



April 29, 2014

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Dear Amalia:

As discussed, below and following are comments expressed at the February 27, 2014 Cal/OSHA Advisory Committee meeting in Oakland in relation to the discussion draft presented at the meeting. Again, your facilitation is very much appreciated, as is Cal/OSHA's commitment to provide data-driven solutions to the original petition.

While there are many aspects of the discussion draft that can be implemented into an model Injury & Illness Prevention Program (IIPP), a significant issue with the discussion draft is that it starts from a "given" that a hazard exists, which the "*Evaluation of Musculoskeletal Disorder Risk in Hotel Housekeeping Jobs*", by Steven F. Wiker, Ph.D, CPE (the Wiker study) clearly indicates is not the case. Many of the following comments reflect this issue.

The discussion draft is also largely duplicative of Section 5110 that is Cal/OSHA's ergonomic standard that applies to all industries. There is no evidence that the hotel and lodging industry has any different ergonomic issues than any other industry. No industry deserves special treatment. Issuing this standard, either as a free-standing regulation or under Section 3203, as a required IIPP, would undermine Section 5110, resulting in the promulgation and enforcement of dozens of other mini-ergonomics standards, which may lead to an ineffective process to ensure safety.

As mentioned previously, the California Hotel & Lodging Association has received an educational grant from the American Hotel & Lodging Education Foundation. Among other things, this grant is allowing our association to produce a model Injury & Illness Prevention Plan that is to be distributed to the entire industry. It is our desire to incorporate much of the discussion draft in such a model program.

Please know that the lodging industry is committed to the health and safety of our employees, and will continue to endeavor to ensure this commitment.

Sincerely,

Lynn S. Mohrfeld, CAE
President & CEO

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Addressing specific points in the discussion draft are included in italics and within blue text boxes below the appropriate section:

(a) Scope and Application. This Section shall apply in all hotels, motels and other lodging establishments when employees are performing housekeeping activities. NOTE to subsection (a): This section does not preclude the application of other sections of Title 8, including but not limited to Sections 3203 and 5110, to housekeeping activities in lodging establishments.

This provision is confusing - since the discussion draft contains mandatory provisions that are in conflict with Section 5110 and Section 3203, employers would not know how to comply and whether they will be subject to employee complaints and duplicative DOSH enforcement.

(b) Definitions.

Housekeeping means cleaning, tidying, stocking, and preparation tasks or activities such as changing linen, making beds, dusting, vacuuming, cleaning bathrooms, mirrors, floors and other surfaces, moving furniture, using linen carts or cleaning tools (e.g. mops, scrubbing tools) and disposing of trash.

Lodging establishment means an establishment that contains sleeping room accommodations that are rented or otherwise provided to the public, such as hotels, motels, resorts, and bed and breakfast inns. Lodging for the purposes of this regulation does not include long term and licensed accommodations such as hospitals, nursing homes, prisons, jails, homeless shelters, boarding schools, worker housing and single family dwellings.

(c) Housekeeping musculoskeletal injury prevention program. In accordance with Section 3203, each employer covered by this section shall establish, implement and maintain an effective, written, musculoskeletal injury prevention program (Program) that addresses hazards specific to housekeeping. The Program may be incorporated into an existing Injury and Illness Prevention Program or may be maintained as a separate program. The Program shall include, at a minimum, all of the following:

Remove “musculoskeletal” throughout regulation because it is a limiting term that does not accurately describe the program. For example, the program extends to slips and falls that result in traumatic injuries generally not included among the biomechanical concerns addressed by ergonomic standards. Additionally, in relation to the opening comments assuming a hazard exists, this wording should be deleted:

In accordance with Section 3203, each employer covered by this section shall establish, implement and maintain an effective, written, musculoskeletal injury prevention program (Program).

This is related to the IIPP process—a “find and fix” requirement under Section 3203. This standard shouldn’t assume the existence of a variety of hazards associated with housekeeping rather than require employers, first to “find” them and then to “fix” them.

- (1) The names and/or job titles of the persons with authority and responsibility for implementing the Program at each individual worksite.
- (2) Effective procedures for conducting a job hazard analysis for the purpose of identifying and evaluating housekeeping hazards.

