

KEEPING THE BALL IN YOUR COURT: CREATING ALLIES IN YOUR WORKFORCE TO MINIMIZE OSHA INSPECTIONS, CITATIONS, AND PENALTIES

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According to Occupational Safety and Health Administration statistics, nearly 20 percent of all OSHA inspections are prompted by a complaint, typically from a current or former employee. Pending legislation that proposes dramatic increases in employee involvement in the inspection and citation process threatens to raise this percentage and increase the likelihood of unfavorable inspection results and more severe penalties, as a direct consequence of individual employee input. Proposed whistleblower protections that protect employees from retaliation if they make a complaint or get involved will likely bolster employee confidence to complain and participate in inspections. This increased employee involvement and a change in whistleblower protections, coupled with the anticipated overall swell in OSHA enforcement activity and increased penalties, may potentially expose employers to significantly greater liability for safety infractions than in the past, as well as create substantial employee relations problems.

Assessing your safety and health program by focusing on employee-driven issues can help improve safety, minimize inspections and citations, align employees with the company to reduce further employee-driven safety liability, and allow the company to address and improve safety on its own terms. Employers can improve their safety and health program as follows:

- Reporting Policies and Procedures
- Implementation and Follow-up
- Train Managers

- Reward Employees

By involving employees in their own safety, showing them the company is concerned about their safety and interested in their input, and rewarding them as part of the program, you will establish a mutually beneficial relationship with your employees that ultimately can help minimize OSHA's involvement in your workplace. While not every complaint or employee concern can be eliminated or avoided, following these guidelines is a significant step in the right direction.

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