

**Third Cal/OSHA Advisory Meeting
Housekeepers in the Hotel and Hospitality Industry
Thursday, February 27, 2014
Oakland, CA**

Meeting Chairs: Amalia Neidhardt, Deborah Gold, Juliann Sum

Notes: Peter Scholz, Mike Horowitz

Roving microphone: Steve Smith

Attendees:

<u>Name</u>	<u>Affiliation</u>
Adela Sandoval	Unite Here
Allison Davis-Brown	Marin Management
Alma Caravarin	Unite Here
Amy H. Lee	Unite Here
Ana Alvarado	Unite Here (Hyatt Emeryville)
Ana Diaz	Unite Here
Anamaria Rodriguez	Unite Here
Anand Singh	Unite Here
Andrew Hamilton	Center for Public Interest Law
Ann P. Dinl	Unite Here (SF Marriott)
Anthony Bahno	Marsh
Armando Galvez	Spanish Interpreter, Excel Interpreting
Benjamin Martinez	Unite Here Local 2850
Bricia Espino	Unite Here
Bridget Boyd	CA Hotel & Lodging Association (CHLA)
Carisa Harris Adamson	Samuel Merritt University
Carmelita	Unite Here Local 2850
Carmen Macias	DOSH/Calico Lab
Carmen Velasquez	Unite Here Local 2850
Cheryl Dickerson	Unite Here Thunder Valley Resort
Chris Middleton	California Lodging Industry Association (CLIA)
Cliff Henderson	Excel Interpreting
Daisy Herrera	Unite Here
David Kernazitskas	OSHSB
Dorothy Wigmore	Worksafe
Eric Myers	Davis, Cowell & Bowe, LLP, Attorneys for Unite Here
Erica Hardaway	Unite Here
Fabiola Benavidez	Unite Here
Gemma Pavon	Unite Here
Gregoria Regalado	Unite Here

Irma Perez	Unite Here
Jennifer G. Joe	Unite Here
Joan Carlos Murcia	
Jose Lee	Unite Here
Kathleen Lind Evelyn	CA State Assoc. Occupational Health Nurses(CSAOHN)
Kathleen Edmunds	Samuel Merritt University
Kevin D. Bland, Esq.,	Ogletree, Deakins, Nash, Smoak & Stewart, PLC
Laura Michaels	Hyatt
Laura Stock	U.C. Berkeley
Luis Soledad	Unite Here
Lisa Lum	Unite Here
Maija Leff	
Marcos Ramirez	Unite Here
Maria Aguilar	Unite Here Local 2850
Maria Molina	Unite Here
Mark Worthen,	Accurate Ergonomics
Marti Fisher,	California Chamber of Commerce
Mary Kochie,	Cal/OSHA Medical Unit
Meghan Loper	
Mitch Seaman	CA Labor Federation
Dr. Niklas Krause	U. C. Los Angeles
Pamela Vossen	Unite Here
Patricia Alcalas, Local 49 Sacramento	Unite Here Local 49 Sacramento
Reyna Sanchez	Unite Here
Rose Rodriguez	Unite Here
Sarah Julian	Unite Here
Sergio Rangel	Unite Here
Dr. Sheila O' Halloran	Balance and Motion for Health, Accurate Ergonomics
Silvia Medrano	
Stevenson A. Collins	Unite Here Oakland Courtyard Marriott
Veronica Camacho	Unite Here
Yulisa Elenes,	Unite Here Local 2850
Yesenita Zamora	United Here Local 19
Yolanda B. Carmona	Unite Here

Acting Chief Juliann Sum opened the meeting at 10:13 AM, welcomed the attendees on behalf of DIR Director Christine Baker and thanked the labor occupational health programs of UCLA and Berkeley for providing the translation equipment. She said that today's subject is a very important area of health and safety for a significant group of California workers and thanked all for their participation in the process.

Amalia Neidhardt recapped the previous two advisory meetings and reminded participants that this meeting, too, was a preliminary activity. There was no proposed rule yet, only a discussion draft. She described the rulemaking process and said that in the previous meetings, there had been presentations of various field studies and comments from many housekeepers on the mechanics of their job tasks, the risks and hazards of these tasks and the injuries that had been suffered. She added that the purpose of today's meeting was to get input on what should be included should a regulation be proposed. As indicated by the agenda, the Division wants input from everybody, point by point, on each element that

would typically be in a regulation. Oral or written comments are welcomed, and written comments would be accepted no later than March 28th.

A. Neidhardt asked if there were any comments on subsection (a) on scope and application, which normally is a section of all health and safety regulations.

Pamela Vossen, Unite Here Health and Safety, said the scope of the regulation should specify “performance of hotel room cleaning” rather than “housekeeping activities” specified in the draft.

Bridgett Boyd, California Hotel and Lodging Association said that since the last meeting Dr. Wiker’s report has been completed, a copy delivered to the Division, and articles about the study have been submitted for fall publication to the Journal of Occupational Medicine and the Journal of Applied Ergonomics. She noted that they have been gathering data from hotel managers, housekeeping employees, supervisors, and occupational medicine and risk management professionals on housekeeping health and safety and they are focusing on developing a Model Injury and Illness Prevention Program (IIPP). They are also working on an instructional educational video in English and Spanish and are hoping that Cal/OSHA will give them input on their draft Model IIPP when it is completed in about six months. In regard to draft section (a), they think it’s confusing because it establishes mandatory provisions in conflict with Sections 5110 and 3203. Employers won’t know how to comply without being subject to employee complaints and DOSH enforcement. They will provide additional detail about this conflict later in writing.

The discussion moved on to subsection (b), definitions.

P. Vossen said there should be additional definitions such as “safe work practices” which Unite Here will be submitting later in writing. In the definition of “housekeeping”, they want this to spell out that this is about hotel room cleaning, which is a term not currently included. Wherever the draft talks about housekeeping activities, they recommend it talk about hotel room cleaning.

D. Gold asked if P. Vossen wanted to differentiate that from activities that might occur outside a room, like hallway cleaning. She asked if they did not want to include such activities.

