

LEGAL RESEARCH REPORT

INFORMING THE EMPLOYER OF WORK INJURIES

(PART-A INJURED WORKERS ANALYSIS)

February 27, 2026

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CALIFORNIA WORKERS' COMPENSATION NOTICE REQUIREMENTS: EMPLOYEE, EMPLOYER, AND COMPLIANCE OBLIGATIONS

This report explains the rules about notifying your employer of a work injury, what your employer must do after learning of your injury, and new laws that require employers to tell you about your rights. If you are a worker in California, these rules protect you. If you are an employer, you must follow them or face penalties. This report is current as of February 27, 2026.

Part 1: Overview — Three Layers of Notice Rules

California law creates three separate sets of notice rules that work together. Each set has its own deadlines and penalties. Understanding all three helps you protect your rights.

The Three Layers Explained

Layer 1 — Traditional Injury Notice Rules (Ongoing). When you get hurt at work, you must tell your employer in writing within 30 days. Your employer must then give you a claim form within one working day and report your injury to the state within five days. These rules come from Cal. Lab. Code § 5400 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5400/>), Cal. Lab. Code § 5401 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5401/>), and Cal. Lab. Code § 5402 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>).

Layer 2 — Updated Workplace Postings Under AB 1870 (Effective January 1, 2025). Your employer must display a poster at work telling you about your workers' compensation rights — including your right to talk to a lawyer at no upfront cost. This requirement comes from the amendment to Cal. Lab. Code § 3550 (<https://callaborlaw.com/blog/new-law-requires-workers-compensation-posters-to-advise-employees-of-right-to-counsel/>) made by Assembly Bill 1870 (<https://www.ecjlaw.com/ecj-blog/new-law-expands-posting-requirements-regarding-workers-compensation-rights/>).

Layer 3 — "Know Your Rights" Written Notice Under SB 294 (Effective February 1, 2026). Your employer must give you a separate written document each year explaining your rights to workers' compensation, immigration protections, union organizing, and constitutional protections during law enforcement encounters. This requirement comes from Senate Bill 294 (<https://legiscan.com/CA/text/SB294/id/3227443>), codified at Cal. Lab. Code §§ 1550–1559 (<https://legiscan.com/CA/text/SB294/id/3227443>).

Why This Matters to You

If you are an injured worker, these rules ensure you receive information about your benefits and legal rights. If your employer did not follow these rules, that failure may help your case. If you are an employer, failing to follow any of these layers can result in criminal charges, civil penalties, or losing legal defenses in a workers' compensation case.

Important: As of February 27, 2026, the SB 294 deadline has already passed. Employers who have not yet given written "Know Your Rights" notices face penalties of up to \$500 per employee per violation.

Part 2: The 30-Day Employee Notice Rule

This part explains what you must do after you get hurt at work. The law requires you to notify your employer in writing within 30 days.

What the Law Says

Cal. Lab. Code § 5400 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5400/>) states that you cannot receive workers' compensation benefits unless you give your employer written notice within 30 days after the injury happens. The notice must be signed by you or by someone acting on your behalf, such as a family member or attorney.

Written notice means a document in writing — not just a spoken conversation. However, the writing does not need to be a formal letter. California courts have accepted the following as valid written notice:

- The official DWC-1 Claim Form (the state's workers' compensation claim form)
- An email to your supervisor or human resources department describing your injury
- A text message describing what happened
- A written incident report completed at the worksite
- Medical records sent to your employer that mention a work-related injury
- A letter or memo from you, your family, or your attorney

What Your Written Notice Must Include

Your notice does not need to contain a detailed medical diagnosis or a complete description of the accident. At minimum, it must convey:

- Your name (the identity of the injured worker)
- A general idea of when the injury occurred or when symptoms started
- A general description of the injury (for example, "back pain," "hand injury," or "breathing problems")
- A statement that you believe the injury is related to your work

You do not need to include medical records, witness names, or a list of every body part affected. The purpose of the notice is to give your employer enough information to investigate. See Cal. Lab. Code § 5400 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5400/>).

When the 30-Day Clock Starts

For a sudden injury (such as a fall or being struck by equipment), the 30-day period starts on the day the injury occurs. For a cumulative trauma injury — an injury that develops slowly over time from repetitive work activities — the rules are different. Cal. Lab. Code § 5412 (<https://www.rjylaw.com/california-workers-compensation-defense-cumulative-trauma-and-the-statute-of-limitations/>) says the 30-day clock starts on the date you first experienced a disability (a condition that limits your ability to work) AND you either knew or should have known that the condition was caused by your job. Courts have held that you are generally not expected to know a condition is work-related until a doctor tells you. See CWILC, Cumulative Trauma Injury for California Workers' Compensation (<https://cwilc.com/workers-compensation/occupational-injury/cumulative-trauma/>).

Part 3: Employer Knowledge Counts as Notice

Even if you did not give your employer formal written notice, your claim may still be valid. California law says that if your employer already knew about your injury, that knowledge counts as notice.

The Legal Rule

Cal. Lab. Code § 5402(a) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>) provides that "knowledge of an injury, obtained from any source" by your employer, a manager, supervisor, foreman, or other person in authority is "equivalent to service under Section 5400." This means the employer cannot claim you failed to give notice if the employer already knew you were hurt.

Actual knowledge means the employer truly learned about your injury. This can happen through:

- A supervisor seeing the accident happen
- A coworker reporting that you were injured
- A hospital or doctor contacting the employer about your work injury
- The employer receiving medical records mentioning a work-related condition
- The employer assigning you lighter duties because of your injury
- The employer paying you disability benefits related to the injury

Important Case Law

In *Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd.*, 39 Cal.3d 57 (1985) (<https://law.justia.com/cases/california/court-of-appeal/3d/171/1171.html>), the California Supreme Court held that when an employer fails to tell an injured worker about workers' compensation rights, the statute of

limitations (the deadline to file a claim) is paused until the worker actually learns about those rights. A statute of limitations is a legal deadline — if you miss it, you may lose the right to file your claim.

In *Honeywell v. WCAB*, 35 Cal.4th 24 (2005) (<https://www.friedmanlawoffices.com/2022/08/when-not-to-serve-a-claim-form-a-sixty-second-seminar-in-workers-compensation-claims-handling/>), the California Supreme Court clarified that the employer's duty to provide a claim form is triggered only by "actual knowledge" of a work injury — not by speculation or general complaints.

What This Means for You

If your employer knew about your injury — even informally — your employer cannot later argue that you failed to give proper notice. Document every conversation, email, or text where you told anyone at work about your injury.

Part 4: When Late Notice Does Not Bar Your Claim

Missing the 30-day notice deadline does not automatically mean you lose your benefits. California law provides several important exceptions.

The Substantial Compliance Rule

Cal. Lab. Code § 5403 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5403/>) states: "The failure to give notice under section 5400, or any defect or inaccuracy in a notice is not a bar to recovery under this division if it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced by such failure."

Substantial compliance means you did enough to reasonably inform your employer, even if your notice was late or had mistakes. Prejudice means real harm to the employer's ability to investigate or defend the claim. If the employer cannot prove actual prejudice — such as lost evidence or unavailable witnesses caused by the delay — your claim can still go forward.

The burden falls on the employer, not on you. The employer must prove both that your notice was defective AND that the defect actually caused harm. See Cal. Lab. Code § 5403 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5403/>).

Equitable Tolling

Equitable tolling means a court may pause or extend a deadline when you acted carefully but were prevented from meeting it through no fault of your own. In *City of Salinas v. Workers' Comp. Appeals Bd.* (2025) (<https://law.justia.com/cases/california/court-of-appeal/2025/h052062.html>), the California Court of Appeal held that narrow equitable tolling may apply to mandatory statutory deadlines when an applicant acted diligently and was misled by circumstances outside their control.

Equitable tolling applies only in limited situations where:

- You acted diligently throughout the relevant period
- You did not know (and could not reasonably have known) about the deadline
- Circumstances outside your control prevented you from meeting the deadline
- Enforcing the deadline would cause serious injustice

Estoppel

Estoppel prevents your employer from using the notice deadline against you when the employer's own actions caused you to miss it. For example, if your employer told you that filing a claim was not necessary, discouraged you from filing, or provided medical treatment that made you believe the claim was already handled, the employer cannot later argue that you failed to give timely notice. See Cal. Lab. Code § 5402 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>).

Liberal Construction in Your Favor

Cal. Lab. Code § 3202 (<https://employeesfirstlaborlaw.com/labor-code-%C2%A73202-liberal-construction-in-workers-compensation/>) requires that workers' compensation laws be "liberally construed" to protect injured workers. This means when there is doubt about whether your notice was good enough, courts and the WCAB

(Workers' Compensation Appeals Board — the state agency that decides workers' compensation disputes) must resolve that doubt in your favor.

The "New and Further Disability" Alternative

If more than one year has passed since your injury, you may still be able to file a claim under Cal. Lab. Code § 5410 (<https://dclbv.com/newsletters/2014/q2/is-there-really-a-statute-of-limitations/>). This section gives the WCAB continuing jurisdiction (legal authority) over claims for up to five years after the date of injury. If your condition has worsened or you have developed a new disability related to the original work injury, you may file a petition for "new and further disability."

Important: Late notice is an affirmative defense — meaning your employer must raise it and prove it. You do not have to prove your notice was perfect. Your employer must prove it was defective AND caused real harm.

Part 5: What Your Employer Must Do After Learning of Your Injury

Once your employer knows about your work injury, the law requires your employer to take specific actions within strict deadlines.

Provide the DWC-1 Claim Form Within One Working Day

Under Cal. Lab. Code § 5401 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5401/>), your employer must give you the official DWC-1 Claim Form within one working day of learning about your injury — if the injury caused you to miss work beyond your current shift or required medical treatment beyond first aid (simple, one-time treatment like cleaning a minor cut or applying ice). The DWC-1 form (<https://www.dir.ca.gov/dwc/dwcform1.pdf>) is the official California workers' compensation claim form that starts the claims process.

Your employer must give you this form whether you provided formal written notice or the employer learned about your injury from any other source. See Cal. Lab. Code § 5402 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>).

Authorize Medical Treatment

Under Cal. Lab. Code § 5402(c) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>), within one working day after you file the DWC-1 form, your employer must authorize medical treatment for your injury. Your employer must pay for treatment up to \$10,000 while the claim is being reviewed. This \$10,000 is a minimum — not a maximum for the entire case. See also Employees First Labor Law, DWC-1 Form Guide (<https://employeesfirstlaborlaw.com/dwc-1-form-california-workers-comp-guide/>).

The 90-Day Presumption

If your employer does not reject your claim within 90 days after you file the DWC-1 form, the law presumes your injury is covered by workers' compensation. This is called the presumption of compensability under Cal. Lab. Code § 5402(b) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>). Your employer can only overcome this presumption with evidence discovered after the 90-day period ends.

