

Safety First

By Olivia Goodkin, Esq.

This month's issue of *The Laboring Oar* answers your questions on Injury and Illness Prevention Programs for California employers.

What is an Injury and Illness Prevention Program (IIPP)?

The California Labor Code mandates that every employer in California establish and maintain an effective injury prevention program. The requirements for the extent of the program differ depending on the size of the employer and the nature of the business.

What are the Requirements of an IIPP?

In general, programs must be in writing and include: (a) the identity of the person with authority and responsibility for implementing the program, (b) a system for ensuring that employees comply with safe and healthy work practices, (c) a system for communicating with employees in a form easily understandable by all affected employees on matters relating to occupational health and safety, (d) procedures for identifying and evaluating workplace hazards, (e) a procedure to investigate occupational injury or illness, (f) methods for correction of unsafe or unhealthy conditions, practices or procedures in a timely manner, and (g) training and instruction.

Compliance with subsection (b), above, requires recognition of employees who follow safe and healthful work practices, training programs and disciplinary actions for refractions.

Are There Any Record Keeping Requirements?

Yes. Employers must keep records of the steps taken to implement and maintain the program, including records of scheduled and periodic inspections under subsection (d), above, the name of the person who conducted the inspection, a statement of the unsafe conditions that have been identified and the action taken to correct the unsafe conditions and work practices.

What are the Exceptions to the Basic Requirements for an IIPP?

The first exception concerns what kind of system is needed for communication to the employees, as set forth in subsection (c), above. If a company employs fewer than 10 employees, the employer is permitted to communicate to and instruct employees *orally* regarding safety issues. For those not subject to this exception, employers must have meetings, training programs, written communications and a system of anonymous notification by employees about hazards.

Also, employers with fewer than 10 employees are not required to keep inspection records indefinitely. Instead, they are permitted to discard those records after the hazard is corrected.

What about Businesses that Are Not in Hazardous Industries?

The rules are less onerous for employers with fewer than 20 employees who are in industries that are either: (a) not on a designated list of high-hazard industries established by the California Department of Industrial



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Relations, and who have a Worker's Compensation Experience Modification Rate of 1.1 or less, and/or (b) are in industries on a designated list of low-hazard industries established by the Department of Industrial Relations.

These employers are deemed to have met their obligations if their written IIPP includes: (1) the identity of the person or persons with authority and responsibility for implementing the program, (2) documentation of scheduled periodic inspections to identify unsafe conditions and work practices, and (3) documentation of training and instruction.

We Have Never Had an IIPP. Why Start Now?

An IIPP, even for an office full of clerical and white-collar workers, helps to avoid accidents by raising awareness of safety and health issues. It is a universal concern of employers in all industries to provide an efficient and safe work environment.

Second, avoidance of accidents reduces the cost of doing business, by minimizing worker's compensation insurance costs, attorneys' fees, and the cost of absent employees. Additional costs that can be avoided include man hours spent on training temporary or replacement employees, and investigating and correcting the problem that led to the accident.

Third, if a company is involved in an accident, and is subject to an OSHA inspection, there are additional penalties imposed if the employer failed to establish and implement an IIPP. The issue of whether the company has an IIPP sometimes is raised in worker's compensation cases as well.

An IIPP, at a minimum, reminds both employers and employees to take responsibility for workplace safety. A safety program boosts employee morale because it imparts the message that the employer cares about the welfare of its employees. An IIPP can, therefore, lead to reduced turnover of the workforce, which in and of itself saves money.

Where Can I Get More Information?

The Division of Occupational Safety and Health has very useful information on its website, at www.dir.ca.gov/dosh. In fact, the web site includes steps on how to put together an IIPP, and has three model programs: (1) for high hazard employers, (2) for non-high hazard employers, and (3) for employers with intermittent workers. There are numerous links to other sites as well.

Let's be careful out there!

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