P. Vossen said these other activities could be in addition, but that the focus should be on hotel room cleaning, and they didn’t see it mentioned. There is talk about cleaning bathrooms, but no talk about hotel room cleaning and they want to make sure it is specified.

Eric Myers, representing Unite Here, added that the word “housekeeping” could sometimes have a broader meaning than just the rooms; it could include lobbies, and if it is a casino, it could be the casino floor, as that is cleaned by workers designated as “housekeeping.” But they’ll submit this in writing.

Dorothy Wigmore said that “program” was not defined, and that the word “evaluate” should be included.

Fabiola Benavidez said she worked at the Westin Hotel in San Francisco. She said the draft definition of “housekeeping” did not include such tasks as cleaning the mirrors, window glass, drapes and cleaning bathrooms and other tasks that should be included.

Marcos Ramirez said he works at Redwood Hotel as a supervisor but has been a houseman. He noted that some things need to be completely defined so that employees can clearly communicate their concerns to management. Housekeepers and housemen don't just vacuum the rugs in a room; they clean everywhere. For example, there is high dusting. Managers should know what they are complaining about.

Dr. Niklas Krause noted that in his research the distances that housekeepers traveled is an important determinant of the injury risk. How many floors they had to travel, whether or not elevators were available, whether they had to go to different buildings; that all this affected the time they had available and is one of the predictors of injury.

P. Vossenas paraphrased the Unite Here definition of housekeeping from its proposed standard as "housekeeping employees whose assigned tasks include cleaning guest rooms or assisting those who clean guest rooms and include such job titles as housekeepers, maids, room service attendants, guest service attendants, runners, housemen, inspectors, etc." This is to give an idea, to be more specific and to identify particular jobs. Specifying the job will help specify the intervention to reduce the injuries.

A. Neidhardt asked for comments on the definition of "lodging establishments." Since there were no comments, she said that comments could always be submitted in writing.

D. Gold said that the approach taken was a performance-oriented approach which says that you will create a plan, perform a job hazard analysis to figure out what are the tasks and the risks involved, and then create solutions in consultation with employees. This approach follows the Injury and Illness Prevention Plan regulation, a copy of which is available on the handout table. In the discussion draft's subsection (c)(2)(B), there is a list of five specific tasks and risk factors. So, after evaluating the risks of the tasks, the next step is to develop control measures. D. Gold noted that the discussion of the language was now opened and that the draft allows for either having a stand-alone program, or one incorporated into the existing Injury and Illness Prevention Plan. She added that one way or another, the plan has to address these issues listed in subsection (c) and asked if there were any comments on the general section of subsection (c). Dr. Krause made the comment that the issue of travel should be included as a risk factor.

B. Boyd said the CH&LA would like to see "musculoskeletal" throughout the entire draft removed because it was a limiting term that did not accurately describe the draft. For example, the draft extends to slips and falls that result in traumatic injuries generally not included in the kinds of biomechanical concerns addressed by ergonomic standards.

D. Gold said that this issue was dealt with in the context of safe patient handling, where the definition of musculoskeletal injury includes both acute injuries that might occur as a result of a slip or fall and a long term musculoskeletal disorder. The attempt was to broaden term, rather than to limit it to something that might be seen as more chronic. When they looked at injuries, the sprains and strains and traumatic injuries and broken bones that happen to housekeepers, presented by Amalia at the last meeting, it was found that a lot of the injuries were traumatic. There were slips, trips and falls. But they were part of the job design, part of people standing on the edge of tubs in order to reach the far wall. That's why they didn't see a point in separating out or having an all-encompassing definition. They didn't want this to compete with Hazard Communications training on chemical hazards, for example. She added if

people thought there was a better term than “musculoskeletal,” that’s more encompassing, that would be great.

B. Boyd said she wanted to remind everybody that Dr. Wiker’s study evaluating ergonomic risks of housekeepers found that all housekeeper tasks were found to be within acceptable zones. In regards to subsection (c) they would like to add the word “potential hazard” on line 3. They believe this proposed standard relates to the IIPP, a “find and fix” requirement and that if “musculoskeletal” was added, the standard will assume the existence of a variety of hazards associated with housekeeping rather than require the employers to first find them and then fix them.

Katherine Evelyn asked if, under scope and application, hotel room establishments with less than 10 employees, similar to the IIPP, would be exempt or would be held to this new developed standard.

D. Gold replied that smaller employers with less than 10 employees are not exempt from having an IIPP, that it just changes what has to be in writing and some record keeping requirements. She added that the same applies in this draft, but that this certainly could be up for discussion.

E. Meyer addressed B. Boyd’s comment that “musculoskeletal” was under-inclusive because under one reading it doesn’t address slips and falls. He suggested that a definition of “musculoskeletal” should be added to the definition section to reflect D. Gold’s description of including both acute and cumulative injuries so that there would be no question of under-inclusiveness.

N. Krause said that from the perspective of his experience and research of how injuries are recorded and as an orthopedist, it is nearly impossible to differentiate between acute and cumulative traumas. He explained that sometimes an acute trauma is the straw on the camel of a cumulatively weakened body and seconded the idea to use the most inclusive definition.

D. Wigmore asked why was an option given of including the housekeeping plan within the IIPP or having it separate. She questioned if this would lead to enforcement problems.

D. Gold said that this option is a format often used in Cal/OSHA. Some employers prefer to integrate specific programs into their IIPP while others prefer to have stand-alone programs. In the Division’s experience, neither approach is more effective than the other. They go to facilities all the time who integrate programs, and it works fine. They want to give people the option. They’ve always taken that approach with programmatic regulations, as this one is shaping up to be, that they want flexibility in how it’s accomplished, as long as it is accomplished. If it is required to have the program, and there is no program, then it doesn’t matter if it is part of the IIPP or not.

