

Assembly Bill No. 2043

CHAPTER 212

An act to add and repeal Section 6725 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2020. Filed with
Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2043, Robert Rivas. Occupational safety and health: agricultural employers and employees: COVID-19 response.

Existing law, the California Occupational Safety and Health Act of 1973, provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and standards and to protect employees. Under the act, the Occupational Safety and Health Standards Board within the division is authorized to adopt, amend, or repeal occupational safety and health standards and orders.

This bill would require the division to disseminate, in both English and Spanish, information on best practices for COVID-19 infection prevention, as specified, consistent with the Guidance Documents available on the division's internet website, including, but not limited to, the Guidance Document entitled, "Cal/OSHA Safety and Health Guidance: COVID-19 Infection Prevention for Agricultural Employers and Employees." The bill would also require the division to work collaboratively with community organizations and organizations representing employees and employers to conduct a statewide outreach campaign, targeted at agricultural employees, to assist with the statewide dissemination of the best practices information and to educate employees on any COVID-19-related employment benefits to which they are entitled, including access to paid sick leave and workers' compensation. The bill would require the campaign to include public service announcements on local Spanish radio stations and the distribution of workplace signs. The bill would require the division to routinely compile and report, via its internet website, information relating to the subject matter, findings, and results of any investigation by the division relating to practices or conditions prescribed in the Guidance Documents or a COVID-19 illness or injury at a workplace of agricultural employees, as specified. The bill would repeal these provisions when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature, as specified. The bill would also direct the division to enforce the Guidance Documents to the extent any specific Guidance Document

applies to any specific workplace and to the extent the division has existing regulatory authority.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The California Legislature directs the Division of Occupational Safety and Health, within the Department of Industrial Relations, to enforce Guidance Documents, as defined in Section 6725 of the Labor Code, to the extent any specific Guidance Document applies to any specific workplace and to the extent the division has authority under Title 8 of the California Code of Regulations.

SEC. 2. Section 6725 is added to the Labor Code, to read:

6725. (a) For purposes of this section, the following terms have the following meanings:

(1) The term “agricultural employee” means a person employed in any of the following:

(A) An agricultural occupation, as defined in Wage Order No. 14 of the Industrial Welfare Commission.

(B) An industry preparing agricultural products for the market, on the farm, as defined in Wage Order No. 13 of the Industrial Welfare Commission.

(C) An industry handling products after harvest, as defined in Wage Order No. 8 of the Industrial Welfare Commission.

(2) “Guidance Documents” means the following documents available on the division’s internet website:

(A) Cal/OSHA Interim General Guidelines on Protecting Workers from COVID-19.

(B) Cal/OSHA Safety and Health Guidance: COVID-19 Infection Prevention for Agricultural Employers and Employees.

(C) COVID-19 Industry Guidance: Food Packing and Processing, issued by the division, the State Department of Public Health, and the Department of Food and Agriculture.

(D) COVID-19 Industry Guidance: Agriculture and Livestock, issued by the division, the State Department of Public Health, and the Department of Food and Agriculture.

(E) Any other guidance or guidelines made available on the division’s internet website pertaining to novel coronavirus (COVID-19) infection prevention for agricultural employees.

(b) Commencing on the effective date of this section, the division shall disseminate, in both English and Spanish, information on best practices for COVID-19 infection prevention, consistent with the Guidance Documents. The information shall be designed to be easily understood by agricultural employees from a variety of ethnic and cultural backgrounds, including by using pictograms. The information shall, where possible, provide contact

information for the division that employees can use to report workplace safety complaints. The information shall be made widely and easily accessible, including in both digital and physical formats and via the division's internet website.

(c) The division, working collaboratively with community organizations and organizations representing employees and employers, shall conduct a statewide outreach campaign, targeted at agricultural employees, to assist with the statewide dissemination of the best practices information described in subdivision (b) and to educate employees on any COVID-19-related employment benefits to which they are entitled, including access to paid sick leave and workers' compensation. The campaign shall include, but shall not be limited to, public service announcements on local Spanish radio stations and the distribution of workplace signs. Nothing in this subdivision shall authorize access to the worksite by an individual who is not employed by the division.

(d) The division shall routinely compile and report, via its internet website, information relating to the subject matter, findings, and results of any investigation by the division relating to practices or conditions prescribed in the Guidance Documents or a COVID-19 illness or injury at a workplace of agricultural employees. This information shall include, but shall not be limited to, all of the following:

(1) Across all investigations, statistical information, including, but not limited to, the number of investigations in each county.

(2) For each investigation, summary descriptive information.

(3) For each investigation, a description of the division's response, including, but not limited to, whether the response involved an onsite inspection of the facility, a virtual or remote inspection, a letter to the employer, or any other type of action by the division.

(e) This section shall remain in effect until the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end, pursuant to Section 8629 of the Government Code, and as of that date is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide agricultural employees and employers access to current safety and health guidelines in response to the novel coronavirus (COVID-19) outbreak as soon as possible, it is necessary that this measure take effect immediately.