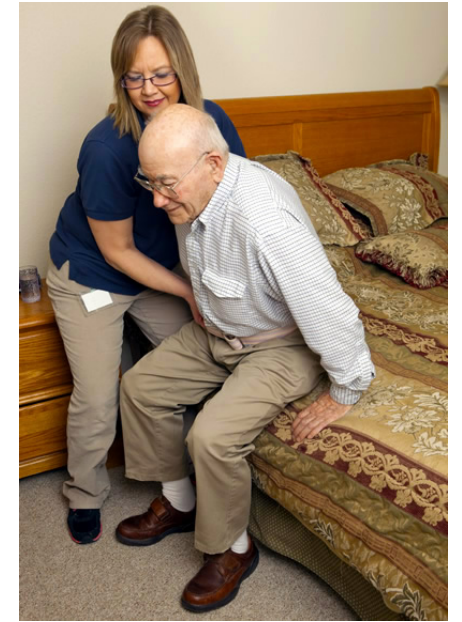


OCCUPATIONAL INJURIES AT RESIDENTIAL WORKSITES IN CALIFORNIA

Kevin Riley, PhD, MPH

*Director of Research and Evaluation, UCLA Labor Occupational
Safety and Health Program*

September 13, 2018



Alamy



Origins of the project

- Questions about workers' compensation eligibility for day laborers and domestic workers in residential settings
- Collaborators:
 - National Day Laborer Organizing Network
 - National Domestic Workers Alliance
 - California Domestic Workers Coalition



NATIONAL DOMESTIC
WORKERS ALLIANCE



California Labor Code

- Includes within its definition of “employee” those “employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling” (California Labor Code §3351(d))
 - Definition of residential employee is limited to those employed more than 52 hours in previous 90 days, earned more than \$100 in wages
- Includes any person “in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed” (California Labor Code §3351)

States with WC Provisions for Residential Employees

Alaska

California

Colorado

Connecticut

Delaware

District of Columbia

Florida

Hawaii

Illinois

Iowa

Kansas

Kentucky

Maryland

Massachusetts

Michigan

Mississippi

New Hampshire

New Jersey

New York

North Carolina

Ohio

Oklahoma

South Carolina

South Dakota

Utah

Washington

See <https://gtm.com/household/resource-center/workers-comp-requirements/>

LOSH Research on Residential Employees

- Musculoskeletal injuries accounted for 75% of injuries among day laborers and 88% of injuries among domestic workers in our sample
- 70% of respondents sought medical care as a result of their injuries; 58% missed days of work (median = 7 days)

	Eligible for workers' comp	Received workers' comp
Day laborers	52%	5%
Domestic workers	84%	6%

Day labor report: <http://losh.ucla.edu/research-and-policy-2/on-the-job-injuries-and-workers-compensation-among-day-laborers/>

Domestic worker report: *frth*.

What can we learn
from WC data?



Identifying Relevant Cases

Examination of California workers' compensation claims data from 2006-2017:

1. Use of **keyword search terms** to extract an initial batch of claims that would include injuries in residential settings
2. Development of **inclusion criteria** to further narrow the list

Keyword Search Terms

Day labor*

Landscap*

Residential XXX

Domestic work*

Nanny

Household XXX

Housekeep*

Childcare

Domestic XXX

Houseclean*

Maid

In-home XXX

Gardener

Servant

Live-in XXX

(Where * and XXX are wildcards)

Relevant Data Fields for Inclusion Criteria

Data Field	Data Type	Examples
INDUSTRY	Categorical	Private Household Residential Care Services to Buildings and Dwellings
CLASS	Categorical	Homemaker Services Residential Cleaning Services
OCCUPATION	Open text	“Housekeeper” “Caregiver live in” “Carpentry – residential” “Residential laborer”
INJURY	Open text	“At a residents home transferring a resident from a toilet to her scooter when he pulled a muscle in his lower back” “EE fell from ladder while painting homeowner’s house” “EE was cleaning a house when the client’s dog bit her on the left ankle”

Industry and Class Categories

INDUSTRY

- Private Households
- Home Health Care Services
- Residential Care
- General Contractors – Single Family Homes
- Residential Remodelers

- Individual and Family Services
- Services to Buildings and Dwellings
- Services for Elderly and Persons with Disabilities
- Etc.

