

Division of Occupational Safety and Health, Department of Industrial Relations Background Brief

DOSH and COVID-19

Complaints and Enforcement Activities

Before the pandemic, DOSH received between 11,500 and 13,000 complaints each year; 2,400 to 2,500 of those were responded to by onsite inspections, while 6,900 to over 7,800 were investigated by a letter process, which requires employers to look into the complaint items, and correct the hazards identified.

DOSH has seen a significant increase in the demand for enforcement as a result of the COVID-19 pandemic. Since February 1 to the end of October, DOSH received close to 12,888 complaints: 7,712 complaints concerning COVID-19 related hazards at workplaces alone and over 5,176 complaints alleging other types of health and safety hazards.

For the first few months of the pandemic, due to several factors, including the anticipation of a surge in complaints as well as illness and fatality investigations, DOSH developed and implemented a revised complaint response procedure for COVID-19 cases to ensure that the hazards reported were addressed. The procedure consists of an investigation by letter of most complaints, supplemented by offering, and providing to the employers, assistance in correcting the hazards. Onsite inspections are prioritized for the most serious complaints, including complaints alleging outbreaks and complaints of potentially serious hazards in higher risk industries, as well as instances where employers do not cooperate with DOSH or address workplace hazards. This has allowed DOSH to intervene in a significant number of workplaces, and to assist cooperative and well-intentioned employers in protecting their workers from the exposures to COVID-19, while allowing the division to prioritize and efficiently manage finite resources. This quick policy implementation has enabled DOSH to ramp up its enforcement efforts for both COVID-19-related and non-COVID-19-related complaints.

COVID-19 Enforcement from February 1st to October 29th:

DOSH has received 7,712 COVID-related complaints (of over 12,888 total complaints)
DOSH has conducted 1,411 on-site COVID-19-related inspections (of 4,620 total on-site inspections)

- 440 Complaint-based (of 1,064)
- 250 Fatality Investigations (of 322)
- 285 Illness Investigations (of 1,435 accident and illness investigations)
- 259 Referral-based inspections (of 667)
- 243 Programmed (targeted) and other COVID-19-related inspection

DOSH investigated 6,456 COVID-related complaints by letter (of 9,896 letter investigations)

Interagency Collaboration

DOSH has also been heavily involved in interagency planning initiatives to reduce the spread of COVID-19 and protect Californians. DOSH is part of Governor Newsom's Enforcement Task Force and has been coordinating with state and local agencies on targeted efforts to reduce transmission and protect workers. For example, over the July 4th weekend, DOSH performed over 2,700 in-

person compliance assistance visits at restaurants, grocery, and retail stores. In total, DOSH has performed 10,741 on-site compliance assistance visits, with a focus on high risk counties. DOSH has also recorded over 470,200 contacts made through this taskforce, through coordinated outreach via in-person contact, email, mail, phone, and webinar. DOSH has also collaborated with the Governor's Office of Business and Development (Go-Biz) and the California Department of Public Health (CDPH) on joint reopening guidance publications.

COVID Consultation Activities

From March 1st to date, the DOSH Consultation Services Branch has provided COVID-19 outreach and education to several thousand employers throughout the state – and expanded its ability to serve employers across the state by offering more virtual and online service options. In addition to developing methods to conduct large-scale remote training using video conference platforms, consultants reached out to employers with an emphasis on employers in agriculture, construction and food/meat processing in high-risk counties, while also providing follow-up training. In addition to its 6,477 Task Force on-site visits, consultation staff has performed 550 on-site visits, 304 virtual visits, 24 webinar trainings reaching 5,099 employers, and 4,294 telephone/video conference calls, all focused on COVID-19.

Staffing and Training Initiatives

To assist with the growing workload at DOSH, the Division worked quickly to redirect department staff while developing a recruitment and staffing plan – allowing DOSH to build the needed capacity to continue serving California workers and employers long-term.