D. Wigmore said that her experience in ergonomics and enforcement leads her to agree with those who would define “musculoskeletal injury” in the broadest possible way. The British Columbia document listed in the draft’s appendix has a very broad definition and is useful and it has been successfully implemented. Another point is that programs have to be evaluated to find out if things aren’t working, she mentioned that the Manitoba, Canada regulation required evaluation of programs like this and that she could supply a copy of this Manitoba document. She noted that on hazard assessment, some may have difficulty in separating ergonomic hazards from safety or physical hazards as they are all entwined and can’t always be separated out. For example, working in a humid environment, it’s going to affect

your ability to hold on to things, to step on to things and your ability to keep on going. So she encouraged a more holistic approach that recognizes that one can't often separate these hazards.

D. Gold asked for questions on the subordinate subsections to (c).

B. Boyd said that on (c)(2), after the word "identifying" and before the phrase, "evaluating housekeeping hazards.", they would like to insert the phrase "whether or not hazards are present, and if present...". They'd like similar language inserted in (c)(2)(B) by changing "...hazards related to..." to "...whether or not hazards are related to..." These changes would keep the language more in line with the "find and fix" purpose behind the IIPP. She noted that without these insertions, the Division assumes the existence of such hazards which is in contrast to the findings of Dr. Wiker's report.

D. Gold said that (c)(2) is the part about conducting a job hazard analysis for the purpose of identifying and evaluating hazards and that subsection (c)(2)(A) says there needs to be an effective means for involving housekeepers in the identification and evaluation of the hazards. It also gives the option of using a labor/management health and safety committee for this purpose as permitted in Section 3203 and the Labor Code. She asked if there were any comments about this requirement.

Andrew Hamilton noted that the definition of "lodging establishment" encompassed a broad range of sizes of employers, from Bed and Breakfast inns, resorts, motels—some of which may have smaller number of employees and would not be represented by unions. He added that draft language for (c)(2)(A) didn't specify the number of employees that must be included on these committees and that where there is no union, employees would have less push while on these committees.

D. Gold asked what he would suggest for the non-union environment to ensure that such committees functioned effectively.

Hamilton recommended that there be an equal number of employee and management representatives on the committee.

D. Gold asked if there were other comments about the union/non-union issue.

D. Wigmore said the wording on the size of the committee should be "at least as many worker as employers." She also said it should address that there should be no retaliation against people because of their committee activity. Third, instead of saying that Labor/Management committees *may* be used, the standard should state that where Labor/Management health and safety committees do exist, they *shall* be used for involving employees in the identification and evaluation of housekeeping hazards.

D. Gold asked Wigmore to clarify if she was saying that if a Labor/Management health and safety committee existed, then it shall be used.

Wigmore said yes, and that she's assuming that this could be a relevant subcommittee of the Labor/Management health and safety committee; the full committee needn't be responsible for this in particular.

D. Gold noted that the employee involvement language is also found later in some other parts of the standard.

Mitch Seaman from CLF, said, responding to things that have been said from the definition of housekeeping, that it was hard to imagine any hotel where this sort of activity didn't lead to hazards. He noted that it would not be wise to go too far down the road of employers assessing whether or not these hazards existed and stated that wherever these activities exist, these kinds of hazards exist. He added that he would like to see the scope kept as broad as possible and not be limited to employers who have a large number of employees or employers who think there is a hazard. The issue is not whether a hazard exists; the issue is whether or not the activity takes place.

D. Gold noted that section (c)(2)(B), was based upon analysis of:

- injury data provided by Dr. Krause;
- California Workers Comp data;
- descriptions of activities provided by housekeepers who have participated in our advisory process;
- hazard assessments that were reviewed from federal OSHA;
- hazard assessments in the context of the Hyatt investigation in California; and
- activities Dr. Wiker looked at for his quantitative analysis of certain tasks.

D. Gold said that there seemed to be a consensus that there is a minimal set of activities that housekeepers do where they are getting injured and that attempt was made to list these activities in section (c)(2)(B). This was not meant to be an exclusive list, so section (c)(2)(B) has the words "at a minimum." The following have been called out: bed-making, the cleaning and scrubbing and polishing of floors, bathroom and bedroom fixtures and surfaces, the supply cart (which addresses issues such as pushing and pulling of the supply cart, its motion over carpet which may be thicker or thinner, cart motion over distance, supply cart loading, weight and maneuverability) vacuuming and trash collection. These five tasks keep coming up in publications—everyplace they are seen, these same activities are associated with injuries. She asked for comments on this list.

Stevenson Collins, a houseman at Courtyard Marriot in Oakland, said housekeepers there have about 15 rooms to clean per day. He noticed that they do not have the long-handled mops to clean the floors, which would make their jobs easier, so they wouldn't have to clean floors on their knees or with shorter-handled tools.

Dr. Krause said, although not mentioned in the literature explicitly, that a lot of injuries are classified as struck by objects. From talking with housekeepers, he knows that these injuries are often from striking the sharp edges of furniture. The rooms are too narrow, so when they move around they hit their knees. There are lots of injuries to the lower extremities from striking sharp edges and this hazard needs to be contemplated too.

Dr. Sheila O'Halloran, Accurate Ergonomics noted that other things to consider were tripping over towels and sheets. She said that kneeling is a tremendous risk and would recommend no kneeling at all. There's ways to get around that in the bathroom and that the only kneeling should be to get under the bed.

Gracie Rivera has worked as a housekeeper at a large hotel in San Jose for 19 years. She said that housekeepers had fitted sheets to work with but that they were taken away by management. She added that the work is heavy, and most of the housekeepers have back problems and can no longer do

all the tasks such as lifting the heavy mattresses. Also, to do the job the linen carts have to be heavily loaded.

Benavidez said that the job is very hard, that they have to push the heavily loaded carts down very long hallways. As the doctor over there said, it is very hard to push the carts over carpeted floor. She said that they have tried to speak to management about the difficulty of pushing carts loaded with heavy water bottles down the long hallways. She noted that bottled water is heavier than the sheets and that they have to put two bottles of water into every single room. To complete their jobs they have to walk fast or run down the hallways, and sometimes management hassles them because they are not supposed to run or surprise the guests. To do everything they are supposed to do to clean 14 rooms a day, sometimes they don't have break or lunch time. No one talks with them about their inability to take breaks. Management does not ask about what kind of tools or carts they need; they buy whatever they want. They are not the ones who work in the room; they are not the ones who push the carts. Last month they bought new carts that are terrible which made it hard to remove the back of the carts to pull linens. She said that management needs to ask them what they need.

