



Why You Need To Know About California's New Hotel Housekeeping Injury Rule

Insights

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After several years of discussion and debate, the Cal/OSHA Standards Board recently approved a standard on “Hotel Housekeeping Musculoskeletal Injury Prevention.” The final regulation was recently approved by the Office of Administrative Law and will be effective July 1, 2018.

For California hospitality businesses, this development could be a game-changer and require extensive modification to current practices. For those outside California, this development is still worth monitoring; not only does it establish standards you should consider adopting of your own accord, it could also be a sign of things to come in your own jurisdiction.

How We Got Here

For many years now, worker representatives—especially hotel worker union UNITE HERE—have advocated for special protections for hotel housekeepers. These advocates claim that such workers are exposed to serious occupational risks in the course of their normal work duties and need additional safekeeping. In recent years, they have pushed for local and state legislation to address issues such as hotel housekeeper workload, safe work practices, and other occupational standards. The kinds of protections sought have been varied and comprehensive. For example, several years ago, proponents of worker safety pushed for legislation in California that would have required hotels to use “fitted” bottom sheets to reduce strain on housekeepers (the bill was unsuccessful).

Having not gotten what they wanted from the state legislature, the worker safety advocates turned to regulatory agencies for satisfaction. In January 2012, UNITE HERE filed a petition with the Cal/OSHA Standards Board requesting the agency adopt a specific standard to address workplace safety issues for hotel housekeepers. Among other things, the petition called for a ceiling of 5,000 square footage of total room space that employees may be assigned to during an eight-hour shift, a prohibition on requiring workers to clean bathroom floors and toilets in a stooped or kneeling position, mandatory use of fitted bottom sheets, and other specific requirements.

In June 2012, the Board adopted a revised petition that requested that Cal/OSHA convene an advisory committee to discuss the issue further. From October 2012 through December 2015, Cal/OSHA convened five advisory committee meetings to solicit input from stakeholders. On March 31, 2017, the Board finally released a proposed standard to address musculoskeletal injuries of hotel

housekeepers. The Board approved the new standard in January 2018, with an announced effective date of July 1, 2018.

In introducing the proposal, the Board stated that it would have the following “anticipated benefits”:

The proposed rulemaking will require employers in hotels and other lodging establishments to develop and implement a Musculoskeletal Injury Prevention Program (MIPP), evaluate each housekeeping task, process or operation of work to identify potential hazards that lead to the development of musculoskeletal injuries and curtail the high number of these debilitating injuries. Employers will be required to conduct a worksite evaluation to assess each housekeeping tasks with respect to potential causes of musculoskeletal injuries to housekeepers, control exposures and train employees on the employer’s MIPP, the recognition of signs and symptoms commonly associated with musculoskeletal injuries, body mechanics and safe practices among other required elements, to mitigate the risk factors and minimize the injuries associated with tasks specifically related to hotel housekeeping jobs.

Employee input will be sought in designing and conducting the worksite evaluation and in the identification and evaluation of possible corrective measures. Employee involvement will improve the implementation of the recommendations and solutions and thus increase the effectiveness of the prevention program. These requirements should reduce the number of serious musculoskeletal injuries suffered by housekeeping employees, and in turn should reduce the fiscal losses due to work absence, staff replacement, workers’ compensation, and possibly other legal costs.

What’s Required By The New Rule?

As a preliminary matter, the new standard applies to “lodging establishments,” which is defined as any establishment that contains sleeping room accommodations that are rented or otherwise provided to the public, such as hotels, motels, resorts, and bed and breakfast inns.

Under the new rule, each covered employer is required to establish and maintain a written musculoskeletal injury prevention program (MIPP) that addresses hazards specific to housekeeping. The standard specifies that the MIPP may be incorporated into an existing injury and illness prevention program (IIPP) or maintained as a separate program, and must be readily accessible each work shift to employees (including electronic access).

Required elements of the MIPP include:

- **Worksite Evaluations** – Covered establishments must conduct an internal review to identify and evaluate housekeeping hazards. The initial evaluation must be completed within three months of the effective date of the standard, and shall be reviewed and updated annually (or earlier if needed). The MIPP must include an effective means of involving housekeepers and their union representative in designing and conducting the worksite evaluation.
- **Specific Risks Identified** – The worksite evaluation must identify and address potential risks to

housekeepers, including (1) slips, trips, and falls; (2) prolonged or awkward static postures; (3) extreme reaches and repetitive reaches above shoulder height; (4) lifting or forceful whole body or hand exertions; (5) torso bending, twisting, kneeling, and squatting; (6) pushing and pulling; (7) falling and striking objects; (8) pressure points where a part of the body presses against an object or surface; (9) excessive work-rate; and (10) inadequate recovery time between housekeeping tasks.

- **Injury Investigations** – Those covered by the new standard must install proper procedures to ensure they investigate musculoskeletal injuries to housekeepers, including whether required tools or control measures were being used appropriately.
- **Corrective Measures** – If any hazards are identified in the worksite evaluation or injury investigation, the lodging establishment must identify methods for correcting such hazards identified, again including housekeepers and their union representative in the process.
- **Training** – Covered establishments are required to provide applicable training on the new standard when they first establish their MIPP. Training also needs to be provided to all new hires, all housekeepers given new job assignments, and when new equipment or practices are introduced. Finally, training needs to be repeated at least annually thereafter.

Recordkeeping – As the final requirement, lodging establishments need to ensure proper record retention for relevant documents associated with the new standards, including the MIPP, worksite evaluations, and training records.

What This Means For You

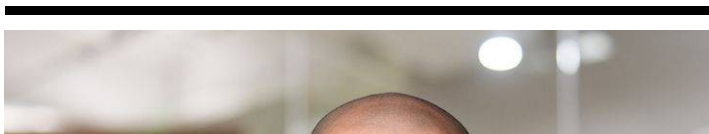
If you are a lodging establishment operating in California, you have your marching orders. You must get to work immediately to begin conducting worksite evaluations, drafting MIPPs, and training your housekeeping staff on the new standards. July 1 will be here before you know it.

If you are outside of California, you might want to consider establishing an internal program based on these requirements to minimize risks to your own housekeeping staff. Conducting a hazard assessment evaluation and adjusting practices as necessary will demonstrate that you have your workers' best interests in mind, while also helping to reduce the risk of injuries, workers' compensation claims, and even union organizing drives.

Fisher Phillips attorneys are available to assist with these activities or to provide guidance and advice to hotel clients that will use consultants or in-house staff to carry out these functions. Feel free to reach out to any member of our [Hospitality Practice Group](#).

For more information, contact the author at BEbbink@fisherphillips.com or 916.210.0400.

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