

SB 606

What is it and what does it mean for my business?

What is SB 606?

SB 606 has been signed into law, greatly expanding Cal/OSHA's enforcement authority and creates two new categories of violations (below) each subject to the same penalties as willful or repeated violations:

Egregious Violations

This can have exponential financial consequences for employers now that "each instance" where an employee is exposed to the violation "shall be considered a separate violation for purposes of the issuance of fines and penalties."

This means an employer will receive citations for each individual employee who has been exposed to the violation.

For more information on this topic, read our full briefing online at: www.morrisgarritano.com/blog/2021/11/sb-606/

Enterprise-Wide Violations

This creates a rebuttable presumption that if a violation has been committed at one worksite, it has likely been committed at multiple worksites and, without requirement for investigation, will allow Cal/OSHA to issue citations for each additional worksite the employer operates.

This means that employers may be cited for worksites that have not been inspected by Cal/OSHA, based entirely on a violation at one of the employer's worksites.

When does it go into effect?

January 1, 2022

What is the impact?

- Potential for enterprise-wide citations and higher fines for violations without requirement for enterprise-wide inspections
- Potential for multiple citations, fines, and penalties for each instance an employee is exposed to a violation
- Greater subpoena power by Cal/OSHA

Who does it affect?

Employers who operate multiple worksites may feel the greatest impact of SB 606 under the new "enterprise-wide" category of violation where Cal/OSHA has extended authority to issue multiple citations for assumed violations at each individual worksite without requirement for investigation.

All employers, no matter the size of their operation, can be affected by SB 606 and the introduction of the "egregious violation" where each instance an employee is exposed to a violation will be considered a separate violation for fines and penalties.

Next Steps for Employers

- ✓ Carefully review your safety programs to ensure total compliance
- ✓ Make sure safety programs are administered with adequate training consistently across all worksites by clearly identifying roles and responsibilities to each employee
- ✓ Develop a system for ensuring employees comply with safe and healthful work practices
- ✓ Develop a system for clear and consistent communication with employees about safety and health compliance standards
- ✓ Set consistent procedures for identifying and evaluating workplace hazards including regular inspection to ensure total compliance at each worksite
- ✓ Investigate all injuries or illnesses and take corrective action promptly based on the severity of the hazard
- ✓ Provide initial and ongoing training on both general and job or hazard-specific safety and health practices
- ✓ Adequately document all inspections, training, investigations, corrective actions, maintenance, or other standard-specific requirements
- ✓ Promptly respond to any information requests and communicate when documents will be produced to minimize the likelihood of receiving a subpoena

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