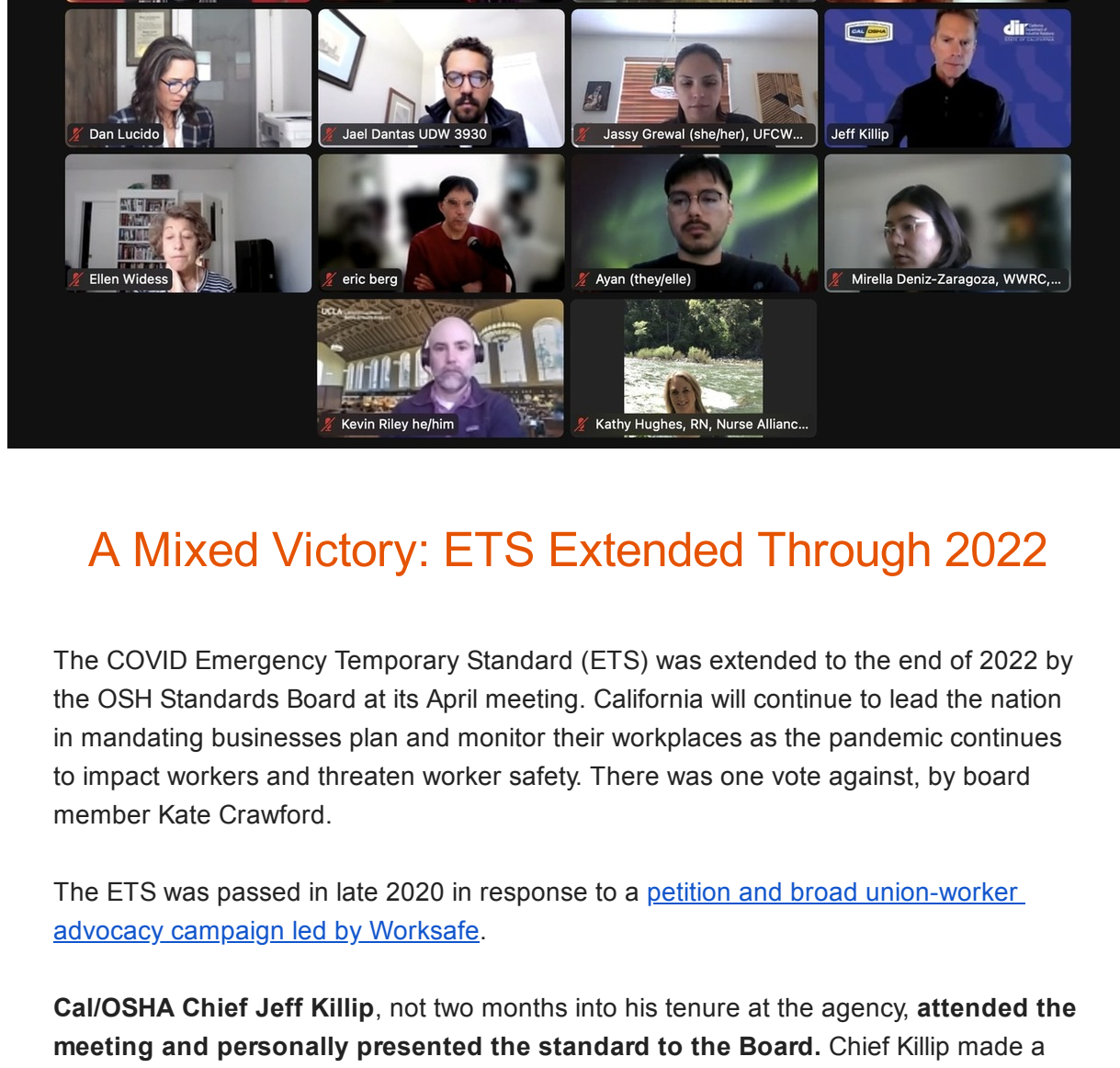


April Newsletter



A Mixed Victory: ETS Extended Through 2022

The COVID Emergency Temporary Standard (ETS) was extended to the end of 2022 by the OSH Standards Board at its April meeting. California will continue to lead the nation in mandating businesses plan and monitor their workplaces as the pandemic continues to impact workers and threaten worker safety. There was one vote against, by board member Kate Crawford.

