

Safeguarding Our Frontline Workers from COVID-19: Workplace Health and Safety Protections

On November 17, 2020, the Labor and Employment Committee of the California State Assembly held an informational hearing about the impact of COVID-19 on the state's essential workforce. Worksafe was honored to participate in the hearing; this is our testimony.

Cal/OSHA Enforcement and Rulemaking Since March 2020

Stephen Knight, Worksafe Executive Director

The struggle for safety at work is marked by massive disasters that spur action – the [Triangle Shirtwaist Factory Fire in 1911](#) is one notable example. The coronavirus pandemic is the health and safety disaster of our lifetime. We now know that workplaces are major sites of COVID transmission. Workplaces are receiving and generating COVID cases, spreading infections and sending workers home to their families. [JAMA reports](#) as many as half of all adults are endangered by workplace exposure.

Cal/OSHA was hardly the only government agency under-prepared for this coronavirus. A single widely reported citation early in the pandemic could have gotten the attention of employers across the state and improved public health amid a pandemic that is having an out-sized impact on communities of color. Yet we saw no citations issued [until September](#).

The bottom line: in protecting workplaces, workers' voices are vital. Some employers object to the necessary focus on workplaces. But we are all deeply impacted, disadvantaged and paying a cost as we struggle to save the lives of Californians. Worksafe stands with a powerful movement of workers and unions who have advocated since Spring for an [emergency temporary standard](#) (or ETS) for infectious diseases, which the state already has for medical workplaces.

Cal/OSHA delivered a draft ETS last week and it will be voted on during the [November Standards Board meeting](#). The proposal is based on sound science and public health principles. It builds on existing requirements, like the Injury and Illness Prevention Program. It is consistent with the guidance issued by Cal/OSHA and Health Departments as well as with new legislation. We hope legislators and the public will urge the Standards Board to approve this rule.

But the COVID ETS will mean little if Cal/OSHA is hindered by vacancies and a limited ability to meet workers where they are. I was troubled to see Director Hagen recently tell a Senate committee that the Department has all the resources it needs. California, with a workforce of 19 million and over a million workplaces, has 193 inspectors with dozens of vacancies. The state has more fish and game wardens.

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We need full staffing of Cal/OSHA. Not at pre-pandemic norms, but at a level that is appropriate for today's threats and opportunities. California's workers must be protected from hazards for the long-term. Cal/OSHA has to be at the table as decisions are made to control and contain this pandemic.

Based on what we heard at last week's [Cal/OSHA Advisory Committee](#), capacity issues are being taken seriously. The state Labor agency's partnership with worker advocates on wage and hour enforcement is a model to learn from. Worksafe is reviewing legislative ideas to ensure the agency has the authority it needs to enforce the Labor Code when workers' rights are violated.

The rapid COVID and Wildfire Smoke ETS processes are showing that new rules don't need to take many years to develop and put in place. In our grossly inequitable global economy, we urge legislators and the agency to demand and deploy the tools and resources necessary to provide this state's workers the protection we all need.

Worker Voice and the Role of Community Organizations

Karín Umfrey, Worksafe Staff Attorney

When disasters strike California, like recent wildfires and the current pandemic, organizations have had to pivot to meet the pressing demands of their communities. Grassroots organizing helps keep working communities together during times when people feel isolated and unheard.

This is not motivated by goodwill alone. Too often, these efforts are needed to fill gaps in services created by under-staffed and under-resourced state agencies like Cal/OSHA. This has certainly been the case with workplace protections and education. Organizations

and coalitions have stepped in to support workers by giving out information, resources, and even protective equipment when they have the capacity to do so. This has been necessary in the absence of comprehensive enforcement of workplace health and safety rights.

Sometimes these groups are filling gaps created by negligent employers as well. This has been happening during wildfires, when [volunteers had to distribute masks](#) to workers who were not getting them from their employers. Community groups have demonstrated how powerful they are by stepping into this role, but this is not their function and it depletes limited resources.

To begin to address this long standing problem, worker centers and other worker advocacy organizations are coming together to engage with Cal/OSHA leadership in a systematized way. This helps build trust in the agency at the grassroots level and enables the direct flow of information from workers. However, without support, community groups are feeling exhausted.

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Outreach, education, and partnership are always valuable tools – and they are absolutely essential now. But resources must be allocated to organizations that are connecting workers with Cal/OSHA.

We are encouraged by the announcement about the labor agency's new outreach and education campaigns in partnership with community organizations – including the plan to fund organizations for their participation. This is a pivotal change that will build ties between agencies and grassroots organizations. We are hopeful and positive that this will lead to safer workplaces.

At Worksafe, we have seen the value of strong agency partnerships with community organizations. After a grassroots organization built trust with janitorial workers, workers filed a health and safety complaint for an [array of OSHA violations](#). Because the agency valued and respected the workers and the organizations during the complaint process, workers were empowered through this process. One of the workers has now become a *promotora* in her community.

The bottom line: In order to achieve worker safety, we need to center workers' voices and encourage worker power. Silenced and disempowered workers who fear retaliation and losing their jobs are workers at greater risk of injury or death on the job.

As Cal/OSHA has reported, many of the COVID complaints they have received are submitted anonymously – thus limiting the agency's ability to follow-up with workers and ensure the employer has adequately addressed the hazard. This suggests that we need a strong anti-retaliation statement from state leaders. California cannot tolerate employers who retaliate against workers for reporting hazards or exercising other workplace rights.

As my colleague stated, the coronavirus pandemic is the occupational health and safety crisis of our lifetime. California has been a national leader in health and safety – and we need to continue our bold leadership. Worksafe looks forward to partnering with Cal/OSHA as we move towards a safer California for all workers.

About Worksafe

Worksafe is a California-based nonprofit that works to protect people from job-related hazards and empower us all to advocate for safe and healthy workplaces. We engage in policy advocacy, legal support, training, and coalition building to ensure the occupational safety and health rights of vulnerable workers. Our mission is preventing worker injury, illness, and death by bringing justice to the workplace.

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