



July 17, 2022
Kevin Graulich
Senior Safety Engineer
DOSH Research & Standard Health Unit
495-2424 Arden Way
Sacramento, CA 95825

Sent Via Email to: KGraulich@dir.ca.gov

Dear Mr. Graulich,

On behalf of Strippers United, we write to offer comments on the draft revisions to the Workplace Violence Prevention (WVP) standard for General Industry.

Founded in 2018, Strippers United is a 501(c)(3) non-profit advocacy organization that works to educate strippers on their workplace rights, organize clubs, engage in political action, and provide mutual aid to our community. Our leadership and volunteers are experienced strippers with first-hand experiences in workplace violence such as sexual and physical assault. We know the challenges sex workers face, especially with regard to fears of retaliation for reporting unsafe and/or unlawful working conditions and stigmas that arise from openly sharing that we are strippers with family and law enforcement.

We were excited to learn that Cal-OSHA was drafting a much-needed WVP standard for all industries because we view this as an opportunity to create a new standard for safety in strip clubs across the state of California. Cal-OSHA is a particularly well-suited administrative agency for strippers because Cal-OSHA complaints can be filed anonymously, and strippers are uniquely likely to be deterred by administrative processes that require public disclosure of workers' identities.

Workplace violence against strippers is a pervasive problem in our industry. It is so severe that many strippers speak of workplace violence as an inevitable condition of work in a strip club. Many employers of strippers in California do little to protect them from violent and aggressive customers, even when the violence is brought to their attention, and complaints of workplace violence are frequently met with retaliation against the victim. In fact, based on what we have learned through years of outreach in this community, Strippers United has discovered that an alarming number of strip club employers do not believe they have any legal obligation to protect strippers from violence committed by customers of their establishments. By establishing clear

obligations for employers to prevent workplace violence and clear guidelines for how they must do so, we believe that Cal-OSHA's new WVP guidelines will have an enormous positive impact on strippers' working conditions.

Once the new WVP guidelines are published, our organization will engage in an education and outreach campaign to help strippers understand and enforce these rights to maximize its impact. In fact, our organization has already hosted multiple Cal-OSHA certification trainings to teach strippers how to file OSHA complaints, which has led to a current and ongoing Cal-OSHA investigation at a prominent Los Angeles strip club.

We write today to share with you our language recommendations, which we have carefully considered in light of the realities of work environments involving alcohol consumption and very close interaction between employees and customers. While we've drafted these recommendations with strip clubs in mind, we are certain that these revisions, if adopted, will positively impact many workers in other industries besides strip clubs, because the problems strippers face at work are often magnified versions of the problems that women face in general in customer service based industries. We urge you to take seriously and incorporate our recommendations in light of the magnitude and frequency of workplace violence in our industry and in consideration of our organization's expertise and experience navigating such dangerous work environments. We thank you in advance for considering these recommendations and ask that you please not hesitate to reach out to us to discuss these ideas further. We would love to be as involved as possible throughout the remainder of this drafting and implementation process.

1. Definitions

Currently, the regulation defines workplace violence as:

(A) The threat or use of physical force against an employee that could result in injury, psychological trauma, or stress, regardless of whether the employee sustains an injury

(B) An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury

We recommend the addition of the following definitions to the ordinance:

(C) *Stalking of an employee that results in, or has a likelihood of resulting in material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment or occurs at the worksite.*

Strippers are required as part of their job, to flirt and entertain the affections of customers. Sometimes customers develop unhealthy infatuations and possessiveness with strippers that can lead to fear, stress, loss of privacy, injury, or even death. It is essential that strippers, and other workers who utilize flirting and kindness for tips (restaurant, bar, beauty services etc.) be able to incorporate stalking as a form of workplace violence in WVP plans and reporting.

(D) Workplace bullying of an employee that results in, or has a likelihood of resulting in a persistent pattern of mistreatment of an employee or employees from others in the workplace that causes either physical or emotional harm. It can include such tactics as verbal, nonverbal, psychological, and physical abuse, as well as humiliation.

Bullying is a common form of psychological abuse that strippers face in their workplace, in part due to the looks-based aspect and sexualized nature of the work. Club owners routinely mistreat dancers with unkind comments and reduced scheduling based on strippers weight, age, ethnic differences in hair types, and financial inability to maintain high end nails, hair, heels, and costumes. Persistent comments, laughter, and gossip-bullying, all work to homogenize the workforce and humiliate victims of bullying out of the clubs.

(E) Sexual coercion of an employee, including anytime in which submission to sexual conduct is made a condition of concrete employment benefits or refusal to submit to sexual conduct may subject an employee to any form of discipline or disparate treatment in the workplace.

California strip clubs regularly misclassify strippers as independent contractors even though they are clearly statutory employees under California's ABC standard. Since California's AB-5 law was codified, numerous strip clubs have begun implementing lap dance quotas, in which strippers are required to sell a certain number of lap dances each shift.¹ If they can't meet the quota, they are disciplined or fired. This policy has jeopardized strippers' safety by compelling them to engage in intimate contact with customers who are aggressive or threatening or extremely intoxicated in order to meet the quota to keep their jobs. Lap dances are often performed in private rooms with no security present and loud music playing. Even though lap dances are a normal part of the strip club environment, strippers must have agency to reject offers from customers that make them feel unsafe.

(F) Intoxication Coercion, including anytime that an employee is pressured by their employer to become intoxicated in the workplace or within the scope of their employment, and/or anytime an employee is caused to consume an intoxicating substance without their knowledge or consent.

