Date of Hearing: August 11, 2020

## ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 1257 (Durazo) – As Amended July 27, 2020

Policy Committee: Labor and Employment Vote: 7 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

## **SUMMARY**:

This bill creates new workplace safety standards for domestic workers. Specifically, this bill:

- Creates a process for the Division of Occupational Safety and Health (Cal/OSHA) to work with stakeholders to recommend industry regulations and health and safety standards for domestic workers.
  - a) Requires Cal/OSHA to convene two advisory committees: an advisory committee consisting of domestic employees and employers to evaluate whether there needs to be industry-specific regulations related to household domestic service, and an advisory committee that makes health and safety findings and recommendations to the Occupational Safety and Health Standards Board (Standards Board). This second advisory committee's recommendations must focus on the following domestic work services: those funded by the In-Home Supportive Services (IHSS) program or by a regional center pursuant to the Letterman Developmental Disabilities Services Act, or those entailing in specified in-home childcare service.
  - b) Requires the Standards Board to adopt health and safety regulations by July 1, 2022.
- 2) Removes the household domestic service exemption from California's Occupational Safety and Health Act (Act) to cover most domestic workers except that domestic workers covered by the second advisory committee described above. Beginning on July 1, 2022, the Act will cover the workers described above following the completion of the health and safety standards process.
- 3) Specifies the process by which Cal/OSHA can enter a residential dwelling to investigate alleged unsafe conditions if that dwelling is the place of employment.

## FISCAL EFFECT:

Annual costs, likely in the millions of dollars, for Cal/OSHA. Under this bill, any one of California's 13 million households that hires a domestic worker would now be subject to Cal/OSHA's enforcement authority. This will likely generate significant new workload related to investigations, enforcement and litigation. However, given the uncertainty around this bill's impact, specific costs are unknown.

## **COMMENTS:**

- 1) **Background**. Approximately two million homes across California hire a domestic worker. These hiring relationships can be complicated, and a domestic worker may be hired directly by a family, work through a referral agency, or be hired through a public agency or public program such as IHSS. Moreover, domestic workers lack the health and safety protections provided to many other workers because California's Occupational Safety and Health Act explicitly excludes them. This exclusion is made more troubling by the fact that domestic work can be dangerous. A recent UCLA report found that 51% of surveyed domestic workers reported that their employers pressured them to work in dangerous conditions. <sup>1</sup>
- 2) Recent efforts to improve workplace standards for domestic workers. AB 241 (Ammiano) Chapter 374, Statutes of 2013, enacted the Domestic Worker Bill of Rights. This law entitled, until January 1, 2017, a domestic work employee who is employed as a personal attendant to overtime compensation, if the employee works in excess of nine hours in any workday or more than 45 hours in any workweek, to be compensated at the rate of 1.5 times the regular rate of pay. SB 1015 (Leyva) Chapter 315, Statutes of 2016, deleted the January 1, 2017, repeal date, thereby making the requirement permanent.
- 3) The Standards Board and remaining questions. The Standards Board's mission is "promote, adopt and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers." The Standards Board consists of seven Governor-appointed members and responds to petitions for new or revised standards. These standards must be at least as effective as federal standards, and anyone can petition the Standards Board for new or revised workplace safety standards.

While the Standard Board responds to petitions for new or revised health and safety standards, this process can take considerable time. Given this bill's scale and the myriad of hiring relationships, clients and work tasks in the domestic work industry, it is unlikely the Standards Boards will complete its process by July 1, 2022. What this bill is asking of Cal/OSHA and the Standards Board will take years of stakeholder engagement and deliberation.

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content/uploads/sites/3 //2020/06/Hidden-Work-Hidden-Pain,-Do mestic-Workers-Report,-UCLA-LOSH-June-2020-1.pdf

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<sup>&</sup>lt;sup>1</sup> UCLA Labor and Occupational Safety and Health Program, *Hidden Work, Hidden Pain: Injury Experiences of Domestic Workers in California* (July 2020), available at <a href="https://losh.ucla.edu/wp-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain.-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain.-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain.-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain.-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain.-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain-Domestic-Workers-Report.-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain-Domestic-Workers-Report-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidden-Pain-Domestic-Workers-Report-UCLA-LOSH-June-2020-content/uploads/sites/37/2020/06/Hidden-Work-Hidd