

KEY CAL/OSHA STANDARDS THAT APPLY TO MOST EMPLOYERS



Below are some key Cal/OSHA standards that apply to most employers:

A. INJURY AND ILLNESS PREVENTION PROGRAM STANDARD (Title 8 California Code of Regulations (CCR) § 3203 and § 1509)

This standard requires every California employer to have a written Injury and Illness Prevention Program (IIPP) to promote health and safety in the workplace.

Every covered workplace must have the following measures in place to meet these requirements:

- Someone who is responsible for the program.
- A system for making sure workers comply with safety rules and procedures.
- A system to communicate with workers on health and safety matters, which must include a way for workers to report unsafe conditions without fear of reprisal.
- A system to identify unsafe or unhealthful conditions. This must include regular inspections of the worksite. Supervisors must be informed of any problems found.
- A system to investigate any job-related injuries and illnesses that occur.
- A system to correct hazards in a timely manner.
- Training for workers about the specific hazards on their jobs before they start work and every time a new hazard is introduced. Training must be in a form readily understandable by all workers. Additional training requirements can be found at:
http://www.dir.ca.gov/dosh/dosh_publications/TrainingReq.htm
- A written document describing the IIPP. Workplaces with fewer than 10 employees are exempt from some documentation requirements.

KEY CAL/OSHA STANDARDS THAT APPLY TO MOST EMPLOYERS

B. HAZARD COMMUNICATION STANDARD (Title 8 California Code of Regulations (CCR) § 5194)

This Cal/OSHA standard gives employees the right to information about the chemicals and other hazardous substances they may be exposed to at work.

The Hazard Communication Standard requires employers to do the following things:

- Make an inventory of all the chemicals used or stored at the workplace.
- Make sure chemical products on site are labeled.
- Obtain and make available to employees copies of Material Safety Data Sheets (MSDSs) on the chemical products used or stored at the workplace. MSDSs describe health effects, hazard information, appropriate protections and what to do in an emergency.
- Provide training to employees about these chemicals in a language and manner they can understand.

Employers are also required to describe in writing the elements of the workplace's hazard communication program and how the workplace will comply with this Cal/OSHA standard. This written program must be available at the worksite and communicated to all affected workers.



C. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES CAL/OSHA FORM 300 (Title 8 California Code of Regulations (CCR) § 14300)

This Cal/OSHA regulation requires employers with more than ten employees to record most occupational injuries and illnesses on a form called the Cal/OSHA Form 300. An injury or illness is considered work-related if “an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.”

An employer must record any work-related injuries or illnesses that meet the following criteria:

- Requires medical treatment beyond first aid
- Results in days away from work
- Requires restricted duties or a transfer to another job
- Where the worker loses consciousness or dies.



Employers are not required to record injuries or illnesses that meet the following criteria:

- Occurs to a member of the public who is at the workplace
- Involves signs or symptoms that occur at the workplace but result solely from a non-work-related condition, event or exposure
- Happens when eating or drinking personal food or while doing personal tasks
- Results during voluntary participation in a wellness or fitness program
- Occurs in a motor vehicle while commuting
- The illness is a common cold or flu
- The illness is a mental illness not considered by a doctor to be work-related.

The Log 300 must state where the injury/illness occurred, the nature of the injury/illness, the name of the employee, and the number of workdays missed. Employers may not remove employee name from the Log unless an employee requests this because of privacy concerns. Examples of privacy concerns include HIV exposure, mental health issues, and/or an injury to a private body part or the reproductive system.

A Summary of the Log 300 (Form 300A) must be posted in the workplace for three months, from February 1 to April 30, each year. Workers have the right to get copies of both the Log 300 and the summary. These must be available at the local worksite. The Log 300 can help employers and employees identify patterns of injury or illness in their workplace.

If you are a public or private sector employer and all of your establishments are classified in the retail, service, finance, insurance or real estate industries, you do not need to keep Cal/OSHA injury and illness records unless the government asks you to keep the records. However, all employers must report to the Division of Occupational Safety and Health any workplace incident that results in a serious injury or illness, or death.



