



December 31, 2015

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cc: CalOSHA Chief Sum
Acting Deputy Chief of Research and Standards Berg, CalOSHA
Steve Smith, Co-chair, Hotel Housekeeping Advisory Committee, CalOSHA

Dear Ms. Neidhardt:

On behalf of the Southern California Coalition for Occupational Safety and Health (SoCalCOSH), we appreciate CalOSHA's Hotel Housekeeping Advisory Committee's efforts in making progress towards promulgating a musculoskeletal injury prevention standard for hotel housekeepers in California. We thank CalOSHA and DIR leadership for moving this process forward to a pathway for rulemaking in 2016. We submit our comments on the next pages and emphasize certain concerns below.

We are a community-based organization striving for safer and healthier workplaces for all workers, especially the most vulnerable to injury and fatality. Based on our grassroots work, we have a very clear understanding of the precarious and hazardous conditions hotel workers face day in and day out. We are very concerned about their wellbeing and have been paying careful attention to this particular matter for many years.

In addition, the demographics of the hotel industry reflect a workforce that is mostly represented by immigrants, women, and people of color. Workers from these demographics are also very vulnerable to injury and fatality, and they face more inequality and protections at work

Therefore, we strongly encourage CalOSHA and DIR to meet the benchmarks in the timeline released by Steve Smith at the November 2015 Occupational Safety and Health Standards Board (OSHSB):

DOSH will finalize draft proposal and develop supporting regulatory package for internal DIR review. **4/1/2016**

DIR will review and approve package including Form 399 before sending to the Board. **6/1/2016**

Once DOSH gets DIR approval, then draft regulatory proposal is submitted to the Board. **6/1/2016**

With the above timeline, we ask CalOSHA, the DIR and the OSHSB staff to advance expeditiously so that a public notice of rulemaking for the CalOSHA Hotel Housekeeper Musculoskeletal Injury Prevention Standard will be released *no later than July 1st, 2016*. It will be four years since UNITE HERE petitioned for a hotel housekeeper injury prevention standard. Sadly, hotel housekeepers continue to get injured in the meantime.

We ask for the December 2015 Advisory Committee meeting minutes are posted on the DOSH website *by Jan.14, 2016*, giving the public time to review them before the Jan. 21, 2016 OSHSB meeting in Costa Mesa.

We stress the importance of the CalOSHA 2005 publication, “Working Safer and Easier for Janitors, Custodians and Housekeepers” as part of the non-mandatory appendices to be included as part of the Worksite Evaluation and as part of Part D. Training. This is an excellent CalOSHA document that is vastly underused and can provide the technical guidance that is needed for a standard that does not require specific tools.

We also support UNITE HERE’s request to elaborate on the term ‘control measures’ in Section (5) Procedures to investigate musculoskeletal injuries to housekeepers, that the following language must be included: **control measures to be considered here (c)(5)(A) and in (c)(5)(B) and (c)(5)(C) include, but are not limited to: fitted bed sheets; mops; long-handled and adjustable length tools for dusting and scrubbing walls, showers, tubs, and other surfaces; and light-weight or motorized carts and those identified in the Cal/OSHA2005 publication, *Working Safer and Easier for Janitors, Housekeepers and Custodians*.**¹

CalOSHA cannot be silent about which control measures are to be considered amongst others. It is 2016 and time to increase the number of employers that consider the use of feasible, simple measures that are common for injury prevention and that are also specifically recommended for housekeepers in the DOSH publication. We also stress

¹ *Working Safer and Easier for Janitors, Housekeepers and Custodians*, https://www.dir.ca.gov/dosh/dosh_publications/janitors.pdf (date last accessed 12/2/2015).

the necessity to keep the language as noted on the next pages about training supervisors and hotel housekeepers on the signs, symptoms and risk factors of musculoskeletal injuries. This cannot be removed.

We ask for 'lifting' to be separated from the risk factors about postures and to it add 'forceful exertion' so that the amended risk factor for musculoskeletal injuries will include 'lifting and forceful exertion' as one of the factors. We also request that 'excessive work-rate' remain as one of the risk factors. Please see our requested changes in bold, along with supporting comments on the following pages. We thank you and everybody involved in this process of ensuring that hotel housekeepers and similar workers have the safes and healthiest working conditions possible, and we look forward to continuing to work together on this.

