



Washington State Department of  
Labor & Industries

# Janitorial workload, health and safety

*Report to Representatives*

*Chris Reykdal and Mike Sells*

December 2014

# Acknowledgements

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Thank you to the following people for their contributions to this report.

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# Executive Summary

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## Introduction

In March 2014, state representatives Chris Reykdal and Mike Sells asked the Department of Labor & Industries (L&I) to work with stakeholders to develop recommendations for revising standards for safe workloads and health and safety training for janitorial workers, including consideration of limiting the square footage a janitor is required to clean. They also asked L&I to lead a data-driven inquiry into a 2013 study by the University of Washington that examined janitorial work conditions, injuries and health issues. L&I convened a Janitorial Work Group consisting of representatives from business and labor, with support from L&I staff with relevant knowledge and expertise. The work group met four times in 2014 to review a variety of information and to develop recommendations. The findings and recommendations are presented in this report.

## Summary of research and data

The Janitorial Work Group examined information about L&I's workplace safety and employment standards programs, as well as workers' compensation data for janitorial workers and comparison groups. As requested, the work group also reviewed a 2013 study of janitorial workload, health and safety by the University of Washington for the Service Employees International Union Local 6.

***Workplace safety and health*** ~ Washington employers are required to provide a workplace free from recognized hazards that are causing or likely to cause serious injury, illness or death to employees. L&I has specific safety and health requirements for a variety of potential hazards common in janitorial work. Other situations not called out in regulation also may be cited under accident-prevention requirements or the "safe workplace" standard if L&I finds they pose a serious hazard to employees. Given the variability in janitors' work conditions and job duties, limiting the amount of area a janitor must cover may not reduce hazards in every case. Without clear evidence that cleaning more space is a serious hazard, Washington's occupational safety and health laws do not give L&I specific authority to regulate how much floor space an employee is required to clean during a shift. However, employers may set square-foot standards to prevent over-exertion and other injuries, where appropriate.

In addition to its compliance and enforcement programs, L&I offers no-penalty consultations, educational workshops and online training modules, several of which relate to janitorial workers and employers. Workers, their representatives or other parties may file confidential safety and health complaints with L&I, and the department investigates whistleblower complaints for ensuing retaliation.

***Employment standards*** ~ L&I is responsible for enforcing wage laws and other employment standards, including pay statements and records, allowable deductions, payment intervals, and meal and rest periods. Workers can file complaints with L&I if they're denied rest or meal breaks, aren't paid properly or aren't allowed to use their paid leave. L&I has civil enforcement authority for wage violations, but not for meal and rest periods. Under state law, violating meal and rest periods is a misdemeanor, which may be referred to a county prosecutor to pursue. However, L&I staff are unaware of charges ever being filed. As an alternative, workers can file private lawsuits to recoup wages owed them for working through break periods, although the financial and time costs make this a rarely used option.

**Workers' compensation data** show that janitors have a higher rate of accepted (approved) injury claims and a higher rate of compensable<sup>1</sup> claims than comparison groups (see figures 1 and 2). Although janitorial claims trended downward for most of the 2003-12 review period, the Services to Building and Dwellings industry group, which includes janitorial services, remained in the top 10 on L&I's prevention index (Figure 6) – meaning it had a relatively high number of claims and related costs among 313 industry categories. Also, the base workers' compensation premium for janitorial services has risen faster than the average for all risk classes over the past decade (Figure 3).

Musculoskeletal injuries to the neck, back and arms are the most frequent type of injury for employees covered by Washington's workers' compensation fund, accounting for 31 percent of work-related injuries for all categories, including janitors. Janitors' claims experience differed noticeably from all other workers in two areas: Janitors have a higher percentage of claims related to "falls from same level" and a somewhat lower percentage related to being struck by or against an object compared to all other risk classes.

There were three more findings of particular note: The majority of compensable workers' compensation claims are filed by female janitorial workers (53 percent) and by janitors who have been in their jobs less than one year (54.9 percent). Also, nearly one-third of janitors who file workers' compensation claims request materials in a language other than English, compared to 5.7 percent for the entire service sector and 16.8 percent for the accommodation and food services sector. Thus, it may be beneficial to focus safety training and hazard prevention on female janitors and newly hired janitors, as an initial effort, and to encourage employers to provide required training courses and written materials in appropriate languages.

**The University of Washington conducted a study** in 2013 for SEIU 6, examining injury and workload levels among janitorial workers. Much of the self-reported data in the study cannot be proved or disproved with other existing data sources. However, some of the work-related and demographic differences between union and non-union janitors (i.e., work environments, ethnicity and language) identified by the study may be useful in improving information and training for janitorial workers. Although data were self-reported, many survey respondents clearly believe their work pace and injury symptoms increased in the past three years.

## Recommendations

The Janitorial Work Group endorsed the following six proposals. The first five could be accomplished, in time, within L&I's existing resources. The sixth would require additional discussion with labor and business to determine an effective approach, and may require additional resources for the department.

1. Encourage the industry to apply for L&I [Safety & Health Investment Projects](#) (SHIP) grants, which could be used to develop a model accident-prevention plan, improved training materials or other safety resources for the janitorial industry.
2. Through L&I's Safety & Health Assessment & Research for Prevention (SHARP) Program, provide employers with data about work-related injuries and illness among janitors, along with their causes, patterns and best safety practices.
3. Encourage employers to request voluntary, no-penalty safety [consultations](#) from L&I's Division of Occupational Safety & Health (DOSHS).

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<sup>1</sup> Compensable claims involve more than just medical claims. Usually, this means time-loss benefits, but also may include other benefits besides medical coverage.

4. Consolidate janitorial information and training resources on a single L&I Web page.
5. Record an accurate address for each injury that occurs, to help determine if specific work locations are having higher rates of janitorial injuries. L&I staff agreed to research whether and how this information might be collected more accurately.
6. Create a feedback mechanism to ensure that building owners and managers are kept informed about janitorial injuries and safety and health hazards in their buildings. Depending on what the plan called for, L&I might need additional resources to implement this.

