeepers reported having to clean biohazards--including vomit, blood, and excrement--with only gloves for protection.¹²⁵ A housekeeper named Maria, pictured on the next page, described asking her manager for assistance cleaning a room that had vomit and blood in it but was told that it was her job to clean it.¹²⁶ She also reported feeling scared of asking another housekeeper for help because they could be disciplined if caught.¹²⁷

Another housekeeper who fears for her health and safety cleaning biohazards stated, "You do not know if someone was sick or had a certain disease."¹²⁸ She described cleaning a VIP room where someone had thrown up twice. In that case, management sent someone else to clean up the carpet "because it was red," but the housekeeper still had to clean the room twice and was worried about her health.

A third housekeeper described an incident where a coworker picked up towels with vomit on them and accidentally got the vomit on his

¹²³ Interview 75

¹²⁴ Interview 91.

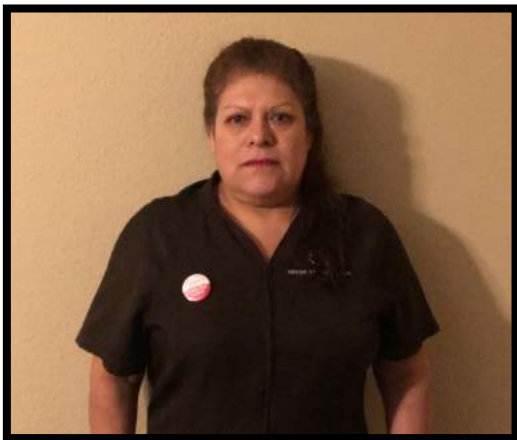
¹²⁵ See, e.g., Interview 16; Interview 68; Interview 31.

¹²⁶ Interview 16.

¹²⁷ Interview 16.

¹²⁸ Interview 68.

uniform.¹²⁹ When he went to pick up a new uniform, he had to pay for it.¹³⁰ A fourth housekeeper described finding excrement in the bathtub that she had to clean up.¹³¹



Maria, a housekeeper, reported being forced to clean biohazards without proper chemicals.

“They give us no special chemicals or training. The most training we get is ‘Wear gloves and be careful.’ It puts my health in danger. A few months ago I had to clean a suite that smelt like marijuana and the bathroom was covered in vomit. I told my manager ‘I can’t go in because I feel sick from the smell,’ they told me that a VIP was coming in and I should ‘just open the window.’ I felt sick after cleaning that room but they didn’t care.”

Other housekeepers likewise reported feeling uncomfortable cleaning very dirty rooms but felt they had no choice because they would be disciplined

¹²⁹ Interview 58.

¹³⁰ Interview 58.

¹³¹ Interview 31.

if they refused, even though they lacked adequate protective gear.¹³²

Abuse and Harassment by Customers

Some housekeepers also reported feeling scared or uncomfortable cleaning a room with guests inside.¹³³ One housekeeper, Ramona (pictured on the following page), was grabbed from behind by a guest and violently shaken.¹³⁴ Station Casinos responded by firing her, even though she had worked there for over two decades. Fortunately, she was eventually able to get her job back.

Another housekeeper described feeling unsafe around “angry customers” or “drug users” who have scared her verbally and by intimidation.¹³⁵ She further stated that it is very difficult to get security to come by when she feels unsafe due to a guest. She said that in the past, security used to “make rounds to make sure everything was fine with housekeeping ladies,” but they don’t do that anymore.¹³⁶ Another housekeeper similarly reported feeling uncomfortable cleaning rooms when they have drugs in them.¹³⁷

Other types of employees also reported that nothing was done to protect them from customer harassment. One

¹³² Interview 22; Interview 58; Interview 68; Interview 16; Interview 52; Interview 31; Interview 32; Interview 45; Interview 47; Interview 48.

¹³³ Interview 22; Interview 48; Interview 68.

¹³⁴ Interview 22.

¹³⁵ Interview 68.

¹³⁶ Interview 68.

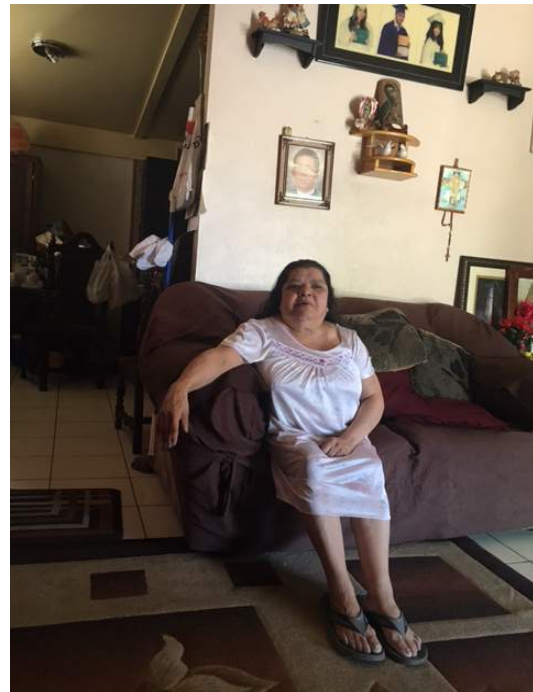
¹³⁷ Interview 47.

server stated that she experienced constant verbal abuse by customers who used derogatory language when speaking to her.¹³⁸ This same server reported seeing two of her coworkers quit or get fired due to customers harassing and threatening them.¹³⁹ One of these workers complained to management and security when a customer threatened to shoot her and still nothing was done.¹⁴⁰ Another was so scared to return to work that she ended up being fired for not showing up.¹⁴¹

A different worker reported being repeatedly harassed by a highly inebriated customer, and despite numerous complaints to security, the customer was never asked to leave.¹⁴² When another worker complained to management about a customer that was harassing employees, the manager said to be nice to the customers because they “need them to come back.”¹⁴³

A cocktail waitress similarly complained that management does not take the safety of workers seriously. She explained that when she tried to report a violent customer, management did not believe her.¹⁴⁴ Another employee reported that after her complaint was filed, her manager retaliated by ignoring

her concerns and denying her request for vacation time.¹⁴⁵



Ramona, a housekeeper, reported being attacked by a guest.

“When I came into the room it was empty. There was broken glass on the table, which I thought was strange. I began to clean it up and dust the room. All of the sudden I felt myself being shaken from behind. The customer, a man, had grabbed me and was violently shaking me. He was yelling that I was trying to rob him when I was just doing my job. He called the cops telling them I was trying to rob him. I called security to help me. When security got there they told me to leave the room and go to HR. I was fired. No one even asked me if I was okay. I had to fight for my job back because I need to support my family. I’ve worked for the company for 24 years but have no job security or respect. No one apologized to me for what happened. I don’t feel safe at work. Security doesn’t even help us when we get attacked.”

¹³⁸ Interview 87.

¹³⁹ Interview 87.

¹⁴⁰ Interview 87.

¹⁴¹ Interview 87.

¹⁴² Interview 88

¹⁴³ Interview 96.

¹⁴⁴ Interview 81.

Even workers who have not been personally harassed by customers reported feeling unsafe due to the anxiety of worrying that it will happen to them in the future and concern that their supervisors would do nothing to protect them.¹⁴⁶

Occupational accidents

Housekeepers reported various physical problems due to the nature and quantity of their work. One housekeeper injured both her knee and her hand at work, stating that her finger is now crooked.¹⁴⁷ Another housekeeper noted that one of her coworkers fell and broke her wrist in a hotel room that was too cluttered.¹⁴⁸ Another employee stated that he does “not feel safe at work.”¹⁴⁹ He reported sustaining a number of injuries due to the machinery, including cuts on his hands, but when he reported these injuries, nothing was done.¹⁵⁰

An employee named Maria who works as a cook (featured to the right) also reported multiple injuries on the job. She injured her arm when a box fell on her, which she says required two surgeries; she twisted her wrist while carrying a tray of watermelons; and she developed carpal tunnel syndrome, which, she says, also required surgery.¹⁵¹ In addition, she reported breaking her hip while pushing a trash cart at work and

having knee surgery.¹⁵² Maria said she endures acute pain almost daily.



Maria, a cook, reports multiple injuries at work and says that management has not accommodated her physical limitations by moving her to a different department

“One time I had to get something from storage. All the boxes are piled on top of each other with nothing to keep them in place. One fell on me and crushed my arm. My doctor told me as a result my tendons were strained and I needed surgery. I ended up having to get two surgeries to help with the pain. When I came back to work no one asked how I was. The boxes are still the way they were—nothing to keep them from falling again on someone else . . . It makes me feel bad because with any accident small or big, they should be attentive to you. They want you to work even if you’re injured. Honestly, I don’t think they care about the safety of their workers. I am afraid to go to work.”

¹⁴⁶ Interview 99.

¹⁴⁷ Interview 16.

¹⁴⁸ Interview 59.

¹⁴⁹ Interview 91.

¹⁵⁰ Interview 91.

¹⁵¹ Interview 37.

¹⁵² Interview 37.