Irma Perez has worked as a housekeeper at Courtyard Marriott in downtown Oakland for 14 years. They have similar problems as F. Benavidez. One problem she'd like to emphasize is taking off the curtains in the bathroom. They are very high and even those of them who are a little taller have to stretch a lot. But most of her workmates are not tall, and they have to stand on the edge of the bathtubs to get the curtains off. Right now there is a pregnant woman who does this, standing on the edge of the bathtub to get the curtains off.

Yolanda Babon Carmona works at the Hyatt in Emeryville where the big problem right now is that the majority of housekeepers are injured which is not taken into consideration. The hotel has just been remodeled and they are now required to clean and make up six double bed rooms which also include a sofa bed. She said that when they pull the sofa bed, there is a risk, as this hurts their arms. This is a large workload; their arms are swollen—all the housekeepers have that-- and fingers deformed. They keep adding more work and they don't have time to take the ten minute breaks the law requires because they don't have enough time to clean the ten to eleven rooms assigned to them every day. In fact, they are not rooms, they're suites. The suites have kitchens with dishes, stoves, microwaves and refrigerators to clean. In 45 minutes they cannot clean a suite.

Erica Hardaway works at the Oakland downtown Marriott Courtyard. She said that in regard to (c)(2)(B) , that her concern was not having the right equipment for scrubbing and polishing floors. They don't have mops. So she thinks the word "equipment" should be added. There is also the problem of working from your hands and knees when you clean floors and rugs, as they don't have kneepads.

E. Meyers said in regards to point number 3, that "supply cart" is not an activity, it's a thing, a noun. The term "room supplying" would be more consistent grammatically with the other activities listed. For example, he has videotaped workers who are supplying the cart, unfolding each towel to make sure it doesn't have stains, and then folding it again—doing 35 folds in five minutes. That's part of room supplying. He added that he has talked to workers who go down to the laundry room for bags of clean towels, because they don't have housemen.

P. Vossen said she agreed with Myers. She said that you have supplying the cart, and then you have cart movement. Pushing of carts is a serious problem, which is why they have recommended motorized

carts. She added that the literature of vendors who sell motorized carts speak of cost efficiencies for hotels with 300+ rooms, so it's very important that cart movement be included. She noted that there were a number of other tasks that were missing: moving furniture, mopping, sweeping, handling soiled linen, high dusting, and trash collection/removal. All of these tasks are listed in the Cal/OSHA "Working Safe, Working Easier" publication as common tasks. The other issue is picking up towels from the floor. If you go into many hotels, they will say hang the towel on the rack or put it on the floor if you want a new towel. They would like to remove putting towels on the floor from hotel policies, because there are actual workers who have to bend over.

Luis Soledad works at the Hilton. He said that all of them do a hard job for which they need proper tools to do our work. He has seen many coworkers getting injured to the point of having the ambulance come. They've injured their backs, their knees. So far there has been no discussion on the laundry department, where there is also very hard work. Often they are understaffed in the laundry. When they go to management, they don't listen to them. They are told to complete the work on time, or face disciplinary action. As others have mentioned, sometimes the laundry workers have to travel long distances and that this is another risk that management needs to be conscious of.

Silvia Medrano works at St Francis Drake Hotel in San Francisco. She said that after the hotel was renovated, full size beds were replaced with queen size beds. She noted that they cannot make the bed because between the bed and the wall and the dresser there is not even 6 inches. Because it is so difficult to make the bed, many coworkers are injured.

Dr. O'Halloran said regarding reaching the top of the shower curtain, that there is a foot-high stool with slip resistant rubber feet that fits on the supply cart. She added that the risk benefit of using this stool, compared with standing on the edge of the tub, should be considered.

Mark Worthen, Accurate Ergonomics, said that he agreed that "supply cart" needed more of an active orientation, and suggested that maybe "supply cart handling" might be a good term to capture the nuances that have been discussed. He noted that another thing that hadn't been mentioned was dusting, like using a feather duster. Many of the injuries that housekeepers get are the result of repetitive tasks like dusting which are seen individually as low risk, but cumulatively, after 14 or 17 rooms of dusting, the injury occurs in the next room being cleaned.

D. Gold acknowledged that there has been discussion on tasks, and that people have also been giving a pretty good description of the risk factors relating to these tasks. She noted that the next section (c)(2)(C), discusses risk factors relating to these tasks such as extreme reaches; acute trauma related slips, trips and falls; prolonged or awkward static postures; kneeling, repetitive lifting above shoulder height, torso bending, over-exertion and fatigue, or an inadequate period of recovery between tasks. If she is doing an activity that strains one muscle group and then does another activity that strains the same muscle groups, then that doesn't give her the period of recovery that the muscles need to reset themselves. She explained that in (C) they've tried to capture a lot of what they've been talking about and encouraged comments to see if any of these risk factors had been left out.

Dr. Krause asked how the draft's language about recovery periods came about.

D. Gold said that they were just trying to capture that phrase and asked if there was a better phrase.

D. Krause said that recovery was needed for several reasons. One is recovery for the musculoskeletal system, but that the cardiovascular also needs to recover after heavy physical work. He added that the mental system also needs to recover. His research has shown, and as several have already spoken about, skipping lunch breaks leads to higher injury rates. He said that this needs to be captured and that it's the intensity of work.

I. Perez said that the employer gives safety training every few months, like how to bend down, how to get up. The problem is that they have to clean 15 rooms and they don't care how it gets done. If someone gets hurt, the worker was negligent, because they have the knowledge. They signed that they understood the safety regulations. They deal with it as negligence by the worker for not having done the job as indicated.

F. Benavidez said there are sometimes "special projects" such as cleaning the VIP room in which the cleaning has to be perfect. Four inspectors check the room, and if anything is even slightly amiss she has to go back and do the work again. Forty minutes to do this kind of cleaning is not enough time. She has to scrub the bathtub, dry the bathtub, fluff the linens, then blankets, and it calls for too much. When the inspectors make her go back, they don't consider that she has to finish the rest of her job.

