

DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Occupational Safety and Health
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SB 321 - Employment Safety Standards Advisory Committee:
Household Domestic Services
Minutes of Meeting
Thursday, July 28, 2022

Attendees

Suzanne Teran, *facilitator*
Laura Stock, *facilitator*
Erika Alonso
Nicole Brown-Booker
Socorro Diaz
Martha Herrera
Lian Hurst Mann
Martha Marquez
Kevin Riley
Megan Whelan
Nancy Zuniga
Anna Pisarello
Theresa Peterson
Nicanora Montenegro
Jessica Lehman
Eileen Boris
Hina Shah
Eduardo Garcia (*joined in the afternoon*)

Absent:

Julietta Hua
Jose Mercado

DIR Attendees:

Sulma Guzman, *Deputy Director of Policy, Legislation and Regulatory Affairs*
Carl Paganelli, *Deputy Chief of Cal/OSHA*
Carmen Cisneros, *Cal/OSHA Area Manager of Consultation*
Deanna Ping, *Chief Deputy Director*

Interpreters:

Aimee Benavides
Laura Ruiz

Announcements (*Sulma Guzman*)

- Welcome to SB 321 Advisory Committee meeting. Scheduled to go to 4pm.
- We have interpretation (Aime and Laura) -- use the interpretation feature on Zoom.
- Can use chat feature to raise an issue or comment
- Members of the public can observe and provide public comment at designated time on agenda
- Will be polling members of the committee for next meeting date (in August)
 - o Aug. 23, Aug. 25, or Aug. 26

Welcome and Overview (*Suzanne Teran and Laura Stock*)

- Introductions and Roles on the Committee
- June Meeting Minutes – Questions/Comments
 - o Megan Whelan
 - Importance of inspections to educate and enforce. Role inspections play at small businesses. Possibility of tiered approaches.
 - Need to get past barriers we are facing. Want to work with DIR and Cal/OSHA.
 - It is a unique industry requiring thoughtful requirements and solutions to the problems.
 - o Hina Shah
 - Would be helpful to get some input from DIR and Cal/OSHA on SB 1257. Governor's veto said that telephonic investigation was a hurdle. Telephonic inspections. Tiered approach balances protection of vital rights with protection of homeowner's privacy. We do not need to start from a blank slate.
 - Some feedback from DIR on why protocols from SB 1257 are not workable would be helpful.
 - o Nancy Zuniga
 - Process question: can we distribute resources earlier in advance of meetings? Helpful for planning the August discussion (Suzanne Teran)
- Plan to take break every hour (10-min. break). Also, lunch break at from 12:00-12:45pm.
- Hear some of the recommendations from the listening session. Asking Megan Whelan to share some of the recommendations for protecting workers.

Approval of Minutes

- Motion: Approval of June 24, 2022, Meeting Minutes as distributed.
- Vote: The committee members in attendance all voted in favor. None opposed.

Common Hazards & Challenges for Domestic Workers and Day Laborers: A Presentation of Employee and Employer Perspectives

Presenter: Megan Whelan

- Background
 - This information comes from about 600 participations and 17 different organizations.
 - Talked about the hazards during May meeting
- Today's presentation: What are the protections, equipment, and training needed to prevent injury and illness at your workplace?
- Workers and Employers Need Training
 - Employees: Ergonomics, Toxic Chemicals, Infectious Disease, First Aid, Disposal of Biological Waste, How to use PPE and Protection Equipment, Elder Care and Care of People with Disabilities, Transfers/Lifting, How to use tools of trade, Know Your Rights, Negotiation, Mental Health, CPR/EAD
 - Employers: Know your responsibilities, creation of written contracts, communication, unconscious bias, sexual harassment
 - This is missing specific trainings (i.e. burns, electrical, risks for pregnant workers)
- Equipment Needs
 - Protective gear: Masks, Gloves, Shoes
 - Non-toxic cleaning supplies, lifting devices/support, appropriate ladders, appropriate clothes for protecting skin, having first aid on site
- Questions/Comments
 - Kevin Riley – issue of workplace violence is a serious one. In our current existing workplace violence prevention standard for healthcare, there is specific language that if worker sending workers into private homes, then they need to be evaluating workplace violence risks. This is a precedent that is already on the books, so we should keep that in mind, in terms of shaping any guidance around that particular hazard.
 - Examples: presence of weapons, substance abuse, or uncooperative habitants.