Other workers likewise mentioned injuries specifically involving carts. One reported that housekeepers have injured themselves on their carts because they are so heavy.¹⁵³ A housekeeping cart at Boulder Station is pictured below.



Housekeeping Cart at Boulder Station

Injuries due to slipping and falling on wet surfaces were also mentioned multiple times.¹⁵⁴ A worker at Red Rock Casino reported that there was only one dishwashing room between two restaurants and that there was often water on the floor, making it unsafe.¹⁵⁵ She stated that people fall but don't report it; they are scared because employees sometimes receive warnings

¹⁵³ Interview 59.

¹⁵⁴ Interview 57; Interview 61; Interview 56; Interview 65; Interview 73; Interview 70; Interview 76.

¹⁵⁵ Interview 56.

or discipline for falling.¹⁵⁶ Two employees at Boulder Station also reported a leaking dishwasher,¹⁵⁷ and one of them, who is elderly, explained that he is worried about slipping on the wet floor, especially because there are usually no functional anti-slip mats.¹⁵⁸

An employee at Fiesta Henderson similarly reported that workers fall in slippery areas, describing a coworker who fell and hit his head, arm, and leg.¹⁵⁹ Another worker at Boulder Station said he tripped over an open wet drain, tore his meniscus, and had to have surgery.¹⁶⁰ After two weeks, he said he returned to work on crutches and ultimately had to undergo a second surgery because his meniscus was not able to heal properly the first time.¹⁶¹ Another worker reported that they are often in a rush due to understaffing, which could contribute to the risk of slipping and falling.¹⁶² A couple workers reported twisting or fracturing their ankles at work.¹⁶³

Injuries Due to Defective Machinery and Delayed Repairs

Employees also reported workplace hazards caused by defective machinery and delayed repairs. Workers at a few different properties complained about defective steamers that put workers at risk of being burned. Two employees at Boulder Station stated that

¹⁵⁶ Interview 56.

¹⁵⁷ Interview 65; Interview 73.

¹⁵⁸ Interview 70.

¹⁵⁹ Interview 65.

¹⁶⁰ Interview 76.

¹⁶¹ Id.

¹⁶² Interview 65.

¹⁶³ Interview 40; Interview 41.

workers were burned while grabbing food out of the steamer.¹⁶⁴ One of them indicated that they had to put their hands in very hot water to move a part of the machine that is broken.¹⁶⁵

A worker at Fiesta Henderson described a similar problem, explaining that dishes are extremely hot when they come out of the machine, causing him pain in his fingers; he reports sometimes feeling pain all the way up to the middle of his arm.¹⁶⁶ In addition, a worker at Green Valley Ranch stated that something was wrong with the steamer, as it was producing too much hot water and heat.¹⁶⁷ She was slightly burned through her shirt due to the defective steamer.¹⁶⁸ She stated that she and other workers had reported this steamer to their supervisor, who told them that he reported it about a year ago, but it still had not been fixed.¹⁶⁹

Another employee, Cristina (whose story is featured to the right), said she had a miscarriage that she attributes to pushing a large, defective cart.¹⁷⁰ She explained that the cart does not work properly because its wheels and shelves are bent. She and other workers had complained to their supervisor about the cart for many months, but it was never fixed. After she became pregnant, she told her supervisor that the cart was even more uncomfortable to push than before.

¹⁶⁴ Interview 61; Interview 70.

¹⁶⁵ Interview 70.

¹⁶⁶ Interview 65.

¹⁶⁷ Interview 34.

¹⁶⁸ Interview 34.

¹⁶⁹ Interview 34.

¹⁷⁰ Interview 34.

The day that she had the miscarriage, she said she told her supervisor, “I have pain in my stomach because of the cart.” She reported that he sent her to a different station where they did not have a cart, but that night she had more pain and she miscarried the next morning.

Cristina’s Story

Cristina, a housekeeper, reported having a miscarriage that she attributes to a defective cart.

“The wheels on the carts don’t have rubber on them, even though I’ve reported it they haven’t been replaced. It takes a lot of force to move it. I was trying to move the cart when I felt pain in my stomach. It happened my last day of work before my weekend, so I was able to rest for two days but couldn’t take any more days off. I couldn’t afford it. My manager found out and asked what happened, I told him I got hurt by the cart because it was too heavy. He knew I was pregnant but just didn’t acknowledge it. They don’t care about people who are sick, or even people who get hurt. They don’t care. They just don’t care about the people who are working there.”

Workers also reported other delays in repairs with potentially serious health consequences for customers as well as employees. For example, an employee at Palace Station reported that a pipe in the men’s restroom had broken and sewer flies were biting workers.¹⁷¹ A worker at Boulder Station reported a long delay in fixing a leaking gas line.¹⁷² An

¹⁷¹ Interview 67.

employee at the Santa Fe Station stated that the glass washers break constantly and that the filters for the icemakers are not changed regularly, which creates health risks for customers.¹⁷³ Another worker reported that the refrigerator where she works often breaks down and that to prevent food from spoiling, she has to spend time going to the back for ice, which not only adds to her workload, but also creates health risks for customers.¹⁷⁴

2. Mental Health

Workers reported feeling an immense amount of pressure and stress due to excessive workloads. One worker stated, “We are always stressed out about getting the job done, and worried about what would happen if we did not get our jobs done.”¹⁷⁵ Workers repeatedly made comments such as: “I feel too stressed out over the sheer number of demands at work. I feel that we are asked to do too much”¹⁷⁶; “We are all very stressed out, which affects us emotionally”¹⁷⁷; “I am constantly stressed out because of the pressure that we get from our supervisors”¹⁷⁸; and “We are always very stressed out at work.”¹⁷⁹ One worker reported not feeling mentally safe at work.¹⁸⁰ Workers reported suffering

migraines and feeling depressed and anxious.¹⁸¹ One worker stated, “I am very depressed and emotional because I have received no help at work.”¹⁸²

Several workers reported that the high level of stress led to physical problems. One employee reported having to go to the hospital twice in an ambulance because of work pressure.¹⁸³ She further stated that she had a stroke while in the hospital due to high blood pressure, which she believes to be due to the stress of her job.¹⁸⁴ Another employee reported that she had a panic attack on the job because of the pressure and had to go to the hospital in an ambulance.¹⁸⁵ A third worker with a thyroid problem said that her doctor told her it was a direct consequence of stress at work.¹⁸⁶ Another worker said, “My doctor told me my asthma was most likely stress related.”¹⁸⁷

For housekeepers, the mental stress due to excessive workloads was particularly intense. One housekeeper stated that she feels stressed and anxious every time she goes to work.¹⁸⁸ Another housekeeper attributes a stroke that she suffered many years ago to the pressure at work and reports always feeling “on edge.”¹⁸⁹ A third housekeeper mentioned

¹⁷² Interview 63.

¹⁷³ Interview 88.

¹⁷⁴ Interview 87.

¹⁷⁵ Interview 29.

¹⁷⁶ Interview 30.

¹⁷⁷ Interview 33.

¹⁷⁸ Interview 44.

¹⁷⁹ Interview 46.

¹⁸⁰ Interview 89; Interview 93.

¹⁸¹ Interview 35; Interview 57; Interview 37; Interview 44; Interview 46; Interview 27.

¹⁸² Interview 37.

¹⁸³ Interview 53.

¹⁸⁴ Interview 53.

¹⁸⁵ Interview 55.

¹⁸⁶ Interview 49.

¹⁸⁷ Interview 79.

¹⁸⁸ Interview 16.

¹⁸⁹ Interview 22.

two co-workers who had panic attacks at work and went to the hospital in an ambulance.¹⁹⁰

A fourth housekeeper stated, “I find myself wanting to cry a lot and I have issues sleeping. I am really stressed by their demands and exigencies. I am worried that they will continue to push our boundaries until I will no longer be able to take it. The issues at work are affecting my relations with my family.”¹⁹¹

“I find myself wanting to cry a lot and I have issues sleeping . . . I am worried that they will continue to push our boundaries until I will no longer be able to take it.”

A fifth housekeeper reported requiring antidepressants, having trouble sleeping, and suffering digestive problems due to stress at work.¹⁹² This housekeeper stated, “I am at a breaking point with this job. . . . I do not know how much longer I will last.”¹⁹³ A sixth housekeeper stated, “I do not even want to go to work. I hate it.”¹⁹⁴ Lack of job security and inadequate or unaffordable health insurance, discussed further below, also contributed

to the severe mental stress experienced by the workers.

3. Environmental Health and Hygiene

Workers also reported problems relating to environmental health and hygiene. As discussed below, several workers asserted that excessive workload leads to inadequate time to clean properly. In addition, some workers reported an inadequate supply of cleaning products, infestations, and very poor air quality.

