

The Coming Storm

According to Mark Lies, an attorney specializing in OSHA cases with the firm Seyfarth Shaw, “employers across the board can expect the agency to continue its aggressive enforcement tactics in 2013 and beyond” under the administration of Dr. David Michaels, OSHA’s head.

OSHA has also toughened up on its recordkeeping requirements including OSHA Logs, written compliance programs and certifications. Although typically classified as “Other than Serious” violations, OSHA has been increasing the instances in which it has found recordkeeping violations to be “Repeat” or “Willful,” which carry with them a potential 10x penalty enhancement.

Lies notes that “between 2010 and 2011, the per-citation penalty for serious classifications more than *doubled*. Between issuing more citations as Serious and increasing the penalties for Serious citations, an employer could easily find itself facing monetary liability well into six figures, without any accident or employee injury in the workplace.”

Make sure your OSHA 300A Summary is posted by February 1st. Make sure it’s accurate. Make sure you capture all hours worked. Often, hours are taken from payroll software that does not account for the hours over 40 in a week worked by salaried managers and executives. Make sure the Summary is signed.

Spend some time this month going over last year’s results with your workers. Where did you succeed? Where did you fail? How do you improve for the future?

Produced by the Institute of Scrap Recycling Industries
www.isri.org

Comments/questions?
www.isrisafety.org

January 15, 2013