

ADMINISTRATIVE POLICY AND PROCEDURE

Page 1 of 2

Subject: ENFORCEMENT OF CALIFORNIA CORPORATE CRIMINAL LIABILITY ACT **Policy No.:** A410

Supersedes: February 1, 2016

Review Date: March 23, 2023

Origin Date: January 1, 1982

Revision Date:

POLICY:

Managers at all levels shall be familiar and aware of the California Corporate Criminal Liability Act. Effective January 1, 1991, the Act made it a crime for a corporation or manager to fail to disclose the existence of a serious concealed danger to their employees or fail to report it to the appropriate regulatory agency.

PROCEDURES:

Many of the Medical Center's functions relating to health inspections, environmental hazards and other areas provide occasions for the observation of possible violations of the Corporate Criminal Liability Act.

Any workforce member who becomes aware of a hazardous condition or hazardous product design must promptly notify his/her immediate supervisor and/or safety officer. The supervisor or safety officer shall notify hospital administrators and if applicable, campus Sheriff.

This Act requires corporations and managers who have knowledge of a serious concealed danger in the workplace, or products or processes, to do two things: (1) notify Cal-OSHA, and (2) notify any exposed employees. Notice must be given within 15 days of acquiring knowledge of the danger. However, if there is an imminent risk of death or great bodily harm, notice must be given immediately. Upon notification, Cal-OSHA must provide notice to the appropriate regulatory agency when the condition poses a consumer or environmental hazard.

To prove a violation of the law, a prosecutor must show:

- a. The individual charged is a manager or the defendant is a corporation;
- b. The manager had actual knowledge of a serious concealed danger, by demonstrating that the manager had information which would convince a reasonable person in the manager's circumstances that the serious concealed danger exists. It must be proved that the defendant had the information and that the defendant knew or should have known of the serious concealed danger based upon that information;
- c. The danger is serious in that it has a substantial probability of causing death, great bodily harm, or serious exposure to hazardous substances that may cause death or great bodily harm in the future.
- d. The danger is concealed in that a reasonable person in similar circumstances would not be aware of the danger; and,

Revised: 6/03, 12/09, 2/14, 2/16

Reviewed: 6/03, 10/06, 12/09, 2/14, 2/16, 3/23

Approved By:

Subject: ENFORCEMENT OF CALIFORNIA CORPORATE CRIMINAL LIABILITY **Policy No.:** A410
ACT

- e. The defendant failed to notify the appropriate regulatory agency and affected employees after acquiring actual knowledge.

During routine or special inspections/investigations, Medical Center staff may become aware of evidence indicating a possible violation of the Act. Staff should notify the Los Angeles District Attorney's Office at (213) 974-3512 if there is reason to believe that a serious concealed danger exists, as defined by the Act. However, the Safety Office should be contacted first to determine if the Medical Center has already received notice of such a danger from Cal-OSHA.