

# What Is Cal/OSHA?

Cal/OSHA is the California state program that is responsible for protecting the health and safety of workers.

Cal/OSHA, housed in the Department of Industrial Relations, has several parts:

- The **Division of Occupational Safety and Health (DOSH)** is the agency that enforces regulations and provides consultation services.
  - The **Cal/OSHA Enforcement Unit** enforces occupational safety and health standards by responding to complaints and reports of accidents, and by conducting scheduled (programmed) inspections of certain workplaces. In some cases, it issues citations and fines.
  - The **Cal/OSHA Consultation Service** provides technical assistance on health and safety problems to employers and employees to help employers comply with Cal/OSHA standards. The Consultation Service is separate from the Enforcement Unit and consultants do not participate in Cal/OSHA enforcement activities.
- The California **Occupational Safety and Health Standards Board** establishes health and safety standards that protect workers from injury and illness on the job.
- The California **Occupational Safety and Health Appeals Board** hears appeals from employers who receive a citation from an inspector in the Enforcement Unit.

Almost all workers in California are protected by Cal/OSHA regulations (called “standards”). This includes public employees and immigrant workers who are not legally authorized to work in California. However, some workers are not covered:

- People who are self-employed
- Family members of farm owners who work on the family farm
- Federal employees working in California. These workers are covered by federal OSHA.

Cal/OSHA protects California workers by making sure that employers comply with occupational safety and health regulations, and keep the workplace safe. (See Factsheet C, *Cal/OSHA Standards*.)

## What Are Employer Responsibilities Under Cal/OSHA?

Employers must:

- Provide their employees with work and workplaces that are safe and healthful.
- Display Cal/OSHA's *Safety and Health Protection on the Job* poster so that workers are aware of basic rights and responsibilities.
- Be aware of the hazards their employees face on the job, train every worker about the specific hazards on each job assignment, and keep records of this training.
- Correct any hazardous conditions that they know may result in serious injury to their employees. Failure to do so could result in criminal charges, monetary penalties, and even jail.
- Notify the nearest Cal/OSHA office of any serious injury or fatality that occurs on the job. This must be done immediately after calling for emergency help to assist the injured worker.
- Comply with all applicable Cal/OSHA standards.

Workers also have rights and responsibilities under Cal/OSHA. (See Factsheet D, *Worker Health and Safety Rights and Responsibilities*.)

## How Does Cal/OSHA Help Employers?

The Cal/OSHA Consultation Service provides technical assistance to employers on health and safety problems. Consulting services include free on-site visits, assistance in complying with Cal/OSHA standards, educational seminars, and publications. Although primarily a service for employers, the Consultation Service is also available to workers.

The Consultation Service can give employers information on how to improve workplace injury and illness prevention programs and how to participate in Cal/OSHA's Voluntary Protection Program (VPP). The Voluntary Protection Program is a certification program that recognizes employers whose occupational safety and health efforts are especially effective and meet certain guidelines.

The Consultation Service is separate from the Cal/OSHA Enforcement Unit, and consultants are not involved with enforcement activities such as inspections, citations, and fines.



## How Does Cal/OSHA Help Employers? (CONTINUED FROM PREVIOUS PAGE)

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All communications between the employer and the Consultation Service are confidential and are not shared with enforcement staff. In exchange for this free consultation, however, employers must agree to correct in a timely manner any serious hazards that are identified.

Cal/OSHA publications provide information about Cal/OSHA programs, standards, and general health and safety topics. Various types of guidelines and model Injury and Illness Prevention Program plans also are available. You can obtain copies of Cal/OSHA publications by going to their website at [www.dir.ca.gov/dosh/puborder.asp](http://www.dir.ca.gov/dosh/puborder.asp). Some of these are available in Spanish, Chinese and other languages.

## How Are Cal/OSHA Regulations Enforced?

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Cal/OSHA's Enforcement Unit enforces job safety and health standards by conducting inspections and, in some cases, issuing citations and fines. Citations can be issued, for example, if a specific hazard exists, if a standard is violated, or if the employer fails to document injuries and illnesses.

Cal/OSHA inspectors investigate workplaces when they receive a report of a serious injury or death from an employer. They also conduct inspections in response to a complaint filed by an employee, by an employee representative (union representative, health and safety professional, or attorney), or by another government agency.