Agenda/Focus for Today

- Discuss and begin writing out ideas for the voluntary guidelines the Committee will draft for the purpose of educating household domestic services employees and employers
- SB 321 Committee Process
 - In July, we will focus on discussion on the Guidelines
 - In August, we will focus on policy recommendations and solutions
- SB 321 Committee Process: Criteria
 - Focused on prevention of workplace injuries and illnesses
 - Focused on occupational safety and health and what's within the scope of Cal/OSHA
 - Fits within scope of workers name in SB 321
- NEXT: Voluntary Guidelines
 - Example: Chemicals
 - Inputs: Cal/OSHA Regulations, Other written guidelines (such as NDWA), committee members

- Outcome: Voluntary industry-specific occupational health and safety guidance for the purpose of educating household domestic service employees and employers

Voluntary Guidelines Draft Outline (see document distributed to committee members)

- Any overall comments/feedback?
 - o Eileen Boris
 - Workplace violence, risks from other people in the home.
 - Workplace violence is listed under #10
 - o Megan Whelan
 - Does that include the issue around sexual violence and harassment?
 - o Suzanne Teran
 - This is the document for the outline of the voluntary guidelines. Everyone received a copy of this document/outline.
 - Issues that are not within Cal/OSHA can be included in the policy recommendations as things to flag
 - How many of these are we going to be able to detail out? We may need to prioritize some.
 - o Hina Shah
 - Some of the common hazards could be grouped together. Would be great to focus on the top 5 hazards today.
 - Create a checklist on abatement for employers and employees to abate hazards
 - ID training and resources that already exist for employees and employers
 - Employers and employees need specificity
 - o Laura Stock
 - Our task in this committee is to draft voluntary guidelines and we know there are implementation tools that are needed (i.e., model programs, trainings, resources, checklists, etc.). Our recommendations could include development of educational materials for employers/workers or ensure existing resources get into the hands of people who need them.
 - o Eileen Boris
 - We could group some together. There are categories that could be put together as one category. We can have fewer topics, but they will be interconnected.
 - Suzanne Teran – We are considering which are common and which are unique to certain industries.
 - o Megan Whelan
 - We provided an attachment from NDWA --- see as a resource.
 - Document provides us with some more language to draw from for the guidelines and those get more specific. Translate some of the regulations that existing regulations into how it could apply directly for employer guidance.

- o Jessica Lehman
 - I agree with it being as specific as possible. We can have short summary at the top of each session. Will be important to consider affordability and make it as easy as possible to use.
 - Having a lot of separate sections actually help to keep it clear and simple
 - Clarify the requirements and voluntary guidelines
- o Erika Alonso
 - More of the language spoken by the employees when we are providing the guidelines in plain language. Avoid certain terminology. Make it more accessible. We need clear language for everyone.
- o Nancy Zuniga
 - In English and Spanish, the clearer the better.
 - Sample language for chemical hazards. We have new resource in CA with SB 258. How can we link to that on this guide? How can we put those resources in this guide to build up Employer knowledge on chemicals?
 - Include labeling resources section.
- See additional handout from facilitators (Suzanne Teran)
 - o This handout is just for your reference during the discussion
 - o In the third column, it describes what is already required by Cal/OSHA.
 - o Also included some of the top suggestions from the National Domestic Workers Alliance.

