

SUBJECT: **RECOVERY MEANS EVERYONE: MEASURES TO PROTECT HOSPITALITY (HOTEL) WORKERS**

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**STATEMENT ON THE SUBJECT:**

The City Council will consider directing staff to work with the City Attorney to draft an ordinance establishing additional protections for hospitality (hotel) workers.

**RECOMMENDATIONS:**

1. Direct staff to work with the City Attorney to draft an ordinance establishing additional protections for hospitality (hotel) workers.
2. Return to City Council within 60 days with an ordinance for consideration.

**BACKGROUND / ANALYSIS:**

In light of the COVID-19 public health emergency and the resulting economic shutdown, most businesses in West Hollywood have been forced to close, reduce service, or substantially change their normal operations. These health orders have been important to help slow the spread of COVID-19 and keep people safe and healthy; however, they have had significant impacts on the workers who rely on these jobs for their livelihood. As a vaccine for COVID-19 continues to roll out, we can anticipate that we will be living with the threat of community spread of the virus for several more months. The recommendations in this report are intended to support the workers who are eager to work and concerned about their safety as we address safely reopening their places of employment.

At meetings in December 2020 and January 2021, the City Council took steps to support businesses during this economic crisis. This included directing staff to develop a COVID-19 relief program to administer small grants or emergency funds to brick-and-mortar small businesses with 50 full-time employees or less who have been forced to close or limit business operations as a result of Los Angeles County or State of California health orders and who have not received relief funds through other county, state, or federal sources. The Council also gave direction to sponsor a roundtable discussion with members of the

business community to discuss the economic impacts from COVID-19 on brick-and-mortar small businesses and provide immediate policy recommendations to assist those businesses. The Council also authorized the creation of a Business Recovery Task Force whose long-term purpose is to develop an Economic Blueprint for West Hollywood, including bringing various stakeholders to the table to provide recommendations to the City Council on issues related to small business success, business recovery given the impacts from COVID-19, business diversification, and policy recommendations to support the business community. Additionally, the Council approved many aspects of the West Hollywood Chamber of Commerce' Safe Re-Opening Plan; waiver of certain city fees and assessments; specific lobby efforts to support businesses in the hospitality industry; and a revised commission cap on third-party delivery services. All of these efforts were deemed necessary and critical to support businesses through the economic downturn resulting from the COVID-19 global health pandemic.

This report focuses on the workers in our local hospitality industry businesses, specifically workers at hotels, many of whom have been out of work without assurances that their jobs will be available when restrictions are lifted. While the current economic circumstances result from the impact of COVID-19 shutdowns, the need for workplace protections due to problematic workplace environments existed before this time of crisis. The coronavirus has presented many challenges to our community; as we look to rebuild after the time of declared emergency, we have an opportunity to build back better for workers in our hospitality industry, which is essential to the economic vitality of our City.

#### Challenges Facing Hospitality (Hotel) Workers

The hospitality/hotel industry is oriented toward accommodating an enjoyable experience for guests/customers, which creates potential risk for workers. Unwanted or unlawful behavior by guests/customers is sometimes overlooked to accommodate their enjoyment. Additionally, because the industry is evolving standards for health and safety reasons, increased expectations on workers who return to their workplace can create major challenges if not managed in a thoughtful, safe way.

Even before COVID, there were reports of onerous workloads as well as reports of unreasonable and undefined working conditions/expectations on performance. The higher risk of sexual assault has been documented.

COVID-19 shutdowns created a lot of uncertainty and potentially provided employers the opportunity to terminate employees. Women have been on the frontlines of these challenges – the majority of housekeepers are women and women of color – and reports show that a high percentage of women have lost their jobs due to COVID, without any certainty that those jobs will be available when restrictions are lifted. In addition, a large number of people working in the hospitality industry are immigrants, people of color, and LGBTQ individuals. Compared to workers in other industries, leisure and hospitality workers tend to be lower-income, younger, and less educated. Providing additional

protections is important to help address these equity and social justice issues and to provide greater certainty and protection for workers.

### Right of Recall & Worker Retention

"Right of recall" requires companies to rehire the same workers who were let go due to a layoff when the jobs are reinstated. Santa Monica pioneered this law in its hotels after the 9/11 attacks led to mass layoffs (Santa Monica Municipal Code Chapter 4.66)<sup>1</sup>. Retention Ordinances were first passed in the Los Angeles area at places like the Los Angeles Airport in the 1990s for service contractors and were later expanded to the hotel zone on Century Boulevard near LAX.

Worker retention ordinances require employers to maintain their employees for a transition period when there is a change in ownership or operator. Cities from Emeryville and Providence, RI have also passed similar protections for hospitality workers.<sup>2</sup>

Last year, the City<sup>3</sup> and County<sup>4</sup> of Los Angeles, Long Beach<sup>5</sup>, Pasadena, and Glendale<sup>6</sup> joined Santa Monica in codifying the right of recall and worker retention policies to protect workers in the hospitality industry impacted by COVID-19. The purpose of these ordinances is to ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand on government-funded social services.

