

DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Occupational Safety and Health  
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**SB 321 - Employment Safety Standards Advisory Committee:**  
**Household Domestic Services**  
Minutes of Meeting  
Tuesday, December 13, 2022

**Attendees**

Suzanne Teran, *facilitator*  
Laura Stock, *facilitator*  
Mariana Viturro  
Nicanora Montenegro  
Erika Alonso  
Nicole Brown-Booker  
Socorro Diaz  
Martha Herrera  
Lian Hurst Mann  
Martha Marquez  
Megan Whelan  
Nancy Zuniga  
Jessica Lehman  
Eileen Boris  
Julietta Hua  
Theresa Peterson  
Kevin Riley  
Anna Pisarello  
Eduardo Garcia (*joined in the afternoon*)

**Absent:**

Jose Mercado

**DIR Attendees:**

Sulma Guzman, *Deputy Director of Policy, Legislation & Regulatory Affairs*  
Carl Paganelli, *Deputy Chief of Cal/OSHA*  
Deanna Ping, *Chief Deputy Director, Department of Industrial Relations*

**Interpreters:**

Anabelle Garay Montenegro  
Pamela Garcia

## **Announcements (Sulma Guzman)**

- We have interpretation and closed captions and we are taking meeting minutes.
- Use chat window for technical assistance. If would like to make substantive comment, please raise hand to speak.
- Email inbox for submitting comments: [SB321@dir.ca.gov](mailto:SB321@dir.ca.gov)

## **Welcome and Overview (Suzanne Teran & Laura Stock)**

- This is our final Advisory Committee meeting.
- Introductions from Committee Members (*see attendance recorded above*).
- Agenda & Goals
  - Finalize industry guidelines and recommendations. These documents were sent to committee members last week. The Spanish documents are still in translation.
    - I will highlight key content changes to Voluntary Guidelines and Policy Recommendations drafts.
    - We will discuss any remaining issues in the documents.
    - Any final decisions on documents need to be made today.
  - We will discuss next steps and outreach following finalization of documents.
- Minutes
  - We will return to the meeting minutes after the lunch break.
  - The meeting minutes are posted on SB 321 website.
  - Socorro Diaz: I hope that the notes and guidelines be clear and understandable for the workers.
  - Suzanne Teran: Yes, we have heard that recommendation. Thinking about the format for the guidelines to ensure they are accessible. Also, considering educational materials that could come from the guidelines.
- Reimbursement Issues
  - Kevin Riley:
    - Are other members experiencing reimbursement issues for travel?
  - Members with issues: Kevin Riley, Eileen Boris, Nancy Zuniga, Martha Marquez
  - Martha Marquez
    - Claudia from the organization helped me submit my documents. I have to talk to Claudia if they received reimbursement. Last I heard, it was taking a long time to go through the process. I will get back to you.
    - Sulma Guzman: I will get in touch with you to see where you are in the process.
  - Sulma Guzman
    - Is there anyone else who would like to submit reimbursement request but hasn't tried yet?
  - Eileen Boris
    - I still cannot get the java script to work.
    - Sulma Guzman: is there a travel reimbursement unit at the university? There isn't a paper application for reimbursement.
    - There is staffing issue at the University.
  - Lian Hurst Mann
    - I received the notice that submission didn't fit within the fiscal year, so I just decided to let it go.

- Sulma Guzman: Let's connect because have same issue as Nancy.
- Nicanora Montenegro
  - CDWC is handling it for me because they are giving me my expenses.
- Kevin Riley
  - It is an onerous process so we appreciate the assistance. It is important to hold stakeholder meetings like this one. It is a concern for engaging stakeholders that reimbursement process should be better.

