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**Expanding the Monitoring of Compliance with County Health Officer Orders in the
Workplace to Slow COVID-19 Transmission**

As Los Angeles County (County) has moved to re-open sectors of our local economy over the last two months, we have, at the same time, experienced a steady increase in the number of COVID-19 cases across the County. In the last two weeks alone, a surge in the number of positive cases— with numbers above 2,000 new cases on most days—has resulted in the re-closing of many business operations.

Workplace and community transmission have been significant factors contributing to the spread of COVID-19 in communities across the region. As more businesses across economic sectors have re-opened, the risk of infection has increased. While many businesses have been diligent in their efforts to comply with public health requirements, many others have not. This creates a public health risk not only for the businesses’ employees and customers but for the communities in which the businesses are located and in which their customers and employees live. Given the demographics of the workforce in the sectors that have re-opened, this has also contributed to the disproportionate impact of COVID-19 on Black and Latinx

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communities.

Recent workplace outbreaks have exposed some of the most dangerous instances of non-compliance. In one of the most tragic examples, more than 300 employees recently tested positive at Los Angeles Apparel, a garment manufacturing facility in South Los Angeles where the company was in violation of infection control protocols. Workplace outbreaks have also been documented at meat-packing plants in Vernon and grocery stores across the County. Although there have been some improvements seen in compliance reported in the last week among restaurant and retail establishments, compared to earlier, dismal, statistics, there still remains a need to continue monitoring to ensure consistent compliance. Any non-compliance with public health guidelines creates a public health risk that extends well beyond the businesses' physical boundaries and undermines the County's efforts to slow the spread of COVID-19.

In order to help reverse the rapid increase of new cases while still allowing businesses and the local economy to remain open, we must ensure that businesses are following Health Officer Orders (HOOs) and guidelines. On July 7, 2020 the Board of Supervisors approved a motion directing the Department of Public Health (DPH) to develop a plan for instituting fines for first instances of HOO violations into their Environmental Health Inspector enforcement work. Inspecting businesses for compliance and imposing fines on businesses that are out of compliance are important mechanisms to enforce public health guidelines. However, DPH does not have the capacity needed to inspect and monitor all businesses throughout the County on a regular basis in order to ensure consistent and universal compliance.

In order to expand the County's compliance enforcement capacity while, at the

same time, increasing consciousness among a broader segment of the public about public health orders and guidelines adopted to reduce the risk of infection, the County should establish mechanisms that enable workers to monitor and report instances of non-compliance with public health requirements at their workplaces. As already noted, workplace transmission contributes to an increase in COVID cases, putting workers on the front-lines of this pandemic— and by extension, their families and communities— at unacceptable levels of risk. As the eyes and ears in the workplace, workers are uniquely positioned to track and monitor compliance with HOOs. Though they are often at high risk for exposure, workers are often hesitant to report any workplace violations of HOOs to their employer for fear of retaliation. Creating a process by which workers can report workplace violations of HOOs and guidelines to DPH will increase the Department's capacity to monitor and enforce workplace compliance on a larger scale.

WE, THEREFORE MOVE that the Board of Supervisors direct the Department of Public Health (DPH), in consultation with County Counsel, the Chief Executive Officer (CEO) and the Department of Consumer and Business Affairs (DCBA), to consult with labor representatives, worker advocates, and business community representatives, and report back to the Board in 14 days on opportunities for monitoring compliance with County HOOs and include the feasibility of establishing a mechanism by which employees at workplaces across sectors throughout the County can quickly notify DPH about possible violations of County HOOs and guidelines. This should include the feasibility, including budget implications, of implementing a plan that would include:

1. Ensuring that employers county-wide allow the establishment of public health councils comprised of employees at their worksites. The public health councils will expand DPH's HOO enforcement capacity by working with third party worker

and community based organizations certified by DPH to monitor, document and report any violations of the County's HOOs and guidelines. Employees must be allowed to form public health councils without retaliation by their employer.

2. Providing for the certification of third party worker and community based organizations that can serve as the intermediary between the public health councils and the DPH. The certified third party worker and community based organizations will: assist public health councils in understanding public health orders and guidance; provide technical assistance to public health councils in identifying non-compliance; and help public health councils prepare reports and documentation to submit to DPH for further investigation. DPH will develop the certification criteria, as well as the process by which certified third party worker and community based organizations will collaborate with DPH. At a minimum, that criteria and process should include:
 - a. Certification of third party worker and community based organizations with knowledge of and experience communicating with workers in various industries throughout the County with the goal of certifying multiple organizations each with a focus on specific sectors (garment industry, hospitality, janitorial, food service and production, etc.);
 - b. Training to ensure third party worker and community based organizations understand and are well versed on the County's HOOs and guidelines for the specific industry which they are monitoring; and

- c. Designated DPH staff to liaise with and process reports of non-compliance submitted by certified organizations for further investigation by DPH Environmental Health Officers.

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