

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
Friday, November 18, 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 (joined at 10:30am)

Absent:

Anna Pisarello
Jose Mercado
Eduardo Garcia

DIR Attendees:

Sulma Guzman, *Deputy Director of Policy, Legislation & Regulatory Affairs*
Carl Paganelli, *Deputy Chief of Cal/OSHA*
Tuyet Tran, *Attorney, Cal/OSHA*

Interpreters:

Jesse Laguna
Pamela Garcia

Announcements (Sulma Guzman)

- Meeting is being recorded.
- Spanish interpretation available.
- Closed captioning available today, so speak slowly.
- Next Meeting is December 13, 2022. Will send the zoom link.
- Email SB321@dir.ca.gov with any written comments.

Welcome and Overview (Suzanne Teran & Laura Stock)

- Introductions from Committee Members (*attendance recorded above*).
- Please keep camera on to greatest extent possible and use raise hand feature.
- New member replacing Hina Shah is Mariana Viturro (Deputy Director of National Domestic Worker Alliance).
- Goals for Today
 - Discuss and review the Policy Report
 - Discuss and review the Voluntary Guidelines
- Reminders:
 - Document #1: Policy Recommendations to Protect Health and Safety of Household Domestic Service Employees
 - Document #2: Voluntary Guidelines
- Committee Process
 - November: Discussion of written guidelines (2nd draft).
 - December: Final review and approval.
 - January 1, 2023, is deadline to submit to legislature.
- Agenda for Today
 - Policy Recommendations Discussion
 - Voluntary Guidelines Discussion
 - Final Agenda Topics & Next Steps
 - Public Comment
- Recap of October Meeting
 - Any reflections or corrections to minutes?
 - Megan Whelan
 - Existing procedures for claims resolved via phone and letter. We had requested the written procedures.
 - Point of view of policy recommendations. Would be stronger language if wasn't written from perspective of A/C. Should remove, "The Advisory Committee considers . . ." Would be stronger if that narrative language on the Advisor Committee is removed. Getting to more agreement today would make the recommendations stronger.
 - Suzanne Teran / Sulma Guzman
 - Documents should reflect the discussion of this committee.
 - Lian Hurst Mann
 - Voice of the recommendations. Is it a third-party voice?
 - Suzanne Teran -- Goal was not full consensus on every point. Goal was to illustrate where there is consensus and indicate other considerations that were in our discussion.

- Jessica Lehman
 - Be easier to use recommendations if it framed as, “these are our recommendations . . .”
- Megan Whelan
 - Our mandate is to make recommendations.
- Lian Hurst Mann
 - Minutes are very good and allow us to make substantive comments.
- Approval of Minutes from October. No objections.

DISCUSSION OF POLICY RECOMMENDATIONS

- Laura Stock
 - We sent out questions with the draft. We wanted to focus on a few recommendations. Cal/OSHA also has some questions about the recommendations.

Recommendation 1A

- Laura Stock
 - Once the health & safety exclusion is removed, Cal/OSHA will enforce health & safety regulations in this sector.
 - IIPP Standard. Could be immediately implemented without modification. Shared with members some factsheets about IIPP.
 - Are you comfortable with way IIPP recommendation as captured in our current draft?
- Eileen Boris
 - It does say that if there are less than 10 EEs, do not need written IIPP.
 - Carl Paganelli: it must be written.
 - Eileen Boris: that portion was confusing.
- Jessica Lehman
 - Include link about IIPP to make it more clear
- Mariana Viturro
 - Belongs more in implementation instead of what standards should apply.
- Laura Stock
 - Falls under general recommendation, which is that if exemption is removed, certain health and safety regs should be enforced. IIPP is one that should be immediately enforced.
- Nancy Zuniga
 - It was a little unclear and repetitive. Are we giving too much context. It is a little long. It is important for us to include recommendation on timeliness and need for implementation without modification.
- Megan Whelan
 - Should be used as a starting point if no other standards are implemented
- Suzanne Teran
 - Part of our goal is to honor comments received. Comments on voluntary guidelines using “Shoulds” instead of “Cans”. We are also trying to reflect comment
- Eileen Boris
 - Will send written comment on this point because it is a wordsmith issue. If you want to

capture various positions, I think you can put it in a little separate section. Otherwise, it can undermine the significance of recommendations.