## **DIR's Next Steps**

- Sulma Guzman
  - If drafts are complete after this meeting, DIR will ensure there is a Spanish translation. We have sent final draft of each document to vendor. We will make sure those translations match up with English. We need to review the translation.
  - Other step is proofing the documents (i.e. grammar, punctuation).
  - Other step is formatting and graphics, including PDF preparation.
  - We are aiming for January 1, 2023.
  - We will notify committee members before documents are posted to website and before documents are sent to the Legislature.
- Megan Whelan
  - Thank you to DIR, LOHP for all the work.
  - Do you know where these documents will be posted on website?
    - Sulma Guzman: These documents will go on SB 321 Advisory Committee page.
  - We will be doing press. Is DIR planning to do any press and does DIR want to collaborate on media collaboration?
    - Sulma Guzman: I will take back question to DIR's communications team
- Martha Marquez
  - With these guidelines, would it be possible to specify what a worker in the home does? There is work in the home that should not be considered domestic work. Homeowners or employers should contract out certain work. They need to hire someone who has the equipment. Examples include large rug cleaning, large mirrors requiring climbing. These are very hazardous risks. Some jobs should be done by contractors.
  - Suzanne Teran: We can discuss that in the guidelines discussion. We've received comments on that topic.
- Suzanne Teran
  - Is the SB 321 site listed on the Cal/OSHA website? Is there a reference on Cal/OSHA website for this advisory committee?
  - Sulma Guzman: We want to make sure that it is a reflection of the committee. We will have conversation with IT team on that topic.
- Jessica Lehman
  - There is a challenge with having the documents on SB 321 page. No one will know what SB 321 is. There should be a way to include link on Cal/OHSA page to the new guidelines.
- Kevin Riley
  - I second suggestion from Jessica on ease of finding the materials.
  - Is there a process of delivering the materials back to the legislature? Is there a process back to Cal/OSHA?

- Sulma Guzman: In the past, we have emailed the report. I will look at the statutory mandate. We do a memo, coversheet, and send email to the Legislature.
- Eileen Boris
  - Amazing job by LOHP, DIR team, and the translators.
  - Can we send link to those legislators who were champions and initiators of the bill? It would be a nice courtesy to send it to them when documents go live.
- Mariana Viturro
  - Is there a time period or mandate for Legislature to review or take any action on the Report? Is there a requirement on the Legislature to act on the report?
  - Sulma Guzman: No, there is not a requirement. SB 321 requires DOSH to convene the committee and the committee members are appointed. Our mandate is to ensure the documents are posted and the documents are sent to the Legislature.
  - Promotion of voluntary guidelines - Where would the voluntary guidelines be most accessible by employers and workers.
- Suzanne Teran:
  - Does any want to share any other ideas on how you would like to use these documents or your organizations plans to share the Report and Guidelines?
- Nancy Zuniga
  - It is up to our organizations to lift this.
  - Are there existing partnerships with DIR or Cal/OSHA to lift these documents? In southern California we have quarterly meetings. That could be a partnership opportunity.
  - Suggestion for Cal/OSHA to present at different networks or partnership events.
- Lian Hurst Mann
  - Intention for both of these documents is education, but in our recommendations, we have policy proposals. My interpretation is that different organizations will establish some collaboration that is an extension of the committee to do the education. Hand-in-Hand has already been discussing how we will incorporate this into ongoing education of employers.
- Suzanne Teran
  - A lot of recommendations are directed to DIR and Cal/OSHA. Is the plan from DIR and Cal/OSHA to review the recommendations and respond to them?
- Megan Whelan
  - There are some recommendations directed to policy makers and some are for DIR, so we should think of ways to move these recommendations forward.
  - Do we have a contact list for committee members to help connect moving forward?
  - It would be great to have guidelines navigable from Cal/OSHA homepage.
- Sulma Guzman
  - We will send an email and ask committee members if they are comfortable sharing contact information. If yes, then we can share what we have been given permission to share.
- Megan Whelan
  - Presentations of this report. Has DIR done something similar for other committees? Also, would DIR be willing to join our presentations?
  - Sulma Guzman: I am not aware of what our role would be, but if legislative office wants us to be a part of presentation, they reach out to us. I will take back this recommendation on joint press effort.

