

March 15, 2016

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cc: CalOSHA Chief Sum
DIR Director Baker
Deputy Chief of Health Berg
Hotel Housekeeper Advisory Committee Co-Chair Smith

Re: February 2016 Revised CalOSHA Proposed Hotel Housekeeping Musculoskeletal Injury Prevention Standard

Dear Ms. Amalia Neidhardt,

UNITE HERE wants to thank you and Steve Smith as co-chairs of the CalOSHA Hotel Housekeeping Advisory Committee and CalOSHA and DIR leadership and staff for moving forward with a revised draft of the above and for considering our recommended changes including those modifications made. We also thank you for keeping to your timeline for moving to notice of rulemaking this year, 2016. Hotel housekeepers continue to suffer musculoskeletal injuries and we need to move swiftly to rulemaking to prevent further musculoskeletal injury and disability. We echo the pleas of other stakeholders to meet the benchmarks below released by Steve Smith at the November 2015 Occupational Safety and Health Standards Board (OSHSB):

4/1/2016: DIR will review and approve package including Form 399 before sending to the Board.

6/1/2016: Once DOSH gets DIR approval, then draft regulatory proposal is submitted to the Board.

With the above timeline, we ask that the OSHSB staff finishes its review no later than July 1st, 2016 and that the notice for rulemaking takes place shortly thereafter. It is crucial to hotel housekeepers' health that the notice of rulemaking is issued in time for the August OSHSB meeting so that a hearing on this proposed standard will take place in 2016. Please keep in mind that by the end of this year, it will approach 5 years since UNITE HERE petitioned for such a standard. Each of those years that have passed represent numerous hotel housekeeper musculoskeletal injuries that are debilitating, cause hardships but are preventable.

Thank you for the modifications made that reflect concerns we expressed in our 12/31/15 comments, namely:

1. (c)(4)(E) item (4) to read as follows: "lifting or forceful whole body or hand exertions."

D. TAYLOR, PRESIDENT

GENERAL OFFICERS: Sherri Chiesa, Secretary-Treasurer • Peter Ward, Recording Secretary
Jo Marie Agriesti, General Vice President • Maria Elena Durazo, General Vice President for Immigration, Civil Rights and Diversity

2. (d)(E) "additional training shall be provided when.... or whenever the employer becomes aware of a new or previously unrecognized hazard."

We also appreciate the many instances where we requested certain language be left intact to reflect the December 3rd revision and that was done. As evidenced on the DIR CalOSHA website, the overwhelming majority of comments were received in support of the December 3 revision (eight) plus two in support of the August 2016 revision. Again, we request, with the exception of the changes we propose, that the language of the February 2016 revision remains intact. This latest revision represents the input of four years of stakeholder participants -- hotel housekeepers, labor advocates and public health professionals alike -- at Advisory Committee meetings and numerous comments submitted in support of a strong musculoskeletal injury prevention standard, not to mention the hard work of CalOSHA staff. We must continue moving forward.

There are a number of changes we recommended in the 12/31/15 UNITE HERE comments that we think are important changes and are very much standard occupational health language and/or are existing language in other CalOSHA standards which makes us further convinced that hotel housekeepers should benefit from the same CalOSHA language already in the law. We list these in priority order of what we believe would have the greatest impact.

1. Control Measures added to the definitions section

The term 'control measures' is used repeatedly in this proposed standard but it is not defined. We believe that CalOSHA has an idea of what it must mean based on its worker safety publications and we think including such a definition will be to the benefit of housekeepers and will make it easier for employers to comply to the standard with the caveat that the definition is not proscribing what control measures must be used but is defining what the universe of potential control measures are, based on CalOSHA's safety publications and common-place tools in use in the industry. **We strongly recommend adding to section (b) under definitions the following language:**

"Control measures" mean those measures or procedures for correcting the hazards identified in the worksite evaluation or in the investigation of musculoskeletal injuries occurring to housekeepers. The control measures to be considered include, but are not limited to mops; long-handled and adjustable length tools for dusting and scrubbing walls, showers, tubs, and other surfaces; fitted bed sheets; light-weight or motorized carts; and those measures identified in the Cal/OSHA 2005 publication, *Working Safer and Easier for Janitors, Housekeepers and Custodians*.

