

**Division of Occupational Safety and Health v. Uber Technologies Inc.**

(2026) DJDAR 4970

Court of Appeal, Second District, California

The Division of Occupational Safety and Health may subpoena records to determine whether Uber driver was an employee and investigate fatal workplace accident without first proving jurisdiction.

**FACTS/PROCEDURE**

On May 26, 2023, after completing an Uber Eats delivery, Dino Park fell down a flight of stairs and sustained serious injuries. He died several days later. In June 2023, the Division of Occupational Safety and Health (OSHA), a state agency within the California Department of Industrial Relations, was notified of Park’s death by the Los Angeles County Medical Examiner’s Office.

After unsuccessful attempts to meet with Uber regarding the driver fatality, OSHA served Uber with an administrative subpoena under Government Code section 11181, subdivision (e), and Labor Code section 6314, subdivision (c). The subpoena sought records concerning Park’s employment status and the circumstances of his death. OSHA maintained that the records were needed to determine Park’s employment status and Uber’s compliance with Title 8 of the California Code of Regulations.

Uber objected and produced no documents, asserting in part that OSHA lacked jurisdiction to request documents or inspect its premises, citing Business and Professions Code section 7448 et seq. On October 20, 2023, OSHA filed an action under Government Code section 11187 to enforce the subpoena. On June 20, 2024, the superior court granted OSHA’s petition and ordered Uber to produce all requested documents within 30 days.

Uber appealed, challenging the order enforcing OSHA’s administrative subpoena on several grounds.

**HOLDING/DISCUSSION**

In *Brovelli v. Superior Court of Los Angeles County* (1961) 56 Cal.2d 524, the Supreme Court reaffirmed that state agencies have broad authority to investigate matters within their statutory jurisdiction and to issue administrative subpoenas in those investigations. The California Occupational Safety and Health Act was enacted to ensure safe and healthful working conditions for California workers by authorizing enforcement standards, encouraging employers to maintain safe workplaces, and supporting research, education, training, and enforcement in occupational safety and health. (Lab. Code, § 6300.) Under Labor Code section 6317.9, OSHA may issue and enforce a subpoena during an investigation of an employer’s or related employer entity’s policies and practices when requested information is not promptly provided.

In November 2020, California voters approved Proposition 22, which was intended to preserve Californians' ability to work as independent contractors for rideshare and delivery network companies. Business and Professions Code section 7451 sets out four conditions that must be satisfied for an app-based driver to qualify as an independent contractor rather than an employee.

Uber acknowledges that OSHA is entitled to issue subpoenas to employers and to make investigative inquiries regarding employees. But Uber says it was not Park's employer since he was an independent contractor under Business and Professions Code section 7451. However, under *Milan v. Restaurant Enterprises Group, Inc.*, an administrative agency may investigate and subpoena records to determine whether an entity falls within the agency's jurisdiction and whether it has violated laws the agency enforces. (*Millan v. Restaurant Enterprises Group, Inc.* (1993) 14 Cal.App.4th 477, 487.) Accordingly, OSHA had authority to subpoena Uber's records to determine whether Park was an employee or independent contractor under Business and Professions Code section 7451, and whether Uber took any action contributing to Park's workplace accident.

Uber further argued that the trial court improperly expanded OSHA's statutory subpoena authority. The court rejected that argument, finding Labor Code section 6314, subdivision (c), clear and unambiguous, stating that the statute does not limit OSHA's subpoena power to inspections of workplaces, and its placement within a section addressing inspection authority did not support Uber's narrower reading. Section 6314 is consistent with OSHA's broad subpoena authority under Government Code section 11181 and does not restrict that established authority.

The order compelling production was reversed to the extent it required Uber to produce all requested documents without limitation. On remand, the superior court must reconsider the scope of the document requests and issue a new order compelling production as appropriate. In all other respects, the order is affirmed.