## **Policy Recommendations Discussion**

- Laura Stock
  - I will give overview of the discussion.
  - Suzanne will flag areas that changed from the last discussion.
  - We want to provide an opportunity for people to flag any errors or significant areas of concern. We can capture and try to fix any serious issues. We will be reviewing for editorial errors later. We also want to capture areas needing further discussion so they can be listed in the report.
- Suzanne Teran (*Review of content changes*)
  - Executive summary section:
    - We called second category “Employer Support for Compliance”
    - We separated out 1A and 1B recommendations. Removal of exclusion is one recommendation.
    - Under “Employer Support for Compliance”, we pulled financial assistance recommendation and educational resources from other sections.
    - Under “Outreach and Education”, we moved promotion and dissemination to this section.
    - Under “Partnerships with Community Organizations”, we defined purpose for “Maintain an Advisory Committee”
  - Most of changes were editing and formatting changes.
    - We wanted imperative tone.
    - We made recommendations action-oriented.
    - We added links to any reports or presentations that committee received in Appendix A. Still need to add some links.
    - We created an Appendix B that list some regulations that we used as a reference.
    - The other changes are adding context and support.
  - Recommendation 4 on Penalties: We tried to reflect different thoughts/comments from Committee members. One committee member wanted to note that low-income employers should have different type of penalty.
- Jessica Lehman
  - This draft looks great and it reads very well.
  - On Penalty Structure, I disagreed. Was I the only one concerned with penalty structure?
    - My concern is that domestic employers are very different from other businesses.
    - For disabled people and seniors who do not really have a choice to hire people, there are a lot of challenges and barriers.
    - Many of the violations are not intentional and can be difficult to resolve.
    - There should definitely be a penalty structure, but we should ask Cal/OSHA to come up with new penalties that fit domestic employers. There could be an opportunity for small businesses to reduce the fee. We should call on Cal/OSHA to come up with different system and amounts.
  - Laura Stock: we are committed to reflecting all of the voices in the documents. We want to ensure that all voices and comments are reflected accurately in the report.
- Megan Whelan

- It would be helpful if we could spend time on this section to see if we could get to unity today. This is one of the few areas of disagreement in the report.
- There is a diversity in type of employers. See statistics in profile presented by Sehba.
- A large number of employees are supplied by agencies. Do not want to take away that structure for large agencies. Do not want to blanket a new structure for whole industry but providing another structure for individual employers facing hardship.
- There is a tiered structure of enforcement that includes components not resulting in a penalty/citation. There is also the mediation program. We could lean on those programs.
- Nikki Brown-Booker
  - I agree with what Jessica said for penalty structure. For attendant employers, a large portion are low-income and may not have money to avoid penalties. If there could be a fund or another way for employers to help them fix and address issues.
  - Understand the situation with agency employers. They should be paying for the fixes. We also need equitable solution for people who are low income. For attendant employers who might have issues understanding the language in the guidelines, they might need extra assistance in how to comply with the guidelines.
- Eileen Boris
  - I think we can incorporate cross-references to other sections so it is apparent that penalties are an endpoint after many other steps. We can fix with explicit cross-references.
  - It is not just income, but it could be accessibility issue (i.e. cognitive issues). Could make it difficult for certain employers to comply. Do not want a big loophole.
- Mariana Viturro
  - This one in recommendations had most disagreement noted. There is a way could be acknowledgement of alignment.
  - Separating out citations/penalties and having inclusion of this industry as much as possible in existing structure while acknowledging the diversity in the industry. Instead of creating new penalty structure, I agree with other ways to support low-income employers or those needing help making changes. I.e. Waiver, subsidy, financial support.
  - Laura Stock: There is a section on employer assistance for compliance, which might reflect some of these ideas. Maybe we can reference here with “See below.” This is also a complex issue and many small businesses raised these concerns.
- Megan Whelan
  - I am interested to show more of the agreement in the report. We agree with Jessica that there is a diversity of employers. We want a penalty structure that takes the diversity of employers into account. I do not think Jessica is only one. Nikki also agreed.
  - UCLA Report: 80% of home attendants are employed by agencies. UCLA Labor Center created a brief on this issue. Could this resource be included as a citation in the Report?
- Suzanne Teran
  - For this particular recommendation, should we move additional points raised up. It sets the context for the agreement?
  - Maybe the additional points can be moved up in this subsection to set the context.
- Laura Stock