¹ Star Garden, a strip club in North Hollywood where $\frac{3}{4}$ of the stripper workforce has been on strike for over three months as of today, is one such club. This lap dance quota policy, along with the Club's general refusal to take dancers' safety concerns seriously, was a catalyst for their employees' labor action and subsequent decision to unionize.

Strippers have reported to our organization that their managers pressure them to consume alcohol at work. While it is not our position that alcohol consumption should be prohibited in the workplace per se, we feel strongly that alcohol and drug consumption should never be a condition of employment anywhere in the state of California. Employees who are intoxicated at work are less capable of self-defense, making them more vulnerable to workplace violence.

It is also not uncommon for predatory customers to drug strippers at work without their knowledge, typically by slipping something into their drinks. In the Know Your Rights trainings hosted by our organization, our lawyers and organizers have had many conversations with strippers who suffered actual or attempted rape in the workplace in exactly this manner. The problem is compounded by the fact that strippers tend to be reluctant to report such crimes to law enforcement because of the stigma and discrimination that strippers face from law enforcement officers. Even when law enforcement is called upon to respond to such incidents, the criminal law places all the liability upon the individual who committed the crime, which does not give employers any incentive to take an active approach to deterring such conduct.

1. (c) Workplace Violence Prevention Plan

We believe that the following additions to the WVP plan for workers in General Industry will protect workers in ways that currently only benefit workers in the medical field:

*“Procedures to identify and evaluate **environmental risk factors, including community-based risk factors**, for each facility, unit, service, or operation...”*

City planners frequently designate strip clubs to industrial and areas with higher crime rates. Having an environmental and community-based risk procedure in place will help strippers ensure that they have access to adequate protection plans to prevent workplace violence that could occur while working in such areas. Strippers often get off work late at night and carry substantial amounts of cash. The types and levels of danger they must navigate to get to their vehicles at night need mandatory and thorough consideration.

*“Procedures to correct workplace violence hazards in a timely manner” **List of prevention measures to consider***

We recommend workers in General Industry have the opportunity to view a list of prevention measures that employees and employers have created for consideration. If the measures are cheap and easy to implement, workers could organize around these measures to get safer working conditions. The list helps bring ideas forward as a collective that the employer or individual workers may not have considered otherwise.

“The plan must be reviewed twice annually.”

Strippers tend to be a highly mobile and transient workforce. They come and go from the industry and move from club to club quite frequently. Reviewing the plan 'periodically,' as proposed, will not have a meaningful impact on this industry due to the high turnover rates. A review must happen with frequency, annually at the minimum.

2. (d) Violent Incident Log

We recommend a ***Violent Incident Log be required in all workplaces regardless of whether an employer admits an incident has occurred within the past five years.***

The strip club industry has a young workforce that, as discussed above, has a high turnover rate and a transient workforce. Many strippers do not stay at a club for as long as five years. With such little club institutional knowledge, it is too easy for employers to be dishonest about the occurrences of violent incidents from years past. Removing the five-year exception will enforce accountability and transparency at a low cost to employers and greatly benefit employees.

We also recommend Violent Incident logs include:

“The date, time and location of the incident, and assessment of circumstances at the time of the incident, descriptors (e.g., biting, attack with weapons), medical treatment needed, lost work time, etc..”

It will be easier for strippers to identify areas that need special considerations in the WVP plan if they see patterns emerging, as indicated on the Violent Incident Log. For example, if more customers try to rob a stripper on the smoking patio, this would demonstrate the need for more security presence on the patio or other safety protocols. It will be easier for strippers to see this descriptive data and make recommendations if specific data on the violence's circumstances are available.

3. (e) Workplace Violence Training:

We recommend the Workplace Violence Training go further than the 'General awareness for all employees'. In our industry, employers must be held accountable for providing their employees with ***Detailed training for all employees.***

Strippers deserve detailed training on preventing workplace violence, as we daily interact with the public in various states of undress and close personal contact. We need thorough training on how to keep ourselves safe and what to do in the event of a violent incident. Detailed training must also be mandatory for security staff, bar staff, managers, and club owners. Strippers are a uniquely vulnerable workforce, and those who work in the same environment as us need comprehensive training on keeping us safe and themselves safe in the process.

We also recommend that ***refresher training be offered twice a year for all employees who interact with the public.*** A minimum of at least one annual refresher

training would do more to protect strippers than the current language of additional training only happening if workplace violence has occurred in the previous five years.

4. Add: Reporting

We recommend that ***employers report incidents involving use of physical force against an employee by a customer, or use of a firearm or other dangerous weapon, or sexual coercion, or coercive inebriation to Cal/OSHA within 24-72 hours if the impacted employee requests it.***

We specify the employee's request because we know that many strippers are distrustful of regulators and law enforcement. We want strippers to feel they can talk to investigators at Cal/OSHA, but they must be the ones to make that choice, not the employers.

We also recommend that the WVP regulations include the following provision: **An employer shall not take or threaten to take any adverse employment action against an employee based on the employee's decision to report, or not to report, an incident of workplace violence to the employer, to Cal-OSHA, to a law enforcement agency, or to a workers' rights organization.**

5. Add: Posting Requirement. All High Risk Workplaces must post and keep posted at all times, in a conspicuous place where employees can see it, a notice of these Workplace Violence Prevention regulations. Copies of the poster shall be at least 8 1/2 by 14 inches with 10 point type.

We appreciate the opportunity to provide these comments. If you have any additional questions, please do not hesitate to contact us at strippersunitedinc@gmail.com

Sincerely,

Antonia Crane
Founder
Strippers United

Jordan Palmer
Head of Legal Department
Strippers United

Meagan Lord
Strippers United
Legal and Political Action Team

