



COUNCILWOMAN LENA GONZALEZ, DISTRICT 1

333 W. Ocean Blvd., 14th Floor, Long Beach CA 90802

District1@longbeach.gov / P: (562) 570-6919

September 19, 2017

Honorable Mayor and Councilmembers
City of Long Beach
333 W Ocean Blvd.
Long Beach, CA 90802

Re: Hotel Worker Workload and Sexual Harassment Ordinance

Dear Colleagues:

As you know, the Council is considering an ordinance to establish important rights and protections for the City's hotel workforce. This letter provides information concerning the need for and feasibility of this important legislation.

Sexual Harassment and Assault in the Hospitality Sector

Because they work alone in guest rooms without witnesses or surveillance cameras, hotel housekeepers—85% of whom are women in Long Beach hotels¹—face unique risks of sexual harassment and assault by hotel guests. As a recent EEOC report observed, sexual harassment is more likely to occur in circumstances like those of housekeepers where workers are physically isolated, harassers have easy access to them, and there are no witnesses.² Recent surveys demonstrate the breadth of the problem that hotel housekeepers face:

- In a 2016 survey of hospitality sector workers in Chicago conducted by UNITE HERE Local 1, 49% of housekeepers reported having had guests answer the door naked, expose themselves, or flash them.³ Fully 58% of hotel workers reported being subjected to indecent behavior by a guest.⁴ Among hotel workers surveyed who had been harassed by a guest, over half (56%) of women said they did not feel safe returning to work after the incident.⁵ Of all hospitality sector workers surveyed (which also included casino workers), only 33% said they told their supervisor or manager when a guest sexually harassed them.⁶ Of the hotel workers surveyed who said they never or sometimes report a guest's harassment, 43% said they knew someone who reported sexual harassment and nothing changed.⁷

¹ U.S. Census Bureau, 2006-2010 American Community Survey, EEO Tabulation.

² "Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic," U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (June 2016) (hereinafter "EEOC Select Task Force Report"), available at: https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm.

³ "Hands Off, Pants On: Sexual Harassment in Chicago's Hospitality Industry," UNITE HERE LOCAL 1 (July 2016), at p. 3, available at: <https://www.handsoffpantson.org/wp-content/uploads/HandsOffReportWeb.pdf>.

⁴ *Id.* at 4.

⁵ *Id.* at 6.

⁶ *Id.* at 8.

⁷ *Id.*

- In a 2016 survey of downtown Seattle hotel housekeepers conducted by Puget Sound Sage, 53% of respondents reported a total of 262 incidents of sexual harassment and assault by guests.⁸ These included instances where housekeepers were cornered or blocked from exiting a room, groped or otherwise physically harassed, shown unwanted sexual content, received an unwanted sexual comment or gesture, pressured for a date or sexual favors, flashed or exposed to nudity, or received comments about their body, uniform, or appearance. Almost half of respondents (47%) said they have also heard from friends or coworkers about being sexually harassed by guests.⁹ Most (51%) of incidents described by the survey's respondents went unreported to their supervisors.¹⁰ Nearly all respondents (95%) said they would be safer if they were equipped with a panic button.¹¹
- Research on customer misbehavior indicates that workplace aggression and sexual harassment are facilitated by organizational factors that encourage or fail to discourage such behaviors, such as service workplaces in which workers are perceived as low status and in which customers are given an illusion that they are in control of the relationship with the employee and service providers are dependent on them.¹² International studies have found that more than 80% of hotel, restaurant, and bar employees have witnessed or been subjected to verbal aggression, physical assaults, or deviant customer actions.¹³

Hotel workers in Long Beach are at risk of the same sorts of indecent guest conduct as their peers in other locales. In 2015, the Long Beach Coalition for Good Jobs and a Healthy Community, together with LAANE and CLUE-LA, published a report in which Long Beach hotel workers publicly recounted incidents of being sexually harassed by hotel guests.¹⁴ These workers reported such disturbing incidents as finding a guest masturbating in a room the worker was assigned to clean and being sexually propositioned by a man wearing only a towel who told her things like, "Come on honey. Come into the room. Nothing is going to happen."¹⁵

Requiring hotels to provide housekeepers with panic buttons to summon security when they are exposed to dangerous or indecent conduct is a straightforward way to address the problem. Hotels in New York City have been providing hotel workers who enter guest rooms (including housekeepers, mini-bar attendants, and room service waiters or waitresses) with panic buttons since approximately 2013. The measure was included in a collective bargaining agreement negotiated by the New York Hotel Trades Council following a high-profile scandal in which the former head of the International Monetary Fund, Dominique Strauss-Kahn, was accused of sexually assaulting a hotel housekeeper.¹⁶

⁸ "Survey of Downtown Seattle Hotel Housekeeper Reveals Frequent Sexual Harassment and Pain," PUGENT SOUND SAGE (Sept. 26, 2016), at p. 1, available at http://pugetsoundsage.org/wp-content/uploads/2016/12/PSS_HotelWorkerSurvey_Sept2016.pdf.

