

Title 8 Safety Regulations Now Admissible in Third-Party Lawsuits

While some courts in California have permitted the use Title 8 Safety Regulations in civil law suits and some have not this new Supreme Court decision may well open the flood gate for workplace injury lawsuits. There will defiantly be more on this one!

The California Supreme Court issued a decision late last year that is likely to affect every employer and project owner - even homeowners - in California. The court ruling holds that alleged violations Cal/OSHA regulations are now admissible as evidence of negligence in third-party lawsuits.

This key change to the Labor Code under AB 1127 is also likely to affect the insurance rates paid by businesses and consumers as trial attorneys become more and more familiar with the uses of this the decision in a variety of types of cases.

The case at hand involves a roofer injured in a scaffold collapse that sued the general contractor for the project. The high court sided with the defendant, ruling that the changes could not be applied retroactively, while also upholding the labor code changes themselves, reversing more than 30 years of law.

The Supreme Court ruled that the state Legislature is well within its rights to change the Labor Code and fully intended to do so with AB 1127, in a unanimous decision. AB 1127 is a controversial 2000 bill that significantly increased civil and criminal penalties for serious Cal/OSHA violations and made other changes to the Labor Code. This is one of the lesser publicized changes.

The ruling means that Cal/OSHA regulations can be entered into evidence to prove that a defendant was at fault in an injury case – be it a controlling employer, a subcontractor or a project owner according to Fred Walter, an attorney who practices regularly before the Cal/OSHA Appeals Board.

“There are no boundaries” to the decision, he said.