

SB321 ADVISORY COMMITTEE REPORT TO THE CALIFORNIA LEGISLATURE

Policy Recommendations to Protect the Health and Safety of Household Domestic Services Employees

EXECUTIVE SUMMARY

In 2021, Governor Newsom signed into law SB321, *Employment safety standards: advisory committee: household domestic services* (Labor Code Section 6305.1), which requires the Chief of the Division of Occupational Safety and Health to convene an advisory committee composed of key stakeholders in this industry. The purpose of the advisory committee is to provide policy recommendations to the Department of Industrial Relations (DIR) and the Legislature on policies the state may adopt to protect the health and safety of privately-funded household domestic service employees, along with drafting **industry-specific** guidelines for the purpose of educating household domestic service employers and workers.

This report describes the recommendations that were developed by the SB321 Advisory Committee to suggest strategies that would protect the health and safety of domestic workers and day laborers. They were developed based on discussions at advisory committee meetings, review of literature, review of existing policies, and input from experts in the field, workers, employers, and the public. These recommendations are grouped into four categories:

- Legal Responsibilities and Enforcement
- **Employer Support for Compliance**
- Outreach and Education
- Partnerships with Community Organizations

Legal Responsibilities and Enforcement – these recommendations advance the Committee’s view of the fundamental need for employers to have legal responsibility for the working conditions:

1. Remove the household domestic services exclusion from the California labor code.
2. **Once the statutory exclusion is removed, the Department of Industrial Relations (DIR) and Cal/OSHA shall enforce health and safety regulations in these sectors.**
 - 2A. **DIR and Cal/OSHA should use the dual employer responsibility policy to hold the owner or renter of the home jointly liable for the working conditions in cases where there are multiple employers.**
3. Implement an industry-specific system for investigation and enforcement.

4. Develop and fund a pilot mediation program.
5. Maintain the existing civil monetary penalty structure for health and safety violations.
6. Create a liaison position within Cal/OSHA and train Cal/OSHA staff.
7. Uphold robust anti-retaliation protections for workers who speak out.

Employer Support for Compliance – these recommendations involve supporting employers to be able to provide healthy and safe conditions:

8. Establish a financial assistance program for low-resourced employers.
9. Provide educational resources and technical assistance for employers to facilitate compliance.
 - 9A. A resource helpline should be made available by DIR to employers and workers, where they can receive assistance and support from Cal/OSHA in a timely manner.

Outreach and Education – these recommendations involve ensuring that workers and employers have access to effective education programs:

10. Promote and disseminate the *Guidelines to Protect the Health and Safety of Domestic Workers and Day Laborers: Make the Home a Safe Workplace*, developed by the SB321 Committee.
11. Develop and promote a training program for domestic household service employers.
12. Develop and promote worker training resources.
13. Develop a broad campaign to reach workers and employers.
14. Develop and promote resources that complement health and safety training.

Partnerships with Community Organizations – these recommendations involve the importance of partnering with trusted community organizations in enforcement and educational efforts:

15. Establish partnerships with community-based organizations that represent workers and employers.
 - 15A. Maintain an Advisory Committee made up of workers, employers, and health and industry experts to ensure ongoing, regular communication and consultation with industry stakeholders and community-based partners in order to assess and monitor the progress of compliance and to improve and implement effective industry-specific outreach, education, and enforcement strategies.
16. Expand the existing Domestic Worker and Employer Outreach and Education Program (DWEOP).

BACKGROUND AND PURPOSE

In 2021, Governor Newsom signed into law SB321, *Employment safety standards: advisory committee: household domestic services* (Labor Code Section 6305.1), which requires the Chief of the Division of Occupational Safety and Health to convene an advisory committee composed of key stakeholders in this industry. In the United States, the household services industry has been historically excluded from basic labor protections, including from Cal/OSHA and FedOSHA regulations. This exclusion, rooted in systemic racism, sexism, and xenophobia, has left domestic workers and day laborers vulnerable to job-related injuries and illnesses. The purpose of the advisory committee is to provide policy recommendations to the Department of Industrial Relations (DIR) and the Legislature on policies the state may adopt to protect the health and safety of privately-funded household domestic service employees, along with drafting voluntary industry-specific guidelines for the purpose of educating household domestic service employers and workers.

Stakeholder Input – The SB321 Advisory Committee (AC) was made up of individuals who represent key stakeholders, including employers, workers, non-profit advocates, and health and safety experts, and who brought experience in the various sectors including house cleaning, caregiving, childcare, and day labor work. The outputs of their meetings are the policy recommendations and voluntary guidelines put forth by the AC based on their discussions, literature reviews, review of existing policies, and input from experts in the field, workers, employers, and the public.