Over that last seven months, DOSH has worked to quickly increase staffing to assist with the surge of complaints and need for increased inspections, outreach and consultation work. This has included temporarily redirecting former DOSH staff back to the Division to assist with hiring efforts and administrative support and redirecting DOSH staff from other units such as the Amusement Rides and Tramways unit to assist in COVID-19 enforcement. Additionally, the Division conducted direct outreach to all retired safety engineers, industrial hygienists and managerial DOSH classifications to temporarily augment the existing enforcement staff, successfully hiring several Retired Annuitants.

The Division has also engaged in a nationwide recruitment effort for safety engineers and industrial hygienists. The current goal is to fill 65 enforcement positions by the end of this calendar year and fill the remaining 70 vacancies in DOSH by Spring 2021. DOSH is on target to meet its end of year goal and is also making progress on key hires outside of the enforcement program.

COVID Outreach Efforts

In addition to posting guidance to help employers comply with industry requirements and providing workers information on how to protect themselves and prevent the spread of the disease, DOSH has coupled a growing library of resources with targeted outreach to reach as many employers and workers as possible, especially the most vulnerable.

DOSH has developed and deployed the [Cal/OSHA and Statewide Industry Guidance on COVID-19](#) webpage in English and Spanish. This webpage contains guidance materials, videos, frequently asked questions (FAQ's), fact sheets, workplace postings, and many other resources for employers and workers related to COVID-19.

DOSH has developed guidance for 37 industries, either on its own or in partnership with other agencies. In addition to the guidance, DOSH has developed training videos, posters, FAQs, and online training for both workers and employers. DOSH has held training webinars, and presented

at outreach events using videoconferencing platforms. DOSH has and continues to share guidance and other COVID-19 related resources using established LISTSERVs.

To date, DOSH has provided guidance to over 401,000 employers throughout the state via direct email listserv blasts, 61 separate outreach events with 35,300 distributed materials to 10,288 attendees, which will also be shared with an additional 36,942 workers through indirect training. Before releasing industry-specific guidance, DOSH conducted individual labor and management stakeholder conference calls to share information and obtain important feedback. 2,366 Skilled Nursing and Long-Term Care facilities were directly contacted by email or regular mail and provided information, guidance material and other resources, including information on how to contact Cal/OSHA Consultation Services to receive free technical assistance as directed by Governor Newsom's [Executive Order N-27-20](#). DOSH worked with multiple state agencies to collaborate in an effort to strategically target specific industries and provide outreach, education, and to disseminate written guidance, checklists, videos and other resources. DOSH coordinated with Alliance Program partners for targeted outreach events. For example, DOSH worked with the Mexican Consulates to host 13 events, the majority on COVID safety, and trained over 16,800 workers.

DOSH has unilaterally developed 36 different resources, including:

- 13 DOSH guidance documents (in English, Spanish, Chinese, Vietnamese, Korean, and Tagalog)
- Four DOSH checklists (in both English and Spanish)
- Six DOSH and LWDA videos (in English, Spanish, and Mixtec)
- 11 DOSH resources (posters, FAQs, and webinar presentation materials, and industry-specific webinar information)

DOSH has been an instrumental member of a multi-agency effort to develop and post reopening guidance. To date, there have been over 82 individual guidance resources posted and available to employers and workers. Additionally, DOSH launched a new initiative, the *Cal/OSHA Online Training Academy*, which offers COVID-19 courses, for employers and for workers, to ensure workplaces understand the appropriate infection prevention methods they should establish and implement to reopen safely. DOSH's outreach efforts in the agriculture and food processing industries have also intensified as a result of AB 2043 (Rivas, Chapter 212, Statutes of 2020).

