The Importance Of An Injury and Illness Prevention Plan In California During The COVID-19 Health Crisis And Beyond

Insights
7.21.20

As recently announced, Cal/OSHA is now scrutinizing employers' adherence to state guidance regarding worker protections during the COVID-19 health crisis. The administration is urging all employers in California to carefully review and follow the state's guidance on workplace safety and health and to understand their obligations regarding protecting their employees from the virus.

One of the main obligations that employers have in this area is the implementation and regular maintenance of an Injury and Illness Prevention Plan or "IIPP." Failure to implement and maintain a compliant IIPP could subject your business to penalties and jeopardize the health of your employees. In this uncertain time, implementing or updating your IIPP and training your employees accordingly can provide peace of mind and protection for your business.

What Is An IIPP?
An IIPP is simply a basic written workplace safety program. Though simple in concept, it is one of the most effective ways to improve the safety and health in your workplace and to potentially reduce costs related to employee illnesses and injuries and exposure to regulatory fines.

It is a common misconception that only high-risk industries require IIPPs. In California, all employers – regardless of size – must maintain some form of an IIPP. Title 8 of the California Code of Regulations, section 3203, requires every employer to develop and implement an effective IIPP. Each IIPP must address eight elements related to employee safety including (1) Responsibility, (2) Compliance, (3) Communication, (4) Hazard Assessment, (5) Accident/Exposure Investigation, (6) Hazard Correction, (7) Training and Instruction, and (8) Recordkeeping. It is important to note that even if you maintain general employee health documents, if they do not include the eight elements above, you may still be subject to a Cal/OSHA citation. In addition, the IIPP must be geared toward industry and workplace specific threats unique to each workplace.

The Importance Of Training
Implementing an IIPP alone is insufficient to meet Cal-OSHA's expectations of employers. Once in place, employers are obligated to train their employees regarding the safe work practices reflected therein and educate managers on their obligations under the IIPP.

Generally, all trainings should include detailed instruction on what is included in the plan, measures for reporting any unsafe conditions or work practices, and provisions for medical services and first

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for reporting any unsafe conditions or work practices, and provisions for medical services and first aid. In light of COVID-19, we recommend that all IIPP's be expanded to include topics such as maintaining a sanitized workspace, using personal protective equipment, and following social distancing protocols. We also recommend that businesses train employees on COVID-19 symptoms, transmission, and appropriate measures to mitigate spread. These policies and trainings should be regularly updated based on evolving health and industry guidance from state and local authorities.

Final Thoughts

An up-to-date IIPP will educate your employees regarding how to properly handle a health or safety hazard in the workplace. Further, in the event of a random or planned inspection from Cal/OSHA, maintaining an IIPP can save your business from the most commonly issued regulatory penalty. Every year citations for failure to comply with IIPP requirements are some of the most frequently issued by the agency with collective penalties reaching into the millions.

The COVID-19 pandemic has created potential health hazards in every workplace and every workplace must have an IIPP. Due to the rapid spread of the novel virus, office workplaces can now pose dangers similar to those of manufacturing or construction sites. Do not risk the health of your employees and potential fines by failing to adhere to this requirement.

Our team of OSHA regulation attorneys regularly develops and tailors IIPPs to the needs of our clients. We can assist in the drafting and implementation of a compliant IIPP as well as effective employee training. Contact your Fisher Phillips attorney, or any attorney in our California offices, for more information.

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