- Laura Stock
 - o How to present recommendations for the committee with different perspectives. There were some recommendations where there was not consensus.
- Jessica Lehman
 - o It will be powerful when we can summarize. My guess is that we might have consensus that voluntary guidelines should be used as a starting point with need for some flexibility.
- Mariana Viturro
 - o It might be helpful to develop which existing standards should apply. Maybe state more existing standards that could apply.
- Megan Whelan
 - o Second part of paragraph is about implementation.

Recommendations 10 & 11 (Training)

- Laura Stock
 - o We created a new way to describe this. This section is different from last time. Are there any comments on these adjustments?
- Nancy Zuniga
 - o This reflects the different comments that were made on training. It was important to mention the different relationships in workplaces. That note should be higher in the document because it could impact other recommendations.
 - o I didn't know what tailgate training referred to.
 - o One concern for IDEPSCA is certification could create gap between those certified v. not certified (i.e. not part of CBO). We want to make it as broad as possible.
- Laura Stock
 - o We get comments in meetings and between meetings via written submissions. We have limited time to reach consensus, therefore, reaching consensus might not be possible. We are trying to reflect the diversity of opinion.
- Megan Whelan
 - o Add languages of Mandarin and Cantonese to list given California demographics.
 - o Do people still want the last sentence? Is it needed in the recommendations? It seems to contradict the section regarding the IIPP.
- Suzanne Teran
 - o It is a comment we received. Do the recommendations apply in voluntary context or do they all apply in context of exemption being lifted. If exemption is lifted and workers are covered, then it is not Employer's choice.
- Kevin Riley
 - o What are we enforcing? Enforcing the provision of the training? Or ensuring workers have received the training? Is it about employers have resources?
- Mariana Viturro
 - o Some harm if Employer is able to utilize the non-training to terminate an employee. The content of the training and how training is accessed (i.e. who pays) are important

items to discuss regarding training.

- Lian Hurst Mann
 - We need to clarify how the employer ensures. If we don't want to have certificates, we need to figure out ways that employer can ensure worker had training.
 - Paying for training: large sectors of employers are going to need financial support for the training program.
 - Having an IIPP as an expectation is very solid but once we have external organizations that everyone has done everything, in absence of dropping exclusion, it is complicated.
- Nicanora Montenegro
 - We should stress the training aspect. We are trying to uplift the health and safety standards, but we cannot do that without proper training. We need to flesh this out after implementation
- Jessica Lehman
 - Training for attendants (for workers caring for people with disabilities), it can reinforce ableism. Any training for health care workers must include training on ageism and ableism.
- Deanna Ping
 - We use reports to reflect the work of the committee and the discussion has occurred.
 - It provides a way to give full picture including nuances from the discussion. We want to reflect the different perspectives. We want to make sure for external stakeholders who will review that they are briefed on the full discussion. Documenting the work of the Committee. Want to illustrate the important discussion of the Committee.
- Laura Stock
 - The goal of reaching consensus was not driving this. We can capture consensus where it exists. The goal was to capture the different perspectives.
 - We are capturing comments during our committee meetings and in between meetings. Reflecting the diversity of comments. We also did activity of voting at the last meeting. There were abstentions and votes with recommended modifications. There is a diversity of perspectives here.
 - We can think about format and structure in document to accomplish our goal.
- Erika Alonso
 - If someone is not in agreement, but maybe there is a way to change a word or two to help.
- Deanna Ping
 - The timeline also dictated this approach. Need to meet Jan. 1st legislative mandate.
- Mariana Viturro
 - Might be multiple goals to the end-product. One of main audiences is the policy makers. One goal is to provide clarity/direction on what Committee wants to see. Goal is to have actionable items as a consequence. For that to happen, needs more decisiveness in what the report conveyed.
- Suzanne Teran
 - Clarity on direction for policy makers. Recommendations use language "should."
Where are there not actionable items?
- Laura Stock