Cal/OSHA is also authorized to investigate workplaces that are on its list of high hazard industries. In this case, Cal/OSHA randomly selects a workplace in one of these industries for inspection. These are called "programmed" inspections. Cal/OSHA may also inspect an employer because it has been identified as having a higher injury rate than other employers in its industry. Also, Cal/OSHA inspectors who are driving by and witness a hazardous situation can stop and conduct an inspection.

## What Is a Cal/OSHA Complaint?

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A complaint can be filed by phone, fax, mail, or online. A "formal" complaint is one where the employee or representative gives Cal/OSHA their name. If a worker wants to remain anonymous and does not give a name, the complaint is considered a "non-formal" complaint. Complaints from the public, which includes former employees of a company, are also considered non-formal.

Each complaint is classified by the Cal/OSHA Enforcement District Office to determine what inspection priority the complaint should be given. Complaints about an "imminent" hazard that puts a worker in immediate danger of being killed or seriously injured are given immediate priority. Work-related deaths, which must be reported by the employer to Cal/OSHA, are also investigated

## What Is a Cal/OSHA Complaint? (CONTINUED FROM PREVIOUS PAGE)

immediately. Complaints from named employees (formal complaints) about serious hazards are given the next priority. Complaints from anonymous sources (non-formal complaints) about non-serious hazards are given lower priority.

Cal/OSHA often handles non-formal complaints by phoning or sending a letter to the employer asking the employer to investigate and correct the unsafe or unhealthy conditions, instead of conducting an on-site inspection. If the employer does not respond, or the employer's response is inadequate, an on-site inspection may be done.

If you do give your name when making a complaint, Cal/OSHA is required to keep it confidential, unless you give specific permission to reveal who complained.

## What Happens During a Cal/OSHA Inspection?

### INITIAL CONTACT

Cal/OSHA inspectors request permission to conduct an inspection from a management level representative of the employer. If permission is refused, Cal/OSHA can obtain an inspection warrant.

Cal/OSHA inspectors will request that a worker representative be contacted and invited to accompany the employer and inspector on the inspection. If a worker representative is not available, the inspector must interview workers in private during the inspection.

### OPENING CONFERENCE

The inspection process begins with an opening conference between the Cal/OSHA representative and the employer to gather preliminary information, discuss the reason for the inspection, describe what areas it will cover, explain the procedure, and obtain the employer's consent to the inspection.



## What Happens During a Cal/OSHA Inspection (CONTINUED FROM PREVIOUS PAGE)

### WALKAROUND

The Cal/OSHA inspector informs the employer of “walkaround” procedures. He or she explains that the inspection may include taking photographs, conducting air monitoring, and examining written programs, training records, and Form 300 records.



### CLOSING CONFERENCE

After the inspection is complete, the Cal/OSHA inspector holds a closing conference with the employer to discuss any alleged violations that were found and any requirements for abating (correcting) hazardous conditions.

If workers have a union, a joint closing conference may be held with the employer representative and union representative together, or there may be separate closing conferences.

At the closing conference, the inspector explains any citations or fines that will be proposed.

## What Happens After a Cal/OSHA Inspection?

### CITATIONS

After an inspection, if Cal/OSHA believes that an employer has violated any standards or regulations, the agency issues a citation. Citations describe the alleged violations, list any proposed penalties (fines), and give a deadline for correcting the hazards.

### PENALTIES

There are several categories of violations: serious, willful, repeat, failure to abate, or other-than-serious. Penalties are based on the category as well as the severity and extent of the violation. For a “serious” violation, the penalty can be up to \$25,000. Penalties can be adjusted based on the size, good faith, and history of the employer. Cal/OSHA has specific criteria they use to evaluate an employer’s good faith.

## What Happens After a Cal/OSHA Inspection? (CONTINUED FROM PREVIOUS PAGE)

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### POSTING CITATIONS

The citation must be posted by the employer at or near each place where a serious violation occurred. For other violations, the citation must be posted in a place readily seen by all employees. It must be posted for a period of three working days or until the problem is corrected, whichever is longer.

## Can Employers Appeal Cal/OSHA Citations?

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Yes. Employers who receive a citation may appeal to the Occupational Safety and Health Appeals Board to try to change the violations cited, the penalties proposed, the deadline for correcting hazards, or the solutions required. The appeal must be made in writing within 15 working days of receiving the citation.

