

WHAT TO EXPECT DURING AN OSHA COMPLIANCE INVESTIGATION

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PRESENTER



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OSHA'S MISSION

- The mission of OSHA is to save lives, prevent injuries and protect the health of America's workers.
- Some of the things OSHA does to carry out its mission are:
 - developing job safety and health standards and enforcing them through worksite inspections,
 - maintaining a reporting and recordkeeping system to keep track of job-related injuries and illnesses, and
 - providing training programs to increase knowledge about occupational safety and health.

KEEPING EMPLOYEES INFORMED

- OSHA poster
- OSHA citations
- Summary of Injury log
- Exposure records
- Medical surveillance

OSHA POSTER

Worker Rights....

- Have you seen this poster at your place of work?
- Creation of OSHA provided workers the right to a safe and healthful workplace

The poster is divided into two main color sections: a dark blue left half and a yellow right half. The title 'Job Safety and Health' is in white and yellow, with 'It's the law!' in yellow. The OSHA logo is in the top right. A list of worker rights is on the left, and a list of employer responsibilities is on the right. Small images of workers in various settings are on the right. Contact information is at the bottom right.

Job Safety and Health
It's the law!

OSHA
Occupational Safety and Health Administration
U.S. Department of Labor

EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster is available from OSHA –
The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA
www.osha.gov
OSHA 3090-10-000

WHAT RIGHTS DO YOU HAVE UNDER OSHA?

- You have the right to:
 - A safe and healthful workplace
 - Know about hazardous chemicals
 - Information about injuries and illnesses in your workplace
 - Complain or request hazard correction from employer
 - Training
 - Hazard exposure and medical records
 - File a complaint with OSHA
 - Participate in an OSHA inspection
 - Be free from retaliation for exercising safety and health rights

SAFE & HEALTHFUL WORKPLACE

Worker Rights....

- Right to a workplace free of recognized hazards
- Refusing to work because conditions are dangerous – imminent danger!



YOUR RIGHT TO...

Know About Hazardous Chemicals

- Employers must have a written, complete GHS program that includes information on:
 - Container labeling
 - Safety Data Sheets (SDSs)
 - Worker training



YOUR RIGHT TO...

Information About Injuries/Illnesses

- OSHA's Recordkeeping rule requires most employers with more than 10 workers to keep a log of injuries and illnesses.
 - Workers have the right to review the current log and last 5 years.
 - Workers have the right to review the OSHA 300A.



YOUR RIGHT TO...

Complain or Request Corrections

- Workers may bring up safety and health concerns in the workplace to their employers without fear of discharge or discrimination, as long as the complaint is made in good faith.
- OSHA regulations [29CFR 1977.9(c)] protect workers who complain to their employer about unsafe or unhealthful conditions in the workplace.

YOUR RIGHT TO...

Training

- Workers have a right to get training from employers on a variety of health and safety hazards and standards that employers must follow.



YOUR RIGHT TO...

Examine Exposure & Medical Records

- 1910.1020: right to examine & copy records
- Examples of toxic substances and harmful physical agents are:
 - Metals and dusts, such as, lead, cadmium, and silica.
 - Biological agents, such as bacteria, viruses, and fungi.
 - Physical stress, such as noise, heat, cold, vibration, repetitive motion, and ionizing and non-ionizing radiation.

YOUR RIGHT TO...

File a Complaint with OSHA

- Workers may file a complaint with OSHA if they believe a violation of a safety or health standard, or an imminent danger situation, exists in the workplace.
- Workers may request that their name not be revealed to the employer.
- If a worker files a complaint, they have the right to find out OSHA's action on the complaint and request a review if an inspection is not made.

YOUR RIGHT TO...

Participate in an OSHA Inspection

- Employee representative can accompany OSHA inspector
- Workers can talk to the inspector privately.
- Workers may point out hazards, describe injuries, illnesses or near misses that resulted from those hazards and describe any concern you have about a safety or health issue.
- Workers can find out about inspection results, abatement measures and may object to dates set for violation to be corrected.

YOUR RIGHT TO...

Be Free From Retaliation

- Workers have the right to be free from retaliation for exercising safety and health rights.
- Workers have a right to seek safety and health on the job without fear of punishment.
- This right is spelled out in Section 11(c) of the OSH Act.
- Workers have 30 days to contact OSHA if they feel they have been punished for exercising their safety and health rights.

EMPLOYER RESPONSIBILITIES UNDER OSHA...