Discussion of Voluntary Guidelines

- Purpose: What would you want included in the guidelines for employers?
 - o Erika Alonso
 - Having schedule for regular rest periods. Also, what is our workspace? And constantly review this guide for the employer to evaluate any hazards and possible solutions for them.
 - Also have instructions in a visible place in case injury happens, there should be a guideline on how to respond
 - o Jessica Lehman
 - Written contract is important here. Make sure both have time to review and sign it.
 - Need regular check-ins on tasks, assignments, and hazards
 - o Hina Shah
 - Hand-in-Hand has a lot of excellent contracts. In duties section, there is a checklist and employer/employee can check what is within scope of work. Changes to scope of work should be in writing.
 - Law does not mandate written contracts, so these would be a best practice voluntary guidance
 - o Nancy Zuniga
 - Make sure that agreement should happen before the job starts, if it is one-time agreement or repetitive agreement.

- Include language regarding communication around the other people in the household
 - o Martha Marquez
 - Specifying my responsibilities as the worker in writing. I do a walk-through of the house before I start working or agree to start working for a family.
 - Also, specifying the expectations/responsibilities of the homeowner as well.
 - o Lian Hurst Mann
 - Any party can ask for what they want in a contract. Every contract should be freshly written and include both parties' needs. Workers need empowerment training. Workers can come to the contract and say they want the employer to take responsibility for their health and safety.
 - o Martha Herrera
 - Having a written contract would be very helpful. If they could respect the lunchtime. Example: I take care of children and they tell me to take lunch when he sleeps. Sometimes, I do not get a lunch break. If we could also have one day of sick leave.
 - o Megan Whelan
 - In reducing stress and feeling of not knowing when to get paid, that is all connected to this knowledge of rights on health and safety discourse too.
- Planning for Prevention: Identify, Evaluate, and Control Hazards
 - o Identify
 - o Evaluate – Checking to see if hazards are being mitigated
 - o Control – Solutions to protection workers (I.e. eliminate, best practices, PPE)
 - o Training for Workers - Have way to investigate workplace injuries and involve workers in the process of identifying hazards
 - o Kevin Riley
 - In a traditional workplace, the employer has the primary responsibility for controlling hazards. The expectation and tone are employer has the primary responsibility.
 - Encouraging employers to work with employees to ID hazards and to come up with solutions
 - o Martha Marquez
 - Labeling products in Spanish. Locking chemicals with a lock. Labeling products in Spanish will help prevent accidents for domestic workers and the family in the house. Add to chemical hazard section.
 - o Jessica Lehman
 - Encourage people to mark something as dangerous and include the Spanish translation of that on the label. Use a Spanish word or other common languages in CA.
 - o Eileen Boris
 - Employers need to be educated that they are employers, but also employees and the fact that they live there. Employers do not have knowledge of the hazards. It is in the employer's self-interest to mitigate hazards and prevent injuries.

- o Erika Alonso
 - There should be constant checkpoints to evaluate dangers. A document should capture these dangers and then propose solutions to the dangers. We need to implement measures and check on regular basis to ensure we are up to date. We need to do follow-ups.
- o Socorro Diaz
 - As a housecleaner, there was an experience involving a picture frame on a very large wall. It was an expensive work of art. The employers should take the time to specify that this is something very valuable. Employer should give direct instruction.
- o Hina Shah
 - There are a lot of trainings that employers can access for DIR or Cal/OSHA for IIPP recommendations
- o Nicole Brown-Booker
 - Training is necessary when operating certain equipment specific to the task at hand, i.e. lift.
 - Having checklist of training would be helpful. Have previous workers put together a checklist for training.
- o Nancy Zuniga
 - Providing options for how communication can happen. In terms of a walkthrough, have it as part of the workday so workers can receive appropriate training and walk away with no injuries.
 - Helpful to have proper equipment when workers arrives. Employer needs to know what proper equipment is required.
- o Kevin Riley
 - Criteria by which employer may or may not be qualified to do the training. Resource guide with local organizations or training materials that can be used in place.
 - Specify some language about how the criteria by which an employer may or may not be qualified to provide
- o Martha Marquez
 - Taking care of kids while they go swimming in the pool at the home. The employer should require us to know how to swim in case there is an emergency.
 - As a caretaker, I was taking care of an elderly man after he had COVID. I was asked to perform tasks that I was not trained to do. People are often asked to do tasks outside of what they were asked to do.
- o Erika Alonso
 - It is a challenge to constantly improve conditions for success. Training needs to be on the NGO or Cal/OSHA websites.
 - We also need to bombard with information on social media. Need a website on trainings just for domestic workers. This website needs to be updated and need to ask for continual input.
- o Lian Mann