A seventh proposed recommendation was not endorsed by the full work group. Labor representatives wanted to recommend that the Legislature pass a law regulating the amount of space janitors are required to clean during an eight-hour shift (or authorizing L&I to adopt standards). Business members noted that L&I already has authority to assess workplace hazards and determine if a particular job requires additional safety requirements or personal protective equipment (PPE). The business members do not agree that L&I has authority to regulate square footage outside of a specific job-hazard analysis.

# Introduction

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In 2014, representatives Chris Reykdal and Mike Sells sponsored a bill (House Bill 2477) to limit the square footage a janitor must clean during an eight-hour shift. The bill was in response to labor advocates' concerns that janitors in Washington are experiencing dramatic increases in workload – especially the amount of space they're required to clean – and that it's resulting in more work-related injuries and illness. The House Labor & Workforce Development Committee substituted the bill to instead require a report by the Department of Labor & Industries (L&I).

After passing it out of committee, the sponsors allowed the substitute bill to die. Instead, they sent a letter (Appendix A) asking L&I to lead a data-driven inquiry into the assertions and to work with stakeholders to develop recommendations for 2015 legislation or administrative rules related to: 1) standards for a safe workload; and 2) health and safety training for janitors and supervisors.

L&I convened a work group (Appendix B) consisting of representatives from business and labor, with support from L&I staff with relevant knowledge and expertise. The work group met four times in 2014, on Aug. 20, Sept. 30, Oct. 14 and Nov. 13.

Over the course of the four meetings, the group examined information about L&I's workplace safety and health and employment standards programs, as well as workers' compensation data for janitorial workers compared to other risk classes. As requested by the state legislators, the work group reviewed a 2013 study of janitor workload, health and safety by the University of Washington for the Service Employees International Union Local 6 (SEIU 6), along with comparison data from L&I and other sources.

This report summarizes some of the key information collected by the Janitorial Work Group, following by the group's recommendations.

# Research and Data

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The Janitorial Work Group examined the demographics of janitorial workers, the types of health and safety risks they face and whether those risks are increasing. The group reviewed a variety of state and national data, as well as a recent study by the University of Washington for the Service Employees International Union Local 6 (SEIU 6). The work group also learned about the Department of Labor & Industries' (L&I) educational and enforcement efforts to ensure safe workplaces, and explored the extent and limitations of the department's regulatory authority in this area. This chapter summarizes the key information and data that were presented to the work group for consideration.

## WORKPLACE SAFETY & HEALTH

L&I's Division of Occupational Safety & Health (DOSH) is delegated by the federal Occupational Safety & Health Administration to administer and enforce workplace safety and health programs in Washington state. These programs include extensive educational offerings, free consultation visits for employers, mandatory safety and health inspections, and whistleblower investigations.

### Safety and health requirements

DOSH is authorized to regulate hazards associated with specific work activities. Employers must:

- Provide a place of employment "free from recognized hazards that are causing or likely to cause serious injury or death to his or her employees."
- Have an accident-prevention program tailored to the workplace or types of hazards that exist there. The program must include safety and health training for employees.
- Have a safety committee or hold safety meetings as required in state regulations (WAC 296-800-130).

In addition, DOSH has requirements for a variety of potential hazards that may be common in janitorial work:

- Chemical hazards, such as cleaning products and asbestos.
- Biological hazards, such as blood, other body fluids, and viruses, bacteria and other pathogens.
- Physical hazards, such as electricity and slips, trips and falls.

Other situations not called out in regulation also may be cited under L&I's accident-prevention requirements or "safe workplace" standard if the department finds they pose a serious hazard to employees.

Given the variability in janitors' work conditions and job duties, limiting the amount of area a janitor must cover may not reduce hazards. Without clear evidence that cleaning more space is a serious hazard, Washington's occupational safety and health laws do not give L&I specific authority to regulate how much floor space an employee is required to clean during a shift. However, employers do have the option to implement square-footage standards and other practices to improve work conditions and prevent injuries.

### Worker rights

A worker or worker's representative may file a confidential complaint with L&I if he or she believes a workplace violates safety or health standards or if there's imminent danger. The worker has a right to find out what action was taken by L&I, and may request a review if L&I doesn't conduct an inspection.

Workers also are protected against discriminatory acts (e.g., retaliation) under federal and state whistleblower laws. Complaints can be filed with the federal Occupational Safety & Health Administration (OSHA) or L&I's Division of Occupational Safety & Health (DOSH).

### **Compliance and enforcement**

From 2006 through 2010, DOSH conducted 695 safety and health inspections involving “Services to Buildings and Dwellings” industries, which include janitorial services. Of these, 174 had no identified violations, while 521 were cited for hazards that needed to be corrected. The most frequent violations were related to a failure to have:

- Written accident-prevention program
- Written hazardous-materials safety plan (HAZCOM)
- First-aid-trained personnel available
- Rules to conduct safety meetings
- Personal protective equipment – eye and face protection
- Rules to conduct safety meetings – topics to cover
- Requirement for employees to use necessary personal protective equipment on the job
- Accident-prevention program – head protection
- Documentation of hazard assessment for personal protective equipment

### **Information, consultation and training opportunities**

Employers may request voluntary safety, health and risk-management [consultations](#) from DOSH. The consultations are free. DOSH will not issue citations for violations found during a consultation, but employers must agree to fix any serious hazards identified. DOSH also offers a wide variety of workshops and online information for employers and workers, including several online training modules geared toward the janitorial industry (see [lni.wa.gov/safety/](http://lni.wa.gov/safety/)).

## EMPLOYMENT STANDARDS

L&I is responsible for enforcing wage laws and other employment standards, including pay statements, pay records, allowable deductions, payment intervals, and rest and meal periods. Wage and hour requirements, including break requirements, are explained thoroughly on L&I's website: [lni.wa.gov/WorkplaceRights/Wages/default.asp](http://lni.wa.gov/WorkplaceRights/Wages/default.asp).

