

Thank you for allowing me to testify. I am Jora Trang, the Interim Executive Director of Worksafe. Worksafe is the sponsor of this bill. We have been active in advocating for the health and safety rights of workers for thirty years.

The opposition will argue that the bill is unfair to employers – that it is unfair to allow the victims to interfere in the appeals process! But the current system, in practice, has for a decade or more been unfair to the working men and women like Sheri Sangji and warehouse workers of California, and other vulnerable workers who are supposed to be protected by the OSH law but who, instead suffer in hazardous working conditions, often fearful of the right to complain about health and safety issues at work – and then, if they should complain, at the cost of retaliation, find themselves cut out of the OSH process, particularly the appeals process.

This bill is about getting due process rights for workers with OSHAB – the adjudicatory administrative body of the OSH system in California. This bill is about assuring that OSHAB follows the laws that this Legislative body enacted when it passed the CA Occupational Safety & Health Act of 1973 and that OSHAB applies the rules and regulations enacted by the Division of Industrial Relations.

This bill is to make sure that the OSHAB is part of the administrative law system that was enacted to assure safe and healthful working conditions for all CA working men and women. LC 6300. Workers should have a right to participate in this system. Workers are not always adequately protected by the Division when it issues citations and defends them in the appeals process.

This should not be a closed process! Worker safety and worker participation is not overreaching into the employer's business. Workers' families have valuable information and evidence and their ability to be active participants in the health and safety of their workplaces should be respected.

This bill will, among other things, allow those most impacted by the lack of safety, injured workers and families of deceased workers – to participate in the process that is necessary for their own safety.

This bill is not about holding employers hostage and forcing hearings for motives other than job safety.

Joan has told you the story about Sheri Sangji, a 23 year old graduate of Pomona. There are so many other workers like Sheri, many of which are low wage vulnerable workers who don't readily have access to the legal system or whose rights are not respected at work or whose employers fail to inform them of their rights with regard to health and safety.

The lack of adequate protection affects everyone but the ones hardest hit are low wage vulnerable workers like Karla Campos and Augustine Ramirez, waste recycling workers who were pricked by hypodermic needles, but who both consequently lost their jobs after reporting the health and safety hazards. As former employee she had no right to participate. They are low wage immigrant warehouse workers like Domingo Blancas who suffered indoor heat stress, and was hospitalized but was not unionized and had no advocate to assist him with the OSHAB appeals process.

This bill ensures that all workers have a voice in the OSHAB appeals process regardless of whether they are unionized or not and even if they lost their job either as a result of retaliation or from suffering debilitating injuries. And should workers obtain party status, this bill ensures that they have an active participation in settlement discussions rather than relying upon “shuttle diplomacy” where DOSH shuttles back and forth between the employer and the employee party who sits in a separate room as if their voice is meaningless.

In addition, this bill affords workers the right to not only appeal the time set for abatement but also the terms and conditions of abatement. This is a due process issue since it goes to the heart of the matter – the very workers that raised the health and safety

issues should have a right to appeal the terms and conditions of the abatement that is supposed to ensure their safety.

Workers will be able to have the assistance of their families and others in order to participate by

- 1) filing complaints
- 2) participating, NOT BLOCKING, in discussions about the disposition of a case
- 3) participating, NOT INTERFERING, in an appeals board hearing.

These are critically important rights.

Sheri Sangji needlessly died. Other workers are injured needlessly as well. Giving workers and those that assist them the ability to prevent and address health and safety issues in an active way is vital because they are the experts about their work conditions and how hazards affect them. Their voice needs to be heard.

Safety isn't just a matter to be quietly decided between Cal/OSHA and the employer. Workers and their advocates are critically important to preventing future injuries and illnesses and deaths.

For all these reasons we support this bill and urge your "yes" vote.