Are You Prepared To Have OSHA Come Knocking At Your Door?

By Brenton D. Soderstrum

There are few things that strike as much fear into the heart of an employer than the possibility of an employee injury or a large fine levied against the company for an unsafe work environment.

There are many steps an employer should take before an OSHA inspector arrives to do an OSHA inspection. The first is, to establish an effective safety and health program which is communicated to your employees. This should be a written program which provides policies, procedures and practices to protect employees from occupational safety and health hazards.

Next implement your safety and health program. Provide for safety and health training for all personnel who will potentially face a hazard. Reward those who do well in maintaining a safe work environment and correct those who do not.

Do self-inspections to make sure your employees are following through on their instructions. Let your employees know they can come to you with concerns about safety. Review prior injuries that have taken place to determine how they took place and how they can be prevented in the future. Make sure you have someone who is able to administer and render first aid on the site, and that adequate first aid supplies are available. Check all maintenance operations on your site to make sure ventilation is operating properly.

Be prepared to document an inspection. When you train the employees on safety, have them sign a sheet which includes a description of the training given for your records. Establish a disciplinary program to ensure that safety rules are not violated at your work place. Also, obtain and post an OSHA poster in an area where all employees have access to it. Always anticipate an inspection and be prepared for it to take place. Have an employee who is responsible for job safety at the workplace at all times.

So what do you do when OSHA arrives?

First thing you need to do is to decide whether or not you are going to require that the OSHA inspector obtain a search warrant. The advantages are that if you have a problem which can be corrected quickly, requiring a search warrant can give you time to make the corrections. It can also allow you to do a quick review of the worksite to determine whether all OSHA regulations are being complied with. The disadvantages would be the extra effort an OSHA inspector will have to go through in order to obtain a search warrant. This is likely to result in a more thorough inspection. Also, requiring a search warrant may not work if your company has a reputation of requiring a search warrant. OSHA will come prepared with a search warrant.

Accompany the inspector during the inspection. This is done to document through photographs (or preferably videotape), what the inspector is looking at. Inform the OSHA inspector of any concerns or trade secrets which may be viewed during the OSHA inspection. Ask the OSHA inspector if this inspection is a result of an employee complaint, or is a random inspection.

Before the inspection begins, an opening conference will be held. An employee representative is also given an opportunity to participate in the opening conference. An inspector will describe the scope of the inspection, including interviewing private employees, physical inspection of the workplace, and review of records. After the inspection, the inspector will describe the hazards found in a general sense, but will not give the amount of the citations or the number of citations.

What is an OSHA inspector looking for?

The inspector will look to whether or not there is a safety and health program established. The inspector will look to any safety training that is provided.

When asked questions about the specific programs, the programs should always be shown to the inspector. If it isn’t in writing, it should be verbally communicated to the inspector. It should also be emphasized to the inspector that your safety and health program is enforced with discipline.

Questioning your employees in private is allowed. Follow up discussions by the employer with the employee is encouraged. However, if the employee doesn’t want to talk about it, they don’t have to.

What do you do after the OSHA inspection?

Review all photographs or videotapes taken of the inspection and update any safety and health violations which are brought to your attention. If you are found to have violated OSHA regulations, you will receive citations in the mail. You have 15 working days in which to participate in an informal conference or file your notice of contest.

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