In the fall last year, the State Legislature also passed Assembly Bill 3216, which provided many protections for workers including that California employers must offer laid-off employees in writing by mail, email, and text message all job positions that become available after the bill's effective date for which the laid-off employees are qualified. However, the bill was not signed by Governor Newsom and did not become law.

This item requests the City Attorney to review and reference these ordinances to draft a similar ordinance in West Hollywood related to worker recall and retention.

### Additional Workplace Protections

Over the past decade, there has been increased recognition of the challenges and dangers faced by hospitality workers, especially those who interact with guests/customers in a guestroom/residence. The evolving demands on hotel workers, in particular, to accommodate ever-changing standards in the hospitality industry have been

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<sup>1</sup> [http://www.qcode.us/codes/santamonica/view.php?topic=4-4\\_66&frames=on](http://www.qcode.us/codes/santamonica/view.php?topic=4-4_66&frames=on)

<sup>2</sup> <http://council.providenceri.com/federal-court-upholds-city-law-protecting-hotel-workers>

<sup>3</sup> Worker Retention: [http://clkrep.lacity.org/onlinedocs/2020/20-0147-S15\\_ORD\\_186603\\_06-14-2020.pdf](http://clkrep.lacity.org/onlinedocs/2020/20-0147-S15_ORD_186603_06-14-2020.pdf) and Right of Recall [http://clkrep.lacity.org/onlinedocs/2020/20-0147-S15\\_ORD\\_186602\\_06-14-2020.pdf](http://clkrep.lacity.org/onlinedocs/2020/20-0147-S15_ORD_186602_06-14-2020.pdf)

<sup>4</sup> <https://covid19.lacounty.gov/covid19-news/adopt-right-of-recall-and-worker-retention-policie/>

<sup>5</sup> Worker Retention <http://longbeach.legistar.com/View.ashx?M=F&ID=8561953&GUID=1E2B736B-32E9-42C6-B237-E9C9F1D1E420> and Right of Recall <http://longbeach.legistar.com/View.ashx?M=F&ID=8561954&GUID=1CB9516B-ACF3-4671-A077-D5A0BE1E41B5>

<sup>6</sup> <https://www.glendaleca.gov/home/showdocument?id=56945>

unreasonably burdensome on workers. Combined with the new uncertainties surrounding COVID-19 and its impact on their workplace, workers have a lot to consider when returning to work. They deserve to have a workplace that also prioritizes their safety which will also help tourists feel safe coming back to stay at our West Hollywood hotels.

In addition to ordinances for the right of recall and worker retention, this report directs the City Attorney to draft additional protections for hotel housekeepers against threatening guest conduct, including sexual assault; provisions to ensure workers are compensated fairly when they are required to perform ever-evolving and increasing workloads; as well as comprehensive standardized training which includes anti-human trafficking, domestic violence, sexual violence and public health and safety training and certification as well as COVID-19 safety training and certification.

As one example to look to, the City of Santa Monica adopted these protections before the COVID-19 crisis began. Santa Monica's Municipal Code includes specific definitions as well as clearly defined measures for protection and compensation of hotel workers, including directives for use of personal security devices. The City of Santa Monica's Code includes the following protections that should be evaluated and included as part of the ordinance drafted for West Hollywood:

1. Protection for hotel workers from all forms of sexual violence by providing panic buttons and other measures to enable hotel housekeepers to report misconduct and remove themselves from dangerous situations without fear of retaliation.
2. Provisions to ensure hotel housekeepers are compensated fairly when they are required to perform unreasonable workloads and protections against mandatory overtime.
3. Required training for hotel housekeepers to ensure that these employees have the knowledge and skills to protect their own rights and safety.
4. Required education and training to identify potential instances of human trafficking, domestic violence, sexual violence and public health and safety.

This report asks the City Attorney to come back to the Council with a draft ordinance in 60 days to ensure timely consideration and implementation as businesses are safely reopening in West Hollywood.

On April 5, 2021, the West Hollywood Chamber of Commerce's Hotel Council announced the release of its "5-Star Promise" – a declaration on employee safety proclaiming their pledge to provide safe environments for hotel employees and opportunities for marginalized community members. The 5-Star Promise includes a pledge to provide industry-wide training and materials on safety and security and to provide hotel employees with safety devices, such as panic buttons, to help them feel safe on the job.

We recognize the Hotel Council's focus on safety and security of hotel employees and guests and aim to continue to build on this good work.

**CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:**

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-2: Institutional Integrity.
- OSP-3: Promote Economic Development while Maintaining Business Vitality & Diversity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- ED-1: Maintain a diverse and resilient economy.
- ED-4: Monitor and evaluate economic conditions affecting the City's economic climate.

**EVALUATION PROCESSES:**

N/A

**ENVIRONMENTAL SUSTAINABILITY AND HEALTH:**

N/A

**COMMUNITY ENGAGEMENT:**

Staff will hold a meeting with the Chamber of Commerce to address the concerns outlined in this report and the proposed ordinance.

**OFFICE OF PRIMARY RESPONSIBILITY:**

CITY MANAGER'S DEPARTMENT

CITY ATTORNEY'S OFFICE

**FISCAL IMPACT:**

None at this time.