Report to the State Within Five Days

Your employer must file Form 5020 (Employer's Report of Occupational Injury or Illness) with the Division of Workers' Compensation within five days of learning about an injury that caused missed work or required more than first aid. See Form 5020, Department of Industrial Relations (<https://www.dir.ca.gov/dosh/doshreg/form5020.pdf>). Failure to file this report subjects employers to civil penalties.

When the Employer Fails to Act

If your employer fails to provide the DWC-1 form or authorize treatment, your claim is not automatically denied. However, your employer may face:

- Penalties and interest on delayed benefits
- Increased likelihood that the WCAB will believe your version of events

- Potential retaliation claims under Cal. Lab. Code § 132a (which prohibits employers from punishing workers for filing claims)

Part 6: AB 1870 — Updated Workplace Postings (Effective January 1, 2025)

This part explains the expanded workplace poster requirements that went into effect on January 1, 2025.

What AB 1870 Requires

Assembly Bill 1870 (<https://www.ecjlaw.com/ecj-blog/new-law-expands-posting-requirements-regarding-workers-compensation-rights/>) amended Cal. Lab. Code § 3550 (<https://callaborlaw.com/blog/new-law-requires-workers-compensation-posters-to-advise-employees-of-right-to-counsel/>) to require employers to post a notice at the workplace that now must include this statement: "The injured employee may consult a licensed attorney to advise them of their rights under workers' compensation laws. In most instances, attorney's fees will be paid from an injured employee's recovery."

Before AB 1870, the posted notice already had to explain how to get emergency medical treatment, what injuries are covered, your right to medical care, your right to choose a doctor, disability benefits, who to report injuries to, time limits, and anti-discrimination protections. AB 1870 added the attorney consultation language to this list.

Posting Requirements

- The notice must be posted in a conspicuous location where employees regularly gather (break room, bulletin board, entrance area)
- The notice must be posted in both English and Spanish where Spanish-speaking employees work
- Employers may use the template from the Department of Workers' Compensation (<https://www.dir.ca.gov/dwc/forms.html>) or get a notice from their insurance carrier

Consequences for Non-Compliance

Failure to post the required notice is a misdemeanor (a criminal offense punishable by fine and/or jail time). It also serves as prima facie evidence of non-insurance — meaning the law presumes the employer does not carry workers' compensation insurance. See Cal. Lab. Code § 3550 (<https://callaborlaw.com/blog/new-law-requires-workers-compensation-posters-to-advise-employees-of-right-to-counsel/>).

Important: As of February 27, 2026, AB 1870 has been in effect for over one year. Any employer who has not updated their workplace poster is already in violation.

Part 7: SB 294 — The "Know Your Rights" Act (Effective February 1, 2026)

This part explains a major new law that requires employers to give every worker a separate written notice about their rights.

What SB 294 Requires

Senate Bill 294 (<https://legiscan.com/CA/text/SB294/id/3227443>), known as the Workplace Know Your Rights Act, is codified at Cal. Lab. Code §§ 1550–1559 (<https://legiscan.com/CA/text/SB294/id/3227443>). It requires every California employer to give each current employee a stand-alone written notice (a separate document, not buried in a handbook) explaining the following rights:

- Workers' Compensation Benefits: Your right to disability pay and medical care for work injuries, with contact information for the Division of Workers' Compensation (<https://www.dir.ca.gov/dwc/>)
- Immigration-Related Protections: Your right to advance notice of I-9 inspections, protection against threats to report you to immigration authorities for exercising your rights, and the fact that California labor laws apply to all workers regardless of immigration status
- Union Organizing Rights: Your right to form, join, or assist a union, engage in group action with coworkers for mutual aid, and participate in strikes or other labor actions
- Constitutional Rights: Your rights during interactions with law enforcement at work, including Fourth Amendment protection against unreasonable searches, the right to refuse consent to searches, the Fifth Amendment right to remain silent, and the right to consult an attorney before speaking with police
- Enforcement Agencies: A list of agencies that enforce these rights

See CDF Labor Law, SB 294 Notice Requirements (<https://www.cdflaborlaw.com/blog/workplace-know-your-rights-act-notices-effective-february-1-2026/>); Quarles Law, SB 294 Know Your Rights (<https://www.quarles.com/newsroom/publications/sb-294-know-your-rights>); Littler Mendelson, SB 294 Implementation (<https://www.littler.com/news-analysis/asap/california-workplace-know-your-rights-notice-requirement-effect>).

Language and Delivery Requirements

Your employer must give you this notice in the language your employer normally uses for work-related communications. The Labor Commissioner's template (<https://www.dir.ca.gov/dlse/Know-Your-Rights-Notice/Know-Your-Rights-Notice-English.pdf>) is currently available in English, Spanish, Mandarin, Cantonese, Vietnamese, Korean, Tagalog, Hindi, Punjabi, and Urdu.

The notice must be delivered through the method your employer normally uses to communicate with you — email, text message, in-person, or U.S. mail — and must be reasonably expected to reach you within one business day. See Loeb & Loeb, SB 294 Analysis (<https://www.loeb.com/en/insights/publications/2026/01/california-enacts-new-annual-workplace-rights-notice-requirement>).

Deadlines and Ongoing Obligations

- February 1, 2026: Employers must have given the notice to all current employees (this deadline has passed)
- Ongoing: Employers must give the notice to each new employee at the time of hire
- Annually: Employers must give the notice again each year to all employees
- Recordkeeping: Employers must keep records for three years showing when each employee received the notice

Anti-Retaliation Protections

Cal. Lab. Code § 1557 (<https://legiscan.com/CA/text/SB294/id/3227443>) makes it illegal for your employer to fire, threaten, demote, suspend, or discriminate against you for exercising your rights under SB 294, filing a complaint with the Labor Commissioner, or cooperating in an investigation.

Penalties for Violations

The California Labor Commissioner can impose civil penalties of up to \$500 per employee for each violation. Public prosecutors may also bring enforcement actions. See Cal. Lab. Code § 1558 (<https://legiscan.com/CA/text/SB294/id/3227443>).

Critical: As of February 27, 2026, the initial deadline has passed. An employer with 100 workers who has not provided the notice faces up to \$50,000 in potential penalties.

Part 8: Emergency Contact Designation (Deadline: March 30, 2026)

SB 294 includes a separate requirement for emergency contacts that has its own deadline and higher penalties.

What This Requirement Involves

Under Cal. Lab. Code § 1555 (<https://legiscan.com/CA/text/SB294/id/3227443>), by March 30, 2026, employers must:

1. Give every employee the opportunity to name an emergency contact — a person who should be notified if the employee is arrested or detained
2. Ask each employee whether they want the emergency contact notified in case of arrest or detention
3. Store this information securely
4. Train supervisors on notification procedures

When Notification Is Required

If an employee has designated an emergency contact and requested notification, the employer must notify that contact if:

- The employee is arrested or detained at the worksite, OR
- The arrest or detention occurs during work hours or while performing job duties (not on-site), and the employer has actual knowledge of it

Penalties for Violations

Violations of the emergency contact notification requirement result in penalties of up to \$500 per employee per day, with a maximum of \$10,000 per employee. See Cal. Lab. Code § 1558 (<https://legiscan.com/CA/text/SB294/id/3227443>); Quarles Law, SB 294 Know Your Rights (<https://www.quarles.com/newsroom/publications/sb-294-know-your-rights>).

Important: The March 30, 2026 deadline is approximately 31 days away. Employers should begin implementing these procedures immediately.

Part 9: Deadlines and Compliance Checklist

This part summarizes all current deadlines and provides a step-by-step checklist.

Critical Deadlines

Deadline	Requirement	Status (Feb. 27, 2026)
January 1, 2025	Update workplace poster to include AB 1870 attorney notice	Over 1 year past — verify compliance
February 1, 2026	Give SB 294 "Know Your Rights" notice to all current employees	26 days past — act immediately
March 30, 2026	Implement emergency contact designation procedures	31 days away — begin now
February 1, 2027	First annual renewal of SB 294 notice	Plan ahead

Compliance Checklist for Employers

Immediate Actions (This Week):

- Verify workplace posters include the AB 1870 attorney notice language
- Download the SB 294 template notice from the Labor Commissioner's website (<https://www.dir.ca.gov/dlse/Know-Your-Rights-Notice/Know-Your-Rights-Notice-English.pdf>)
- Identify all languages spoken by your workers and obtain the template in those languages
- Prepare a distribution plan using your normal workplace communication method

By March 7, 2026:

- Distribute the "Know Your Rights" notice to ALL current employees
- Document the date, time, and method of distribution for each employee
- Begin collecting emergency contact designations from employees

By March 30, 2026:

- Complete emergency contact designations for all employees
- Develop written procedures for emergency contact notification
- Train all supervisors on the notification protocol

Ongoing:

- Give the notice to every new employee upon hire
- Provide annual renewal notices (target February 1 each year)
- Keep distribution records for three years
- Update the notice when the Labor Commissioner identifies new legal developments

Part 10: Penalties and Risk Assessment

This part explains the financial and legal consequences of failing to comply with notice requirements.

SB 294 Penalty Exposure

Employers who have not given the "Know Your Rights" notice face civil penalties of up to \$500 per employee for each violation under Cal. Lab. Code § 1558 (<https://legiscan.com/CA/text/SB294/id/3227443>). Emergency contact notification violations carry penalties of up to \$500 per employee per day, capped at \$10,000 per employee.

Employer Size	Potential SB 294 Notice Penalty	Emergency Contact Penalty (Per Employee Max)
50 employees	Up to \$25,000	Up to \$10,000 each
100 employees	Up to \$50,000	Up to \$10,000 each
300 employees	Up to \$150,000	Up to \$10,000 each

AB 1870 Consequences

Under Cal. Lab. Code § 3550 (<https://callaborlaw.com/blog/new-law-requires-workers-compensation-posters-to-advise-employees-of-right-to-counsel/>), failing to post the updated notice is a misdemeanor and creates a legal presumption that the employer does not carry workers' compensation insurance. This can lead to criminal charges, fines, and full liability for workers' compensation benefits as if insurance had been in place.

DWC-1 and Reporting Failures

Employers who fail to provide the DWC-1 form within one working day or fail to file Form 5020 within five days face penalties, interest on delayed benefits, and weakened credibility in WCAB proceedings. See Cal. Lab. Code § 5401 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5401/>); Form 5020 (<https://www.dir.ca.gov/dosh/doshreg/form5020.pdf>).

Risk for Injured Workers

If you are an injured worker and your employer argues that your notice was late or defective:

- Remember that late notice is an affirmative defense — the employer must prove it, not you
- The employer must also prove actual prejudice under Cal. Lab. Code § 5403 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5403/>)
- If the employer already knew about your injury, the notice requirement is satisfied under Cal. Lab. Code § 5402 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>)
- Courts must resolve doubts in your favor under Cal. Lab. Code § 3202 (<https://employeesfirstlaborlaw.com/labor-code-%C2%A73202-liberal-construction-in-workers-compensation/>)

Part 11: Cumulative Trauma Injuries — Special Rules

If your injury developed slowly over time from repetitive work, special rules apply to when you must give notice.

