

## OSHA Citations Will Now Come with Increased Penalties

Under the Bipartisan Budget Act of 2015 the federal Occupational Safety & Health Administration (OSHA) is required to increase civil penalties for workplace safety violations for the first time since 1990. In August of 2016, a one-time catch-up adjustment will occur that is expected to increase the current penalties by roughly 80 percent, meaning a “serious” citation of \$7,000 may now be \$12,500 and a \$70,000 “willful violation” may now be \$125,000. The precise penalty amount will be known when OSHA publishes this information in the Federal Register on or before July 1, 2016.

OSHA has stated that employers who are inspected prior to the effective date of August 1, 2016, but are issued citations after August 1 will be issued citations under the new penalty structure with higher penalties. And because OSHA has six-months from the date of alleged violations to issue citations, employers with current open inspections resulting in citations issued after August 1 will see higher penalties.

### Employer Responsibilities

Under the OSH law, all employers (including churches and faith-based organizations) have a responsibility to provide a safe workplace for their employees. This is a short summary of key employer responsibilities:

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSH Act.
- Examine workplace conditions to make sure they conform to applicable [OSHA standards](https://www.osha.gov/law-regs.html). <https://www.osha.gov/law-regs.html>
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Employers must provide safety training in a language and vocabulary workers can understand.
- Employers with hazardous chemicals in the workplace must develop and implement a written hazard communication program and train employees on the hazards they are exposed to and proper precautions (and a copy of safety data sheets must be readily available). See the OSHA page on [Hazard Communication](https://www.osha.gov/dsg/hazcom/index.html). <https://www.osha.gov/dsg/hazcom/index.html>
- Provide medical examinations and training when required by OSHA standards.
- Post, at a prominent location within the workplace, the OSHA poster (or the state-plan equivalent) informing employees of their rights and responsibilities.
- Report to the nearest OSHA office all work-related fatalities within 8 hours, and all work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours. Call our toll-free number: 1-800-321-OSHA (6742); TTY 1-877-889-5627. [Employers under federal OSHA's jurisdiction were required to begin reporting by Jan. 1, 2015. Establishments in a state with a state-run OSHA program should contact their state plan for the implementation date].
- Keep records of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this federal requirement, but may have recordkeeping requirements under their state regulations.

- Provide employees, former employees and their representative access to the Log of Work-Related Injuries and Illnesses (OSHA Form 300). On February 1, and for three months, covered employers must post the summary of the OSHA log of injuries and illnesses (OSHA Form 300A).
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives (usually the individuals you have appointed under your IIPP Plan) who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act. See our "Whistleblower Protection" webpage.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.
- OSHA encourages all employers to adopt an Injury and Illness Prevention Program<sup>1</sup>. Injury and Illness Prevention Programs, known by a variety of names, are universal interventions that can substantially reduce the number and severity of workplace injuries and alleviate the associated financial burdens on U.S. workplaces. Many states have requirements or voluntary guidelines for workplace Injury and Illness Prevention Programs.

For more information, refer to the following online publications and resources.

[All About OSHA\\*](https://www.osha.gov/Publications/all_about_OSHA.pdf) [https://www.osha.gov/Publications/all\\_about\\_OSHA.pdf](https://www.osha.gov/Publications/all_about_OSHA.pdf)

[OSHA Inspections\\*](https://www.osha.gov/OshDoc/data_General_Facts/factsheet-inspections.pdf) [https://www.osha.gov/OshDoc/data\\_General\\_Facts/factsheet-inspections.pdf](https://www.osha.gov/OshDoc/data_General_Facts/factsheet-inspections.pdf)

[Top Ten OSHA Standards Cited](https://www.osha.gov/Top_Ten_Standards.html) [https://www.osha.gov/Top\\_Ten\\_Standards.html](https://www.osha.gov/Top_Ten_Standards.html)

---

<sup>1</sup> In California every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973. As of 1991, a written, effective Injury and Illness Prevention (IIP), Program is required for every California employer. Failure to have a written plan in place that is being regularly followed and maintained can lead to a citation and significant penalties being imposed. You can learn more about your responsibilities as a California employer and how to set up and maintain a qualifying safety program by visiting this website ([http://www.dir.ca.gov/dosh/dosh\\_publications/iipp.html](http://www.dir.ca.gov/dosh/dosh_publications/iipp.html)).

---

## DISCLAIMER

*This material is presented with the understanding that the author is providing basic information only, and assumes no liability whatsoever in connection with its use. Tax laws are constantly changing, are subject to differing interpretations, and the facts and circumstances in any particular situation may not be the same as those presented here. Therefore, we urge you to do additional research and make sure that you are fully informed and knowledgeable before using the information contained herein.*