Cheryl Dickerson, Thunder Valley Resort, said she noticed that bed making and moving of furniture had been mentioned, but as Benavidez said when there are special projects, the work can be extra hard. She said that sometimes mattresses have to be moved, king or queen size, all the way down the hall. She asked if anyone had touched on removal of linen that has been treated for bugs where there is a risk to those moving soiled linens of bug bites. Also there is a risk of breathing in mixed chemicals from the polish used in the bathrooms mixed with the chemicals used to clean rugs in the hallways. Lastly, she had one thing on the supply carts. There are not just supply carts, they are "ginormous" carts for the removal of soiled linens and supply fresh linens up to the landings.

D. Wigmore said, back on the phrasing of what the analysis is to cover, that there are hazards that lap over. In particular, the central hazard is how the work is organized—whether it is the time, the equipment. So the language about the analysis should first state that you are to first look at the overall job, and then you are to look at some of the specifics. So that you capture some of these things people are talking about that don't quite fit into these categories. Last year there was a study, "Hotel housekeeping work influences on hypertension management" that shows that a holistic view of the workload is necessary. Hypertension is a result of the integrated effects of hazards on workers' bodies. She recommended that there be phrasing to allow for an overall look to allow the issues of time and workload to be addressed, as well as the individual activities that have been mentioned.

D. Gold said there was time for a few more comments on this item, and encouraged people to also send their suggested language.

P. Vossen agreed that the work organization was important, as, for example, the type of room. She noted that what's in a room varies, and this can really change the injury risk for both musculoskeletal and acute trauma. On section (C) she wanted to add contact pressure, which is a recognized risk factor. When the right tool is not given, housekeepers end up kneeling and pressing up against the tub, so it's very important to have contact pressure.

E. Meyers wasn't sure what "imbalance" meant in the term "workload imbalance." He thought "workload intensity" would be more specific.

A. Hamilton said that the weight of the equipment should be added to (C), such as of carts, and also the number of rooms cleaned per shift and distance of travel.

B. Boyd wanted to reiterate that "musculoskeletal" should be removed from this section. She said that their model IIPP will specifically address all of these injuries and the musculoskeletal risk factors will be included in their education. She wanted to reiterate that from the hotel and lodging industry's perspective, there is no evidence that the industry has any different ergonomic issues than for example the health care industry or other industries such as janitors, warehouse workers, beverage distributors or retail. They believe that adopting a standard instead of letting the industry handle it will open up a Pandora's box for dozens of other mini-ergonomic standards.

M. Worthen said that twisting should be added in the risk factors. Twisting is a high risk task because of the way the spine is made.

Dr. O'Halloran said in regard to the blood pressure issue, that since most hotels provide meals to the workers, there has to be an examination of the vending machine offerings and how much sodium these contain, or how much sodium is in the meals served to the workers. That sodium intake is probably the greater potential for causing blood pressure problems.

M. Worthen said that in regard to the supply carts, the height and weight should be considered. These factors can cause thousands of pounds of stress, or lead to twisting or uneven forces applied to the shoulder with one-hand pushing.

A. Neidhardt reminded people to provide written comments. She asked for comments on(c)(2)(D), written notification of job hazard analysis to housekeepers.

D. Wigmore wanted to add temperature and physical hazards. She also recommended separating "awkward" and "static postures" because they can be different. Under (D), she asked to add "appropriate language that people can understand" and that each housekeeper be given the written notification. The worker representatives on the job hazard analysis committee should also be assured of getting a copy. Lastly, she said that for the purpose of later access, this written notification should be treated the same way as other records.

P. Vossen asked that the written notification be posted for 14 days, and that there be a time definition saying, for instance, that it should be posted within two weeks of it being finalized.

Sarah Julian said that besides having the notification in different languages, that literacy be taken into consideration. She didn't know if it was possible to have a video or audio way for housekeepers to get the information besides having to read a list of the hazards.

S. Collins as a houseman responsible for cleaning the perimeter of the Marriott, said that sometimes he would be on a scissor lift cleaning the awnings without a safety harness, and no galoshes to control exposure to the water. After cleaning the awnings and with soaked clothes he would be expected to go back inside the hotel to finish the rest of his day without any change of clothes or dry socks.

Marti Fisher, following up on the CHLA comments, noted that the Chamber represented a number of hotel clients. She said that this program looks like an IIPP, which really supports a concept of a compendium of best practices, a model program, developed by the industry in concert with Cal/OSHA. They support that idea and think it would address these concerns. She noted that as some of the housekeepers have pointed out, a lot of the rooms are different, a lot of the functions are different, and a lot of what they are providing and how they operate are different so there is a need to consider the unique differences in each workplace.

Meeting paused for lunch break.

There were no comments on subsection (c)(2)(E) on the job hazard analysis. D. Gold asked for comments on the next subsection, section (c)(3), procedures to investigate injuries.

P. Vossenias pointed out that the section speaks of musculoskeletal injuries only, so acute trauma should be added.

D. Gold said that they could do that or define musculoskeletal injury.

Ana Alvarado said she has been affected by shoes that housekeepers are required to wear at the Hyatt, Emeryville, where she has worked for five years. She said that they don't listen to them and that the shoes bother her toes and other workers' toes. She added that they are humans, and that they deserve respect and good shoes to work comfortably at their jobs.

P. Vossenias said that the injured worker's opinions should be added to (c)(3)(C).

B. Boyd said that they would like that the following "which would have materially have reduced the likelihood of injury" be added to the end of the sentence in (c)(3)(A). In (c)(3)(B), they would like to delete the word "required." They would like to delete (c)(3)(C) altogether because it assumes that supervisors and employees have medical knowledge and would create misleading medical conclusions for which they may not have the data.

P. Vossenias said that Unite Here believes that if this is going to work, it has to have employee participation, and thanked the agency for proposing to include employee participation.