Unions and/or affected workers can apply to have “party status” during the employer’s appeal. They can speak at hearings and file written comments. Also, unions and/or affected workers can file their own appeals on certain issues—the deadline for correcting the hazards and the particular solutions Cal/OSHA has required for abatement.

## Ca/OSHA District Offices

### American Canyon District Office

Phone: (707) 649-3700  
 Fax: (707) 649-3712  
 Email: DIRDOSHAmericanCanyon@dir.ca.gov

### Bakersfield District Office

Phone: (661) 588-6400  
 Fax: (661) 588-6428  
 Email: DOSHBAK@dir.ca.gov

### Foster City District Office

Phone: (650) 573-3812  
 Fax: (650) 573-3817  
 Email: DOSHFC@dir.ca.gov

### Fremont District Office

Phone: (510) 794-2521  
 Fax: (510) 794-3889  
 Email: DOSHFremont@dir.ca.gov

### Fresno District Office

Phone: (559) 445-5302  
 Fax: (559) 445-5786  
 Email: DOSHFRE@dir.ca.gov

### Los Angeles District Office

Phone: (213) 576-7451  
 Fax: (213) 576-7461  
 Email: DOSHLA@dir.ca.gov

### Oakland District Office

Phone: (510) 622-2916  
 Fax: (510) 622-2908  
 Email: DOSHOAK@dir.ca.gov

### Modesto District Office

Phone: (209) 545-7310  
 Fax: (209) 545-7313  
 Email: DOSHMOD@dir.ca.gov

### Redding District Office

Phone: (530) 224-4743  
 Fax: (530) 224-4747  
 Email: DOSHRED@dir.ca.gov

### Sacramento District Office

Phone: (916) 263-2800  
 Fax: (916) 263-2798  
 Email: DOSHSAC@dir.ca.gov

### San Bernardino District Office

Phone: (909) 383-4321  
 Fax: (909) 383-6789  
 Email: DOSHSB@dir.ca.gov

### San Diego District Office

Phone: (619) 767-2280  
 Fax: (619) 767-2299  
 Email: DOSHSD@dir.ca.gov

### San Francisco District Office

Phone: (415) 557-0100  
 Fax: (415) 557-0123  
 Email: DOSHSF@dir.ca.gov

### Santa Ana District Office

Phone: (714) 558-4451  
 Fax: (714) 558-2035  
 Email: DOSHSA@dir.ca.gov

### Torrance District Office

Phone: (310) 516-3734  
 Fax: (310) 516-4253  
 Email: DOSHTOR@dir.ca.gov

### Van Nuys District Office

Phone: (818) 901-5403  
 Fax: (818) 901-5578  
 Email: DOSHVN@dir.ca.gov

### West Covina District Office

Phone: (626) 472-0046  
 Fax: (626) 472-7708  
 Email: DOSHWC@dir.ca.gov

## Ca/OSHA Field Offices

### Fresno /Central Valley

(559) 454-1295

### Oakland/Bay Area

(510) 622-2891

### Sacramento/Northern CA

(916) 263-0704

### San Bernardino

(909) 383-4567

### San Diego/Imperial Counties

(619) 767-2060

### San Fernando Valley

(818) 901-5754

### La Palma/Los Angeles/

### Orange County

(714) 562-5525





# What Do You Know About Cal/OSHA?

## Quiz Answers

### 1. The employer, the workers, and the union are all legally responsible for providing a safe and healthful workplace.

**False.** Under both the federal and the state Occupational Safety and Health Acts, only the **employer** is legally responsible for providing a safe and healthful workplace.

Workers, unions, and WOSH Specialists do still have a role to play in promoting safe and healthy workplaces.

For example, workers have the responsibility to follow safety rules. In California, Cal/OSHA's Injury and Illness Prevention Program standard requires that every employer must have a way to ensure that workers follow the safety rules and procedures established for the workplace.

Unions can also play a role in supporting health and safety prevention efforts. They can bargain about health and safety issues, bring in outside health and safety experts, and request and analyze various employer records.

However, while workers, WOSH Specialists, and the union can make important contributions, they are not **legally** responsible for making the workplace safe. This is the responsibility of the employer.

