

FACT SHEET – SB 606 (Gonzalez)

Strengthen COVID-19 Protections for Workers

Purpose

SB 606 (Gonzalez) will implement stronger enforcement measures against employers committing multiple or especially flagrant violations of worker safety and health (OSH) standards. The bill also clarifies the Legislature’s ability to enact enforceable workplace safety reforms.

Background

Current law requires the Division of Occupational Safety and Health (Cal/OSHA, or DOSH) to improve working conditions for California’s workers and protect public health and safety through research, enforcement, and regulation. Cal/OSHA has the authority to issue citations, special orders, and orders to take special action after an investigation of hazards in a workplace.

Under federal Division of Occupational Safety and Health Administration (OSHA) policy, “egregious” employers can be subject to more punitive penalties for “willful” violations if the employer intentionally or knowingly commits a violation with plain indifference to the law. These are the most severe citations the federal OSHA can issue.

For some Californians, the Governor’s shelter-in-place order in mid-March 2020, and subsequent health orders, have resulted in a move to working from home in order to reduce the spread of COVID-19. However, for most essential workers, working from home is not an option. More than 53% of low-wage workers are employed in frontline essential jobs compared to middle and high-wage workers at 39%. In these low-wage, frontline essential jobs, roughly 55% are Latino and 48% are black, putting these two groups at greater risk for workplace exposure to COVID-19, further exacerbating existing health-related inequities experienced by these two communities.

According to Cal/OSHA, COVID-19 “has killed hundreds of workers in California and sickened thousands, and workers will continue to become ill and die until the pandemic subsides. COVID-19 is an occupational health emergency causing more deaths in less time than any other workplace crisis in the nearly fifty-year existence of Cal/OSHA.”

A University of California San Francisco study found that food and agriculture workers saw a 39% increase in deaths during the pandemic, transportation and logistics workers a 28% increase, facilities workers a 27% increase, and manufacturing workers a 23% increase. The



study also found that Latino workers suffered a 36% increase in deaths during the pandemic and black workers a 28% increase—as compared to a 6% increase for white workers. Clearly, our response to the pandemic is failing all workers, but especially our workers already facing lower wages and more dangerous jobs.

Existing law in California also prohibits an employer from retaliating against a worker for disclosing a positive COVID-19 test, diagnosis, or order to quarantine or isolate, but such retaliation has remained painfully common throughout the pandemic. Unfortunately, our process for fighting such retaliation takes far too long and leaves far too many workers behind to be of much help. When workers are not confident they will be protected when retaliation happens, they are much less likely to come forward and report violations, further increasing the risk of exposure to COVID-19 at every worksite in California.

While Cal/OSHA has attempted to respond to the unprecedented worker safety crisis brought on by the pandemic, resources have been insufficient to effectively protect workers from being infected by COVID-19 on the job. Only one Cal/OSHA inspector is employed for every 103,000 workers—a dismal figure alongside far better numbers in nearby states such as Washington (one inspector per 28,000 workers) and Oregon (one inspector per 24,000 workers).

This persistent understaffing combined with existing weaknesses in California law have limited the agency's ability to prove violations or levy penalties equal to the underlying misconduct, and both of these concerns have only been exacerbated by the pandemic. Cal/OSHA must have the tools needed to address workplace spread, prevent additional outbreaks, and hold violators accountable.

What This Bill Will Do

SB 606 will codify federal OSHA's policy against "egregious" employers, giving Cal/OSHA the authority to impose minimum penalties per the number of exposed employees for certain willful violations where many workers have been knowingly harmed by an employer's failure to comply with health and safety laws. By setting higher penalties for violations associated with the safety of multiple employees, this bill will serve as an incentive for large corporations to comply with the law.

Additionally, SB 606 will simplify enforcement against large employers with policies and procedures that directly violate health and safety standards. This authority will allow Cal/OSHA to maximize use of their limited resources when pursuing enforcement actions.

Finally, SB 606 clarifies that Cal/OSHA may enforce certain sections of the Labor Code, in addition to worker safety regulations found in Title IIX of the California Code of Regulations. This will allow the Legislature to take quick and enforceable action on worker safety issues.

SB 606 is consistent with and builds on California's efforts to stop the spread of COVID-19 at the workplace and ensure the safety of all workers. We strongly believe that all of these reforms, taken together, will significantly improve Cal/OSHA's ability to keep workers safe both from COVID-19, as well as other hazards. Given the historic number of workers killed on the job during this pandemic, SB 606 is the least we can do to minimize work-related injuries, illnesses, and fatalities going forward.

Support

California Labor Federation, AFL-CIO
(Co-Sponsor)

United Food and Commercial Workers, Western
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