

MOTION BY SUPERVISORS SHEILA KUEHL
AND HOLLY J. MITCHELL

May 17, 2022

**Posting Requirement for Preventing Retaliation for Reporting Public Health
Violations Ordinance**

On November 24, 2020 this Board adopted an urgency ordinance adding Los Angeles County Code Title 11, Division 1, Chapter 11.01 *Preventing Retaliation for Reporting Public Health Violations* (“Ordinance”) which prohibits retaliation against employees for discussing or reporting Health Officer Order violations to the Department of Public Health or others; and created a right of action to protect against employer retaliation directed at workers.

The purpose of the Ordinance was to encourage workers to report public health violations without fear of retaliation and thereby promote public health and increase the effectiveness of public health safety requirements. It was and still is needed because COVID-19 continues to spread, causing further illness and death that disproportionately impacts low-income communities and communities of color. Further, the County Health Officer Order and Cal OSHA COVID-19 Emergency Temporary Standards and the related safety requirements in the workplace help stop the spread of disease. The Ordinance protects workers by prohibiting retaliation against them for reporting or

MOTION

SOLIS	_____
KUEHL	_____
HAHN	_____
BARGER	_____
MITCHELL	_____

discussing violations of Health Officer Orders, or other violations of Title 11, or for participating in a Public Health Council. In addition, the Ordinance signals the County's seriousness about protecting workers by providing for penalties (up to \$10,000 per violation per day) and creating a right of action to protect against employer retaliation of workers, including the right to attorneys' fees to the prevailing party.

On November 10, 2020 this Board directed the Department of Public Health (DPH) to begin implementation of a Public Health Councils Program ("PHC Program"). To date the PHC Program has reached over 9000 Workers in the garment manufacturing, food manufacturing, warehousing, restaurant, and grocery sectors with information about Health Officer Orders ("HOOs"); how to file complaints for perceived HOO violations in their workplaces; and protections afforded by the County's anti-retaliation ordinance in the event that they experience employer retaliation for these public health activities. Educating workers on the Ordinance and the protections provided to them has been instrumental to the PHC Program.

Despite media attention to a successfully investigated complaint of retaliation and monetary penalties, the efforts of DCBA to investigate retaliation complaints, and the PHC Program, there is still widespread lack of knowledge among employers and workers about the Ordinance, especially sectors beyond the PHC Program. Employees remain very fearful about discussing or reporting problematic workplace conditions and employers remain unaware of the Ordinance and the penalties that can be levied against them if found guilty of retaliation. A posting requirement is needed to help educate both workers and employers across all sectors countywide, except in cities that have their own Health Officers.

The County has posting requirements in place to help educate workers and employers about the County's Wage Ordinance and Human Trafficking Ordinance. A

posting requirement for the *Preventing Retaliation for Reporting Public Health Violations Ordinance* would similarly help ensure that more employers and workers are informed about the Ordinance and know how to report perceived retaliation to DCBA. It could also be used to share information with workers and employers on how to report public health violations.

WE, THEREFORE, MOVE that the Board of Supervisors direct:

1. County Counsel to prepare an amendment to Title 11, Division 1, Chapter 11.01 to include a posting requirement provision in collaboration with the Departments of Consumer and Business Affairs and Public Health and submit the amendment to the Board for approval; and
2. The Department of Consumer and Business Affairs to work with Public Health and County Counsel on developing a notice informing Workers of their rights that DCBA and DPH will make available electronically and as hardcopies for employers to post in a conspicuous place at any workplace or jobsite in the County of Los Angeles, excluding cities recognized by the State Department of Public Health as having their own Local Health Jurisdiction with their own City Health Officer.