Committee Process – The AC met monthly between April and December 2022. The AC heard presentations about the profiles and demographic characteristics of household service workers and employers, the common health and safety hazards and resulting injuries and illnesses, as well as the historic context for the exclusion of the household services industry from basic labor protections. Researchers from the UCLA Labor Center and the UCLA Labor Occupational Safety and Health Program (UCLA-LOSH) together with the Instituto de Educacion Popular del Sur de California (IDEPSCA, or Institute of Popular Education of Southern California) provided an overview to the AC on the profile of the industry and the health and safety experiences of these workers. The National Domestic Workers Alliance provided background on different policy models and best practices to ensure safe workplaces, as well as suggested measures for employers and workers to mitigate health and safety hazards. In addition, the AC's process was informed by presentations from the California Domestic Workers Coalition (CDWC) on the findings from a series of listening sessions that were conducted in April and May 2022. CDWC convened 17 organizations to hold listening sessions with approximately 600 participants: 325 domestic workers, 245 day laborers, and 30 employers. The reports and presentations that were submitted for the AC's consideration are listed in Appendix A and are available at: <https://www.dir.ca.gov/dosh/doshreg/House-Domestic/advisory-comm.html>

Visioning Activity – In their first meeting, the AC participated in a visioning activity to set forth the goals and desired outcomes that would guide their work and discussions. The AC considers that a healthy job for domestic workers and day laborers means:

1. Employers have a responsibility to create a safe workplace and ensure protective measures are in place
2. There is a written agreement about work tasks and expectations
3. Workers are involved in identifying hazards and solutions
4. Workers receive training on how to work safely with tools, equipment, chemicals, and information on the hazard and their rights
5. Employers know which tasks are most dangerous and understand the risk involved with the work
6. Employers provide equipment to do the job safely, and personal protective equipment as needed
7. Workers are able to speak up when there is a problem, without facing retaliation
8. Workers are respected for their experience, work with dignity
9. Workers have the capacity and training to do the jobs they are assigned.

Criteria – The AC agreed to criteria that would help focus their discussions and the development of the policy recommendations and industry guidelines and were in keeping with SB321. The work of the AC would be:

- Focused on prevention of workplace injuries and illnesses
- Focused on occupational safety and health hazards and work that falls within the scope of Cal-OSHA
- Within the scope of workers named in SB321; that is, privately-hired household domestic service employees, with the exception of family daycare homes.

Household domestic service employees include those working as house cleaners, nannies, caregivers, and as day laborers hired for a variety of jobs including cleaning, gardening and landscaping, painting, demolition, moving and hauling, and other light construction tasks in a home. The AC recognizes that the workplaces are very diverse, and that many workers may have long-term relationships with an employer while others may be hired for a day. These factors were taken into account in the development of the recommendations.

POLICY RECOMMENDATIONS

The charge to the AC was to make recommendations that may be adopted by the Department of Industrial Relations or the Legislature to protect the health and safety of household domestic service employees. In developing these recommendations, the AC was asked to consider:

1. How to protect the privacy of individuals who employ domestic workers in their private residences in the context of future potential enforcement of health and safety standards, orders, and regulations, including applicability to household domestic service employers of the existing civil monetary penalty structure for violations.
2. Identifying and evaluating common workplace hazards specific to the industry.
3. The scope and applicability of existing regulations to the industry.
4. The need to develop industry-specific requirements.
5. How to conduct training and outreach to employers and employees in the industry.

This report describes the recommendations that were developed by the AC to suggest strategies that would protect the health and safety of domestic workers and day laborers. These recommendations are grouped into four categories:

- Legal Responsibilities and Enforcement
- Employer Support for Compliance
- Outreach and Education
- Partnerships with Community Organizations

Unless otherwise noted, all active AC members who participated as these recommendations were finalized agreed with each recommendation. Any differing or opposing views are noted in the document, where relevant.

Legal Responsibilities and Enforcement

Recommendations in this category involve the fundamental need for employers to have legal responsibility for the working conditions.