- Executive Summary lists the recommendations without the context.
- See language indicating current approach for indicating agreement.
- Suzanne Teran
 - We didn't get comments from some members who abstained or agreed with modifications.
- Nancy Zuniga
 - If context is provided, then we should debate more on important topics. This committee is representing different perspectives. There are differing perspectives but not many contradicting perspectives.
- Deanna Ping
 - There is little direct opposition. There is agreement in general intent, but there are some differing perspectives in implementation.
- Jessica Lehman
 - I agree with Nancy. I would recommend specifying the general recommendation. Then list additional ideas or thoughts which include more specificity.
 - I did vote yes with modifications. I didn't oppose it but thought it was important to note additional information.
- Suzanne Teran
 - If there are other perspectives, we want to include it.
- Laura Stock
 - We are looking for solutions that can be implemented in short term because we need time to edit, translate, etc.
- Julie Hua
 - Under each recommendation, sometimes the narrative is defining the recommendation and sometimes it is highlighting discussion points. Maybe there is a way to separate that into two subsections to make it clear.
- Martha Marquez
 - For Training recommendation, it is a huge need. For people of color, we have group of homeworkers and we gather every 2 weeks for a meeting. There is a need for training. There are coworkers who do not know how to help someone who is disabled. We need to find a way to make a clear recommendation because training is a very important need.
- Megan Whelan
 - There is a lot of unity and agreement, but it doesn't always seem like that from the recommendation. We should clarify agreement and ask for objections. As much as possible, we should ask for objections to get to a stronger recommendation.
- Suzanne Teran
 - The suggestion for the recommendation to be clear and clarifying which part is further elaboration.
 - We don't know why some members abstained last time or some voted agree with modification. Please let us know soon because our deadline for comments is 11/22. We have a very short turn-around this time.
- Lian Hurst Mann
 - In last meeting, we got to see the great deal of consensus. It is important for people

who will use this document to understand we are also sending something to the legislature.

- For the people who will keep working with the work product, those minutes are so rich. Every single comment is included and we should be proud of the work.

Cal/OSHA Feedback

- Carl Paganelli

- Using the multi-employer policy, the correct term would be dual-employer. Committee wants to hold employers responsible when there is an agency involved or other employers. We use the term dual-employer, not multi-employer.

- Suzanne Teran

- Is the committee ok with that phrasing? No objections raised.

- Carl Paganelli

- Whether the committee wants to add recommendation that the guidelines for diseases (airborne and bloodborne) that there be committee or study group to flush that out and more complete with the home context. Those guidelines cover very difficult hazards.

- Laura Stock

- There are numerous areas that would be benefit for further study or specificity. We can include areas that need further discussion or study in the report. What topics should be flagged in the policy recommendations.

- Megan Whelan

- I had flagged topic in recommendation in 1B. Once it is under Cal/OSHA's jurisdiction, it should obviously apply. As written in recommendation, it seems to call into question whether dual-employer jurisdiction applies. Are we undermining the underlying assumption?

- Eileen Boris

- Some home-based work is not just dual-employer, there are other people in the home. When you have a receiver of care who is an adult who may not necessarily be the employer, I'm wondering whether we need to clarify that relationship. Often in the home context, it isn't only employer-employee relationship.
- Carl Paganelli: if exemption was lifted, multi-employer framework is used more at construction sites. We always look for more employers at the worksite and we then figure out relationships. That is usually the first step.

- Kevin Riley

- DIR and Cal/OSHA would apply this policy as it already does in other situations. This framework should extend to home-based work as it does in other situations.

- Megan Whelan

- This is an example where it seems as written as a disagreement, but it is not. This is also already done on the DLSE side with dual employer situations.

- Laura Stock

- Civil Monetary Penalty Structure - there was one opposition on that item.
- There were also a number of abstentions and agreements with modifications.

- Nancy Zuniga

- Domestic Service Workers --- those are not considered domestic services. Can that be removed because that could cause confusion?
- Carl Paganelli
 - Painting and small-scale demolition could be considered household domestic service.
 - Large-scale work would not be considered household domestic service/work
- Megan Whelan
 - It would be great to hear how Cal/OSHA does those investigations with anything done in the home. I.e. Electricians.
- Laura Stock
 - *Please send written comments by November 22.*

Summary of Highlights (Suzanne Teran)

- We will look at comments regarding the framing of the policy recommendations for final report
- If there are areas that you find weak, send us sample language. Deadline is Tuesday, Nov. 22nd.
- If you had another perspective not reflected in the report, please share it with us in the written comments. If you were not there last time, you can also send that via written comments.
- Cal/OSHA Policy and Procedures Manual was shared in the chat.

