

WORKSAFE

safety, health, and justice for workers

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April 19, 2013

The Honorable Nancy Skinner
Chair, Assembly Rules Committee
California State Capitol, Room 3160
Sacramento, CA 95814

Re: Sponsors for Assembly Bill 1277 (Skinner)

Dear Assemblymember Skinner:

As sponsors of AB 1277, we are pleased to provide this letter of support for the bill, which will refocus the California Occupational Safety and Health program to protect the working men and women of California.

Worksafe is a California-based organization dedicated to eliminating workplace hazards. We advocate for protective worker health and safety laws and effective remedies for injured workers. We watchdog government agencies to ensure they enforce these laws. We engage in campaigns in coalition with unions, workers, community, environmental and legal organizations, and scientists to eliminate hazards and toxic chemicals from the workplace.

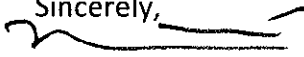
Although the purpose of the California Occupational Safety and Health program is to protect worker safety, current practices and procedures do not assure that workers, their families, and their representatives always have the right and ability to meaningfully participate in the program. AB 1277 will clarify existing laws in a number of ways, including the following:

- Assure that family members and legal representatives of a deceased worker may participate as "parties" in proceedings of the Occupational Safety and Health Appeals Board (OSHAB) and have all appropriate rights in those hearings. Families are currently denied the right to full participation on behalf of a loved one who has been killed in a workplace incident. Requires employers to notify employees when they seek a permanent variance from an OSHA standard or order;
- Assure those worker representatives, such as family members; unions; or community, worker or legal organizations, may assist a worker in filing a truly confidential complaint. Organizations or individuals assisting an employee must by existing POLICY divulge the employee's name to Cal/OSHA when filing a complaint (the name by law must be confidential) in order for the complaint of a serious hazard to be addressed quickly (within 3 days);
- Require OHSAB to apply the regulations issued by the Department of Industrial Relations in the appeal process;
- Clarifies that Cal/OSHA inspectors may cite violations of statute (the California State Labor Code) and laws requiring the posting a workers' comp poster,

not just violations of Cal/OSHA regulations.

By ensuring that both the "spirit of the law" and the "letter of the law" are followed, AB 1277 will protect worker health and safety and to assure a fair hearing for all.

Sincerely,



Nicole Marquez
Staff Attorney
Worksafe, Inc.