

JANUARY 28, 2020



New Cal/OSHA requirement for employee access to IIPPs

By Rachel Conn

The California Occupational Safety and Health Standards Board (the “Standards Board”) recently revised the Injury and Illness Prevention Program (“IIPP”) Standard (8 CCR 3203) to specifically require employers to provide their employees or their designated representative access to the employer’s IIPP within five business days.

Every California employer already must have an IIPP, which requires them to identify, evaluate, correct, and train on workplace hazards and document such program in writing. The revised standard now expressly requires employers to allow employees or their designated representative access to their IIPPs by providing employees the “right and opportunity to examine and receive a copy.” Employers are also required to inform employees of this right and the procedure to follow to obtain access to the written IIPP documents.

The revised standard requires employers to provide access through either of the following ways:

- Provide a printed copy unless the employee or designated representative agrees to receive an electronic copy. One printed copy shall be provided free of charge; or
- Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the IIPP. “Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.”

There are some limits to the required access. The employer does not have to provide any of the records of the steps taken to implement and maintain the written IIPP. Further, if an employer has separate operations with separate IIPPs, the employer may limit access to the IIPP applicable to the employee requesting it.

The revision also states that it does not preclude employees from collectively bargaining to obtain access to information in addition to what is provided by this new version of the IIPP standard.

Even before implementation of the new IIPP revisions, we have recommended that employers provide access to all occupational safety and health procedures to affected employees. Doing so is important for compliance (indeed some other standards already require such express access) in order to make such procedures effective and in defending against citations. Indeed, the majority of employers already provide employees access to their IIPPs to inform them of their obligations under it. Thus, the revision should not substantively change procedures for many employees and employers.

The revised standard can be a citation trap (the IIPP standard is already one of the most frequently cited standards) for those that do not provide access by the specific methods described above or within the narrow five-day timeframe. To help avoid these citations, we recommend that employers update their IIPPs to expressly reflect the revised language, determine the method they will use to provide access to the IIPP, communicate this to employees, document that communication in writing, and develop a procedure to ensure access is provided at least within five business days. We also recommend that employers consider providing immediate access to IIPPs and all other occupational safety and health procedures to all affected employees.

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