



## **What to Expect from a Cal/OSHA Inspection**

### **When does Cal/OSHA conduct inspections?**

Cal/OSHA conducts inspections of workplaces when they receive a complaint of a workplace safety or health hazard or report of a fatality or serious work-related injury or illness. Employers and fire and police departments are required to report such serious accidents to Cal/OSHA. Cal/OSHA may also conduct targeted inspections without a complaint or accident report, or whenever the inspector sees a workplace hazard in plain view.

### **Who can file a workplace safety and health complaint with Cal/OSHA?**

The California Occupational Safety and Health Act of 1973 gives all employees the right to file a workplace safety and health hazards complaint with Cal/OSHA, without fear of retaliation by their employer. Employees have this right regardless of immigration status. The name of any person who submits a complaint to Cal/OSHA must be kept confidential unless the person requests otherwise.

Anyone can file a workplace safety or health complaint with Cal/OSHA if they believe there is a violation of a safety or health standard, if there is any danger that threatens physical harm to an employee, or if an employee is exposed to an imminent hazard.

### **How does Cal/OSHA respond to workplace safety and health complaints?**

There are two ways that Cal/OSHA can respond to a workplace safety and health complaint. Cal/OSHA can conduct an unannounced onsite inspection, or an investigation by letter to the employer. Cal/OSHA will decide how to respond based on the information in the complaint, including the description of the hazards.

Cal/OSHA conducts onsite inspections for work-related complaints of serious and imminent hazards. Investigations by letter help address less serious hazards and allow Cal/OSHA to get in touch with many employers about safety and health concerns from employees much more quickly.

Employers must post the letter from Cal/OSHA in the workplace to inform their employees about the investigation.

### **Whom must a Cal/OSHA inspector talk to during onsite inspections?**

When a Cal/OSHA inspector conducts an onsite inspection, whether due to a complaint, fatality, or accident, they are required to speak to an employer representative and show their State of California ID card before talking to employees and conducting an inspection. Cal/OSHA is not allowed to provide advance notice of the inspection to the employer, and the employer is not permitted to see a copy of the complaint or know the source of the complaint.

The employer representative should accompany the Cal/OSHA inspector during the inspection. Employees and their representatives have the right to accompany the Cal/OSHA inspector during the inspection and can talk to the inspector in private.

The Cal/OSHA inspector will interview several employees in private, including the victim and any witnesses to the accident. The inspector will also allow employees to speak with them at another time if it is more convenient.

### **What happens during a Cal/OSHA onsite inspection?**

The Cal/OSHA inspector will hold an opening conference with the employer representative and an employee representative if they are present. Then they conduct a walkthrough inspection of the worksite, take photographs, conduct confidential interviews with employees and managers. They will also request copies of documents, such as written programs, training records and injury and illness logs. Inspections may also require several follow up visits to the worksite.

Before leaving the workplace during an onsite inspection, the Cal/OSHA inspector will inform the employer of preliminary findings of any safety or health hazards and violations observed.

### **What happens after the inspection or investigation?**

After conducting an onsite inspection and reviewing all requested documents, the Cal/OSHA inspector will hold a closing conference with the employer, notifying them of any violations and the resulting citations and fines. The employer will receive a citation packet that will include instructions on how to file an appeal and the deadline for correcting hazards. If no violations were found, the employer will receive a written Notice of No Violations.

The Cal/OSHA inspector will also send a letter to the employee or employee representative who filed the complaint if they provided contact information, informing them of the findings, and include copies of any citations that were issued to the employer. The employer must also post copies of any citations at or near the location of the violation for three days or until the hazard is corrected, whichever is later. This notifies all employees in the work area of the hazard so they understand the need to correct the unsafe conditions and the schedule for correction.

For investigations by letter, the employer must post a copy of the Cal/OSHA letter notifying of alleged safety or health hazards along with the employer's response.

If an employer files an appeal, they are not required to correct hazards until after the hearing, which may be held up to a few years later.

### **How long does an inspection take?**

Cal/OSHA must issue any citations within six months of when the violation occurred, which is generally when conducting an onsite inspection, or from the date of serious injury or illness, in the case of accident investigations.