



General Contractor and Subcontractor Duties

Injury and Illness Prevention Requirements

Every employer subject to Cal/OSHA jurisdiction is required to have a written, effective Injury and Illness Prevention Program (IIPP) that includes procedures to identify health and safety hazards in the workplace and methods to correct those hazards. IIPP requirements include the following:

1. Identification of the person responsible for implementing the program.
2. A system for effectively communicating with employees about safety and health matters.
3. A system for ensuring that employees comply with safe and healthy work practices. This should include providing positive reinforcement for employees who follow the rules and appropriate action for employees who violate the rules.
4. Procedures for conducting workplace inspections to identify and evaluate hazards. The written IIPP should explain how often inspections are conducted and who does the inspections.
5. A procedure for conducting an investigation if an employee is injured on the job or has an occupational illness.
6. Methods for correcting unsafe conditions quickly.
7. Training and instruction for employees and their supervisors.
8. Records of employee training and workplace inspections (with certain exceptions for employers with fewer than 10 employees). These records should be on file and available for review.

General contractors and subcontractors must implement all requirements of the Injury and Illness Prevention Program regulation, unless they can demonstrate that they are exempt from certain specific provisions in the regulation. Please review the full text of the regulation, found in California Code of Regulations, title 8, section 3203:

<https://www.dir.ca.gov/title8/3203.html>.

Multi-Employer Liability

At multi-employer worksites, where the employees of more than one employer are performing work, Cal/OSHA holds the following employers responsible for ensuring the health and safety of employees, including other employers' employees:

1. Employers who directly employ workers exposed to a hazard.



2. Employers who create a hazard.
3. Employers who are responsible for controlling worksite safety and health conditions, and who have the authority to ensure that a hazard is corrected.
4. Employers who have the responsibility to correct a hazard.

Multi-employer liability is authorized under California Code of Regulations, title 8, section 336.10: https://www.dir.ca.gov/title8/336_10.html

Investigations, Citations and Penalties

Employers must notify Cal/OSHA right away (or within eight hours) of a fatality or serious injury or illness in the workplace. Cal/OSHA investigates these incidents and may issue citations if violations are identified during an investigation. Cal/OSHA also conducts investigations after receiving a complaint of a health or safety hazard. At worksites involving multiple employers, Cal/OSHA can open investigations of one or more of the employers.

Every citation includes a monetary penalty and indicates the date by which the violation must be corrected. Penalty amounts depend in part on the classification of the violation as regulatory, general, serious, repeat, or willful. Other factors considered are whether the violation caused an employee's serious injury or illness, and whether the employer failed to correct a previous violation involving the same hazardous condition.

Base penalty amounts, minimum and maximum penalty amounts, and penalty adjustment factors are set forth in California Code of Regulations, title 8, section 336: www.dir.ca.gov/title8/336.html.

Note: Cal/OSHA is required to refer certain violations to a local or state authority for possible criminal prosecution. Criminal conviction can result in:

- A fine of up to \$250,000 and/or imprisonment up to three years.
- A fine of up to \$1.5 million if the employer is a corporation or limited liability company and/or imprisonment up to three years.