Context of discussions:

The SB321 Advisory Committee consistently emphasized that once someone hires another person to come to their home to carry out work, the home is a workplace and the employer has the responsibility to ensure it is a safe place to work. The AC also recognizes the importance of a multi-level effort to ensure employers provide conditions that protect the safety and health of domestic workers and day laborers – an effort that includes as a central element the “authority of law,” or legal responsibility and enforceable requirements with potential consequences – supplemented with resources, education, and compliance support to employers. The AC was informed by a [presentation from the National Domestic Worker Alliance](#) that highlighted the ways in which research supports this multi prong approach in order for employers to comply with new regulations. The AC agrees that the

responsibility for creating and maintaining a safe workplace falls on employers. The AC discussed the issues around protecting the privacy of individuals who employ domestic workers in their private residences, the applicability of existing civil monetary penalty structure for violations, and the applicability of existing regulations to the household domestic services industry. Moreover, the AC heard information on the existing Cal/OSHA penalty structures for citations and about citation history being made available as public records, and discussed how the possible consequence of a monetary penalty is especially important to changing employer behavior and maintaining accountability. On the issue of privacy, the AC believes that using an escalating approach to investigate complaints, **and also providing** resources and support to employers, would adequately protect employers' privacy while ensuring protections to workers' health. Comments raised by Committee members include:

- A homeowner creates a worksite when they employ people to come work within a home and should have corresponding obligations associated with this
- There is a need to prioritize the protection of workers' health; having work based within a home does not justify a lack of legal recourse for workers who face risks
- Other government entities that enforce environmental codes or have social service functions already have mechanisms to enter homes when needed
- There shouldn't be an undue focus on privacy concerns related to inspections, especially considering **the existing Cal/OSHA processes for remote investigations and that, based on the rate of wage and hour complaints in the industry, the number of health and safety complaints** will likely be minimal relative to the size of the workforce
- **It is also important to ensure the workers' rights to privacy should they seek help or file a complaint and to have strong** protections from retaliation
- Privacy and safety concerns related to health, medical records or disability, as well as immigration status, should be considered and feedback obtained from employers in protected classes such as people with disabilities.
- Employers should have the opportunity to become educated and reach compliance before intervention or citation by Cal/OSHA.

Committee's Recommendations:

1. Remove the household domestic services exclusion from the California labor code.

The AC calls on the Legislature to remove the exclusion of household domestic services that exists in California labor code Section 6303(b), Division 5, Safety in Employment, Part 1, Occupational Safety and Health, Chapter 1, Jurisdiction and Duties of the Labor Code, to ensure that these are places of employment covered by Cal/OSHA.

Removing the exclusion is a fundamental and necessary step in protecting workers' health and safety. Many people who hire household domestic workers do not see themselves as employers with legal responsibilities, and it is critical to have a legal basis and requirements that reinforce that responsibility and motivate employers to take

actions to mitigate hazards or provide consequences if they fail to do so.

2. Once the statutory exclusion is removed, the Department of Industrial Relations (DIR) and Cal/OSHA shall enforce health and safety regulations in these sectors.

Cal/OSHA has existing regulations for many of the hazards that are commonly faced by domestic workers and day laborers. (Appendix B includes a list of the regulations that were presented by Cal/OSHA as potential sources for the current draft of the guidelines for domestic work, with additions made by members of the AC.) The AC considered how these could be adapted or modified for a home setting in the development of the *Guidelines to Protect the Health and Safety of Domestic Workers and Day Laborers: Make the Home a Safe Workplace*. AC members recommend that Cal/OSHA use the industry guidelines as a starting point for the rulemaking process and in the assessment of how existing Cal/OSHA regulations could be adapted for the home environment. The AC recommends that Cal/OSHA, in its rulemaking, identify the most expeditious way to extend these requirements to the home. This could involve adapting the way existing regulations are applied in the home and/or developing new industry-specific standards with more specific requirements.

Moreover, the AC considers that the Injury and Illness Prevention Program (IIPP) standard's requirements are applicable to the home setting **without modification** and that this standard should be used to provide a legal framework as soon as an exemption is lifted. In fulfilling the IIPP's requirement to identify all possible hazards, the AC recommends that Cal/OSHA promote a best practice of first writing out all the tasks the worker would be responsible for to facilitate the accurate identification of hazards.

2A. DIR and Cal/OSHA should use the dual-employer responsibility policy to hold the owner or renter of the home jointly liable for the working conditions in cases where there are multiple employers.

Cal/OSHA already applies a dual-employer policy that would be relevant in this sector, for example, when an "owner of the route" or other agency sends workers to the home. In these cases, the household employer still plays a critical role in either exposing workers to hazardous conditions or instituting effective controls.