### 2. Only a worker directly affected by a hazardous situation may file a complaint with Cal/OSHA.

**False.** Any worker, worker representative (like a union representative, a health and safety professional, or an attorney), or another government agency may contact Cal/OSHA and file a complaint about a hazardous workplace. Members of the public can also call Cal/OSHA to file a complaint if they see a hazardous situation.

A complaint can be filed by phone, fax, mail, or online. A "formal" complaint is one where the employee or representative gives Cal/OSHA their name. If a worker wants to remain anonymous and does not give a name, the complaint is considered a "non-formal" complaint. Complaints from the public, which includes former employees of a company, are also considered non-formal.

## 2. Only a worker directly affected by a hazardous situation may file a complaint with Cal/OSHA. (CONTINUED FROM PREVIOUS PAGE)

Each complaint is classified by the Cal/OSHA Enforcement District Office to determine what inspection priority the complaint should be given. Complaints about an “imminent” hazard that puts a worker in immediate danger of being killed or seriously injured are given immediate priority. Work-related deaths, which must be reported by the employer to Cal/OSHA, are also investigated immediately. Complaints from named employees (formal complaints) about serious hazards are given the next priority. Complaints from anonymous sources (non-formal complaints) about non-serious hazards are given lower priority.

Cal/OSHA often handles non-formal complaints by phoning or sending a letter to the employer asking the employer to investigate and correct the unsafe or unhealthy conditions, instead of conducting an on-site inspection. If the employer does not respond, or the employer’s response is inadequate, an on-site inspection may be done.

If you do give your name when making a complaint, Cal/OSHA is required to keep it confidential, unless you give specific permission to reveal who complained.

## 3. You must be a U.S. citizen to file a complaint with Cal/OSHA.

**False.** All California workers—whether or not they are legally authorized to work in the United States—have the right to file Cal/OSHA complaints. No one from Cal/OSHA will question workers about their immigration status.

All California workers, regardless of immigration status, are protected by state laws regulating wages and working conditions. They have a right to file Cal/OSHA complaints without fear of retaliation.

## 4. Employers will know when an inspector is coming and who filed the complaint.

**False.** Cal/OSHA does not give anyone advance warning of an inspection. In fact, it is a crime to do so in most cases. Also, the name of the person who filed the complaint is never revealed unless that person has given Cal/OSHA permission to do so. The person filing the complaint can ask Cal/OSHA to notify them when the inspection has been opened.

As was mentioned earlier, Cal/OSHA also has consultants who come to the workplace to help employers comply with Cal/OSHA requirements. In these cases, the employer **does know** in advance when a consultant is coming because they invited them.

## 5. During an inspection, Cal/OSHA inspectors must talk to workers.

**True.** Cal/OSHA inspectors will request that a worker representative be contacted and invited to accompany the employer and inspector on the inspection. If a worker representative is not available, the inspector must interview workers in private during the inspection.

The inspection process involves:

- An opening conference with the employer to gather preliminary information, discuss the reason for the inspection, describe what areas it will cover, explain the procedure, and obtain the employer's consent to the inspection
- A "walkaround" inspection which may include air monitoring, worker interviews, and a review of documents
- A closing conference during which the inspector discusses whether any violations were found and any requirements to correct hazardous conditions.

A citation may be issued which states what standards have been violated, what fines are proposed, and what deadline has been set to abate (correct) hazards. The citation must be posted in the workplace.

## 6. Workers in California may refuse to do work that poses an immediate and serious threat to their health or safety.

**True.** Under the California Labor Code (section 6311), workers have the right to refuse to do work that is likely to create a "real and apparent" hazard that could cause serious injury or death.

Successfully exercising the "right to refuse" is difficult. In California, the right applies only if the worker has a "reasonable belief" that there is a serious danger of injury or illness and that the work would violate a Cal/OSHA standard or state law. Examples include working in a confined space with dangerous vapors and no protective equipment, training, or rescue apparatus available, or working at heights with an unstable scaffold and no fall protection devices.

In these cases, it is illegal for the employer to retaliate against a worker for exercising his/her right to refuse hazardous work.

**7. It is illegal for a California employer to fire a worker because he/she complains about unsafe conditions on the job.**

**True.** Under the California Labor Code (section 6310), employers may not retaliate against workers who complain about job safety or health hazards or who file Cal/OSHA complaints. If you feel you have been discriminated against, you may file a complaint with the Division of Labor Standards Enforcement (Labor Commissioner) within six months after action was taken against you.

