

SENATE BILL SB-70

Introduced by Senator Susan Rubio (D-22)

An act relating to Warehouse Worker Safety Act.

LEGISLATIVE COUNSEL'S DIGEST

SB-70, Susan Rubio (D-22). Warehouse Worker Safety Act.

Under existing law, AB 701 (2021), which is in Sections 2100 to 2112 of the Labor Code, warehouses have to give workers a written explanation of any quota they are obligated to meet. Warehouses also cannot have quotas that stop workers from taking breaks, using the restroom, or following health and safety laws. But these rules only apply to employers with 100 or more workers at one warehouse, or 1,000 or more workers across the state, so smaller warehouses aren't required to follow them.

In 2024, Cal/OSHA adopted an indoor heat rule requiring all employers to give workers water, cool down areas, and training once it got to 82 degrees inside the warehouse. The rule remains the same for every indoor job, so it treats warehouse work the same as working at a desk despite the work requiring much more hard labor.

Many warehouse workers are hired through staffing agencies so when things go wrong the warehouse and staffing agency often blame each other and workers end up with nobody taking responsibility.

This bill would make quotas apply to smaller warehouses as well and stop quotas from taking away breaks. It would establish a heat rule through Cal/OSHA for warehouses. And it would make warehouses and staffing agencies both responsible for following the law.

Vote: Majority. **Appropriations/fiscal:** yes. **Local program:** no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Warehouse work is hard on the body. Workers lift heavy boxes, carry things, and walk long distances during their shifts.
- (b) Most warehouses don't have air conditioning. In the Inland Empire, it is often hotter inside a warehouse than it is outside during the summer.
- (c) When workers have a quota, they feel pressure to skip water and breaks so they can keep up. A heat rule that doesn't think about quota pressure doesn't fully protect workers.
- (d) Workers hired through staffing agencies face some of the worst conditions and get the least protection, because two different employers are responsible for them and each one can point at the other.
- (e) Most warehouse workers are Latino and Black, and many of them live in the same neighborhoods that deal with warehouse truck traffic and pollution.

SEC. 2. Section 2100 of the Labor Code is amended to read:

2100. (f) "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary service, or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of ~~100~~ 50 or more employees at a single warehouse distribution center or ~~1,000~~ 500 or more employees at one or more warehouse distribution centers in the state.

SEC. 3. Section 2102 of the Labor Code is amended to read:

2102. An employee shall not be required to meet a quota that prevents compliance with meal or rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom facilities, *cool-down rest periods provided under the indoor heat illness prevention standard*, or occupational health and safety laws in the Labor Code or division standards. *Time spent on a cool-down rest shall not be counted against an employee's quota.*

SEC. 4. Section 2113 is added to the Labor Code, to read:

2113. (a) By July 1, 2028, the division shall adopt a heat illness prevention standard just for warehouse distribution centers.

(b) The standard shall, at a minimum, do all of the following:

(1) Require cool-down protections starting at 80 degrees Fahrenheit indoors instead of 82, because warehouse work is more physically demanding than most indoor jobs.

(2) Require cool-down areas big enough to fit at least 10 percent of the workers on a shift at the same time.

(3) Require the employer to check and write down the indoor temperature every hour on days when it gets above 80 degrees Fahrenheit.

(4) Require the employer to give those temperature records to any worker who asks for them within 24 hours.

(c) Nothing in this section takes away any protection workers already have under the existing indoor heat illness prevention standard.

SEC. 5. Section 2114 is added to the Labor Code, to read:

2114. (a) A warehouse distribution center and any staffing agency or temporary services employer that places workers there are both responsible for following this part.

(b) Either one can be held liable for a violation. Neither one can avoid liability by saying the other one was in control of the worker.

(c) Any part of a contract that tries to put all the responsibility on only one of them is void as against public policy.

(d) The protections against retaliation in Section 2105 also apply to a worker who asks for a cool-down rest.

SEC. 6. The Labor Commissioner shall enforce Sections 2102 and 2114. The division shall enforce the standard adopted under Section 2113. This act does not make an appropriation.