

## Compliance Check 2020

November 2019

Welcome to the eleventh issue in our series, *Compliance Check 2020*, a monthly publication that will help you perform a self-assessment of your company's compliance with federal, state and local employment laws and regulations. In this edition we help you evaluate your company's level of preparedness for an OSHA inspection.

OSHA standards are federal regulations that require an employer to provide its employees with a workplace free from serious recognized hazards. These standards limit the amount of hazardous chemicals workers can be exposed to, mandate the use of certain safe practices and equipment, and require employers to monitor hazards and keep records of workplace injuries and illnesses. OSHA standards include requirements to provide fall protection, prevent trenching cave-ins, protect workers against some infectious diseases, assure that workers can safely enter confined spaces, prevent exposure to harmful substances such as asbestos, install guards on machines, supply respirators or other safety equipment, provide lockout/tagout protection and train workers for certain dangerous jobs, among many other requirements.

If OSHA finds that an employer has violated one of its standards, it can require corrective action and issue penalties ranging between \$13,260 and \$132,598 per violation, with a failure to abate adding a penalty of up to \$13,260 per day beyond the abatement date. These penalty ranges are adjusted each year. Criminal prosecution is also possible, depending upon the gravity of the violation.

OSHA typically conducts employer inspections with no advance notice. It may conduct an inspection for a variety of reasons, including where it believes there may be:

- Imminent danger to employees
- A catastrophe or fatal accident
- Employee complaints regarding safety and health

OSHA also conducts programmed inspections based upon an employer's industry or historical safety record, as well as follow-up inspections to determine if violations have been corrected.

In conducting an inspection, OSHA typically seeks to determine whether:

- An OSHA standard applies to what it observes
- A standard's requirements were met
- Employees were exposed to a hazardous condition that a standard is designed to prevent if followed
- The employer knew or could have known of a hazardous condition with the exercise of reasonable diligence

Here are some questions to help you evaluate whether your company is prepared for an OSHA inspection:

- ☑ **Do you regularly evaluate workplace conditions to make sure they conform to applicable OSHA standards?**
- ☑ **Have you established or updated operating procedures to comply with OSHA's standards applicable to your job site and employees?**
- ☑ **Do you train and provide regular refresher training courses for employees on how to safely perform their jobs consistent with your written operating procedures?**

- ☑ Do you have procedures in place for discovering violations of work rules applicable to safety and health?
- ☑ Do you discipline employees for violating work rules relating to safety and health and document the violations?
- ☑ Do you make sure employees have and use personal protective equipment applicable to their jobs?
- ☑ If you use hazardous chemicals in the workplace, have you developed and implemented a written hazard communication program?
- ☑ Do you have processes and procedures in place should OSHA arrive at your doorstep to conduct an inspection?

## FOR MORE INFORMATION

As always, we welcome your questions, feedback or suggestions. Please contact:

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