2. Training – Providing Housekeepers and Employers the Same Access to the Appendices

a. We echo Worksafe's recommendation that: "language should be added in (d)(2)(B) as follows: the elements of the employer's MIPP and how the written MIPP, all records in (e)(1), and all appendices will be made available to housekeepers.... Although non-mandatory, the appendices are a key component of the MIPP and provide some of the best training materials to date on preventing/reducing musculoskeletal injuries from occurring to hotel housekeepers."

Also, the appendices are necessary information for performing the worksite evaluation. **Since both housekeepers and employers participate in performing the worksite evaluation, both parties must have access to the appendices, not just employers.**

b. Housekeepers repeatedly spoke at Advisory Committee meetings about the need to be trained in the hotel guest room as necessary for effective training. In-room training is practical as it can help to

quickly identify if new tools, practices or procedures actually work and allows for supervisors and housekeepers to make observations at the same time. **Therefore we strongly recommend amending subsection (d)(2)(F) to state: “Practice *in the guest room performing housekeeping tasks using the types and models of equipment, tools and safe work practices* that the housekeeper will be expected to use *or follow*.”**

3. Employee notification – Measureable time periods of notification

a. The posting requirement must include a specified time period so that posting will be prompt and serve the purpose of the proposed standard. Without a stated time period, there is no ‘teeth’ to the posting requirement. This can only be achieved by including a timeline in the standard for posting, such as in subsection (c)(4)(C), the amended language should state: **“Posting will occur within 14 days of when management completes the work-site evaluation, or any updated work-site evaluation.”** As Worksafe points out, “the lead standard requires employers to notify each employee in writing of the exposure results within 5 working days after the receipt of monitoring results.”

b. Similarly, in subsection (c)(4)(D), there must be a timeline for when employers review and update the worksite evaluation. **We recommend modifying the language to state “The worksite evaluation shall be reviewed and updated within 30 days of: [subsections 1-4].**

4. Records

a. We are encouraged that both the CalOSHA Workplace Violence Prevention Plan and the Safe Patient Handling Plan include the language we are requesting under the Records subsection (e)(1), namely that the **“names and qualifications of persons conducting the training”** must be included in the employers’ records. See the examples below. Therefore, we see precedent for the language we are requesting. We ask that the agency correct this oversight and that the language be modified now.

Workplace Violence Prevention Plan, Page 13: (h)(2) “names and qualifications of persons conducting the training” in recordkeeping section.	Safe Patient Handling Plan, Page 7: (c)(2) “names and qualifications of persons conducting the training” in recordkeeping section.
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Furthermore, we request adding “a list of trainees” to the requirements for records to be kept by the employer in subsection (e)(1). This will provide clear training records and make assessing training coverage feasible for all parties.

b. As in previous recommendations by UNITE HERE and Worksafe, we request including in Subsection (e)(2): **“A copy of the MIPP, *all appendices*, and all records required by subsection (1) shall be available to employees at all times.** Again, the language we are requesting is similar to language from other CalOSHA plans (see examples below). Therefore, we see precedent for the language and ask for this oversight to be corrected and modify the language now.

Page 4: (c) Workplace Violence Prevention plan: “shall be made available to employees at all times”	Page 2: Safe Patient Handling plan: “shall be made available to all employees in each patient care unit at all times”
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5. Non-mandatory appendices – Applications for Worksite Evaluation and Training

As previously recommended, the non-mandatory appendices offer excellent resources for both the worksite evaluation and the training requirements. Therefore, we request amending the title of Appendix A (Non-Mandatory), to state “Reference Materials for the Worksite Evaluation and Training Requirements” and amending the following phrase to state “the following are examples of materials that can be used in performing a worksite evaluation and training for housekeepers.”

6. Previous recommendations

Below are a number of instances where we believe the wording is not sufficiently precise.

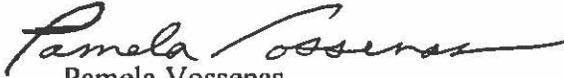
a. Subsection (d)(2)(H), the word ‘problems’ should be replaced with ‘procedures or safe work practices’ so that the amended language states “and how to effectively communicate with housekeepers regarding any procedures or safe work practices needing correction.”

b. Subsection, (c)(5)(B), change “appropriately” to “correctly.” (See Safe Patient Handling, Cal. Code of Regs., tit. 8, § 5120 (c)(6)(B).)

c. Again, in subsection, (c)(6)(B) &(C), change the word “appropriate” to “correct.” (*Ibid*).

UNITE HERE thanks you for your attention to our comments and appreciates your efforts.

Respectfully submitted,


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