The ETS was passed in late 2020 in response to a [petition and broad union-worker advocacy campaign led by Worksafe](#).

Cal/OSHA Chief Jeff Killip, not two months into his tenure at the agency, **attended the meeting and personally presented the standard to the Board**. Chief Killip made a number of strong points about the role of the ETS in shifting some of the burden of the pandemic off of the shoulders of workers alone, and noting that low income Californians will continue to be working in some of the most high-risk environments in the state.

At the same meeting, **the Board unanimously rejected** a business-backed proposal (Petition 594) that the ETS be thrown out and replaced with a far less restrictive combination of CDPH guidance and the generic Injury Illness and Prevention Plan required of all California employers.

Business interests showed up in force to complain about the ETS and support Petition 594. As described in the staff analysis, this approach would make it easier for employers to de-prioritize worker COVID protections without consequence, between the fact that "not all CDPH guidance has the force of law" and "the IIPP regulation is intentionally non-specific."

The proposal is a necessary recognition that the pandemic is ongoing, the future is unclear, and workplaces must remain protected and prepared.

So is this a smashing victory for workers and worker protection? It is not.

We have growing concerns over the heavy reliance in the ETS on general public health guidance in place of worker-focused safety rules. The general public can weigh risks and make informed decisions based on guidance; California's frontline workers have no such choice as they must report to crowded workplaces in order to feed their families and pay their rent.

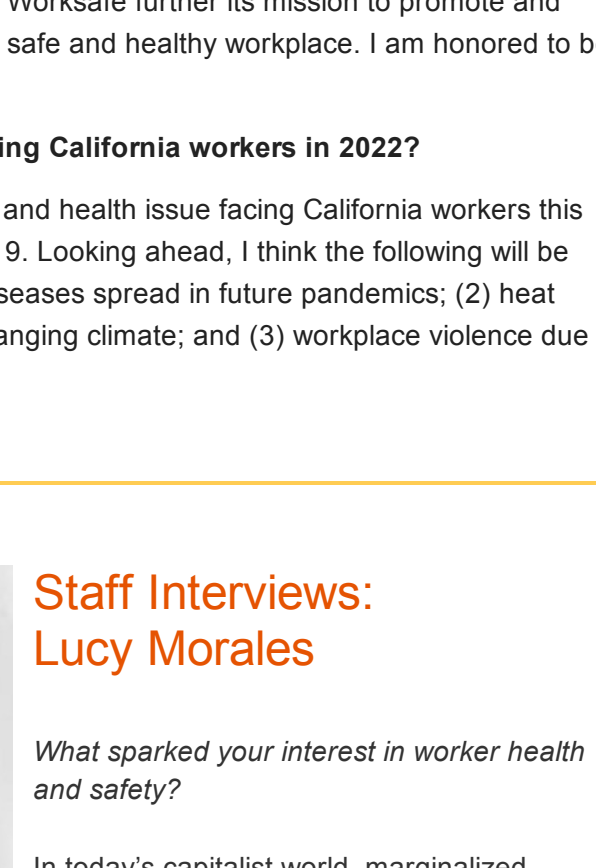
Nonetheless, this is a win and we should celebrate it. Keeping a COVID-specific standard in place is an important victory. Requiring employers to pay attention to the pandemic, plan and respond to outbreaks, supports worker safety and will save lives. So does continuing to require pay for workers who the ETS mandates must remain out of work ("exclusion pay"). The vote now puts us on a path to an aerosol transmissible disease (ATD) standard for general industry - a groundbreaking path California has been on since before the 2009 adoption of the health care ATD standard. That work was done by people who saw COVID coming and did their best to try and get us prepared.

