

Subject: RE: Cal/OSHA Workplace Violence Prevention in General Industry Update – CEA Comments

Mr. Graulich,

Thank you for the opportunity to provide comments to the revised discussion draft of the Workplace Violence Prevention in General Industry.

CEA remains concerned with the expansive role that employees and the union play in the proposed language.

Employers are responsible for providing a safe workplace including the development of all required safety programs. The employer is responsible for implementing workplace safety plans, training employees on them and advising the Union representative of the nature of the plan upon request. If an incident occurs, it is the employer's role to implement the plan and investigate incidents. These should not be shared responsibilities between employer, employee, and the Union as the proposed language requires. The most recent draft of the Workplace Violence Prevention in All Industries language still inappropriately places the responsibility for implementing the workplace violence prevention plan, correcting workplace violence hazards, designing and implementing training as well as investigating incidents of workplace violence on the employer, employees, and the Union.

(c) Workplace Violence Prevention Plan

(2) Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the Plan, including their participation in identifying, evaluating, and correcting workplace violence hazards; designing and implementing training; and reporting and investigating workplace violence incidents.

These are not shared responsibilities. These duties belong solely to the employer as specified in CA Labor Code Sections [6400 \(a\)](#) and [6401.7](#). Furthermore, the proposed language contradicts CEA's current collective bargaining agreements with the Carpenters, Laborers, and Operating Engineers.

Below are excerpts from current CEA Agreements.

2022-2027 Carpenters Master Labor Agreement for Northern California between CEA and the Carpenters 46 Northern California Counties Conference Board of the United Brotherhood of Carpenters and Joiners of America

Section 19 states in part, "The individual employer shall be solely responsible for the implementation and maintenance of such safety laws, rules, regulations, standards, orders and decisions. Neither the Union nor any Local Union or the NCCRC is responsible for such implementation or maintenance."

2022-2027 Laborers' Master Builders Agreement between CEA and the Northern California District Council of Laborers

Section 13C states in part, "The Individual Employer is solely responsible for implementing and maintaining such Laws, Standards, Rules and Regulations. Neither the Union nor any Local Union is responsible for implementing or maintaining such Laws, Standards, Rules or Regulations."

2020-2023 Master Builders Agreement for Northern California Between Operating Engineers Local Union No. 3 and CEA Section 16.02.00 states in part, "The safety standards and rules contained herein are minimum standards and are not intended to imply that the union objects to the establishment and imposition by the Individual Employer of additional or more stringent safety rules to protect the health and safety of the Employees. It shall be the exclusive responsibility of the Individual Employer to insure compliance with safety standards and rules.

Nothing in this Agreement is intended to make the Union liable to anyone in the event that injury or accident occurs."

Thank you,

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