In (2) above, again, it should be identified whether or not hazards are present, such as:

(2) Effective procedures for conducting a job hazard analysis for the purpose of identifying *whether or not hazards are present and, if present, evaluating housekeeping hazards.*

This insert is more in keeping with the “find and fix” purpose behind IIPP’s. Without the insert, the provision presumes the existence of such hazards which is undermined by the Wiker Report.

(A) The procedures shall include an effective means of involving housekeepers and/or their representatives in the job hazard analysis. A labor/management safety and health committee that meets the requirements of Section 3203(c) may be used for this purpose.

(B) The analysis shall address, at a minimum, hazards related to the design, material handling and performance of tasks related to the following housekeeping activities:

1. Bed Making
2. Cleaning, scrubbing and polishing of floors, bathroom and bedroom fixtures and surfaces
3. Supply cart
4. Vacuuming
5. Trash Collection

In (B) above, again, it should be identified whether or not hazards are present, such as:

(B) The analysis shall address, at a minimum, *whether hazards are* related to the design, material handling and performance of tasks related to the following housekeeping activities:

Additionally, the above section includes many differing aspects - procedures, analyses, performance. Significantly, the issue of “slips and falls” should be specifically addressed as one of the leading causes of injury to housekeepers.

Arguably every job undertakes these tasks, whether it be occupational nurses and many health care positions, janitors, warehouse workers, beverage distributors, retail, etc. Many industries have more of each of these tasks than housekeeping.

(C) At a minimum, the analysis shall assess injury risk related to the following factors: acute trauma related to slips, trips and falls; prolonged or awkward static postures; extreme reaches and repetitive reaches above shoulder height, torso bending, lifting, kneeling or squatting; forceful pushing and pulling; over-exertion or fatigue related to workload imbalance or inadequate physical (musculoskeletal) recovery between tasks.

(D) Housekeepers shall be notified of the results of the job hazard analysis in writing.

(E) The job hazard analysis shall be reviewed annually, and updated as necessary. The analysis shall also be reviewed and updated:

1. Whenever the employer becomes aware of a new or previously unrecognized hazard.
 2. Whenever new processes, procedures, or equipment are introduced that may increase the hazards identified in subsection (c)(2)(B).
 3. Based on an evaluation of the activities, tasks or other workplace factors that have contributed to workplace injuries and illnesses.
- NOTE to subsection (c)(2): Additional information regarding job hazard analysis can be found in publications listed in Appendix A.

(3) Procedures to investigate musculoskeletal injuries to housekeepers, including all of the following:

- (A) The procedures or tasks that were involved in the injury and whether any identified control measures were available and in use.

In (A) above, the control measures should have a correlation to the reduction of injury, such as:

- (A) The procedures or tasks that were involved in the injury and whether any identified control measures were available and in use *which would have materially reduced the likelihood of injury.*

- (B) If required tools or other control measures were not used, a determination of why those measures were not used, or were not used appropriately.

In (B) above, delete the word "required". There are a variety of tools that are utilized by housekeepers for different situations and personal preferences, but none are required.

- (C) The employee's and supervisor's opinions regarding whether any other control measure, procedure, or tool would have prevented the injury.

In (C) above, this assumes the supervisors and employees have medical knowledge which would create erroneous medical conclusions. Opinions of the employee or supervisor add little to an analysis of the data-driven medicine. This section should be deleted in its entirety.

(4) Include methods and/or procedures for correcting hazards identified in the job hazard analysis. This shall also include procedures for assessing whether identified corrective measures are used appropriately. These procedures shall include:

- (A) An effective means of involving housekeepers and/or their representatives in identifying and evaluating possible corrective measures. A labor/management safety and health committee that complies with Section 3203(c) may be used for this purpose.
- (B) The means by which housekeeping tools or other appropriate equipment will be identified evaluated and implemented.
- (C) How sufficient and appropriate housecleaning equipment and tools will be made available to each housekeeper. This shall include procedures for procurement, inspection, maintenance, repair, and replacement of appropriate housecleaning tools and equipment;

(5) Procedures to ensure that supervisory and non-supervisory employees comply with the Program, follow the employer safe workplace housecleaning practices, and use the housekeeping tools or equipment deemed appropriate for each cleaning task.