DISCUSSION ON VOLUNTARY GUIDELINES

Training & Language Resources (Number 4, see page 7)

- Ensuring workers are trained and receive information in language they understand.
 - What resources are we offering to Employers for these guidelines?
 - What resources can we identify for employers?
- Nancy Zuniga
 - Guidelines are based on existing standards for which there are translations (at least for Spanish). In Resources, helpful to have those links for Spanish resources. That could be a starting point.
 - Communication should be its own section or it could be repetitive to reinforce.
 - Asking employers on the committee, how do they deal with language barriers? What tools do they use?
- Sulma Guzman
 - A suggestion could be at beginning of guidelines to have standalone language piece.
- Julie Hua
 - A preface for prevention section that includes what you should keep in mind for language and communication.
- Suzanne Teran
 - Are there other strategies or tools used when there is a language difference?
- Lian Hurst Mann
 - Google translate or call a bilingual friend
- Erika Alonzo

- I go via text. I put everything in Spanish in google and then copy the translation.
- When I need to talk to the person, I have my children and they are my translators. That works for me.
- Eileen Boris
 - I haven't had communication problem with cleaners but in use of computers I did once. There is where community-based orgs can assist, particularly in setting up the employment relationship. Having a buddy also attend who can assist with language to supplement.
- Martha Herrera
 - for me, the phone is helpful. We have an organization of home workers who don't know how to use the phone for translation. We have taught them how to download apps and how to navigate social media. The organization has provided training. There are still a lot of home workers who struggle with it.
- Jessica Lehman
 - I find texting, facebook messenger, or other written communication is best. Can always ask a friend or family member later for clarity or confirmation

Call for ERs to provide Training in the language that workers understand (Pg. 9)

- Suzanne Teran:
 - There might be organizations with resources in additional languages
 - Other recommendations?
- Martha Marquez
 - It is always good to carry a dictionary (English-Spanish). That was helpful for me when I was learning. If someone doesn't know how to use cellphone, dictionary is a good back-up tool.
- Socorro Diaz
 - I have employers who have unique accents and google translate hasn't always work. It makes a lot of mistakes. Maybe a telephone line (I.e. Kaiser). What I would love is clarity in communication so the message isn't misinterpreted. When my daughter was a minor she said I can't be your translator because if you make a mistake I'll be blamed. The message needs to be clear and understandable.
- Megan Whelan
 - A lot of organizations have resources. CBOs are set up to education training on a regular basis.

Cleaning Supplies & Chemical Hazards (see Page 10)

- We received written comments that workers can bring their own cleaning products they prefer to use. We wanted your input on what should be noted in this section.
- Jessica Lehman
 - We asked home cleaner what she wanted available, and she said that she always brings her own stuff. I mentioned safety, and I'm worried it maybe came across as condescending. If they want to use bleach because they are comfortable with it, what is the answer to that situation.
- Nancy Zuniga

- It is a point of discussion with workers. We've heard stories from workers that they are not being given bare minimum to do their assigned tasks.
- In terms of health & safety, ideally, the supplies would be supplied by employer. Healthy & safe workplace in home is good for everyone. It is an education issue. Need to shift how this industry has been run that were not the safest.
- I don't think it should be mentioned that workers should be allowed to bring their own products. It is complex but I will defer to workers to share their suggestions.
- Eileen Boris
 - This is an example of where recommendations and guidelines fuse together in a way.
 - If workers are bringing their own materials, they should be compensated for them. It's not part of health and safety, but it's something that is not addressed directly in the policy and recommendations.
- Suzanne Teran
 - There is no guideline, but it does say to provide materials. If the exclusion is lifted, it would be the employer's responsibility to provide materials.
- Erica Alonzo
 - On one hand, we're trying to protect the employees. On the other hand, employees are trying to bring their own cleaning products. On TikTok, there are videos where people can learn how to clean a bathroom. Now everyone has become an expert in cleaning. Just because they have a clean bathroom, they feel like they are experts. The responsibility has to be on the employee or the employer. Somebody has to be responsible.
- Suzanne Teran
 - Suggestion to remove anything that references workers wanting to bring their own products.
- Nancy Zuniga
 - Just to clarify, not implying that we should remove the reference completely. Workers may have a preference to brand or type.
 - I am suggesting to discuss safer alternatives with their employer. Workers shouldn't be buying their own supplies, unless reimbursed.
- Martha Marquez
 - This is the root of the problem. We are going to have the information in these trainings. We will be able to share this information with other coworkers or employers.
 - I have an employer whom I spoke to about certain cleaning chemicals, and she told me she'll buy whatever I needed. When I clean her house, I enjoy it. Her house is clean without exposing it to chemicals, especially for people with allergies. I am doing it now and it does work.
- Martha Herrera
 - The responsibility of health is on everybody. I talk to my employers about what I use to clean. Some are not okay with it and want me to use what they want. Sometimes I would tell them I would use their products, but I really use my own. My health comes first.
- Mariana Viturro
 - Identifying and evaluating hazards in the previous section is really great with the

walkthrough and going through the scope of work. A section of that would be products you're going to be using. Incorporate safe products and who is going to be providing them. It should be the employer to provide these products.