- Provide a workplace free from recognized hazards and comply with OSHA standards
- Provide training required by OSHA standards
- Keep records of injuries and illnesses
- Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
- Not discriminate against workers who exercise their rights under the Act (Section 11(c))
- Post OSHA citations and abatement verification notices
- Provide and pay for PPE

WHAT DO THE OSHA STANDARDS SAY?

- OSHA standards fall into four categories:
 - General Industry,
 - Construction,
 - Maritime, and
 - Agriculture.
- OSHA issues standards for a wide variety of workplace hazards
- Where there are no specific OSHA standards, employers must comply with The General Duty Clause, Section 5(a)(1)

GENERAL DUTY CLAUSE

- (a) Each employer...
 - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
 - (2) shall comply with occupational safety and health standards promulgated under this Act.
- (b) Each employee...
 - shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

WORKPLACE INSPECTIONS

How are OSHA inspections conducted?

- The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.
- OSHA conducts inspections without advance notice, except in rare circumstances (e.g. Imminent Danger)
- In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.

INSPECTION PRIORITIES

Priority	Category of Inspection
1st	Imminent Danger: <i>Reasonable certainty an immediate danger exists</i>
2nd	Fatality/Catastrophe: <i>Reported to OSHA; inspected ASAP</i>
3rd	Complaints/Referrals: <i>Worker or worker representative can file a complaint about a safety or health hazard</i>
4th	Programmed Inspections: <i>Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.</i>

INSPECTION PROCESS

- Inspector's Credentials
 - Photo
 - Serial Number
- Opening Conference
 - Why you were selected
 - Purpose and Scope
 - Standards that apply
 - Employee complaint
 - Employer and Employee representative

INSPECTION PROCESS

- Inspection Tour
 - Walk around (Have camera ready; Take photos)
 - Photos/trade secrets
 - Employee interviews
 - Identify unsafe conditions
 - Increase scope of inspection
- Closing Conference
 - Indicate apparent violations and citations
 - Discuss appeal rights
 - Question and answer
 - Produce additional information
 - NO penalties assigned at this time

CITATIONS & PENALTIES

- Issued by area director
- Lists standards violated
- Certified mail
- Post for 3 days or until abated

CITATIONS & PENALTIES

VIOLATION TYPE	PENALTY
WILLFUL A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.	OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum penalty of \$5,000 for each willful violation.
SERIOUS A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.	There is a mandatory penalty for serious violations which may be up to \$7,000.
OTHER-THAN-SERIOUS A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.	OSHA may propose a penalty of up to \$7,000 for each other-than-serious violation.
REPEATED A violation that is the same or similar to a previous violation.	OSHA may propose penalties of up to \$70,000 for each repeated violation.

VIOLATIONS TYPES AND PENALTIES

- Criminal Willful - results in death
 - Up to \$250,000 individual
 - Up to \$500,000 corporation
 - Up to 6 months imprisonment

VIOLATIONS TYPES AND PENALTIES

- Failure to Abate
 - Up to \$7,000 per day
- Falsifying Records
 - Up to \$10,000 and 6 months imprisonment
- Assaulting a Compliance Officer
 - Up to \$5,000 and 3 years imprisonment

APPEALS PROCESS

- Informal Conference
 - 15 days
 - Settlement agreement
 - Reduce penalties and citations
- Formal Proceedings
 - 15 days
 - Written Notice of Contest
- OSHRC-administrative law judge

EMPLOYEE INTERVIEW QUESTIONS (OSHA)

- Have you ever been trained in chemical safety?
- Where are the Material Safety Data Sheets located?
- What are the hazards of the chemicals you are exposed to and what P.P.E. is required when handling them?
- Can you explain lockout/tagout procedures and their purpose?
- Where is the designated meeting area in the event of an evacuation?
- Do you participate in an evacuation drill annually?
- What method is used to notify you of an evacuation?
- Do you receive regular safety training?
- What personal protective equipment is required for your job?
- Who conducts safety inspections of the facility?
- Name a safety committee member.
- Where can the minutes of the safety committee meetings be located?
- Who is allowed to drive forklifts in the facility?
- Has the plant established a safety goal and/or objective?
- Are safety concerns addressed in a timely manner?
- Please describe the safety/incentive recognition program?
- Name an employee on the first response/first-aid training team?
- Are accidents in the facility discussed at plant meetings (please describe the last injury at this location)?
- What type of safety and health training have you received?

QUESTIONS?



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Risk Management Center
General Industry