It is often hard to prove that workers have been discriminated against because they tried to exercise their health and safety rights. It is important that workers who believe they have been retaliated against keep careful records of what happened and get the support of witnesses.

**8. If you suspect that something is hazardous in your workplace, the best course of action is always to call Cal/OSHA right away.**

**False.** Although it depends on the nature and the severity of the hazard, there may be other methods for addressing it than to call Cal/OSHA. If possible, try to resolve problems with the employer first. Steps for resolving problems include:

- Gathering information
- Documenting the problem
- Involving co-workers
- Coming up with ideas for solutions
- Approaching management and/or supervisors to propose solutions
- Talking to the workplace health and safety committee, if there is one.

You **should** call your Cal/OSHA district office right away if there is a hazard that is likely to cause a serious injury or death if not corrected, and if the employer does not take immediate action to protect the workers.

# Cal/OSHA Standards

## What Are Standards?

California's Occupational Safety and Health Standards Board adopts new standards and makes changes to existing ones. Standards describe what employers must do to protect workers from various workplace hazards. Some standards are general and apply to nearly all workplaces. These include the Injury and Illness Prevention Program standard, the Hazard Communication standard, the Access to Employee Exposure and Medical Records standard, and the Log of Work-Related Injuries and Illnesses regulation. Other standards are about specific hazards found only in some workplaces, such as the Lead, Asbestos, and Fall Protection standards.

Specific standards:

- Provide protection against a particular hazard
- Set out detailed rules that must be followed or minimum levels of protection that must be achieved.

Cal/OSHA's specific standards cover a wide variety of workplace hazards, including:

- Toxic substances (like solvents and asbestos)
- Harmful physical agents (like noise and radiation)
- Specific operations (like roofing, demolition, and welding)
- Hazardous equipment (like saws and ladders)
- Electrical hazards
- Tripping and falling hazards
- Hazardous waste
- Infectious diseases (like bloodborne pathogens)
- Fire and explosion hazards
- Machine hazards
- Ergonomics.



## What Are Standards? (CONTINUED FROM PREVIOUS PAGE)

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Cal/OSHA standards are found in Title 8 of the California Code of Regulations. There are standards for:

- Construction industry (Subchapter 4, sections 1500-1938)
- General industry (Subchapter 7, sections 3200-6184).

## Finding Cal/OSHA Standards

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You can find out about standards that may apply to your workplace by visiting the Cal/OSHA website at [www.dir.ca.gov](http://www.dir.ca.gov). You can also contact the WOSH Specialist Resource Centers for help in finding out about Cal/OSHA standards. Other resources in English include the *Cal/OSHA Sourcebook 2004* by Peterson and Cohen, and the *Cal/OSHA General Industry Safety Orders* and *Cal/OSHA Construction and Electrical Safety Orders* prepared by Mangan Communications, Inc. These books provide helpful indexes to Cal/OSHA standards.

### LOCATING STANDARDS IN ENGLISH ON THE CAL/OSHA WEBSITE

1. Go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh).
2. Click on the link at the bottom right that says “Cal/OSHA Regulations.”
3. Then click on “Table of Contents” in the middle of the page.
4. Look for the topic you are interested in by finding the relevant **chapter**, then double-clicking on the appropriate **subchapter**, and/or appropriate **article** or **group**. Use the partial list on the next page of this factsheet to guide you. Particularly check Chapter 3.2, Chapter 4 – Subchapters 4, 5 and 7, and Chapter 7.
5. At the top of the “Table of Contents” page, you may also use the “query” box to search for a specific hazard or topic. You can also type a standard number if you already know it. The full text of all Cal/OSHA standards is online.

## What If There Is No Standard for Your Situation?

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You may sometimes find that there is no standard about the hazard you are concerned with. Or, in some cases, you may feel the standard does not provide adequate protection. Interested individuals and organizations can petition the Cal/OSHA Standards Board for a new standard, or for changes to an existing one. They may also take part in standards development as members of Standards Advisory Committees or by testifying in front of the Board.

## Website Table of Contents

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### TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

#### Excerpts from the Table of Contents of Standards

##### Chapter 4. Division of Industrial Safety

This chapter contains important standards about specific hazards for general industry as well as the construction industry.

