

SB321 Advisory Committee members –

In this document you will find the outline for the report with policy recommendations discussed by the Committee. At the next meeting, we will seek your input on whether these reflect the discussion and outcomes and also review the next steps in drafting the report. Please consider the following as you review this outline:

- 1) Do the recommendations reflect the discussions of the Committee?
- 2) Are there any missing?
- 3) For each recommendation, consider whether you:
 - a) Agree
 - b) Disagree
 - c) Agree with modifications or comment

Language in SB321:

The advisory committee shall make recommendations, in consultation with the divisions and entities within the Department of Industrial Relations, and applicable state agencies and departments, on what additional policies may be adopted by the Department of Industrial Relations or the Legislature to protect the health and safety of household domestic service employees. In making these recommendations, the advisory group shall consider the following:

- a) How to protect the privacy of individuals who employ domestic workers in their private residences in the context of future potential enforcement of health and safety standards, orders, and regulations, including applicability to household domestic service employers of the existing civil monetary penalty structure for violations.
- b) Identifying and evaluating common workplace hazards specific to the industry.
- c) The scope and applicability of existing regulations to the industry.
- d) The need to develop industry-specific requirements.
- e) How to conduct training and outreach to employers and employees in the industry.

POLICY RECOMMENDATIONS REPORT OUTLINE

September 2022 - DRAFT

SB321 Report outline

I. Executive Summary

II. Background and purpose

A. Context of why Committee formed; SB321

1. Brief synopsis of why Committee was formed

B. Overview of Domestic Workers and Day Laborers

1. Health and Safety
2. Current exclusion and barriers workers' face

C. Goals for the work and criteria for focus of committee's work

1. Vision statement (context for discussing recommendations)
2. Criteria for focus of their work

D. Stakeholder Input

1. Membership in SB321 committee
2. Process

E. How recommendations are organized

The recommendations are grouped into the following categories:

- Legal Responsibilities and Enforcement
- Protective Work Environments
- Partnerships with Community Organizations
- Outreach and Education

III. Legal Responsibilities and Enforcement

A. Context/ Introductory points

- Importance of multi-level efforts that combine "authority of law" with resources, education, and support
- Employer responsibility to create a safe workplace and ensure protective measures

- are in place
 - Consideration of methods of enforcement, privacy, fines, etc
 - Need for fines to change behaviors as well as have a tiered system of warnings to correct the hazard.
- B. **Recommendation 1: Remove the household workers exclusion** from the CA Labor Code so that all domestic workers and day laborers employed in private households are covered by Cal/OSHA regulations.
1. Start by adopting existing Cal/OSHA regulations that apply to these industries
 2. Adopt clear, specific, detailed guidance on hazards, risks, and what steps are necessary for both employers and employees to mitigate hazards
- C. **Recommendation 2: Develop a tiered system for investigation and enforcement** in order to provide alternative enforcement strategies that balance the privacy interests of homeowners with rigorous enforcement of health and safety standards. This tiered- system could involve:
1. Use of letters or phone calls as a first warning and opportunity to correct
 2. Allow multiple ways to share evidence and conduct an off site investigation (offsite meetings similar to DLSE process, teleconferences)
 3. Referral to mediation program
 4. Escalating action based on repeat violations and gravity of complaint
- D. **Recommendation 3: Pilot a mediation program** with community partners to work with employers and workers to correct and abate hazards as an alternative enforcement pathway.
1. Consider model at the Civil Rights Division, Department of Fair Employment and Housing, funded by state
- E. **Recommendation 4: Provide support for employers** to come into compliance.
1. Provide an assistance or resource line for employers to get support with compliance; promote the role of Cal/OSHA Consultation
- F. **Recommendation 5: Maintain the existing civil monetary penalty structure for violations** for household domestic service employers who do not comply with existing health and safety standards.
- G. **Recommendation 6: Develop specialized template/model Injury and Illness Prevention Program (IIPP)** for the domestic work industry
1. Clear and specific guidance; use checklists as tools
 2. Reinforces workers' participation in identifying hazards and solutions
- H. **Recommendation 7: Cal/OSHA should create a liaison position** and/or assign staff specifically to this industry sector.
1. Importance of understanding this industry, especially in a transition with removal of exclusion
 2. Relationships developed with community organizations and others to provide support

to both workers and employers

- I. **Recommendation 8: Provide robust anti-retaliation protections** and rapid response to complaints of possible retaliation to encourage workers to take action and speak up when there are problems.
 - 1. Reinforce that there are protections against discrimination based on documentation status.