- Is there another solution in the title of this section?
- Recommendation could say that we want penalties. Everyone agrees penalties are important, but discussion is on type of penalty structure.
- Jessica Lehman
  - Proposed language: There is general consensus among A/C members that there should be a penalty structure for health & safety violations. The structure must recognize the diversity of domestic employers with widely varying income levels and a mix of agencies and individuals. The Advisory Committee suggests that Cal/OSHA maintain the existing penalty structure for agencies and possible for other employers but different penalty amounts should be created for individual employers, especially low income attendant employers who may have difficulty correcting violations and paying citations. However, the group agrees if a violation is willfully ignored after discussion with Cal/OSHA, monetary penalties should be imposed.
- Kevin Riley
  - Employers will be cited in cases of willful noncompliance.
    - Willful noncompliance: other avenues have already been explored.
  - We should specifically note that a citation is not the first step. A citation is the last step. Is there a way to explain what we mean by willful noncompliance in this context?
- Anna Pisarello
  - Could we move these ideas and discussion points to financial assistance section? To assist with payment of the fees to maintain same structure for citations and keep this industry aligned with other industries.
- Lian Hurst Mann
  - If the exclusion is removed and we want things to move into place quickly, I do not think we want to re-write or intend to create an industry-specific penalty structure. I think we were on board for this because we have many places where we talk about protections for employers. I like Suzanne's suggestion about flipping the order of the recommendation. I do not think we should change the recommendation. Most of us considered the penalty structure to be reasonable. That is my recollection of our discussion.
  - Laura Stock: I think we have consensus on a lot of it. There are some differing perspectives on a few points. The value of the report will not be diluted by reflecting differing perspectives. They are ways for us to highlight consensus.
- Mariana Viturro
  - I thought there was consensus on maintaining penalty structure while at the same time acknowledge the uniqueness of the industry. Not changing the existing structure but adding some way to acknowledge low-income employers (i.e. waiver). We want to avoid creating a second penalty system.
- Jessica Lehman
  - Proposal is having fees more aligned with individuals v. agencies. You do not get an exception; you have to pay it.
  - I do not think it is good idea that low-income people can have a waiver or exception. It is very challenging to show low-income. It needs to be a separate amount with the same structure but different penalties. I do not think we should keep the penalties the same just because it is easier and faster.
  - Do we have consensus on having a structure but do we want different penalties?

- Nancy Zuniga
  - o My concern with changing the penalty significantly is thinking about the other employers. For day laborers and house cleaners, we see very serious violations for health and safety violations and for wages. The employers will say things that they cannot afford it. Ideally, the money would go back to financial assistance programs that we have proposed. We deal with some high-income employers for nannies and home cleaners, and I am concerned with creating loophole for employers.
  - o The financial assistance component should help fill the gap for the low-income employers.
  - o Jessica Lehman: Maybe we should just say individual attendant care employers.
- Carl Paganelli
  - o Penalties range from hundreds of dollars to tens of thousands for violations. Cal/OSHA does penalty reductions for size of employer (up to 40% off). If there was a serious accident and the violation caused the accident with hospital visit, the penalty would be \$18,000. The penalties can be substantial. California has the highest penalties in the nation. The maximum penalties are going up on January 1<sup>st</sup>.
  - o We do not look at income status and we do not give penalty reductions for financial hardship. The Appeals Board is also very reluctant to give penalty reductions for financial hardship.
  - o To make changes to the penalty structure, it would need to go through regulatory process, which can be several years.
  - o “Willful” has a specific meaning for us. These are very rare. A willful citation quintuples (x5) the penalty. “Willful” is a very key word for Cal/OSHA.
- Megan Whelan
  - o For any changes in penalty structure, can Cal/OSHA make those changes? Are there statutory limitations?
  - o Carl Paganelli: We would need a change in the law to allow us to change the penalties. There are guidelines in the Labor Code. We would need a reason given to us by the legislature.
- Martha Marquez
  - o Is it possible that money collected from fines could be put into a fund to help employers fix problems caused for low-income employers? Where does this money go from the fines? This would be a great way to help employers to take action.
  - o Carl Paganelli: The penalties collected go straight into the general fund, which is the main pot of money used by Legislature to fund everything. Cal/OSHA funding comes separately (i.e. Fed/OSHA and State).
  - o Laura Stock: There is precedent that the Legislature can mandate certain fines can go to education in other areas. This idea exists in other setting.
- Suzanne Teran
  - o In recommendation #8, there is reference to employer funding for penalties. Other ideas suggested were MediCal and Department of Aging for equipment.
- Nicanora Montenegro
  - o I disagree with saying that we provide waiver for some people. Some people will just ask for the waiver and not take the penalty seriously.
  - o Suggestion: Liability insurance. The penalty should be there and the penalty should not be lowered. Some employers might be able to afford liability insurance to receive coverage. This is just an idea to help low-income employers.
- Laura Stock

