



## Did You Know?

### New Safety and Workers' Compensation Laws and Regulations Effective in 2015

In 2015, a number of industry-related laws and regulations have gone into effect. These changes will affect the California's workers' compensation industry, employers, and injured workers.

Key safety-related regulations and laws effective in 2015:

- [AB 326 \(Morrell\) - Occupational Safety and Health: Reporting Requirements](#) updates the law to allow an employer to notify the Department of Industrial Relations of a workplace injury by email instead of telegraph. Notification by telephone continues to be acceptable.
- [AB 1136 \(Swanson, Chapter 554, Statutes of 2011\) - Employment Safety: Health Facilities](#) adds new regulations in effect on January 1, 2015, on the safe handling of patients by healthcare providers, affecting all acute care hospitals in California. These regulations address the alarming trend of debilitating lower back and upper extremity soft-tissue injuries to nurses, aides, and other healthcare professionals.
- [AB 1535 \(Bloom\) - Pharmacists: Naloxone Hydrochloride](#) allows pharmacists to dispense the anti-opioid antagonist drug naloxone hydrochloride to either a person at risk of an opioid overdose or a family member or friend in the position to help during an overdose. Naloxone hydrochloride works to restore breathing in a person who is suffering an opioid overdose. The pharmacist must attend training and follow all board approved standardized procedures.
- [AB 1634 \(Skinner\) - Occupational Safety and Health Violations](#) amends Labor Code sections 6319, 6320, and 6625 and is a new law requiring employers to immediately correct all serious or willful safety violations. The law prevents employees from working in unsafe conditions during the violation appeals process, unless the employer can demonstrate, without a doubt, that a stay or suspension of abatement will not adversely affect the health and safety of employees.
- [Proposed State Standard, Title 8, Division 1, Chapter 4, Section 3314](#) adopts changes initiated because of the differences between Federal OSHA and the Cal/OSHA standards; specifically, in the area addressing group Lockout /Tagout (LO/TO) requirements. The state's previous LO/TO standard did not specifically address "group LO/TO."

***"These changes will affect the California's workers' compensation industry, employers, and injured workers."***

[SB 1087 \(Monning\) - prohibits the state from issuing a farm labor contractor license to anyone who has been convicted of sexual harassment of an employee within the last three years or who has hired, as a supervisor, an individual who has been convicted of that crime in the last three years.](#)

[SB 1360 \(Padilla\) - Compensation: Rest or Recovery Periods](#) requires an employer to pay an employee for hours worked during rest or recovery periods

that are required by state law.

- [AB 1522 \(Gonzalez\) - Employment: Paid Sick Days](#) will provide millions of California workers the benefit of paid sick leave. Beginning July 1, 2015, employees will earn one hour of sick leave for each 30 hours worked, and will be eligible to use the earned time after being employed for 90 days. Employers will have the option of limiting leave use to 24 hours or three days per year. Earned paid sick leave can be used to care for themselves or family members. The bill does not apply to home healthcare workers and employees that are either covered by an existing paid sick leave program or a collective bargaining agreement.
- [AB 1660 \(Alejo\) - amends the California Fair Housing and Employment Act \(FEHA\)](#) and makes it a violation for an employer or other entity to discriminate against undocumented workers with an issued driver's license.
- [AB 1746 \(Alejo\) - Workers' Compensation: Proceedings: Expedited Hearings](#) requires cases with disputed issues involving employees of employers without legally mandated workers' compensation insurance, to be scheduled for an expedited hearing under the Workers' Compensation Appeals Board's priority conference calendar.
- [AB 1897 \(Hernández\) - Labor Contracting: Client Liability](#) requires employers to share liability for labor violations committed by labor contractors, such as the failure to provide correct wages and the failure of a labor contractor to obtain workers' compensation coverage.
- [AB 2732 \(Committee on Insurance\) - Workers' Compensation](#) cleans up parts of SB 863: Assessment of Workers' Compensation Reforms. It clarifies that lien assignment limitations in the workers' compensation system apply only to liens assigned on, or after, January 1, 2013. It clarifies that the employer is responsible for any reimbursement of a lien filing or activation fee owed to a lien claimant. It removes obsolete references to vocational rehabilitation services. It allows the Administrative Director (AD) to create a form of up to two pages to describe the denial or modification of treatment for purposes of advising the employee of Independent Medical Review (IMR). Finally, it adds specified medical-legal expenses to the list of costs for which a lien may be filed.
- [AB 2751 \(Hernández\) - Prohibits, among other things, employers from using immigration status to retaliate against workers who exercise their rights under the California Labor Code.](#) The amended language protects only employees who update or attempt to

update personal information "based on a lawful change of name, social security number, or federal employment authorization document."

For more information regarding the 2015 changes go to the [Official California Legislative Information page](#).

Linda Richardson, Communications Consultant

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