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² Dana Yagil, "When the Customer is Wrong: A Review of Research on Aggression and Sexual Harassment in Service Encounters," 13 AGGRESSION AND VIOLENT BEHAVIOR 141, 143-145 (2008).

¹³ *Id.* at 143 (citing research by other scholars).

¹⁴ "Stand with Women Against Abuse: Our Stories," LONG BEACH COALITION FOR GOOD JOBS AND HEALTHY COMMUNITY et al. (2015), available at: <http://www.neweconomyforall.com/LB2013/wp-content/uploads/2012/09/LongBeachPictureBook41-2.pdf>.

¹⁵ *Id.* at p. 12.

¹⁶ Jordana Ossa, "Hotel workers in New York to get panic button," CNN (Feb. 9, 2012), available at: <http://www.cnn.com/2012/02/09/us/new-york-hotel-workers/index.html>

More recently, in 2015, the City of Seattle enacted a law requiring that hotels provide housekeepers with panic buttons to protect housekeepers from sexual harassment and assault, as well as to cooperate with law enforcement and to notify housekeepers of the presence of guests whom workers previously alleged had harassed them, that are similar to the ones included in the proposed legislation.¹⁷ Chicago is also presently considering similar legislation.

Long Beach can become a leader in the movement to protect workers from abuse by enacting the commonsense legislation proposed.

Humane Workloads and Voluntary Overtime

The proposed legislation would also ensure that housekeepers in Long Beach are given humane and reasonable workloads and perform overtime work on only a voluntary basis. As show by the data presented below, which was compiled by UNITE HERE Local 11 from the sources cited, these measures are reasonable steps for the City to take.

Long Beach’s hotel sector is thriving. Between 2010 and 2016, Long Beach hotel room occupancy and revenue generated per available room increased virtually every year. Overall, the revenue hotels earned per room soared from \$79.67 in 2010 to a projected \$125.23 in 2016, an increase of 57% percent.¹⁸

Year	Annual Supply of Rooms	Occupied Rooms	Market Occupancy	Average Daily Rate	Revenue per Available Room
2010	1,426,055	914,544	64.1%	\$124.23	\$79.67
2011	1,426,055	975,473	68.4%	\$124.09	\$84.88
2012	1,426,055	1,034,594	72.5%	\$129.40	\$93.88
2013	1,472,755	1,088,552	73.9%	\$131.01	\$96.83
2014	1,484,090	1,134,194	76.4%	\$138.12	\$105.56
2015*	1,484,090	1,139,497	76.8%	\$153.15	\$117.59
2016*	1,484,090	1,139,497	76.8%	\$163.10	\$125.23

In the first quarter of 2017, occupancy rates for downtown hotels reached a potential all time high of 80.7%, well above the national average of 65.5%.¹⁹

At the same time, hotel workers’ workloads have been increasing. Between 2007 and 2013, the supply of hotel rooms in Long Beach increased by 12.0%, while the annual number of occupied rooms increased by 11.2%.²⁰ Yet during the same period, the hotel workforce shrunk from 2,545 to 2,230 – a decrease of 6.9%.²¹ This indicates that even as the hotel sector has been

¹⁷ Seattle Municipal Code Section 14.25.010 *et seq.*

¹⁸ “The 2016 Los Angeles County Lodging Forecast,” PKF CONSULTING USA (2015), at p. 13. Data for the table above comes from the same source. As indicated by asterisks, the figures for 2015 and 2016 are forecasted data.

¹⁹ Samantha Mehlinger, “Hotel Occupancy Skyrockets; Long Beach Hotels Well Above National Average,” LONG BEACH BUSINESS JOURNAL, June 19, 2017, <http://www.lbbizjournal.com/single-post/2017/06/19/Hotel-Occupancy-Skyrockets-Long-Beach-Hotels-Well-Above-National-Average>.

²⁰ “The 2013 Los Angeles County Lodging Forecast,” PKF CONSULTING USA (2012) at p. 10; “The 2016 Los Angeles County Lodging Forecast,” PKF CONSULTING USA (2015) at p. 13.

²¹ “2007 Economic Census of the States: Geographic Area Series: Economy-Wide Key Statistics,” U.S. CENSUS BUREAU (2007); “Long Beach Rising: A City that Works for Everyone,” ECONOMIC ROUNDTABLE (2015) at p. 39,

growing, a smaller number of workers are being asked to shoulder an increasing burden to make the industry work.

Across the hotel sector nationwide, there has also been a trend toward hotels building their brands and attracting customers by offering unique amenities—such as high quality bedding, more pillows, and heavier mattresses—which can result in an increase in the burden on housekeepers charged with turning over guest rooms.²² There is also a trend toward hotels updating their restrooms with types of mirrors and glass that require more time to clean thoroughly.²³

Heavy workloads and mandatory overtime burden our communities. Unreasonably heavy workloads can leave housekeepers exhausted at the end of the day and unable to participate in family activities like helping their children with schoolwork or participating in community events. Likewise, a workers' ability to care for family members or fulfill other responsibilities may be interfered if her employer is permitted to force her to remain at work beyond her normal shift to perform mandatory overtime.