D. Wigmore said that the literature and studies confirm the importance of employee participation and that this was the best approach to both identifying hazards and solving them. She noted the toolboxes and other documents from Canada, particularly from the Institute for Worker Health which engage workers and supervisors in identifying and solving ergonomic problems. She added that near misses should be included in some way because if ignored these hazards could lead to acute trauma and serious injury later. Also, investigations should be tied into a reporting system so workers can report hazards, injuries and near misses without fear of retaliation. In (C), prevention should be discussed in addition to controls.

A. Hamilton said that for (c)(3), injury investigations should also investigate whether any other employees have been injured due to the same task.

A. Neidhardt, asked for comments related to (c)(4), correcting hazards, and assessing that methods to correct hazards are appropriate.

B. Boyd said that the following “or methods to make the task more comfortable or efficient”, should be added after the last word in the first sentence. Also that they believe this insert expands the draft from being directed exclusively at finding and fixing hazards to a more ergonomic-focused draft.

Yesenia Zamora, who works at the Fairmont Hotel in San Jose, said it was very important that a safety committee be added. No less than five housekeepers chosen by their coworkers should be on the committee so as to have a voice and not be intimidated and to be able to speak about the work or equipment. She noted that in their job new equipment was implemented that could have hurt their bodies but added that at their workplace they have a committee. The committee spoke with management, and an agreement was reached to allow them to perform the same job without using the equipment that was hurting them. That is why it is important that safety committees be added to this regulation.

M. Seaman suggested looking at (c)(3)(C) and (c)(4)(C) and tying them a little more closely together so that if employees or supervisors or both come to a decision that there might be a tool that may prevent some injuries from recurring at a workplace, that those solutions should be seen to clearly fit in section (c)(4)(C), and that those solutions should be made available. He added that “Sufficient and appropriate” was a good start but that it may fall a little bit short because people might have different opinions about what this means. It would be great if it was made clear that if it looks like the evidence is pointing towards a specific tool or procedure as a good way to prevent injuries, then this should ensure that the tool would find its way to the worker. It may be that the language already does this, but it would be great to ensure that the language is as clear as possible.

Carisa Adamson of Samuel Merritt University said that it might help this section to include a list of some examples of the tools that have already been used successfully. She noted that providing examples would be helpful.

P. Vossen said that the labor management committee requirement should specify that the employee members be *affected* employees, that is, housekeepers, and they would be selected by their coworkers. As for tools, as tasks are prioritized, they believe that there has to be a list of tools that are recognized, such as the tools already listed in the Cal/OSHA publication, *Working Safer, Working Easier*. She noted that if tools are not identified and named in this document, it won’t contribute as strongly as needed to prevent these types of injuries. She added that they’ll provide a list of these tools.

A. Hamilton said the introductory sentence of (c)(4) should be changed to read, “methods and/or procedures for correcting hazards identified in the job hazard analysis so as to prevent workplace injury” to give the idea of prevention. He also agreed that this section should include more specific tools and practices, including specifying which long-handled tools need to be provided and which cleaning practices need to be implemented. He added that Cal/OSHA should give strong consideration to limiting the number of rooms that can be cleaned during a shift.

C. Adamson said that it’s not just the number of rooms, but also the combination of the rooms. This means not allowing hotel room cleaners to have too many check-out rooms, but having balance. This follows the work organization and what might be effective in reducing overall exposure.

B. Boyd said that the industry would like to deal with the potential issue of requirements for tools in their individual IPPs and allow individual hotels to make that determination. She noted that it would be difficult to set it by standard, considering the different types of hotels and what housekeepers are required to do at different properties. They feel that this is something that should be addressed in the IPP, individualized by hotel.

D. Wigmore said that in the first sentence beginning “methods and procedures...” there should be some way to ensure that folks are not just looking at their broad hazard analysis, but that there are also reviewing the 300 log and other reports of injury. She noted that (c)(4)(B), should specify the means by which tools are identified, assessed and implemented and evaluated again. She added that evaluation and action as a result of it is really important.

D. Gold asked if the draft language didn’t already say that.

D. Wigmore suggested that the line read, “identify, assess, implement” and then “evaluate” to ensure that they evaluate the actual use of the tool in real life—and not before they get it out into the workplace. She said that’s part of the problem with evaluating things theoretically.

A. Neidhardt next asked for comments on (c)(5), procedures to ensure employee compliance with the program.

P. Vossen wanted to remove the “non-supervisory employees” reference because employers should have procedures that ensure that supervisors comply with the program and are able to demonstrate safe housecleaning practices, that they are knowledgeable on these procedures and are able to demonstrate them to employees. And if there are any problems using the tools, the supervisory employees should be able to investigate what the problems or obstacles are. With all interventions employees have to be trained, but the supervisors have to be able to train the employees and have a thorough understanding of how the tools are going to reduce that hazard.

B. Boyd called for the deletion of section (c)(5) and said that it was a nonstarter for their industry because this makes it a mandatory rule of enforcing discipline and requires implementation of housekeeping practices, whereas housekeepers have a strong preference for how they want to do their job. Disciplining housekeepers for exercising those preferences may have ramifications between labor and management. She added that under no circumstances can any equipment or tools used by housekeepers be equated to personal protective equipment whose use would otherwise require appropriate enforcement.

Kathleen Lind Evelyn said that some reference should be made to personal protective equipment and that this might be the right section to do that. It would be “appropriate housekeeping tools, equipment and personal protective equipment” for (c)(4)(C) and (c)(5).

D. Wigmore said she was discomfited when she saw terminology such as, “tools and equipment *deemed* appropriate” and question who was making the decision about appropriateness. She noted that this is an instance in which the committee ought to be agreeing on what the appropriate housekeeping tools and equipment are. She added that if the phrase “non-supervisory” was not deleted, workers would be disciplined for doing their jobs in a way that would be hurting them. Employers or workers wouldn’t

want that to happen, and that there has to be agreement about the tools and equipment that are appropriate. She said that this wouldn't necessarily mean that there has to be one tool or piece of equipment suitable for all and that they should take an ergonomic approach.

P. Vossen said one way to simplify (c)(5) would be to state "procedures to ensure that supervisors and employees comply with the program" period.

