



Guide to Managing an OSHA Investigation

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As the Occupational Safety and Health Administration (OSHA) ramps up investigations and citation efforts and Congress considers the Protecting American Workers' Act—which, as currently drafted, would increase penalties and provide for more rigorous fatality (or serious injury) investigations—it is important for contractors to review OSHA compliance efforts and develop a plan for effectively managing an OSHA inspection.

Comply with OSHA Regulations

Ensure all management personnel designated for safety compliance issues are properly assigned and trained. Foster a culture supportive of a safe work environment and consider having managers and employees sign a commitment to workplace safety. Encourage employees to report safety concerns and conduct an internal or external safety and hazard audit of the company facility. Work to correct hazards or areas that need improvement as soon as possible. Coordinate with other employers on multi-employer sites, and consider adding language to subcontractor agreements to ensure all subcontractors comply with OSHA regulations.

Prepare for the Worst

Establish a crisis management team to deal with jobsite fatalities, serious injuries or hazardous spills. In addition to potential OSHA liability, jobsite accidents often expose companies to tort liability. Especially at a multi-employer site, investigators representing multiple interests often arrive on the scene within hours of an incident. A trained team must be ready to deal with the competing interests, protect the rights of employees involved in the incident, talk to the media (if necessary), limit the company's exposure to liability and otherwise manage the crisis in a calm, effective manner.

Manage the Inspection Properly

If an OSHA investigator notifies the company of an upcoming investigation or arrives at the facility for an unannounced investigation, notify the company's OSHA attorney immediately. Discuss with counsel any potential objections or defenses to the investigation prior to the opening conference.

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