3. Implement an industry-specific system for investigation and enforcement.

Cal/OSHA should implement **agency policies and procedures** that will be appropriate for a home setting, and that balance privacy concerns with rigorous and essential protection of workers' health. This system would include various methods for off-site inspections, **some of which already exist within Cal/OSHA for off site evaluation and investigation,** and an escalating process based on employers' response to initial steps. It could include:

- a. Letters or phone calls from Cal/OSHA as a first warning, and that provide the opportunity to correct the violation without a citation
- b. Referral to a mediation program in order to support the employer to reach

- compliance without citation (see Recommendation 4)
- c. Allowing multiple ways for workers and employers to share evidence, including phone or video calls as an alternative to on-site inspections
 - d. Holding investigative conferences at the Cal/OSHA offices or another offsite location, similar to the existing process used by the Division of Labor Standards Enforcement (DLSE)
 - e. Escalating actions based on unsatisfactory response to initial letter or contact, repeat violations and/or the gravity of complaint – that is, if there is a complaint that could result in serious injury or illness or death, Cal/OSHA would take more immediate actions.

Additional points raised:

The AC recognizes that there would be a transition period for employers to learn their new responsibilities and, as detailed in other sections of this report, that many employers will need guidance to fulfill their obligations and a subset will need financial support. The AC is sympathetic to this employer community, who in many ways will have characteristics similar to other very small businesses, and believes there is a way to support employers with compliance while also holding them accountable if they put workers at risk. The AC also believes that a tiered system of warnings with the opportunity to correct hazards may alleviate the burden of penalties for certain employers who may have scarce financial resources.

One AC member suggested that Cal/OSHA should approach investigation and enforcement through a tiered-system, modeled through its own handling of programmed and unprogrammed inspections, and formal and non-formal complaints. The AC member stated there is no need to establish an *industry-specific* system and, per Cal/OSHA'S own internal guidelines, the inspection of the home would be a last resort.

4. Develop and fund a pilot mediation program.

The DIR and Cal/OSHA should pilot and promote a mediation program in partnership with community organizations to offer employers and workers dispute resolution services to correct and abate hazards. This program could serve as an alternative pathway for employers who are in the process of understanding the new legal requirements to reach compliance, and would allow both the employer and worker to voluntarily participate and agree on corrective actions. A mediation program run by community organizations could facilitate workers' reporting of problems and would provide resources and support to employers who would have the opportunity to correct hazards while avoiding a citation and Cal/OSHA's intervention.

AC members further recommended that this pilot mediation program could be integrated into an expansion of the Domestic Worker and Employer Outreach and Education Program (DWEOP) model (see recommendation 16). In particular, they noted

that the process used in DWEOP for selecting participating community organizations could be applied. (The DWEOP is an existing state funded education and outreach program in the household services sector, implemented as a collaboration between community-based organizations and DLSE.)

5. Maintain the existing civil monetary penalty structure for health and safety violations.

Almost all AC members agree that Cal/OSHA should maintain the existing penalties, which act as a deterrent to violations, and that employers should be cited in cases of willful noncompliance. After hearing a presentation on the current Cal/OSHA penalty assessment system, and learning that for small businesses in many cases there is an opportunity to reduce the fee by 40% once the violation has been corrected, Most AC members consider the penalty system to be reasonable.

One employer representative on the AC disagreed with this recommendation, stating that many employers in this industry are low income and therefore need a penalty structure more appropriate for this population.

Additional points raised:

The AC reiterated the importance of providing employers in this sector with support and the opportunity to correct violations and avoid citations if possible (as described in Recommendations 3 and 4). Apart from cases in which there is an imminent hazard that endangers life or can result in serious injury, a tiered system of enforcement could allow for correction of hazards before citations are issued.

The AC noted that there should not be a concern about citations being a part of the public record, as the DLSE already has a public record of violations in this sector. Furthermore, worker representatives brought up the need to know if an employer had prior violations as an important way to gauge their own safety situation.

6. Create a liaison position within Cal/OSHA and train Cal/OSHA staff.

Cal/OSHA should have staff with expertise in the industry, and the AC recommends that community partners conduct training for Cal/OSHA staff similar to one they carried out with over 200 staff from the Division of Labor Standards Enforcement (DLSE). Cal/OSHA should also prioritize having staff who speak the languages spoken by many workers in this sector, including English, Spanish, Tagalog, Mandarin and Cantonese, among others. A liaison would also facilitate important relationships with community partners and with employer representatives to provide support to workers and employers.