CLASS

- Homemaker Services
- Residential Cleaning Services

- Janitorial Services
- Swimming Pool Cleaning and Maintenance
- Landscape Gardening
- Tree Pruning or Trimming
- Carpentry
- Etc.

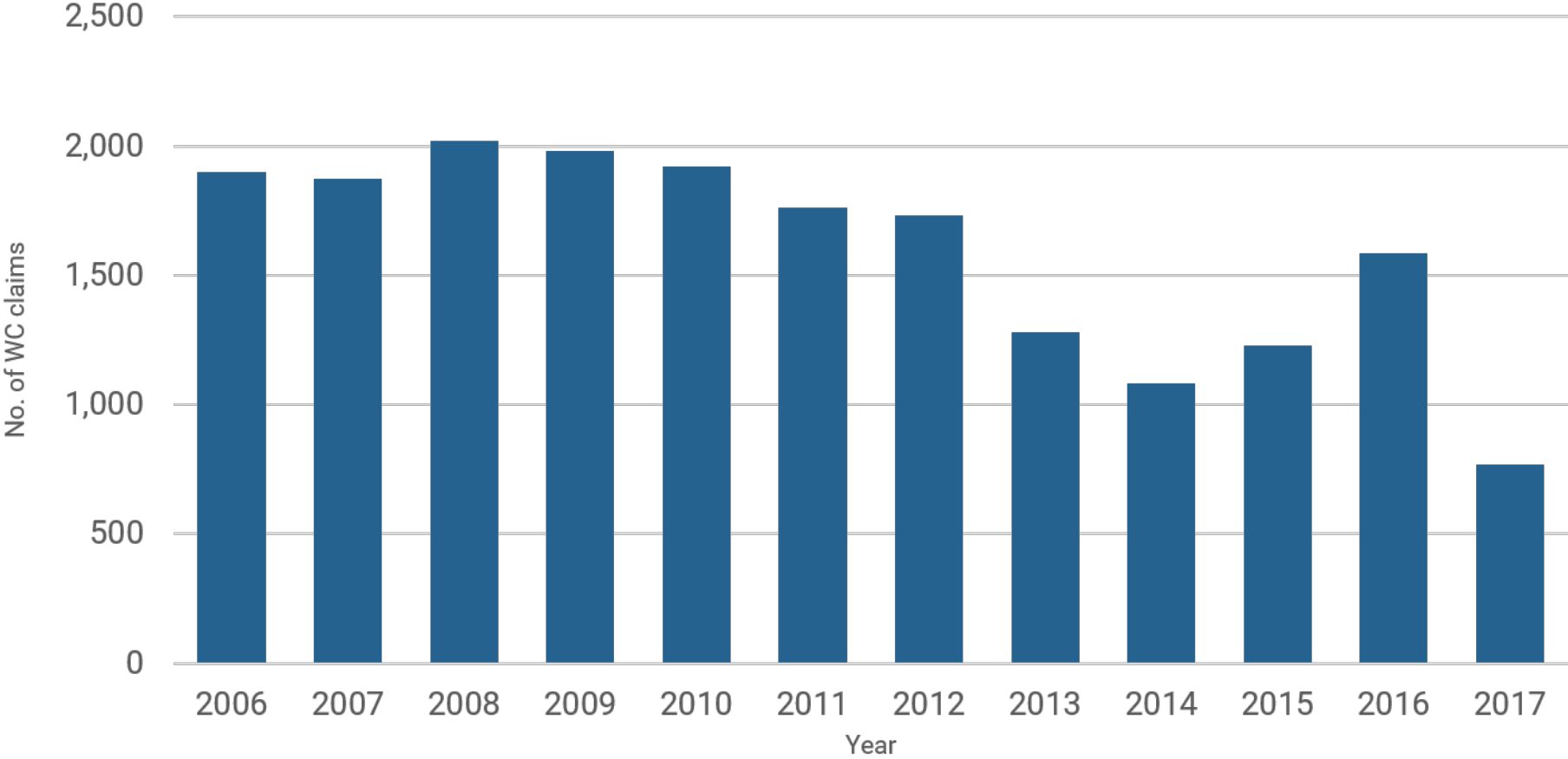
Inclusion Criteria

	No.
INDUSTRY + CLASS = [residential]	18,536
INDUSTRY + CLASS = [construction] and OCCUPATION <i>or</i> INJURY includes “residential”	273
OCCUPATION <i>or</i> INJURY includes “homeowner” and related terms	687
TOTAL (after removing duplicates)	19,129

Job Categories

	No.	%
Caregiving	15,638	81.8
Housekeeping	2,481	13.0
Construction/maintenance	605	3.2
Gardening/landscaping	197	1.0
Nanny/childcare	186	1.0
Other/unknown	22	0.1
TOTAL	19,129	100.0

Number of Claims, by Year



Geographic Location of Claims

SOUTHERN CALIFORNIA MSAs

Los Angeles-Long Beach-Anaheim	22.65%
Riverside-San Bern.-Ontario	8.56%
San Diego-Carlsbad	8.35%

NORTHERN CALIFORNIA MSAs

San Francisco-Oakland	14.82%
Sacramento	12.13%
San Jose-Santa Clara	5.08%

What do these data reveal about injuries at residential worksites?



Characteristics of Injured Workers

	Median age at time of injury	Gender	
		% Female	% Male
Caregiving	48	88.6	10.9
Housekeeping	43	91.3	7.4
Construction/maintenance	39	6.8	91.9
Gardening/landscaping	45	4.6	94.4
Nanny/childcare	47	96.8	3.2
Other/unknown	51	72.7	27.3