Risks from Heat (see pg.25)

- Suzanne Teran
 - o Training workers on safe risks and practices. What to do if they have symptoms and who to contact if they need help?
 - o Suggestion to include explicit language around immediately summoning emergency responders.
- Mariana Viturro
 - o Is there a particular temperature where you should not have the worker come to work? Not sure if this is already a standard.
 - o Cal/OSHA response: There is no upper limit. There are extra precautions in certain industries that kick in at 95 degrees. It varies depending on geographic area.
- Nancy Zuniga
 - o It would be good if this was expanded because many bad things happen around heat, especially with day laborers. Inclusion of clean cold drinking water language. Water from a hose does not count as clean cold drinking water.
- Erika Alonzo
 - o Inclusion that there are other numbers such as emergency contacts to call in an emergency as well, not just 911.
- Kevin Riley
 - o If we are including more language for workers to drink more water when working in the heat, inclusion of language for bathroom breaks as well.
- Eileen Boris
 - o All of these recommendations will be a burden on some employers, unless there is a fund for those employers who lack resources. For example, some employers may not be able to afford air conditioning. Is there any wording that can be included for inside the home? This is a reality for so many people.
- Suzanne Teran
 - o In addition to the resources for each hazard, there could be other resources for assistance. This is something we would want committee input. Requesting key resources to be sent from the committee members for inclusion.

Questions & Comments from Committee on Voluntary Guidelines

- Julie Hua
 - o Requesting more regularity in the document. Several of the hazards have the recommendation for employers to provide training for workers. Sometimes that recommendation is in the middle of the list and sometimes at the end. Suggestion to put it in own area/section or put it at the end of the list for consistency.
- Martha Marquez
 - o Infectious Disease Risk (Page 18 on Spanish document) - I don't know if it's an invasion of privacy, but should employers notify us? We go to a house to clean or to take care of someone. Is there a way for the employer to let us know if someone in the household has for example, Hepatitis, AIDS, or something contagious?

- o Example: My sister was cleaning homes for a family who had cats. She cleaned out the litter box a few times and caught a virus that came from cat feces. For a pregnant woman, this prevented the fetus from developing. After this fertility issue, my sister couldn't get pregnant. The next few pregnancies after that resulted in miscarriages. The last two births were difficult and resulted in months of bedrest. The owners knew of this issue and made no mention of it to my sister.
 - o If we are made aware of the infectious disease, we can decide to take precautions like wear protective equipment or just choose not to work in that home. If it concerns our health, we have a right to know.
- Jessica Lehman
 - o People are almost never required to share whether or not they have an infectious disease. Recommendation could be useful though.
- Carl Paganelli
 - o At the very end of section 5, there is mention of N95 respirators. I would copy the language here and say that certain medical conditions make it impossible for some people to wear N95s.
- Kevin Riley
 - o Under Airborne Disease, suggestion #2: Ways to Reduce the Hazard, there is a reference to the Department of Public Health quarantine and isolation. I think that only applies to COVID-19. This is a section more broadly about trying to prevent the spread of airborne diseases. We could be recommending more generally as a best practice, sick people in the home should be wearing masks to reduce that spread. Universal precaution for airborne disease.
- Lian Hurst Mann
 - o Under the initial section (Communications and Contracts), part of the communication is anticipating unforeseen complications due to either party. Identify who is in the house. The dangers will come up in the education process.
- Nancy Zuniga
 - o Slips, Trips, and Falls (Section #6) – There was a mention of not stepping into the bathtub to clean. Stepping into the bathtub can help avoid ergonomic hazards.
 - o In reference to the cat situation, we can possibly add it to the end of other hazards. Mention reproductive harm to show the severity of the situation.
 - o Sharp objects – Cuts is missing, especially for day laborers who do gardening and landscaping. Should it be separate or under power hand tools?
- Megan Whelan
 - o Workplace Violence Section – Reference Civil Rights Division (CRD) in the beginning. Link to DFEH materials and resources (prevention and next steps) for workers.
- Eileen Boris
 - o Is there a place we want to emphasize reproductive hazards? There is a wide range of potential reproductive harm.
- Mariana Viturro
 - o Stress (#7) – It might be good to acknowledge that a lot of domestic work, especially in the childcare and attendant work, there is a lot of emotional labor (i.e. grief and loss). Recognizing the professional and expertise to the tasks.
- Megan Whelan
 - o Listening session – Knowing what to do for newer home care workers. This might

fall under planning and communication.

