



COUNCILWOMAN LENA GONZALEZ

R-22

DATE: September 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Councilwoman Lena Gonzalez, District 1 *LG*
Vice Mayor Rex Richardson, District 9 *RR*
Councilmember Jeannine Pearce, District 2 *JP*
Councilmember Roberto Uranga, District 7 *RU*

SUBJECT: Supporting Long Beach Working Women: Hospitality Workload & Safety Ordinance

BACKGROUND:

The City of Long Beach has for many years been a prominent tourist destination and will continue to be in the coming decades. Annually, Long Beach welcomes over 67 million attendees and tourists each year, for significant events such as: Grand Prix, Asics Classic, Long Beach Pride, Dew Tour, among many other major citywide events. In addition, we are touted as the "busiest cruise terminal on the west coast." Overall, the projected local economic impact for 2017 given, over 360 conventions alone in this city, will bring forward an estimated \$668 million in local impact. The demand to visit Long Beach will continue to grow rapidly, especially as we set sight on the 2024 Olympics, which we understand will be financially lucrative for the city.

In November of 2016, the Long Beach City Council received an update revolving around the state of tourism in the City of Long Beach (File Item 16-0986). This report details the gains of the hospitality industry from 2015 to 2016, particularly as it pertains to hotel occupancy rates and the average room rate (80.18% vs. 78.94% and \$170.50/room vs. \$157.85/room). This growth was further solidified in a June 19, 2017 article of the Long Beach Business Journal titled "Hotel Occupancy Skyrockets; Long Beach Hotels Well Above National Average", which details the success of hotels in Long Beach maintaining an 80.7% occupancy rate which is 15.2% higher than the national average of 65.5%. All of this culminated in over \$26 million dollars in transient occupancy tax (TOT) in 2016 for the City of Long Beach.

Given the positive economic growth of the city and its position geographically in the state of California, we must also be cognizant of the physical effects and demands the industry's growth has on our hotel workers, particularly those who clean and service the nearly 5,000 hotel rooms across this city, daily. The hospitality industry by all accounts is strong and growing on an annual basis and serves as one of the most visible industries in our city. However, the working conditions of these employees must be improved. As a City, we have consistently invested in improving our convention facilities, negotiating the TOT return to the City of Long Beach for new hotel developments and recruited countless

organizations to bring their event business to Long Beach. Now, it is time for the City Council to adopt an ordinance that puts workplace protections in place for the women and men who are the backbone of the hospitality industry.

Unfortunately, we know that there exist issues related to sexual harassment, burdensome workloads, and mandatory overtime in our hotels in Long Beach. We cannot continue to allow these issues to exist within one of our most prominent industries. Hotel workers have reported such conduct as male guests exposing themselves or making inappropriate sexual advances to housekeepers, who work in hotel rooms without witnesses or surveillance cameras. Other cities have already begun to address this problem, including Seattle and Chicago, where 53% and 49% of housekeepers, respectively, reported in surveys experiencing incidents of sexual harassment, lewd conduct, or assault by hotel guests. Seattle has already enacted legislation similar to, that proposed here, while Chicago is presently considering doing the same.

Data also indicate that as Long Beach's hotel sector has grown with increased economic activity, the workloads imposed on hotel workers have also increased, prompting concern regarding exhaustion among housekeepers and regarding their ability to clean rooms in a manner that adequately ensures public health. Workers and community members have likewise expressed concern regarding mandatory overtime and the problems it poses for balancing work with family responsibilities.

Our city can and should be a leader in ensuring safe and humane workplaces in our growing tourism sector. The ordinance will work to improve the quality of the workplace for our Long Beach hotel workers by providing reasonable protections to create a safer environment for employees with protections against inappropriate conduct by guests, while also addressing increased workloads and mandatory overtime, so that hotel workers may have a fair place at the table in our community on issues that affect their everyday working lives.

Let's stand with working women and with our hotel workforce in Long Beach.