### Meal and rest period requirements

Of all the employment standards enforced by L&I, rest and meal periods were most relevant to the work-intensity and health-and-safety issues examined by the Janitorial Work Group. The key requirements are:

- Employers must provide a 10-minute paid rest period for each four-hour work period. Employees cannot be required to work more than three hours without a rest period, and they cannot waive a rest period. They may be required to remain on the premises, but must be relieved of all duty.
- Employees must be allowed at least a 30-minute meal period if they work more than five hours. The meal period must start no earlier than the end of the second hour of work and no later than the end of the fifth working hour. The meal period is unpaid, as long as the employee is completely relieved from work duty; the employer must pay for the meal period if the worker is required to remain on call or is called back to duty during his or her meal period. An employee has the option to waive a meal period if the employer agrees.

### Worker rights

Employees can file workplace-rights complaints with L&I if they're denied rest or meal breaks, aren't paid properly or aren't allowed to use their paid leave. Complaints can be filed at any L&I office, by mail or online – although L&I doesn't have civil authority to enforce break periods (see "Enforcement" section below). As an alternative, workers may file civil lawsuits against their employers to recoup wages, including wages owed them from working through break periods – although the financial and time costs involved make this a rarely used option.

### Enforcement

State law provides very different remedies for wage violations compared to meal and rest period infractions.

- *Wages* ~ The state's Wage Payment Act authorizes L&I to collect wages and interest owed to workers and to issue citations and penalties to offending employers.
- *Meal and rest breaks* ~ Under state law, violating conditions of employment – such as denying meal and rest periods to employees – is a misdemeanor criminal offense; there are no civil penalties. Since L&I doesn't have authority to file criminal charges, these cases would have to be referred to a county prosecutor. In practice, when L&I receives a complaint, the department sends an informational/warning letter to the employer explaining the requirements and potential criminal charges, and demanding compliance. L&I staff are unaware of misdemeanor charges ever being referred or filed for meal- or rest-period violations.

## WORKERS' COMPENSATION AND OTHER DATA

When examining workers' compensation data for a particular occupational group, it helps to compare the data to other occupations with similar job hazards and duties. However, the workers' compensation system is based on risk classes, not on commonly recognized occupational sectors. This means there is no one-to-one comparison for the janitorial occupation.

For this report, L&I chose to present data for janitorial services and security guards based on Washington's risk-classification system in order to filter out other workers. For comparison purposes, the researcher selected two nationally used industry sectors so Washington's data could be compared with federal and other state-level data, if needed. The two comparison industry groups are "Services<sup>2</sup>," from the National Occupational Research Agenda (NORA), and "Accommodation and food services," from the North American Industry Classification System's (NAICS) sector 72, which includes other occupations, maids and hotel cleaners.

Because of the different ways the data are derived, "Janitor" services can be compared with each of the other sectors in figures 1 and 2, but "Services," "Accommodation and food services," and "Security guards" cannot be compared with each other. L&I added data for security guards to figures 1 and 2 because they were used for comparison in the janitorial study by the University of Washington (UW). To align with the UW study, which included security guards in commercial buildings, L&I used a narrow definition of security guards (risk class 6601-02, security guard agencies). This very narrow definition possibly underestimates the injury rates for all security guards.

The data in this chapter don't include employees of self-insured businesses and independent contractors. They also don't attempt to accommodate for workers who are covered by workers' compensation but don't file claims when they're injured. L&I presented the following data from national sources and an in-state study:

- National studies show that 48 percent to 79 percent of people who suffer a qualifying workplace injury don't file a workers' compensation claim, although the results vary by state, occupations, industries and injury types.
- A 2006 study in Washington state compared data from the Behavioral Risk Factor Surveillance Survey (BRFSS) to workers' compensation data. Similar to the national studies, the researchers found that filing a workers' compensation claim varied by industry and occupation. Overall, of the BRFSS participants who said they'd had a work-related injury, only 52 percent filed a workers' compensation claim.

### Accepted and compensable claims

L&I data indicate janitors in this state historically have had a higher rate of accepted (approved) injury claims per 10,000 full-time equivalent positions than the three comparison groups (Figure 1). Janitors also have a significantly higher rate of compensable<sup>3</sup> claims (Figure 2) than the other groups. Accepted and compensable claims for janitors have trended downward over the 10 years shown in both graphs.

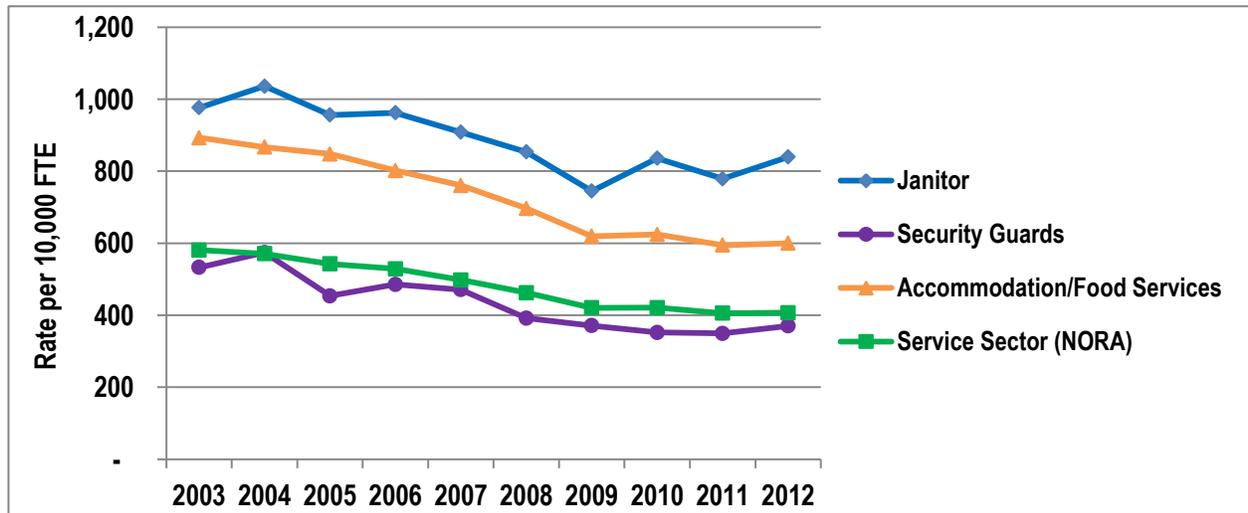
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<sup>2</sup> The NORA services sector includes accommodation and food-services workers, janitorial workers, other office professions, and the professional, scientific and technical professional grouping.

