



SAFETY COMMUNICATION

Cal/OSHA Serious Injury Reporting - Important Changes Effective January 1, 2020



Cal/OSHA requires employers to contact the nearest Cal/OSHA District Office immediately when any work-related serious injury or illness or death occurs. Assembly Bills 1804 and 1805, recently signed into law, change the definition of serious injuries and illnesses and how these incidents can be reported to Cal/OSHA. Both go into effect on January 1, 2020.

Information in this Safety Communication was taken from [Changes to the Definitions of Serious Injury and Illness and Reporting to Cal/OSHA \(AB 1804 and 1805\)Frequently Asked Questions](#)

What did Assembly Bills 1804 and 1805 change?

- AB 1804 amends California Labor Code, section 6409.1 by changing the methods employers can use to report work-related serious injuries, illnesses, and deaths to Cal/OSHA.
- AB 1805 amends California Labor Code, section 6302 by changing the definitions of serious injury and illness and serious exposure.
- AB 1805 also amends California Labor Code, section 6309 to change the definition of serious violation for purposes of determining whether complaints filed with Cal/OSHA are deemed to allege serious violations.



How have the definitions of serious injury, illness, and exposure changed with regard to immediate reporting to Cal/OSHA?

With regard to reporting to Cal/OSHA, a serious injury or illness is now defined as one involving

- any hospitalization, regardless of length of time, for other than medical observation or diagnostic testing;
- amputation;
- loss of an eye; or
- serious degree of permanent disfigurement.

The primary change is the definition of a serious injury pertaining to hospitalization. Previously, hospitalization had to be in excess of 24 hours. The revised definition removes the time requirement.

Accidents that result in serious injury or illness, or death that occur in a construction zone on a public street or highway are now included by statute. Work-related injuries, illnesses and deaths caused by the commission of a Penal Code violation are no longer excluded from the definition of "serious injury or illness".

A serious exposure is now defined as an exposure to a hazardous substance that occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

What changed about the ways that employers can report serious injuries and illnesses and fatalities to Cal/OSHA?

Prior to the enactment of AB 1804, employers could report serious injuries and illnesses and fatalities to Cal/OSHA by telephone or email. AB 1804 allows employers to continue to make such reports by telephone or through a specified online mechanism that Cal/OSHA will establish for reporting. Until Cal/OSHA creates the online reporting mechanism, employers may continue to make reports by telephone or email. **Employers are always encouraged to immediately report serious injuries and illnesses and fatalities by telephone to the nearest enforcement district office.**

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When will the online method be available?

Check Cal/OSHA's [important updates page](#) or subscribe to [an email notification list](#) to be alerted when online reporting is available.

How has Cal/OSHA's definition of a serious violation changed with regard to complaints?

With regard to conditions alleged in a complaint, Cal/OSHA's definition of a serious violation is one where there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the condition alleged in the complaint.

Which Labor Code sections have changed?

Labor Code sections 6302, 6309, and 6409.1.

Which California Code of Regulations, title 8 sections will need to be changed?

Sections 330(h) and 342(a).

Where can I read the bills and corresponding regulations?

- [AB 1804 - changes to Labor Code section 6409.1](#)
- [AB 1805 - changes to Labor Code sections 6302 and 6309](#)
- California Code of Regulations, title 8, [section 330](#)* - Definitions
- [Section 342](#)* - Reporting Work-Connected Fatalities and Serious Injuries

* Cal/OSHA will update California Code of Regulations, title 8, sections 330(h) and 342(a) to reflect these Labor Code changes.

Reminder - When to make the call

Cal/OSHA requires employers to contact the nearest Cal/OSHA District Office immediately when any work-related serious injury or illness or death occurs.

"Immediately" means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. Serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment. Refer to the Cal/OSHA poster in your employee information area for contact information for your nearest Cal/OSHA District Office. Failure to report a fatal or serious injury or illness to an employee will result in a \$5,000 fine.

Information required to be reported to Cal/OSHA:

- Time and date of accident
- Employer's name, address, and telephone number
- Name and job title, or badge number, of person reporting the accident
- Address of site of incident or event
- Name of person to contact at site of incident
- Name, address, home phone number, and date of birth of injured/ill employee
- Nature of injury or illness
- Location to which injured employee was moved
- List and identity of other law enforcement agencies present at the site of the incident
- Description of incident and whether the incident scene or instrumentality has been altered

Other tips and reminders:

- Record the date and time that you made the call to Cal/OSHA.
- Get the name and badge number of the person to whom the report was made.
- If the report was made to an answering machine, make note of that fact.
- Hospitalization could occur months, or even years, after the initial onset of the illness or original injury. Cal/OSHA still requires the employer to report hospitalization within 8-hours of knowing that the employee is admitted for other than observation.
- Employers should keep in contact with the injured or ill employee and/or their third party administrator to ensure they are aware of any hospitalization that may occur as part of the medical treatment for an injury or illness that did not result in immediate hospitalization.