RECOMMENDATION:

- Direct the City Manager, or his designee, to draft an ordinance regarding hotels with 100 rooms or more that includes, but is not limited to the following:
 - Panic Buttons: Requiring that hotel employers provide panic buttons to each hotel employee assigned to working a guest room without other hotel employees present, at no cost to the hotel employee.
 - Notice to Hotel Employees: Requiring hotel employers to provide notice to employees, prior to starting their scheduled work, of any guest on the list of alleged harassers or is a sex offender under Long Beach Municipal Code section 9.66.010 who is staying at the hotel and the number or name of the room assigned to the guest and warn the hotel employees to exercise

caution when entering that designated room during the time the guest is staying in the hotel.

- Notice in Guest Rooms: Requiring hotel employers to provide a sign on the back of each guest room door, written in a font size of no less than 18 points, that includes the heading "The Law Protects Hotel Housekeepers and Hotel Employees from harassment," notice that the hotel provides panic buttons to employees assigned to work in guest rooms without other hotel employees present, and a citation to the Long Beach Municipal Code created by this ordinance.
- Hotel Employees' Rights: Establishing hotel employee's rights in cases in which hotel employee notifies hotel employer about an unwanted sexual advance, request for sexual conduct, or other verbal or physical conduct of a sexual nature by a guest which include:
 - Upon request, the hotel employee shall be reassigned to a different floor, a different work area, or away from the guest for the entire duration of the guest's stay at the hotel.
 - The hotel employer shall allow sufficient paid time to contact the police and provide a police statement and to consult with a counselor or advisor of the hotel employee's choosing.
 - The hotel employer shall cooperate with any investigation into the incident undertaken by the law enforcement agency and/or any attorney for the complaining hotel employee.
- Humane workloads:
 - Requiring that hotel employers not require a room cleaner to clean rooms amounting to more than 4,000 square feet of floorspace in any one, eight-hour workday. This maximum floor space should be prorated evenly according to the actual number of hours worked by any room cleaner working less than eight full hours in a workday. This limitation should apply to any combination of spaces, including guest rooms and suites, meeting rooms or hospitality rooms, and apply regardless of the furniture, equipment or amenities in any rooms. When a room cleaner during a workday is assigned to clean any combination of seven or more checkout rooms or additional-bed rooms, the maximum floorspace to be cleaned should be reduced by 500 square feet for each such checkout or additional-bed room over six.
 - A hotel employer that assigns a room cleaner a workload in excess of these limits must pay the room cleaner time and one-half the room cleaner's regular rate of pay for all hours worked by the room cleaner during the workday when the violation occurred.
- Voluntary Overtime: Requiring that hotel employers not suffer or permit a hotel employee to work more than 10 hours in any workday unless the hotel employee provides consent in writing or electronically or the hotel experiences an emergency posing an immediate threat to public safety or of substantial risk of property loss or destruction. Consent shall not be valid unless the hotel employer advised the employee

in writing not more than 30 days preceding the consent that the hotel employee may decline to work more than 10 hours in any workday and that the hotel employer will not subject the hotel employee to any adverse action for declining.

- **Recording Keeping:** Requiring that each hotel employer maintain for at least two years for each room cleaner a record of his or her name, pay rates received, and the rooms (or at the hotel employer's option, total amount of square footage) each cleaned each workday. The ordinance should also require that each hotel employer preserve for at least two years a record of the written consents it received from hotel employees to work more than 10 hours during a shift. The ordinance should require that the hotel employer make such records available to employees of the hotel or their representatives for inspection and copying (with redactions where appropriate for personal information).
- **Anti-Retaliation:** Establishing anti-retaliation protections prohibiting employers from taking adverse action (including discharge, reducing in compensation, increasing workload, or imposing fees or charges) against employees who exercise their rights or participate in hearings under the ordinance or oppose any practice the ordinance makes unlawful.
- **Waiver:** Allowing for waivers of this ordinance if a bona fide collective bargaining agreement is established with equivalent protections.
- **Enforcement:** Providing for enforcement of all of the ordinance's provisions via a private right of action in Superior Court where an employee or representative of hotel employees is entitled to all remedies available under law or equity. A prevailing hotel employee should be entitled to reasonable attorneys fees and costs as part of costs recoverable. The ordinance should also require hotel employers to provide written notification to each current hotel employee, and to each new hotel employee at time of hire of his or her rights under the ordinance in any language spoken by more than ten hotel employees.