What Is a Cumulative Trauma Injury?

A cumulative trauma injury is an injury caused by repeated work activities over time, rather than a single accident. Examples include carpal tunnel syndrome from repetitive typing, back problems from years of heavy lifting, or hearing loss from prolonged noise exposure. See CWILC, Cumulative Trauma Injury (<https://cwilc.com/workers-compensation/occupational-injury/cumulative-trauma/>).

When the 30-Day Clock Starts

Under Cal. Lab. Code § 5412 (<https://www.rjylaw.com/california-workers-compensation-defense-cumulative-trauma-and-the-statute-of-limitations/>), the date of injury for cumulative trauma is the date you first experienced a disability AND you either knew or reasonably should have known that the disability was caused by your work. Courts have generally held that you are not expected to know about a cumulative trauma injury until a doctor tells you the condition is work-related.

This means:

- If you have had back pain for months but no doctor has told you it is related to your work, the 30-day clock may not have started yet
- Once a doctor informs you that your condition was likely caused or made worse by your work activities, the 30-day notice period begins
- You should give written notice to your employer as soon as you learn the connection between your condition and your work

Part 12: Protecting Your Rights — Preserving Evidence

Whether you are an injured worker or an employer, keeping good records about notice and injury reporting is essential.

For Injured Workers

You should preserve every piece of evidence showing you told your employer about your injury:

- Save copies of emails, text messages, or letters you sent about your injury
- Write down the dates of any verbal conversations about your injury (who you spoke with, what you said, what they said)
- Keep all medical records, especially any where a doctor discusses a work-related cause
- Save any evidence that your employer already knew about your injury (such as modified work duties, accident reports, or supervisor observations)
- Document whether the employer gave you the DWC-1 claim form and when

For Employers

You should preserve all records related to when you learned of an injury and what actions you took:

- Document when you first learned of each injury and from what source
- Keep copies of DWC-1 forms with dates showing when they were provided
- Retain copies of Form 5020 filings with dates
- Preserve records of investigations conducted after learning of injuries
- Maintain documentation of SB 294 and AB 1870 compliance (distribution records, posting photos, training records)

Key Points for Appeals

If a notice dispute goes to the WCAB or an appellate court:

- Informal notice can satisfy the statutory requirement when the employer gained actual knowledge
- The substantial compliance doctrine under Cal. Lab. Code § 5403 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5403/>) means mere defects do not bar recovery
- Equitable tolling may apply in narrow circumstances, as recognized in *City of Salinas v. Workers' Comp. Appeals Bd.* (2025) (<https://law.justia.com/cases/california/court-of-appeal/2025/h052062.html>)
- Estoppel may prevent the employer from asserting a notice defense if the employer's conduct caused the delay

Note: For help with your workers' compensation claim or compliance questions, the Department of Industrial Relations (<https://www.dir.ca.gov/dwc/>) provides free information and assistance officers who can answer questions about your rights.

References

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LEGAL RESEARCH REPORT

**INFORMING THE EMPLOYER OF WORK
INJURY**

(PART-B LEGAL ANALYSIS)

Generated by: Legal AI Assistant

Facilitated by: The Law Offices of Fernando Hidalgo, Inc.

February 27, 2026

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COMPREHENSIVE LEGAL RESEARCH REPORT

California Workers' Compensation Notification Requirements: Employee Notice, Employer Reporting, and Statutory Compliance Framework

Generated by: Legal AI Assistant | Facilitated by: The Law Offices of Fernando Hidalgo, Inc. | February 27, 2026

TABLE OF CONTENTS

I. Cover Page and Executive Summary II. Legal Framework: Statutory Authorities and Regulatory Architecture III. Current Legal Landscape: Recent Developments and Legislative Changes IV. Notice Adequacy Standards: Case Law and Practical Application V. Statutory Bar Consequences and Equitable Exceptions VI. Assembly Bill 1870 Implementation: Expanded Posting Requirements VII. Senate Bill 294 "Know Your Rights" Act: Post-February 1, 2026 Obligations VIII. Employer Reporting and DWC-1 Form Requirements IX. Strategic Analysis: Employer Compliance Framework X. San Francisco-Specific Implementation Considerations XI. Temporal Deadlines and Compliance Checklist XII. Risk Assessment and Liability Exposure XIII. Practical Implementation and Procedure Roadmap XIV. Preservation and Appellate Strategy XV. Appendices and Complete Source Citations

EXECUTIVE SUMMARY

California's workers' compensation notification framework comprises multiple overlapping statutory regimes governing when employees must inform employers of work injuries, when employers must report to regulatory agencies, and what written notices employers must provide to workers and government entities. As of February 27, 2026, this framework includes traditional Labor Code sections 5400-5403 (the 30-day notice requirement), Assembly Bill 1870 amendments to Labor Code section 3550 (expanded posting requirements, effective January 1, 2025), and Senate Bill 294's new "Workplace Know Your Rights Act" (sections 1550-1559, effective February 1, 2026). The intersection of these regimes creates both compliance obligations and strategic opportunities for practitioners.

Key Takeaways for Legal Professionals:

The 30-day employee notice requirement under Labor Code section 5400 remains the foundational trigger for workers' compensation eligibility[1]. However, this requirement is not absolute: equitable doctrines including estoppel, waiver, substantial compliance, and knowledge of the injury may operate to preserve benefits even when formal notice is late or informal[1][2]. Employers who receive actual knowledge of a work injury (whether formal or informal) must provide the DWC-1 claim form within one working day and are deemed to have constructive notice of the injury for purposes of statute of limitations analysis[1][2]. Failure to provide timely formal written notice within 30 days does not automatically bar benefits if the employer was not misled or prejudiced—a fact-intensive inquiry under Labor Code section 5403[1].

Assembly Bill 1870 (effective January 1, 2025) expanded the notice that employers must post at work sites to inform employees of their right to consult a workers' compensation attorney at no cost (fees paid from recovery in most cases)[4][15]. Non-compliance with this expanded notice requirement is now a misdemeanor and constitutes prima facie evidence of non-insurance[4].

Senate Bill 294 (effective February 1, 2026) requires employers to provide employees with annual stand-alone written notices explaining workers' compensation benefits, immigration-related workplace protections, union organizing rights, and Fourth and Fifth Amendment protections in law enforcement interactions[3][14][36]. Employers must provide these notices by February 1, 2026 (now past), and annually thereafter, via communication methods employees normally use for work. Violations trigger civil penalties up to \$500 per employee per violation, or up to \$10,000 per employee per day for emergency contact designation failures[3][14][36].

Risk Assessment: HIGH for employers not yet in compliance with SB 294 notice obligations as of February 27, 2026 (the deadline having passed); MEDIUM for ongoing annual compliance; MEDIUM to HIGH for employers unable to document timely DWC-1 form provision or notice of injury reporting delays.

Strategic Considerations for Legal Professionals:

An injured worker's failure to provide notice within 30 days is NOT a complete bar to benefits-it is an affirmative defense that the employer must plead and prove, with the burden on the employer to demonstrate that the delay caused actual prejudice[4][44]. Late-filed applications may be recharacterized as "new and further disability" claims under Labor Code section 5410 if filed within five years of the original injury, potentially circumventing statute of limitations bars[49]. Contemporaneous medical evidence (even from non-workers' compensation providers), witness statements, or employer acknowledgments of an injury can establish "actual knowledge" of the injury independent of formal written notice[39]. This distinction matters significantly for appeal strategy.

I. COVER PAGE AND EXECUTIVE SUMMARY

California Workers' Compensation Notice Requirements: A Comprehensive Legal Framework for Judicial and Professional Analysis

This report synthesizes California's multi-layered statutory and regulatory framework governing employee notification of work injuries, employer reporting and disclosure obligations, and recent legislative amendments that significantly expanded notice requirements effective January 1, 2025, and February 1, 2026. The analysis integrates binding statutory authority, controlling appellate precedent, WCAB decisional law, and regulatory guidance to provide judicial officers and legal practitioners with a comprehensive understanding of notice adequacy standards, statutory bar consequences, equitable exceptions, and current compliance obligations as they exist on February 27, 2026.

Key Findings:

The California workers' compensation notice regime operates on three distinct timelines, each with independent consequences and defenses. First, employees must provide written notice of a work injury to their employers within 30 days of the date of injury or the date they knew or should have known the injury was work-related[1][44]. Second, employers who receive notice must provide the injured worker with a DWC-1 claim form within one working day[1][2]. Third, employers must report occupational injuries to the Division of Workers' Compensation within five days of knowledge[1]. Additionally, employers must ensure workers receive proper notice of their rights through Labor Code section 3550 postings (expanded by AB 1870 as of January 1, 2025) and SB 294's new "Know Your Rights" notices (effective February 1, 2026).

This report addresses the statutory architecture undergirding these notice obligations, the substantial case law interpreting notice adequacy and sufficiency, the marked expansion of notice requirements through AB 1870 and SB 294, practical compliance roadmaps for employers and practitioners, and risk assessment analysis for both institutional compliance and individual case strategy. The report is organized to serve as both a comprehensive reference document and a practical guide for immediate implementation questions.

II. LEGAL FRAMEWORK: STATUTORY AUTHORITIES AND REGULATORY ARCHITECTURE

A. Core Statutory Foundations: Labor Code Sections 5400-5403

Employee Notice Requirement: Labor Code Section 5400

California Labor Code Section 5400 establishes the foundational notice requirement for employees seeking workers' compensation benefits[1][44]. The statute provides that "no claim to recover compensation under this division shall be maintained unless within thirty days after the occurrence of the injury which is claimed to have caused the disability or death, there is served upon the employer notice in writing, signed by the person injured or someone in his behalf, or in case of the death of the person injured, by a dependent or someone in the dependent's behalf." [1][44]

This statutory language creates several distinct legal requirements that must be understood separately. First, notice must be provided within 30 days of "the occurrence of the injury" OR within 30 days of the date the worker "knew or should have known" the injury was work-related[1][2]. For cumulative trauma injuries or occupational diseases, Labor Code section 5412 specifies that the triggering date is "that date upon which the employee first suffered disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment." [1][2][29] Second, the notice must be in writing-verbal notice alone, despite common practice, does not satisfy the statutory requirement[1][2]. Third, the notice must be signed by the injured employee or someone acting on their

behalf[1][44]. This requirement has been interpreted broadly to include notice provided by attorneys, family members, or even medical providers acting as agents of the injured worker[1].

The statute explicitly conditions benefit eligibility on notice compliance: failure to provide timely written notice can result in complete loss of workers' compensation eligibility[1][4][4][44]. However, Labor Code sections 5402 and 5403 provide critical exceptions to this absolute bar[1][4][44].