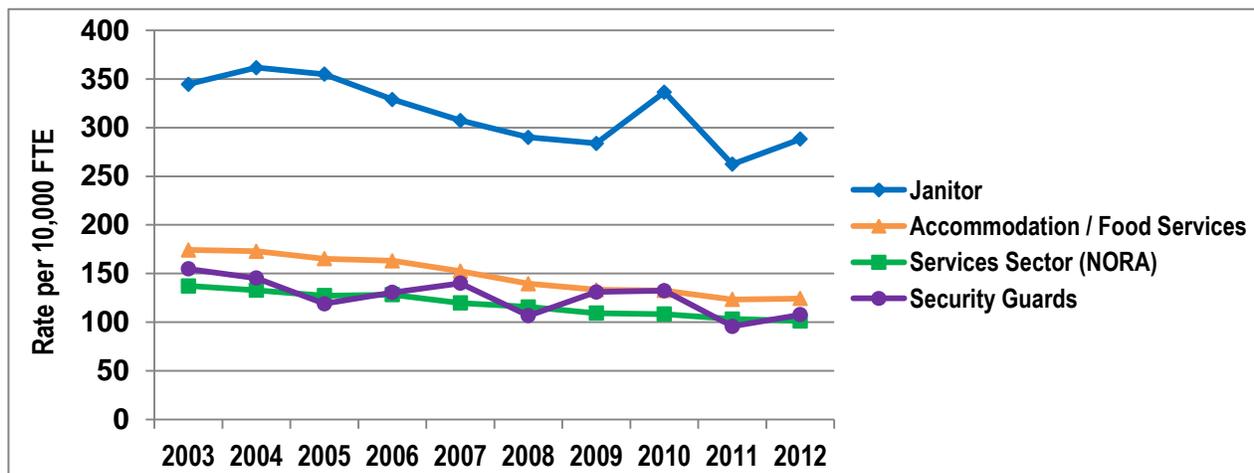
<sup>3</sup> Compensable claims involve more than just medical costs. Usually, this means time-loss benefits, but also may include retraining or other benefits besides medical coverage.

Overall, about 35 percent of accepted janitorial claims paid time-loss benefits, which is about the same for all industries.

**Figure 1: Accepted claims for janitors (per 10,000 FTE) compared to other worker groups, 2003-2012**



**Figure 2: Compensable claims for janitors (per 10,000 FTE) compared to other worker groups, 2003-2012**



### Types of injuries

Looking at the types of injuries that result in compensable claims, the percentages are similar for janitorial workers and all other risk classes, in most cases. For example, musculoskeletal injuries to the neck, back and arms are the most frequent type of injury – accounting for 31 percent of work-related injuries for janitors as well as for all other risk classes. Janitorial claims differ from other risk classes in a couple of areas:

- Janitors have a higher percentage of claims related to “falls from same level” – 15 percent of all time-loss injuries for janitors compared to 11 percent for all other risk classes. Common causes include slipping on wet floors or ice (sidewalks or parking lots) or slipping while throwing garbage into a dumpster.

- Janitors have a slightly lower percentage of injury claims from being struck by or against an object – 12 percent of all time-loss injuries for janitors versus 15 percent for all other risk classes.

### **Women janitors injured more than men**

Women comprise only about one-third of janitorial workers nationwide, according to data from the U.S. Bureau of Labor Statistics. But here in Washington, women filed more than 53 percent of the compensable injury claims for janitorial workers from 2003 through 2012. Put another way: Female janitors have about twice the rate of compensable injuries as male janitors.

### **Newly employed janitors suffer most workplace injuries**

L&I data for 2003-2012 indicate that 54.9 percent of janitorial workers with compensable claims were in their jobs less than one year before being injured. By gender, the 54.9 breaks out to 29.1 percentage female and 25.8 percentage male. Although the difference narrows after the first year, women continue to experience the majority of janitorial injuries even after several years on the job.

### **Many janitors speak limited English**

For fiscal years 2003 through 2012, nearly one-third (31.7 percent) of janitors who file workers' compensation claims requested materials in a language other than English. The vast majority requested Spanish, with relatively few workers requesting Russian (3 percent), Vietnamese (2.2 percent), Korean (1.3 percent), Cambodian (1 percent) and so on.

