



SENATOR
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LEGISLATIVE FACTSHEET

Domestic Worker Occupational Safety and Health
Senate Bill 686

SUMMARY:

Senate Bill 686 will establish health and safety protections for domestic workers under California's Occupational Safety and Health Act (Cal/OSHA). Additionally, the bill will provide for health and safety outreach and education for domestic service employees and employers.

PROBLEM:

Domestic workers are often put at severe risk of injury and illness, especially when public health emergencies and natural disasters strike. These workers provide front-line care to California's most vulnerable, like seniors and people with compromised immune systems, yet they often remain without any health and safety protections. One year into the pandemic, domestic workers were three times more likely to have contracted COVID-19 than the general population in California, putting their lives at risk as well as their families and communities.

Climate accelerated disasters have also magnified the vulnerability and dangers that domestic workers and day laborers face on a daily basis. During the wildfires that devastated California, domestic workers and other household workers, such as day laborers, were asked to stay behind to fight fires, guard homes or pets, work in smoky conditions, and clean up toxic ash. Workers were further put at risk when employers failed to tell them that the homes they work in were under mandatory evacuation. The growing frequency and intensity of wildfires, extreme weather events and other natural disasters make it imperative that legislators take immediate

legislative action to protect the health and safety of these workers.

Beyond these extreme dangers, domestic workers also face risk of injury and illness in their day-to-day work. A June 2020 report from the UCLA Labor and Occupational Safety and Health Program found that 85% of domestic workers surveyed experience musculoskeletal injuries that are associated with chronic pain. Many respondents, 94% of whom were Latinx and Asian, reported continuing to work through their injuries for fear of job or financial loss. Such injuries could be prevented by appropriate health and safety guidance and subsequent enforcement.

BACKGROUND:

In the United States, domestic workers, largely women and people of color, have been historically excluded from the most basic labor protections. Some of our key federal labor laws – the National Labor Relations Act, the Fair Labor Standards Act, and the Occupational Safety and Health Act – have at some point, if not currently, excluded these workers. This exclusion, which is part of the ongoing legacy of slavery, has served to further the false narrative that domestic work is voluntary/unpaid and “non-productive.” In addition, the law's failure to recognize domestic work as real work has left domestic service workers particularly vulnerable to workplace injuries and illness, with little recourse. The COVID 19 pandemic and the growing frequency and intensity of climate accelerated disasters have magnified these failures with devastating impacts on domestic workers in California.

In 2021, Governor Gavin Newsom signed into law SB 321 (Durazo, Chapter 332, Statutes of 2021), creating an advisory committee composed of domestic workers, employers and occupational health and safety experts to develop industry-specific health and safety guidelines and make policy recommendations to the Legislature to strengthen the health and safety of household domestic services employees in the home work setting. In January of 2023 the Advisory Committee published policy recommendations¹.

In its report, the Advisory Committee concluded that there is a fundamental need for employers to have legal responsibility for the working conditions of domestic workers and that the Legislature should remove the household domestic services exclusion from Cal/OSHA.

Further, the Committee recommended supporting employers to be able to provide healthy and safe conditions by establishing a financial assistance program for low-resourced employers and to expand the existing Domestic Worker and Employer Education and Outreach Program to include health and safety outreach and education.

SOLUTION:

Enact key recommendations of the SB 321 Advisory Committee to protect the health and safety of domestic workers and day laborers. Accordingly, this bill will:

1. Eliminate the exclusion of privately paid “household domestic service” employees from California’s Occupational Safety and Health Act (Cal/OSHA).
2. Expand the existing Domestic Worker and Employer Outreach and Education Program to include health and safety outreach and education for domestic service employees and employers.

¹ SB321 Committee Policy Recommendations Report – December 2022, available at <http://www.dwc.ca.gov/dosh/documents/Policy-Recommendations-SB-321.pdf>

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OPPOSITION:

None