

Bautista Settlement Summary

- The State of California Division of Occupational Safety and Health (Cal/OSHA) has agreed to a settlement of two lawsuits, filed in 2009 and 2012, alleging failures to protect farm workers from heat illness and heat-related death.
- The suits were brought by farm workers who alleged that they or their relatives suffered heat illness, in partnership with United Farm Workers of America (UFW) and the UFW Foundation, with legal representation by Public Counsel and the law firm Munger, Tolles& Olson LLP.
- The settlement establishes the following changes to protect farm workers and fulfill the mutual objective of providing a safer agricultural working environment in California. Cal/OSHA will:
 - **Changes to Cal/OSHA's policies and procedures will provide more effective, timely, and consistent inspections of farm and other outdoor worksites to ensure compliance with the State's recently improved heat-illness-prevention regulations.** The Special Emphasis Program on Heat Illness Prevention at Cal/OSHA will implement a more comprehensive approach to preventing heat illnesses and deaths and provide clearer and more uniform direction to field staff. The agency will use these guidelines in more quickly turning around inspections and more effectively taking action against serious, willful, and repeat offenders. In addition, the state Labor Enforcement Task Force (LETF) will request and review employers' Heat Illness Prevention Plans as a regular part of their inspections, and during high heat periods, all LETF inspectors will focus on outdoor places of employment.
 - **Establish a procedure for UFW and UFW Foundation to more easily report and refer potential violations of Heat Illness Prevention regulations to Cal/OSHA, with clear guidelines on how Cal/OSHA will respond.** A Memorandum of Understanding (MOU) outlines processes for complaints and sets expectations for responses.
 - **Conduct two confidential internal audits of their enforcement of laws and regulations pertaining to prevention of heat illness and death.** One will be conducted in 2016 of the 2015 enforcement year and another in 2017 of the 2016 enforcement year.
 - **Track, report, and publicly share data about penalties assessed against agricultural employers for health and safety violations.** Cal/OSHA is exploring the development of an electronic tracking system to aggregate and track penalties imposed, collected, and outstanding per agricultural employer. The goal is to then make that data accessible to the public through the Cal/OSHA web site.
 - **Pilot a project to improve heat-illness prevention enforcement by taking declarations from workers in the field during heat inspections.** Cal/OSHA will test the practice of taking employee declarations in the field and using the declarations as evidence in appeal hearings when workers are no longer able testify live because they have left the company or the area.