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NEWS

# 'Health and Safety Are at Risk': Only 1 California Safety Inspector Is Bilingual in Chinese or Vietnamese



By [Farida Jhabvala Romero](#)  Nov 21  [Save Article](#)    



A pedestrian walks into the Elisha M. Harris state building in Oakland, where Cal/OSHA's district offices are located, on Oct. 13, 2022. Only 21 inspectors at the agency were certified in a second language, including just one who speaks Cantonese and another who speaks Vietnamese. *(Aryk Copley/KQED)*

In the nearly 30 years since Thomas Xiao arrived in San

Francisco, he said he's seen co-workers get injured at restaurants, factories and other jobs. Xiao himself suffered tendons that tore apart in his right shoulder in 2019, a stress injury he believes came from tossing a heavy frier with potatoes over and over for years.

"It became really painful. I couldn't even lift my hand," Xiao said in Cantonese through an interpreter with the Chinese Progressive Association, a nonprofit in San Francisco.

But until recently, the 66-year-old Chinese immigrant never considered filing a complaint with California regulators tasked with protecting health and safety in the workplace. Xiao, who now works as a janitor, said he didn't know Cal/OSHA existed, let alone that the agency can investigate workplace hazards like repetitive-motion injuries.

In one of the country's most linguistically diverse states, Cal/OSHA officials maintain that a [high priority \(PDF\)](#) is "direct communication" with workers who have limited English proficiency. Because of a lack of English skills or legal status, many immigrants work some of the [most dangerous low-wage jobs](#).

Cal/OSHA's critical services remain largely inaccessible to those very laborers, leaving them less protected, according to labor experts and worker advocates. A substantial issue is the agency's woefully insufficient number of bilingual safety inspectors who are required to interview employees while investigating complaints, injuries or deaths at worksites.

That's even though [state and federal laws \(PDF\)](#) require public agencies like Cal/OSHA, officially known as the Division of Occupational Safety and Health, to take reasonable steps to provide full and equal access to their

services to people who don't speak English well.

**Cal/OSHA Bilingual-Certified Inspectors**

	Bilingual inspectors	LEP workers
Spanish	19	2,347,834
Mandarin	1	308,969
Vietnamese	1	167,473
Filipino	0	132,819
Other languages	0	448,596

Source: Cal/OSHA personnel records of employees paid a monthly bilingual premium; LEP estimates of workers, ages 16-64, from USC Equity Research Institute's analysis of 2019 Census data. \* Inspectors are safety engineers and industrial hygienists in district and regional offices, as well as other inspection units.  
Chart by Matthew Green/KQED

Cal/OSHA's language access gaps are especially pronounced for workers in the state's large Asian communities, particularly in the Bay Area and Los Angeles and Orange counties.

An analysis of 2019 census data by the USC **Equity Research Institute** conducted for KQED shows the state's most prevalent languages after English and Spanish are Chinese, Filipino and Vietnamese, which are spoken by roughly 600,000 combined workers with limited English proficiency or none at all.

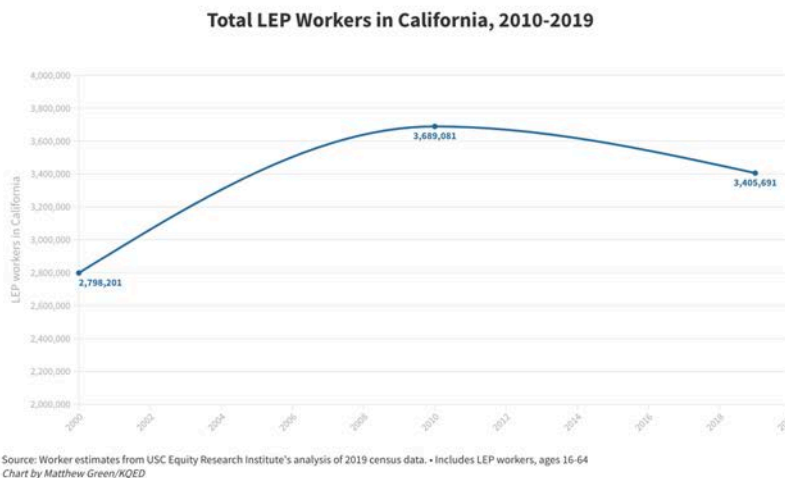
Of the 214 inspectors employed by Cal/OSHA, just 21 were certified in a second language as of October, personnel records show. Nineteen were Spanish speakers, while only one was fluent in Cantonese and one in Vietnamese.