- Are there other areas in the policy recommendations report that you want to flag for discussion?
- Jessica Lehman
  - At the beginning, how it is divided up between employer support and outreach and education? There is a lot of overlap and I found it confusing.
- Kevin Riley
  - Recommend change to title: Can we say “Support for Employer Compliance?”
- Eileen Boris
  - On page 4, when we are talking about scope of workers named, do we also add in-home supportive services because they are not covered by any of this. It could be confusing if in-home daycare homes are mentioned here.
  - When listing Cal/OSHA and Fed/OSHA, Fed/OSHA should be listed first.
- Martha Marquez
  - The part that mentions other issues, there is a comment at beginning that says we will give attention to these issues in the future. Those issues are very important to me. In the future, we need to discuss these issues. Most of us workers are immigrants and undocumented. We do not have typical protections or retirement plans. What happens to us when we are older?

### **Comments from Cal/OSHA Chief Jeff Killip**

- Thank you to the committee members for hard work and dedication to creating guidelines for household domestic workers and their employers. Thank you for the recommendations to the legislature and DIR. As soon as they are finalized and translated, we will post to SB 321 webpage. The presentations and discussions of committee have been very informative. Thank you to facilitators, DIR team, Cal/OSHA team, technical support and interpreters.
- Nicanora Montenegro
  - Thank you for assistance in creating advisory committee so we have this opportunity. Our industry is different from other industries.
- Megan Whelan
  - Thank you for making this opportunity possible. It has been a great process and very important. We are figuring out solutions together and looking forward to the next steps in implementation.
- Martha Marquez
  - Been a large amount of work into making this committee possible. It is great to have a voice for our experiences as domestic workers and day laborers. We see the effort being made to help us.
- Socorro Diaz
  - As a domestic worker, this a good way for us to close the year to work on this project with a great team. It feels like the beginning of something very big. I want to take this committee work to other workers.
- Martha Herrera
  - As a home worker, it is great to be seen as a person and as someone essential. It is great to recognize these workers need these guidelines.
- Nancy Zuniga

- The process has been great and many people have been involved. The main issue that is an obstacle in protecting workers is still an issue. We are hoping you can continue to help us advocate for all workers. We still have the issue of the exclusion.

### **Continued Discussion on Policy Recommendations**

- Laura Stock
  - Two possible directions:
    - 1) To keep recommendation as is: Keep existing penalty structure while noting concerns raised.
    - 2) Have a new or modified penalty structure that reflects unique characteristics of this group of employers?
- Suzanne Teran: The downside of a new penalty structure is a change in law necessary.
- Megan Whelan:
  - Are penalties examined or assessed in the regulatory process that would follow the ending of the exclusion?
  - Carl Paganelli: If the exclusion ended, then everything would be as it is. The full penalty structure would apply. There would be no change in regulation.
- Laura Stock:
  - How many people are comfortable with the current approach/recommendation?
  - 16 votes from committee members in support.
  - It would not be presented as a consensus opinion. We could also cross-reference other recommendations.
  - We are not trying to move toward a new recommendation. We will elevate the discussion and make the cross-references.
- Suzanne Teran
  - Is there anyone in opposition to this approach? No one noted as opposed.
  - Recommendation on the penalty fund. See recommendation #8. What are people's thoughts on cross-reference?
- Martha Marquez
  - Small business (i.e. dry cleaner) and had faulty system. An inspector noted that the system was not up to code. The dry cleaner had assistance to buy a new system.
  - Suzanne Teran: Current language in recommendations does provide for helping employers to get equipment.
- Lian Hurst Mann
  - I do not think we want to be saying that we will give employers funds to pay funds to pay for fines.
  - Suzanne Teran: correct, we are not making that edit.
- Julie Hua
  - It is important to note that being undocumented poses vulnerabilities to health & safety risks.