Inadequate Time to Clean Properly

Some employees connected the problems with cleanliness to having an insufficient number of employees and therefore inadequate time to clean properly.¹⁹⁵ For example, an employee at Red Rock Casino stated that her supervisor gives her two hours to clean a dirty kitchen and that “it cannot be done.”¹⁹⁶ Housekeepers, in particular, reported being so rushed that they cannot adequately clean the rooms, which compromises hygiene.¹⁹⁷ Concerns about hygiene are especially salient to workers when bodily fluids are not properly cleaned. One housekeeper reported that she really has only 23 minutes to clean each room “and there is no way you can get everything done in 23 minutes.”¹⁹⁸

¹⁹⁰ Interview 59.

¹⁹¹ Interview 31.

¹⁹² Interview 47.

¹⁹³ Interview 47.

¹⁹⁴ Interview 48.

¹⁹⁵ See, e.g., Interview 17; Interview 56; Interview 63.

¹⁹⁶ Interview 56.

¹⁹⁷ Interview 16.

¹⁹⁸ Interview 58.

Inadequate Supply of Cleaning Products

Another problem that workers reported was an inadequate supply of cleaning products.¹⁹⁹ An employee who helps cook said, “Many times we have to wash things without soap, which is a health hazard.”²⁰⁰ A housekeeper reported having to use glass cleaner to clean everything.²⁰¹ Other housekeepers also reported not always having the supplies they need to clean a room properly.²⁰²

One housekeeper stated, “The company cuts corners with respect to cleanliness and chemicals, just to save money. They do give us bleach, but they don’t give us nearly enough. They give us bleach for a month and it only lasts us two weeks.”²⁰³ Similarly, another employee stated, “We have one gallon of bleach, and we dilute it and make more out of it.”²⁰⁴

“We have one gallon of bleach, and we dilute it to make more out of it.”

One housekeeper stated that sometimes she supplies her cart herself.²⁰⁵ Another housekeeper said,

¹⁹⁹ Interview 36; Interview 73; Interview 74; Interview 33; Interview 31.

²⁰⁰ Interview 33.

²⁰¹ Interview 74.

²⁰² Interview 16; Interview 31; Interview 48.

²⁰³ Interview 31.

²⁰⁴ Interview 73.

²⁰⁵ Interview 68.

“They give us a form to fill out and sign stating that they give us sufficient quantities of cleaning supplies, but they do not.”²⁰⁶

Infestation

Several employees at Boulder Station reported roach infestations.²⁰⁷ One mentioned sometimes seeing cockroaches in the silverware and on the walls.²⁰⁸ Two others described finding cockroaches in the buffet area.²⁰⁹ One mentioned finding rats in the closet, as well as cockroaches in the restaurant.²¹⁰ Another said that they spray twice a week but still see cockroaches in the restaurant quite often.²¹¹

A couple of employees at Sunset Station also complained about cockroaches. One worker described finding both rats and cockroaches in the kitchen.²¹² Another reported seeing roaches coming out of the employee water fountain.²¹³ A kitchen sanitation worker who said she saw a mouse in the buffet area and informed management reported being told, “it’s fine, its free food.”²¹⁴ Rats and cockroaches spread diseases and are a safety risk to both

²⁰⁶ Interview 47.

²⁰⁷ Interview 61; Interview 62; Interview 63; Interview 74; Interview 27; Interview 17; Interview 70.

²⁰⁸ Interview 62.

²⁰⁹ Interview 63; Interview 70.

²¹⁰ Interview 74.

²¹¹ Interview 27.

²¹² Interview 64.

²¹³ Interview 32.

²¹⁴ Interview 89.

employees and customers.²¹⁵ They can cause gastrointestinal diseases, respiratory illnesses, and asthma.²¹⁶

Air Quality

Another issue related to environmental health is the amount of cigarette smoke in the air and complaints about the lack of adequate ventilation, especially at Boulder Station and Palace Station.²¹⁷ An employee at Palace Station explained, “We like to use our breaks to go outside to get fresh air. That is why we like to split 30 minutes breaks. It is very, very smoky.”²¹⁸

“We like to use our breaks to go outside to get fresh air. That is why we like to split 30 minutes breaks. It is very, very smoky.”

The same employee also complained that the carpet is poor quality and asserted that the fibers get in his lungs. Moreover, he said that after developing severe bronchitis for several months, he bought a surgical mask to wear to work, but his manager became angry and said it looked like he had a disease.²¹⁹ An employee at Red Rock also reported getting sick due to the smoke.²²⁰

²¹⁵ See CDC, Chapter 4: Disease Vectors and Pests (2009)

²¹⁶ *Id.*

²¹⁷ See, e.g., Interview 72; Interview 67; Interview 74.

²¹⁸ Interview 67.

²¹⁹ Interview 67.

²²⁰ Interview 72.

Studies have shown that occupational exposure to secondhand smoke increases workers’ risk of lung cancer and other diseases.²²¹ Casino workers are at an especially high risk of these secondary smoke-related illnesses.²²²

B. Rights to Daily Rest Periods and Paid Sick Leave

1. Daily Breaks

Some employees reported that because their workloads are so heavy, they do not have time to take their breaks. Housekeepers in particular reported this issue more than those in any other position.²²³ One housekeeper reported that the maximum amount of time she takes for lunch is 15-20 minutes if she has no checkouts.²²⁴ She said that several days a week she takes no lunch break at all and simply eats after her shift is over.²²⁵ Two housekeepers asserted that management was aware they do not take a lunch break

²²¹ See, e.g., U.S. Department of Health and Human Services, Centers for Diseases Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General* (2014); National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Service, *Environmental and Biological Assessment of Environmental Tobacco Smoke Exposure Among Casino Dealers* (2009).

²²² See American Cancer Society, *The Risks of Secondhand Smoke in Casinos* (2014); Nikki A. Lawhord et. al., *Workplace Exposure to Secondhand Smoke Among Non-smoking Hospitality Employees*, 15 *Nicotine & Tobacco Research* 413, 413 (2013); see also *Despite Health Risks, Casino Dealers Still Exposed to Cigarette Smoke*, LAS VEGAS SUN, Feb. 14, 2010.

²²³ Interview 16; Interview 22; Interview 48; Interview 68; Interview 47.

²²⁴ Interview 22.

²²⁵ Interview 22.

in order to finish their work but does nothing about it.²²⁶

Another housekeeper reported that although management tells the housekeepers they should “feel free to take their time” for lunch, the reality is that they cannot take the full lunch break and still earn the requisite number of daily credits.²²⁷ A third housekeeper added, “They never say that we have to work during our breaks, but most people work at least part of their breaks because they do not have time to finish otherwise.”²²⁸ A fourth housekeeper asserted that housekeepers must skip their breaks in order to meet their quota, as they fear being punished if they do not.²²⁹

Some housekeepers reported being so rushed that they cannot take any breaks at all during their workday.²³⁰ One housekeeper commented, “I haven’t taken a break in years. I wouldn’t be able to finish my rooms if I took a break.”²³¹ She reported that once when she indicated on the time clock that she had not taken her break, she was “written up” for it.²³² She said a past supervisor told her to just mark that she had taken her break even though she hadn’t.²³³ Another housekeeper similarly reported that workers get disciplined for indicating that

they did not take their break.²³⁴ A worker asserted that at one of the properties, management had taken down the time log, fearing that workers would write down that they were not taking their full breaks.²³⁵

Some housekeepers reported that even taking time out to use the bathroom was difficult for them, as they are not allowed to use the bathrooms in the guest rooms.²³⁶ One housekeeper reported having to go down to the basement to use the bathroom, which takes time and requires passing the desk of a manager who, she said, makes comments if she goes too often.²³⁷ She said she does not feel comfortable or free to use the bathroom anytime she wants.²³⁸ Another housekeeper stated that although she is allowed to go to the bathroom anytime, she “holds it in” because she feels pressured to finish the rooms.²³⁹

The housekeepers were not alone in reporting this phenomenon. Three food service employees reported they have been reprimanded for taking too many bathroom breaks, and one said she had heard of multiple people being terminated for going to the bathroom too much or taking too many breaks.²⁴⁰ A server reported that the amount of pressure that comes from being understaffed often forces people to work

²²⁶ Interview 22; Interview 86.

²²⁷ Interview 16; Interview 22.

²²⁸ Interview 47.

²²⁹ Interview 97.

²³⁰ Interview 16; Interview 22.

²³¹ Interview 58.

²³² Interview 58

²³³ Interview 58.

²³⁴ Interview 59.

²³⁵ Interview 97.

²³⁶ Interview 16.

²³⁷ Interview 16.

²³⁸ Interview 16.

²³⁹ Interview 22.