Examples of these standards include:

##### **Subchapter 4.** Construction Safety Orders (Sections 1500 - 1938)

- Article 4. Dusts, Fumes, Mists, Vapors, and Gases (Sections 1528 - 1537)
- Article 24. Fall Protection (Sections 1669 - 1672)
- Article 25. Ladders (Sections 1675 - 1678)
- Article 26. Saws--Power (Sections 1680 - 1682)
- Article 30. Roofing Operations and Equipment (Sections 1723 - 1730)
- Article 31. Demolition (Sections 1733 - 1737)
- Article 33. Electrical Requirements for Construction Work (Section 1760)

## TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS (CONTINUED FROM PREVIOUS PAGE)

### Subchapter 7. General Industry Safety Orders (Sections 3200 - 6184)

This subchapter includes important general standards, such as:

- Section 3203. Injury and Illness Prevention Program
- Section 3204. Access to Employee Exposure and Medical Records
- Section 3220. Emergency Action Plan

This subchapter also includes key standards regulating specific hazards, including:

- Group 15. Occupational Noise and Ergonomics (Sections 5094 - 5110)
- Group 16. Control of Hazardous Substances (Sections 5139 - 5223)

Group 16 includes:

- Article 107. Dusts, Fumes, Mists, Vapors and Gases (Sections 5139-5155)
- Article 108. Confined Spaces (Sections 5156-5159)
- Article 109. Hazardous Substances and Processes (Sections 5160-5199)

Article 109 includes:

- Section 5192. Hazardous Waste Operations and Emergency Response
  - Section 5193. Bloodborne Pathogens
  - Section 5194. Hazard Communication
  - Section 5198. Lead
- Group 25. Federal Regulations (Sections 6000 - 6004)

### Chapter 7. Division of Labor Statistics and Research

This chapter contains important general standards about reporting injuries and illnesses. These include:

#### Subchapter 1. Occupational Injury or Illness Reports and Records (Sections 14000 - 14400)

- Article 1. Reporting of Occupational Injury or Illness (Sections 14000 - 14201)
- Article 2. Employer Records of Occupational Injury or Illness (Sections 14300 - 14400)



# Worker Health and Safety Rights and Responsibilities

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Workers have the right to a safe workplace under both state and federal laws. In California, Cal/OSHA sets and enforces standards that spell out in detail what employers must do to keep the workplace safe. The health and safety rights workers have can be put into three categories:

- **The Right to Know** about workplace hazards
- The **Right to Protection** from exposure to hazards
- The **Right to Act** to improve health and safety conditions.

## What Is the Right to Know?

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This is the right to get specific information from your employer about the hazards found in your workplace. Several Cal/OSHA standards give you this right.

### **INJURY AND ILLNESS PREVENTION PROGRAM STANDARD (Title 8 CCR §3203 and §1509)**

One important regulation that gives you the “right to know” is Cal/OSHA’s Injury and Illness Prevention Program (IIPP) standard.

This standard requires every California employer to have a written, effective Injury and Illness Prevention Program 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.

## INJURY AND ILLNESS PREVENTION PROGRAM STANDARD (Title 8 CCR §3203 and §1509)

(CONTINUED FROM PREVIOUS PAGE)

- 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.
- A written document describing the IIPP. Workplaces with fewer than 10 employees are exempt from some documentation requirements.

## HAZARD COMMUNICATION STANDARD (Title 8 CCR § 5194)

This Cal/OSHA standard gives you the right to information about the chemicals and other hazardous substances you may be exposed to at work. It requires employers to provide Safety Data Sheets (SDSs), chemical labels, and training.

**SDSs.** Manufacturers of products containing hazardous ingredients must prepare Safety Data Sheets (SDSs) for those products and distribute them to purchasers (such as employers). The SDS identifies the manufacturer, contents, toxicity, and safety hazards of the chemical product. It describes routes of exposure (skin, inhalation, or ingestion) and explains how to prevent health problems. Employers must have an up-to-date SDS for each chemical product they use, and must make SDSs available to workers.

**Chemical Labels.** Employers must make sure that all products with hazardous ingredients are properly labeled. Labels must include the chemical names of any hazardous ingredients, hazard statements, short and long-term health effects, hazard pictograms (symbols), signal words, and the name and address of the manufacturer or importer.