A huge thanks to all of you who have stood shoulder to shoulder throughout this long campaign over two years. Numbers from the end of March show the two-year death rate of 294 per 100,000 across the United States, while in California the rate was 224. Certainly there are a lot of factors at play in these numbers, but undeniably one of them is this regulation covering COVID-19 in the workplace. That is work that contributed to saving lives by the thousands.

This is the third re-adoption of the emergency COVID workplace rules. Absent emergency action by the Governor, these rules cannot be extended into 2023. You can read the whole thing [here](#).

Worksafe is proud to have a new member on the board. Meet Juliann Sum!

Welcome New Board Member Juliann Sum!



Juliann served as Chief of Cal/OSHA from 2014 to 2019 and Acting Chief from 2013 to 2014. Before that, she conducted policy research and community education at UC Berkeley in the areas of occupational safety and health and workers' compensation. In the 1980s, she built from scratch and launched an occupational health program for the International Brotherhood of Electrical Workers Local 1245. Juliann has a law degree from UC Hastings College of the Law in San Francisco, a master's in environmental health sciences from Harvard University, and a bachelor's in biophysics from Brown University.

What do you like about being on the Worksafe board?

In the late 1970s and early 1980s, I was active on the Bay Area Committee on Occupational Safety and Health, which was one of two advocacy groups that eventually became Worksafe. (The other group was the Santa Clara Center on Occupational Safety and Health.) Then from 2007 to 2011, I helped Worksafe develop materials and conduct training for legal aid organizations guiding injured workers in the California workers' compensation system. Joining the Worksafe board this year feels, in some sense, like I am coming "home" to help Worksafe further its mission to promote and protect the basic right of all people to a safe and healthy workplace. I am honored to be given this opportunity.

What is the most pressing issue facing California workers in 2022?

The most pressing occupational safety and health issue facing California workers this year probably continues to be COVID-19. Looking ahead, I think the following will be increasingly important: (1) infectious diseases spread in future pandemics; (2) heat illness and wildfire hazards with our changing climate; and (3) workplace violence due to mass shootings.



Staff Interviews: Lucy Morales

What sparked your interest in worker health and safety?

In today's capitalist world, marginalized people's ability to produce a livelihood is solely held in their ability to physically labor for employers; and because people have no other means of producing a livelihood other than selling their labor, it often forces the most marginalized and desperate into positions that leave them vulnerable to exploitative situations.

To me, working in health and safety means providing these exploited workers with a decent work environment, which to me is the bare minimum we can do for them. Still, it is my belief that we must support workers in finding power and value in their labor, so we can seek to end these exploitative labor practices.

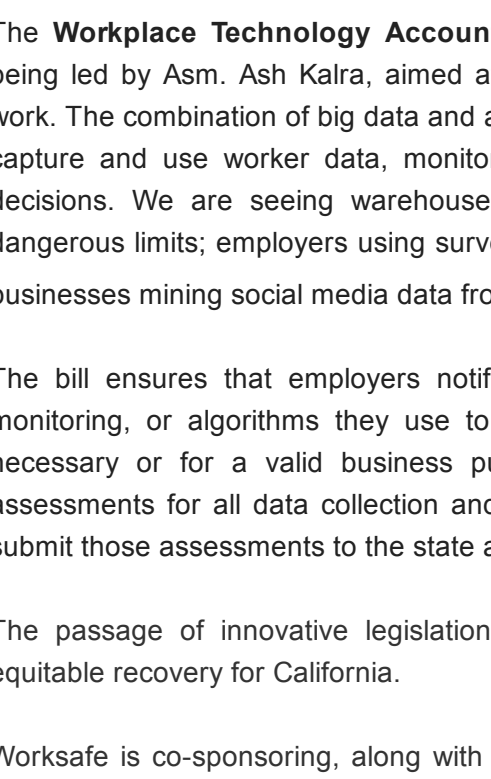
What attracted you to Worksafe in particular?

