

WORKSAFE! FACT SHEET INJURY AND ILLNESS PREVENTION PROGRAM 8 CCR 3203

Labor Code § 6401.7 became effective July 1, 1991 as a result of legislation commonly referred to SB 198. It required Cal/OSHA to revise an already existing regulation 8 California Code of Regulations 3203 (8 CCR 3203). The regulation previously required employers to have an accident prevention program. As a result of the new legislation, that requirement was strengthened and now requires every employer to have an effective Injury and Illness Prevention Program (IIPP) which contains specific elements. Additionally, the program must be in writing and available to employees who request it.

Every employers must:

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

(2) **Include a system for ensuring that employees comply** with safe and healthy work practices. There are many ways to do this: rewards, training and re-training, and disciplinary action. Cal/OSHA has emphasized in its training programs for employers, the need for graduated discipline.

(3) **Include a system for communicating with employees** in a form readily understandable by all affected employees on matters relating to occupational safety and health. This may include safety meetings, written materials, joint labor-management health and safety committees, or any other form of communication. The regulation also clearly states that the provisions must be "designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal."

(4) **Include procedures for identifying and evaluating work place hazards**, including periodic inspections of the workplace. Inspections are required when the Program first starts (unless a program was already in place and complete inspections done), whenever there is a change in the workplace that may result in new hazards, or when the employer becomes aware of a previously unrecognized hazard.

(5) **Include procedures to investigate** occupational injuries or illnesses.

(6) **Include methods for correction** of unsafe or unhealthy conditions in a timely manner. In the case of "imminent hazards," where there is a danger of serious and immediate harm, the work area must be shut down until the hazard is corrected.

(7) **Provide training** in safe and healthy work practices for all employees when the Program first begins, when an employee is new, when there are new hazards or new job assignments or hazards about which the employer was previously unaware.

Various records must be kept to document that there is an effective Program in place.

LABOR MANAGEMENT SAFETY AND HEALTH COMMITTEES. The law and the regulation do not require labor-management safety and health committees. IF, however, an employer utilizes a joint labor-management safety and health committee, THEN Cal/OSHA will deem it to be in compliance with the Communications requirement in (3) above. AND IF the committee is being used to meet the Communications requirement, it must meet certain minimum requirements, some of which have not yet been determined by regulation.

Quarterly meetings may be insufficient. One requirement is that the committee must meet quarterly. WORKSAFE! however, recommends that any labor-management safety and health committee meet monthly or more often on large construction jobs or in larger facilities; and on smaller jobs or in smaller facilities, a small committee or a safety steward should accompany the supervisor in a weekly safety walkaround to be effective. In an organized setting, you and your union can negotiate for more frequent meetings. If you cannot bargain for a truly EFFECTIVE committee, IT MAY BE BETTER NOT TO HAVE ANY COMMITTEE because an ineffective committee, if it meets Cal/OSHA's requirements, will permit the employer to be in compliance with this aspect of the law without having to communicate further with workers. Since COMMUNICATION IS CRITICAL, since workers have a right and a need to know, an ineffective committee may hurt workers more than it will help them.

MULTI-EMPLOYER SITES. The law also states that the employer's IIPP shall not only cover the employees of that employer, but also cover other workers who the employer "controls or directs and directly supervises on the job to the extent these workers are exposed to worksite and job assignment specific hazards." This does not mean, however, that the direct employer of those contract workers is not responsible -- they are also responsible. See <http://www.dir.ca.gov/DOSHPol/P&PC-1C.HTM> for the Cal/OSHA P&P C-1C Multi-Employer Worksite Inspections.

For construction employers, there are additional requirements in 8 CCR 1509 which is part of the Construction Industry Safety Orders, which require construction employers to:

- (1) have and post a Code of Safe Practices (shipbuilding orders require this to be issued to the employee)
- (2) have periodic meetings of management and supervisors (mining and tunneling orders require monthly meetings)
- (3) have tailgates every 10 working days (mining and tunneling orders require weekly tailgates)
- (4) (mining and tunneling orders require a competent person to administer the injury and illness prevention program, with verification by Cal/OSHA of competence)

For more information and assistance about the Injury and Illness Prevention Program, contact WORKSAFE! at 510-302-1071, Labor Occupational Health Program at 510-642-5507, or the Labor Occupational Safety & Health Program at 310-794-5992.