Sincerely,

Jorge Cabrera
SoCalCOSH

Page 1.

(b) Definitions.

Lodging Establishment

At this point in time, we request that the definition of lodging establishments in the Dec 3rd revised discussion draft does not change (see below), per the requests of the hotel industry.

To clarify, we request that the definition below remains intact:

“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. For the purposes of this section, “lodging establishment” does not include hospitals, nursing homes, residential retirement communities, prisons, jails, homeless shelters, boarding schools, or worker housing.”

Worksite evaluation

As stated at the Dec 3rd Advisory Committee (AC) meeting, we prefer the use of the term ‘Worksite Evaluation’ as long as the Dec 3 definition remains intact:

“Worksite evaluation” means the identification and evaluation of workplace hazards in each housekeeping task, process, or operation of work with respect to potential causes of musculoskeletal injuries to housekeepers that is specific to each workplace.

Page 2.

Clause (c) (2)

We assert that clause (c) (2) “A system for ensuring that supervisors and housekeepers comply with the MIPP... for each housekeeping task” is a key component of the MIPP, that it must 1) remain in the final version and 2) that the language must remain intact as written in the Dec. 3rd revised discussion draft.

Amending Clause (c) (4) (A):

Change 3 months to **90 days** in two places in this clause which is consistent with other CalOSHA standards.

Amending Clause (c) (4) (C):

(C) Housekeepers shall be notified of the results of the job hazard analysis worksite evaluation **within 14 days of completion** in writing or by posting it in a location readily accessible to them. The results of the worksite evaluation shall be in a language easily understood by housekeepers **and shall be made available at all times.**

1. In order to hold employers accountable and to be able to enforce the notification language, language including a timeline of 14 days upon completion of the worksite evaluation must be included.

2. The results of the worksite evaluation must be available at all times which is the same language found in other CalOSHA standards, see two examples below:

Page 4: (c) Workplace Violence Prevention plan: “shall be made available to employees at all times”	Page 2: Safe Patient Handling plan: “shall be made available to all employees in each patient care unit at all times”
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Page 2. Continued

Amending Clause (c) (4) (D):

(c) (4) (D) At the end of the first sentence, after “The worksite evaluation shall be reviewed and updated” add **“within 30 days of:”**

Page 3.

Amending Clause (c)(4)(E):

(c) (4) (E) “The worksite evaluation shall address, at a minimum, the potential injury risks to housekeepers including but not necessarily limited to:

As stated in our previous comments on the August 2015 revised discussion draft, and in person at the Dec 3, 2015 Advisory Committee meeting, Item ‘(4) torso bending, twisting, lifting, kneeling, and squatting’ is about postures; lifting does not belong there. Also, forceful exertion is missing.

Section (c)(4)(E) needs to be amended to state:

1. “The worksite evaluation shall address at a minimum, the potential injury risks to housekeepers including but not necessarily limited to: **(1) lifting and forceful exertions;** (2) prolonged or awkward static postures; (3) extreme reaches and repetitive reaches above shoulder height, (4) **torso bending, twisting, kneeling, and squatting;** (5) pushing and pulling; (6) slips, trips and falls; (7) excessive work-rate; (8) pressure

points where a part of the body presses against an object or surface; (9) inadequate recovery time between tasks; (10) falling and striking objects.

2. In addition to amending (c) (4) (E) as stated above, we request that the above items remain intact, including (7) excessive work-rate.

Forceful exertion is a serious hazard for hotel housekeepers and is a regular part of the bed making task – having to lift the corner of a mattress that is too close to the wall or up against a night table – that results in forceful exertion. Often, there isn't enough room to bend at the knees plus the mattress weighs so much and is so thick that it is too hard to sustain the lift, so you have to just get the sheet under the corner and drop it. Back pain contributes to making it difficult to sustain the lift also because many times the housekeeper does not have enough room to bend sufficiently at the knees. Other examples of forceful exertion is part of pushing the cart into the elevator when the floor of the hall and the elevator are not even, pushing on carpet or with poorly maintained wheels and moving furniture to vacuum. On Dec 3, 2015 hotel housekeepers gave testimony of their own experiences of forceful exertion as part of room cleaning tasks.

