

Violating California's Occupational Safety and Health Act May Lead to Civil Penalties

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On February 8, 2018, the California Supreme Court unanimously ruled that local prosecutors could pursue civil penalties against employers for violating workplace safety standards under California's unfair competition law¹ and fair advertising law,² despite the employer's federal preemption challenges. *Solus Indus. Innovations, LLC*, 228 Cal. Rptr. 3d 406 (2018). In its civil lawsuit, the Orange County District Attorney's Office, claimed that (1) the employer's failure to comply with workplace safety standards represented an unlawful, unfair, and fraudulent business practice; and (2) the employer's representations concerning its commitment to workplace safety and its compliance with all applicable workplace safety standards were false and misleading in violation of California's fair advertising law. While the federal Occupational Safety and Health Act of 1970 does not allow for civil penalties against employers, California employers will now be faced with the prospect of both civil and administrative penalties for workplace safety and health violations.

¹ California Business and Professions Code section 17200.

² California Business and Professions Code section 17500.