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OFFICE OF RISK SERVICES

FAQ

What type of safety training are employees required to complete?

Although Cal/OSHA has a comprehensive list of required safety training, most of the training is only required if an employee is involved in a specific activity or exposed to a specific type of hazard. With the passage of Senate Bill 198 in 1989, California created a performance based *Injury and Illness Prevention Program* (IIPP) requirement, with specific regulatory requirements outlined in Title 8 of the California Code of Regulations 3203 (<http://www.dir.ca.gov/Title8/3203.html>). Under this performance based regulation, it required employers to develop programs to identify and evaluate workplace hazards, as well as provide training and instruction to employees and supervisors on those hazards. This provision is commonly known as the “General Duty Clause”, which basically means that if there is not a specific regulation on a hazard, but the employer knows that there is a risk of injury, the employer must establish programs to mitigate that risk, with training being an essential part of the mitigation.

The reason that this is important, is that under this performance-based requirement, it is the research being conducted and the hazards associated with that research that create the training requirements. In the view of the Office of Risk Services, the purpose of safety training should be to reduce or mitigate the risk of injury to employees, not to just satisfy regulatory requirements

Who is responsible to ensure that employees have completed safety training?

In terms of who is responsible (or held accountable) to ensure that employee safety training is completed, both statutory/regulatory requirements, UC Policy, Campus IIPP’s and case law provide very clear guidance in this area. Those who supervise or have employees under their immediate direction and control are deemed an extension of the employer and have a responsibility to protect these employees from safety and health hazards.

As required by Title 8 CCR 3203, each campus IIPP is also required to identify the person or persons with authority and responsibility for implementing the program. At UCSB, the individual identified in department-level IIPP written plans as having overall/general IIPP authority/responsibility is the *Department Head or Chair Person*. They may elect to delegate tasks for implementation of the Program to someone in their Department, but they may not delegate their responsibility for its implementation. However, as noted above and in the UCSB IIPP, *individual supervisors* still have “...responsibility for training employees under their supervision, as well as new employees, in safe work procedures for their specific tasks. The supervisor is the key figure in the success of the Injury and Illness Prevention Program. They are responsible for being familiar with safety and health hazards to which their employees may be exposed, being able to recognize these hazards, the potential effects they have on the employees, and the rules, procedures and work practices for controlling exposure to those hazards. They must convey this information to employees by setting good examples, instructing them, and making sure they fully understand and follow safe procedures. “

What is the role of the Campus EH&S Department?

Each campus EH&S Department also plays a role in the implementation, by assisting supervisors and PI's in identifying hazards and providing employee safety training programs. However, EH&S Departments are support organizations and do not have the line authority to manage the safety programs in each department. It was for this reason that University Policy Management of Health, Safety and the Environment was adopted in October 2005 (http://www.ucop.edu/riskmgt/ehs/op_empehs/documents/presidentialpol.pdf). Under the policy, an Integrated Safety and Environmental Management (ISEM) framework was established which included the guiding principles to implement the policy and Management responsibilities for safety and the environment.

How can a manager or supervisor be held criminally liable?

AB 1127 signed by Governor Davis in October of 1999 amended California Labor Code Section 6425, which created new criminal penalties for Cal/OSHA violations (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=06001-07000&file=6423-6436>). Under AB 1127, often referred to as the “be a manager, go to jail act”, Cal/OSHA can refer cases to the local district attorney in their jurisdiction if they feel that the manager was criminally negligent. Under the law, individual managers and supervisors may be fined up to \$250,000 and be imprisoned for up to four years.

In 2010, AB 2774 was signed by the Governor and amended California Labor Code Section 6432, which changed how Cal/OSHA defines a “serious violation” and how an employer can defend itself. AB 2774 establishes a new standard of care for employers to conduct risk assessments. Section (c)(1) reads:

The employer took all steps a reasonable and responsible employer in like circumstances should be expected to take, before the violation occurred, to anticipate and prevent the violation, taking into consideration the severity of harm that could be expected to occur and the likelihood of that harm occurring in connection with the work activity during which the violation occurred.

The primary defense that Cal/OSHA recognizes is to demonstrate that training for employees and supervisors on the relevant hazards was provided (Section 6432(b)(1)(A)).

What personal protective equipment is required to work in a laboratory?

Summary of UCSB policy:

http://www.ehs.ucsb.edu/units/labsfty/labrsc/pdfs/PPE_poster.pdf

Policy may eventually be superseded by system-wide policy currently under consideration.

Can the EHS Department conduct a safety inspection of my lab(s)?

Yes. Each campus EHS Department schedules lab inspections throughout the year, but if you would like assistance in identifying training, personal protective equipment, or other safety requirements for your specific lab please contact your local EHS Department.

{UCOP document modified 8/31 by EH&S to reflect local UCSB program differences}