Additional points raised:

Developing the knowledge and skills of Cal/OSHA staff would increase their effectiveness working in this sector, as they would have a better understanding of the context for the worker and employer relationships, profiles of employers, workers, common hazards, etc. Especially once the exclusion is removed, a Cal/OSHA liaison could play a critical role during the transition to applying standards specific to the

industry of domestic work.

7. Uphold robust anti-retaliation protections for workers who speak out.

Cal/OSHA should, in their communications to employers, reinforce the message that workers have the right and ability to speak out and take action to address problems in the workplace, and that this is essential to the safety and health of workers. Cal/OSHA should also make clear that all workers are protected from retaliation regardless of immigration status. DLSE's Bureau of Field Enforcement should rapidly respond to complaints of possible retaliation and reinforce protections against discrimination based on the documentation status.

Employers Support for Compliance

Recommendations in this category involve supporting employers to be able to provide healthy and safe conditions.

Context of discussions:

The SB321 committee recognizes that, in order to secure the health and safety of domestic workers and day laborers, the work environment needs to be supportive of prevention – in other words, a job site that has the necessary equipment, supplies, and tools for workers to work safely, where workers are trained and receive information, and where there is a culture that promotes safety and is centered on respectful communication. The AC discussed how it is important to take into consideration that employers will need specific guidance and information on where to obtain equipment and supplies, and that many will need financial support to be able to do so. This may be particularly true for seniors and people with disabilities who hire attendants/caregivers and potentially need equipment like safe lifting devices. The AC also highlighted that in many cases, ensuring the safety of the worker in the home also protects or enhances the safety of the employers and their families.

Committee's Recommendations:

(See also recommendations in the Outreach and Education section that follows.)

8. Establish a financial assistance program for low-resourced employers.

DIR should explore models to develop a system by which employers can receive financial support to procure the necessary equipment workers need to do their jobs safely. The AC offered several suggestions to advance this idea, including: using fees collected from fines and penalties and allocating them to this purpose; partnering with other relevant state agencies (such as the California Department of Aging) and health insurers such as MediCal (consider the Oregon model to purchase climate accelerated disaster equipment); establishing criteria based on employer demographics for a reimbursement system to ensure fair distribution; having a loaner program where applicable; and, subsidizing personal protective equipment (PPE) and equipment as a way to incentivize employer participation.

9. Provide educational resources and technical assistance for employers to facilitate compliance.

Cal/OSHA Consultation Services should develop resources and provide support to household service employers, much as they already do when a new standard is promulgated. In these cases, Cal/OSHA Consultation often develops new resources such as checklists for employers, templates of model Injury and Illness Prevention Programs (IIPP), webinars, and other direct outreach. This type of support will be important to promote employer compliance and ensure they have the knowledge and resources to do so. For this purpose, Cal/OSHA Consultation should use the industry guidelines developed by the AC, as these include concrete and practical guidance that is adapted for the home setting. At the same time, it is important to ensure that Consultation Services staff is trained in the household services industry.

Additional points raised:

The AC stated that a model IIPP specific to the household services industry is an important tool to provide guidance to employers who would now be required to develop their own IIPPs. The IIPP would have the benefit of reinforcing employers' responsibility in:

- identifying and controlling hazards
- providing training in the languages workers understand
- encouraging the participation of workers in the development and review of the plan as well as in identifying hazards and solutions.

9A. A resource helpline should be made available by DIR to employers and workers, where they can receive assistance and support from Cal/OSHA in a timely manner. The efficacy of these existing lines will be increased if they are widely promoted to employers and workers and staffed by personnel trained in the industry and have multilingual and culturally competent capacity. (See Recommendation 6).

Outreach and Education

Recommendations in this category involve ensuring that workers and employers have access to effective education programs.

Context of discussions:

The AC is in agreement that a multipronged approach is needed to reach a broad sector of workers and employers. Previous sections in this report have already made reference to education and outreach in describing the role of Cal/OSHA Consultation to develop and provide resources for employers, and the role of community-based organizations (CBOs) in outreach and education efforts. The AC emphasizes the importance of having training and materials that are tailored to specific audiences and address factors including literacy, language, and accessibility. The AC also stresses the need to have access to a variety of formats and options for education and training.

