State of California
Department of Industrial Relations

RECEIVED

MAR 29 2012

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Memorandum

To : Marley Hart, Executive Officer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Date: March 27, 2012

From : Ellen Widess, Chief Ellen Widess
Division of Occupational Safety and Health

Subject: Division Evaluation of Petition 526
Kurt Peterson, UNITE HERE Local 11

This memorandum is written in response to your request for the Division's evaluation of Petition 526 received by the Occupational Safety and Health Standards Board (Board) on January 23, 2012 from Kurt Peterson, representing UNITE HERE Local 11 (Petitioner). The Petitioner requested that the Occupational Safety and Health Standards Board (Board) adopt a new health and safety standard to address the occupational hazards faced by housekeepers in the hotel and hospitality industry that may cause musculoskeletal injuries. The Petitioner also requested that hearings on this matter be conducted in the Los Angeles Area to permit greater participation by affected workers.

Labor Code Section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health, and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code Section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit a report on the proposal.

The Division has prepared this memorandum as an evaluation of the petition.

Actions Requested by the Petitioner

The petitioner has requested that the Board adopt a standard to address occupational hazards that have resulted in repetitive motion and acute injuries suffered by housekeepers in the hotel and hospitality industry. The Petitioner submitted language for a proposed industry specific standard comprised of both performance and prescriptive requirements. The proposed requirements include:

- A Job Hazard Assessment which would include an evaluation of housekeeping workloads and tasks such as bed making, vacuuming and other cleaning duties.
- A Safe Housekeeping Plan that would include a safe housekeeping committee, the identification of a "competent person" and the obtainment of employee input.
- Workload and Work Pacing Requirements which would cap the amount of square footage of room space to be cleaned, limit stooped, kneeling or awkward body postures while cleaning, and require the use of appropriately designed safe housekeeping tools and equipment such as motorized or self-propelled carts or fitted sheets. Administrative controls including limited work schedules are also part of the petitioner's proposal.
- Monitoring and Evaluation including quarterly monitoring to ensure compliance with these requirements.

- Communication, Training, Recordkeeping and Employee Rights, including the right to receive copies of documents the employer or its agents provide to the Division concerning the existence or non-existence of a hazardous condition in the workplace.

Existing Title 8 Regulations

Section 3203 Injury and Illness Prevention Program (IIPP) requires that the employer develop, implement and maintain an effective written program that includes procedures for identifying, evaluating and correcting work place hazards. It is a standard of general application and does not specifically identify any required corrective measures to prevent musculoskeletal injuries.

Section 5110 Repetitive Motion Injuries (RMIs) requires a program that includes worksite evaluation, control of exposures and employee training. However, employers are not subjected to these requirements unless or until more than one repetitive motion injury, meeting certain conditions, occurs at their workplace within a twelve month period. This Section only addresses repetitive motion injuries and does not specify the control measures an employer must implement in this industry.

Other Relevant Regulations and Guidelines

There are no comparable federal regulations that specifically address repetitive motion injuries or the specific occupational hazards affecting housekeepers in the hotel and hospitality industry. There are a number of general guidelines addressing how to reduce the risks of injury to the back and upper extremities, including guidelines published by the National Institute for Occupational Safety and Health (NIOSH).

California State Senate Bill 432, which addresses the control of hazards related to hotel housekeeping, was introduced in 2011 by Senator De Leon. It was passed in the Senate in May, has been amended in the Assembly, and is currently in suspense awaiting approval by the Assembly Appropriations Committee.

Discussion

In 2011, the Division investigated musculoskeletal injuries to hotel housekeepers in three inspections. The Division arranged for ergonomic evaluations in two of these inspections. Federal OSHA provided an ergonomic analysis in a Southern California hotel[1], and the Division contracted with an ergonomist from the Ohio State University Ergonomics Institute[2] to perform an analysis in a San Francisco hotel. Both ergonomists found injury risk factors associated with the housekeeping tasks, some of which were considered to be potential contributors to repetitive motion or acute injuries. In one case, the Division issued an information memorandum regarding compliance with Section 5110 to control the risk of repetitive motion injuries, and in another, citations were issued for violations of Section 5110[3]. The citations are under appeal.

Based on the Division's investigations in these and other cases, a report from an ergonomist at Hawaii OSHA[4], information provided by the Petitioner, and a peer reviewed article on hotel housekeeper injury

---

[1] Besser B. Evaluation of House Keeping Operations at the Hyatt Andaz, West Hollywood, California. June 17, 2011

[2] Allread WG. San Francisco Hyatt at Fisherman's Wharf An Ergonomics Assessment of Housekeeper Guest Room Cleaning Tasks and Recommended Controls to Reduce Repetitive Motion Injuries. November 14, 2011.

[3] Application of Section 5110 requires identification of two or more repetitive motion injuries within a 12 month period at a given workplace that meet certain conditions. Therefore Division policy is to issue an information memorandum if one qualifying injury has occurred to inform the employer of their responsibilities if a second injury does occur.

[4] Hawaii Occupational Safety and Health Division. Ergonomic Evaluation of Hyatt Regency Waikiki Beach Resort and Spa. August 23, 2011.

rates[5], the Division believes that hotel housekeepers may be at increased risk of occupational musculoskeletal injuries, and that appropriate control measures can reduce that risk.

Section 3203 establishes a general framework for the identification, evaluation, and correction of hazards, but it does not establish specific requirements to address the risks identified by the Petitioner. Nor does Section 3203 require the specific control measures advocated by the Petitioner, such as establishment of a safety committee, although subsection 3203(c) establishes certain requirements for labor/management committees used to meet the requirements of subsection 3203(a)(3). While the musculoskeletal injuries recorded for hotel housekeepers are both acute and cumulative in nature, Section 5110 only addresses the repetitive motion injuries. Also, even when the threshold for application of the standard is met, it does not specify the control measures advocated by the Petitioner.

The petition identifies a number of risks and a number of control measures. However, the Division believes that the Petition does not provide sufficient information to establish the necessity of each proposed control measure, nor does it specifically analyze alternative measures that may be as effective. An advisory committee would provide an opportunity for all interested parties to discuss and assess musculoskeletal risks involved in hotel housekeeping, and to further evaluate measures that will be effective in controlling those risks. It will also permit a full discussion of alternatives, in accordance with the Government Code.

Conclusion

The Division recommends that the Board grant the petition to the extent that it request the Division to convene an advisory committee to address the musculoskeletal injury hazards to hotel housekeepers and to discuss whether a new standard should be developed to address those risks, and what should be included in such a standard.

cc: Amalia Neidhardt
Steve Smith
Deborah Gold
Suzanne Marria

Attach: Besser B. Evaluation of House Keeping Operations at the Hyatt Andaz, West Hollywood, California. June 17, 2011
Allread WG. San Francisco Hyatt at Fisherman's Wharf: An Ergonomics Assessment of Housekeeper Guest Room Cleaning Tasks and Recommended Controls to Reduce Repetitive Motion Injuries. November 14, 2011.
Hawaii Occupational Safety and Health Division, Ergonomic Evaluation of Hyatt Regency Waikiki Beach Resort and Spa. August 23, 2011.
Buchanan S et al. *Occupational Injury Disparities in the US Hotel Industry.* American Journal of Industrial Medicine 53:116–125 (2010).

[5] Buchanan S et al. Occupational Injury Disparities in the US Hotel Industry. American Journal of Industrial Medicine 53:116–125 (2010).