## HAZARD COMMUNICATION STANDARD (Title 8 CCR § 5194) (CONTINUED FROM PREVIOUS PAGE)

**Training.** Employers are required to train workers about the hazardous substances used at work, their health effects, and how to work safely with them. The training must also cover how accidental chemical releases are detected and what emergency procedures should be followed in case of a spill or leak.

Employers are 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.

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

This Cal/OSHA standard gives you the right to see and copy certain records kept by your employer. These include:

- Records of your workplace exposure to chemicals or other hazards (like personal air sampling results)
- Your own medical records if your employer has them.

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

Medical records are confidential. You are the only one who can obtain your records. However, you do have the right to sign a release so your doctor or union representative can get them. Doctors and union representatives also can request summaries of the medical records for a group of workers, without names, to look for trends in injuries and illnesses. Exposure records are not confidential. Doctors, union reps, and others can request them directly.

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.



## ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS STANDARD

(Title 8 CCR §3204 and §340.1) (CONTINUED FROM PREVIOUS PAGE)

A related Cal/OSHA standard requires that the employer notify workers and their representatives in advance of planned testing for workplace exposures 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.

## LOG OF WORK-RELATED INJURIES AND ILLNESSES (Cal/OSHA Form 300) (Title 8 CCR §14.300)

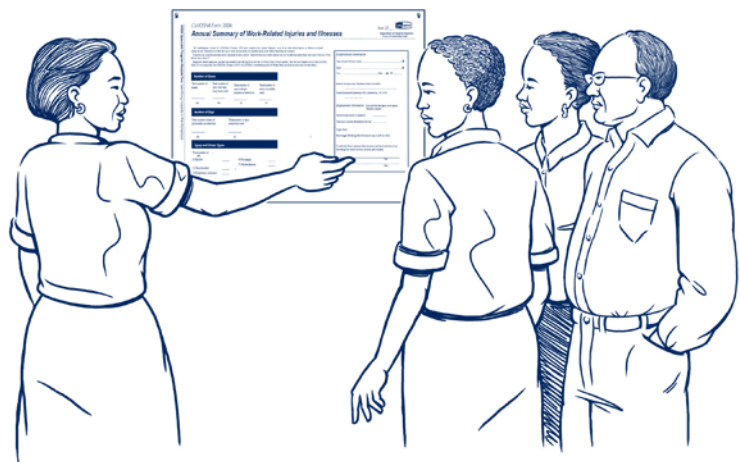
This Cal/OSHA regulation requires employers with ten or more employees to record most occupational injuries and illnesses on a state form called the Cal/OSHA Form 300. A few industries are exempt from these requirements.

The Form 300 includes most types of job injuries as well as job-related illnesses. An employer must record any job injury that requires more than first aid treatment or that results in lost work time, restricted duties, or transfer to another job, or where the worker loses consciousness. **All** job-related illnesses must be recorded.

The Form 300 must state where the injury/illness occurred, the nature of the injury/illness, the name of the employee (except in certain “privacy” cases), and the number of workdays missed.

A summary of the Form 300 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 Form 300 and the summary. These must be available at the local worksite.

This information can be helpful if you suspect there may be a pattern of injuries or illnesses at your job. For example, if you are having back problems and you think they might be related to your job, you might want to ask for your workplace’s Form 300 to see if there is a pattern of back injuries among co-workers doing similar work.



## What Is the Right to Protection?

In California every employer is required to provide a safe and healthful workplace for employees. Your employer must try to reduce or eliminate hazards by all possible means. If a hazard can't be eliminated completely, then your employer must protect you from it by supplying special equipment like respirators, protective clothing, goggles, gloves, safety shoes, or fall protection devices.

Cal/OSHA has many standards that regulate specific hazards. These tell employers what steps they must take to minimize those hazards for workers. Examples include the Lead in Construction standard and the Bloodborne Pathogens standard. (See Factsheet C, *Cal/OSHA Standards*.)

## What Is the Right to Act?

This is your right to speak up and take action to improve health and safety conditions at work. It includes the right to make a complaint to Cal/OSHA or other agencies, the right to discuss health and safety problems with your supervisor or manager without fear of discrimination, the right to refuse unsafe work, and the right to get health and safety information from the employer.