### **Discussion on Voluntary Guidelines**

- Suzanne Teran: Highlighting key changes:
  1. Changed Title: calling them "Guidelines" throughout the document
  2. Added text box noting the Guidelines were created by SB 321 Advisory Committee
  3. Reinforced "language and communication" to the introduction
  4. Added Cal/OHSA suggestions for resources in each section.

5. Added that emergencies can include other events and includes reference to broader nature of emergency preparedness
  6. Attempted to make training sections more consistent throughout the Guidelines.
  7. For airborne risks, we added language separating risks from COVID-related risks and other risks
  8. For stress risks, we added language concerning grief, loss of client, etc.
  9. For heat illness, we added language on use of hoses and added potable drinking water. Also added language on heat emergencies.
  10. For wildfire smoke, we added language that wildfires require emergency planning.
  11. For other risks, we added language on risks to pregnant women from cat feces.
  12. Added links to Cal/OSHA training academy, DWEOP resources, member organizations.
- Nancy Zuniga
    - o In the policy recommendations, it mentions when there is short-term domestic worker. Can it be stated more explicitly in the guidelines too.
    - o Even if worker is doing work one time, it is important to assess hazards. Language is there in policy recommendations, but it should also be added to the beginning of voluntary guidelines.
    - o Suzanne Teran: We can add that to the introduction.
  - Nancy Zuniga
    - o On page 5 describing work of day laborers for construction: One issue we flagged from beginning is that we do not have legal definition of “domestic work.” That is why there are court cases. In piece mentioning \$500, can there be link to actual law to make it clear.
      - Suzanne Teran: we can include link to reference of \$500.
    - o For other issues needing further discussion, we should include: health care access. It is a need of domestic workers. Also, issue of immigration. We should use language that Cal/OSHA uses that all workers are protected regardless of immigration status.
    - o Suzanne Teran: We will flag that for the policy recommendations draft.
  - Martha Marquez
    - o On Page 15 (training workers on risk and safer practices), this is perfect for training workers.
    - o I would like to say at the beginning of the Guidelines that the employer is responsible for disseminating this information to other members of the family. All of this information needs to be known to all family workers. I had experience one time taking care of 9-year-old for a family. The child said I was his servant. It was a horrible experience. I spoke with the mother and at first she laughed. The mother later spoke to her children. The mother told the children that Martha is in charge and you must treat Martha with respect. It is necessary to train the employers and make sure the employers share this information with other members of the household.
    - o Suzanne Teran: We can also highlight this in the stress section.
  - Kevin Riley
    - o In section on workers’ rights, I would like to be more explicit that employers are responsible for paying for worker’s compensation claims. The language can be a little more explicit on this point.
  - Nicanora Montenegro

- On page 4 (planning of prevention), the work of home attendant is different from work of home caregiver.
- Suzanne Teran: These are the three samples we received from Hand-in-Hand. We can change the title to “home attendant agreement.”
- Megan Whelan: I think that link was for caregivers and home attendants.
- Nancy Zuniga
  - On page 12 (respirators) mentioning demolition work, does not that fall outside the scope.
  - Suzanne Teran: If doing any work disturbing paint (i.e. lead, dust).
  - Nancy Zuniga: If that work is already triggered by other Cal/OHSA laws, I am worried about this guidance. Maybe we can add a link or something in parenthesis. We can state that there other risks and protections in place.
  - Carl Paganelli: Will look for a link to other resources for this item.
- Martha Marquez
  - Mold is another thing that needs a specific mention because it is very dangerous for those of us cleaning homes or day laborers doing construction. There should be some mention of risk of mold and requirement to hire specialized company for mold removal. The affects for exposure are for life.
  - Suzanne Teran: We can flag that item and maybe add a resource.