Nature and Cause of Injury

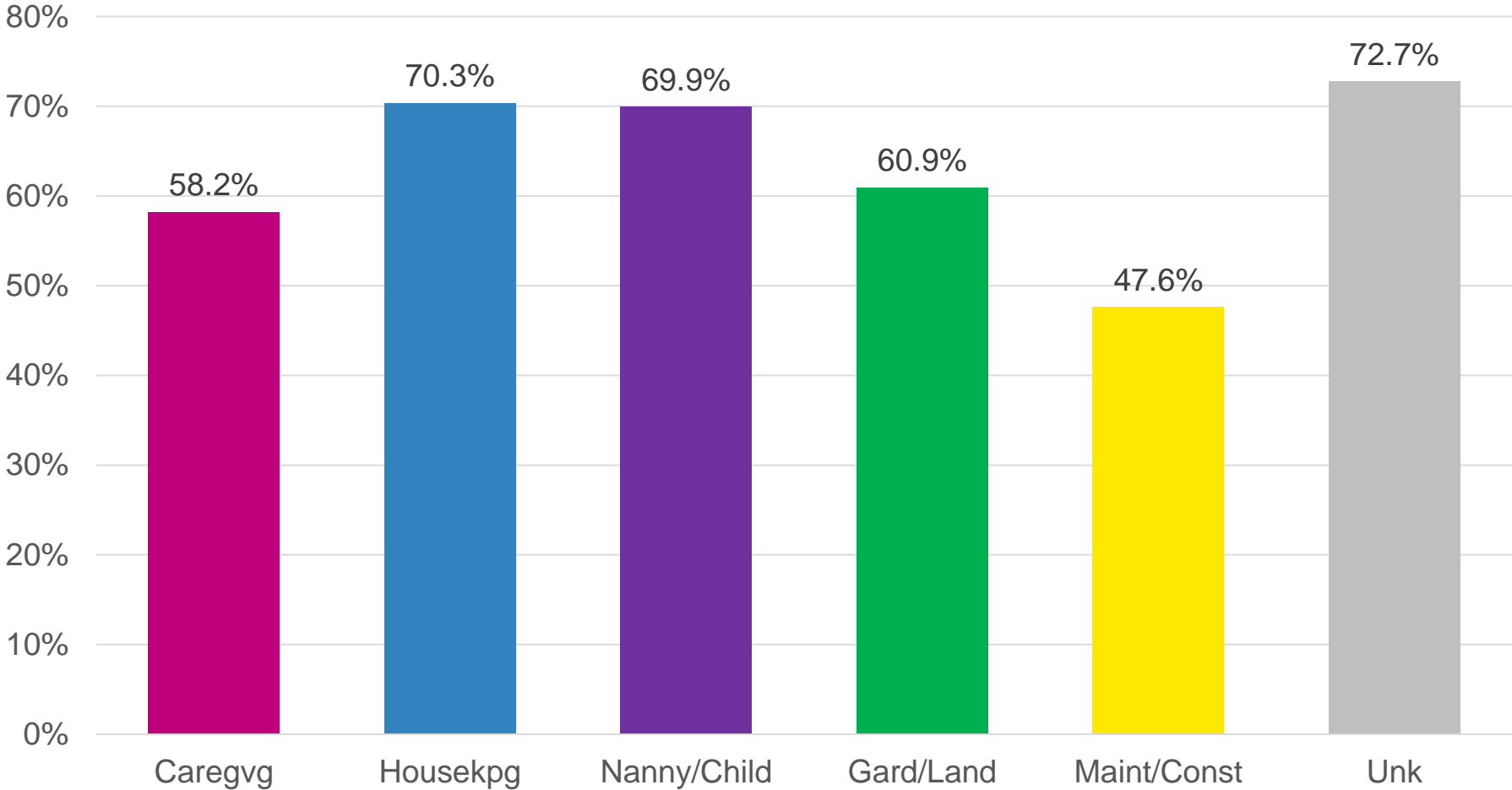
- **Strains and sprains** were most common injury type across all job categories
- **Lacerations** represented 17% of injuries among Gardening/Landscaping and Maintenance/Construction
- **Fractures** represented 16% of injuries among Nanny/Childcare

- Most common cause of injuries were lifting (16.8%), strains (10.9%), falls, slips and trips (8.1%), and other miscellaneous NOC (9.5%)