- Socorro Diaz
 - I lost somebody, a 17-year-old. There is no medicine that can take away the grief and the emotional pain. I want to honor Helen. She was a great employer.
- Martha Marquez
 - Something similar happened to me 12 years ago. An employer of mine died of pancreatic cancer. I worked for that family for many years. I was raising two daughters at the time, and instead of spending time with them, I was taking care of my employer's children. We see them grow up and treat them as part of our own family. They matter to me as much as my own daughters do. Grief and pain will always be there.
- Jessica Lehman
 - Importance of recognizing the grief and sadness and potentially losing one's job or even one's home if it was a live-in situation.
- Martha Herrera
 - As a nanny, we have a lot of stress, especially when we are hired to take care of a child who is 5 years and older who was previously taken care of by someone else. We start from scratch with that child. That is very stressful. On the other hand, when we are taking care of a child from when they are born to about 5 years old, we feel as if we are taking care of them as our own. Once that time is done, we do feel like something is taken away from us. In the trainings, we are told to not take it personally and that we are just workers who take care of the kids. We feel that depression, even if we don't want to.
- Nancy Zuniga
 - Wildfire section – adding language that workers should not be asked to clean soot and ash. Also, the section about the live-ins in relation to evacuations. Workers shouldn't be required to work. It needs to be acknowledged. In some instances, when employers weren't home, workers were being harassed by law enforcement or neighbors when trying to evacuate because they didn't look like they work there. Maybe include some language that the worker should have something to show that they do work there in the case that an evacuation were to take place. This could be worked out between the worker and the employer, but just wanted to acknowledge that the communication should happen ahead of time.
- Martha Marquez
 - I would like for us to have a committee after we finish the task we are doing now. It will be with the same members we have now and no one else. I think we make a great group and great team. This team already has the information from the work we've done so far this year. New members would not have this information. Recommendation for the policy report.
- Nancy Zuniga
 - Policy Recommendations – Legal Responsibilities and Enforcement section – Why was the presentation from the NDWA, which summarized what helps change behaviors of employers. It would be helpful to include because the information provided was based on data on studies of domestic work.
- Megan Whelan
 - Citing some of that research would be helpful and the discussion around why in the context around why the Advisory Committee thinks of the importance of having

- o legal authority in the industry.
 - o Ensuring Workplace Safety section – There is the promotion of the voluntary guidelines, but it seems like this would be considered outreach and would go into the next section. There is just some confusion regarding this section. Need to clarify the intent.
 - o There is piece that’s kind of falling into implementation enforcement that could get pulled into that section, which is the provide resources for employers to facilitate compliance. If that section just says support employers to comply, then I think that there are possible rearrangements.
- Mariana Viturro
 - o The Ensuring Workplace Safety section seems to serve more as support to the standards. It could be an issue with the title that makes it unclear.
- Nancy Zuniga
 - o I think the part about the promotion on Cal/OSHA’s side in terms of the agency’s website could be considered outreach.
- Suzanne Teran
 - o Submit written comments by next Tuesday, and then we have about a week after to finalize, to do the translation, and to send to the Advisory Committee ahead of the December meeting. Based on the timeline, this will be the meeting where we would as the Advisory Committee for final approval of the documents. We have a section at the end of the policy report that were outside the criteria of Cal/OSHA jurisdiction, but we could also add other items to the section.
 - o Is there anything else that the Advisory Committee would like to include in the final meeting? Aside from the approval of the voluntary guidelines and the final draft of the policy recommendations and DIR’s submission of the documents to the legislature, are there additional items to include for discussion during the final meeting?
- Megan Whelan
 - o Just out of curiosity, with the results of the Advisory Committee, does DIR issue statements around it regarding the guidelines? Ask DIR staff to discuss in next meeting.
- Eileen Boris
 - o Should other groups wait for DIR to submit to the Legislature before dissemination or have a public event around it? Suggestion for DIR to discuss the timing of publicizing these documents.
- Nancy Zuniga
 - o One of the policy recommendations was to create or keep the current or establish a new Advisory Committee. My issue is more about just prolonging already existing processes when we’ve invested a lot of time and effort into this now. Not sure if this recommendation is necessary.
- Suzanne Teran
 - o Not sure if the Advisory Committee would like a revote on this. It doesn’t really specify what the role would be. It was really developed to monitor the process and troubleshoot challenges. It would not be part of the rulemaking Advisory Committee.
- Martha Marquez
 - o It’s good to be ready in case we need to an Advisory Committee. Hopefully, the

exclusion will be removed and it will be made a law.

