

Labor Code § 4553.1

In order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order, the appeals board must specifically find all of the following:

- (1) The specific manner in which the order was violated.
- (2) That the violation of the safety order did proximately cause the injury or death, and the specific manner in which the violation constituted the proximate cause.
- (3) That the safety order, and the conditions making the safety order applicable, were known to, and violated by, a particular named person, either the employer, or a representative designated by Section 4553 , or that the condition making the safety order applicable was obvious, created a probability of serious injury, and that the failure of the employer, or a representative designated by Section 4553 , to correct the condition constituted a reckless disregard for the probable consequences.