²⁴⁰ Interview 78; Interview 79; Interview 83.

through their breaks, as they are worried about their job security.²⁴¹ This server also confirmed that workers are even scared to take breaks to use the bathroom.²⁴² A cocktail waitress stated that she is required to ask for permission to use the bathroom, and said she was written up for taking a fifteen-minute bathroom break once.²⁴³

Some cooks, kitchen workers, and servers also reported not having time to take their breaks. One employee who works as a server at a buffet indicated that he had not taken a break in several weeks.²⁴⁴ He reported that they were so busy that his supervisor would send one person to the lunchroom at a time for a break.²⁴⁵ Another employee who works as a cook helper said she gets no breaks except lunch.²⁴⁶ Another server also reported that she takes no breaks besides her lunch.²⁴⁷ This same server reported seeing hostesses and cashiers working for eight hours straight with no break and stated that they are often not paid for the time they spent working instead of at lunch.²⁴⁸

A different employee explained that she is unable to take her lunch break because there is no one to cover her during her break, and she does not want

to ignore the customers.²⁴⁹ Similarly, an employee who works the graveyard shift reported that she does not take her lunch break because there is no one to relieve her.²⁵⁰ A restaurant employee reported that she is forced to take her lunch in the restaurant, so she can still serve and attend to any customers during this time.²⁵¹ One of the most extreme allegations was an employee who works as a food server and reported that he had taken only two breaks in five years.²⁵²

**“I’ve had two breaks
in 5 years.”**

In addition to the issue of excessive workloads preventing some workers from taking their breaks, there were concerns expressed about the timing of breaks. Multiple employees reported that they have no control over when they take their breaks. Several employees reported being forced to take their break immediately after arriving at work or within one to two hours of arrival.²⁵³ Another employee stated that they have to take breaks whenever management wants.²⁵⁴ A line cook who reported always having to take a break right after arriving to work explained that this is physically very hard because his

²⁴¹ Interview 87

²⁴² Interview 87.

²⁴³ Interview 80.

²⁴⁴ Interview 62.

²⁴⁵ Interview 62.

²⁴⁶ Interview 34.

²⁴⁷ Interview 87

²⁴⁸ Interview 87.

²⁴⁹ Interview 96.

²⁵⁰ Interview 88

²⁵¹ Interview 96.

²⁵² Interview 57.

²⁵³ Interview 53; Interview 54; Interview 55; Interview 63; Interview 64.

²⁵⁴ Interview 56.

legs get tired standing for such a long time.²⁵⁵

2. Paid Sick Leave

Workers reported that they do not receive paid sick leave. Some stated that they have three paid “flex days” every six months that they can use when they are sick, or they can take an unpaid leave under the Family and Medical Leave Act (FMLA). The FMLA allows unpaid leave for certain medical and family reasons, including personal or family illness, pregnancy, and the birth of a child.²⁵⁶

A few workers reported that if they are paid for sick days, it is taken out of their vacation time.²⁵⁷ They also reported that management gives warnings or disciplines for taking more sick days than permitted by the flex days if they are not covered by the FMLA. A server stated that unless an absence is covered by the FMLA, management does not care about the reason—whether it is a legitimate medical reason or not.²⁵⁸ One worker reported that he has seen supervisors ignoring doctor’s notes.²⁵⁹

According to Station Casinos “Team Member Handbook,” any absence of one or more consecutive days (other than approved leaves of absence) or any

request to leave work early is considered an “incident.”²⁶⁰ When an employee accumulates three or more “incidents” within a rolling 180-day period, a documented verbal warning is issued and progressive discipline for attendance begins. At that point, any additional infractions result in progressive discipline as follows: written warning, final warning, and suspension pending investigation resulting in termination.²⁶¹

Workers referred to an “incident” as getting a “point” and several reported accumulating points due to sickness. A couple workers stated that they get a point whenever they call in sick.²⁶² Another worker stated, “If we call in sick and we show up the next day without a doctor’s note, we get a point.”²⁶³ A fourth employee asserted, “If you do not have FMLA and you call in sick three times in six months, you get a warning.”²⁶⁴

Because of the discipline system for absences, some workers reported that they go to work despite being sick.²⁶⁵ A worker close to retirement age said, “I live alone and cannot afford to miss work. . . . We are not granted the luxury of being able to stay home when we do not feel well.”²⁶⁶ He said he has worked for Station Casinos for eight years and says

²⁵⁵ Interview 63.

²⁵⁶ See U.S. Department of Labor, Wage and Hour Division, FMLA: Family and Medical Leave, available at <https://www.dol.gov/general/topic/benefits-leave/fmla>. To be eligible for leave under the FMLA, employees must have worked for their employer for at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. *Id.*

²⁵⁷ Interview 17; Interview 51; Interview 52.

²⁵⁸ Interview 87

²⁵⁹ Interview 75

²⁶⁰ Station Casinos, “Beyond the Best”: Station Casinos Team Member Handbook, January 2012, at 26.

²⁶¹ *Id.* at 27.

²⁶² Interview 31; Interview 89.

²⁶³ Interview 26.

²⁶⁴ Interview 64.

²⁶⁵ Interview 72; Interview 72.

²⁶⁶ Interview 72.

he has never taken time off because of sickness.²⁶⁷

One employee reported asking to leave when she was sick and being told by management that she could not because there was no one who could cover her in her absence.²⁶⁸ The employee who had a miscarriage immediately returned to work the following day, as mentioned above, because she wanted to avoid any “problems” that could affect her job.²⁶⁹

C. Right to Fair Remuneration

Some workers specifically stated they wanted higher wages.²⁷⁰ Workers reported getting only one raise in the last three years, which they said happened at the same time that health insurance became much more expensive.²⁷¹ One worker said, “It’s not fair for them to have a lot of money in their pockets, and us nothing.”²⁷² Although the hourly wages were well above the minimum wage, ranging from approximately \$14 to \$18, there were other, more subtle ways that workers believe they have been deprived of fair remuneration.

²⁶⁷ Interview 72.

²⁶⁸ Interview 89.

²⁶⁹ Interview 34.

²⁷⁰ Interview 44; Interview 45; Interview 46; Interview 26; Interview 40; Interview 41.

²⁷¹ Interview 42.

²⁷² Interview 72.

1. Excessive Workload Without Overtime Pay

As discussed above, numerous workers complained about an excessive workload. Instead of being paid overtime to do additional work, they said they were expected to do it during a regular 8-hour day.²⁷³ Many of the workers were aware that overtime is paid at 1.5 times the regular wage rate but stated that they were not allowed to work overtime. As one employee put it, “they [meaning management] hate overtime.”²⁷⁴ Another employee reported never having received overtime pay in over ten years of employment at Station Casinos.²⁷⁵ A third worker reported almost being given a warning for clocking out just one minute late.²⁷⁶ A fourth employee reported being harshly reprimanded for clocking out late, even though it was due to finishing work.²⁷⁷ At least some employees who complained about this situation were reportedly warned by supervisors that there were others who wanted their jobs.²⁷⁸

Employees attributed excessive workloads to understaffing, reporting that their casino-hotels had significantly reduced the number of staff but still required the remaining staff to accomplish the same amount of work. One employee said, “They will make you do an 8-hour job in 5.5 hours with a half

²⁷³ Interview 75

²⁷⁴ Interview 65.

²⁷⁵ Interview 88.

²⁷⁶ Interview 30.

²⁷⁷ Interview 92.

²⁷⁸ Interview 80.

hour break.”²⁷⁹ Others reported having to do the work of two or more people.²⁸⁰ A couple employees specifically stated that two people in their department are now expected to do the same job that used to be done by five people.²⁸¹

One person reported, “We used to be three in our department . . . and now we are only two to do the same job that was done by three before.”²⁸² Similarly, another employee said, “I have to work on my own in a whole kitchen . . . work that is supposed to be done by three people they give to only one.”²⁸³ A server reported that although they are supposed to have only five tables maximum, she frequently has to serve 15-20 tables at a time.²⁸⁴ Another person observed that the company has reduced many workers from full-time to part-time, and said that, as a result, now she has to work double to make up for those people.²⁸⁵

Some workers felt like it was simply impossible to accomplish all of the work assigned to them.²⁸⁶ One person commented that it is “an immeasurable amount of work, we cannot finish all of the work unless we cut corners.”²⁸⁷

Another employee who is a porter said, “They ask more than what is humanly possible to do.”²⁸⁸ Not only do these workers feel that they are being asked to do an unreasonable amount, but some say they live in fear of being disciplined if they don’t get it done. One employee stated, “They tell us that if we do not do it in time, we will get a warning.”²⁸⁹ Many workers felt that more people need to be hired to get the work done.²⁹⁰

“They ask us to do more than what is humanly possible to do.”

Housekeepers in particular said they struggle with excessive workloads. Housekeepers must earn a certain number of “credits” each day based on the number and size of the rooms that they clean. The number of daily credits needed ranged from 14 to 17, depending on the property, with one credit given per room. Suites were usually 1.5 to 3 credits, based on the size. Several housekeepers reported that the number of required credits required fails to take into account the condition of the rooms.²⁹¹

Although housekeepers reported that the amount of credits needed is usually reduced based on the number checkouts, they said this reduction only applies if the number of checkouts is very high. For example, a housekeeper at Sunset Station said that she has to earn 17

²⁷⁹ Interview 52.

²⁸⁰ See, e.g., Interview 61; Interview 35; Interview 29; Interview 34; Interview 53.

²⁸¹ Interview 29; Interview 34.

²⁸² Interview 42.

²⁸³ Interview 26.

²⁸⁴ Interview 87.

²⁸⁵ Interview 55.