Employer Knowledge as Equivalent Notice: Labor Code Section 5402

California Labor Code Section 5402 provides that "knowledge of an injury, obtained from any source, on the part of an employer, his or her managing agent, superintendent, foreman, or other person in authority, or knowledge of the assertion of a claim of injury sufficient to afford opportunity to the employer to make an investigation into the facts, is equivalent to service under Section 5400." [1][4][39][44]

This provision operates as a critical exception to the strict 30-day written notice requirement. If an employer gains actual or constructive knowledge of a work-related injury from any source—whether a supervisor witnessing the accident, a coworker reporting the incident, medical records, a hospital notification, or even a rumor confirmed by investigation—that knowledge is deemed equivalent to written notice from the employee[1][4][39][44]. This means the employer cannot claim prejudice from late or informal notice if the employer had independent knowledge of the injury[1][4].

Section 5402 further provides that "if liability is not rejected within 90 days after the date the claim form is filed under Section 5401, the injury shall be presumed compensable under this division." [1][8] This creates a presumption of compensability once a claim form is properly filed, shifting the burden to the employer to affirmatively reject the claim within 90 days or face the presumption that the injury is work-related and the employer is liable for benefits[1][8][63]. The presumption is "rebuttable only by evidence discovered subsequent to the 90-day period." [1]

Additionally, Section 5402(c) imposes a critical obligation: "Within one working day after an employee files a claim form under Section 5401, the employer shall authorize the provision of all treatment, consistent with Section 5307.27, for the alleged injury and shall continue to provide the treatment until the date that liability for the claim is accepted or rejected." [8] The employer's liability for medical treatment is limited to ten thousand dollars (\$10,000) until liability is formally accepted or rejected[8][20][23].

Substantial Compliance and Prejudice Exception: Labor Code Section 5403

California Labor Code Section 5403 provides a crucial equitable exception: "The failure to give notice under section 5400, or any defect or inaccuracy in a notice is not a bar to recovery under this division if it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced by such failure." [9][9]

This statute operationalizes the doctrine of substantial compliance in workers' compensation law. Even if notice is late, informal, or contains inaccuracies, the injured worker may still recover benefits if the employer cannot prove that it was actually prejudiced by the notice failure[9][9]. Prejudice in this context means demonstrable harm to the employer's ability to investigate the claim, such as loss of evidence, unavailability of witnesses, or inability to contest the injury's causation due to the delay[1][4]. The burden falls on the employer to prove both that notice was defective AND that the employer was prejudiced by the defect[9][9].

This provision reflects California's long-standing policy of liberally construing workers' compensation statutes in favor of injured workers[26][56]. Labor Code section 3202 mandates that "the provisions of this division and Division 4 shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment." [26] This liberal construction principle operates throughout notice analysis, requiring courts and the WCAB to resolve ambiguities about notice adequacy, timeliness, and formality in favor of the injured worker[26][56].

Cumulative Trauma and Date of Injury: Labor Code Section 5412

Labor Code Section 5412 addresses the critical question of when the 30-day notice period begins in cumulative trauma or occupational disease cases[1][27][29][32]. The statute provides: "The date of injury in cases of occupational diseases or cumulative injuries is that date upon which the employee first suffered

disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment."¹²⁷²⁹³²

This provision introduces a subjective-objective standard: the date of injury is when the worker either actually knew or reasonably should have known (in the exercise of reasonable diligence) that the condition was caused by work¹²⁷²⁹³². Courts and the WCAB have held that medical advice is critical to this determination: once a physician informs a worker that a condition is work-related or was likely caused or aggravated by work activities, the clock begins running on the 30-day notice requirement¹³². Prior to receiving medical advice, a worker is generally not charged with knowledge of a cumulative trauma injury¹³².

This creates a practical distinction: for specific injuries (e.g., a fall resulting in an acute fracture), the date of injury is generally clear and the 30-day period begins immediately¹. For cumulative trauma (e.g., carpal tunnel syndrome from repetitive work, or a back condition from years of heavy lifting), the date of injury is determined individually for each worker based on when they knew or should have known of the work-relatedness¹²⁷²⁹³².

B. Employer Reporting Obligations: Labor Code Sections 5401-5402

DWC-1 Claim Form Provision: Labor Code Section 5401

California Labor Code Section 5401 imposes obligations on employers upon receiving notice of an injury. The statute provides that "within one working day of receiving notice or knowledge of injury under Section 5400 or 5402, which injury results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment beyond first aid, the employer shall provide, personally or by first-class mail, a claim form and a notice of potential eligibility for benefits under this division to the injured employee."¹⁸²⁰²³

This provision creates a critical procedural safeguard: the employer must provide the injured worker with the official DWC-1 Claim Form (Workers' Compensation Claim Form) within one working day of becoming aware of an injury that causes lost work time or requires medical treatment beyond first aid¹²⁰²³⁴⁸⁴⁸. The claim form includes a "Notice of Potential Eligibility" cover sheet that informs workers of the types of benefits they may receive, their rights to medical care, and contact information for information and assistance officers²³⁴⁸⁴⁸.

The trigger for this obligation is either formal written notice from the employee under section 5400 or employer knowledge from any source under section 5402¹⁸. This means even if an employee has not submitted a formal written notice, if the employer learns of the injury through any means (supervisor observation, hospital notification, coworker report), the employer must provide the DWC-1 form within one working day¹⁸.

Critically, the DWC-1 form provision is conditional: the employer is only required to provide the form if the injury "results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment beyond first aid."¹⁸ If an injury requires only first aid treatment (defined in Section 5401 as one-time treatment and follow-up visits for observation of minor scratches, cuts, burns, or similar minor injuries), then the employer need not provide a DWC-1 form¹⁸¹¹²³. However, once an injury is reported and the form is provided, the employer must authorize medical treatment up to \$10,000 while the claim is being investigated⁸.

Employer's Five-Day Reporting to Division of Workers' Compensation

Employers are required to file Form 5020 (Employer's Report of Occupational Injury or Illness) with the Division of Workers' Compensation within five days of knowledge of an injury resulting in lost time or medical treatment beyond first aid¹³⁰³⁰. This separate obligation from the DWC-1 form provision requires employers to notify the state regulatory agency of work injuries, enabling the Division to track occupational injuries and enforce workers' compensation insurance requirements¹³⁰.

Failure to file this report subjects employers to civil penalties. The penalties vary based on the nature and severity of the violation but can range from \$500 to several thousand dollars per violation⁴⁰. Repeated failures to report may result in increased penalties and potential regulatory action¹³⁰⁴⁰.

C. Assembly Bill 1870: Expanded Posting Requirements (Effective January 1, 2025)

Labor Code Section 3550 Amendment

Assembly Bill 1870, signed into law on July 15, 2024, and effective January 1, 2025, amended Labor Code section 3550 to expand the notice that employers must post regarding workers' compensation rights[4][12][15][15]. Prior to AB 1870, employers were required to post notices explaining how to obtain emergency medical treatment, what events and injuries are covered, the right to medical care, physician selection rights, temporary and permanent disability benefits, to whom injuries should be reported, time limits for employer notification, antidiscrimination protections, and information resources[4][15][15].

AB 1870 added a new required element to this notice: "The injured employee may consult a licensed attorney to advise them of their rights under workers' compensation laws. In most instances, attorney's fees will be paid from an injured employee's recovery." [4][12][15][15] This amendment reflects legislative intent to inform workers of their right to counsel and the fact that attorney representation is typically funded through the recovery itself, not requiring out-of-pocket payment from the worker[4][12][15].

Compliance and Consequences

The AB 1870 amendment requires that these expanded notices be posted conspicuously in both English and Spanish (where Spanish-speaking employees work)[4][15][15]. The Department of Workers' Compensation Administrative Director provides a template notice that employers may use to comply[4][15][15]. Failure to maintain the required notice conspicuously posted constitutes a misdemeanor and constitutes prima facie evidence of non-insurance (i.e., failure to carry required workers' compensation coverage)[4][15][15].

As of February 27, 2026, employers who have not yet updated their postings to comply with AB 1870 are now in violation of the requirement, having had more than one year since the effective date to make the necessary changes[4][12][15][15].

D. Senate Bill 294: Workplace Know Your Rights Act (Effective February 1, 2026)

Statutory Framework: Labor Code Sections 1550-1559

Senate Bill 294, signed on October 12, 2025, established the "Workplace Know Your Rights Act," codified in Labor Code sections 1550-1559, effective February 1, 2026[13][14][17][22]. This legislation represents a significant expansion of employer notice obligations beyond the traditional workers' compensation realm, encompassing workers' rights related to wages, immigration status, union organizing, and constitutional protections in law enforcement interactions.

Notice Content Requirements:

Labor Code section 1553(a) requires that employers provide a stand-alone written notice to each current employee within 30 days after the Labor Commissioner posts the template notice on its website (posted January 1, 2026), and annually thereafter[13][14][17][22][14]. The notice must be provided to each new employee upon hire[13][14][17][22]. The notice must clearly explain workers' rights related to the following categories[13][14][17][22][13]:

Workers' Compensation Benefits: The right to workers' compensation benefits, including disability pay and medical care for work-related injuries or illness, with contact information for the Division of Workers' Compensation[13][14][17][22][13]

Immigration-Related Protections: A summary of employee rights to immigration inspection notices (e.g., notice that an employer has received notice of an I-9 inspection) and protections against unfair immigration-related practices (e.g., threats to report to immigration authorities in retaliation for asserting rights)[13][14][17][22][13]

Union Organizing Rights: The right to union organizing and concerted activity for mutual aid or protection[13][14][17][22][13]

Constitutional Rights: Constitutional rights during interactions with law enforcement at the workplace, including Fourth Amendment protections against unreasonable searches and seizures and Fifth Amendment rights to due process and against self-incrimination[13][14][17][22][13]

New Legal Developments: New legal developments under laws enforced by the Labor and Workforce Development Agency[13][14][17][22][13]

Enforcement Agencies: A list of enforcement agencies responsible for enforcing the rights described in the notice[13][14][17][22][13]

Language Requirements:

Labor Code section 1553(b) requires that the notice be provided in the language the employer normally uses to communicate employment-related information to the employee, if the template notice is available in that language on the Labor Commissioner's website[13][14][17][22][14]. If not available in that language, the notice may be provided in English[13][14][17][22]. The Labor Commissioner has released template notices in English, Spanish, Mandarin, Cantonese, Vietnamese, Korean, Tagalog, Hindi, Punjabi, and Urdu, with plans for additional languages[13][14][17][22][13][36][24].

Delivery Methods:

The notice must be sent by the employer's regular communication method with employees (email, text, in-person communication) if reasonably expected to be received within one business day of sending[13][14][17][22][24][36][24][14]. The notice is a standalone document, not embedded within employee handbooks or other materials[13][14][17][22].

Recordkeeping:

Employers must keep records for three years documenting when each notice was provided to each employee[13][14][17][22][13].

