



Assembly Bill 1277 (Skinner) Occupational Safety Reform

ISSUE

The California Occupational Safety and Health program is designed to protect the working men and women of California. However, current practices and procedures do not assure that workers, their families, and their representatives always have the right and ability to meaningfully participate.

To refocus the program on protecting worker health and safety and to assure a fair hearing for all, existing laws need to be clarified to ensure that both the “spirit of the law” and the “letter of the law” are followed.

AB 1277 (SKINNER)

AB 1277 improves the California Occupational Safety and Health program by doing the following:

- Assures 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;
- Assures that 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);
- Assures that workers and their representatives are notified when employers seek a permanent variance from an OSHA standard or order;
- Requires 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;
- Sets parameters for Cal/OSHA and the OHSAB to reduce, in certain specified cases, the penalty below the current statutory minimum \$5,000 per violation fine for failure to timely report a workplace injury, illness, or death AND to impose enhanced penalties in egregious cases;
- Gives family members of deceased workers the right to represent them in proceedings;
- Reduces needless delays and avoiding scheduling conflicts.

Assemblymember Nancy Skinner

Staff Contact: Alison Merrilees (916) 319-2015 or Alison.Merrilees@asm.ca.gov

SUPPORT:

Worksafe (Sponsor)
California Labor Federation
California Nurses Association
California Teamsters Public Affairs Council
California Conference Board of the Amalgamated Transit Union
United Food and Commercial Workers Union, Western States Council
Engineers and Scientists of California
UNITE HERE!
California Conference of Machinists
Professional & Technical Engineers, Local 21
Utility Workers Union of America, Local 132
International Longshore & Warehouse Union – Northern California District Council
La Raza Centro Legal
California Rural Legal Assistance Foundation
National Lawyers Guild, Labor & Employment Committee
Employee Rights Center,
Southern California Coalition for Occupational Safety and Health (SoCalCOSH)
Centro Legal de La Raza