

With Penalties On The Rise, It's Time For Employers To Clean House Before OSHA Arrives

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For the first time in twenty-five years, Occupational Safety and Health Administration (OSHA) fines have increased significantly. In particular, last fall Congress enacted legislation that required all federal agencies to adjust their civil penalties to account for inflation. As a result, the maximum penalty for an OSHA serious violation jumped from \$7,000 to \$12,471, as of August 2, 2016. As for willful or repeat violations, that maximum penalty increased from \$70,000 to \$124,709 per violation. After these steep increases, OSHA will implement further annual cost of living increases by January 15 of each year, with the adjustment tied to the year over year percentage increase in the Consumer Price Index. Employers that have rarely been inspected or that have only received modest citations and penalties may have not worried much about OSHA exposure, but, based on these increases, inspections from OSHA could become more painful. Employers can and should take preventative steps ahead of an OSHA inspection to reduce the risk of significant penalties, such as: (1) checking which standards OSHA most frequently cites for their industry and reviewing their compliance with these standards; (2) reviewing injury and illness logs and records of first-aid incidents to identify possible workplace accident hazards; (3) training employees on procedures to be followed in the event of an OSHA inspection in order to reduce the risk of a repeat citation; and (4) ensuring that employees are following safety policies and have received required training or certifications.

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Practice Areas

Occupational Safety and Health (OSHA)

Private and Public Sector Employment Litigation