I was really interested in their involvement with Day Laborers. As part of the Latine undocumented community, it is really important to me to bring light to the systemic inequalities and xenophobia faced by this community. Most importantly, empowering the community to create social movements to bring about change for our community is key.

What do you do for fun?

I love to read books, hang out with my dogs, listen to podcasts, cook and discuss geopolitics with my partner Andrew. Occasionally, I like to take trips to Napa to visit my favorite winery Brown Estate or take trips to Tahoe to snowboard with Andrew and my friends.

(Lucy has been Worksafe's Program Coordinator since October 2021.)



German Jimenez

What sparked your interest in worker health and safety?

I was interested in worker health and safety because I wanted to use my work experience to benefit individuals who unfortunately are exposed to unjust working environments.

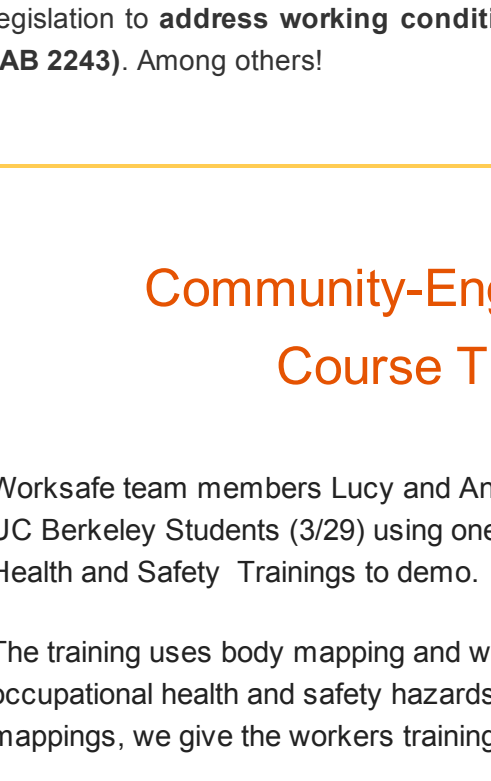
What attracted you to Worksafe in particular?

I always aspired to work at an organization that makes a difference in the community that I live in and Worksafe does just that. I loved that Worksafe centers Diversity, Equity, and Inclusion.

What do you do for fun?

I really love to play golf on the weekends at Monarch Bay Golf Course in San Leandro.

(German has been Worksafe's Administrative Coordinator since July 2021.)



Rachel van Geenhoven

Rachel joined the Worksafe team as Communications Manager on March 14th. She was born in San Diego, grew up in Provo, Utah, and attended the University of Utah. After working with the National College Advising Corps for a year, she earned an MFA in Fiction at the University of Alabama, after which she joined Teach For America and led a sixth grade classroom in San Jose.

Having personally worked for more than one institution which approaches its workers in dehumanizing ways, Rachel is thrilled and inspired to join the network of efforts around the nation to ensure dignity, safety, and justice for all workers everywhere.

What sparked your interest in worker health and safety?

When I was small, my father was a plumber, and we lived in government subsidized housing. I both experienced and witnessed how difficult it is to get by on an inadequate income, and how financial success doesn't necessarily correlate to integrity, hard work, and concern for those around you. I'm invested in the rights and well being of everybody, but especially those whose labor and love are exploited.

What attracted you to Worksafe in particular?

Worksafe offers me the opportunity to work on the macro and micro at once. I get to be useful to people on the front lines of the fight, and also work on cultural narrative shift, which is a big obsession of mine.

What do you do for fun?

I write, hike, travel, read, have impromptu dance parties in the living room with my husband and three year old son, and immerse myself as much as possible in many of the various cultures and wacky subcultures that the Bay has to offer.

