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Establishing the Public Health Councils Program to Keep LA County Safe and Protect Workers from Retaliation

As Los Angeles County considers re-opening additional sectors of our local economy, it is important to continue taking steps to contain the spread of COVID-19. LA County, like other jurisdictions, has realized that infections will rise as the economy reopens because County Health Officer Orders (HOOs) are not strictly followed. HOOs are necessary to keep people safe and prevent the spread of COVID-19 in our community, but they are only effective if all residents comply with the orders. While many businesses have been diligent in their efforts to comply, many have not. This creates a public health risk not only for the businesses' workers and customers but also for the communities in which the businesses are located and in which their customers and workers live.

There are approximately 244,000 businesses in LA County, all of which are currently regulated by HOOs. Enforcement is key to reducing the disparities we have measured in the number of cases and deaths among communities of color and other vulnerable communities. The Department of Public Health (DPH) has been creative in

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finding new ways to enforce the HOOs, such as with the creation of the COVID-19 Safety Compliance Certificate Program that allows employers to self-certify that they are fully implementing the required COVID-19 protocols. Despite these efforts, DPH still needs help to ensure that businesses across the County are following the HOOs. For this reason, the Board of Supervisors (Board) is directing the implementation of the nation's first Public Health Councils (PHCs) Program. Through this innovative program, workers will help to monitor the safety of their own workplace with guidance from Certified Worker Organizations and DPH.

The Board of Supervisors has been examining this issue since July 21, 2020, when the Board unanimously voted to direct DPH, in consultation with County Counsel, the Chief Executive Officer (CEO), and the Director of Consumer and Business Affairs (DCBA), to report back on opportunities for monitoring compliance with HOOs, including the feasibility of establishing a mechanism through which workers at workplaces across the County can report possible HOO violations. On August 6, 2020, DPH submitted their report with the steps and resources needed to establish such a process and information about the use of PHCs that workers could opt-in to forming. DPH also shared concerns and recommendations from listening sessions with businesses and labor groups.

In response to DPH's report, the Board again unanimously voted on September 1, 2020 to direct DPH to create an implementation plan for PHCs, to conduct more listening sessions with stakeholders in collaboration with DCBA and the Department of Workforce Development Aging and Community Services, and to work with the CEO to develop a budget request for the program. On November 5, 2020, DPH submitted their response to this Board motion with a comprehensive plan to create the country's first PHCs Program. After almost four months of research and engagement, it is time to

implement the program.

As we see cases begin to rise again, we must develop additional tools to monitor compliance with the HOOs. In the case of PHCs, DPH's proposal will, among other things, enlist the help of workers who care about the safety of both their work environment and their communities to help monitor their worksites for compliance. DPH will also enlist the help of Certified Worker Organizations, who are selected based on their qualifications and trained on the HOOs, to conduct outreach and education to workers interested in forming PHCs. These PHCs will work to ensure that their coworkers are trained on HOOs and to develop recommendations for monitoring compliance with the HOOs at their worksite. Although workers participate in PHCs on a voluntary basis, workers who choose to participate will be protected from retaliation for reporting, or expressing their concerns about, potential noncompliance with the HOOs.

Considering the importance of this work, employers should cooperate with the PHC at their business to help ensure compliance. By working together, workers and employers can ensure a safe environment for their customers and for their broader community at a critical time. Employers are encouraged, but not required, to pay their workers for their time participating on PHCs, to allow PHCs to use their business premises for PHCs activities, and to cooperate with CWOs in making this opportunity known to their workers. Through the cooperation of all stakeholders, including DPH, Certified Worker Organizations, workers, and employers, we can work to contain the spread of COVID-19 without the need for additional business closures.

The Board's intent in creating the PHC Program is to keep businesses open while ensuring the safety of workers, customers, and the broader community. DPH cannot do this work alone, and help is urgently needed. In these unprecedented times,

the County is utilizing all its resources, including employers and workers, to keep the public safe.

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

1. The Department of Public Health (DPH) to begin implementation of a Public Health Councils Program as provided in the report back to the Board on November 5, 2020.
2. DPH to report back to the Board in six months and, again, in one year on the progress and effectiveness of the Public Health Councils Program and other efforts to encourage voluntary cooperation with reporting violations of the Health Officer Orders and Public Health Protocols;
3. County Counsel to prepare and file an urgency anti-retaliation ordinance so that it may be heard on the next Board agenda in 14 days, which emphasizes a collaboration between DPH, the Department of Consumer and Business Affairs (DCBA), and County Counsel;
4. DCBA to use no more than \$1.9 million in Consumer Protection Settlement funds for the investigation and enforcement, in consultation with County Counsel, of worker retaliation protections in the workplace due to reporting actual or potential violations of Health Officer Orders; and
5. The Chief Executive Office and relevant departments to report back to the Board during FY 2021-2022 Recommended Budget with ongoing funding sources for countywide investigations and enforcement of workplace retaliation issues that arise from the reporting of public health issues.

¹ <http://publichealth.lacounty.gov/eh/covid19cert.htm>