



SPLASH ALERT

New Legislation of Reporting Work-Related Fatality or Serious Injury/Illness to Cal/OSHA

"Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement.

8 CCR 330 (h)

[CAJPA](#) is a statewide association for insurance based risk-sharing pools that provides continuing education, legislative advocacy, and active involvement in regulatory matters on behalf of its joint powers authority members. CAJPA is the state's leading voice for pools, risk management, and JPAs.

[AB 1804](#), *Occupational Injuries and Illnesses: Reporting* was signed into law on August 30, 2019 and becomes effective January 1, 2020. The bill makes minor but significant changes of an employer's report to Cal/OSHA for a work related serious injury, illness, or death.

Currently, [8 CCR 342](#) *Reporting Work-Connected Fatalities and Serious Injuries*, instructs an employer to immediately report by telephone or telegraph a serious injury or work-related fatality to the nearest Cal/OSHA office. In 2014, [AB 326](#) allowed employers to immediately report by telephone or email. Comments to AB 1804 express telegraph equipment is antiquated and email reports to Cal/OSHA often lack required information prescribed in 8 CCR 342.

AB 1804 amends existing law to allow an employer to report through an online mechanism established by Cal/OSHA, while retaining the option to also report by telephone. Cal/OSHA is developing its web-based platform, and until this mechanism is available the bill affords an employer to, "...make the report required by this subdivision by telephone or email."

When this bill was originally introduced, the JPIA acknowledged a need to report through an online platform, but voiced concerns that the bill lacked a requirement for Cal/OSHA to provide a confirmation record of the web-based submission. JPIA staff worked with the California Association of Joint Powers Authorities (CAJPA) Legislative Committee and California Advocates, Inc., to press the Assembly Labor and Employment Committee (author of the bill) to assure that Cal/OSHA's online reporting mechanism provides an employer with a transmission confirmation record.

Takeaways

- Be familiar with Cal/OSHA's definition of a reportable serious injury or illness [8 CCR 330 \(h\)](#).
- An employer has **eight** hours after having knowledge of a work-related accident to report a serious injury, illness, or fatality to Cal/OSHA.
- If an accident requires a report to Cal/OSHA, know what information must be reported ([8 CCR 342](#)).
- You can locate your nearest Cal/OSHA Enforcement Office telephone number, email, and other contact information by viewing this [webpage](#).
- Failure to report a serious injury or fatality is subject to a \$5,000 civil penalty.