2022 Legislative Priorities

This is the second year of the legislative session and there are many important bills moving in Sacramento. Our top priorities include:

The **Pay Transparency for Pay Equity Act** (AB 1162) authored by Senator Limon and backed by a powerful coalition known as the [Contract Worker Disparity Project](#). The proposal would require all employers to provide a salary range on all job postings and employers with 100 or more employees to publicly report pay data broken down by race, ethnicity, and sex - for both direct employees and employees hired through a third-party staffing agency. A key goal of the bill is closing the wage gap through increasing pay transparency. California women in 2020 are reported to have lost \$46 billion due to the gender pay gap and people of color lost \$61 billion due to the racial pay gap. Worksafe is glad to be part of this challenge to the structures that thrive off of precarious work.

Worksafe is also excited to support the **Fast Food Accountability and Standards (FAST) Recovery Act** (AB257), landmark legislation that will empower and protect California's 556,000 fast food workers. The FAST Recovery Act is critical legislation for California's growing fast food workforce. 70% of whom are people of color representing the state's Latine, API and Black communities. In an industry notorious for flouting workplace regulations, the pandemic exacerbated the many challenges fast food workers regularly face. Large fast food companies like McDonald's waged campaigns of intimidation and retaliation against workers who spoke out about the dangers in their workplaces.

The bill would re-envision the fast food workplace, establishing a statewide Fast Food Sector Council of state agencies and employer and worker representatives that will be tasked with reviewing and creating minimum health, safety and employment standards. It will hold the parent companies responsible for ensuring franchisees comply with health, safety and employment standards, and it provides retaliation protections for fast food workers who file complaints. AB257 passed the Assembly and is in the Senate.

The **Workplace Technology Accountability Act** (AB 1651) is an exciting proposal being led by Asm. Ash Kalra, aimed at regulating the use of data and surveillance at work. The combination of big data and artificial intelligence is leading many employers to capture and use worker data, monitoring workers and using algorithms in business decisions. We are seeing warehouses use software to push the pace of work to dangerous limits; employers using surveillance to identify labor organizing on site; retail businesses mining social media data from their staff, and more.

The bill ensures that employers notify and explain to workers any data collection, monitoring, or algorithms they use to surveil them. The monitoring must be strictly necessary or for a valid business purpose. And businesses must conduct impact assessments for all data collection and algorithms impacting workers before use, and submit those assessments to the state agencies.

The passage of innovative legislation like these proposals is critical to a just and equitable recovery for California.

Worksafe is co-sponsoring, along with Legal Aid at Work, the Womens' Foundation of California, the Western Center on Law & Poverty, and The CalWORKs Association's Project SPARC, a bill (AB 2300 - Kalra) that would **give low-income workers receiving welfare-to-work benefits the ability to exercise their workplace rights without losing their benefits**. We are also supporting **AB 1728** (Rivas) with Western Center on Law & Poverty and Coalition of California Welfare Rights Organization, which will **exempt parents with children three years old or younger from meeting the work requirements for CalWORKs benefits**. This bill will also exempt individuals who are disabled by pregnancy, childbirth, or related medical conditions for up to four months, unless their healthcare provider determines they need more time.

These changes will uplift worker rights in connection with outdated rules linked to CalWORKs, and provide workers with dignity when they make choices to leave work when they exercise their rights or choose to spend time with their children during the important early years of life.

Of course, not all legislation is positive by any stretch. **Worksafe worked together with the Cal. Labor Federation and others to raise concerns about a bill (AB 1647) that proposed to waive mandatory annual Cal/OSHA safety inspections** for surface mines and quarries, as long as the business was enrolled in Cal/OSHA's Voluntary Protection Program (M&T) safety program. Changes proposed by AB 1647 would amend the Mining and Tunneling (M&T) safety program and sections of the Labor Code created after 17 people died in the 1971 Sycmar tunnel explosion. We wrote to Labor Committee Chair Kalra explaining AB 1647 rests on an incorrect assumption -- that the Cal/VPP evaluation process provides the health and safety regulation and enforcement that Cal/OSHA cannot due to their staffing shortage. Participation in the Cal/VPP program is to be encouraged but it is no guarantee that safe practices will be automatically observed at these worksites. **We are happy to report that the author pulled the bill from committee consideration.**

