



California Law Update

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Penalties of Over \$250,000 Issued for Violation of Heat Illness Prevention Regulations

The death in May of Maria Vasquez Jiminez, a 17-year old farmworker who had been working in 100-degree heat, has resulted in fines totaling \$262,700 against her employer for violations of Cal/OSHA's Heat Illness Prevention regulations. These are the largest fines assessed since the Heat Illness Prevention regulations went into effect in 2006.

The fines against Ms. Jiminez's employer, Merced Farm Labor Contractor, included two fines of \$70,000 each. One was for the employer's failure to train employees and supervisors regarding heat illness prevention. The other \$70,000 fine was for failure to provide prompt medical attention in cases of serious injuries when employees were working in remote locations. Cal/OSHA also levied fines of \$22,500 each against the employer for failing to provide water in a readily accessible location while employees were working in the heat, failure to allow access to water at all times and failure to provide access to shaded areas for recovery periods of no less than five minutes. In addition, the Department of Industrial Relation's Division of Labor Standards Enforcement is now seeking to revoke Merced Farm Labor's license, due in part to its failure to comply with the Heat Illness Prevention regulations.

As indicated in our Client Alert earlier this summer, Cal/OSHA's Heat Illness Prevention regulations require employers to:

- Train all employees and supervisors about heat illness prevention.
- Provide enough fresh water so that each employee can drink at least 1 quart per hour, and *encourage* them to do so.
- Provide access to shade for at least 5 minutes of rest when an employee believes he or she needs a preventative recovery period.
- Develop and implement written procedures for complying with the Cal/OSHA Heat Illness Prevention regulations.

The message strongly sent by Cal/OSHA is that it is serious about enforcing the Heat Illness Prevention regulations and will not hesitate to fine employers who fail to comply.

If you need further information about the requirements of the Heat Illness Prevention program, you can contact Cathy Arias, the chair of Burnham Brown's Employment Law Department. She specializes in counseling and defending employers. She can be reached at 510.835.6806 or carias@burnhambrown.com. You can also contact Jim Blake. He specializes in representing contractors and subcontractors. He can be reached at 510.835.6827 or jblake@burnhambrown.com. For a copy of our earlier Client Alert, please reference our website at www.burnhambrown.com