

September 18, 2015

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FROM: California Chamber of Commerce
California Attractions and Parks Association
Independent Lodging Industry Association
California Travel Association (CalTravel)
National Federation of Independent Business

Subject: Hotel Housekeeping Musculoskeletal Injury Prevention program
Discussion Draft Dated August 13, 2015

The above signed organizations submit these comments regarding the discussion draft. We represent small and large hotels, motels and resorts throughout California.

We take the safety and well being of our employees very seriously. Respectfully, we disagree with the approach proposed in this latest draft to address workplace hazards in lodging establishments for housekeepers. Current law requires all places of employment – including hotels and lodging establishments - to have an Illness & Injury Prevention Program (IIPP), as well as to comply with the requirements of a repetitive motion injury program where warranted.

We assert that a separate stand alone program specifically for the prevention of MSDs exclusively for housekeepers is unwarranted. We have specific concerns with the discussion draft, as follows:

- The draft program is overly prescriptive, departs from the plain language and intent of the IIPP model and assumes that housekeeping is hazardous and must be corrected.
- The draft discusses correcting, rather than controlling or reducing/minimizing chance of injury. As a job that is physical in nature, and at times strenuous, there is no way to eliminate the physical nature of the work. It can only be minimized.
- If it is intended to be a mirror of an IIPP, but more specific to housekeeping, it should track more closely with the IIPP provisions and not be more prescriptive.
- The proposal is redundant to and subordinates the existing ergonomics standard 5110 which already exists to address the potential exposures addressed in the draft.

(b) Definitions

“Housekeeper” – “Guest services runners” is not a universally defined job classification and could be interpreted to mean any call for service in a hotel from room service to ice delivery to turn down service. This term should not be included in the definition of housekeeper.

“Job Hazard Analysis” is unprecedented in Cal/OSHA regulations. Job Hazard Analysis (JHA) is generally accepted as a best practice tool in construction, and not in regulation. This is an overly burdensome addition to an injury prevention program and would likely require small operators to invest heavily in outside expertise. All references to JHA should be removed. The IIPP regulation, section 3203 (a) (4) uses the verbiage “Include procedures for identifying and evaluating work place hazards including...” We would suggest the same language that employers currently comply with, and understand.

(c) Housekeeping musculoskeletal injury prevention program.

(c) (2) this provision takes a one-size-fits-all approach to housekeeping tools which we assert is not safest method. A system for ensuring housekeepers use the tools deemed appropriate for each cleaning task mandates that housekeepers will not have choices as to what they themselves deem to be most appropriate for their tasks. Disciplining employees for choosing the method and tools that they themselves deem safest is an approach we cannot support. Science has not identified a proven set of tools and methods of using such tools which are the safest, therefore, our members would prefer a performance standard that would allow the provision of a variety of tools, and training as well as suggested methods of use, rather than the prescriptive method proposed.

(E) (1) Job Hazard Analysis: This provision assumes a causal relationship between housekeeping and injury. The IIPP model directs employers to identify hazards, then minimize or control those hazards. This provision assumes risks and mandates employers to address them, rather than to identify the potential exposures. We reiterate our concern that the science has not determined a specific cause and injury relationship that this provision applies.

(E) (2) Employers should establish safe practices that may or may not set a standard for number of rooms cleaned. We oppose any standard setting for number of rooms in a Cal OSHA regulation. This should be up to the hotel operator as to how they will control hazard exposure, and how they collectively bargain. Number of rooms cleaned is not a safety hazard but rather a result of safety practices that may naturally result in how much work can be accomplished in a shift.

(6) Housekeeping tasks require physical exertion that cannot be corrected or eliminated. This proposed provision assumes that the physical exertion aspects of the job are harmful. There is no empirical evidence that physical exertion is harmful. Therefore, the using the term “corrective measures” is inappropriate. The risk of injury can be minimized, risk factors can be addressed in various ways, but many job factors cannot be corrected. Corrected implies eliminated and that is generally not possible in this line of work. Instead, hazards or tasks that have a risk of injury can often be controlled or the risk can be reduced or minimized. Section 5110 – a regulation developed to reduce the incidence of musculoskeletal injuries, in subsection (b) (2) requires “control of exposures which have caused RMLs.” This subsection goes on to suggest that if the exposure cannot be corrected, that it be minimized to the extent feasible.

(7) Requires “active involvement” of housekeepers and their representative in reviewing and updating the program. What is active involvement and how does an employer know they have active involvement? We suggest input from housekeepers would be sufficient, especially since there are other provisions that encourage input as well.

(d) Training

(2) (E) “a person knowledgeable about hotel housekeeping equipment and procedures” seems excessive. If the intent is to give housekeepers the opportunity for interactive question and answer then that should be

stated. A knowledgeable person could be interpreted as a requirement for some sort of certified housekeeping trainers and seems excessive.

(e) Records

- (1) This section requires excessive record keeping and documentation, above and beyond what is required by the IIPP. This section should be stricken.

Conclusion

The above signed organizations are opposed to the discussion draft provisions as proposed, and have recommended revisions here in our comments. We look forward to the opportunity to work with you going forward in a manner that will help minimize injuries in a rational manner.

Please contact Marti Fisher, California Chamber of Commerce (916)444-6670 or John Robinson, California Parks and Attractions Association (916) 498-7772 for further discussion.