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 poster explains some basic requirements and provides procedures to comply with the state’s workplace safety and health standards. 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/.

WHAT AN EMPLOYER MUST DO:
All employers must provide work and workplaces that are safe and healthful. In other words, an employer must follow state laws governing job safety and health. Failure to do so may 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 (IPP) meeting the requirements of California Code of Regulations, title 8, section 3300 (www.dir.ca.gov/title8/3300.htm) and provide access to employees and their designated representatives.

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 death, or death, occurring on the job. Be sure to do this immediately after calling for emergency help to assure that each employee is safe from injury or death, or death, within 8 hours results in a maximum 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 there are unsafe or unhealthful. This is done by contacting the local Cal/OSHA district office (see below). 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 inspecting your workplace.

You and your designated representative have the right to access the employer’s IPP. Any employee has the right to refuse to perform work that would violate an occupational safety or health standard.

You have the right to file a written complaint or request an investigation of your workplace if you believe there are unsafe or unhealthful conditions. This is done by contacting the local Cal/OSHA district office (see below). You 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 inspecting your workplace.

You and your designated representative have the right to access the employer’s IPP. 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 hazard for the employee or other employees.

You have the right to file a written complaint or request an investigation of your workplace if you believe there are unsafe or unhealthful working conditions, or for otherwise exercising your rights to a safe and healthful workplace. If you feel that you have been fired or punished for exercising your rights, you may file a complaint about this type of discrimination by contacting the nearest office of the California Department of Industrial Relations, Division of Labor Standards Enforcement (Labor Commissioner’s Office) or the San Francisco office of the U.S. Department of Labor, Occupational Safety and Health Administration.

(employees of state or local government agencies may only file these complaints with the California Department of Labor, Occupational Safety and Health Appeals Board. Consult your local telephone directory for the office nearest you.

EMPLOYEES ALSO HAVE RESPONSIBILITIES:

To keep the workplace and your coworkers safe, you should tell your employer about any hazard that could result in an injury or illness to an employee. While working, you must always obey workplace safety and health laws.

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 district office of Cal/OSHA. If you prefer, you may retain a competent private consultant, or ask your workers’ compensation insurance carrier for guidance in obtaining information.

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 339 (www.dir.ca.gov/title8/339.htm), or covered by the hazardous communication standard (www.dir.ca.gov/title8/5194.htm) must provide employees information on the hazardous chemicals in their work areas, access to safety data sheets, and training on how to handle 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. Employers 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 exposures to toxic materials or hazardous 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 to conduct to comply with Cal/OSHA regulations.

WHEN CAL/OSHA COMES TO THE WORKPLACE:

A trained Cal/OSHA safety engineer or industrial hygienist may visit the workplace to make sure your company is obeying workplace safety and health laws. Inspections are also conducted when an employee files a valid complaint with Cal/OSHA.

Cal/OSHA also goes on-site to the workplace to investigate a serious injury or illness, or death.

When an inspection begins, the Cal/OSHA investigator will issue official identification. The employer, or someone employing the employer, will be given an opportunity to accompany the investigator during the inspection. An authorized representative of the employees will be present at the same time. The investigator will talk to a designated employee representative, who will talk to a reasonable number of employees about safety and health conditions at the workplace.

VIOLATIONS, CITATIONS, AND PENALTIES:

If the investigation shows that the employer has violated a safety and health standard or order, Cal/OSHA file a citation. Each violation 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. Penalty amounts vary 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 may be found in California Code of Regulations, title 8, section 336 (www.dir.ca.gov/title8/336.htm).

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 employees may appeal citations within 15 working days of receipt 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 the 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 Occupational Safety and Health Appeals Board.

California Labor Code:

Chapter 1. Division of Occupational Safety and Health of the Department of Industrial Relations, which has primary responsibility for administering the Cal/OSHA program and enforces the Occupational Safety and Health Standards Board. Anyone desiring to register a complaint alleging inadequacy in the administration of the California Occupational Safety and Health Plan may do by contacting the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA). U.S. Department of Labor Tel: 1-800-697-3721.

Safeguarding Cal/OSHA’s workplace safety and health standards is carried out by the Division of Occupational Safety and Health, under the California Department of Industrial Relations, which has primary responsibility for administering the Cal/OSHA program. workplace safety and health standards are promulgated by the Occupational Safety and Health Standards Board. Anyone desiring to register a complaint alleging inadequacy in the administration of the California Occupational Safety and Health Plan may do so by contacting the San Francisco Regional Office of the Occupational Safety and Health Administration (OSHA). U.S. Department of Labor Tel: 1-800-697-3721.

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