



# Are Michelin Starred and James Beard-quality Restaurants Prone to OSHA Citations?

Insights

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I'm spoiled. I've sought out great restaurants in scores of US cities, great meat-and-threes in rural counties, hole-in-the-wall BBQ joints, and starred restaurants in Europe, Africa and the Middle East.

I am also an OSHA-nerd, and I find myself subconsciously studying everyplace I go for OSHA violations and even what I'd do if there were a fire, mass shooting, or zombie attack. Recently I noticed the same OSHA violations at several accomplished restaurants and upscale hotel/resort eateries.

These violations are not surprising. Nor are they indicative of sloppiness in other areas, as they usually are in most business settings. The truth is that a restaurant presents few hazards compared to construction or a refinery, and it's not surprising that management could be oblivious to certain low hanging OSHA violations whose impact on safety might not be immediately obvious. Most of these restaurants are alert to slip-and-fall risks, burn and scald situations, and bad lifting habits.

## **Low Hanging Fruit OSHA Violations are Expensive.**

Let's analogize to Dollar Tree and other retailers. These stores are not particularly hazardous environments, but they have paid hundreds of thousands of dollars in OSHA penalties because they have many locations and the same OSHA violations become expensive Repeat Citations when again found at other locations during a five year period. Dollar Tree's problems arose from common retail problems associated with having ill planned storage areas and multiple deliveries each week. OSHA found blocked exits, fire extinguishers and electric panels. Such retailers were also cited for pesky electrical issues such as extension cords run over ceiling joists to run PC or payment stations, when permanent electrical connections should have been installed. Any restaurant concept or chain could have the same experience, especially if a union or other group is harassing the company.

Consider these OSHA Press Releases about retailers ....

- Illinois Dollar Tree stores endanger workers with blocked exits, stacked boxes - Retail chain faces similar citations across the nation, \$121K in penalties added to total.
- Missoula Dollar Tree \$217,000 for willfully putting Missoula workers at risk.
- Delaware Store ignores dangers of blocked emergency exits and other serious hazards.

- Massachusetts Store receives \$177,800 in OSHA penalties.
- Retailers receive \$121,000, \$116,200, \$143,000 and \$121,000 in OSHA penalties.

An employer need not be a foundry to get hit with big OSHA penalties; nor must they be disinterested in employee safety. All of us become a bit nonchalant in less hazardous settings.

### **Common Restaurant OSHA Violation.**

In addition to the earlier mentioned low hanging fruit violations, consider these common issues:

1. If your restaurant has fire extinguishers, you must either provide Annual fire extinguisher training for all employees, or develop an Emergency Action Plan (EAP) which includes a “Fight or Flight” policy in which you designate some employees to flee and others to receive the simple fire extinguisher training to fight incipient stage fires – or you could take the impractical step of telling everyone to flee even the simple grease fire. E
2. Maintain and enforce effective “documented” procedures to prevent slippery floors and trip hazards, including nonskid shoes, accountability for controlling kitchen spills, and importantly, the proper floor cleaning materials for the janitorial crew.
3. Documented job-specific Hazard Communication training, including on-the-job instruction, especially for employees working with commercial dishwashing machines.
4. Inadequately marked exits, partially blocked exits, or doors that aren’t exits, but look like exits – and are not marked as “Not an Exit.”
5. Exit doors padlocked inside to prevent pilferage or assure security late at night.
6. Holes in electric cabinets, emergency lights or fixtures, or unlabeled switches in electrical cabinets.
7. Incomplete consideration of Bloodborne Pathogens issues for employees who may be exposed to vomiting customers.

I hope that these reminders are helpful, and if you are one of the fine restaurants that I frequent, or the genius who invented Chick-fil-a chicken minis, thanks for your artistry and hospitality.

Howard