



New Section for Your Company's IIPP

§3203, (a), (8) Allow Employee Access to the Program

Written by Alex Miller, ARM, OHST

As of March 10, 2021

California's Occupational Safety and Health Standards Board adopted a standard requiring employers to provide employees with access to their written injury and illness prevention plan (IIPP) within five days of an employee's request.

In an effort to remain current, employers will want to ensure that their IIPPs are in compliance with this new access standard by confirming this is covered in their program.

If it has not already been added to your company's IIPP, we have provided some sample text here that will help guide you to compliance.

Cal/OSHA requires employers with 10 or more employees to develop a written IIPP. However, there was previously no formal requirement that employers make those plans available to employees, other than the informal requirement discussed in subsection (7) of the standard. This new rule requires employers to provide "access" to the IIPP within five business days of receiving a request from an employee or the employee's designated representative for the IIPP.

Employers have two options as to how to comply with this access rule.

First, the company may provide a printed or electronic copy of the plan to the employee or their designated representative.

- ▶ If the employer decides to provide a copy of the IIPP, the employer must provide the requester a printed copy unless the employee agrees to receive an electronic copy. One printed copy must be provided free of charge.
- ▶ If the employee requests additional copies of the IIPP within one year of the previous request, and the IIPP has not been updated during that time, then the employer can charge reasonable copying costs for the additional copies.

Second, the company may provide access to the plan through a server or website.

- ▶ If an employer chooses to satisfy the requirement by providing access to the IIPP through a company server or website, the access must be "unobstructed access" through the company server or website which allows the employee to review, print, and email the electronic IIPP.
- ▶ "Unobstructed access" means "that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to the community with management or coworkers."

Employers are also required to notify employees of this new right to request access to its IIPP and the procedure for requesting access to all employees.

Cal/OSHA's requirement for employers to maintain an IIPP is unique and does not currently have an identical counterpart under Fed-OSHA, so this requirement is limited to California. That being said, citations for failure to maintain a complete IIPP are common, so updating the IIPP to address this new access, notifying employees of their new "right", and training all employees of the change to the IIPP will be critical to prevent this type of citation. If you need any assistance, please contact your Leavitt Group representative.



We would like to provide you with the text of the standard, so you are completely informed of the addition to the program.

§3203 Injury and Illness Prevention Program

...

(8) Allow employee access to the Program

A. As used in this subsection:

1. The term “access” means the right and opportunity to examine and receive a copy.
2. The term “designated representative” means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.
3. The term “written authorization” means a request provided to the employer containing the following information:
 - a. The name and signature of the employee authorizing a designated representative to access the Program on the employee’s behalf;
 - b. The date of the request;
 - c. The name of the designated representative (individual or organization) authorized to receive the Program on the employee’s behalf; and
 - d. The date upon which the written authorization will expire (if less than one (1) year).

B. The employer shall provide access to the Program by doing one of the following:

1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

- a. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.
- b. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, the employer may charge reasonable, non-discriminatory reproduction costs (per Section 3204(e)(1)(E)) for the additional copies; or,

2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.

C. The Program provided to the employee or designated representative need not include any of the records of the steps taken to implement and maintain the written Program.

D. If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program (or Programs) applicable to the employee requesting it.

E. The employer shall communicate the right and procedure to access the Program to all employees.

F. Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

Below is some sample text that can be used to augment your current IIPP.

This was developed by Cal-OSHA so once the red sections have been customized to your operations, you can add it to your current IIPP and implement as you see fit. If you need any assistance with implementation, please contact your Leavitt Group representative.

Employee Access to IIPP

Our employees—or their designated representatives—have the right to examine and receive a copy of our IIPP. This will be accomplished by:

1. Providing access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.
 - a. Whenever an employee or designated representative requests a copy of the Program, we will provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.
 - b. One printed copy of the Program will be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, we may charge reasonable, non-discriminatory reproduction costs for the additional copies.
2. Providing unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program.
 - ▶ Unobstructed access means that the employee, as part of their regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.



Describe how this will be accomplished using either of the two methods.

Also describe how we will communicate the right and procedure to access the program to all employees.

Any copy provided to an employee or their designated representative need not include any of the records of the steps taken to implement and maintain the written IIP Program.

Where we have distinctly different and separate operations with distinctly separate and different IIPPs, we may limit access to the IIPP applicable to the employee requesting it.

An employee must provide written authorization in order to make someone their “designated representative.” A recognized or certified collective bargaining agent will be treated automatically as a designated representative for the purpose of access to the company IIPP. The written authorization must include the following information:

- ▶ The name and signature of the employee authorizing the designated representative.
- ▶ The date of the request.
- ▶ The name of the designated representative.
- ▶ The date upon which the written authorization will expire (if less than 1 year).

Debajo se muestra un texto de muestra que se puede utilizar para aumentar su IIPP actual.

Esto fue desarrollado por Cal-OSHA, por lo que una vez que las secciones rojas se hayan personalizado para sus operaciones, puede agregarlo a su IIPP actual e implementarlo como mejor le parezca. Si necesita ayuda con la implementación, comuníquese con su representante de Leavitt Group.

Acceso de los Empleados al IIPP

Nuestros empleados, o sus representantes designados, tienen derecho a examinar y recibir una copia de nuestro IIPP. Esto se logrará mediante:

1. **Proporcionar acceso en un tiempo, lugar y manera razonables, pero en ningún caso después de cinco (5) días hábiles después de que se reciba la solicitud de acceso de un empleado o representante designado.**
 - a. **Siempre que un empleado o representante designado solicite una copia del Programa, le proporcionaremos al solicitante una copia impresa del Programa, a menos que el empleado o representante designado acepte recibir una copia electrónica del Programa.**
 - b. **Se proporcionará una copia impresa del Programa sin cargo. Si el empleado o representante designado solicita copias adicionales del Programa dentro de un (1) año de la solicitud anterior y el Programa no se ha actualizado con nueva información desde que se proporcionó la copia anterior, podemos cobrar costos de reproducción razonables y no discriminatorios por las copias adicionales.**
2. **Proporcionar acceso sin obstáculos a través de un servidor o sitio web de la empresa, lo que permite que un empleado revise, imprima y envíe por correo electrónico la versión actual del Programa.**
 - ▶ **El acceso sin obstáculos significa que el empleado, como parte de sus deberes laborales habituales, utiliza de manera predecible y rutinaria los medios electrónicos para comunicarse con la gerencia o sus compañeros de trabajo.**



Describa cómo se logrará esto utilizando cualquiera de los dos métodos.

También describa cómo comunicaremos el derecho y el procedimiento para acceder al Programa a todos los empleados.

Cualquier copia proporcionada a un empleado o su representante designado no necesita incluir ninguno de los registros de los pasos tomados para implementar y mantener el Programa IIP escrito.

Cuando tengamos operaciones claramente diferentes y separadas con IIPP claramente separados y diferentes, podemos limitar el acceso al IIPP aplicable al empleado que lo solicite.

Un empleado debe proporcionar una autorización por escrito para que alguien sea su “representante designado”. Un agente de negociación colectiva reconocido o certificado será tratado automáticamente como representante designado a los efectos de acceder a la empresa IIPP. La autorización escrita debe incluir la siguiente información:

- ▶ El nombre y firma del empleado que autoriza al representante designado.
- ▶ La fecha de la solicitud.
- ▶ El nombre del representante designado.
- ▶ La fecha en la que vencerá la autorización por escrito (si es menos de 1 año).