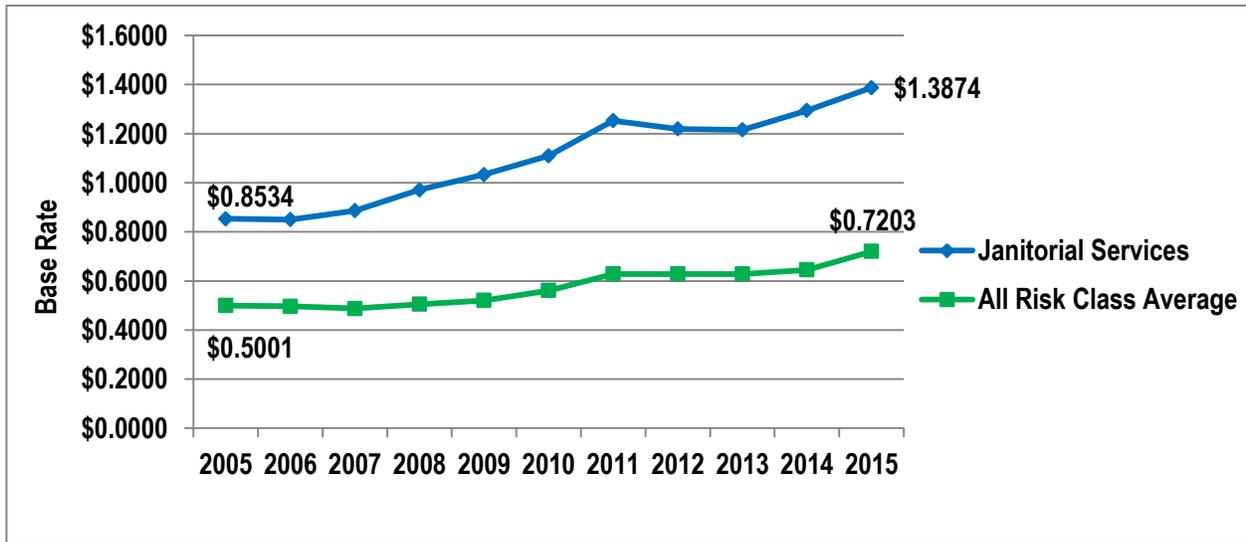
By contrast, only 5.7 percent of injured workers in the entire services sector and 16.8 percent of injured workers in the accommodation and food services sector requested communications in a language other than English. In both cases, Spanish was the predominant language requested.

### **Workers' compensation premiums**

Although janitorial workers historically have a higher incidence of claims (number of claims per 10,000 full-time equivalent workers) than the comparison groups (see figures 1 and 2), janitorial claims trended downward for most of the 2003-12 review period. With this in mind, members of the Janitorial Work Group asked why workers' compensation premiums have been increasing for janitorial services compared to other risk classes (Figure 3).

L&I explained that premium rates are based on claim *costs*, not on the number of claims or the incidence rate. For example, a single claim with high medical costs, lengthy time-loss and other benefits may have more of an effect on future premiums than several medical-only claims with nominal costs. Premium calculations are based on five fiscal years of historical claims (e.g., 2014 premium rates are based on cost in fiscal years 2008-2012), so it takes time for significant cost increases or decreases to be reflected in premium rates.

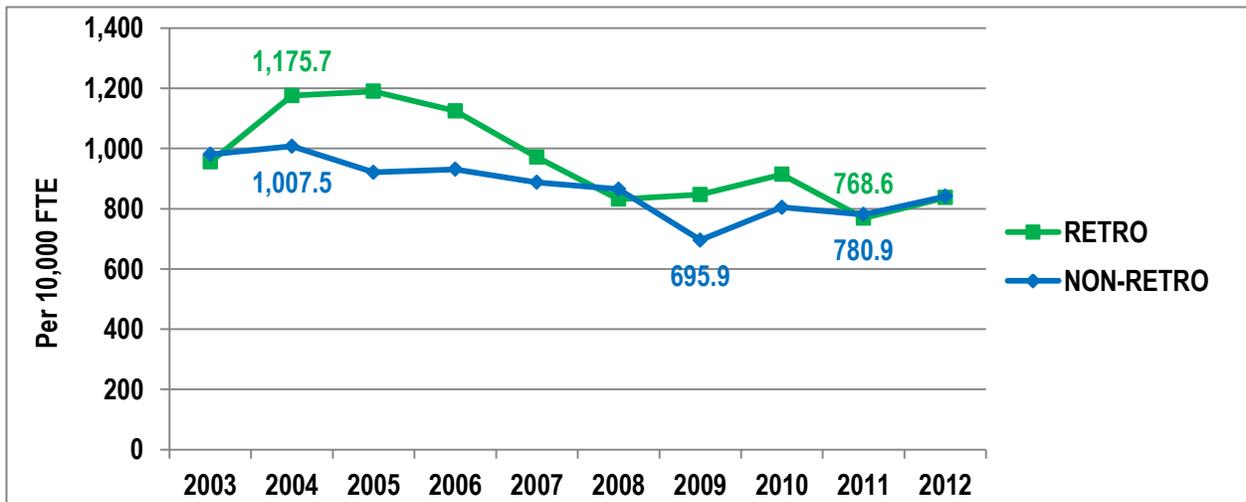
**Figure 3: Base workers' comp premium rates, janitorial services compared to all risk classes, 2005-2014 (and proposed 2015 rates)**



**Retro vs. non-Retro participants**

The Janitorial Work Group requested data showing the incidence rates for accepted claims and compensable claims for employers participating in L&I’s Retrospective Rating<sup>4</sup> Program (Retro) compared to non-participants. As shown in Figure 4, Retro participants had significantly higher rates of accepted claims in 2004 through 2006. The acceptance rate declined in 2007 and 2008 – narrowing or even erasing the gap between Retro and non-Retro companies in the years since then.

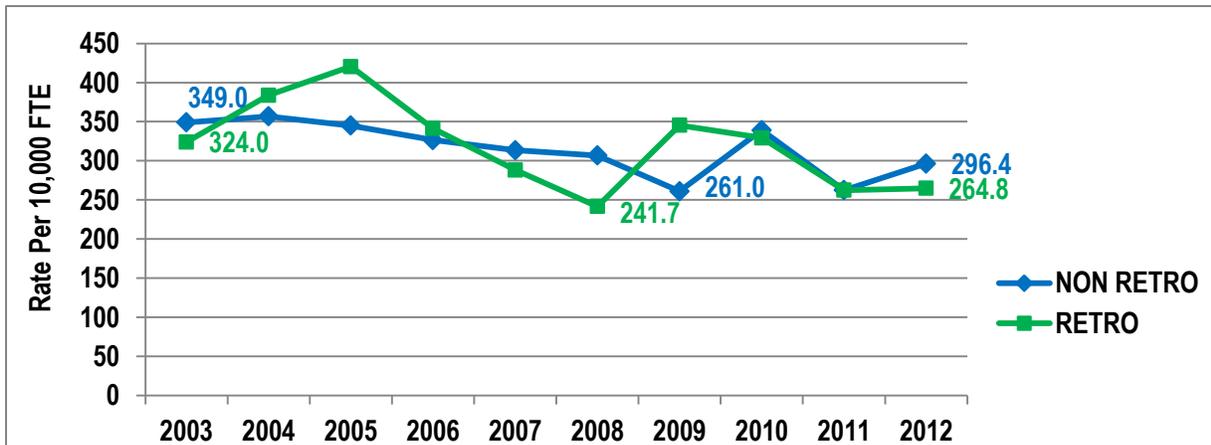
**Figure 4: Accepted claims per 10,000 FTE for Retro and non-Retro, 2003-2012**