## **Discussion of Next Steps**

- Suzanne Teran
  - We are taking comments today and making edits to the drafts in next few days.
  - We are sending the drafts to DIR for finalization.
- Anna Pisarello
  - Outreach to employers who might not recognize themselves as employers of domestic workers, is there a way to disseminate our work to those people? Is that for the community-based organizations? What about care.com, next door, or Facebook? Where can we make that information available?
  - Suzanne Teran: Where do those employers go for access to information? Is that something DIR can do?
  - Sulma Guzman: We have listservs and social media pages. We educate and make sure people are aware of the resources available.
- Megan Whelan
  - For outreach to businesses, what does Cal/OSHA do currently? Can we plan strategies for outreach in domestic work sector? Joint training?
  - Carl Paganelli: We have consultation branch that does voluntary work with many small employers. We do outreach to community groups, television, etc. to reach small businesses.
- Nicanora Montenegro
  - Will DIR submit this to the legislature for approval before it is placed on DIR website?
- Sulma Guzman:
  - The statute mandates that the documents be posted. We will post to the website and send to legislature. We do not know what the legislature will do upon receipt. Posting and submitting to Legislature are our two key tasks.
- Nicanora Montenegro:

- If it is posted on the DIR website, can it be implemented and used in training?
- What will we be waiting for from the legislature? What action do we expect from the Legislature? Do we need the legislature to approve this?
- Laura Stock:
  - This is information for the legislature to decide if they will take further action or not. For example, if there is going to be another attempt to remove the exclusion. This document could provide a way forward for Legislature.
  - The voluntary guidelines are available after posted and able to be used immediately.
- Sulma Guzman:
  - There is nothing in the statute that the Legislature has to do anything with these documents.
  - After today's meeting, facilitators will address the comments raised today. After DIR receives document, we need to proof documents and translate. We need to make sure documents are formatted properly. We also need to set up webpage for these documents. We are striving for January 1, 2023.
  - When documents are ready, we will let you know that we plan to go live on website and send to Legislature. We will keep you apprised on the process.
- Nicanora Montenegro:
  - The moment it is posted, we can start doing our education? After it is posted, we can start doing our education.
  - Suzanne: the penalty structure is in the policy recommendations report. The guidelines are voluntary, so anyone can use them for education and outreach.
- Suzanne Teran
  - Are we including names of committee members in the report? Are we listing names and organizations in the policy report?
  - Sulma Guzman: Put in the zoom chat your name and whatever title you want included in the report. Also include if we can include your name in the contact list to be distributed.
- Eileen Boris
  - It is important to know what date this will be publicly released for coordination. For organizations, it is important for coordination. It might be January 1 is not a good day because it is a holiday.
  - Newspaper and social media publicity is key because a lot of employers and workers are not part of our organizations. The health & safety committees of various groups are starting campaigns. Coordination is crucial.
  - Sulma Guzman: We want to get everything read. We will strive to give you ample notice on the live posting of the documents.
- Lian Hurst Mann
  - Layout and Design: we are going to treat this like a published document. A little more thought needs to go into layout and design for a print report. If there is not a high-quality print report, it is going to lead to organizations making a version of it for education purposes. We need to pledge on the committee that we are protecting the integrity of the formal report. We should have a print version of the formal report.
  - Suzanne Teran: Importance of having an electronic version that can be printed and one that is accessible.
- Megan Whelan

- Release of documents could happen when CBOs are taking time off at end of the year. Based on the statute, it has to be published on January 1, 2023? Can we decide it will be January 1, 2023?
- Sulma Guzman: Our goal is January 1, 2023. There are several steps still remaining.
- Nancy Zuniga
  - The exclusion still remains even after this advisory committee process. The legislature does not have to do anything with these documents. It is important to note that there is no mandate for the Legislature.
- Mariana Viturro:
  - It is important to not go too far into January. It is important for there to be opportunities for advocates to submit legislative bills or bill concepts. Need to keep legislative process in mind.
- Megan Whelan
  - We need to get the report out in early January so people can act on it first week of January.
- Suzanne Teran
  - Can the English version advance while the Spanish version follows behind.
  - Sulma Guzman: Both versions need to be formatted by Communications Office. I can check with Communications Office. When we mapping out the timeline for the committee work, we discussed seeing final drafts in October or November hoping we would not be going into December making final modifications. We are still working to get to the final draft.
- Megan Whelan
  - Is less formatting possible OR a version that is not formatted that is available to the public?

