

**STANDARDS PRESENTATION**  
**TO**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 3

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PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3203 to read:

(a) Effective July 1, 1991, every employer shall establish, implement, ~~and maintain,~~ and provide employee access to an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(1) Identify the person or persons with authority and responsibility for implementing the Program.

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(8) Employee Access to the Program.

(A) As used in this subsection:

1. The term "access" means the right and opportunity to examine and receive a copy.

2. The term "designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.

3. The term "written authorization" means a request provided to the employer containing the following information:

a. The name and signature of the employee authorizing a designated representative to access the Program on the employee's behalf;

b. The date of the request;

c. The name of the designated representative (individual or organization) that is authorized to receive the Program on the employee's behalf; and

d. The date upon which the written authorization will expire (if less than one year).

(B) The Employer shall either:

1. Provide access to the Program in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

a. The Program provided to an employee or designated representative need not include any information beyond the written Program required by subsection 3203(a).

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b. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program free of charge, except as in c. below.

Exception to b.: If the employee or designated representative agrees to receive an electronic copy of the Program, the employer may provide the Program electronically.

c. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request, the employer may charge reasonable, non-discriminatory administrative costs (i.e. copying expenses but not overhead expenses) for the additional copies. An employer shall not charge for a copy of a Program, which has been updated with new information since the last copy was provided. Or,

2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee regularly uses the electronic means to communicate with management and/or coworkers and as part of their work duties.

(C) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program applicable to the employee requesting it.

(D) The employer shall communicate the right and procedure to access the Program to all employees.

(E) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

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Note: Authority cited: Sections 142.3 and 6401.7, Labor Code. Reference: Sections 142.3 and 6401.7, Labor Code.