Comments raised by AC members include:

- There is a need for clear and specific guidance, that is both practical and accessible, to facilitate employers' ability to implement mitigating strategies
- It is important to emphasize the role and responsibility of employers in ensuring that workers receive necessary training, even if they are not the training providers themselves
- Employers will need to supplement any core training with information specific to each job, task, or particular home setting
- Workers should receive training during work hours and all training should happen during paid time
- Training should be tailored to specific audiences, taking into account factors such as literacy, language, and accessibility and developing culturally sensitive curriculum and materials
- CBOs, as well as organizations that do work with people with disabilities and disabled self-advocates, should be engaged in the development of materials and resources.
- Materials and resources for employers and workers should be plain-language materials in multiple formats and, in considering accessibility, should also include plain text for screen reader accessibility, text with pictures, videos with visuals and narration, and American Sign Language translation where possible
- Worker training should include disability justice training, including ableism and ageism, to increase workers' understanding of disability and aging and how to engage employers and respect differences based on individual strength and function
- There is a need for broad dissemination and publicity of available resources. Members commented on how existing outreach methods by community organizations reach about 10% of the workforce and therefore highlighted the importance of supplementing these organizations' efforts with increased resources and also using a variety of mechanisms for outreach

Committee's Recommendations:

10. Promote and disseminate the *Guidelines to Protect the Health and Safety of Domestic Workers and Day Laborers* developed by the SB321 Committee.

Cal/OSHA should promote these Guidelines, in partnership with CBOs, in ways that effectively reach employers and workers in this industry and encourage their use. SB321 specified that these Guidelines will be posted on the agency's website. In addition, the AC recommends that they be more broadly disseminated. Two specific ways to do so are to use them as resources in a DWEOP expansion (See Recommendation 16) and for Cal/OSHA to offer support and training for employers on these Guidelines, regardless of the status of regulations. Moreover, the AC highlighted the need to consider different ways to format the Guidelines to increase accessibility and facilitate their use. For example, by using them to create web-based tools that are easy to navigate or to create checklists for steps to follow.

Context:

One of the AC's primary responsibilities was to develop a set of industry-specific guidelines that employers and workers can use to identify ways to mitigate common hazards that domestic workers and day laborers can face. These Guidelines include information on the necessary equipment, supplies, tools, and work practices to provide safe workplaces. In developing these guidelines, the AC considered the existing Cal/OSHA regulations that could be applicable in this sector and drew on their experience in the industry to identify concrete and practical guidance that is adapted for the home setting.

11. Develop and promote a training program for domestic household service employers.

Cal/OSHA should create a training program for employers to become familiar with the common hazards and ways to address them, as well as their responsibilities and role in developing site-specific IPPs. The AC noted that outreach efforts, coordinated with CBOs, will be important, to also encourage those who employ household domestic workers to recognize themselves as employers with responsibilities for maintaining a healthy and safe workplace. Some AC members recommended that this be mandatory for all employers, while others stated it should not be mandatory but rather promoted as a useful resource for employers to understand responsibilities. Furthermore, AC members noted that training for employers should be provided regardless of the regulatory context, to promote the use of the **industry guidelines**.

Employer training should be offered in different formats to increase accessibility, including virtual training and webinars as well as in-person sessions and some carried out in partnership with CBOs (trainings on being a responsible employer, currently carried out by Hand in Hand: The Domestic Employer Network, were referenced as a model). The training and resources could include modules on specific tasks and hazards to be tailored to the different types of jobs, and include tools for employers to use, such as checklists on specific hazards and controls and tools for sharing information with workers.

12. Develop and promote worker training resources.

Cal/OSHA **should** partner with CBOs to develop worker training resources for domestic workers and day laborers, and consider incorporating existing resources. These resources can then be used to carry out training in various formats including in-person and online sessions for greater accessibility, and disseminated by various partners and multiple outreach mechanisms, including through CBOs, Cal/OSHA, and other partners like local public health departments. **As noted previously, the** AC recognizes that these workplaces are very diverse, and that many workers may have long-term relationships with an employer while others may be hired for a day. For this reason, it is important that training be flexible and can be something that is provided on the 'day of' work as workers begin a work shift. The employer should at minimum provide a short

orientation for workers on the day's tasks, identify health and safety risks, and describe how to do the work safely, including the safe use of tools and equipment. Short videos and/or short training guides could facilitate these types of orientations.

The AC also recommends that the training program include different formats and languages to fulfill training requirements, including English, Spanish and Tagalog, and others as needed. Some AC members also suggested that these trainings be offered with incentives and a certificate of completion that workers could show their employers as one way to demonstrate that they have received training.

Additional points raised:

The AC discussed the responsibility of employers in ensuring workers complete the training, even if they do not provide it themselves. This would be an employer requirement if the exemption is lifted. Some employer representatives highlighted that employers would have difficulty enforcing this and would need support for implementing this recommendation.