Heavy housekeeping workloads may also mean that workers lack the time required to thoroughly perform their work,²⁴ and insufficiently cleaned guest rooms can lead to increased spread of infectious diseases. A 2009 University of Virginia study found rhinovirus germs on 50 percent of hotel door knobs and one-third of hotel telephones. Coffee makers, shower curtains and alarm clocks also tested positive for rhinovirus.²⁵ Similarly, Legionnaire's disease, which may be spread through tainted water supplies, often surfaces in hotels. As recently as 2012, this disease was responsible for the deaths of two travelers at a Chicago hotel.²⁶

The legislation incentivizes hotel employers to provide reasonable workloads by requiring payment of fair compensation in the form of a premium of one and one half their regular rate of pay where housekeepers are made to clean more than 4,000 square feet—the equivalent of about two and half houses—in a single 8-hour shift. It also requires, except in the case of a bona fide emergency, that hotel employers obtain workers voluntary consent to work for more than 10 hours in a shift.

The workload and overtime provisions are closely related to one another and reinforce existing legislation to support hotel workers. In 2012, Long Beach voters passed a minimum wage increase for the City's hotel workers. That wage increase would be undermined if hotels are allowed to increase workers' workloads beyond reasonable levels, without compensating workers fairly for this burden. Similarly, the overtime protections included in the ordinance

citing U.S. Census Longitudinal Employer-Household Dynamic data (2013). 2013 is the most recent year for which detailed employment data is available for Long Beach.

²² Jeffery V. Johnson, "Services Sector," WORK & HEALTH RESEARCH CENTER, UNIVERSITY OF MARYLAND (March 14, 2008) at p. 192.

²³ *Id.*

²⁴ For example, a 2010 international survey of housekeepers in 4 and 5 star hotels, for example, found that 79 percent of workers surveyed felt that they did not have enough time to thoroughly complete their work. "Heartbreak Hotel: The Crisis Inside Melbourne's Luxury Hotels," VICTORIAN IMMIGRANT & REFUGEE WOMEN'S COALITION (2010) at p. 16.

²⁵ Marily Marchione, "Study: Hotel Rooms Have Unseen Guest," THE WASHINGTON POST (Sept. 29, 2009), available at: http://www.washingtonpost.com/wp-dyn/content/article/2006/09/29/AR2006092900683_pf.html.

²⁶ "Legionnaires' disease outbreak kills 2 at Chicago hotel," CNN (Aug. 28, 2012), available at: <http://www.cnn.com/2012/08/28/health/chicago-hotel-legionnaires-disease/index.html>.

would be undermined if hotels could respond by making housekeepers squeeze more work into their normal 8-hour shifts.

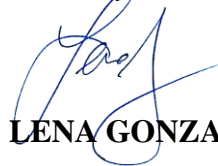
The proposed daily workload maximum of 4,000 square feet is a reasonable approach in the context of the Long Beach hotel sector. As the following table sets out, each of the four downtown hotels with 100 or more rooms for which we have reliable data already have standard daily quotas for housekeepers of less than or just slightly above 4,000 square feet.

Hotel	Total number of rooms	Size of average traditional room²⁷	Standard daily room quota²⁸	Total square footage cleaned in 8-hour shift²⁹
The Westin Long Beach	474	280.5	15	4,207.5 sq. ft.
Renaissance Long Beach Hotel	360	276	14	3,864 sq. ft.
Hyatt Regency Long Beach	528	312.5	15	4,028 sq. ft.
Hyatt Centric The Pike Long Beach	138	308	14	3,015 sq. ft.

These four hotels comprise 60% of the overall number of guest rooms in downtown Long Beach, meaning that three of five downtown hotel rooms are already cleaned by workers whose standard daily workloads meet or are just beyond the proposed limit. This shows that the 4,000 square feet threshold is eminently achievable.

In sum, like the sexual harassment provisions, the workload and overtime elements of the legislation are thoughtfully structured to meet community needs and are modest and reasonable given existing practice.

Sincerely,



LENA GONZALEZ - Councilwoman, First District

²⁷ The traditional guest rooms of the Renaissance Long Beach and the Hyatt Centric The Pike hotels are of only one size in each hotel. The figures presented for the Westin Long Beach and Hyatt Regency Long Beach are the average of the two room sizes for the hotels' traditional guest rooms. Room sizes for the Westin and Renaissance hotels were obtained from the company websites, and confirmed by telephone with hotel representatives. Figures for the two Hyatt hotels were obtained by telephone with hotel representatives.

²⁸ The figures for the two Hyatt hotels are drawn from collective bargaining agreements. The figures for the Westin and Renaissance hotels are based on information provided by housekeeping employees.

²⁹ For the Hyatt Regency and Hyatt the Pike, data for guest rooms cleaned was obtained from hotel management; the figure presented in the table is the average number of assigned rooms that workers actually cleaned in an 8-hour shift, not including optional rooms that employees may clean for a premium. For the Renaissance and Westin hotels, the figures presented reflect the standard daily room quota multiplied by the size in square feet of traditional guest rooms as presented in the table.