Bill Implementation and the Path Forward

AB 685 - DOSH's Enhanced Authority

Assembly Bill 685 (Reyes, Chapter 84, Statutes of 2020), signed into law by Governor Newsom, provides the Division significant new tools to enhance its authority to address occupational safety and health concerns regarding COVID-19 hazards at the workplace. It enhances DOSH's enforcement of COVID-19 infection prevention requirements by allowing for Orders Prohibiting Use and citations for serious violations related to COVID-19 to be issued more quickly. DOSH can now shut down an entire worksite or specific worksite area that exposes employees to an imminent hazard related to COVID-19 infection. The law also requires employers to notify all employees who were at a worksite of all potential exposures to COVID-19 and notify the local public health agency of outbreaks. The express citation authority granted to the Division to enforce the notice provisions of this bill is a significant enforcement tool as it would obviate any need for rulemaking, allowing DOSH to commence enforcement of that requirement immediately upon the bill's effective date.

The implementation of this law will provide better information on outbreaks, clarification of the authority to intervene and the elimination of notice and paperwork requirements to issue serious citations – allowing DOSH to respond more efficiently and effectively when workers are at serious or imminent risk of harm. This enhancement of necessary enforcement tools for DOSH will help reduce both occupational and community spread of COVID-19, which is critical for the safe reopening of the state’s economy.

AB 685’s changes will be in effect starting January 1, 2021 through 2023. In preparation, DOSH has published [FAQs on its webpage](#).

AB 2043 - COVID-19 response

Assembly Bill 2043 (Rivas, Chapter 212, Statutes of 2020) was signed into law as an urgency statute and became effective on September 28, 2020. This law requires DOSH to disseminate best practices for COVID-19 infection prevention in both English and Spanish, along with information about COVID-19 related benefits, in a statewide outreach campaign targeted at agricultural employees, including food manufacturing workers, and includes specified outreach methods. The bill also requires DOSH to report online certain information about investigations relating to practices or conditions described in the guidance documents, or to a COVID-19 injury or illness, at a workplace of agricultural employees.

DOSH is part of a strategic outreach committee involving the Division of Labor Standards Enforcement (DLSE), the Division of Workers’ Compensation (DWC), and the California Agricultural Labor Relations Board (ALRB). DOSH is also working with the Employment Development Department’s (EDD’s) Foreign Labor & Farmworker Services and its Monitor Advocate Office, which have on-the-ground outreach personnel. DOSH itself has a bilingual outreach unit consisting of three retired annuitants, who work with advocacy groups such as the Mexican consulate, community-based organizations, and advocacy groups. DOSH has developed strong relationships with agricultural employee and community organizations, which have grown out of the division’s ongoing outreach campaign regarding heat illness in agriculture. Before the pandemic, these relationships allowed DOSH to speak at events that often included hundreds of employees. Under the present circumstances, DOSH is continuing with these presentations via videoconference.

On the basis of these various efforts, the following outreach actions have been taken:

- Since 9/28/2020, DOSH has provided outreach on the best practices of COVID-19 infection prevention to agricultural workers at five outreach events and one additional outreach event to food processing and packing workers. This outreach was provided in Spanish.
- DOSH has developed an 8 ½” x 11” COVID-19 Daily Checklist for Agricultural Employers in English and Spanish and ordered 3,000 checklists in laminated cardstock to be used in the fields. These checklists have been posted on DOSH’s COVID-19 webpage and are available electronically.
- DOSH has developed an 11” x 17” Face Coverings, Masks & Respirators Poster in English and Spanish and ordered 25,000 in laminated cardstock to be used in the fields, food processing and packing facilities and other facilities. These posters have been posted on DOSH’s COVID-19 webpage and are available electronically.
- DOSH is developing three tri-fold publications that are easy to understand and include pictograms and information on where workers can report workplace safety complaints. These publications will be developed in English and Spanish in digital format on our DOSH COVID-19 webpage and also printed to hand out to workers in the field:

- Best Practices for COVID-19 Infection Prevention in Agriculture and Livestock (English/Spanish)
- Best Practices for COVID-19 Infection Prevention in Food Processing and Packing (English/Spanish)
- Best Practices for COVID-19 Infection Prevention in the General Workforce (English/Spanish)

DOSH is in the process of developing a template to be used to compile and report on its website, the information required by the bill, with a target date of December 7.