- IIPP could be considered a type of training. It is already possible for us to take one of these OSHA trainings.
 - Having an employer double-checking if you are doing a task properly. That is a place where collaboration between Hand-in-Hand and Domestic Workers Alliance would be helpful.
 - o Martha Herrera
 - Communication with the employer is extremely important. Example: taking care of a little girl with a disability, and I had to learn to deal with her because parents were working.
 - Up to what point is it really our responsibility to train ourselves for those types of cases? We are not nurses.
- Reporting Hazards / Protection from Retaliation
 - o Cal/OHSA Requirements (Laura Stock)
 - Protections in the law for protections from retaliation
 - o Hina Shah
 - Home is very different from other workplaces. Clear guidance on retaliation. Clear chain of communication (I.e. who should the worker go to). Also provide contact information for Cal/OSHA.
 - o Nancy Zuniga
 - Equip employers so they can check in with the worker. Need to ensure information given to workers and employers match. This guidance should be standard setting and provide safe playing field for all workers and Employers.
 - o Megan Whelan
 - Importance of check-ins. Something that Hand-in-Hand utilizes regularly. Health and safety prompts.
 - o Erika Alonso
 - Reprisals are completely forbidden. We need to focus that employers will be punished if they take reprisals. We need to emphasize that.
 - o Suzanne Teran – what about the language differences? Any best practice to include when worker and employer do not speak the same language?
 - Nancy --- if worker dispatched, our staff help with language issues. We try to empower workers. Workers will also use their phone to help translate.
 - o Eileen Boris
 - If the household retaliates against a worker, that household is put on a blacklist. The organization can provide another job to who was retaliated against
- Emergency Preparedness & First Aid (Laura Stock)
 - o Cal/OSHA Requirements and NWDA Chart (Laura Stock) --- see handout
 - o Anna Pisarello
 - Looks like this applies to the household as a workplace. Language could be lifted from other regulations to adhere to limitations of the home as a private workplace. Regular checks-ins as a best practice as things can shift
 - o Megan Whelan

- Language from NWDA on emergency numbers and resources available. Section 3220. Need language on resources available outside the home.
 - o Nancy Zuniga
 - During wildfires, when evacuation needed to happen, was the need to ID the worker as a worker. There were workers that were stopped by the police. In the planning, will an employee be able to represent the home in case of an emergency
 - Also keeping in mind that domestic workers and day laborers are also working alone in the home
 - o Nikki Brown-Booker
 - Need to know the employee's emergency contact information in case of emergency. Check in periodically in case information changes.
 - Emergency contact information for employer is posted. Also, need basic emergency plan and a go-bag with prescription information. All the workers know where it is.
 - o Nicanora Montenegro
 - Available first aid kit and worker trained on how to use first aid kit. Also, CPR training and scheduled emergency drills.
- Sanitation and Orderly Worksites
 - o Laura Stock --- Cal/OHSA regulations and requirements
 - o Nancy Zuniga
 - Access to bathrooms --- an issue with day laborers --- if doing something outside or in the yard. They still need access to a restroom and hand washing. Provide guidance for disinfecting as well
 - o Hina Shah
 - Orderly worksite - there are high risks homes such as slippery floors, rugs, electrical cords, corroded stairs or balconies, etc.
 - o Kevin Riley
 - What happens if someone is hiring someone to clean and organize the home? What is the level of expectation of what the employer should do
 - o Megan Whelan
 - The issue of mold and other sanitary issues. Rodent or cockroach infestations
 - o Erika Alonso
 - Requirement on carpet --- please let us wear shoes for our own protection.
 - o Socorro Diaz
 - What I need in order to do my job. Would also like clarity on job tasks so know what equipment is needed. Some homes have ashes and dust; therefore, need to be clear on job tasks. Clear list of duties and a clear contract
 - o Nancy Zuniga
 - What is appropriate personal protective equipment and resources for covid-19. For chemicals or tasks, what is the appropriate protective equipment

