

DEPARTMENT OF INDUSTRIAL RELATIONS

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**SB 530 Advisory Committee**  
**MINUTES OF MEETING**  
**Monday, November 9, 2020**  
Via Video/Audio Conference

**In Attendance:**

Adam Romero, *Dept. of Fair Employment and Housing*  
Alice Berliner, *Southern California Coalition of Occupational Safety and Health*  
Anne Quick, *ABC – Northern California Chapter*  
Brandon Butler, *Dept. of Fair Employment and Housing*  
Deanna Ping, *DIR Chief Deputy Director*  
Deborah Gold, *Division of Occupational Safety and Health*  
Diana Limon, *IBEW Electrical Training Institute*  
Eric Rood, *Chief of Division of Apprenticeship Standards*

Luong Chau, *Division of Labor Standards Enforcement*  
Meg Vasey, *Tradeswomen, Inc.*  
Nettie Dokes, *Women in Non-Traditional Employment Roles (WINTER)*  
Ruby Varnadore, *United Contractors*  
Theresa Bichsel, *Division of Labor Standards Enforcement*  
Trevor Newquist, *Construction Employers Association*  
Veronica Godinez, *Northern California Cement Masons JATC*

**I. Approval of the Minutes**

Motion: Approval of minutes from the October 9, 2020 meeting

Vote: The committee members in attendance voted unanimously for approval of the minutes from the November 20, 2019 meeting.

**II. Approval of Charter**

Motion: Approval of the SB 530 charter

Vote: The committee members in attendance voted unanimously for approval of the SB 530 charter

**III. Work Plan Discussion**

- DLSE to submit legislative report in January 2021
  - Minimum standards for industry-specific harassment and discrimination prevention policy
  - Minimum training standards for training program
  - Legislation that would need to be enacted to implement such a standard
- 7 Guiding Principles for Prevention Policy
  - Encourage safe and respectful worksite culture
  - Top-down approach; leadership buy-in for training

- Promote industry recognition of leadership commitments to eliminate harassment and discrimination as a best practice
    - Contractor recognition
  - Training needs to be tailored to the construction industry
  - Cannot be plaintiff driven (where a victim makes a complaint, and then blackballed)
    - Cannot rely solely on plaintiff reporting
    - Should supplement the policy with other items such as fostering respectful worksite culture through the bystander intervention training, policies that include robust reporting and investigating mechanisms
  - Robust reporting and investigating mechanisms
    - Suggestion to use DFEH’s workplace harassment prevention guide as a resource
    - Need for more specific instruction/guidance on how to handle a harassment claim. Who is qualified to investigate?
    - Update language to “adapting DFEH’s guide for the construction industry” – using a similar framework and coming up with a parallel outcome
    - Work with the contractors within the industry to see what they have in terms of resources for a more specific framework for investigation
  - Discourage zero tolerance disciplinary actions
    - Key idea: one size does not fit all
    - Solution-based approach with proportionate accountability
      - Rework language to “Encourage progressive discipline”
  - Safe space for advice
    - Suggestion for a hotline and how to implement
- Training Standards
  - Recommendations for trainers
    - Trainer from the industry (in the field); not just off-the-shelf “standard” training
    - Trainer should not be an attorney or legal counsel hired by the company
    - Discourage direct supervisors to be direct trainers because that may discourage workers from sharing their experiences
    - Encourage participation without singling out the on the individual who’s being harassed
  - Mode of Training
    - What are the most receptive types of training for construction workers?
    - Best to be in-person and/or with a peer trainer
    - Online option doesn’t lend itself to the nature of the industry (in the field)
    - Most apprenticeship program are now online due to COVID-19. Makes training accessible in different languages and for people with disabilities. Allows for flexibility. Need both to change workplace culture and to comply with rules and regulations.
    - Contractors can require training and certification before being dispatched to a job
    - Trainings with incentives
    - DFEH training has been working great
  - Frequency of Training
    - Everyone needs to be trained every two years
    - Refresher trainings – online, DFEH, or something more tailored for the construction industry
    - More frequent than every two years? Annually?

- Two hours and one hour of training or change government code to 2 hours for all employees
      - Let's see how it works before we change it
  - Duration of Training
    - Two hours for supervisors
    - One hour for non-supervisors
  - Language and Literacy Level
    - Training to be appropriate for the language and literacy level for the different workers
  - Training Content
    - The Labor Commissioner's Office is recommending that the bystander training model be incorporated into any training standard
  - Documentation of Training
    - Requires that employers maintain records of the training for up to two years
    - Recommends increasing to three years
    - Create a similar database for the construction industry to maintain compliance for employers. Who would create and house the database?
- Discussion of Potential Legislation from Stakeholders
  - Why is existing law not sufficient to ensure compliance? What are the gaps and what can be proposed to change it?
  - Current system is more compliance driven due to lack of resources
  - Need a more robust way to enforce the training
    - Penalties or rewards
    - Public contractors to comply with best practices at a minimum level with their internal policies
    - Financial backing and costs to maintain a database and best practices
    - Perhaps an audit every three years to check on compliance
  - DFEH
    - Remedy – force the employer to provide the training; could escalate to court order to obtain compliance, but no penalty beyond that
    - Suggestion to create a penalty for noncompliance – license revocation
    - Incorporate best practices in bid language

#### IV. Next Steps

- Next meeting set for November 30<sup>th</sup>, 2020 from 3:15pm-5:15pm
  - Focus on legislation
  - Best practices
- Additional written comments, feedback, resources, questions, etc. can be emailed to [SB530@dir.ca.gov](mailto:SB530@dir.ca.gov) by November 16<sup>th</sup>, 2020