



Cooperation Beats Confrontation

Publication

9.09.09

Working *with* federal regulators can make legal headaches less likely.

The Occupational Safety Health (OSH) Act of 1970 requires every employer to furnish a safe place of employment and to comply with all applicable workplace safety standards. The term "employer" is defined broadly under the OSH Act to mean any person who has employees engaged in business "affecting commerce." The Occupational Safety and Health Administration (OSHA) has mandated specific standards that apply to employers in construction, manufacturing, wholesale and retail trade, utilities and transportation. Companies that fail to meet these established standards face legal difficulties that can be painful to manage and can hurt the bottom line.

After years of less-stringent, cooperative enforcement, the pendulum is swinging back toward more vigorous enforcement of OSHA standards, thanks to a chorus of calls from the media, labor unions, academia and politicians. With momentum building toward stricter enforcement and bigger penalties for violations, companies should take the following steps immediately to prepare:

- Audit and improve safety programs and written procedures.
- Implement and document discipline for OSHA violations.
- Consider safety results in management compensation.
- Develop simple day-to-day inspections.
- Conduct mock OSHA inspections.
- Revise accident investigation forms and procedures.
- Develop OSHA inspection guidelines.
- Structure safety plans to satisfy federal sentencing guidelines.
- Increase training.

Another tip for employers is to consider participating in OSHA consultation programs. While OSHA makes no guarantees that it will not inspect a facility that participates in an ongoing program with state safety consultation services, it is likely that compliance officers will devote greater attention to employers who are not voluntarily participating in such a program. The [OSHA Web site](#) contains more details, including state-by-state contact information.

This article appeared in the September 2009 issue of *Kansas City Small Business*.

This article appeared in the September 2007 issue of *Kansas City Small Business*.

Related People



J. Randall Coffey

Partner

816.842.8770

Email