- Sulma Guzman
 - o Difference between this Committee vs. the Advisory Committee that comes up in the rulemaking:
 - This is an appointed body. Members are appointed or selected through an application process. The statute outlines why this committee was convened and what the ultimate work product of this committee is.
 - The advisory meetings, public comment, and hearings that happen in the rulemaking context, those are separate and function differently from how this Committee functions. If there is a particular rule, Cal/OSHA will hold an advisory meeting and announce it to the public. Draft language will be presented and members of the public and weigh in and submit something in writing.
- Megan Whelan
 - o The way that the recommendation is written now seems like it's without purpose. Can possibly be misunderstood. Recommend to remove. We will want ongoing partnership like Cal/OSHA's partnerships with community-based organizations, but that is already named in the Partnerships recommendation. We could put something in there around communication with community-based organizations through the partnership recommendation versus the language around extending the Advisory Committee.
- Suzanne Teran
 - o Call for revote – Recommendation 14a in the policy report: Maintain the current or establish a new Advisory Committee made up of workers and employers and health industry experts to monitor the progress of compliance and troubleshoot challenges.
 - 6 members in favor.
 - Will move this topic to written comment on the purpose, which will help clarify what the intent of continuing a committee could be.

Public Comment (limited to 3 minutes per person)

- Mariko Yoshihara, Policy Director with California Employment Lawyers Association
 - o We were one of the organizations that supported SB321 in the formation of this AC. I want to emphasize how important it is that these guidelines be integrated into enforceable standards that will give domestic workers meaningful health and safety rights. Right now, domestic workers have no recourse to object to unsafe working conditions. Voluntary guidance is just not enough. These are frontline workers who simply cannot afford to get hurt or become ill. Workers should not have to choose between their own health and safety and keeping their job. We must correct this injustice. We just want to make sure that these recommendations are real and enforceable.
- Sasha Feldstein, Economic Justice Director at the California Immigrant Policy Center (CIPC)
 - o Committed to equity and inclusion for all immigrants to be able to learn work and thrive in our state's economy and create an equitable future. CIPC was pleased to co-sponsor SB321 in 2021, which created the Advisory Committee because we know how the domestic workforce comprises primarily of immigrant women of color who have been historically excluded from the most basic labor protections.

- o Full inclusion of health and safety protections are critical to creating a 21st century workforce that works for everyone. It's highlighted in the CA's Future of Work Commission Report to respond to changing demographics and economic conditions that CA must ensure that worker protections and benefits include all workers, particularly domestic workers who have been historically excluded and the COVID-19 pandemic was not the first and won't be the last crisis to hit our workforce.
- o The guidelines created by this AC are the critical first step to ensuring that workers have that access. They have been developed by workers, employers, and key stakeholders who have direct experience in this work and now it's vital that these guidelines are integrated into any future standards for the industry and the unique needs of domestic workers are taken into account.
- Silvia Hernandez, Organizer of Southern California Coalition for Occupational Safety & Health (SoCalCOSH)
 - o I worked as a domestic worker for 13 years in Orange County before becoming a worker organizer for SoCal COSH. During my time as a domestic worker, I didn't have the information to protect myself because nobody trained me on preventing injury, illness, or even death. I educated myself with support from other coworkers and organizations like COSH. I learned how to control those risks and protect myself at work. I am still doing the work of training and educating because the hazards are still there for domestic workers and day laborers while they are working with none of the protections the rest of the workers have with Cal/OSHA.
 - o The recommendations guidelines developed by this AC can be fully integrated into the standards for this industry in the future.
 - o I am advocating to end the exclusion of the domestic workers and day laborers from the protections of Cal/OSHA and to highlight industry-specific expectations for employers given the unique nature of domestic work, which is one-on-one work, mostly immigrant and women of color industry.
 - o We believe that injury, illness, and deaths are preventable, and we are sure that employers want that as a principle as their employer-employee relationship. The work of the AC is greatly appreciated.
- Ellen San Felipe, Member of Pilipino Association of Workers and Immigrants (PAWIS)
 - o I have been working as a caregiver since 2007. It is important that caregivers have health and safety protections. When you are working in someone's home and taking care of someone, you have to lift people. If you don't have the appropriate equipment or know the proper techniques, you can hurt your back. We not only take care of our clients, but we also clean their homes like their bathrooms using toxic materials. These are stressful conditions and we can get sick. In my case, I experience chronic back and shoulder pain because of the daily lifting of my clients. I have had to miss work because of this pain. Once our paid sick time off is over, we lose wages if we take time off. We are afraid that if we get injured, we don't know where to go. Who will help is if we don't have a safety network?
- Diana Reddy, Doctoral fellow at UC Berkeley's Jurisprudence and Social Policy Program; former labor lawyer; member of Hand in Hand
 - o I am also here as someone who was a domestic employer. I have a 2-year-old and a 6-year-old and employed a domestic worker in my home for several years. With this experience, I helped train new parents on how to fairly hire and employ domestic workers.