"This is very surprising, disturbing and disappointing information," said David Chiu, city attorney of San Francisco, where more workers speak Chinese at home than Spanish, unlike elsewhere in the state.

"When you have literally millions of Californians who speak other languages, who are particularly vulnerable to workplace exploitation, the lack of language ability on the part of Cal/OSHA staff means we don't know what's happening at these jobs, we can't enforce the law, and

workers' lives and health and safety are at risk," Chiu said.

Cal/OSHA declined interview requests by KQED.



The agency is committed to communicating with workers and employers in their preferred language, said a spokesperson for the California Department of Industrial Relations, which oversees Cal/OSHA and other labor enforcement divisions. Cal/OSHA has additional personnel who speak a second language but are not **certified as bilingual**, which involves passing an oral fluency exam, the spokesperson said.

Still, two former Cal/OSHA inspectors, also known as compliance safety and health officers, told KQED that the inadequate number of bilingual-certified inspectors suggests how ill-equipped the agency is to conduct investigations involving workers who primarily speak languages other than English.

“I think that’s pretty obvious that they don’t have the same protections as an English-speaking worker,” said Michael Horowitz, a retired Cal/OSHA inspector and enforcement district manager in Oakland. “It’s a lot more difficult for their problems and hazards to be brought clearly to the attention of a state health and safety

inspector.”

Since mid-2019, Cal/OSHA has lost about a third of its bilingual-certified inspectors, all Spanish speakers, according to a KQED analysis of agency rosters of employees paid a monthly **bilingual premium** after they are certified in another language.

As of last month, just 5% of the agency’s total 964 **budgeted positions**, including outreach workers, managers and legal secretaries, were filled with personnel receiving bilingual pay.

This comes as the number of California workers with limited English proficiency has climbed to 3.4 million — nearly 1 in 5 of the state’s labor force, according to the USC Equity Research Institute analysis.



Thomas Xiao, 66, stands at The Women's Building in San Francisco, after attending a town hall for essential workers on Sept. 28, 2022. Xiao, who works as a janitor, said he had never heard of Cal/OSHA until recently. (Farida Jhabvala Romero/KQED)

Using the estimated number of workers who speak other languages at home but report limited English proficiency, KQED calculated a rough ratio of inspectors who can communicate fluently with them.

Chinese-speaking workers experience the largest access gap, with one inspector certified in Cantonese for every

309,000 workers. For Vietnamese-speaking employees, Cal/OSHA has one inspector for every 167,000 workers. And for Spanish speakers, there is one inspector for every 124,000 workers.

Though far from ideal when compared to other states, the ratio of safety and health compliance officers for workers who speak English as a native language or very well is much more protective: one inspector for every 72,000 workers.

### **'A lot is lost in translation'**

Many immigrant employees in high-risk industries are reluctant to speak up to inspectors about problems they've witnessed because they fear losing their jobs or distrust government agencies.

If inspectors are unable to chat directly with workers and gain their trust, they may miss serious health and safety hazards, said Horowitz, who worked for Cal/OSHA for more than 17 years. Effective investigations could eventually lead to fines for employers and safer conditions for employees.

Horowitz said inspectors may rely on a foreman or manager to interpret, but workers will be less likely to speak candidly if their boss is present.

"That is not a good situation to get a true picture of what the workplace hazards might be," said Horowitz. "A lot is lost in translation. Clearly money could be spent on it, but it's certainly not a priority that I've seen in the state."

Cal/OSHA does contract with interpreting services available by phone, but interactions can be clunky and awkward because, according to Horowitz, the inspector often

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**'It is the responsibility of the state of California to ensure that perpetual lawbreakers are**

communicates with the interpreter while passing a phone back and forth with the worker.