<sup>4</sup> Retrospective Rating is a safety-incentive program offered by L&I. Companies can earn partial refunds of their worker compensation premiums by reducing workplace injuries and lowering related claim costs. If claim costs are higher than the amount of a company’s standard premiums, the business may have to pay an additional assessment.

Figure 5 shows that Retro groups had lower rates for compensable claims than non-Retro groups during the 2003-2012 period, with only a short span (2004-2006) where Retro groups had higher compensable rates than non-Retro groups.

**Figure 5: Compensable claims per 10,000 FTE Retro and non-Retro, 2003-2012**

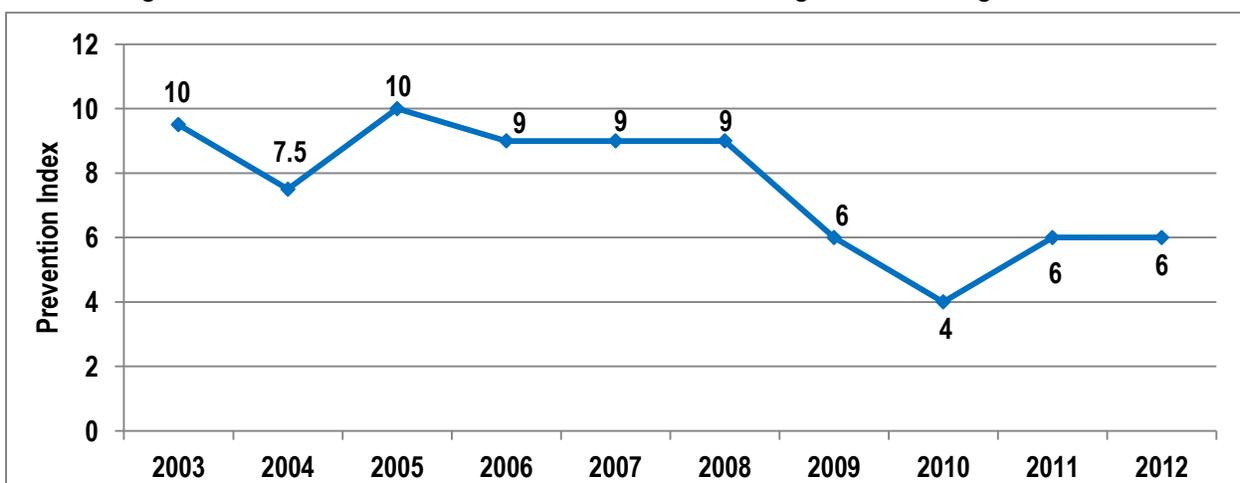


### Prevention index

The Janitorial Work Group requested data showing the prevention index, by year, for the Services to Buildings and Dwellings industry group, which includes janitorial services. The prevention index provides a method to adjust for size when comparing and ranking the injury rates and time-loss claims experience of 313 industry groups. The result is a ranked list, from the most-hazardous industries (rank 1) to the least hazardous (rank 313).

L&I uses the prevention index to help identify and prioritize high-hazard industries for intervention. As noted in Figure 6, the Services to Buildings and Dwellings industry group has consistently ranked in the top 10 on the prevention index, moving from 10<sup>th</sup> place in 2003 and 2005 up to fourth place in 2010, then easing to sixth place in 2011 and 2012.

**Figure 6: Prevention-index rank for Services to Buildings and Dwellings, 2003-2012**



## UNIVERSITY OF WASHINGTON JANITORIAL STUDY

In 2013, the University of Washington (UW) completed a “Janitors Workload and Health and Safety Study” in collaboration with the Service Employees International Union Local 6 (SEIU 6). The study examined pain levels, pain intensity and work intensity among union and non-union janitors.

Unionized security guards were included as a comparison group because they tend to work in the same buildings, covering the same areas, but with different work exposures and physical demands.

Representatives Reykdal and Sells asked L&I to lead a data-driven inquiry into the study’s assertions. To see the study, contact Professor Noah Seixas at the University of Washington, [nseixas@uw.edu](mailto:nseixas@uw.edu).

### About the UW study

The study was based on one-time interviews with 430 janitorial workers and security guards in the Seattle area, asking each worker to recall incidents or symptoms over the previous three years. The authors acknowledge that self-reported data can suffer from recall errors and bias and, therefore, may not be readily proved or disproved. For example, the study discusses self-reported increases in square footage cleaned per janitor, but there’s only anecdotal evidence to support this assertion.

Nevertheless, there was a clear belief among survey respondents that their work pace and injury symptoms had increased in the past three years.

### Demographic information is helpful

The participants provided information about their language, race and immigrant status. L&I sometimes has information about language preference or immigrant status for individuals who file injury claims, but does not collect this information for all workers covered by workers’ compensation. The demographic information from the UW/SEIU 6 study could help L&I and employers improve their training materials for janitorial workers.