Without including forceful exertion, CalOSHA is failing to recognize one of the most serious hazards of hotel housekeeping work. Therefore we suggest again, to make lifting and forceful exertion its own separate category of potential injury risks as we did for in our comments on the August version, at the most recent AC meeting and in our comments today.

Amending Section (c)(5)(A):

Under (c)(5)(A), control measures should be listed under this section so as to read:

(A) The procedures or housekeeping tasks being performed at the time of the injury and whether any identified control measures were available and in use; **control measures to be considered here and in (c)(5)(B) and (c)(5)(C) include, but are not limited to: fitted bed sheets; mops; long-handled and adjustable length tools for dusting and scrubbing walls, showers, tubs, and other surfaces; and light-weight or motorized carts and those identified in the Cal/OSHA2005 publication, *Working Safer and Easier for Janitors, Housekeepers and Custodians.***²

1. It is imperative that managers, supervisors and housekeepers know what control measures are commonly used for housekeeping tasks and are recommended in the appendices. CalOSHA must not be silent about what these measures are; all parties involved must know at minimum what measures are to be amongst those considered and supported by the non-mandatory appendices.

Amending Section (c) (5) (B):

Under subsection, (c)(5)(B), the word “appropriately” should be changed to “**correctly**” in **both instances**. ‘Appropriately’ seems subjective and not directly pertinent to the intended meaning of ‘correct’ use of tools.

Section (c) (5) (C)

Thank you for considering our suggestion to change “opinion” in subsection (c)(5)(C), to the word “input.”

Amending Sections (c)(6)(B) and (C):

Under subsections, (c)(6)(B) and (C) the word “appropriate” should be changed to “**correct**” in **all three instances**. ‘Appropriate’ seems subjective and not directly pertinent to the intended meaning of selection of and use of ‘correct’ tools and equipment.

² *Working Safer and Easier for Janitors, Housekeepers and Custodians*, https://www.dir.ca.gov/dosh/dosh_publications/janitors.pdf (date last accessed 12/2/2015).

Page 4.

Amending Section (d)Training (1)(E):

“Employers shall provide additional training when new equipment or work practices are introduced **“or whenever the employer becomes aware of a new or previously unrecognized housekeeping hazard.”**

This language repeats the language in (c) (4) (D) (2) on page 2, and therefore makes the standard more consistent and comprehensive. It also replicates language in other CalOSHA standards, see two examples below:

Page 11: (B) “Additional training shall be provided when new equipment or work practices are introduced <u>or when a new or previously unrecognized workplace violence hazard has been identified.</u> ”	Page 3: (3) “ <u>Whenever the employer is made aware of a new or previously unrecognized patient handling hazard;</u>
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Amending Section (d)Training (2)(A):

Training “supervisors and employees about the signs, symptoms and risk factors for musculoskeletal injuries” (MSI) is an integral component of a MSI prevention standard. We thank CalOSHA for considering our suggestion and adding this language. **Therefore, we request that 1) this clause remains in the final version and 2) that the language of this clause from the December 3rd, 2015 revised discussion draft remains intact.**

Page 4.

Section (d)(2)(B): Training shall include at least the following elements as applicable to the housekeeper’s assignment:

B) The elements of the employer’s MIPP and how the written MIPP will be made available to housekeepers, **and all appendices** will be made available to housekeepers.

1. Housekeepers should be made aware of the appendices as part of the training on the MIPP. Although non-mandatory, the appendices are a key component of the MIPP and provide some of the best training materials to date on preventing/reducing musculoskeletal injuries from occurring to hotel housekeepers.

Pages 4 and 5.

Section (d)(2)(E):

On the same note, WE requests that the added language “and process for, early reporting of symptoms and injuries to the employer” 1) **remains in the final version and 2) that the language of this clause from the December 3rd, 2015 revised discussion draft remains intact.** We thank CalOSHA for considering our suggestion and adding this language.

