

Thank you for allowing me to testify. I am Joan Lichterman, health and safety director of UPTE-CWA 9119, representing over 10,000 professional and technical employees in the University of California system. My union represented Sheri Sangji, the 23-year-old UCLA lab assistant who was fatally injured in a preventable fire on December 29, 2008 and died after 18 days of excruciating pain and multiple organ failure.

This bill is very relevant to us because of our experience with the Sangji case, as well as experience representing employees who were victimized by retaliation for reporting hazards, others who were too afraid to file complaints, and our experience with a UC Irvine request for variances concerning lab hoods. I will discuss our experiences in the order of the bill's sections.

Regarding due process in variance hearings, let me say this:

About two years ago UC Irvine applied to the Occupational Safety and Health Standards Board for a permanent variance to enable them to use hoods that didn't meet Cal/OSHA requirements. Use of these hoods could endanger staff and researchers in four different bargaining units.

None of the affected unions were notified of the hearing, or about an earlier hearing to grant a temporary variance. We learned about these variances by happenstance, a week before the hearing for a permanent variance.

Our participation at the final stage was of limited use, although it had some influence. We should have been participating from the beginning. At that stage we would have been able to challenge the methods the university used to test the new hoods. Those methods were flawed, and have still not been resolved.

Next I will discuss who may help workers file formal, serious complaints and confidentiality.

For the health and safety of workers, any helper — a union, an attorney, a workers' or community organization, a family member, or others — should be able to file this kind of complaint on workers' behalf and be assured it will be dealt with quickly.

Many workers are unable or afraid to file a complaint and need someone to help them. Cal/OSHA requires the helper to divulge the name of the worker-victim in order for a serious complaint to be

inspected within three days. But workers may fear retaliation as much as serious injury or death. Forcing a helper to provide a name can feel dangerous. Helpers need to stand in the shoes of the workers when they file.

My next point concerns affected employees and family participation.

Worker participation is key to protecting worker health and safety. Workers need to participate in the variance process, in the inspection process, and in the appeal process. Workers also need to participate in the settlement process, although we know workers cannot block the prosecutor's decision to settle.

Currently, families of a deceased worker or their representatives are denied party status because the employee hadn't pre-designated anyone. A dead worker shouldn't have fewer rights than a worker who was injured and is alive and able to designate a representative.

Sheri Sangji's family was shut out of the process. Cal/OSHA had issued a serious rather than a willful citation, when willful was entirely appropriate. But her family didn't even get the courtesy of a discussion.