

## TOP REASONS TO HIRE AN OSHA ATTORNEY

The Occupational Safety and Health Administrative (OSHA) has set rigorous standards to ensure the safety and health of construction workers. While these complex standards have helped to improve the safety of the construction industry, navigating them can be challenging for many construction industry employers. Experienced OSHA attorneys can ease this burden while providing other invaluable benefits, including the following:

- 1. Deep Understanding of OSHA Regulations:** OSHA regulations are complicated and often change over time. OSHA attorneys possess an in-depth knowledge of these regulations and stay up to date on the latest workplace safety developments so that your business will remain compliant with the ever-changing landscape of workplace safety regulations.
- 2. Guidance Tailored to Your Business:** One size does not fit all when it comes to safety compliance. OSHA attorneys who understand your industry as well as your operations, geographic footprint, and goals can develop customized compliance strategies tailored to your business.
- 3. OSHA Inspection Assistance:** OSHA inspections can occur at any time and without warning, and can lead to citations, fines, and obligations. OSHA attorneys can prepare your company for the inevitable OSHA inspection by proactively identifying compliance concerns and devising a strategy to handle an OSHA inspection. When an

inspector is onsite, OSHA attorneys can participate in the inspection, ensuring that the OSHA inspector plays by the rules, thereby positioning your company for the best possible outcome.

- 4. Effective Resolution of OSHA Citations:** If OSHA issues citations, your company has a limited window to resolve them informally with the agency. OSHA attorneys will help you understand what these citations mean for your company and will use their experience to assist your company during negotiations with OSHA to reduce penalties, modify citation classifications, and develop appropriate abatement strategies, if necessary.
- 5. Additional Financial Benefits:** Effective safety compliance means more than reduced OSHA liability. Companies with a strong safety program experience fewer workplace accidents, leading to fewer workers' compensation claims and personal injury lawsuits. Over time, this translates to reduced insurance premiums, saving your company money in the long run. Likewise, companies with a clean OSHA record have a greater likelihood of landing government contracts.

These are just a few of the many advantages that an experienced OSHA attorney can bring to your business. Most important, hiring an OSHA attorney will allow your business to delegate safety compliance to the experts while allowing you to focus on running your business.

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## What To Do When OSHA Shows Up Inspection Protocol



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The construction industry is widely considered one of the most dangerous industries in the United States. Because of the inherent dangers on a construction worksite, the Occupational Safety and Health Administration (OSHA) regularly inspects these worksites. These inspections are unannounced and can lead to citations with substantial penalties. Therefore, it is critical that employers have a plan for if (or when) OSHA shows up.

## PRE-INSPECTION

- **Designate a Point of Contact.** Employers should designate a point of contact at the worksite. This individual's primary responsibility is to interact with the inspector during the inspection. It is imperative that this individual understands OSHA regulations and the inspection process.
- **Maintain Records and Safety Programs.** OSHA inspectors typically ask to review the current and past three years of OSHA 300 and 300A logs, so those records should be kept up to date and be readily available. Likewise, inspectors will likely ask to see any required workplace posters and safety programs, such as hazard communication, heat illness prevention and the code of safe practices.

## THE INSPECTION

- **Notify the Point of Contact.** When OSHA arrives, a supervisor should politely greet the inspector and ask for their credentials. The point of contact should be notified immediately thereafter. While waiting for the point of contact to arrive, the supervisor should escort the inspector to a nearby room where they are not able to observe any violations. Remember to get the inspector's contact information.
- **Determine the Reason for the Inspection.** Generally, OSHA will inspect a worksite for one of two reasons: 1) the company has reported a serious injury or fatality; or 2) there has been a complaint. If the inspection is based on a complaint, you should obtain a copy of the complaint.
- **Limit the Scope of the Inspection.** Once OSHA has identified the reason for the inspection, the scope of the inspection should be limited to their stated reason. This means that the areas the inspector will need to see should be defined and the visit should be limited to those areas. Keep in mind that an inspector may issue a citation for any violation in "plain view" regardless of the reason for the inspection, so you should never offer a tour of the worksite.
- **Escort the Inspector.** The point of contact should accompany the inspector throughout the walkaround. You should escort the inspector to the defined area via a route where it is unlikely that a violation will be observed and that

minimizes contact with other employees, which may mean walking outside. You should not offer any information during the walkaround and any small violations should be fixed during the inspection.

- **Mirror the Inspector.** The inspector may take photographs, videos or measurements during the walkaround. These should be allowed unless there is a trade secret or security issue. The point of contact should take side-by-side photographs, videos or measurements. You should also document any observations made by the inspector and your conversations with the inspector.
- **Documents.** The inspector will request documents. Any document requests should be put in writing and sent to the point of contact. You should only provide those documents specifically requested by the investigator, and you should maintain a record of all documents provided to, or reviewed by, OSHA.
- **Interviews.** The inspector may want to interview your employees. The inspector does not have the right to pull your employees while they are working, unless it is safe for them to do so and you can ensure there is someone else available to cover that employee's job tasks. The inspector should not speak with any management employees without a company representative or counsel present.



These are some best practice guidelines when it comes to responding to an OSHA inspection. They are not intended to be procedures but practice points to use as applicable. Of course, experienced workplace safety counsel should be involved immediately in the event of any fatality or severe injury at the worksite.