

Local Health Department's Enforcement Efforts To Eliminate Health Disparities from The Work Environment

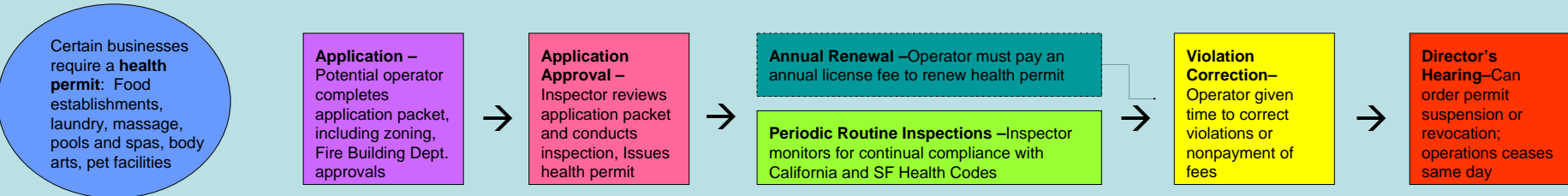
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Strategy: Using its existing authorities, enforcement processes, and personnel, the San Francisco Environmental Health Section (SFEHS) is decreasing occupational health disparities by complementing labor law enforcement agencies' efforts and holding health permitted businesses accountable for compliance with labor laws through three new practices.

Drivers for SFEHS Involvement

Working Conditions a Strong Predictor of Health	Disparities in San Francisco	Regulatory Agencies Constraints and Opportunities
<ul style="list-style-type: none"> Income is one of the strongest predictors of health Wage theft (i.e., illegal non-payment or under-payment of wages) causes workers in low-wage industries to lose more than \$56.4 million per week The lack of workers' compensation coverage contributes to income lost and increase income spending Employers violating wage laws more likely not to offer health insurance and paid sick days 	<ul style="list-style-type: none"> Low-wage workers are disproportionately impacted by wage theft; 38% of SF households earn less than a living wage of \$50,000; 21% households earn less than \$25,000 Some workers such as domestic workers are not considered as employees and are not within the scope of labor laws; ~90% of domestic workers in SF area have experienced wage theft ~35% foreign-born in SF; foreign-born workers more likely to earn less and work in riskier jobs Study in SF Chinatown showed 52% of restaurants did not have slip mats, an indication of the lack of injury and illness prevention measures 	<ul style="list-style-type: none"> Enforcement of labor code in California resides mainly with a State agency, Department of Industrial Relations State agencies have very limited resources to routinely monitor all businesses Local environmental health departments do not check labor law violations nor have jurisdiction on labor issues Yet, local environmental health inspectors visit and have opportunities to observe working conditions in businesses on a routine basis

Local Environmental Health Regulatory Process



Practice #1: Linking Labor Law Compliance to Health Permits

Existing Local Environmental Health Authority: To issue and renew operating health permits.

SFEHS' Effort To Complement Labor Law Agencies' Enforcement: The State's Department of Industrial Relations ensures that California businesses carry workers compensation insurance. To complement this State agency's monitoring of compliance, SFEHS requires businesses to *show proof* of workers' compensation insurance in their application or renewal of a health permit.

How It Works:

- SFEHS issues new permit only when applicant has shown proof of coverage
- SFEHS asks 10% of businesses to show proof at time of permit renewal
- Failure to provide proof results in a business operating without a valid permit
- Businesses operating without a valid permit appear before the Director of Public Health for permit suspension or revocation

At some point in this process, businesses that did not previously carry workers' compensation get coverage.



Practice #2: Co-enforcement With Labor Enforcement Agencies

Existing Local Environmental Health Authority: Requires all permitted businesses to comply with all applicable codes.

SFEHS' Effort To Complement Labor Law Agencies' Enforcement: San Francisco Office of Labor Standard and Enforcement (SFOLSE) enforces SF Minimum Wage Ordinance. When prompt compliance is not forthcoming, SFOLSE requests SFEHS to assist in obtaining compliance through its routine enforcement process.

How It Works:

- SFOLSE makes an official request to SFEHS for compliance assistance
- SFEHS issues a citation to operator to appear at a hearing before the Director of Public Health
- Director can either to provide more time to comply, or suspend, or revoke a business' permit to operate

Co-enforcement with SFEHS has shortened the time within which workers would receive their back owed wages. Businesses who failed to comply with the Director's directive have had their permit either suspended or revoked.

California Retail Food Code, Section 113715: Compliance With Applicable Codes
Any construction, alteration, remodeling, or operation of a food facility shall be approved by the enforcement agency and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to fine, building, and zoning codes.

Practice #3: Education

Existing Local Environmental Health Authority: Require at least one person at each food establishment be certified in food safety management.

SFEHS' Effort To Complement Labor Law Agencies: Workers' rights in minimum wage, workers compensation, and a healthy and safe workplace are part of the food safety training curriculum.

Potential Future Practice: Inclusion of Health and Safety Hazards In Food Facility Inspections

SFEHS has been involved in several pilot studies using a short checklist to note health and safety hazards in restaurants. SFEHS is considering including work-related health and safety hazards in its restaurant inspections.