

ASSEMBLY BILL

No. 1509

**Introduced by Committee on Labor and Employment
(Assembly Members Roger Hernández (Chair), Chu, Low,
McCarty, and Thurmond)**

March 4, 2015

An act to amend Section 6310 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1509, as introduced, Committee on Labor and Employment. Occupational safety and health: complaints: retaliation.

Under existing law, it is unlawful to discharge or discriminate against an employee for making a complaint regarding employee safety or health, instituting or testifying in a proceeding under his or her rights, participating in an occupational health and safety committee, or refusing to perform work in violation of any occupational safety or health standard or safety order. Existing law further requires the reinstatement and reimbursement, as specified, of an employee who was discharged or discriminated against in the terms or conditions of his or her employment, in violation of these provisions. Existing law makes it a misdemeanor for an employer to willfully refuse to rehire, promote, or otherwise restore an employee who has been determined to be eligible for rehiring or promotion, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 6310 of the Labor Code is amended to
2 read:

3 6310. (a) ~~No~~A person shall *not* discharge or in any manner
4 discriminate against any employee because the employee has done
5 any of the following:

6 (1) ~~Made any~~ an oral or written complaint to the division, other
7 governmental agencies having statutory responsibility for or
8 assisting the division with reference to employee safety or health,
9 his or her employer, or his or her representative.

10 (2) Instituted or caused to be instituted ~~any~~ a proceeding under
11 or relating to his or her rights or has testified or is about to testify
12 in the proceeding or because of the exercise by the employee on
13 behalf of himself, herself, or others of any rights afforded him or
14 her.

15 (3) Participated in an occupational health and safety committee
16 established pursuant to Section 6401.7.

17 (b) ~~Any~~An employee who is discharged, threatened with
18 discharge, demoted, suspended, or in any other manner
19 discriminated against in the terms and conditions of employment
20 by his or her employer because the employee has made a bona fide
21 oral or written complaint to the division, other governmental
22 agencies having statutory responsibility for or assisting the division
23 with reference to employee safety or health, his or her employer,
24 or his or her representative, of unsafe working conditions, or work
25 practices, in his or her employment or place of employment, or
26 has participated in an employer-employee occupational health and
27 safety committee, shall be entitled to reinstatement and
28 reimbursement for lost wages and work benefits caused by the acts
29 of the employer. ~~Any~~An employer who willfully refuses to rehire,
30 promote, or otherwise restore an employee or former employee
31 who has been determined to be eligible for rehiring or promotion
32 by a grievance procedure, arbitration, or hearing authorized by
33 law, is guilty of a misdemeanor.

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