



SENATOR
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LEGISLATIVE FACTSHEET

Domestic Worker Occupational Safety and Health
Senate Bill 321

Summary:

SB 321 would eliminate the exclusion of privately paid “household domestic service” employees from California’s Occupational Safety and Health Act (Cal/OSHA).

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 has further exposed how these failures have had devastating impacts on domestic workers in California.

Problem:

Domestic workers' health and safety have been put at severe risk during the recent disasters that have struck California. Currently, domestic workers act as frontline workers during the COVID-19 global pandemic. They provide care to California’s most vulnerable to illness, like seniors and people with compromised immune systems, yet they remain vulnerable and without protections. Studies have shown that the pandemic has negatively impacted the health and financial well-being of Latinx, Asian, and Black women at a much higher rate than any other demographic. According to the California Department of Public Health, this racial demographic makes up 64% of Covid-19 related deaths. Domestic workers, who are 75% immigrant women of color in the state, have continuously exposed themselves to the virus without protections at work, thus, putting their lives at risk as well as their families and communities.

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.

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 are under mandatory evacuation. Wildfires have also magnified the vulnerability and dangers that domestic workers and day laborers face on a daily basis because they are excluded from California’s Occupational Health and Safety protections. The growing frequency and intensity of wildfires and other natural disasters requires that legislators take immediate legislative action to protect the health and safety of these workers.

Solution:

Provide Cal/OSHA protections for privately paid “household domestic service” employees. Require the Department of Occupational Safety and Health to convene an advisory committee of equal numbers of employers and employees to evaluate whether there is a need to develop industry-specific regulations related to household domestic service. Additionally, require investigations of complaints in household domestic service employment to be conducted in a manner that avoids any unwarranted invasion of personal privacy and to not contain any personal, financial, or medical information of residents residing in the residential dwelling that is not pertinent to the investigation of the complaint.

Sponsors:

California Domestic Workers Coalition
California Employment Lawyers Association
California Immigrant Policy Center
Equal Rights Advocates
WORKSAFE

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