

## **New Cal/OSHA Law Regarding Safety Violations**

A new law requiring employers to **immediately** correct all serious or willful safety violations will become effective January 1, 2015.

Several provisions of the Labor Code have been amended limiting the circumstances under which an abatement order is stayed pending appeal. This new law is a result of [Assembly Bill 1634 \(Chapter 497, Statutes of 2014\)](#), which amends Labor Code sections 6319, 6320, and 6625 and is designed to prevent employees from having to work in unsafe conditions during the appeals process. Employers will be required to correct a serious or willful safety violation immediately, regardless of intent to appeal, 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. The employer must request a stay or suspension of abatement by filing a written, verified petition with supporting declarations within 10 days after the issuance of the order or decision.

Additionally, the Department of Safety and Health (DOSH) cannot modify civil penalties until the violation is abated at the time of initial or subsequent inspection or a sworn statement and supporting evidence are received by DOSH within 10 working days after the end of the period fixed for abatement.