- o Megan Whelan --- access to clean drinking water should be included in the chart
- Chemicals --- what else needs to be include? Reference draft to see what is missing.
 - o Regulations that already exist (Laura Stock)
 - Hazardous chemical communication requirements under Cal/OSHA.
 - Ensuring adequate ventilation
 - Guidelines for reporting health effects. How to identify symptoms.
 - Providing protective equipment, masks, gloves, eyewear
 - o Hina Shah
 - Flush out what are the common chemical hazards --- Cleveland Health Clinic has an extensive description of household chemical products and their health risks (written in very accessible manner). Maybe we should look to adopt some of their language.
 - o Megan Whelan
 - Draft language provided by NWDA --- list of common chemicals and things no to do. We want specificity
 - o Suzanne Teran
 - Need to balance length of guidelines with usefulness. It could be lengthy. What are people going to read or what should be in a checklist format.
 - Hina Shah --- focus primarily on the usefulness of guidelines and not so much on length
 - Laura Stock --- we have a timeframe to meet, which will need to be factored into what is created. To extent that more is needed, there is possibility/opportunity to flag additional next steps. We want to make sure we are including the range of occupations
 - o Nancy Zuniga
 - SB 258 (California Cleaning Product Right to Know Act) --- disclosure of toxic chemicals and ingredients in products
 - A lot of watch-dog researching since the passage of SB 258 and doing investigations into what are in common products
 - o Erika Alonso
 - I would like to know as a domestic worker, if products cause cancer, how can I store and use them. I want right to work without being exposed to toxic chemicals. Also want work environment with pure air
 - o Lian Mann
 - I am envisioning something that would be a website as opposed to a book. Information could be nested. You can open certain categories to get more information. Would help with usability.
 - o Megan Whelan
 - Part of SB 321 is our guidelines will be on Cal/OSHA website
 - In order to comply, employers need to know how. Specificity is important
- Lifting, Bending, Repetitive Motion, Other Ergonomics
 - o Kevin Riley
 - It is important to have clear examples of risk factors because ergonomics is a big term

- o Nancy Zuniga
 - Often pressure from employer is what makes people cut corners while working
 - Is there anything already available around landscaping for certain tasks and pieces of equipment that are more ergonomically appropriate
- o Hina Shah
 - Listing specific risk factors from hotel housekeeping is an excellent example/model
 - LOHP did booklet on protecting workers in the home. How to mitigate hazard or modify the work
 - PHI --- training on proper lifting and transferring of consumers during caregiving
- o Lian Mann
 - Combination of repetitive motion and speed up. This happens when the worker is trying to please the employer. It happens frequently during housecleaning. How are we going to deal with work rate or recovery.
- o Eileen Boris
 - Need to provide best practices to people. Line between employee verses employer verses independent contractor is getting fuzzy.
- o Erika Alonso
 - To do our job well we need enough well-lit space.
 - The temperature is very important. In homes with no air conditioning can cause physical stress. Environmental stress.
- Heat and Heat Illnesses
 - o Are there clear recommendations we want to include (Suzanne Teran)
 - Cal/OSHA has a heat standard. There is a basic requirement of providing water, rest, and shade. There is monitoring for high heat/temperature. There needs to be a plan for heat illness and heat acclimation. There should be a training requirement.
 - o Nancy Zuniga
 - We should talk about indoor and outdoor heat
 - Heard testimony of workers getting used to high temperatures. Some workers are going inside and outside of the home.
 - o Hina Shah
 - Descriptions of heat-related illnesses and common symptoms
 - o Erika Alonso
 - Have in writing any time we can to take a rest, break, hydrate and stay functional.
 - o Nikki Brown-Booker
 - Proper ventilation inside the home. Having fans available.
 - Consider the impact of transporting people in vehicles in heat.
 - o Socorro Diaz