A. Neidhardt introduced discussion on (c)(6) on communication.

Maria Aguilar said housekeepers need a clear mechanism to comfortably communicate with management when they have some type of problem because some bosses demonstrate pressure which makes housekeepers scared to communicate. They need a place where they can communicate with the bosses without fear.

P. Vossen suggested changing the phrase, "may be used for this purpose", from the last sentence of (c)(6), replacing it with "shall be used for this purpose" and then add the sentence, "worker involvement shall be permitted without fear of reprisal." She added that wherever employee participation was discussed, they would want "without fear of reprisal" added.

D. Gold sought and received clarification from P. Vossen that she wanted labor management committees mandatory in this section. P. Vossen said that in all places that the draft discusses the labor management committees, the form should be "shall" instead of "may." D. Gold asked attendees if there were any comments on that, and if not, people could send their comments in writing. D. Gold said she wanted to call people's attention to this proposal, because it is significantly different from the *optional* usage of labor management safety committees that exists in the IIPP regulation.

Kevin Bland said that after listening to the listing of IIPP-like requirements of the draft and the focus on tasks, it sounded like what is needed was a listing of best practices since there is already an IIPP requirement in 8 CCR 3203. He noted that a lot of the energy of this discussion would be better utilized by creating a best practices guide. As to the labor management safety committee, he said that the option is already available in 3203 and that it is important to keep in mind that one size doesn't always fit all. He added that different establishments have different ways; some may already have labor management safety committees in place, and some may not and cautioned against pigeonholing too many things rather than allowing broad options like it is now.

D. Gold introduced (c)(7), annual review of the plan to determine its effectiveness and take corrective actions and the need to re-evaluate tools. She noted that part of its language comes from bloodborne pathogens and other standards that involve employees in reviewing the plan as it applies in their work area and to ensure that there be a system of on-going communication to prevent inappropriate tools, from having to wait for the annual review to be able to learn about problems that arise with the tool. She added that they have found the annual review of the plan to be very useful in healthcare.

P. Vossen said that this would be the place to also review the OSHA injury log—what are the injuries, where are they happening and that a review of the employer's injury record is an important part of job task analysis.

A. Neidhardt introduced discussion on subsection (d) on training.

Irma Perez said that when a new tool is introduced in her workplace, housekeepers are given at best ten or twenty minutes with which to become familiar with it. She noted that she would like management to take the time to show employees how the tools work.

D. Wigmore said in regard to section (d)(1)(A), that it is important for people to be trained before they start work with a new piece of equipment or before implementing a new work practice so that housekeepers will know what they are doing before they start doing it. It is also important in (d)(1)(C) that the additional training *shall* address the new equipment and work practices and how they fit with existing tasks, equipment or procedures. She noted that one of the problems of introducing new things is that people don't often think about the context into which they are being introduced and that people learn by doing. So it's not just by showing what to do, but it's by doing it, practicing it, before they are actually expected to carry out this task.

P. Vossen said that Unite Here had read hotel companies' training standards, and noted the example of a cleaning standard that describes the tasks that housekeepers have to perform to clean a room, such as "use a rag to clean the bathroom floor." She added that these corporate level standards are distributed throughout a hotel chain's group of hotels. She said that it would be a good idea to incorporate some of these safe task performance instructions but noted that some of the standardized descriptions might have to be changed. For example, instead of saying use a rag to clean the floor, it would say use a mop, or instead of using a rag to clean a shower wall, use a long-handled tool. That would get not just to training, but would instruct in the required way a housekeeper is supposed to clean a room.

A. Neidhardt introduced discussion of section (d)(2) listing elements of training.

D. Wigmore commented on (d)(2)(B) saying that reporting concerns should not be limited to the concerns listed; these could be examples, but there has to be a mechanism or process for reporting any type of concern about any part of the program or its implementation. As a result, when it comes time to do the evaluation, the employer would have a relatively full set of data to inform next steps.

Gemma Pavon, a cafeteria worker and Unite Here member, said that she was relaying concerns of housekeepers she has spoken with on (d)(2)(B) and that the issue of timeliness should be considered here. She noted that sometimes only the most outspoken member of the work group is willing to bring forth a concern. The manager may listen only to that one worker, but it should be clear that often the one worker speaks for the mass. She said that this section needs a time frame in which the manager has to make a response, perhaps putting it on the bulletin board. She gave the example of a new bistro that opened in their hotel which resulted in guests bringing dishes into the hotel rooms. Now housekeepers had to clean dishes from the room, and that was not discussed by management with them. So there is conflict between the bar employees and housekeepers as to who is taking care of the dishes in the room. The opening of the new bistro should have been cause for some training as to what the new tasks were to be.

A. Neidhardt solicited comments on (d)(2)(C), safe practices.

P. Vossen said they would like a definition of safe practices and that Unite Here would be submitting a proposed definition that relates to the hazard.

M. Worthen said that one thing that should be considered is the qualification of the trainer on body mechanics. He added that training on tools and equipment will get them 50% there, but that the rest requires really dynamic training.

B. Boyd said the CHLA would be submitting comments on this section.

A. Neidhardt next solicited comments on (d)(2)(D), manager and supervisor training.

C. Dickerson said that where the section speaks about problems needing correction; they would not like this to be held as a discipline against people that are actually learning. That even if people were being observed, the correction should not be implemented as a discipline. She noted that at her workplace, housekeepers are called into the office, told they were observed working in a certain way, and then given a write up without the worker being allowed to explain that the procedure didn't work for them.

D. Gold said that the intent of this part of this subsection was to talk about effective communication—the idea being to promote a cooperative approach instead of a default disciplinary approach. She added that she would welcome suggestions on how to word this to make it clearer.

P. Vossenias suggested to use the word “evaluate” housekeepers’ practices or more language related to “assessment,” rather than “observe” which has a lot of other connotations.

D. Gold asked for comments on section (e) on records which clarifies that if you are doing a study, making measurements of forces or things like that, that you have to inform people of the results, as is required in section 3204. In order to let employees know that they have made the measurements and to let them know the results. She noted that one of the things included in that is physical hazards and that this is just calling people’s attention to the fact that when an ergonomics study or measurements are made, that it comes under 3204.