Others mentioned?

- J. Something referencing multi-employer responsibility? Even if workers hired by “owners of route” - homeowner still has a role?
- K. Develop a registry of household employers (*broader than OSH focus?*)
 - a. Look at car wash workers for success/challenges?
- L. Have a system for rating employers in terms of compliance or their performance in providing safe worksites

IV. Protective work environments

A. Context/ Introductory points

- Recognize challenges faced by employers in this industry and that some have need for financial support to be able to purchase required equipment
- Importance of promoting the role of workers and employer working together; workers being involved in identifying hazards and solutions and being able to speak up when there is a problem without facing retaliation
- See above relevance of Recommendation 4

B. **Recommendation 9: Develop systems for employers to receive financial assistance** to procure equipment needed for workers to work safely.

1. Use fines/penalties collected from employers to this end
2. Can include system of incentives, subsidized PPE and other equipment
3. Establish criteria and a reimbursement system

C. **Recommendation 10: Promote the use of written contracts** as a way to have a shared understanding of expectations, job duties and hours, and to facilitate identification of related hazards.

V. Partnerships with Community Organizations

A. Context/ Introductory points

- Building and strengthening relationships and presence is essential to develop personal connections that can help overcome workers' sense of uncertainty and distrust.
- CBOs play key roles in facilitating access to workers and employers, identifying best formats for training and communication, and providing support when issues arise
- See Recommendation 3 above: Pilot a mediation program with community partners

B. Recommendation 11: Establish partnerships with community organizations to have ongoing input and guidance on the development of enforcement and education programs in this industry.

1. Pilot mediation program with CBOs (Rec 3)
2. Hotline for workers to reach out for information

C. Recommendation 12: Expand the existing Domestic Worker and Employer Education and Outreach Program to include the promotion of compliance with health and safety standards for domestic workers and day laborers

1. Main components are outreach, training, 1-1 consultations on labor violations, and leadership development component.

D. Recommendation 13: Develop a resource list of professionals who can provide guidance and training on equipment needed by people with disabilities in order to have a broad range of options.

Others mentioned?

E. Hiring hall model? Promote hiring through worker centers? Or expand the role of CBOs in hiring? (*broader than OSH focus?*)

VI. Outreach and education

A. Context/ Introductory points

- Multipronged approach needed: issues guidance, training, outreach + education
- Importance of variety of formats and options for employers and for workers
- Important to consider access to trainings for both employers and workers – so look at different formats, way it's administered, etc
- Importance of clear and specific guidance - practical and accessible
- Employer role is to ensure workers are trained and to look for options; also to add information specific to each job and tasks or home setting
- Workers should receive training during paid time
- See Recommendation 12 above - role of expanded DWEP program

B. Recommendation 14: Establish a mandatory training program for all employers of domestic workers in private households

- Virtual, online options, Cal/OSHA webinars + access to other resources
- Develop skills in identify and controlling hazards, understanding their responsibility

- C. Recommendation 15: Develop a core worker training program** that employers are responsible for ensuring workers' complete.
1. Disseminated through multiple mechanisms to be accessible and facilitate workers' receiving training on health and safety and their rights.
 2. Some way to "carry a uniform certificate?"
 3. Disseminate through various means including through CBOs, Cal/OSHA and others
 4. CBO partnership role in training development
 5. Options/flexibility to provide "day of" training before work begins, focused on the tasks that will be carried out (for example, in day labor context)

Others mentioned?

- D.** Develop a campaign to "saturate public knowledge"? Promote employers' role and responsibility, workers' rights, and the industry-specific guidance to address and mitigate common hazards

VII. Other issues raised by Committee as important for future attention

A. Context/ Introductory points

- Other issues outside scope of this current focus - important in considering work and health in this industry sector

B. Issues:

1. Workers' compensation and access to medical care and benefits if injured on the job
2. Need for training to enhance skill development for workers
3. Need to address prevention of sexual harassment
4. Invest into the long term care infrastructure; increase affordability and meet the long term care needs of California's older adults and people with disabilities