Emergency Contact Designation (Labor Code Section 1555)

In addition to the stand-alone written notice, Labor Code section 1555 imposes emergency contact designation procedures[13][14][17][22]. By March 30, 2026, employers must allow employees to designate an emergency contact who should be notified if the employee is arrested or detained[13][14][17][22][13]. If an employee has designated an emergency contact and requested notification, the employer must notify that contact if[13][14][17][22][13]:

The employee is arrested or detained on the worksite, OR

The arrest or detention occurs during work hours or while performing job duties (but not on-site), if the employer has actual knowledge of the arrest or detention

Employers must develop procedures and train supervisors on when and how to make these notifications[13][14][17][22].

Anti-Retaliation Provisions and Enforcement (Labor Code Sections 1557-1558)

Labor Code section 1557 prohibits employers from retaliating against employees for exercising rights under SB 294[13][14][17][22][14]. Specifically, employers may not discharge, threaten, demote, suspend, or discriminate against an employee for[13][14][17][22][14]:

Exercising or attempting to exercise their rights under this part

Filing a complaint with the Labor Commissioner

Cooperating in an investigation or prosecution

Taking any action to invoke or assist in enforcement

Labor Code section 1558 authorizes the California Labor Commissioner to enforce SB 294 through investigation, administrative citation, and civil penalties[13][14][17][22][14]. Violations trigger civil penalties of up to \$500 per employee for each violation[13][14][17][22][14]. However, violations of the emergency contact notification requirement result in penalties of up to \$500 per employee per day, with a maximum of \$10,000 per employee[13][14][17][22][14]. Public prosecutors may also enforce the statute[13][14][17][22][14].

III. CURRENT LEGAL LANDSCAPE: RECENT DEVELOPMENTS AND FEBRUARY 1, 2026 IMPLEMENTATION

A. AB 1870 Implementation Status (Post-January 1, 2025)

As of February 27, 2026, AB 1870 has been in effect for more than one year[4][12][15][15]. All California employers subject to the workers' compensation system should have updated their workplace postings to include the new notice regarding employees' right to consult an attorney at no cost to the worker[4][12][15][15]. Employers who have not yet made this update are in violation of Labor Code section 3550 and face potential misdemeanor charges and prima facie evidence of non-insurance[4][15][15].

Department of Workers' Compensation Template Notice:

The Division of Workers' Compensation has provided an updated template notice that includes the new attorney consultation language[4][15][15]. Employers may use this template, obtain notices from their insurance carriers, or draft their own notices provided the content is approved by the DWC Administrative Director[4][15][15].

B. SB 294 "Know Your Rights" Notice Requirement: February 1, 2026 Implementation and Current Status

Senate Bill 294 became effective on January 1, 2026, but the notice requirement took effect on February 1, 2026[13][14][17][22][37]. As of February 27, 2026, employers are now in their initial compliance period, with the February 1, 2026 deadline having passed approximately 26 days ago[13][14][17][22].

Template Notice Release and Availability

The California Labor Commissioner released template notices in multiple languages on or before January 1, 2026 (the statutory requirement), enabling employers to comply with the February 1, 2026 deadline[13][14][17][22][13]. The template is available on the Department of Industrial Relations website[13][14][17][22][13]. Template notices are currently available in English, Spanish, Mandarin, Cantonese, Vietnamese, Korean, Tagalog, Hindi, Punjabi, and Urdu[13][14][17][22][13][36][24].

Employer Compliance Status and Risk Exposure

As of February 27, 2026, all California employers have now missed the initial February 1, 2026 deadline[13][14][17][22][37]. Employers who have not yet provided the stand-alone "Know Your Rights" notice to all current employees are subject to civil penalties of up to \$500 per employee for each violation[13][14][17][22]. An employer with 100 employees who has not provided the notice faces potential exposure of \$50,000 in penalties[13][14][17].

The Labor Commissioner's Office is likely beginning enforcement efforts as of this date, with issuance of citations expected to commence in the coming weeks or months[13][14][17][22]. Employers should treat February 27, 2026 as a critical juncture at which immediate compliance action becomes urgent to minimize penalty exposure.

Emergency Contact Designation Deadline (March 30, 2026)

A secondary deadline under SB 294 is March 30, 2026, by which employers must have allowed employees to designate emergency contacts to be notified in case of arrest or detention[13][14][17][22][13]. This deadline is 31 days away from the current date. Employers should immediately implement procedures to collect emergency contact designations from all employees and train supervisors on notification protocols[13][14][17][22][13].

Annual Notice Requirement (Ongoing after February 1, 2026)

After the initial February 1, 2026 deadline, employers must provide the "Know Your Rights" notice annually thereafter and to each new employee upon hire[13][14][17][22]. This creates an ongoing compliance obligation distinct from traditional workers' compensation notice requirements[13][14][17][22].

C. Utilization Review Regulatory Changes (Effective April 1, 2026)

While not directly related to notice requirements, the Division of Workers' Compensation announced new utilization review (UR) regulations effective April 1, 2026, approved by the Office of Administrative Law on

December 30, 2025[35]. These regulations implement Senate Bill 1160 (exempting treatment within the first 30 days of injury from UR requirements) and Assembly Bill 1124 (protecting certain drugs on the formulary from UR denial). These regulatory changes may affect the timing and content of notices regarding treatment authorization and denial[35].

IV. NOTICE ADEQUACY STANDARDS: CASE LAW AND PRACTICAL APPLICATION

A. What Constitutes "Notice" Under Labor Code Section 5400

California appellate courts and the WCAB have interpreted the requirement for "notice in writing" under Labor Code section 5400 broadly to encompass various forms of written communication, not merely formal letters or official claim forms. The courts recognize that the purpose of the statute is to alert the employer to the injury so the employer can investigate and protect its interests, not to create technical traps for injured workers[1][2][4][4].

Forms of Written Notice Sufficient Under Section 5400

Written notice satisfying Labor Code section 5400 may take multiple forms, including[1][2][4][4][20]:

DWC-1 Claim Form: The official workers' compensation claim form filed with the employer

Email Communications: Email messages to the employer, supervisor, or human resources describing the work injury

Text Messages: Text messages describing the injury (though less ideal due to character limitations and potential evidential challenges)

Written Letters or Memos: Formal letters or informal memos to the employer or supervisor

Medical Records with Employer Knowledge: Medical records submitted to the employer indicating a work injury

Incident Reports: Formal or informal incident reports completed at the worksite

Communications to Supervisors or HR: Written notices to any management-level employee who might reasonably be expected to transmit the information to decision-makers

The critical element is that the written communication must clearly identify the employee, date the communication, and reasonably indicate that a work-related injury or illness has occurred[1][2][4][20].

What Written Notice Must Contain: Specificity Standards

Courts and the WCAB have found that written notice need not be detailed or comprehensive to satisfy section 5400, but it must contain sufficient information to put the employer on notice that a work-related injury has occurred[1][2][4]. The notice does not need to include[1][2][4]:

A detailed medical diagnosis

Identification of all body parts affected

Identification of all causative factors

A complete description of the accident

Medical records or physician reports

Identification of witnesses

Statement of lost work time

However, the notice must at least convey[1][2][4]:

The identity of the injured worker

A general indication of the date of the injury or symptom onset

A general description of the injury or condition (e.g., "back pain," "hand injury," "respiratory illness")

A statement that the condition is believed to be work-related or caused by a workplace activity or exposure

Informal Notice and the "Actual Knowledge" Standard

The WCAB and appellate courts have held that once an employer has "actual knowledge" of an injury from any source-whether the employee, coworkers, medical providers, or independent investigation-that knowledge constitutes notice equivalent to formal written notice[1][2][4][39][44]. This doctrine has been applied even where the employer obtained knowledge through informal means, such as[1][2][4][39][44]:

A supervisor witnessing a workplace accident and observing obvious injury

A coworker reporting that an employee was injured

Medical provider contacting the employer about a work-related injury

Hospital notification of an employee's admission for a workplace injury

Employer receipt of a medical provider's report regarding a work-related injury

Critical Case Law:

In *Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd.* (1985), 39 Cal.3d 57, the California Supreme Court addressed when an employer's failure to notify an injured employee of workers' compensation rights tolls the statute of limitations[39][42]. The Court held that if the employer breaches its duty to notify an employee of workers' compensation rights, and the employee remains unaware of those rights, the statute of limitations is tolled until the employee gains actual knowledge of workers' compensation rights[39][42]. This principle, while focused on notification duties rather than injury notice, establishes the broader framework that employers cannot benefit from their own silence or concealment regarding workers' compensation issues.

In *City of Salinas v. Workers' Comp. Appeals Bd.* (2025), a recent California Court of Appeal decision, the Court addressed whether equitable tolling applies to mandatory statutory deadlines in workers' compensation appeals[21][21]. While the case focused on appeal deadlines rather than notice requirements, the Court's reasoning is instructive: the Court held that narrow equitable tolling may apply when an applicant has acted diligently and was misled by administrative delay outside their control[21][21]. This suggests that strict statutory deadlines, while mandatory, may be subject to equitable exceptions in narrow circumstances.

In *Honeywell v. WCAB* (2005), 35 Cal.4th 24, the California Supreme Court held that the trigger for an employer's duty to provide the DWC-1 claim form is "actual knowledge" of an industrial injury-not what an employer "should have known"-and not mere speculation that an injury might have occurred[34]. This distinction is crucial: an employer is not obligated to speculate about whether a health condition is work-related or provide a claim form based on general complaints about work stress or generic health problems not connected to a specific workplace incident or occupational exposure[34].

B. Cumulative Trauma and the "Knowledge" Standard

For cumulative trauma or occupational disease injuries, the sufficiency of notice is judged against the worker's knowledge or should-have-known standard[1][27][29][32]. Under Labor Code section 5412, notice is timely if provided within 30 days of the date the worker "knew, or in the exercise of reasonable diligence should have known" that the disability was caused by employment[1][27][29][32].

Courts and the WCAB have held that a worker is not expected to know about a cumulative trauma injury until a medical professional informs them that the condition is likely work-related[1][32][63]. Simply working in a job that involved repetitive motions, heavy lifting, or other occupational stressors does not trigger the notice requirement unless and until the worker either experiences disabling symptoms or receives medical advice that those activities contributed to the condition[1][32][63].

V. STATUTORY BAR CONSEQUENCES AND EQUITABLE EXCEPTIONS

A. The Statutory Bar: Labor Code Section 5400's Absolute Requirement

Labor Code section 5400 states unambiguously that no workers' compensation claim may be maintained unless written notice is provided within 30 days[1][44]. This creates what appears to be an absolute bar to claims filed late or without proper notice[1][44]. However, this appearance of absolute prohibition is substantially modified by sections 5402 and 5403, which carve out significant exceptions[1][4][44].

Employer's Actual or Constructive Knowledge Exception

If the employer has actual knowledge of the injury from any source, or if the employer's managing agent, superintendent, foreman, or other person in authority has such knowledge, that knowledge is equivalent to written notice from the employee[1][4][39][44]. This means the 30-day written notice requirement is satisfied even if the employee never formally notifies the employer, provided the employer learned of the injury through reliable means[1][4][39][44].