A mandatory rule enforced through discipline, that requires the implementation of housekeeping practices and the use of specific tools is not acceptable. Housekeepers have very strong preferences as to how they do their jobs and disciplining them for exercising those preferences will have major labor-management ramifications. Further, under no circumstances can equipment and tools used by housekeepers be equated to personal protective equipment whose use would otherwise require appropriate enforcement.

(6) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. A labor/management safety and health committee meeting the requirements of Section 3203(c) may be used for this purpose.

(7) Procedures for reviewing, at least annually, the program at each worksite, to determine its effectiveness and make any corrections when necessary. The program shall include an effective procedure for obtaining the active involvement of employees in reviewing and updating the program. A labor/management safety and health committee meeting the requirements of Section 3203(c) may be used for this purpose.

(d) Training. The employer shall provide training to housekeeping employees and their supervisors, in a language easily understood by employees.

(1) Frequency of training. Housekeeping employees and their supervisors shall be trained on the topics covered in subsection (d) (2) as follows:

(A) Initial training shall be provided when the program is first established; to all new employees and supervisors, and to all employees given new job assignments for which training has not been previously received;

(B) At least annually thereafter.

(C) Employers shall provide additional training when new equipment or work practices are introduced. The additional training may be limited to addressing the new equipment or work practices.

(2) Training shall include at least the following elements as applicable to the employee's assignment:

(A) The elements of the employer's program and how the written program will be made available to employees.

(B) The process for reporting concerns regarding equipment availability, condition, storage, and maintenance.

(C) Body mechanics and safe practices including: identified hazards at the work place, how those hazards are controlled during each task, and the appropriate use of cleaning tools and equipment, the importance of using these practices in order to prevent injuries, and the importance of reporting symptoms and injuries to the employer.

In (C) above, this section is addressed previously in more general terms and again includes the assumption that hazards exist and therefore should be not included.

(D) In addition to the training described above, managers and supervisors shall be trained on how to identify hazards, the employer's hazard correction procedures, how defective equipment can be identified and replaced, how to obtain additional equipment, how to observe housekeepers' practices and how to effectively communicate with housekeepers regarding any problems needing correction.

(e) Records.

(1) Any measurements made in the course of the job hazard analysis shall be recorded.

Those records shall be maintained and made available as employee exposure records in accordance with Section 3204.

(2) Records of the steps taken to implement and maintain the Program shall be created, maintained and made available in accordance with Section 3203(b).

(3) Records required by Division 1, Chapter 7, Subchapter 1, Occupational Injury or Illness

Reports and Records, of these orders shall be created and maintained in accordance with those orders.

(4) A copy of the Program shall be available at the worksite for review and/or copying by employees and their representatives in accordance with Section 3204(e)(1)(A).

(5) All records shall be made available to the Chief or designee within 72 hours of request.

Appendix A (Non-Mandatory)
Reference Materials for Job Hazard Analysis

The following are examples of materials that can be used in performing a job hazard analysis for housekeeping.

Include Wiker Study:

Evaluation of Musculoskeletal Disorder Risk in Hotel Housekeeping Jobs
Steven F. Wiker, Ph.D, CPE

Ohio State University. Ergonomic Resources for Housekeeping.
<https://ergonomics.osu.edu/Housekeeper%20Training%20Materials>

This reference is very general and makes conclusions contrary to Wiker Study. That said, it has some good examples that can be utilized for safety examples.

State Fund. Tips for Hotel Room Attendants.
<http://www.statefundca.com/safety/ErgoMatters/RoomAttendants.asp>

Department of Industrial Relations. Working Safer and Easier for Janitors, Custodians and Housekeepers, 2005. www.dir.ca.gov/dosh/dosh_publications/janitors.pdf

British Columbia, Injury Prevention Resources For Tourism and Hospitality - Accommodation. <https://www2.worksafebc.com/Portals/Tourism/Prevention-Accommodation.asp>.