- I have issue with my arm. Pulling out a vacuum that is very heavy. Some workers have been hurt by the supplied tools, supplies or equipment. Many people do not want to invest in new tools or supplies.
 - o Kevin Riley
 - Shift hours of work so people are not working during high heat hours.
 - Workers' compensation data --- small group of people hired in rural settings. Under high heat provisions, make sure workers are not isolated in a field. Make sure people have bathroom access
 - o Martha Marquez
 - Gardner worked in the hot sun had blisters on face and on skin from working in the sun. He was very sick. One lesson I learned is that we have to speak up for ourselves.

General Feedback/Questions on the Process

- If a committee member wants to recommend draft language what is the process and timeline?
 - o Need to keep with open meeting requirements.
 - o You are welcome to submit language or ideas.
 - o Send to SB321@dir.ca.gov.
 - o They will be part of public record.
 - o If want to submit comments, by middle of August would be useful.
- Eileen Boris
 - o No break-out rooms, correct? Yes.
 - o It would be good if there was a grid to standardize comments on individual sections. If there was a grid to write-on and submit.
- Megan Whelan
 - o For next round, be looking at fleshed out outline of voluntary guidelines with specific language that has been provided by the Committee.
 - o Opportunity to vet language and provide feedback for the September meeting.
- Suzanne Teran
 - o If committee members want to submit comments, draft language, etc. before next meeting, facilitators can put into a draft in advance of the September meeting.
- Lian Mann
 - o Next meeting will be discussing how to overcome barriers to enforcement, correct? Yes, that is one of the topics
- Nancy Zuniga
 - o Getting materials earlier so we can review. Makes it hard to review.

Future Agenda Items from Committee?

- No recommendations

Announcements (Sulma Guzman)

- Next meeting will be Friday, August 26 via Zoom. Need to have a quorum in order to hold the meeting
- We will post notice, agenda, and meeting minutes.
- Submit documents ASAP. There are several processes for internal review. Do not wait until the evening before the meeting.
- The next meeting will be virtual.

Public Comment (*limited to 3 minutes per person*)

- Maria Guillen
 - o Member of Hand-in-Hand.
 - o Hiring new housecleaner. When told former housecleaner that moving, asked for a letter of recommendation. There is no guarantee that a new housecleaner would expect me to be a good employer.
 - o Toxicity of cleaning supplies. Did not realize importance of a written agreement on expectations. Highlights that the relationship is built on mutual benefit. Helps to set up good communication practices.
- Meagan Ortiz
 - o Heat & Wildfire: how to teach employers. Two-way communication during disasters.
 - o Importance of specific guidance for workers who live in place where they work. Access to bathrooms and sanitation. Indoor heat standards also an issue.
 - o As this process continues, workers are still getting sick or injured.
- Doug Boeschen
 - o Supporting member of Hand-in-Hand and a Domestic Employer.
 - o Motivated to see OSHA protections. Safety is our top priority. OSHA regulations have helped keep my friends safe during our work.
 - o Relatively easy to get safety guidelines from OSHA on winery but that is in direct contrast to domestic work situation. I have to rely on my experience. Would welcome that same structure and involvement at home. People are concerned about restriction, but I feel the burden is lifted when I have that guidance and consultation.
- Anabel Garcia
 - o I am a work center employee and in the California coalition.
 - o I have received training regarding personal protective equipment (I.e. glasses, gloves, etc.). After given the training, the gloves help protect me from chemicals or from dirty things in bathroom. We also received training regarding COVID.
- Elizabeth Montiel
 - o I am a homecare worker for 10 years. An active member of MOA. Part of coalition of homecare workers in California.
 - o I worked with some employers that only provided toxic supplies (I.e. Windex, bleach, Ajax). They were not providing any type of personal protective equipment. I had to use those supplies because they said they prefer them because they make

the home smell clean. I paid a high price as a domestic worker. Those liquids left my hands very dry.