



Assembly Bill 1165 (Skinner)

Increasing Worker Safety: Hazard Abatement

SUMMARY

Assembly Bill 1165 requires an employer that is cited for a “serious,” “willful,” or “repeat” violation of employee safety rules to abate the hazard identified by the citation, even if the employer appeals the citation. AB 1165 will ensure that unsafe conditions get corrected in a timely manner.

ISSUE

The Division of Occupational Safety and Health (DOSH) oversees employment and workplace safety in the state, ensuring and enforcing all laws and standards requiring the protection of life, safety, and health of every employee.

Existing law empowers DOSH to cite an employer if, upon inspection, DOSH believes that employer has violated safety laws or any standard, rule, order, or regulation created through existing law. The citation must include the particular violation and a reasonable time frame for the alleged violation to be abated. Violations may be designated as “serious,” “willful,” “repeated violation,” “failure to abate a prior violation,” or “general” (non-serious).

An employer may contest a citation within 15 days. During the appeal, existing law stays all abatement. The appeal is resolved through a hearing before the Occupational Safety and Health Appeals Board (OSHAB). After the hearing, which can occur months or years after the citation is issued, OSHAB finalizes a decision based on findings of fact, affirming, modifying, or vacating DOSH’s original citation.

AB 1165 (SKINNER)

AB 1165 requires an employer to abate a serious, willful, or repeat violation, as required by DOSH, even during an employer’s appeal. Under AB 1165, the abatement may be stayed if DOSH cannot determine that there is a substantial probability of death or serious physical harm to an employee.

The state of Washington recently enacted a similar provision for their Division of Occupational Safety and Health.

SUPPORT

Asian Pacific Environmental Network (APEN)
California Labor Federation
California Nurses Association
State Building and Construction Trades Council
California Association of Psychiatric Technicians

Assemblymember Nancy Skinner

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