The critical question in many cases becomes: when did the employer actually know of the injury, and from what source? Employers sometimes argue they had no knowledge or only speculative knowledge of an injury, while injured workers argue that the employer must have known based on circumstances (employer-provided medical treatment, modified work duties, absence from work, accident investigations)[1][2][4][4].

Substantial Compliance and Absence of Prejudice (Section 5403)

Even if notice is late, informal, or contains inaccuracies, Labor Code section 5403 provides that this is not a bar to recovery if "it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced by such failure." [9][9][44]

This provision requires a fact-intensive inquiry into whether the employer's interests were actually harmed by the notice failure. Relevant factors include[1][4][9][9]:

Timeliness of Investigation: Whether the employer had adequate time to investigate the injury despite the late notice

Evidence Availability: Whether evidence regarding the injury or accident became unavailable due to the delay

Witness Availability: Whether witnesses became unavailable or their memories degraded due to the delay

Causation Dispute: Whether the delay hindered the employer's ability to dispute causation or injury veracity

Procedural Prejudice: Whether the delay caused procedural harm such as inability to conduct initial medical evaluation or safety investigation

Employer Conduct: Whether the employer or its agents encouraged or contributed to the delayed notice

Courts and the WCAB emphasize that the burden falls on the employer to prove both the notice defect AND resulting prejudice[1][4][9][9]. The mere fact that notice was late does not automatically establish prejudice; the employer must demonstrate concrete harm flowing from the delay[1][4][9][9].

B. Equitable Tolling and Estoppel Doctrines

Beyond the statutory exceptions in sections 5402 and 5403, California courts have recognized that equitable doctrines may apply to preserve workers' compensation rights despite notice failures under limited circumstances[21][21][39].

Equitable Tolling

Equitable tolling may apply to statutory deadlines in workers' compensation cases when an applicant has acted with diligence and been misled or hindered by circumstances outside their control[21][21][39]. The City of Salinas v. Workers' Comp. Appeals Bd. (2025) decision suggests that narrow equitable tolling exceptions may apply even to otherwise mandatory statutory deadlines when the circumstances warrant such relief[21][21].

However, equitable tolling is narrowly construed in workers' compensation law and is not commonly applied to notice requirements[21][21]. The doctrine applies only when[21][21]:

The applicant has acted diligently throughout the relevant period

The applicant was not aware (or should not have been aware) of the necessity to take the action within the deadline

The applicant was misled or prevented from meeting the deadline by circumstances outside their control

Allowing the deadline to pass would work substantial injustice on the applicant

Estoppel

Estoppel may prevent an employer from asserting a notice defense when the employer has taken action or made representations that induced the employee to delay notice. For example, if [1][2][39]:

The employer told the employee that filing a claim was not necessary

The employer actively discouraged the employee from filing

The employer represented that the injury would be covered without formal notice

The employer provided medical treatment or disability pay, inducing reliance that formal notice was unnecessary

Under these circumstances, estoppel principles may prevent the employer from later asserting the notice requirement as a defense [1][2][39].

C. "New and Further Disability" as Alternative to Statute of Limitations

An important strategic consideration for practitioners is that a late-filed application for adjudication (beyond the one-year statute of limitations in Labor Code section 5405) may sometimes be recharacterized as a "new and further disability" claim under Labor Code section 5410 if the original injury was accepted and the worker has since experienced a worsening or new manifestation [49].

Labor Code section 5410 provides that the WCAB has continuing jurisdiction over its awards and may reopen claims within five years of the date of injury if good cause is shown [18][49]. This provides an alternative avenue to pursue benefits for conditions related to an original work injury even after the one-year statute of limitations has run on an initial application [18][49].

VI. ASSEMBLY BILL 1870 IMPLEMENTATION: EXPANDED POSTING REQUIREMENTS AND COMPLIANCE STATUS

A. AB 1870 Effective Date and Compliance Timeline

Assembly Bill 1870 became effective on January 1, 2025, requiring employers to update their workers' compensation notices to include the new language regarding employees' right to consult an attorney [4][12][15][15]. As of February 27, 2026, this requirement has been in effect for more than one year [4][12][15][15].

B. Required Posting Elements Under AB 1870

The amended Labor Code section 3550 now requires that employers conspicuously post notices containing the following elements [4][12][15][15]:

How to get emergency medical treatment, if needed

The kinds of events, injuries, and illnesses covered by workers' compensation

The injured employee's right to receive medical care

The injured employee may consult a licensed attorney to advise them of their rights under workers' compensation laws. In most instances, attorney's fees will be paid from an injured employee's recovery [NEW ELEMENT ADDED BY AB 1870]

The rights of the employee to select and change the treating physician

The rights of the employee to receive temporary disability indemnity, permanent disability indemnity, supplemental job displacement, and death benefits

To whom injuries should be reported

The existence of time limits for the employer to be notified of an occupational injury

The protections against discrimination provided by Labor Code section 132a

Internet website address and contact information for obtaining further information, including location and phone number of the nearest information and assistance officer

C. Language and Posting Requirements

The notice must be posted in both English and Spanish where Spanish-speaking employees work[4][15][15]. The notice must be posted in a conspicuous location where employees regularly gather, such as a break room, bulletin board, or entrance area[4][15][15].

Employers may use the template provided by the Department of Workers' Compensation, obtain a notice from their insurance carrier, or draft their own notice provided the content is approved by the DWC Administrative Director[4][15][15].

D. Non-Compliance Consequences

Failure to maintain the required notice conspicuously posted constitutes a misdemeanor and constitutes prima facie evidence of non-insurance (failure to carry required workers' compensation coverage)[4][15][15]. The potential consequences include[4][15][15]:

Criminal misdemeanor charges against employer or responsible officers

Prima facie evidence that the employer failed to carry workers' compensation insurance

Potential liability for full workers' compensation benefits as if insurance had been in place

Potential penalty assessments

VII. SENATE BILL 294 "KNOW YOUR RIGHTS" ACT: POST-FEBRUARY 1, 2026 OBLIGATIONS AND COMPLIANCE FRAMEWORK

A. SB 294 Implementation Date and Current Status

Senate Bill 294 took effect on January 1, 2026, but the notice provision became effective on February 1, 2026[13][14][17][22][37]. As of February 27, 2026, the deadline has passed approximately 26 days ago, creating immediate compliance concerns for employers who have not yet provided the required notices[13][14][17][22][37].

B. Template Notice Availability and Content

The Labor Commissioner's Office released template notices on or before January 1, 2026, enabling employers to comply with the February 1 deadline[13][14][17][22]. The template notice is available in multiple languages[13][14][17][22]:

English

Spanish

Mandarin

Cantonese

Vietnamese

Korean

Tagalog

Hindi

Punjabi

Urdu

Additional languages may be added by the Labor Commissioner[13][14][17][22].

Required Content: Workers' Compensation Information

The SB 294 template notice must include information about workers' compensation benefits, specifically addressing[13][14][17][22][13]:

The right to workers' compensation benefits for work-related injuries or illnesses

Types of benefits available, including disability pay and medical care

Contact information for the Division of Workers' Compensation

Procedures for filing a workers' compensation claim

The role of claims administrators

Dispute resolution procedures

This is a significant expansion beyond historical practices where employers provided only general benefit descriptions without detailed procedural guidance[13][14][17][22].

Required Content: Immigration-Related Protections

The notice must summarize workers' rights regarding immigration-related workplace matters[13][14][17][22][13], including:

The right to advance notice of I-9 inspections by immigration authorities

Protections against unfair immigration-related practices (e.g., threats to report to immigration in retaliation for asserting rights)

The fact that these protections apply regardless of immigration status

The fact that labor laws apply to all workers in California regardless of immigration status

Required Content: Union Organizing and Concerted Activity

The notice must explain workers' rights to organize a union and engage in protected concerted activity[13][14][17][22][13], including:

The right to form, join, or assist in organizing a union

The right to engage in concerted activity with coworkers for mutual aid or protection

The right to participate in strikes or other labor actions

Protections against retaliation for union activity or protected concerted activity

Required Content: Constitutional Rights

The notice must inform workers of their constitutional rights in interactions with law enforcement at the workplace[13][14][17][22][13], including:

Fourth Amendment right to be free from unreasonable searches and seizures

Right to refuse consent to police searches of personal property or vehicle

Fifth Amendment right to due process

Right to remain silent and refuse to answer police questions

Right to refuse to allow police to record conversations

Right to consult an attorney before speaking with police

Right to contact a consulate for assistance (particularly relevant to non-citizen workers)

C. Delivery Methods and Timing

Notices must be delivered via methods the employer normally uses for workplace communications, such as [13][14][17][22]:

In-person delivery

Email

Text message

Other electronic communication

U.S. Mail (first-class)

The notice must be reasonably expected to be received within one business day of sending [13][14][17][22]. The notice should not be embedded within employee handbooks or other materials; it must be a standalone document [13][14][17][22].

D. Annual Renewal and New Hire Notices

After the initial February 1, 2026 notification, employers must [13][14][17][22]:

Provide the notice again on an annual basis to all current employees

Provide the notice to each new employee upon hire (or within 30 days of hire)

Provide the notice to employees' authorized representatives upon request

The annual renewal obligation creates an ongoing compliance burden distinct from the initial notice [13][14][17][22].

E. Emergency Contact Designation Procedures (March 30, 2026 Deadline)

Labor Code section 1555 requires that by March 30, 2026, employers implement emergency contact designation procedures [13][14][17][22][13]. Specifically, employers must [13][14][17][22][13]:

Offer each employee the opportunity to name an emergency contact

Request that employees indicate whether they want the emergency contact notified if arrested or detained

Store this information securely and train supervisors on the notification protocol

Notify the designated emergency contact if the employee is arrested or detained on the worksite OR if arrested during work hours while performing job duties (if the employer has actual knowledge)

Employers should implement these procedures immediately to avoid the March 30, 2026 deadline [13][14][17][22][13].

F. Penalties and Enforcement Structure

Violations of SB 294 notice requirements trigger civil penalties of up to \$500 per employee for each violation [13][14][17][22][14]. Violations of the emergency contact notification requirement result in penalties up to \$500 per employee per day, with a maximum of \$10,000 per employee [13][14][17][22][14].

The California Labor Commissioner's Office is authorized to enforce SB 294 through investigation, citation, and civil penalties [13][14][17][22][14]. Public prosecutors may also bring enforcement actions [13][14][17][22][14].

VIII. EMPLOYER REPORTING AND DWC-1 FORM REQUIREMENTS

A. One-Working-Day Requirement for DWC-1 Provision

Once an employer receives written notice of a work injury from an employee, or obtains actual knowledge of an injury from any source, the employer must provide the injured employee with the official DWC-1 Claim

Form within one working day[1][2][8][20][23][48][48]. This is a strict timeline requirement, measured from the employer's date of knowledge, not from a later date[1][2][8][20][23].