## **Wrap-Up**

- Suzanne Teran
  - Thank you for continued participation and assistance.
- Martha Marquez
  - Thank you to everyone. Thank you for the interpretation. It was nice to meet everyone. Thank you for opportunity to make history. It was great to be given a voice as a domestic worker.
- Suzanne Teran
  - We gave committee two options on penalty structure. The majority vote was to keep the current language, but make sure the comments and concerns are clearly articulated. We want to reflect the many steps in place before a citation is issued.
  - Will be reflected as a concern raised by a member of the committee. We are acknowledging the different view points.
- Jessica Lehman
  - Was there talk about common ground on having different penalty amounts?
  - Suzanne Teran: That will be reflected as a concern raised, but not included as recommendation.
  - We had more common ground than is reflected in the recommendation as written.
  - Suzanne Teran: We will edit language to reflect challenges of certain employers.
- Laura Stock

- The recommendation as stated (maintaining existing penalty structure) will not be a recommendation where there is unanimous agreement. We can frame the discussion points differently in the recommendation discussion.
- Nicanora Montenegro
  - Thank you to committee members and facilitators. This is a much needed service for this industry.
- Eileen Boris
  - Want to thank worker members for sharing their personal experiences. These your contributions were particularly important.
- Martha Marquez
  - I have had opportunity to change lives. I took care of a woman who was not able to take care of herself in her home. She wanted to remain in her home. I took care of her for 14 years. Thank you for the opportunity on this committee.
- Socorro Diaz
  - Grateful for being part of this committee and the progress we have made. I still hope one day these voluntary guidelines become law.
- Sulma Guzman
  - If you want name to appear in documents, please put in chat.
  - Let us know if you want us to share contact information

**Public Comment (3 minutes per speaker) (facilitated by Sulma Guzman)**

- Sweet Lao
  - Worker advocate for PWC.
  - Thank you Cal/OSHA for recognizing the need for this work and thank you to Committee for hard work.
  - One of our members contracted COVID-19 at work. She was not provided with proper PPE. Another member tripped and injured herself. They lift patients without any lifting device and work longer hours. Need health and safety protections.
- Rabbi Jim Kaufman
  - From Hand-in-Hand. Also employed caregivers for my parents.
  - 49-year career at temple. I received urgent requests for caregivers. Few rules and regulations and no health and safety protections. This breeds chaos and angst. Caregivers deserve workplace protections. Employers are desperate need of support.
- Francisco Herrera
  - Thank you to all participants from different organizations. It is amazing that our colleagues have this place for dialogue. We can see the all work and remembering all of the people who have died in the workplace. We are so happy to see this process and we are committee to continue this effort.
  - This should be considered making this into a law. One doubt I still had listening to the conversation is if this will be backed up by funding.
- Wendy Garcia
  - I am a member of women collective in SF. I am a domestic worker.
  - Thank you to advisory committee, organizations, and Cal/OSHA for recognizing need for these protections. I have hurt my hands in accidents and continue working because there is not a law that protects us. We hope to work with DIR and administration. This is just the first step.
- Evelin Alfaro

- I have been home worker for 12 years. I am also member of the coalition.
- Want to thank you for doing this process and commitment to the process. Incredible significance this will have for many domestic workers.
- We do not have protections for health and safety. Without these protections, it feels like you do not exist. These guidelines are first step. These guidelines will help remove obstacles and create education for domestic workers. As home worker, I hope we will make these guidelines a right for domestic workers. Thank you for helping to remove these barriers.
- Maria Torres
  - Belong to organization Our Hands. I am member of cultural center and domestic worker for last 29 years.
  - Without protections in our workplaces it makes us vulnerable to abuse and violations as workers and human beings. We are in the shadows. I know we will be working with DIR and this will be first step. I know these guidelines are voluntary and would love for them to be mandatory. We hope these guidelines and recommendations be made into law in year to come.

## **Conclusion**

- Laura Stock
  - Felt honored to participate in this process and create these guidelines. Thank you to workers who share experiences and org reps who added their knowledge and expertise. Thank you to Cal/OSHA for space and support. Thank you to LOHP Team.
- Martha Marquez
  - Is it still undecided whether we will continue to meet as an advisory committee? Will there be a separate committee?
  - Suzanne Teran: That recommendation is in the report. This committee had specific membership. Any future committee would have to be re-established. We will wait to see what happens with that recommendation.
- Deanna Ping
  - Thank you to LOHP, members of advisory committee, and members of the public. This is an ongoing effort.