

2020 SPECIAL SESSION I

INTRODUCED

20200404D

HOUSE BILL NO. 5102

Offered August 20, 2020

A *BILL to amend and reenact § 40.1-49.13 of the Code of Virginia, relating to employee safety; Voluntary Protection Program; required for certain employers.*

Patrons—Hurst, Helmer, Kory and Rasoul; Senator: Edwards

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-49.13 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-49.13. Voluntary Protection Program.

A. As used in this section:

"Model system" means an exemplary, voluntarily implemented worker safety and health management system that (i) implements comprehensive safety and health programs that exceed basic compliance with occupational safety and health laws and regulations and (ii) meets the VPP standards adopted by the Safety and Health Codes Board pursuant to subsection B.

"Temporary employee" means an employee hired on a nonpermanent basis by the applicant or participant site.

"Voluntary Protection Program" or "VPP" means a program under which the Commissioner recognizes and partners with workplaces in which a model system has been implemented.

B. The Safety and Health Codes Board shall adopt definitions, rules, regulations, and standards necessary for the operation of the Voluntary Protection Program in a manner that will promote safe and healthy workplaces throughout the Commonwealth. The standards for the VPP shall include the following requirements for VPP participation:

1. Upper management leadership and active and meaningful employee involvement;
2. Systematic assessment of occupational hazards;
3. Comprehensive hazard prevention, mitigation, and control programs;
4. Employee safety and health training; and
5. Safety and health program evaluation.

C. Applications for participation in the VPP shall be submitted by the workplace's management. Applications shall include documentation establishing to the satisfaction of the Commissioner that the employer meets all standards for VPP participation.

D. The Department shall provide for onsite evaluations by VPP evaluation teams of each workplace that has applied to participate in the VPP to determine that the applicant's workplace complies with the standards for VPP participation.

E. A workplace's continued participation in the VPP shall be conditioned on compliance with the standards for VPP participation, as determined by periodic onsite evaluations by VPP evaluation teams.

F. During periods in which a workplace is a participant in the VPP, the workplace shall be exempt from inspections or investigations under § 40.1-49.4; however, this exception shall not apply to inspections or investigations of the workplace arising from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases.

G. *Notwithstanding the provisions of this section or any other provision of law, an employer that hires a crew of 50 or more temporary employees during any declared public health emergency due to COVID-19 shall be required to participate in the VPP for the duration of the public health emergency. Such an employer shall submit an application and receive approval from the Commissioner prior to commencing the relevant project and shall comply with all relevant standards for VPP participation.*

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