²⁸⁶ See, e.g., Interview 63; Interview 64; Interview 52; Interview 29; Interview 34; Interview 82.

²⁸⁷ Interview 47.

²⁸⁸ Interview 29.

²⁸⁹ Interview 26.

²⁹⁰ See, e.g., Interview 34; Interview 35; Interview 38; Interview 53.

²⁹¹ Interview 16; Interview 22; Interview 58; Interview 59.

credits a day.²⁹² Regular rooms are 1 credit, mini suites are 1.5 credits, and suites are 3 credits.²⁹³ She said that she is allowed to clean one less room only if she has at least 14 checkouts.²⁹⁴ Another housekeeper who said she cleans 14 mini-suite size rooms per day reported being allowed to reduce the number only if 12 or more rooms are checkouts.²⁹⁵

A couple housekeepers reported that their credits are not reduced at all based on the number of checkouts.²⁹⁶ For example, one said she has to clean 16 rooms daily, even if all of them are checkouts.²⁹⁷ Cleaning rooms in large hotels can be particularly challenging when housekeepers have to move between many floors. One housekeeper reported that she has to clean rooms on five different floors.²⁹⁸ Another mentioned being responsible for six to seven floors.²⁹⁹

Furthermore, one housekeeper reported that if a co-worker does not appear for an assigned shift, management allocates that person's share of rooms among the remaining housekeepers, placing a significant additional burden on them.³⁰⁰ That housekeeper reported that they are not given more time to complete

the extra work, so each person must earn more credits during the same eight-hour period.³⁰¹

Similarly, another housekeeper reported that sometimes she is told to clean the "showrooms," which are the rooms shown to people who are interested in signing a contract for a convention or large event.³⁰² On those occasions, she said she must clean the showrooms in addition to her regular number of rooms, which she said creates intense time pressure.³⁰³ At one time, another housekeeper reported, suite rooms were considered two rooms, but then they were treated as single rooms, without giving the housekeepers any additional time to clean double the space that they were cleaning before.³⁰⁴ That housekeeper also said that the requirements regarding what needs to be cleaned in a room have also increased.³⁰⁵ Another reported that lately she has been required to do "deep cleaning" on top of her regular duties, which was previously done by a different department.³⁰⁶

The time pressure can also increase if a housekeeper is told to clean a room again because it did not pass the inspection. Housekeepers reported that every room gets inspected after it is cleaned and must get a mark of at least 85 to pass.³⁰⁷ One housekeeper reported

²⁹² Interview 68.

²⁹³ Interview 68.

²⁹⁴ Interview 68.

²⁹⁵ Interview 31.

²⁹⁶ Interview 22; Interview 58.

²⁹⁷ Interview 22.

²⁹⁸ Interview 68.

²⁹⁹ Interview 32.

³⁰⁰ Interview 16.

³⁰¹ Interview 16.

³⁰² Interview 22.

³⁰³ Interview 22.

³⁰⁴ Interview 97.

³⁰⁵ Interview 97.

³⁰⁶ Interview 31.

³⁰⁷ Interview 16; Interview 22.

that rooms frequently do not pass, scoring marks of only 40-50, because the housekeepers are so rushed.³⁰⁸ She said that if a room does not pass, management talks to the housekeeper and then requires her to clean the room again.³⁰⁹ Although speaking with management and cleaning the room again takes time, the housekeeper said she must still complete the requisite number of daily credits.³¹⁰ Another housekeeper similarly reported feeling very stressed about earning marks of at least 85.³¹¹ She reported that housekeepers risk being fired if their rooms repeatedly do not pass the inspections.³¹²

2. Working off the clock or with a broken clock

One worker reported that management sometimes requires employees to clock out on time and then finish their work off the clock.³¹³ Another described having to arrive at work before their shift officially begins to get ready and not being compensated for that time. This housekeeper stated that she has to be at her station by 9 a.m., so she often arrives 20 minutes earlier to stock up on all of the necessary supplies, but she is not paid for that time, which is off the clock.³¹⁴

Other workers reported problems with the clock itself that made it difficult

to record their hours correctly. For example, some workers reported that the clock does not always record the time that they “clock in.”³¹⁵ These workers reported being reprimanded for the failure of the machine, even though, they said, management knows it is faulty.³¹⁶ Some workers even reported having their jobs threatened because the clock wasn’t working properly, but nothing had been done to fix it.³¹⁷

3. Being Assigned Tasks Outside the Job Description

In addition, some workers reported being given tasks that are not part of their job description. For example, one person said that if he finishes his work before his shift ends, management has him help the porter clean the slot machines.³¹⁸ Two workers reported doing the work of dishwashers although they are not dishwashers.³¹⁹ Another stated that outside parking lot porters are used to fill in when someone is sick.³²⁰ One person noted that stove cleaners are sometimes used to do kitchen work like cleaning the floors.³²¹ Yet another server explained that she has to take time away from serving to fill refrigerators with ice when they break down so the food will not spoil.³²² When one worker

³⁰⁸ Interview 16

³⁰⁹ Interview 16

³¹⁰ Interview 16

³¹¹ Interview 22.

³¹² Interview 22.

³¹³ Interview 96.

³¹⁴ Interview 31.

³¹⁵ Interview 93; Interview 94; Interview 98.

³¹⁶ Interview 93; Interview 94; Interview 98.

³¹⁷ Interview 93; Interview 94; Interview 98.

³¹⁸ Interview 42.

³¹⁹ Interview 40; Interview 41.

³²⁰ Interview 67.

³²¹ Interview 64.

³²² Interview 87.

complained that he was being assigned duties outside of his position due to understaffing, he said his manager told him, “If you don’t like it you can leave.”³²³ One worker pointed to a special problem that arises when an employee is told to perform tasks associated with a higher paying job but received no increase in compensation for doing so.³²⁴

D. Right to Job Security

1. Unpredictable Hours of Employment

Some employees felt that they had no job security.³²⁵ An employee who is “on-call,” like her husband, stated “there is no guarantee that we will have a job the next day.”³²⁶ Others similarly reported that their hours are changed all the time.³²⁷ One worker said she is supposed to have Tuesdays and Wednesdays off, but they always change her days.³²⁸ Another worker commented that without job security, there is no mental security. She felt scared that if she did not answer the phone and come to work whenever she was called, the company would retaliate, presumably by not calling her anymore.³²⁹ A worker with three children who reported being reduced from full-time to part time said she did not object

³²³ Interview 90.

³²⁴ Interview 51.

³²⁵ See, e.g., Interview 51; Interview 54; Interview 55; Interview 60; Interview 64; Interview 40; Interview 41; Interview 89.

³²⁶ Interview 41.

³²⁷ Interview 55; Interview 56.

³²⁸ Interview 56.

³²⁹ Interview 60.

because she was worried that she would be terminated.³³⁰ Another worker who is a cook said, “They ask 100% from us, but discard us when it’s convenient for them.”³³¹

“They ask 100% from us, but discard us when it’s convenient for them.”

2. Fear of Reporting Injuries and Taking Time Off Due to Illness

Some workers stated that they feared negative repercussions for reporting an injury, calling in sick, or taking time off to care for sick family members. One worker who said she injured her shoulder when a piece of equipment accidentally hit her stated that she ended up getting a warning for not having her line in proper form because she had to leave to report the injury.³³² Another employee described favoritism by management in deciding whether or not to give “points” to people who call in sick.³³³ A third employee reported that he nearly lost his job after leaving the state to see his mother before she passed away from cancer; he said he was only able to keep his job after contacting the NLRB.³³⁴ A fourth employee stated that she got a chemical in her eye at work but continued to work for five days with an infected eye

³³⁰ Interview 89.

³³¹ Interview 61.

³³² Interview 17.

³³³ Interview 26.

³³⁴ Interview 77.

because she was so scared of being fired.³³⁵

Another employee who has suffered multiple work-related injuries reported that her manager does not respect the fact that she was placed on light duty.³³⁶ She said, “People know I’m permanently injured yet they demand from me to do even more.”³³⁷ She reports being reprimanded for not doing all of her work.³³⁸ An employee who had a miscarriage that she attributes to pushing a defective cart said she did not tell her supervisor because she is a single mother and feared that reporting the incident could affect her job.³³⁹ A couple of workers felt that managers were not concerned for their wellbeing because their first response to an injury is to give the worker a drug test.³⁴⁰

3. Inadequate Grievance Procedure

A number of workers reported that the grievance procedure was inadequate. One worker commented there was no point in filing a grievance because she has seen her coworkers do it and “nothing ever happens.”³⁴¹ Several others agreed that HR did not help resolve problems.³⁴² According to one employee, “HR just looks at you very cold

and just stares at you in a way that makes you feel that you have no power. They try to intimidate you.”³⁴³ Another worker said, “HR used to be helpful and investigate all of the issues but as of late they are not investigating.”³⁴⁴ This worker stated that HR is trying to “sweep our issues under the rug and ignore us.”³⁴⁵ Lack of confidence in the company’s grievance procedure contributes to a sense of job insecurity because workers fear negative repercussions if they report problems.