What Constitutes "Knowledge" Triggering the One-Working-Day Duty

"Knowledge" for purposes of the DWC-1 provision includes[1][2][8]:

Actual written notice from the employee

Oral notice to a supervisor or management representative

Knowledge that the employer obtained through investigation or independent discovery

Knowledge that any managing agent, superintendent, foreman, or other person in authority obtained

The critical point is that the DWC-1 must be provided within one working day of when the employer becomes aware of the injury[1][2][8][20][23]. If an employer learns of an injury on Monday, the employer must provide the form by close of business on Tuesday[1][2][8].

Exceptions: When DWC-1 Is Not Required

The DWC-1 is only required if the injury "results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment beyond first aid." [1][8][20][23] If an injury is minor and requires only first-aid treatment (one-time treatment plus follow-up for observation, such as cleaning a minor cut or applying ice to a minor bump), the employer need not provide the DWC-1[1][8].

However, once any treatment is required beyond first aid, or once any work time is lost, the employer must provide the DWC-1 within one working day[1][8][20][23].

Employer's Failure to Provide DWC-1: Consequences and Remedies

If an employer fails to provide the DWC-1 within one working day of notice or knowledge, the failure does not automatically bar the workers' compensation claim, but it may trigger[1][2][8]:

Penalties against the employer

Liability for additional benefits (penalties or interest)

Increased likelihood that the WCAB will credit the injured worker's version of events

Potential retaliation claims under Labor Code section 132a

B. Employer's Authorization of Medical Treatment

Once an employee has filed or been provided with a DWC-1 claim form, the employer (or more typically, the insurance carrier serving as claims administrator) must authorize medical treatment within one working day[8][20][23]. The liability for medical treatment is limited to \$10,000 until the claim is formally accepted or rejected[8][20][23]. This \$10,000 authorization operates as a floor (a minimum commitment to cover treatment) not a ceiling (maximum liability is not capped at \$10,000 for the entire workers' compensation case, only for the pre-acceptance/pre-rejection period)[8][20][23].

C. Five-Day Employer Report to Division of Workers' Compensation

Employers must file Form 5020 (Employer's Report of Occupational Injury or Illness) with the Division of Workers' Compensation within five days of knowledge of an injury resulting in lost time or medical treatment beyond first aid[1][30][30]. This separate filing requirement from the DWC-1 provision is critical for the state's occupational safety tracking and workers' compensation enforcement[1][30].

Failure to file Form 5020 within five days subjects employers to civil penalties[1][30][40]. These penalties can accumulate if multiple injuries go unreported[1][30][40].

IX. STRATEGIC ANALYSIS: EMPLOYER COMPLIANCE FRAMEWORK

A. Multi-Layer Compliance Obligations as of February 27, 2026

Employers now face multiple overlapping compliance obligations related to employee notification and workplace notices:

Layer 1: Traditional Notice Obligations (Ongoing)

Accept written notice of work injuries from employees within 30 days of injury

Recognize that actual knowledge of an injury from any source constitutes notice equivalent to written notice

Provide DWC-1 claim forms within one working day of notice or knowledge

Authorize medical treatment within one working day of DWC-1 receipt

Report occupational injuries to the Division of Workers' Compensation within five days

Layer 2: AB 1870 Posting Requirements (As of January 1, 2025)

Maintain updated postings regarding workers' compensation rights

Include notice of employees' right to consult an attorney regarding workers' compensation

Post notices in both English and Spanish where Spanish-speaking employees work

Post notices conspicuously in areas where employees gather

Layer 3: SB 294 "Know Your Rights" Notices (As of February 1, 2026)

Provide stand-alone written notice to all current employees by February 1, 2026 (NOW PAST - employers are in violation if not yet provided)

Include specified content regarding workers' compensation, immigration, union organizing, and constitutional rights

Provide notices in languages the employer normally uses for workplace communications

Provide notices via normal workplace communication methods (email, text, in-person)

Provide annual renewals of the notice going forward

Provide the notice to each new employee upon hire

Keep records for three years documenting when each notice was provided

Layer 4: Emergency Contact Designation (By March 30, 2026)

Allow employees to designate emergency contacts

Train supervisors on notification protocols

Notify designated contacts if employees are arrested or detained

Implement written procedures for this process

B. Risk Assessment: Current Non-Compliance Exposure

As of February 27, 2026, employers who have not complied with SB 294 notice requirements face immediate exposure^{[13][14][17][22]}:

February 1, 2026 Deadline (26 days past): Any employer who has not provided the stand-alone "Know Your Rights" notice to all current employees is in violation

Penalty Exposure: \$500 per employee x number of current employees = significant total exposure (e.g., 100-employee firm faces \$50,000+ in potential penalties)

Labor Commissioner Enforcement: The Labor Commissioner's Office is likely beginning issuance of citations in late February 2026

Public Prosecutor Enforcement: District attorneys and city attorneys may begin enforcement actions

Private Enforcement: No private right of action exists under SB 294, but the Labor Commissioner's penalties are civil (not requiring criminal conviction)

C. Immediate Compliance Actions Required

For employers not yet in compliance, immediate actions include[13][14][17][22]:

This Week (Week of February 23-27, 2026):

Obtain the SB 294 template notice from the Labor Commissioner's website

Translate the notice into languages used at the workplace (if not already available)

Prepare distribution to all current employees via email, text, or other normal workplace communication

Begin emergency contact designation process (even though official deadline is March 30)

Next Week (Beginning February 28, 2026):

Distribute the notice to all current employees

Create documentation showing date, time, and method of distribution for each employee

Collect emergency contact designations from all employees

Develop written procedures for emergency contact notification

Train all supervisors on the emergency contact notification protocol

Begin providing the notice to all new employees at time of hire

By March 30, 2026:

Complete emergency contact designation process for all employees

Document that procedures are in place

Prepare for first annual renewal notice (likely due February 1, 2027)

X. SAN FRANCISCO-SPECIFIC IMPLEMENTATION CONSIDERATIONS

A. San Francisco Local Workforce Requirements

While SB 294 is statewide legislation, the City and County of San Francisco has specific demographics and employment patterns that affect implementation[1][3][16][36][24][13][22]:

Multi-Language Workplace Reality: San Francisco has significant populations speaking Spanish, Mandarin, Cantonese, Vietnamese, Korean, and other languages. Employers must provide notices in all languages their employees use[13][14][17][22][13][36][24][22]. The Labor Commissioner's template is already available in these languages, facilitating compliance[13][14][17][22][13][36][24][22].

Tech Industry and At-Will Employment: San Francisco's large technology sector employs many workers through various arrangements (direct hires, contractors, staffing agencies). Employers must ensure that formal notice reaches all classified employees[13][14][17][22].

Strong Labor Advocacy Community: San Francisco has a robust labor advocacy community and bar associations that monitor employer compliance. Non-compliance is likely to be reported to enforcement authorities[13][14][17][22][22].

B. San Francisco Immigration Court Context

While not directly related to SB 294 notice requirements, it is worth noting that San Francisco's Immigration Court and Asylum Office are significant regional hubs for immigration-related proceedings. This context makes the immigration-related information in SB 294 notices particularly relevant to the San Francisco workforce[3][14][16][36][24][13][22].

C. Northern California Workers' Compensation Appeals Board

The San Francisco-based Workers' Compensation Appeals Board is likely to apply SB 294 notice requirements in adjudicating disputed claims. Employers who fail to provide required notices may face adverse inferences or loss of benefit of the doubt on factual disputes^{[3][13][14][17][22]}.

XI. TEMPORAL DEADLINES AND COMPLIANCE CHECKLIST

A. Critical Deadlines: Current Status and Forward Timeline

| Deadline Date | Requirement | Status as of Feb 27, 2026 | Priority Level |

|---|---|---|---|

| January 1, 2025 | AB 1870 Posting Updated | Completed 13+ months ago | CRITICAL: Ensure compliance |

| February 1, 2026 | SB 294 "Know Your Rights" Notice Distribution | 26 DAYS PAST | CRITICAL-URGENT: Immediate action |

| March 30, 2026 | Emergency Contact Designation | 31 DAYS AWAY | HIGH: Immediate preparation |

| February 1, 2027 | First Annual SB 294 Notice Renewal | ~340 DAYS AWAY | MEDIUM: Plan for annual cycle |

B. Compliance Checklist for Employers

By Today (February 27, 2026):

Verify that all worksite postings include AB 1870 attorney notice (posted January 1, 2025)

Retrieve SB 294 template notice from Labor Commissioner website

Identify languages spoken by employee population

Obtain template notice in all applicable languages

By End of This Week (February 28, 2026):

Translate notice into additional languages if needed

Prepare distribution plan (email, text, in-person, mail)

Identify distribution list with all current employees

Create documentation template to record distribution date/time/method for each employee

By March 7, 2026 (Next Week):

Complete distribution to ALL current employees via normal workplace communication method

Document distribution for each employee

Begin collecting emergency contact designations

Develop written emergency contact notification protocol

By March 30, 2026:

Complete emergency contact designation from all employees

Train all supervisors on notification procedures

Implement written protocol for emergency notifications

Begin providing notice to all new hires upon hire

Ongoing (After February 27, 2026):

Provide notice to each new employee upon hire

- [] Provide annual renewal notice (target: February 1 each year)
- [] Update notice if Labor Commissioner identifies new legal developments
- [] Maintain records for three years showing dates/methods of distribution
- [] Train new supervisors on emergency contact notification

XII. RISK ASSESSMENT AND LIABILITY EXPOSURE

A. Quantifying Penalty Risk Under SB 294

An employer with 100 current employees who has not provided the SB 294 "Know Your Rights" notice faces penalty exposure as follows^{[13][14][17][22]}:

Minimum exposure per violation: \$500 x 100 employees = \$50,000

Aggravated exposure (if intentional/repeated): Penalties may be doubled or tripled by Labor Commissioner discretion

Additional exposure (emergency contact failures): \$500 per employee per day x up to \$10,000 per employee cap

A mid-sized San Francisco employer (300-500 employees) could face \$150,000-\$250,000 in SB 294 penalties alone if not in compliance by March 2026^{[13][14][17][22]}.

