

**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 “authorized representative” means an attorney, health and safety professional, nonprofit organization advocate, or immediate family member, who has been asked for assistance by a current employee, and who has received written authorization from a current employee to request and receive a copy of the Program described in subdivision (a). The recognized or certified collective bargaining agent of the employees covered by the Program shall be treated automatically as an authorized representative for the purpose of accessing the Program without further need for written authorization.

3. The term “written authorization” means a form provided to the employer containing the following information:

a. The name and signature of the employee authorizing an authorized representative to access the Program on the employee’s behalf;

b. The date of the request;

c. The name of the authorized 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).

4. The Program provided to an employee or authorized representative need not include any information beyond that which is required for compliance with subsections 3203(a)(1-8).

(B) Whenever an employee or authorized representative requests access to the Program, the employer shall ensure that access is provided in a reasonable time, place, and manner, but in no

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event later than fifteen (15) days after the request for access is received. Before the time for providing access has expired, an employer, after notice to the employee or authorized representative may, by written notification, request an extension of time from the Chief, Division of Occupational Safety and Health, which shall be granted upon a finding of good cause by the Chief.

(C) Whenever an employee or authorized representative requests a copy of the Program, the employer shall provide the Program in either paper or electronic format (where readily available), at the employee's discretion.

(D) Whenever a Program has been provided previously without cost to an employee or authorized representative, the employer may charge reasonable, non-discriminatory administrative costs (i.e. copying expenses but not overhead expenses) for additional copies of the Program. An employer shall not charge for an initial request for a copy of new information that has been added to a Program which was previously provided.

(E) 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.

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

(G) 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.