D. Wigmore said that she was pleased to see availability noted but wondered where the job hazard analysis results would be kept. She asked if these would also have to be kept as records.

D. Gold said that the next section (e)(2) references 3203(b), and that it speaks to job hazard analyses and training records. She noted that there is an “out” for very small employers, a reduced record keeping requirement which also applies to public employer entities. D. Wigmore said that it might be helpful to explain this somewhere. It’s useful to have connections to other standards, but that she would be providing some recommendations for some clearer language so that workers and employers know what to expect.

D. Gold said section (e)(3) is the section on the 300 log, where employers have to follow the rules for logging injuries. She noted that this is more of bookkeeping for Cal/OSHA than for housekeeping hazards. There being no questions on (e)(3), she said that section (e)(4) refers to availability of the written program and references section 3204 to establish a framework for responding to a representative’s request for a copy of the program or the records maintained under the program. She added that this subsection sets up the means by which employees or their representatives can access records.

P. Vossenias asked if this was the same requirement as for keeping OSHA Logs. D. Gold replied that no, that (e)(3) covered that.

D. Gold next explained that (e)(5) covered Cal/OSHA access to records and that the final section is a non-mandatory appendix. If the industry comes out with a model program or guidelines, they'd certainly want to add that. She explained that Appendix A is a place where people can go for more information, but since it is non-mandatory, it can't be enforced. It just lets people know that there are resources out there. She added that they are certainly open to other references or disputes about these references.

A. Hamilton said that they had been confused by what non-mandatory meant, so they thought a definition of non-mandatory would be in order. They would also recommend some sort of brochure or poster mandatory—something similar to the “Working Safer Easier” poster for janitors.

E. Meyer said that although it is commendable that industry is working on a model program, no one has seen it so they don't know at this point whether it should be included as a reference in the appendix. Just that caveat. D. Gold reiterated that the appendix would be non-mandatory, a place for people to go for more information but has no other legal effect. E. Meyer said that if it's intended to provide compliance assistance for employers and employees, and say this industry guidance is followed, it doesn't have any bearing on whether or not they complied with the standard. D. Gold said that's right, it is just pointing people to other resources. She said that perhaps non-mandatory appendices made more sense before the internet and Google and that they were open to hearing if people think there is a value to having a non-mandatory appendix.

P. Vossen asked if any California regulations had a mandatory appendix. D. Gold said there were many, including the respiratory protection and aerosol transmissible disease standards. D. Gold noted that mandatory appendices are sometimes used to provide explanatory material that sometimes you don't just want to plop in the middle of the standard. For example, the respiratory protection mandatory appendix on fit testing might be 7 or 8 pages. If an employer doesn't use a mandatory appendix, then it is enforceable by the language in the standard that references the mandatory appendix

P. Vossen said one concern is that there may be references that haven't been approved by any regulatory agency. She also recommended that the Ohio State training material link be changed to the one on the federal OSHA website because that Ohio material was actually the product of an OSHA grant. They are also concerned that there aren't mandatory guidelines, as injuries to housekeepers have been very well documented, and established guidelines listing appropriate tools are very important.

D. Gold said that an alternative would be to make a mandatory appendix that includes a checklist and asked if there was anyone who would want to suggest that, to please let them know. They will take it under advisement, and noted that both mandatory and non-mandatory appendixes are ways to provide a lot of explanatory information without putting it in the middle of the standard.

P. Vossen said that as far as best practices, the International Housekeepers Association is one of the associations with whom Ohio State carried out all of its training, which is how Ohio State developed their material. That may be on the OSHA website, in English and Spanish, or they can provide it.

B. Boyd said they would like Dr. Wiker's study included in the appendix. D. Gold replied that no studies were included, including Dr. Krause's study because the references needed were of the nature of how to do a job hazard analysis.

D. Wigmore said she would prefer a mandatory appendix for people to use. And added that at a previous advisory meeting she mentioned a lot of other materials (besides British Columbian), including

a document in French, specifically for housekeepers used in Europe and which uses the same approach by the Canadian Standards Association. She noted that she did not see it on the list and that she would be happy to make many of these that are in the public domain available to you.

A. Neidhardt replied that she needed something practical that people will use as a guideline and wouldn't want to be responsible for translating something in French.

D. Gold reiterated that the Division was open to receiving anything that people want to suggest. This is a non-mandatory appendix with references and that they can improve the references. They could have a non-mandatory appendix with guidance for doing a job hazard analysis which is constructed and reviewed by Cal/OSHA. They could have a mandatory appendix detailing how a job hazard analysis is to be done or they could just require a job hazard analysis and leave it up to people's own initiative to look up references on the internet, or rely on the industry's model program. D. Gold noted that they identify that requirement of conducting a job hazard analysis, but that they didn't put a lot of meat on the requirement. The alternative would be to put more language in the standard itself or take one of these three or four approaches she just outlined. If you look at other approaches to musculoskeletal issues taken around the world, there are different levels of specificity about the different kinds of tools that are used. Some of these specific tools helpful in another industry, such as on an automotive assembly line, may not be helpful for assessing the hazards of hotel room cleaning. They will take a look at any ideas people send in. The plan is to get feedback over the next month and review it and all the other feedback from the previous two meetings. Then they will evaluate whether at this point there is sufficient feedback to put forth a proposal or whether another advisory meeting and a new draft would be needed. They'll be discussing this within the Division, the Department of Industrial Relations and with Standards Board staff. If another draft is circulated, people will be kept apprised through the contact information already given. If a standard is sent to the Standards Board, at that point the mailing list that has been compiled for this project gets passed to the Board who will provide notice of Board actions.

A. Neidhardt reminded people to provide legible email information. She said that if anyone here did not receive an email notification for this meeting, they should provide their email information anew before they left. She also reminded people that anything previously submitted to the Division during this process is posted on the website.

P. Vossen asked if the previous meeting's minutes had been posted on the website.

A. Neidhardt said they had been, as had Dr. Wiker's study.

D. Gold thanked all for attending and participating.