
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Dave Cortese, Chair
2021 - 2022 Regular

Bill No: AB 2068 **Hearing Date:** June 22, 2022
Author: Haney
Version: June 6, 2022
Urgency: No **Fiscal:** Yes
Consultant: Jake Ferrera

SUBJECT: Occupational safety and health: postings: spoken languages

KEY ISSUE

Should the Legislature require employers to post notices that they have received citations for specified Labor Code violations and any special orders or actions issued to the employer by Cal/OSHA in each language spoken by at least 5% of their workforce, including workers of a temporary employment agency or staffing agency?

ANALYSIS

Existing law:

- 1) Under the California Occupational Safety and Health Act, assures safe and healthful working conditions for all California workers by authorizing the enforcement of effective standards, assisting and encouraging employers to maintain safe and healthful working conditions, and by providing for research, information, education, training, and enforcement in the field of occupational safety and health. (Labor Code §6300)
- 2) Establishes the Division of Occupational Safety and Health (Cal/OSHA) within the Department of Industrial Relations (DIR) to, among other things, propose, administer, and enforce occupational safety and health standards. (Labor Code §6300 et seq.)
- 3) Allows Cal/OSHA to declare and prescribe safety devices, safeguards, or other acts which might reasonably protect the life and safety of employees of every employment and place of employment in order to enforce occupational safety and health standards. (Labor Code §6308)
- 4) Requires the Division of Occupational Safety and Health (Cal/OSHA) to promptly issue an employer a citation if, upon investigation or inspection, Cal/OSHA believes that there is a violation of HSC §25910, Division 1, Chapter 6 (Commencing with §140) of the Labor Code, or any provision of Division 5 of the Labor Code. (Labor Code §6317)
- 5) Requires each citation issued under Labor Code §6317 and each special order or action pursuant to Labor Code §6308 to be prominently posted for 3 working days or until the unsafe condition specified has been abated, whichever is longer. If Cal/OSHA determines a serious violation has been abated upon inspection, the employer must post the notice indicating abatement for 3 working days. (Labor Code §6318)

This bill:

- 1) Requires employers to post notices that they have received citations for specified Labor Code violations and any special orders or actions issued to the employer by Cal/OSHA in each language spoken by at least 5% of their workforce, including workers of a temporary employment agencies or staffing agency.

COMMENTS

1. Need for this bill?

AB 2068 would expand existing law that requires postings about workplace safety violations to specify that these postings must be made in each language spoken by at least 5% of workers at a worksite. Existing laws on posting information that is vital to worker safety are meaningless if workers don't understand the posters. Furthermore, this bill would only adjust laws around employers who have been cited by Cal/OSHA for workplace safety violations or who have been issued special orders about protective equipment or practices; these postings in particular are crucial for worker safety. AB 2068 could help improve workplace safety by making sure workers understand how to navigate potentially hazardous situations more effectively.

2. Proponent Arguments

The United Food and Commercial Workers Western States Council, the sponsor of the bill, writes in support:

“Cal/OSHA is charged with the responsibility to protect and improve the health and safety of workers throughout California. However, significant language access barriers exist in current health and safety laws that disadvantage immigrant workers who do not understand and speak or read fluent English. Language access barriers at the workplace existed prior to the COVID-19 pandemic, but lack of employer compliance with COVID-19 health and safety laws exposed and exacerbated gaps in current law.

Under current law, if Cal/OSHA believes that an employer violated any health and safety standards or regulations, the division can issue a citation. The citations describe the alleged violations, list any proposed penalties, and give a deadline for correcting the hazard. The Cal/OSHA citation, depending on the violation, must be posted by the employer at or near each place where the violation occurred or in a place readily seen by all employees. All postings must be posted for three working days or until the problem is corrected, whichever is longer.

However, current law does not require these workplace postings to be translated into a language spoken and understood by workers at the worksite. The Cal/OSHA complaint and investigatory process is a lengthy, time consuming process that requires active worker participation until a resolution is reached. Workers eagerly await a conclusion in the complaint process, but language access barriers leave workers confused and unaware of enforcement actions when workplace postings are posted in a language not understood by the majority of the workers. This gap in current law leaves immigrant and noncitizen workers in high-risk sectors vulnerable to exploitation. In order to provide a safer workplace

environment, it is imperative there is an increase in worker outreach and information on enforcement actions in the language spoken by workers at the worksite. This ensures workers remain informed and understand critical workplace health and safety hazards and protections.”

3. Opponent Arguments:

None Received.

4. Prior Legislation:

SB 606 (Gonzalez) Chapter 336, Statutes of 2021: established a rebuttable presumption that an employer’s written policy that violates specified health and safety regulations exists at all of an employer’s worksites and adds a definition of “egregious violation” that carries specified additional penalties.

SUPPORT

United Food and Commercial Workers Western States Council (Sponsor)
AFSCME
California Alliance for Retired Americans
California Conference Board of The Amalgamated Transit Union
California Conference of Machinists
California IATSE Council
California Institute for Rural Studies
California Labor Federation, AFL-CIO
California Nurses Association
California Rural Legal Assistance Foundation
California School Employees Association
California State Council of Service Employees (SEIU)
California State Legislative Board, Sheet Metal, Air, Rail and Transportation Workers -
Transportation Division (SMART-TD)
California Teamsters Public Affairs Council
Californians for Pesticide Reform
Central California Environmental Justice Network
Centro Binacional Para El Desarrollo Indígena Oaxaqueno
Coleman Advocates for Children and Youth
Engineers and Scientists of California Local 20, IFPTE AFL-CIO & CLC
ILWU Local 26
Jobs With Justice San Francisco
Pesticide Action Network
UAW Local 2865
UAW Local 5810
Unite Here International Union, AFL-CIO
Utility Workers Union of America, Local 132
Utility Workers Union of America, Local 483
Utility Workers Union of America, Local 522

Worksafe

OPPOSITION

None Received.

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