



CALIFORNIA

STATE

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EMPLOYEES

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RIGHTS

# Health & Safety Cal/OSHA

## What is Cal/OSHA?

*California is one of several and health program according to the provisions of the Federal Occupational Safety and Health Act of 1970. The OSHA Act permits a state to manage its own occupational safety and health program's structure if it meets certain federal requirements. The California program - Cal/OSHA - is approved by Federal OSHA and is monitored by and receives part of its funding from that agency.*

The California Occupational Safety and Health Act (Cal/OSHA) was enacted in 1973 to ensure safe and healthy working conditions for California workers. The California Department of Industrial Relations administers the Cal/OSHA Program. The Division of Occupational Safety and Health within the Department of Industrial Relations has the authority to enforce all laws, standards, and order protecting worker safety and health on the job. Cal/OSHA standards are contained in the California Code of Regulations - Title 8, Industrial Relations.

Cal/OSHA covers virtually all workers in the state, including those employed by state and local government. Cal/OSHA does not cover federal employees.

### The Cal/OSHA program units

- The **Occupational Safety and Health Standards** (Standards Board) adopts, amends, or repeals safety and health standards, and acts on applications for permanent variances.
- The **Division of Occupational Safety and Health** (DOSH) enforces occupations safety and health standards and regulations.
- The **Occupational Safety and Health Appeals Board** (Appeals Board) finds on the facts concerning citations, special orders, order to take special action, penalties, and abatement dates that are in appeals, and resolves issues that are in dispute.
- The **Cal/OSHA Consultation Service** provides free on-site consultation to employers and employee groups. The consultation service is not involved in Cal/ OSHA enforcement activities.

### Employee rights

The Cal/OSHA Program contains a number of provisions designed to protect the rights of workers to a safe and healthy working environment. The law gives a worker the right to:

- Safe, healthful working conditions
- Receive training in (general) safe work practices and specific training about hazards unique to any job assignment (this might include training in: operation of equipment, handling of hazardous substances, safe work practices, emergency procedures, and use of self-contained breathing apparatus).
- Be given training about the potential health hazards of materials and chemicals a worker uses or may be exposed to, and information that the employer has (including the Material Safety Data Sheet or equivalent information about the substance) upon request.
- Refuse to perform work which would violate the Labor Code, any occupational safety and health standard, or an order in which such violation would create a real and apparent hazard to employee safety or health.
- Observe the employer monitoring or measuring harmful substances in the workplace that are subject to Cal/OSHA standards.
- Be told by the employer if he/she is being, or has been, exposed to concentrations of harmful substances higher than the exposure limits allowed by Cal/OSHA standards and to be told of the corrective action being taken.
- See and copy records of exposure to toxic substances and harmful physical agents and medical records maintained by the employer; and the accurate records of exposure to potentially toxic substances and harmful physical agents of employees with similar past or present jobs or working conditions.
- Request an inspection of the worksite by making a complaint about unsafe or unhealthful working conditions to DOSH; DOSH will keep the name of the person who makes a complaint confidential, unless requested otherwise.
- Have an employee representative accompany the employer (or employer representative) and the DOSH representative on an inspection; and talk privately with the DOSH representative during an inspection.
- See any citation the employer receives posted at or near the place where the violation occurred.
- See the employer's Log of Occupational Injuries and Illnesses, Cal/OSHA Form 200.

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If you think your rights have been violated, contact your local CSUEU steward

- Request and take part in making changes in occupational safety and health standards.
- Take part in appeal proceedings, and appeal abatement dates.
- Be informed of any variance application, and take part in permanent variance hearings.
- Be represented on a permit safety conference. A worker who has a question or needs help about the rights listed above should contact the nearest DOSH office.

**How to file a complaint**

Any employee, employee representative, or employer of an employee directly involved in a place of employment who believes that the place of employment or the practices there are unsafe may file a complaint with the Division of Occupational Safety and Health.

The division will investigate a complaint charging a serious violation within three working days after receipt of the complaint. Complaints of serious hazards or conditions of employees will take priority over other complaints. A complaint of a non-serious violation will be investigated not later than 14 calendar days after it has been received by the division. The division is not required to respond to any complaint within these time periods when, from the facts stated in the complaint, it determines that the complaint is intended to harass willfully an employer, or is without reasonable basis.

The name of any complainant is kept confidential by the division unless that person requests otherwise. A complainant who identifies him/herself to DOSH is notified of the results of an investigation. If DOSH determines that no violation exists, written notification of this determination is given to the complainant, who then has the right to request a review by the division.

An employee may not be discharged, punished, or discriminated against in any way in terms and conditions of employment for filing a bona fide complaint concerning unsafe or unhealthful

working conditions or work practices in a place of employment, or for exercising other rights granted under the Cal/OSHA Act. Any employee who believes that he/she has been discriminated against may file a complaint about this discrimination with the nearest office of the Department of Industrial Relations Division of Labor Standards Enforcement (State Labor Commissioner).

The labor commissioner may bring action in any appropriate court against an employer who has taken retaliatory action against an employee. If the charge of discrimination is determined valid, appropriate relief will be granted to the employee, including rehire, reinstatement, and reimbursement for lost wages and work benefits.

**Accident and illness prevention program**

General Industry Safety Order 3203 requires each employer to establish and maintain an accident and illness prevention program to protect employees. The accident and illness prevention program must include:

1. Training for employees in general safe practices.
2. Specific instruction for employees on hazards unique to each employee on hazards to each employee's job assignment.
3. Scheduled periodic inspections of the workplace to identify unsafe conditions and work practices. The employer is to correct unsafe conditions and work practices found as a result of the required inspections.

GISO 3023's requirement that employers "instruct employees in general safe work practices" refers to work practices that are generally used by most employees throughout the worksite. Examples of general work practices are: lifting procedures, use of personal protective equipment, knowledge of exits, medical and first aid procedures, evacuation plans, and handling flammable and toxic chemicals. Publications on several of these topics are available from DOSH District Offices or Cal/OSHA Consultation Service Offices.



**MEMBERSHIP APPLICATION • California State University Employees Union/CSEA**

1108 O Street • 5th Floor • Sacramento, CA 95814 • 1-866-763-1452

PLEASE TYPE OR PRINT

Chapter \_\_\_\_\_

Social Security No.	Last Name	First Name	Initial
Number and Street	City		Zip Code
Employed by	Department or Campus - work location		Room No.
Classification	E-mail	Business Phone ( )	Home Phone ( )
Recruiter Name (optional)			

I hereby apply for membership in the California State University Employees Union (SEIU 2579 - CSEA), an affiliate of CSEA, and hereby agree to abide by the CSUEU Bylaws and Policies, including those of the CSEA Policy File. In becoming a member I authorize CSUEU to establish with the appropriate agency the withholding from my pay or retirement allowance of dues and any benefit deductions. I understand that my membership rights are set forth in the Policy files of CSUEU and CSEA, which are subject to amendment, and are affected by applicable labor contract(s) ("A Memorandum of Understanding" or "MOU") between CSUEU and the California State University, and a copy of the Policy Files and applicable MOU are always available to me by contacting CSUEU Headquarters, 1108 O Street, 5th Floor, Sacramento, California 95814. Should an applicable MOU provide for the maintenance of membership, I understand that I must remain a member for the duration of the MOU, except that I may terminate membership during the last thirty (30) days of such MOU. Unless instructed to the contrary below, CSUEU is hereby authorized to withhold from my pay an additional \$2.00 per month for CSUEU's non-partisan political activity.




By writing my initials in this box I instruct CSUEU NOT to withhold an additional \$2.00 per month for political activity.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_