13. Develop a broad campaign to reach workers and employers.

DIR should develop a campaign with the goal of “saturating public knowledge” and reaching workers and employers through multiple mechanisms (can look at other successful campaigns such as the heat illness prevention campaign). This campaign would promote employers’ role and responsibility, workers’ rights, and the industry-specific guidance to address and mitigate common hazards. DIR should partner with CBOs in order to develop the design and implementation of the campaign and ensure it aligns with other outreach and education efforts.

14. Develop and promote resources that complement health and safety training.

The AC encourages the development and promotion of other materials that are useful resources in addressing workers’ health and safety. These, which should also be promoted by DIR and Cal/OSHA, include:

- A resource list of professionals who can provide guidance and training on the types of equipment needed by people with disabilities. This would facilitate greater understanding and access to a broad range of options for both the workers and employers.
- Sample written work agreements, which serve as a way to have a shared understanding of expectations, job duties and hours, and facilitate identification of hazards based on the tasks and duties listed. These agreements also serve to address hazards related to workload and pace of work, as workers would be able to review expectations and provide estimates and feedback on how much can realistically be accomplished within a certain amount of time. The organization Hand-in-Hand: The Domestic Workers’ Employers Network has templates for such agreements, which can be promoted and further disseminated.

Worker representatives on the AC emphasized the importance of providing guidance to employers on what types of tasks could fall within a typical scope of work and which should not be requested or assigned because they are too dangerous, unless the worker and employer have specific training and equipment.

Partnerships with Community Organizations

Recommendations in this category involve the importance of partnering with trusted community organizations in enforcement and educational efforts.

Context of discussions:

Given the unique structure of the industry and the barriers to rights enforcement and information, experienced by both workers and employers, the AC emphasizes the importance of partnering with community-based organizations (CBOs) that serve as “trusted messengers” and have demonstrated experience in this sector. The AC highlights the significant role these partnerships can play in the success of advancing and maintaining safe worksites and believes it is important to continue building upon and strengthening these relationships in order to ensure that workers and employers can overcome barriers to safer workplaces. Comments raised by AC members include that CBOs can:

- Facilitate access to workers and employers, and have experience identifying the appropriate formats and messages for training and communications
- Conduct peer-to-peer outreach to employers and workers to share information within their own communities
- Provide in-person and virtual health and safety trainings to workers and employers
- Provide support to both workers and employers when problems arise, and facilitate a process (for example through the recommended mediation program – see Recommendation 4) to correct hazards while avoiding citations and penalties
- Accompany and support workers to navigate Cal/OSHA resources and the complaint process
- Draw on their networks and experience with other models around the country and globally to address workers’ rights for household workers.

Committee’s Recommendations:

15. Establish partnerships with community-based organizations that represent workers and employers.

Cal/OSHA should establish partnerships with community-based organizations for the successful design and implementation of enforcement and educational programs. Ongoing consultation between Cal/OSHA and CBOs could include guidance on the focus and ways to target enforcement activities, the pilot mediation program described in Recommendation 4, and collaboration in outreach and education efforts. These

relationships can help address problems before they reach the level of a citation, or worse an accident or injury on the job.

15A. Maintain an Advisory Committee made up of workers, employers, and health and industry experts, to ensure ongoing, regular communication and consultation with industry stakeholders and community-based partners in or to assess and monitor the progress of compliance and to improve and implement effective industry-specific outreach, education, and enforcement strategies.

16. Expand the existing Domestic Worker and Employer Outreach and Education Program (DWEOP).

DIR should expand the DWEOP model to include promotion of compliance measures and health and safety standards in partnership with Cal/OSHA. DWEOP is an existing education and outreach program in the household services sector that is a collaboration between community-based organizations and DLSE to reach, educate, and train domestic workers and employers about the rights and protections domestic workers have under California labor law. The current model has been a successful partnership between DLSE and CBOs, and includes outreach, training, 1-1 consultations on labor violations, organizational capacity-building, and leadership development components.

In addition to worker-centered community organizations, it is important to engage others including Aging and Disability Resource Centers, Independent Living Centers, HiCap Counseling, Childcare Resource and Referral Organizations, and other organizations specifically designed to support with care access needs.