In 2002, 26 Cal/OSHA staffers passed the state's language certification exam. That number increased to 65 by 2019, but plunged to 48 bilingual-certified staffers as of last month.

"If we don't have enough inspectors who speak the language of the workers, that leads to an incomplete investigation," said Assembly member Ash Kalra (D-San José), who heads the Assembly's Committee on Labor and Employment. "We have to work harder to ensure we are doing everything we can to properly recruit and retain those who do have language skills."

**brought to justice, and that is not happening. And until you have enough bilingual inspectors to address the labor law violations in the state of California, including health and safety violations, these conditions will continue.'**

—Kent Wong, director, UCLA Labor Center

## Challenges to recruiting bilingual staffers

With 29% of positions vacant at Cal/OSHA as of October, agency officials said they are focused first on hiring qualified staff. Any second-language skills are a bonus.

"We diligently seek to hire a diverse and inclusive workforce, and are particularly interested in attracting bilingual candidates," the DIR spokesperson said. "But, of course, our first priority is to hire qualified safety and health professionals."

"As many employers are experiencing, it is challenging to recruit and retain qualified professionals with experience and, in our case, that is especially true for safety engineers and industrial hygienists with expertise in health and safety," they added.

Former inspectors and other observers point out that

**DIR has been especially slow to hire** in a challenging labor market where bilingual professionals can get a job faster in the private sector, which also tends to pay more.

To make the agency more competitive, the Legislature and the administration must “put money where their values are,” said Kalra, adding that he is planning to hold hearings next year to try to find solutions to fill vacancies at Cal/OSHA and improve language access.

“It means we have to not just pay more, but do other kinds of incentives to be able to hire,” said Kalra, whose district includes Little Saigon in Santa Clara County, home to the state’s second-largest Vietnamese-speaking community. “And part of that falls on the Legislature to make sure the administration is prioritizing these roles in Cal/OSHA.”

Katie Hagen, DIR's director, told occupational safety advocates at a **public meeting (PDF)** earlier this month that the department is reviewing their levels of bilingual-certified staffing, as well as the cultural competence of web content and materials.

In the meantime, the agency continues to leave many lower-wage workers in the garment industry, agriculture, construction, food processing and other sectors laboring in risky conditions. They toil without protective equipment while being exposed to toxics or excessive heat. They often slog through long hours bent over in positions that hurt the body over time, according to Kent Wong, director of the UCLA Labor Center.

“It is the responsibility of the state of California to ensure that perpetual lawbreakers are brought to justice, and that is not happening,” said Wong. “And until you have enough bilingual inspectors to address the labor law violations in the state of California, including health and



safety violations, these conditions will continue.”

In Alameda County, Mong Thu Pham, a 62-year-old nail salon worker, worries that daily exposure to acetone and other harmful chemicals at her job has led to her frequent headaches, runny nose and, more recently, blurred eyesight.

The mother of four, who didn't know Cal/OSHA existed until recently, has worked at nail salons for 13 years. She said she believes more Vietnamese-speaking inspectors are needed to help improve conditions at workplaces like hers. In California, **nearly 70% of the workforce in the nail salon industry are immigrants from Vietnam (PDF)**, according to a UCLA report.

“It's not fair, because a lot of workers at nail salons don't speak a lot of English, and it's very difficult for them to complain or try to alert the authorities,” Pham said in Vietnamese through an interpreter at the California Healthy Nail Salon Collaborative. “I wish someone could stop by at the shop and help make the environment less toxic for us.”

The Civil Rights Department, the state agency charged with protecting Californians from discrimination in public services, is currently working on regulations that are expected to provide more specific guidelines for public agencies to meet language access statutes, said Joann Lee, special counsel on language justice at the Legal Aid Foundation of Los Angeles. The department did not return requests for comment on when it plans to issue those regulations.

“The lack of language access on a systemic level leads people to be so completely shut out that they are almost not even seen or considered when new outreach, programs or technologies are created,” said Lee, who

speaks Korean and has provided legal services to Asian immigrants for decades. "The cause of their exclusion is also the cause of the silence."

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