There were significant demographic differences between union and non-union janitors and between the janitors and security workers:

- About half the janitors were male, while 91 percent of security guards were male.
- On average, the non-union janitors were about 7 years younger than the union janitors and three years younger than the security workers.
- About 61 percent of union janitors, 75 percent of non-union janitors and 82 percent of security guards graduated from high school. Forty-eight percent of security guards attended college or trade school, compared to 4 percent and 16 percent for non-union and union janitors, respectively.
- The study participants came from 33 different countries: 99 percent of non-union janitors and 85 percent of union janitors were born outside the United States, while more than 80 percent of the security guards were born in this country. Most non-union janitors (82 percent) came from Mexico, while union janitors were more diverse: 22 percent from Somalia; 20 percent, Mexico; 15 percent, United States; 14 percent, Somalia; 7 percent, Vietnam; and so on.
- There were large differences in English fluency. The study noted that differences in ethnicity and culture may explain some of the self-reported differences between the groups.
  - 81 percent of union janitors said they commonly speak English at home, but only 41 percent were “comfortable” or “very comfortable” speaking English.
  - Among non-union janitors, only 4 percent commonly speak English at home, but 30 percent said they were comfortable or very comfortable speaking English.

- 100 percent of the security workers commonly speak English at home, and only 3 percent of them said they were not comfortable speaking English.

In addition, the UW/SEIU 6 study revealed key differences in working conditions. Union janitors were more likely to work in office buildings, worked slightly more hours per week on average, and were more likely to skip their rest breaks. The study noted that some of these issues may contribute to the higher frequency of symptoms and the work-intensity increases reported by the union janitors.

# Recommendations

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Based on information collected and discussed at the Janitorial Work Group meetings, L&I staff presented several administrative actions the department could pursue to address safety and health concerns in the janitorial services industry. The first five could be done, in time, within L&I's existing resources. The sixth would require additional discussion with labor and business to determine an effective approach and could require additional resources.

Workgroup members also brought two proposals for discussion. They are covered later in this chapter, although neither received the endorsement of the full work group.

## Proposals endorsed by the work group

The Janitorial Work Group endorsed the following six proposals.

### 1. Encourage the industry to apply for L&I SHIP grants.

[Safety & Health Investment Projects](#) (SHIP) is a grant program that awards funds to employer and worker organizations to develop products geared toward improving workplace safety and reducing hazards. In this case, SHIP grants could be used to:

- Develop a model accident-prevention plan and training materials for the janitorial industry.
- Develop informational materials to help employers and building owners identify hazards.
- Develop a workbook containing all existing training modules for janitorial workers – translated into relevant languages.

The next application period for SHIP grants opens in July 2015.

### 2. Inform employers about injuries and causes

Have L&I's Safety & Health Assessment & Research for Prevention (SHARP) Program create an employer education document that includes data about janitorial injuries (e.g., mostly women and first-year hires, plus specific types/causes of injuries); patterns of work that are causing injuries (e.g., carrying equipment upstairs); and best practices to address prevalent hazards (e.g., redundant equipment on each floor).

### 3. Encourage employers to request consultations

The work group supports encouraging janitorial employers to request voluntary safety and health consultations from L&I to help identify and eliminate workplace hazards.

### 4. Create a janitorial-services Web page on L&I's website

The work group concurred with L&I's proposal to create a Web page on [Lni.wa.gov](http://Lni.wa.gov) that consolidates all janitor-related information, workshops and training materials that currently are located in various places on the website.

### 5. Improve accuracy of "address of injury"

The work group agreed it would be helpful to know if specific work locations are having higher rates of janitorial injuries. For example, the address is requested in the worker's section of the *Report of Accident* form, but it's often filled out incorrectly. L&I staff agreed to research whether and how this information might be collected more accurately.

## 6. Create a feedback mechanism

In large buildings with multiple businesses, janitorial services often are provided by contracted vendors, which are unlikely to participate on the employers' safety committees. As a result, the employers may not know about injuries or safety and health problems affecting the people who clean their worksites. The work group supports the idea of creating a feedback system to ensure that building owners and managers are kept informed about janitorial injuries and safety hazards in their buildings. The group agreed more work would be needed to determine an effective approach, but it was unclear who would take the lead. Also, depending on what the plan called for, L&I might need additional resources to implement it.

### Proposal not endorsed

Labor members of the Janitorial Work Group submitted the following recommendation, which calls for state legislation to limit the amount of space janitors must clean. The recommendation was opposed by business members of the work group; their response is included later in this section.

#### *Proposal by the Service Employees International Union Local 6*

Washington janitors brought our concerns about on-the-job injuries to the state Legislature because we believe the cause of injury is systemic to the industry and cannot be addressed on a case-by-case basis. Janitors maintain our high risk of injury is generated from the amount of work we have to perform on a nightly basis: our workload.

The data collected by the Department of Labor & Industries (L&I) and reviewed by the Janitorial Work Group cannot confirm or deny workload as the cause of our injuries. The data do, however, give strong evidence that our health and safety concerns must be addressed. Over the 10-year (2003-2012) period covered by the data, janitors have always ranked in the top 10 throughout all industries for the number of compensable claims. Additionally, janitors' ranking in the state's Prevention Index has increased over the same time period and is currently ranked sixth out of all 313 industries for probability of injury.

L&I's data, combined with the University of Washington's research and anecdotal documentation from janitors, creates a compelling testament to our conviction of an industry-wide problem. Although janitors believe that greater access to training and safety information would be helpful, it does not address workload and even has the potential to backfire if we are required to participate in health and safety training during our already over-burdened shifts.

According to the National Institute for Occupational Safety and Health (NIOSH), over the last two decades, *organization of work* has changed dramatically, "influenced by major economic, technological, legal, political and other forces." Due to the dramatic change in organization of work, NIOSH launched a research project because "[f]ears have been raised that these trends are resulting in a variety of potentially stressful or hazardous circumstances, such as reduced job stability and increased workload demands." We recognize how the organization of work drives our daily workloads. However, we also recognize the limitations of trying to legislate organization of work due to its multiple and wide-reaching influences. The simplest way to address Washington's high rate of injuries to janitors is to ensure there are enough janitors to perform the work safely.