E. Right to Social Security

1. Inadequate or Unaffordable Health Insurance

Workers reported that their health insurance was too expensive, provided inadequate coverage, and/or did not provide adequate options for doctors. Some workers stated that they would like to have the PPO plan, but it was unaffordable.³⁴⁶ Workers commonly reported paying \$100-\$200 per month for health insurance.³⁴⁷ One worker who paid \$200 per month said, “It’s a fifth of what I make.”³⁴⁸ Another who pays \$130 per month said it was 12% of his check.³⁴⁹

³³⁵ Interview 56.

³³⁶ Interview 37.

³³⁷ *Id.*

³³⁸ *Id.*

³³⁹ Interview 34.

³⁴⁰ Interview 56; Interview 68.

³⁴¹ Interview 22.

³⁴² Interview 41; Interview 47; Interview 48; Interview 49.

³⁴³ Interview 61.

³⁴⁴ Interview 46.

³⁴⁵ Interview 46.

³⁴⁶ Interview 67; Interview 51.

³⁴⁷ Interview 34; Interview 37; Interview 38; Interview 42; Interview 45; Interview 46; Interview 47.

³⁴⁸ Interview 34.

³⁴⁹ Interview 47.

Besides cost, workers who had the HMO complained about the time it takes to see a doctor and its limited coverage.³⁵⁰ One worker who reported having suffered a stroke said, “They are waiting for you to die before they make an appointment.”³⁵¹ Another worker stated that the medication she uses is not covered by the HMO, so she has to pay for it out of pocket every month.³⁵²

A third worker said she has a baby who needed dental surgery due to a deformity at birth. She reported that the surgery cost \$800 and could not be scheduled for two months, even though the baby was in constant pain.³⁵³ A couple other workers also complained about not being able to afford dental care. One worker reported that he had to pay over \$3,000 to fix his teeth.³⁵⁴ Another stated that he and his wife go to Mexico to see a dentist there because they cannot afford one in the U.S. under their health plan.³⁵⁵

Part-time, on-call, and temporary workers have no health benefits at all.³⁵⁶ One worker commented, “Recently in my casino they fired many people and hired many others part-time, so that they do

³⁵⁰ Interview 74; Interview 30; Interview 31; Interview 34; Interview 36; Interview 38; Interview 30; Interview 42; Interview 43; Interview 45; Interview 46; Interview 47.

³⁵¹ Interview 22.

³⁵² Interview 68.

³⁵³ Interview 74.

³⁵⁴ Interview 31.

³⁵⁵ Interview 62.

³⁵⁶ Interview 49; Interview 66; Interview 27; Interview 30; Interview 60; *see also* Station Casinos LLC Team Member Benefit Plan: Medical, Dental, Vision and Other Benefits, Summary Plan Description, at 2

not have to offer benefits.”³⁵⁷ Another worker similarly stated that she thinks Station Casinos hired so many on-call people so that they can pay them less, since they don’t receive benefits.

2. Inadequate Retirement Plans

A small number of workers indicated that they would like a pension rather than the option of investing in a 401(k) plan.³⁵⁸ One worker close to retirement age reported that she has no pension and no retirement plan.³⁵⁹ Another worker commented that even if he worked at Station Casinos for thirty years, when he leaves he gets nothings.³⁶⁰ A third worker in her 50s reported that if she had worked twenty years with a Unionized casino, she would have a pension.³⁶¹ “Right now I have nothing,” she said.³⁶²

F. Right to Freedom of Association and Collective Bargaining

The vast majority of the workers reported that management has stopped making explicit anti-Union statements. Some workers, however, reported getting more warnings or discipline after showing support for the Union.³⁶³ One worker said she was suspended after

³⁵⁷ Interview 30.

³⁵⁸ Interview 16; Interview 18; Interview 50.

³⁵⁹ Interview 16.

³⁶⁰ Interview 54.

³⁶¹ Interview 61.

³⁶² Interview 61.

³⁶³ Interview 17; Interview 29.

speaking at a Union rally in 2014.³⁶⁴ Another worker reported being almost fired twice and having to get the Union involved.³⁶⁵ A housekeeper named Hilda Sanchez, who is a vocal supporter of the Union, reported being fired in April 2016. Her NLRB complaint alleges that she was terminated for pretextual and retaliatory reasons. Her story is featured below.



Hilda Sanchez, pictured here with her daughter, reports being fired or pretextual and retaliatory reasons.

In the affidavit supporting her NLRB complaint, Hilda states that she was fired for “violating the key policy” because she helped a guest by opening his hotel room door after verifying his ID and notifying her supervisor. Prior to this incident, she states, she had never been disciplined. Hilda reported that on the day that the incident occurred, she was planning to take leave under the Family and Medical Leave Act because her daughter, who has had four open-heart surgeries, was experiencing a relapse. Hilda has filed a NLRB complaint because she believes she was fired due to her prominent Union activities.

³⁶⁴ Interview 72.

³⁶⁵ Interview 43.

Other workers also felt that management was looking for an excuse to fire them for wearing a Union button.³⁶⁶ For example, one worker who was drug tested twice after getting cleaner in her eye thought management was looking for an excuse to fire her because she was wearing the Union button.³⁶⁷ Another worker said, “I feel that they are looking for excuses to fire me all the time. They have made up excuses and have lied to my supervisor.”³⁶⁸ Similarly, a third worker stated, “They are reviewing everything I do and I feel that they are always trying to get information on me to build a case to get me out.”³⁶⁹

The worker who reported almost being given a warning for clocking out one minute late attributes this to his support for the Union.³⁷⁰ Another worker reported that she was given an excessive workload after joining Union organizing efforts and repeatedly harassed by management.³⁷¹

A few workers reported being denied certain privileges because of their Union activities. One worker suspected that he is not allowed to change shifts because he wears the Union button.³⁷² Another thought that the reason she is no longer given employees to train is because she supports the Union, and management fears she will attract others

³⁶⁶ Interview 52; Interview 33.

³⁶⁷ Interview 52.

³⁶⁸ Interview 33.

³⁶⁹ Interview 36.

³⁷⁰ Interview 30.

³⁷¹ Interview 89.

³⁷² Interview 62.

to the Union.³⁷³ Others reported a change in attitude or being mocked as a result of joining the Union. For example, one worker reported that since he started to wear the Union button, management no longer jokes with him in a pleasant way.³⁷⁴

The most common Union-related issue reported by workers is a sense of being watched or scrutinized more carefully because they support the Union.³⁷⁵ One worker stated, “I have encountered my supervisor hiding behind walls to listen to what I say. I guess that they want to make sure that we do not talk about the Union.”³⁷⁶ Another commented, “They are always checking what we are doing. They almost do not let us talk to people at all.”³⁷⁷ Similarly, a third worker said, “I feel that they scrutinize everything I do and they do not let me talk to any employees for fear that I will convert them [to the Union].”³⁷⁸ A fourth worker stated, “because I wear a button, they always stay behind me, keeping a close eye on me.”³⁷⁹ A fifth worker stated, “I am constantly being watched.”³⁸⁰

Only a couple workers reported being verbally harassed about their Union

activities. One person said that his supervisor asked who had attended a Union protest at Red Rock and then said, “those Union idiots.”³⁸¹ Hilda, photographed above, whose daughter has a serious health condition, reported in her initial interview in 2015 that her supervisor had at one spent about half an hour trying to talk her out of supporting the Union, saying “Think about your daughter . . . the company is good for you . . . giving you a job so you can provide for your daughter.”³⁸² Hilda felt that her supervisor was trying to “break her down.”³⁸³ Another person mentioned that when the workers put leaflets about the Union on the tables, managers immediately pick them up.³⁸⁴

G. Right to Nondiscrimination

Most of the workers did not report any form of discrimination. However, the reports of workers being scrutinized or disparaged due to their Union affiliation, discussed above, could constitute discrimination based on political or other opinion under international human rights principles, as noted above.³⁸⁵ Furthermore, some workers felt discriminated against based on race, language, or sex.

One housekeeper thought that Latinos were treated worse because she believed that their rooms were checked more and they were given a harder time

³⁷³ Interview 26.

³⁷⁴ Interview 47.

³⁷⁵ Interview 56; Interview 58; Interview 26; Interview 29; Interview 34; Interview 31; Interview 35; Interview 36; Interview 37; Interview 43; Interview 47; Interview 65.

³⁷⁶ Interview 31.

³⁷⁷ Interview 34.

³⁷⁸ Interview 43.

³⁷⁹ Interview 65.

³⁸⁰ Interview 35.

³⁸¹ Interview 30.

³⁸² Interview 59.

³⁸³ Interview 59.

³⁸⁴ Interview 44.