- o So much of childcare work and other domestic work hasn't been recognized as work. There is a lack of information available to people who want to do the work safely and who want to make sure that their home is a safe place for others to work. Childcare is work that is done privately and hasn't been recognized as work.
 - o I urge that these guidelines become mandatory. When it's made voluntary, it suggests that it's not a priority.
- Kelsey Chapple, Staff attorney with Bet Tzedek Legal Services
 - o Bet Tzedek is a non-profit legal aid organization that provides free legal service to low-income residents of Los Angeles County regardless of their race, religion or immigration status. In our employment rights project, we advocate for vulnerable workers in a variety of industries, including many domestic workers. Our clients include housekeeper, home care workers, and nannies. They deserve a safe and healthy workplace.
 - o We believe that these recommendations need to be made enforceable so that all domestic workers are ensured a safe working environment.
- Lucia Chiban, Lawyer for Equal Rights Advocate (ERA)
 - o ERA has long supported domestic workers and their fight for equal protections in the workplace. Domestic service employees are largely women and people of color. They have been historically excluded from the most basic labor protections, leaving them vulnerable to job-related injury and illness.
 - o These voluntary guidelines are crucial to providing domestic workers with specific information to ensure the conditions at the workplace support health and safety. The guidelines, for example, allow domestic workers and day laborers to identify their voice to mitigate common health hazards they face in their daily work. They also help to prevent health problems and pace of work.
 - o Strongly suggest that these guidelines be integrated into enforceable standards that will guarantee health and safety rights for these workers.
- Elaine Moss, Member of Hand in Hand; domestic employer
 - o Having clear health and safety guidelines is an absolute necessity. Both domestic employers and employees are overwhelmed trying to juggle health and safety information that isn't widely accessible particularly to people with disabilities and those for whom English is not their first language. Adding to the stress is rampant misinformation throughout the web. Employers are often clueless on the necessary precautions needed and the fallout is on the employees who struggle to access accurate information. These guidelines are essential, and we need them backed through policy and material support so they are fully implemented.
- Anita Brown, Member of Pilipino Association of Workers and Immigrants (PAWIS)
 - o I have been a domestic worker for 7 years, and I am also a caregiver. It is really important for us to have a safe place to work. There are not safety protections around our workplace. I make sure I have all the proper protections that I need before I start work. I have received trainings on the proper way to do things and to avoid injuries. It is very important to have these guidelines for our industry. This is for our own protection and protection for the clients.
- Susan Buensuceso, Organizer for Filipino Advocates for Justice
 - o Caregivers are a vital part of the everyday lives of thousands of Americans who would who not be able to do their jobs and earn a living if they did not have the support they get from caregivers. Take care of elders. Imperative that they be

given the ability to tap into the resources that will provide them with health and safety protections.

- o Many domestic workers are immigrants or women of color. There is a pervasive fear of speaking out against employers who do not provide the minimum safety precautions. These are basic but necessary guidelines to be put in place to prevent hazards.
- Cha Murdock, Organizer/Program Coordinator at *Pilipino Workers Center in San Diego*
 - o As caregivers, we have always been on the front lines to care for elderly patients and people with disabilities, but we get no or little care from the government. Most caregivers who get injured on the job either get sidelined or spend the money they do not have to heal so they can continue to work.
 - o It is important for the guidelines to be made mandatory and at the forefront of employers' goals. Workers should not fear retaliation from their employer if there are safety concerns and violations in the workplace. Domestic work industry is one of the most neglected and unserved industries. There should be no exclusion in health and safety for any worker.
- Francisco Herrera, *Day Laborer Program & Women's Collective*
 - o It's important for us to have clear enforcement directives and consequences for the predatory folks. We want to make sure that the work done in the home (the whole property) is being included in the recommendation.