

WHAT TO EXPECT DURING AN OSHA COMPLIANCE INVESTIGATION

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PRESENTER



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WELCOME!

Send your questions to “send privately”.

Questions will be answered after the presentation.

Supporting information for this Webinar will be emailed out shortly after the presentation.

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 (300A form)

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 titled "Job Safety and Health IT'S THE LAW!" and features the OSHA logo. It is divided into two main sections: "All workers have the right to:" and "Employers must:". The "All workers have the right to:" section lists 10 rights, including a safe workplace, the right to raise concerns, receive training, request inspections, participate in inspections, file complaints, see citations, and request medical records. The "Employers must:" section lists 5 requirements, including providing a safe workplace, complying with standards, reporting fatalities, providing training, and displaying the poster. A "FREE ASSISTANCE" section mentions help for small and medium-sized employers. At the bottom, there is a contact box with the text "Contact OSHA. We can help." and a footer with the phone number 1-800-321-OSHA (6742), TTY 1-877-889-5627, and the website www.osha.gov. An illustration of three workers in safety gear is on the right side.

**Job Safety and Health
IT'S THE LAW!**

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

WHAT RIGHTS DO WORKERS 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
- Photo
- Serial Number

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

EMPLOYEE INTERVIEW QUESTIONS (OSHA)

- Have you ever been trained in chemical safety?
- Where are the 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?