

TALKING POINTS – SB 606 (Gonzalez)

Strengthen COVID-19 Protections for Workers

The COVID-19 pandemic has exposed and exacerbated numerous flaws in our system for protecting workers from occupational illness, injury, and death. When large employers violate the law in multiple locations at once, or when any employer commits especially egregious and willful violations of the law, Cal/OSHA does not currently have strong enough enforcement tools to adequately deter such activity. SB 606 will help address this problem by creating:

- **“Enterprise-wide” citations and abatement** – When evidence indicates that a larger employer is breaking the law in multiple locations at once, current law usually forces Cal/OSHA to physically inspect all locations in which a citation would be appropriate. SB 606 will create a rebuttable presumption that the law is being broken in multiple locations and both allow for the proper citation while requiring the employer to fix the hazard everywhere it exists, even and especially, while the citation is being appealed.
- **“Egregious” violations** – Federal OSHA law allows for “egregious” citations when a hazard is both “willful” and exceptionally dangerous. SB 606 will codify this practice in California. Note that Cal/OSHA currently only hands out about two or three willful citations per year, and egregious citations could only be applied to the most exceptionally flagrant violations in that category, so these will be extremely rare.
- **Citing to the labor code** – When the Legislature enacts new worker safety protections, these reforms are usually of limited value, given that Cal/OSHA typically only enforces Title 8 (worker safety and health) regulations. SB 606 will allow Cal/OSHA to also enforce worker safety and health statute, giving the Legislature greater authority to protect workers when immediate safety needs arise.
- **Major amendments to address opponent concerns** – Two major provisions have been removed from the bill in response to opposition and to reduce the cost: a rebuttable presumption of retaliation when workers are fired for reporting COVID-19-related violations and language allowing Cal/OSHA to cite employers based on written responses to letter investigations. Together, these two amendments should reduce the annual cost of the bill from \$34m per year to less than \$1m.

SM: OPEIU 29 AFL CIO

