

# NEW CALIFORNIA WORKER PROTECTION REQUIREMENTS - ASSEMBLY BILL 685

## What You Need To Know

### Dear Valued Policyholder,

California recently passed two new bills and emergency provisions designed to protect workers and their employers from COVID-19 outbreaks. The first, Senate Bill 1159 (SB-1159), provides workers' compensation to employees testing positive for the virus. ([View the 9/29/2020 email.](#)) Today, we'd like to provide you with information on the second bill, Assembly Bill 685 (AB-685) and California OSHA's emergency provisions.

### Assembly Bill 685 Overview

AB-685 goes into effect on Jan. 1, 2021. It requires organizations to notify any exposed employees and appropriate public health officials of any COVID-19 cases in the workplace. ([View Assembly Bill No. 685.](#)) Some important requirements include:

- When a positive case of COVID-19 is confirmed, organizations must provide notice to exposed employees at the same worksite and public health officials within one business day.
- Employee representatives, such as unions or lawyers, must also be notified within one business day.
- As part of notice, organizations must share disinfection and safety plans employers intend to implement and complete.

The AB-685 law is designed to ensure that exposed employees can take appropriate steps, including seeking medical attention, testing or even quarantine. Companies are required to report an outbreak (three or more qualified individuals in a 14-day period) to their [local county health department](#) as part of the control effort.

[Get Resources to Help](#)

### Cal/OSHA COVID-19 Prevention Emergency Provisions Overview

This week, the Cal/OSHA Standards Board passed an emergency regulation regarding the spread of COVID-19. The new standard, which immediately goes into effect, provides specific expectations for organizations in the recognition, control and follow up to COVID-19 exposures. Many of the expectations are clarifications of the existing return-to-the-workplace guideline developed by the CDC with more specific expectations for the following:

- Have a written COVID-19 Prevention Program, which can be incorporated into your IIPP.
- Employers are to provide employees with training on COVID-19 related policies, procedures and related benefits.
- Identify, evaluate and correct COVID-19 hazards, the first two with participation of employees and authorized representatives.
- Investigate and "respond effectively" to COVID-19 cases and notify employees who might have been exposed within one day. These employees must be offered COVID-19 testing at no cost.
- Report COVID-19 cases in the workplace to local health authorities; this is also a requirement of AB-685. Procedures can accommodate both expectations.
- Physical distancing and mask-wearing are required unless the former isn't possible. The burden is on the employer to demonstrate it isn't possible. There are also exceptions for masks.
- Return-to-work provisions are included for employee COVID-19 cases.
- There are specific and more stringent requirements for multiple COVID-19 infections and outbreaks in the workplace.

### Resources Available for You

ICW Group's [Coronavirus \(COVID-19\): Helpful Workers' Compensation Resources](#) page contains procedures, forms and references to help you meet the requirements of AB-685 and the new emergency provisions. Recently, we hosted a webinar detailing what you need to know about both SB-1159 and AB-685. [Watch it on demand and find additional resources to help.](#) You can also use this online [SB-1159 California Employer Reporting Form](#) to ensure you're in compliance with this California legislation.

For assistance, please contact your Risk Management Consultant or email us at [riskmanagement@icwgroup.com](mailto:riskmanagement@icwgroup.com). We're happy to help!

Sincerely,  
ICW Group Insurance Companies