

## GENERAL SAFETY--CORPORATE CRIMINAL LIABILITY ACT OF 1989

### I. REFERENCES

- A. California Penal Code Section 387
- B. Letter From University of California Office of the General Counsel dated January 24, 1991, Subject: New California Penal Code Section 387, Corporate Criminal Liability Act of 1989
- C. Notice dated March 22, 1991 from Chancellor Atkinson to Key Administrators/Key Support Staff and Policy and Procedure Manual Holders

### II. POLICY

It is University policy for each manager (including Principal Investigators) to take immediate prescribed actions when a "serious and concealed hazard" becomes known to him or her. Failure to comply with this statute could render the manager and the institution vulnerable to felony prosecution.

The Office of Environment, Health and Safety (EH&S) consults with all parties to assess hazards and recommend corrective action.

### III. PROCEDURES

- A. Employees and/or supervisors must be alert to any "serious concealed danger" which has "immediate risk of great bodily harm or death" and take prompt steps to eliminate it. If the hazardous condition cannot be eliminated or made readily apparent it must be reported to the EH&S Office. See Blink Website "[Reporting a Safety Concern to EH&S](#)".
- B. The EH&S Office must review any cases suspected of qualifying under this code and determine if external legal reporting is required.

### IV. RESPONSIBILITY

Those who supervise University employees must ensure that all personnel who work with hazardous materials or in hazardous situations are provided training. Further, to ensure that the University complies with applicable laws, the supervisors must follow University of California General Counsel's recommendations that:

- A. There are adequate means for employees to report their safety concerns to their supervisors and/or the campus Environment, Health, and Safety Office; and
- B. Those who supervise University employees should understand that a concealed danger should be eliminated or made readily apparent to their employees. Otherwise, the danger must be reported to the EH&S Office immediately. EH&S will assist in determining whether external legal reporting requirements apply.