B. AB 1870 Non-Compliance Risk

If an employer has not updated its postings to include the AB 1870 attorney notice, the risks include^{[4][12][15][15]}:

Misdemeanor prosecution (punishable by fine and/or jail time)

Prima facie evidence of non-insurance

Workers' Compensation Appeals Board adverse inferences in disputed claims

Potential liability for full workers' compensation benefits as if insurance had been in place

C. Traditional Notice Requirement Risk

Employers who fail to provide DWC-1 claim forms within one working day, or who deny knowledge of injuries despite evidence of knowledge, face^{[1][2][8][20]}:

Penalties for delay in benefits

Increased permanent disability awards

Loss of credibility in WCAB proceedings

Potential retaliation claims under Labor Code section 132a

XIII. PRACTICAL IMPLEMENTATION AND PROCEDURE ROADMAP

A. Step-by-Step Implementation for SB 294 Compliance

Step 1: Immediate Assessment (This Week)

Determine current number of employees

Identify languages spoken in workplace

Review current workplace communication methods (email, text, in-person, mail)

Assess whether current postings include AB 1870 attorney notice

Step 2: Notice Preparation (This Week - Early Next Week)

Access Labor Commissioner template on DI website

Download template in all applicable languages

Confirm content includes all required elements (workers' comp, immigration, union, constitutional rights)

Customize if desired (add company logo, contact information)

Step 3: Distribution Planning (Early Next Week)

Create employee distribution list with email addresses and/or phone numbers

Determine primary distribution method (email recommended for documentation)

Draft distribution communication explaining the notice

Prepare alternative distribution methods for employees without email/text

Step 4: Document System Creation (Early Next Week)

Create spreadsheet or database to track distribution

Columns should include: Employee name, date distributed, time distributed, method of distribution, confirmation of receipt

Prepare to maintain records for three years per Labor Code section 1553

Step 5: Actual Distribution (By March 7, 2026)

Send notice via primary method (usually email) to all current employees

Include explanatory cover communication noting it's a legal requirement

Request employees acknowledge receipt (optional but helpful for documentation)

Follow up with any employees who do not respond within 48 hours

Step 6: Emergency Contact Implementation (By March 30, 2026)

Prepare emergency contact designation form

Distribute form to all employees with explanation

Collect completed forms

Create secure database or filing system

Train all supervisors on the protocol

Step 7: Ongoing Process (Ongoing)

Provide notice to each new employee on first day or within 30 days of hire

Update notice annually (target: February 1 each year)

Update emergency contact information at employee's request

Train new supervisors on procedures

B. Documentation Requirements

Labor Code section 1553 requires employers to maintain records for three years documenting when each notice was provided^{[13][14][17][22]}. Best practices include^{[13][14][17][22]}:

Spreadsheet or Database: Employee name, distribution date, distribution method, time distributed, confirmation of receipt

Email Records: Retain copies of all notice distributions sent via email

Text Message Records: Document text messages sent (if using text)

In-Person Records: Sign-in sheets if delivering notices in person

Mail Records: Retain certified mail receipts if mailing notices

Supervisor Confirmation: Have supervisors confirm they provided notices to employees if using in-person method

XIV. PRESERVATION AND APPELLATE STRATEGY

A. Building a Record for Notice Disputes

For practitioners representing employers or injured workers in workers' compensation cases involving notice disputes, careful record-building is critical[1][2][4][4]:

For Employers Asserting Notice Defenses:

Preserve all documents showing when the employer first learned of the injury

Preserve all communications from the employee, coworkers, or medical providers regarding the injury

Document the investigation the employer conducted upon learning of the injury

Preserve the DWC-1 form with dates filled in showing when employer received written notice

Preserve evidence of any delay in the employee providing notice (e.g., gap between injury date and notice date)

Preserve evidence of harm to employer from the delay (inability to investigate, loss of evidence, unavailable witnesses)

For Injured Workers Defending Against Notice Defenses:

Preserve all communications (written or documented oral reports) indicating notice to employer

Preserve medical records showing when the worker knew or should have known the injury was work-related

Preserve evidence of employer knowledge from any source (supervisor statements, medical provider contacts, modified work duties, benefits payments)

Document whether employer was "misled or prejudiced" by the delay-often the defense fails because the employer cannot prove actual prejudice

Preserve correspondence showing estoppel or waiver (employer encouraging delay in notice, representing notice not necessary)

B. Appeal Strategy Considerations

When a WCAB decision turns on notice adequacy or sufficiency[1][2][4][4]:

Arguments to Preserve for Appellate Challenge:

Notice adequacy standards vary and courts have held that informal notice can satisfy the statutory requirement

Substantial compliance doctrine (section 5403) applies-mere defects do not bar recovery

Employer knowledge exception operates independently of employee notice

Equitable tolling may apply in narrow circumstances

Estoppel may prevent employer from asserting notice defense if employer encouraged or induced delay

Distinguishing Adverse Authority:

If a lower court or WCAB panel has denied benefits based on late notice, distinguish the case if:

The employer here had actual knowledge of the injury

The employer here was not prejudiced by the delay

There is evidence of estoppel or employer misconduct

The original case involved less diligent inquiry by the injured worker

XV. APPENDICES AND COMPLETE SOURCE CITATIONS

APPENDIX A: Full Text of Key Statutes

California Labor Code Section 5400 (Employee Notice Requirement)

[Full statutory text available at: <https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5400/>][44]

"Except as provided by sections 5402 and 5403, no claim to recover compensation under this division shall be maintained unless within thirty days after the occurrence of the injury which is claimed to have caused the disability or death, there is served upon the employer notice in writing, signed by the person injured or someone in his behalf, or in case of the death of the person injured, by a dependent or someone in the dependent's behalf."

California Labor Code Section 5402 (Employer Knowledge as Equivalent Notice)

[Full statutory text available at: <https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5402/>][1][4][39][44]

"(a) Knowledge of an injury, obtained from any source, on the part of an employer, his or her managing agent, superintendent, foreman, or other person in authority, or knowledge of the assertion of a claim of injury sufficient to afford opportunity to the employer to make an investigation into the facts, is equivalent to service under Section 5400."

"(b) If liability is not rejected within 90 days after the date the claim form is filed under Section 5401, the injury shall be presumed compensable under this division. The presumption of this subdivision is rebuttable only by evidence discovered subsequent to the 90-day period."

"(c) Within one working day after an employee files a claim form under Section 5401, the employer shall authorize the provision of all treatment, consistent with Section 5307.27, for the alleged injury and shall continue to provide the treatment until the date that liability for the claim is accepted or rejected."

California Labor Code Section 5403 (Substantial Compliance Doctrine)

[Full statutory text available at: <https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-2/section-5403/>][9][9][44]

"The failure to give notice under section 5400, or any defect or inaccuracy in a notice is not a bar to recovery under this division if it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced by such failure."

California Labor Code Section 3550 (As Amended by AB 1870)

[Full statutory text referenced at: <https://callaborlaw.com/blog/new-law-requires-workers-compensation-posters-to-advise-employees-of-right-to-counsel/>][4][12][15][15]

Amended to require posting that "The injured employee may consult a licensed attorney to advise them of their rights under workers' compensation laws. In most instances, attorney's fees will be paid from an injured employee's recovery."

California Labor Code Sections 1550-1559 (SB 294, Workplace Know Your Rights Act)

[Full statutory text available at: <https://legiscan.com/CA/text/SB294/id/3227443>][13][14][14][14]

Key provisions include:

Section 1553(a): Employers must provide stand-alone written notice to employees regarding workers' rights

Section 1553(b): Notice must be in language employer normally uses for communications

Section 1554: Labor Commissioner must develop template notice

Section 1555: Emergency contact designation procedures

Section 1557: Anti-retaliation provisions

Section 1558: Enforcement by Labor Commissioner

APPENDIX B: California Court of Appeal and Supreme Court Decisions on Notice

Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd. (1985), 39 Cal.3d 57

[Case citation: 39 Cal.3d 57; Google Scholar link: https://scholar.google.com/scholar_case?case=***][39][42]

Holding: If an employer breaches its duty to notify an injured employee of workers' compensation rights, and the employee remains unaware of those rights, the statute of limitations is tolled until the employee gains actual knowledge of workers' compensation rights.

Relevance: Establishes that employer knowledge and notification duties are critical to tolling analysis and benefit preservation.

City of Salinas v. Workers' Comp. Appeals Bd. (2025)

[Case citation: Court of Appeal, Sixth Appellate District, 2025; Justia link: <https://law.justia.com/cases/california/court-of-appeal/2025/h052062.html>][21][21]

Holding: Mandatory statutory deadlines in workers' compensation proceedings may be subject to narrow equitable tolling when an applicant has acted diligently and was misled by administrative delay outside their control.

Relevance: Suggests that equitable exceptions may apply even to seemingly absolute statutory deadlines in narrow circumstances.

Honeywell v. WCAB (2005), 35 Cal.4th 24

[Case citation: 35 Cal.4th 24; Court: California Supreme Court; Justia link: <https://www.friedmanlawoffices.com/2022/08/when-not-to-serve-a-claim-form-a-sixty-second-seminar-in-workers-compensation-claims-handling/>][34]

Holding: The trigger for an employer's duty to provide the DWC-1 claim form is "actual knowledge" of an industrial injury-not what an employer "should have known"-and not mere speculation about whether an injury might have occurred.

Relevance: Provides critical distinction between actual knowledge and constructive/should-have-known knowledge.

APPENDIX C: Department of Industrial Relations Guidance and Implementation Materials

SB 294 Template Notice

Location: State of California Department of Industrial Relations website

Available in English, Spanish, and other languages. Provides template for employer compliance.

AB 1870 Workers' Compensation Posting Notices

Location: Department of Workers' Compensation website

Updated notices include AB 1870 attorney consultation language.

DWC-1 Claim Form and Instructions

Location: Department of Workers' Compensation website

Official claim form that employers must provide to injured workers.

APPENDIX D: Practice Resources and Guidance Materials

AILA Practice Advisories

While AILA (American Immigration Lawyers Association) materials focus on immigration law, the intersection of immigration-related notice requirements in SB 294 with workers' compensation claims remains relevant for practitioners in immigrant-heavy industries.

State Bar of California Workers' Compensation Section Materials

The State Bar of California provides practice guidance and continuing legal education materials on workers' compensation notice requirements. These materials are regularly updated to reflect statutory and case law changes.

California Department of Industrial Relations Information and Assistance Officers

Cal/OSHA information and assistance officers provide free, confidential assistance to workers and employers regarding workers' compensation rights and obligations. Contact information available at <https://www.dir.ca.gov/dwc/>.

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CONCLUSION

California's workers' compensation notification framework comprises multiple overlapping statutory regimes that have evolved significantly over the past 13 months. As of February 27, 2026, employers face three distinct compliance obligations: (1) the longstanding Labor Code section 5400 requirement that employees provide written notice within 30 days; (2) the expanded Labor Code section 3550 posting requirements under AB 1870 (effective January 1, 2025), requiring notice of employees' right to consult attorneys; and (3) the new SB 294 "Know Your Rights Act" notices (effective February 1, 2026), requiring stand-alone written notices regarding workers' compensation, immigration protections, union organizing, and constitutional rights in law enforcement interactions.

For legal professionals representing employers, injured workers, or the state, understanding the interplay between these regimes-particularly the distinction between notice failures that bar benefits and those that do not, and the equitable exceptions operating under Labor Code sections 5402 and 5403-remains critical to case strategy and appellate preservation. The doctrine of substantial compliance and the principle that employer "actual knowledge" constitutes notice equivalent to written notice provide significant flexibility in ensuring that notice defects do not deprive injured workers of rightful benefits.

Employers who have not yet complied with SB 294 notice requirements as of February 27, 2026, face immediate penalty exposure and should implement emergency compliance measures within the coming days and weeks. The March 30, 2026 emergency contact designation deadline approaches rapidly and requires system development and supervisor training.

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