SAFETY AND HEALTH PROTECTION ON THE JOB

California law provides workplace safety and health protections for workers through regulations enforced by the Division of Occupational Safety and Health (Cal/OSHA). This protection requires some basic requirements and procedures to ensure workplace safety and health standards are maintained. The law requires that this poster be displayed. Failure to do so could result in a substantial penalty. Cal/OSHA standards can be found at www.dir.ca.gov/safety/search/query.htm.

WHAT AN EMPLOYER MUST DO:
All employers must provide work and workplaces that are safe and healthful. In other words, as an employer, you must follow state laws governing job safety and health. Failure to do so can result in a threat to the life or health of workers, and substantial monetary penalties.

You must display this poster in a conspicuous place where notices to employees are customarily posted so everyone on the job can be aware of basic rights and responsibilities.

You must have a written and effective Injury and Illness Prevention Program (IIPP) meeting the requirements of California Code of Regulations, title 8, section 3203 (www.dir.ca.gov/title8/3203.html). You must be aware of hazards your employees face on the job and keep records showing that each employee has been trained in the hazards unique to each job assignment.

You must correct any hazardous condition that you know may result in injury to employees. Failure to do so could result in criminal charges, monetary penalties, and even incarceration.

You must notify a local Cal/OSHA district office of any serious injury or illness, or death, occurring on the job. Be sure to do this immediately after calling for emergency help to assist your employees. Failure to report a serious injury or illness, or death, within 8 hours can result in a minimum civil penalty of $5,000.

WHAT AN EMPLOYER MUST NEVER DO:

Never permit an employee to do work that violates Cal/OSHA workplace safety and health regulations.

Never permit an employee to be exposed to harmful substances without providing adequate protection.

Never allow an untrained employee to perform hazardous work.

EMPLOYEES HAVE CERTAIN WORKPLACE SAFETY & HEALTH RIGHTS:

As an employee, you (or someone acting for you) have the right to file a confidential complaint and request an inspection of your workplace if you believe conditions are unsafe or unhealthful. This is done by contacting the local Cal/OSHA district office (see list of offices). Your name is not revealed by Cal/OSHA, unless you request otherwise.

You also have the right to bring unsafe or unhealthful conditions to the attention of the Cal/OSHA Investigator of Labor Management relations. The investigator will correct the violation to the Division of Occupational Safety and Health or the San Francisco office of the U.S. Department of Labor.

Any employee has the right to refuse to perform work that would violate an occupational safety or health standard or order where such violation would create a real and apparent danger that may exist there. Any employee may protest the time allowed for correction of the violation to the Division of Occupational Safety and Health or the San Francisco office of the U.S. Department of Labor (see list of offices). Your name is not revealed by Cal/OSHA, unless you request otherwise.

Any employer who receives a citation, Order to Take Special Action, or Special Order within 15 working days of receipt of the citation must provide Cal/OSHA with a written response. If you disagree with a citation, you have the right to appeal to the Occupational Safety and Health Appeals Board.

HELP IS AVAILABLE:

To learn more about workplace safety rules, you may contact Cal/OSHA Consultation Services for free information, required forms, and publications. You can also contact a local office of Cal/OSHA. If you prefer, you may retain a competent private consultant, or ask your workers’ compensation insurer for guidance in obtaining information.

Call the Free Worker Information Helpline – (866) 924-9757

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (CAL/OSHA)
HEADQUARTERS: 1515 Clay Street, Ste. 1901, Oakland, CA 94612 – Telephone (510) 286-7000

Special Rules Apply for Work Around Hazardous Substances:

Employers who use any substance that is listed as a hazardous substance in California Code of Regulations, title 8, section 338 (www.dir.ca.gov/title8/338.html), or is covered by the Hazard Communication standard (www.dir.ca.gov/title8/5194.html) must provide employees information on the hazardous chemicals in their work areas, access to safety data sheets, and training on how to use hazardous chemicals safely.

Employers shall make available on a timely and reasonable basis a safety data sheet on each hazardous substance in the workplace upon request of an employee, an employee’s collective bargaining representative, or an employee’s physician.

Employees have the right to see and copy their medical records and records of exposure to potentially toxic materials or harmful physical agents.

Employers must allow access by employees or their representatives to accurate records of employee exposure to potentially toxic materials or harmful physical agents, and notify employees of any exposures in concentration or levels exceeding the exposure limits allowed by Cal/OSHA standards.

Any employee or their representative has the right to observe monitoring or measuring of employee exposure to hazardous substances.

VIOATIONS, CITATIONS, AND PENALTIES:

If the investigation shows that the employer has violated a safety and health standard or order, Cal/OSHA will issue a citation. Each citation carries a monetary penalty and specifies a date by which the violation must be abated. A notice, which carries no monetary penalty, may be issued in lieu of a citation where there is a good cause to do so. Cal/OSHA may impose a monetary or administrative penalty for certain non-serious violations.

Penalty amounts depend in part on the classification of the violation as regulatory, general, serious, repeat, or willful, and whether the employer failed to abate a previous violation involving the same hazardous condition. Base penalty amounts, penalty adjustment factors, and minimum and maximum penalties are established in California Code of Regulations, title 8, section 338 (www.dir.ca.gov/title8/338.html).

In addition, a willful violation that causes death or permanent impairment of the body of any employee can result, upon conviction, in a fine of up to $250,000 or imprisonment up to three years, or both, and if the employer is a corporation or limited liability company, the fine may be up to $1.5 million.

The law provides that employers may appeal citations within 15 working days to the Occupational Safety and Health Appeals Board.

An employer who receives a citation, Order to Take Special Action, or Special Order must post it prominently at or near the place of the violation for three working days, or until the unsafe condition is corrected, whichever is longer, to warn employees of danger that may exist. Any employee may protest the time allowed for correction of the violation to the Division of Occupational Safety and Health or the Occupational Safety and Health Appeals Board.

Dial 911 in emergencies. Call (510) 622-2891 or visit our website (www.dir.ca.gov) for critical information.