



When is An Employee Independently Responsible for Cal-OSHA Violations?

Cal-OSHA nearly always considers an accident that results in an employee injury to be the fault of the employer; however, an employee will be determined to be responsible under the following conditions:

- 1. The employee had experience performing the process/operation in question.
- 2. The employer has a safety training program that addresses job specific safety requirements.
- 3. The employer enforces its safety program, i.e. safety audits, identification of deficiencies and corrective actions.
- 4. The employer has a policy of progressively disciplining employees who violate safety rules.
- 5. The employee should have known he/she was acting contrary to the employer’s safety rules.

If an employee acts **independently** contrary to established safe work procedures and training which results in his/her own injury, the PI/manager, lab supervisor and UCSF may not be found liable for associated Cal-OSHA safety violations and monetary penalties.

If you have any questions or comments, please get in touch with your EHS Specialist at the following link: [Find Your Environment, Health and Safety Specialist](#) or call 6-1300 for assistance.