OTHER ISSUES

The AC recognizes that there are issues that do not fall within the scope or criteria established for their work but are important to recognize as they affect the experience of domestic workers and day laborers with respect to health and safety overall. The AC wants to name these issues for future attention. These include:

- Access to workers' compensation benefits if injured on the job
- Expanded access to affordable medical care and a safety net for all
- Training and workforce development strategies to support workers in continuing to enhance their skills
- Protection from sexual harassment on the job and implementation of effective strategies to prevent it
- The need for long term care infrastructure and addressing issues of affordability when it comes to meeting the needs of California's older adults and people with disabilities

- Looking for ways to better understand who is a household services employer, possibly by Cal/OSHA working with other agencies within DIR (such as DLSE, Division of Workers' Compensation) to share household employer data and jointly strategize their outreach and education efforts

Appendix A: Reports and Presentations Submitted to the SB321 Advisory Committee

April 29, 2022

[Domestic Work Research Highlights](#)

By Saba Waheed, Research Director, UCLA Labor Center

[Hazards for Domestic Workers and Day Laborers in Private Homes](#)

By Kevin Riley PhD, MPH, Director, UCLA Labor Occupational Safety and Health Program

[Literature Review Health and Safety of Domestic Workers](#)

By Maria Gabriela Sanchez, MPP Health and Safety Policy Fellow at the California Domestic Workers Coalition [in English and [Spanish](#) (separate document)]

May 26, 2022

[National Domestic Workers Alliance Occupational Safety and Health Chart](#)

(in English and [Spanish](#) (separate document))

[Common Hazards and Challenges for Domestic Workers and Day Laborers: a Presentation on Employer and Employee Perspectives](#)

By Megan Whelan and Gabriela Sanchez, California Domestic Workers Coalition (in English and Spanish)

June 24, 2022

[Occupational Safety and Health Interventions in Domestic Worker Industry](#)

By Reena Arora, Senior Policy Attorney, National Domestic Workers Alliance (in English and [Spanish](#) (separate document))

[Profiles and Practices of Day Laborers and their Employers in California](#)

By Maegan E. Ortiz, Executive Director, Instituto de Educación Popular del Sur de California–IDEPSCA– or, Institute of Popular Education of Southern California (in English and Spanish)

August 26, 2022

[Finding Solutions for domestic worker health and safety: A Presentation on Employer and Employee Perspectives](#)

By Juana Flores, Executive Director, Mujeres Unidas y Activas (in English and Spanish)

Health and Safety Now! Perspectives from California domestic workers and employers about how to ensure occupational health and safety at the private home workplace. By the California Domestic Workers Coalition (in English and Spanish (separate document))

APPENDIX B – Cal/OSHA Standards Related to Household Domestic Services Work

Presented by Cal/OSHA at May 2022 meeting of SB 321 Committee:

1. Requirements of employers in other industries with similar tasks to Household Domestic service.
 - a. Janitorial, NAICS 561720
 - b. Hotel, NAICS 721110
 - c. Landscaping Services/Tree Trimming, NAICS 561730
 - d. Child Day Care Services, NAICS 624410
2. Posters – Safety and Health Protection on the Job – T8 CCR 340
3. Injury and Illness Prevention Program – T8 CCR 3203
4. Heat Illness Prevention Program – T8 CCR 3395
5. COVID-19 Plan –T8 CCR 3205
6. Hazard Communication Program – T8 CCR 5194
7. Wildfire Smoke – T8 CCR 5141.1
8. Reporting Work-Connected Fatalities and Serious Injuries – T8 CCR 342
9. Bloodborne Pathogens – T8 CCR 5193
10. Repetitive Motion Injuries – T8 CCR 5110
 - a. Hotel Housekeeping Musculoskeletal Injury Prevention – T8 CCR 3345
 - b. Health Care Worker Back and Musculoskeletal Injury Prevention – T8 CCR 5120
11. Personal Protective Equipment Assessment – T8 CCR 3380
12. First Aid – T8 CCR 3400
13. Eyewash Station – T8 CCR 5162
14. Workplace Violence (Healthcare) – T8 CCR 3342
15. Fall Protection for indoors and outdoor work tasks –T8 CCR 1670
 - a. Ladder Safety – T8 CCR 3276
16. Tree Work Maintenance and Removal – Article 12

Added by Members of the SB321 Committee:

17. Protection from retaliation – CA Labor code 6310
18. Emergency Preparedness
 - a. Action plan - T8 CCR 3220
 - b. Exits – T8 CCR 3225
 - c. Fire extinguishers – T8 CCR 6151
 - d. Fire detection systems – T8 CCR 6183
19. Sanitation/access to bathrooms – T8 CCR 3360
20. Foot protection – T8 CCR 3385
21. Powered hand tools – T8 CCR 3356
22. Electrical hazards – Electrical safety orders
23. Noise – T8 CCR 5097
24. Prohibition of smoking – T8 CCR 5148