KEY CAL/OSHA STANDARDS THAT APPLY TO MOST EMPLOYERS

D. BLOODBORNE PATHOGENS STANDARD (Title 8 California Code of Regulations (CCR) § 5193)

Bloodborne pathogens are organisms that can cause disease. They are primarily viruses and are called “bloodborne” because they are carried in blood and other body fluids. The Cal/OSHA Bloodborne Pathogens standard requires employers to make available the Hepatitis B vaccine to all employees who have “occupational exposure” to bloodborne pathogens. Occupational exposure is defined as any “reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or potentially infectious materials that may result from the performance of an employee’s duties.” Examples of job classifications in which employees may experience occupational exposure include nurses and other medical personnel, public safety personnel, and janitorial staff. These employees are potentially occupationally exposed because they may provide first aid or, in the case of janitorial staff, may clean up spills or equipment that is contaminated.

Employees who are potentially occupationally exposed to bloodborne pathogens must be provided with training so they learn how to avoid getting exposed, be given personal protective equipment such as gloves or masks, and be offered a Hepatitis B vaccine. Those having contact with blood or other bodily fluids should wear disposable gloves, wash their hands with soap and water, and disinfect any equipment or work areas that are affected.

E. AEROSOL TRANSMISSIBLE DISEASES (Title 8 CCR § 5199)

Workplaces that have health care or public health operations should determine whether employees in those operations come under Cal/OSHA’s Aerosol Transmissible Diseases (ATD) standard. ATDs are diseases or pathogens for which droplet or airborne precautions are required. Examples of ATDs include Severe Acute Respiratory Syndrome (SARS), influenza, tuberculosis, and pertussis. Management should evaluate whether any employees may have “occupational exposure” due to activities such as providing nursing services (including initial assessment) to people who may be sick or who are at increased risk of having an ATD. For employees with occupational exposure to ATDs, these workplaces need to develop written infection control procedures, designate a responsible person, and set out a plan that includes, among other things, medical services, training, record keeping, and, if applicable, respirator use.



F. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS STANDARD (Title 8 CCR §3204 and §340.1)

The Cal/OSHA standard, Title 8 CCR §3204, gives employees the right to see and copy certain records kept by their employer. These records include:

- Records of any workplace exposure monitoring that has been done (for example, personal air sampling results).
- Employees' own medical records if the employer has them.

This standard does not require the employer to do any air sampling or medical tests (although other specific Cal/OSHA standards, such as the Lead in Construction standard, do). It does require employers to give workers access to these records if they exist.

Employers must keep exposure and medical records for 30 years after the worker leaves the job. The records of people who worked for the employer less than one year do not need to be kept after they leave.

A related Cal/OSHA standard, Title 8 CCR §340.1, requires that the employer notify workers and their representatives in advance of planned testing for workplace exposure if that testing is required by Cal/OSHA standards. The employer must provide them with the opportunity to observe the testing when it is done. The results must be provided to workers within five working days after the employer gets the results back from the lab.

G. THE RIGHT TO REFUSE HAZARDOUS WORK (California Labor Code § 6311)

Ideally, a workplace will have a safety system to make sure that workers are never called on to perform an unsafe act. But, if workers are ever asked to do job tasks that they believe might lead to death or serious injury, they can and should refuse to do that work. However, Cal/OSHA only protects them against punishment if certain conditions are met:

- Doing the work could expose them to a “real and apparent” hazard that could result in injury or death.
- They first ask their employer or supervisor to eliminate the hazard.
- There is not enough time to correct the problem through normal Cal/OSHA enforcement procedures.
- They inform the employer that they are willing to perform other work until the hazard is eliminated.

If all of these conditions are met and workers are punished for refusing to do work they believe is especially dangerous, they can file a complaint with the Labor Commissioner (Division of Labor Standards Enforcement).

KEY CAL/OSHA STANDARDS THAT APPLY TO MOST EMPLOYERS

H. THE RIGHT NOT TO BE PUNISHED FOR EXERCISING THE RIGHT TO A SAFE WORKPLACE (California Labor Code § 6310)

Employers may not punish workers in any way - including firing, demoting, discriminating or any other form of retaliation - for exercising their right to a safe workplace. Examples of protected activities include complaining to Cal/OSHA, seeking a Cal/OSHA inspection, participating in a Cal/OSHA inspection, and participating or testifying in any proceeding related to a Cal/OSHA inspection.

If a worker is disciplined, transferred, fired, laid off, demoted, or in any other way retaliated against for speaking up about health and safety, he or she can file a complaint within 6 months of the adverse action with the State Labor Commissioner's office (Division of Labor Standards Enforcement). A person filing a complaint of discrimination or retaliation will be required to show that he or she engaged in a protected activity, the employer knew about that activity, the employer punished him or her, and the activity contributed to the adverse action.