³⁸⁵ See *supra* note 116.

than Caucasian employees.³⁸⁶ Another worker also thought management makes Latinos work harder and specifically stated that they crack down on “older Hispanics.”³⁸⁷ A third employee claimed that Hispanics are overlooked in promotions.³⁸⁸ Two kitchen workers complained that their Caucasian manager allowed English music, but did not allow Spanish music, saying “we won’t listen to this Tijuana [expletive] music.”³⁸⁹ Another worker agreed that Mexicans are treated differently, stating that the manager sometimes verbally abuses the workers for being Mexican.³⁹⁰ A cook claimed that the only people given extra work in her department are Hispanics.³⁹¹

Two employees who said they have worked at Station Casinos for nearly two decades felt that the managers treated Caucasians better in terms of work assignments and promotion.³⁹² One worker also commented that there are many chefs who discriminate against Latinos.³⁹³ A server asserted that a Caucasian chef at her work makes derogatory comments about other races, and although complaints have been filed against him, it does not appear that anything was done.³⁹⁴ Another person stated that the chef where she works is

more friendly with whites and blacks than Latinos.”³⁹⁵ In addition, a few employees reported language discrimination.³⁹⁶ A couple workers reported having seen African American employees being singled out and harassed.³⁹⁷

There were also several reports of discrimination based on gender. One worker thought men were treated better than women.³⁹⁸ Another noted that women are not asked to do certain jobs even though they are physically capable of doing them.³⁹⁹ A third stated, “My chef does not like females in my area. I am the only female and he tries to make me feel bad and make me feel less.”⁴⁰⁰ A fourth employee who works as a cook stated, “It is humiliating how they treat women and girls. My manager humiliates us and treats us very badly. We have reported the issue to HR several times, but they don’t do anything.”⁴⁰¹ Another female employee likewise reported being humiliated in front of others by her supervisor, who, she said, screams at her.⁴⁰² She stated, “I passed out at work once, because my manager had me doing jobs that only men usually do.”⁴⁰³

A few workers reported age discrimination.⁴⁰⁴ In addition, Maria, who

³⁸⁶ Interview 22.

³⁸⁷ Interview 52.

³⁸⁸ Interview 91; Interview 97.

³⁸⁹ Interview 83, 87.

³⁹⁰ Interview 53.

³⁹¹ Interview 93

³⁹² Interview 68; Interview 75.

³⁹³ Interview 26.

³⁹⁴ Interview 87.

³⁹⁵ Interview 36.

³⁹⁶ Interview 17; Interview 26; Interview 45.

³⁹⁷ Interview 92; Interview 95.

³⁹⁸ Interview 52.

³⁹⁹ Interview 67.

⁴⁰⁰ Interview 36.

⁴⁰¹ Interview 46.

⁴⁰² Interview 49.

⁴⁰³ Interview 49.

reported multiple work-related injuries as described above, felt discriminated against based on her disabilities. She stated, “I am not treated fairly in light of my injuries. I feel that they want to drive me out of work.”⁴⁰⁵

H. Right to Dignity

Dignity is the cornerstone of the human rights framework. Several of the workers we interviewed either specifically mentioned harm to their dignity or made comments indicating that they felt dehumanized. One worker stated, “We are not numbers. We are human beings. We deserve fair treatment. We deserve respect. We are not trash on the street.”⁴⁰⁶ Another worker said, “I would like them to respect our dignity and treat us as people.”⁴⁰⁷ A third worker commented, “We are treated like a subhuman class . . . they violate our dignity . . . they can treat us like people, not like animals.”⁴⁰⁸

“We are not numbers. We are human beings. We deserve fair treatment. We deserve respect. We are not trash on the street.”

A fourth worker observed, “In the past I felt that Station used to care about their employees. Now I feel that they do

not care.”⁴⁰⁹ A fifth worker stated, “The company says they love locals, but they employ locals and don’t treat them well.”⁴¹⁰ A sixth person said, “Above all, I would like them to treat us with dignity and respect.”⁴¹¹ These comments indicate that more can be done to ensure that workers’ dignity is protected.

“The company says they love locals, but they employ locals and don’t treat them well.”



⁴⁰⁴ Interview 16; Interview 52.

⁴⁰⁵ Interview 37.

⁴⁰⁶ Interview 72.

⁴⁰⁷ Interview 33.

⁴⁰⁸ Interview 47.

⁴⁰⁹ Interview 38.

⁴¹⁰ Interview 82.

⁴¹¹ Interview 46.

VI. APPLICATION OF HUMAN RIGHTS NORMS TO FINDINGS

These interviews raise serious human rights concerns about the conditions of work at Station Casinos' properties. The ways in which the assertions made by the workers relate to the human rights principles discussed above are summarized below.

A. Safe and Healthy Working Conditions

The right to the highest attainable standard of physical and mental health, as well as the right to just and favorable conditions of work under the international human rights framework include safe and healthy working conditions. Examples of allegations made by interviewed workers that raise serious concerns about abuses of health and safety include:

- Inadequate safety equipment, such as gloves, masks, and goggles, and broken eyewash stations;
- Inadequate safety precautions for cleaning biohazards in hotel rooms;
- Failure to protect workers from abuse and harassment by customers;
- Hazardous working conditions (e.g. wet floors, defective machinery, broken equipment) that result in preventable occupational injuries;

- Failure to provide a hygienic work environment, including failure to provide adequate cleaning products and time to clean properly, failure to eliminate roach and rodent infestations, and poor air quality;
- Excessive workloads that push workers beyond their physical and mental capacities;

B. Daily Breaks and Sick Leave

The right to just and favorable conditions of work also includes the rights to rest and leisure and reasonable limitation of working hours, which encompasses daily rest periods, paid annual leave, and paid sick leave. Examples of allegations made by interviewed workers that raise serious concerns about respect for these rights include:

- Making it impossible for workers to take breaks due to excessive workloads;
- Failing to provide paid sick leave.

C. Fair Remuneration

Human rights principles include the right to a "fair wage," which must be enough to provide all workers with a decent living for themselves and their families. Although Station Casinos' workers were paid well above the minimum wage, the interviews pointed to

more subtle ways that remuneration was unfair, including:

- Requiring workers to do more than 8 hours of work in a regular workday instead of paying overtime;
- Requiring workers to work “off the clock” or with a broken clock;
- Assigning workers tasks outside of their job description.

D. Job Security

- International human rights principles protect job security. Examples of Station Casinos’ failure to respect this right include:
- Relying on “on-call” workers who have unpredictable hours and lack job security;
- Allowing workers to be disciplined, or threatening them with discipline, for reporting injuries, calling in sick, or taking time off to care for sick relatives.

E. Social Security

Social security is a human right that includes adequate benefits, such as health insurance and retirement plans, as well as paid sick leave and paid annual leave. Examples of Station Casinos’ failure to respect this right include:

- Providing inadequate and unaffordable health insurance to full-time workers;

- Providing no health benefits to part-time and on-call workers;
- Providing inadequate retirement plans;
- No paid sick leave; deducting sick days from vacation time.

F. Freedom of Association and Collective Bargaining

International human rights law protects the right to freedom of association and collective bargaining. The interviews we conducted indicated that management was no longer making explicit anti-Union statements. However, some of the interviewees reported more subtle forms of interference with freedom of association, such as scrutinizing workers affiliated with the Union more closely and, in some cases, looking for excuses to discipline or fire them. Station Casinos’ decision to fire Hilda, one of the most vocal member of the Union organizing committee whose NLRB complaint is discussed above, exemplifies this concern and invites further investigation into whether Station Casinos is genuinely respecting the right to freedom of association.

G. Nondiscrimination

Nondiscrimination is one of the most fundamental principles in the human rights framework. Although most workers did not complain of discrimination, some workers reported discrimination based on race, gender, or

age. Some workers also reported being treated less favorably because of their support for the Union, as noted above, which would constitute discrimination based on “political or other opinion” under international human rights norms.

VII. RECOMMENDATIONS

Station Casinos and Deutsche Bank should both take steps to address the allegations discussed above to ensure compliance with international human rights principles.

A. Recommendations for Deutsche Bank

-- Recognize that Deutsche Bank has made a commitment to prevent and mitigate human rights abuses linked to its operations through its business relationships, not just in business enterprises where it has governance rights.

-- Consult with the Bank’s Corporate Social Responsibility (CSR) department before entering into any contract that may prohibit the Bank from interfering with a business partner’s operations, and avoid entering agreements that impede Deutsche Bank’s ability to fulfill its human rights commitments.

-- Apply Deutsche Bank’s Environmental and Social Reputational Risk Framework (ES Risk Framework) and due diligence procedures to the Bank’s business relationship with Station Casinos. Involve the Bank’s sustainability specialists and independent experts to evaluate the risk of human rights abuses. Any investigator hired by Deutsche Bank or Station Casinos should be fully independent and

should be agreed to by other stakeholders, including the workers.

-- Consult directly with workers employed by Station Casinos in assessing the Environmental and Social Reputational Risk.

-- Agree upon specific actions that will be taken to address the human rights concerns set forth in this report. Establish a timeline for taking those actions and a process to ensure that it is followed.

-- Create a transparent process for reporting to the public the specific actions that have been taken to address the human rights issues set forth in this report.

-- Establish an easy-to-use grievance mechanism for workers at Station Casinos to directly report human rights abuses to Deutsche Bank in the future. The mechanism should include a point of contact at Deutsche Bank.

