

California Employers May Soon Have to Share Safety Plans

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Since 1991, California employers with 10 employees or more have been required to develop [written workplace injury and illness prevention plans](#) ("IIPP"). But there is no requirement that employers share those plans with employees. That could be changing soon.

In an [upcoming meeting](#), California's Occupational Safety and Health Standards Board ("Standards Board") will be considering a proposed standard that would amend the current IIPP standard to include a provision allowing for employee access. If adopted, the new standard would require employers to "provide access to the Program" by either giving a printed or electronic copy to the employee or their designated representative within five business days of a request or by allowing "unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program."

[Comments to the proposed standard](#) showed that the five-day response window concerned both employers and union representatives; of course, for different reasons. In response to the proposed five-day deadline, the United Food and Commercial Workers Western States Council commented that employees should be provided access within 48 hours. Its rationale being that the employer's IIPP "should be readily available and may be needed to address urgent work health and safety concerns." The Standards Board rejected that rationale stating that "allowing an employer five business days to respond to a request for an IIPP should not be equated to a five-day lapse in addressing an 'urgent work health and safety concern.'" On the other hand, employers argued that the five-day period was too short, with comments suggesting that the period should be lengthened to anywhere from 10 to 30 days. Again, the Standards Board rejected these comments finding that five business days was a sufficient timeframe for employers respond.

If approved by the Standards Board, the proposed standard will continue through the rulemaking process and will likely be finalized in the coming months. In the meantime, employers in California should begin to consider how they will comply with the proposed standard. While the standard places a burden on employers, it is also intended to provide them with some flexibility. The proposed standard states that "[t]he employer shall communicate the right and procedure to access the Program to all employees." In responses to employer comments, the Standards Board stated that this subsection is intended to provide "employers with flexibility in determining the best method for providing [] access." So, employers should begin to consider how they will comply with the standard, including determining a process for requests to be made and also deciding whether the programs will be provided in hard copy or if they will [provide requesting employees with access to the IIPP](#) via a

company server or website.

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