

N E W S R E L E A S E

News Release No.: 2018-91

Date: November 8, 2018

Superior Court Affirms Fall Protection Safety Order for Elevated Telecommunications Structure

Occupational Safety and Health Appeals Board's decision upheld

Sacramento—The Alameda County Superior Court recently affirmed that fall protection safety orders apply to elevated indoor telecommunication structures. Cal/OSHA citations issued after an employee suffered serious head injuries from a 7-foot fall from a telecommunications structure were appealed by the employer. Pinnacle Telecommunications, Inc. asserted that the safety order was too vague and did not apply.

The Occupational Safety and Health Appeals Board (OSHAB) upheld the citations and the employer subsequently filed a petition in Alameda County Superior Court. The court's ruling affirmed the appeals board's decision that indoor suspended structures supporting telephone equipment and cables require proper fall protection, such as with work done on outdoor telecommunication poles or towers.

In January 2014, a telephone line worker employed by Pinnacle Telecommunications, Inc., was installing telecommunications switchgears at a sub-station in Albany. He was standing on a metal structure less than 20 inches wide suspended from the ceiling, and was seriously injured after a 7-foot fall from the structure.

[Cal/OSHA's inspection](#) determined the employer did not:

- provide training on when to use fall protection equipment
- require workers to use personal fall protection devices or other fall protections methods such as guardrails or safety nets when working on elevated structures more than four feet above the ground.

The division issued Pinnacle Telecommunications \$25,560 in proposed penalties for a serious category citation as Pinnacle failed to ensure the use of fall protection equipment and a general category citation for not providing required training.

Pinnacle appealed, asserting the safety order cited did not apply because the structure on which employees were working is not covered by the regulation and the safety order is unconstitutionally vague. OSHAB [affirmed the citations](#) on September 22, 2017, and the employer filed a petition in Alameda County Superior Court on October 20, 2017.

Superior Court Judge Kimberly E. Colwell on August 21 denied the employer's petition, upholding OSHAB's finding that the safety order was clear and appropriately applied to the structure from which the employee fell.

[OSHAB](#) is a three-member judicial body appointed by the Governor and confirmed by the Senate which handles employers' appeals of citations issued by [Cal/OSHA](#) for alleged violation of workplace safety and health regulations. The mission of the appeals board is to fairly, timely and efficiently resolve appeals and to provide clear, consistent guidance to the public, thereby promoting workplace safety and health.

Members of the press may contact Peter Melton or Frank Polizzi at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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