Page 5.

Amending Section (d)(2)(F):

Change “Practice using the types and models of equipment that the housekeeper will be expected to use;” to:

“Practice **in the guest room performing housekeeping tasks** using the types and models of equipment, **tools and safe work practices** that the housekeeper will be expected to use **or follow;**”

1. Tools and safe work practices must be included in the training, not just equipment, in order to reduce/prevent musculoskeletal injuries. This additional language is consistent with the language in (d)(2)(D).

2. The location of where the training takes place for an occupation that spends their entire workday in hotel guest rooms is a key component to effective training. Housekeepers must receive hands-on training performing the task in the guest room; this training method will be carried out in the actual conditions hotel housekeepers face daily that may result in workplace musculoskeletal injuries. This makes it a far more effective training exercise than what housekeepers often describe as being trained as part of a short talk at the morning meeting which is not held in the guest room.

Housekeepers gave testimony at the December 3, 2015 AC meeting of being given tools to clean the guest room by their employer without practice in the guest room; when they tried to use these tools to clean the guest room, the tools were incorrect for the task, e.g. short-handled tools to clean floor to ceiling glass shower walls.

Amending Training Section (d)(2)(G):

“An opportunity for interactive questions and answers with a person knowledgeable about hotel housekeeping equipment and procedures; **tools and safe work practices that the housekeeper is expected to follow.**”

The trainer must be knowledgeable about the tools and safe work practices that the housekeeper is expected to follow, not only about equipment and procedures. Tools and safe work practices for housekeeping tasks are a key component for reducing/preventing musculoskeletal injuries along with equipment and procedures. This additional language is consistent with the language in (d)(2)(D) and if amended, amended (d)(2)(F).

Amending Training Section (d)(2)(H):

Replace the word ‘problems’ with ‘**procedures or safe work practices.**’ The language preceding ‘problems’ pertains to procedures and to housekeepers’ work practices. We think the amended language is more precise and should be used regarding any corrections that need to be communicated to housekeepers. The amended text should read: “**and how to effectively communicate with housekeepers regarding any procedures or safe work practices needing correction.**”

Amending (e) Records (1):

(1) Records of the steps taken to implement and maintain the MIPP, including any measurements taken or evaluations conducted in the worksite evaluation process; **names and qualifications of persons conducting the training and copies of training materials and lists of trainees; and copies of the appendices,** shall be created, maintained, and made available in accordance with Section 3203(b). It is important to include the names and qualifications of persons conducting the training. This language replicates language in other CalOSHA standards, with two examples below. Training records including materials and lists of trainees is important to be made available for review along with the appendices in accordance with Section 3203(b).

Workplace Violence Prevention Plan, Page 13: (h)(2) “names and qualifications of persons conducting the training” in recordkeeping section.	Safe Patient Handling Plan, Page 7: (c)(2) “names and qualifications of persons conducting the training” in recordkeeping section.
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Amending (e) Records (2):

A copy of the MIPP, **all appendices** and all records required by Subsection (1) shall be available **at all times** at the worksite for review or copying by housekeepers **and other affected employees** and their **designated** representative in accordance with Section 3204(e)(1).

1. Although non-mandatory, the appendices are a key component of the MIPP and therefore, just like the MIPP, housekeepers must have access to the appendices.

2. The appendices must be available at all times which is the same language found in other CalOSHA standards, see two examples below:

Page 4: (c) Workplace Violence Prevention plan: “shall be made available to employees at all times”	Page 2: Safe Patient Handling plan: “shall be made available to all employees in each patient care unit at all times”
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Amending Appendix A (Non-Mandatory)

“Reference Materials for the Worksite Evaluation and Training Requirements”

“The following are examples of materials that can be used in performing a worksite evaluation **and training** for housekeeping.”

1. The appendices are excellent materials not only for the worksite evaluation but also for complying with the training requirements for the benefits of managers, supervisors and housekeepers. We strongly encourage that the appendices be recommended for the training requirements as well as the worksite evaluation. Therefore, amending per the above language is needed in both places.