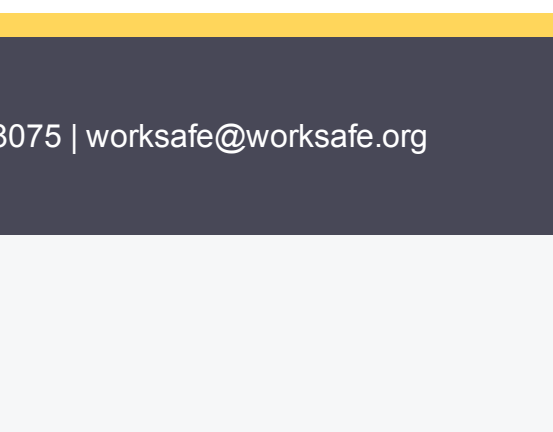
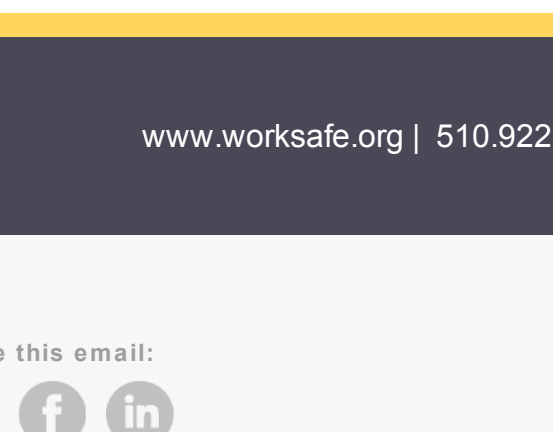
Worksafe is also supporting other legislation, including a **proposal to ensure that covered workers receive at least 5 days of job-protected bereavement leave (AB 1949)**; Senator Durazo's **bills prohibiting retaliation against employees who leave work due to imminent danger from a natural disaster or state of emergency (SB 1044)** and another to **increase wage replacement rates for Paid Family Leave/Disability Insurance to 90% for workers with low wages (SB 951)**, as well as legislation to **address working conditions related to high heat and wildfire smoke (AB 2243)**. Among others!

Community-Engaged Labor Studies Course Training at UC Berkeley

Worksafe team members Lucy and AnaStacia give a training on popular education to UC Berkeley Students (3/29) using one of our Know Your Rights - Occupational Health and Safety Trainings to demo.

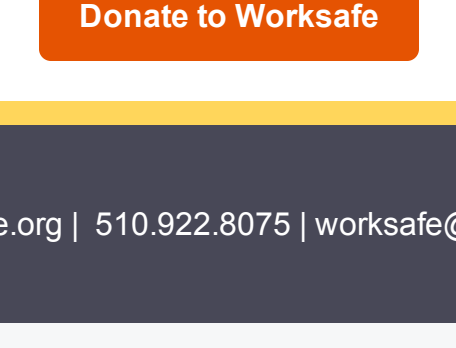
The training uses body mapping and worksite mapping to help workers identify the occupational health and safety hazards at their worksites. After they engage in the mappings, we give the workers training on their legal rights and how to assert them.

Eventually the Berkeley Labor Center students will create their own worker training based on popular education models. This training will be used to prepare community leaders that are part of the Day Labor projects in understanding the importance and the process of civil advocacy.



Worksafe in the News

- California set to keep workplace pandemic rules through 2022, [KRON4 \(video\)](#), April 22, 2022
- California will keep workplace pandemic rules through 2022, [AP/LA Times](#), April 22, 2022
- California hit employers with huge COVID fines but settled for far less. Here's why, [Sacramento Bee](#), March 17, 2022



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