To safely staff our state's janitorial workforce, we need to rely on the industry standard of measuring cleaned space by its square footage, and then determine the amount of square feet it is safe to clean during a full-time, eight-hour shift. It is the janitors' recommendation that the Legislature pass a bill that would directly regulate the amount of square footage a janitor can be required to clean during an eight-hour shift, or pass legislation authorizing L&I to set rules standardizing the square footage that can be cleaned safely.

***Response by business members of the Janitorial Work Group***

L&I already has authority to assess workplace hazards and determine if a particular job requires additional safety requirements or personal protective equipment (PPE). The business members do not agree that L&I has authority to regulate square footage outside of a specific job-hazard analysis.

***Response by Rod Kauffman, President, Building Owners & Managers Association Seattle-King County (BOMA)***

The janitorial working conditions safety issue suggested by the Service Employees International Union Local 6 is that janitors are cleaning more square feet per shift than in the past and that this adds stress to their jobs. Their suggested remedy would be to restrict the number of square feet a janitor could clean in a given period of time. BOMA disagrees with this suggestion.

L&I historical data do not support a greater or more severe on-the-job-injury occurrence over time. In fact, it shows the opposite. The question is not how many square feet are being cleaned, but the type of work that is being done during the cleaning. Comparing the type of work a janitor does to a security guard or a food-service worker in the same building is comparing apples to oranges and is a different type of work, not a telling examination. Just like one cannot compare a construction worker to the security guard on the construction site, both involve the same location, but the work is different.

A better examination would be to compare past injury experience of janitors to more recent experience. An L&I historical data comparison does not demonstrate greater or more severe injury. How much work is done per shift is a discussion that belongs in collective bargaining agreements (CBAs) when all parties are at the table and all issues are on the table.

Using a metric of square footage of cleaning over period of time alone, without looking at other factors that are occurring at the same time, is short-sighted and a nonsensical examination. Examples: New cleaning equipment and methods bring efficiencies to how much space can be cleaned in a given period of time. In a down economy, many tenants are reducing their expenses by agreeing to cut some cleaning services in their space or the frequency that they are performed. Therefore, more total space can be cleaned in the same time. Cleaning methodologies are varied; in one building, a janitor may do nothing but empty trash over 90,000 square feet, while another does detailed cleaning in a law firm's office and its facilities at only 30,000 square feet. One cleaning site might use equipment costing thousands of dollars, but eases the janitor's job, (thus) allowing her or him to cover more space faster. Another site might do cleaning with less sophistication and equipment. One site might be a lightly used conference room, while another a highly packed cubical space. Again, it's not how much space, but the type of work in a space and with varying equipment and methods that, in some cases, make the work less physically stressful even if cleaning more space.

Conclusion: Trying to limit cleaning by square feet over time is a non-sensible method to view the question. There are too many variables between situations to cause any reliable comparison or standard.

Changes in cleaning workloads can occur, and the collective bargaining agreement addresses concerns and has methodologies in place by negotiated agreement that test workload assignments and adjust those that need it. These are CBA issues, and it is inappropriate for L&I to intervene in contract issues unless they deal with issues related to worker safety that are clearly defined in L&I's authority. As mentioned above, BOMA does not agree that L&I has the authority to regulate square footage in this manner and disagrees strongly with any such statement in the report. We do agree with the statement in the report that says, "Without clear evidence that cleaning more space is a serious hazard... (state law doesn't give L&I) specific authority to regulate how much floor space an employee is required to clean during a shift."

The total area cleaned by square footage, by itself, is clearly not a work hazard. This is supported not by comparing janitorial work to different types of work at the same site, but to janitorial claims over time, and these L&I claims clearly show no data to support higher injury occurrence.

BOMA members are supportive of comprehensive training. BOMA members value all janitors working in our buildings. We see them as direct employees and team members, even though they most often work for vendors and contractors. BOMA was the force behind setting up the janitorial health and welfare package back when the transition to contractors from direct building employees occurred. We value our relationship with their bargaining leaders at SEIU. We all hope the economy improves for all aspects of the commercial office building industry and that the fortunes of janitors, the union, and building owners and managers all improve together. We remain open to dialogue. We remain staunchly opposed to legislation that interferes with the CBA process or sets arbitrary cleaning limits.

We agree with the recommendations of the Janitorial Work Group.

# Appendix A: Legislative Request

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State of  
Washington  
House of  
Representatives



March 26, 2014

Joel Sacks, Director  
WA State Dept. of Labor & Industries  
PO Box 44810  
Olympia, WA 98501-4810

RE: Request to conduct janitorial workload safety study

Dear Director Sacks:

We have learned that janitors employed in the commercial sector have seen a dramatic increase in the amount of work they are required to complete during their nightly shifts. Janitors have told us their workload has doubled in the last ten years from 30,000 square feet during an eight-hour shift to approximately 60,000 square feet today. Several members of the House Labor and Workforce Development Committee met with building owners and workers' representatives during the 2014 legislative session to discuss HB-2477. We chose not to move that bill out of Rules and instead are asking that your agency pull the stakeholders together to have a more informed consideration of safety and workload standards over the interim.

Workers' representatives believe that the increased work intensity is detrimental to the health and safety of janitors. They cite a 2013 study conducted by the University of Washington - Department of Environmental and Occupational Health that shows janitors experiencing more on-the-job injuries, higher frequencies of chemical exposure and greater work-related stress. Additionally, janitors report having to skip breaks and meals regularly in order to complete their assigned duties. We believe you are in the best position to lead a data-driven inquiry into these assertions.

We request the Department of Labor and Industries to work with stakeholders to develop recommendations for 2015 legislation or rules that would establish safe standards for janitorial workers. The recommendations from the department should include, but not be limited to, 1) standards for a safe workload; and 2) health and safety training for janitors and supervising managers. Please let us know if you have any questions.

Sincerely,

Handwritten signature of Chris Reykdal in blue ink.

Chris Reykdal  
State Representative  
22<sup>nd</sup> Legislative District

Handwritten signature of Mike Sells in blue ink.

Mike Sells  
State Representative  
38<sup>th</sup> Legislative District