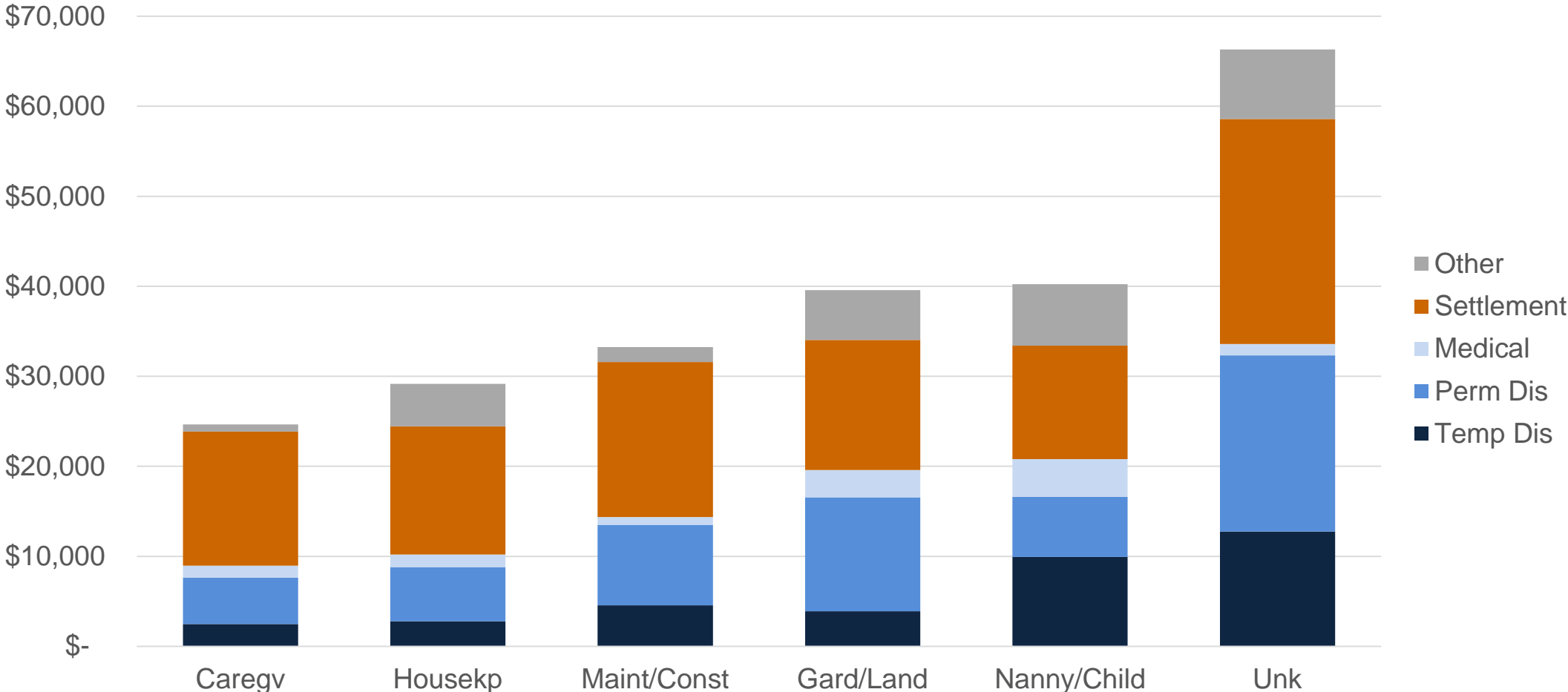
Injury Accounts

- Landscaper fell off a rotten beam on the home and fractured 2 ribs and their left wrist.
- Attacked by client. "I was thrown...attacked, choked." Injury to neck, shoulder, arms, lower back, Rt. foot.
- EE stated that she was trying to help pick up a client that had fallen when she strained her lower back.
- Nanny involved in auto accident while picking up the insd.'s children. Injuries unknown.
- Claimant amputated tip of right index finger while using a hedge trimmer.

Percent of Claims Resulting in Payments, by Job Category



Median Payments, by Job Category



Whose insurance policies covered these workers' comp claims?



WC through Homeowners' Insurance Policies

- **Homeowners policy.** Insured hired unlicensed painter who hired 2 others. One fell 6-7' off scaffolding—Fx wrist, dislocated shoulder.
- Farmers adjuster reports that the insured's dog bit the maid. Unknown arm and thigh. **Homeowners claim #0000000000.**
- Contractor injured while **working in insured's home.** Contractor **submitting WC claim under insured's HO policy** as his employer had to WC coverage in CA.
- **Insured had a cleaning woman over** to help organize and she hit her right knee on a bar at the bottom of the bed.
- Bilateral shoulder injuries from **pushing insured in wheelchair.**

WC through Homeowners' Insurance Policies

	No.	% of claims
Caregiving	76	0.5%
Housekeeping	7	2.0%
Construction/maintenance	14	2.3%
Gardening/landscaping	7	3.5%
Nanny/childcare	22	11.8%
Other/unknown	2	9.1%
TOTAL	171	0.9%

Implications and Next Steps

- Data and reporting
- Further investigation of WC claims submitted through homeowners' insurance policies
- Promoting greater accessibility of WC resources for residential workers
- Strategies for prevention???

THANK YOU

Kevin Riley, PhD, MPH

*Director of Research and Evaluation, UCLA Labor
Occupational Safety and Health Program*

kriley@ucla.edu



UCLA

Labor Occupational Safety
& Health Program