These rights are enforced by Cal/OSHA, the California Division of Labor Standards Enforcement (Labor Commissioner), or the National Labor Relations Board (NLRB), as explained below.

### **THE RIGHT TO PROTECTION FROM DISCRIMINATION (California Labor Code §6310)**

Workers must be able to speak up for a safe work environment without fear of punishment. This benefits everyone—the employer and employees. It is also the law.

## THE RIGHT TO PROTECTION FROM DISCRIMINATION (California Labor Code §6310)

(CONTINUED FROM PREVIOUS PAGE)

Under California’s Labor Code, employers may not punish workers in any way for:

- Complaining to their employer, union, Cal/OSHA, or another agency about job safety and health problems
- Filing safety and health grievances
- Participating on safety and health committees
- Taking part in Cal/OSHA inspections and related activities.

If a worker is disciplined, transferred, fired, laid off, demoted, or discriminated against in any other way because of speaking up about health and safety, he or she may file a complaint with the state Labor Commissioner’s office within six months. (The Labor Commissioner’s office is within the Division of Labor Standards Enforcement.)

Workers may represent themselves, or a union representative or attorney can file a complaint on a worker’s behalf. However, it can be difficult to prove discrimination, so careful documentation and witnesses are important.

## 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.

## UNION'S RIGHT TO HEALTH AND SAFETY INFORMATION

### (Title 29 United States Code §8(a)(5))

If a union has been certified as the representative in a private sector workplace, the union has the right to get health and safety information from the employer. Unions can request a wide range of information including names of chemicals, SDSs, air sampling data, group summaries of blood tests and other medical tests, death and pension records, and written company health and safety policies. The National Labor Relations Act (NLRA) also gives unions the right to bring in their own industrial hygienist to inspect the workplace. Your union also has the right to negotiate health and safety contract language, which may give you additional rights and protections.

The National Labor Relations Board (NLRB) enforces the NLRA. You can file a complaint with the NLRB if the employer interferes with any of your rights under this law.

If you are a public employee, the NLRA does not cover you, but state laws may give you similar rights.

## What Are Worker Responsibilities?

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Along with your rights come responsibilities. While Cal/OSHA can't fine or cite a worker for failure to work safely, you still have a duty to do so. Employee responsibilities include:

- Comply with all state safety and health regulations.
- Report hazardous conditions to your employer immediately.
- Report any work-related injuries and illnesses to your employer.
- Notify co-workers immediately of any serious hazards.
- Turn in defective tools.
- Report defective equipment and machines.
- Follow the safety and health rules of your employer.





# What Do You Know About Cal/OSHA?

**True**   **False**

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. The employer, the workers, and the union are all legally responsible for providing a safe and healthful workplace.             |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Only a worker directly affected by a hazardous situation may file a complaint with Cal/OSHA.                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. You must be a U.S. citizen to file a complaint with Cal/OSHA.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Employers will know when an inspector is coming and who filed the complaint.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. During an inspection, Cal/OSHA inspectors must talk to workers.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Workers in California may refuse to do work that poses an immediate and serious threat to their health or safety.              |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. It is illegal for a California employer to fire a worker because he/she complains about unsafe conditions on the job.          |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. If you suspect that something is hazardous in your workplace, the best course of action is always to call Cal/OSHA right away. |



# The Case of the Mystery Chemical

## DIRECTIONS

Have a volunteer in your small group read the following case study aloud to your group. Then work together to answer the questions below. Use Factsheet P, *Worker Health and Safety Rights and Responsibilities*, for help in finding information.

## THE CASE

You are a WOSH Specialist. Several workers have come to you to report a concern about a new chemical product they have been using for three months. They tell you they are not sure what is in the product but that many of them have started getting rashes. Some are also feeling dizzy and nauseous at times. One worker thinks someone might have tested the air but he's not sure. None of the workers remember getting any information about air testing results.

They don't know how many other workers are exposed to this product and how many are having symptoms. They also don't know if anyone has lost work time. No one has told them about long-term health effects of using this product. They aren't sure what they should be doing to protect themselves.

1. What is the problem presented in this case study?

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2. What Cal/OSHA regulations apply to this situation and what do they require?

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3. As a WOSH Specialist, what steps could you take to solve this problem?

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