-- Provide trainings to senior management at Station Casinos about the human rights that Deutsche Bank has agreed to respect and protect in its business operations, including through its business relationships. Share best practices for enhancing protection of these human rights.

-- Ensure that Deutsche Bank’s Corporate Social Responsibility (CSR) department is consulted by the Legal Department when alleged human rights abuses are reported and that a response is provided addressing the substance of the human rights concerns.

B. Recommendations for Station Casinos

-- Investigate the health and safety issues identified in the report and take steps to ensure that it maintains a safe workshop, including by: (1) providing adequate safety equipment to protect workers; (2) ensuring that existing policies addressing health and safety issues, including policies addressing reports of abuse by customers, are being properly implemented or developing such policies if none exist; (3) promptly fixing defective machinery and broken equipment that can result in workplace injuries; (4) eliminating any infestations that create health risks; (5) monitoring and maintaining acceptable air quality in the casinos; and (6) hiring sufficient employees to reduce the mental and physical strain on workers.

-- Consult workers on the amount of work that can be reasonably be accomplished within a regular 8-hour workday, taking into account time for breaks, and pay overtime for any additional work.

-- Reduce reliance on part-time workers and on-call workers who lack benefits and/or job security.

-- Provide paid sick leave so that workers are able to recuperate from illness or injury; improve the cost and quality of health insurance plans to help workers care for themselves and their families.

-- Provide adequate training to workers and management on employment and labor rights to encourage workers to report problems and reduce the risk of retaliation. Adequately train all staff on nondiscrimination policies, including

race, gender, and age discrimination. Ensure that any managers who engage in discriminatory practices are disciplined.

-- Prohibit discrimination of any kind based on Union affiliation or other forms of association; monitor managers to ensure that workers who support Unionization are not treated any differently from other workers.

C. Recommendations for Federal and State Governments

-- Germany and the United States are both in the process of developing National Action Plans for business and human rights.⁴¹² These National Action Plans should make it clear that the UN Guiding Principles and OECD Guidelines apply equally to companies' domestic activities, as well as their activities overseas.⁴¹³ In addition, the National Action Plans should make human rights due diligence mandatory, including for investments by financial institutions.

-- The U.S. Government should expand corporate disclosure requirements on human rights issues, including the due diligence measures that companies have

⁴¹² See Press Release Announcing Development of German National Action Plan, Nov. 12, 2014, available at <http://business-humanrights.org/en/germany-launches-development-of-national-action-plan-on-business-human-rights>; U.S Gov't Holds Final Consultation for National Action Plan on Business & Human Rights – Submissions & Commentary, available at <http://business-humanrights.org/en/us-govt-holds-final-consultation-for-national-action-plan-on-business-human-rights-submissions-commentary#c108975>; see also <http://nationalactionplan.us>.

⁴¹³ See, e.g., Shift, Submission to the US Government Regarding its Proposed National Action Plan on Responsible Business Conduct 2, Aug. 7, 2015, available at http://business-humanrights.org/sites/default/files/documents/Shift_USNAPSubmission_Final.pdf.

in place to prevent risks, mechanisms for consulting with potentially affected communities, mechanisms for addressing any human rights abuses that occur, and information about supply chains to promote transparency.⁴¹⁴

-- The human rights issues detailed in this report raise serious questions about Station Casinos' compliance with U.S. and Nevada laws, which merit further investigation by federal and state authorities. Potentially relevant laws include the following:

- Occupational Health and Safety Act (OSHA) and its regulations, including rules governing personal protective equipment (1910 Subpart I), hazardous materials (1910 Subpart H); Ventilation (1910.94); General Environmental Controls (1910 Subpart J); Machinery and Machine Guarding (1980 Subpart O);
- Fair Labor Standards Act (FLSA) and its regulations, which, among other things, require employers to pay non-exempt employees for all hours worked, including time worked during a break even if the break is supposed to be unpaid (see 29 C.F.R. § 785.11);

⁴¹⁴ See, e.g., Righting Finance, Global Witness, and Friends of the Earth United States, Submission to Consultation on National Action Plan for Responsible Business Conduct, April 24, 2015, available at [http://business-humanrights.org/sites/default/files/documents/RF%20Submission%20w%20logos%20\(1\).pdf](http://business-humanrights.org/sites/default/files/documents/RF%20Submission%20w%20logos%20(1).pdf).

- National Labor Relations Act (NRLA) and its regulations, which prohibit discrimination against an employee because of Union activities or affiliation;
- Title VII of the Civil Rights Act of 1964, which makes it unlawful for an employer with 15 or more employees to discriminate against an employee based on race/color, national origin, or sex;
- Nevada Laws governing meals and breaks (N.R.S. 608.019), overtime (N.R.S. 609.018), and hours worked (N.R.S. 608.016; N.A.C. 608.115(1)-(2));
- Southern Nevada Health District regulations governing the sanitation and safety of public accommodation facilities and food establishments;⁴¹⁵
- Nevada laws regulating licensing and control of gaming, which require licensed establishments where gaming is conducted to “protect the public health, safety,” (NRS. 463.0129(1)(d)), condition licensure upon due consideration for public health and safety (N.R.S.

⁴¹⁵ See Southern Nevada Health District Food Establishment Regulations, available at <http://southernnevadahealthdistrict.org/food-regulations/table-contents.php> and regulations governing the health and safety of public accommodation facilities, available at <http://southernnevadahealthdistrict.org/public-accom/pa-regs.php>.

463.170(1)), and allow suspension of a person's registration as a gaming employee, a term that includes supervisors and managers, if necessary for the preservation of public health, safety, or general welfare (N.R.S. 463.336(1)).

D. Recommendations for International Organizations

International organizations such as the UN and the ILO have paid increasingly greater attention to the responsibilities of business enterprises in the realm of human rights. The failure of a company like Deutsche Bank to protect the rights to health and just and favorable conditions of work in its U.S. supply chain could be addressed by international organizations in the following ways:

-- The Committee on Economic, Social, and Cultural Rights could address Deutsche Bank's failure to protect the human rights of workers in its U.S. supply chain in its annual report on Germany in July 2016.

-- The ILO should move from dialogue to standard setting on global supply chain regulation creating transnational enforcement on human rights protections including freedom of association, minimum living wages, workplace health and safety, and workers' rights in labor migration processes.

-- The UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical

and mental health should consider investigating the situation of casino and hotel workers in Las Vegas.

-- The UN Human Rights Council's Working Group on the Issue of Human Rights and Transnational Corporations should consider this report and similar reports in identifying gaps in the existing framework and developing additional guidance on implementation of the UN Guiding Principle on Business and Human Rights. In particular, the Working Group could develop additional guidance on business relationships and supply chains.

VIII. Conclusion

Deutsche Bank holds itself to a high standard when it comes to promoting and protecting human rights. Its Statement on Human Rights declares, "We must be guided by what is right, not just by what is allowed." The company promises that its "business partners and respective business transactions must meet moral and ethical standards deemed to be exemplary."⁴¹⁶ In fact, Deutsche Bank has stressed that human rights are "at the core of all we aspire to do."⁴¹⁷ As a leader in the field of business and human rights and a part owner of Station Casinos, Deutsche Bank should investigate the worker reports of human rights abuses described in this report and take appropriate action to address them. It would be a disservice not only to Deutsche Bank's international reputation,

⁴¹⁶ Deutsche Bank, *Deutsche Bank Commitment to Global Compact*, (2000), available at <http://www.un.org/partners/business/gcevent/companies/pdf/deutschebank.pdf>.

⁴¹⁷ Deutsche Bank, *Human Rights*, https://www.db.com/cr/en/positions/human_rights.htm.

but also to its stakeholders and other business partners to turn a blind eye to these human rights concerns.

Likewise, the Fertitta family, which has held significant ownership in Station Casinos LLC since 1976 and holds more than 50% of the voting power in Red Rock Resorts Inc., should investigate the allegations of human rights abuses in this report.⁴¹⁸ The Fertitta family has a legacy of philanthropy in Nevada.⁴¹⁹ Their donations span decades, and recipients include organizations such as Nevada Cancer Institute, Opportunity Village, Catholic Charities for Southern Nevada, St. Jude Ranch, and the Cleveland Clinic Lou Ruvo Center for Brain Health.⁴²⁰ Allowing serious allegations of unsafe and unhealthy working conditions at Station Casinos/Red Rock Resort properties to go unaddressed would be inconsistent with this legacy. Ultimately, productivity and profits depend on protecting the wellbeing of the workers who maintain the properties and take care of customers every day.



⁴¹⁸ See Red Rock Resorts, Inc., Amendment No. 5 to Form S-1 at p. 40, filed with the SEC on April 15, 2016. As a “controlled company” under the rules of the NASDAQ, the company may elect not to comply with certain corporate governance requirements. *Id.*

⁴¹⁹ Jeff German, *Stations Casinos Founder Left His Mark as Philanthropist*, LAS VEGAS SUN, Aug. 22, 2009.

⁴²⁰ *Id.*