

Indiana Considers \$100,000 Fine for Workplace Fatalities

Insights

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Update: The bill was signed on April 24th. The penalty is now \$132,598.

Indiana GOP lawmaker and Chamber of Commerce join forces to support a bill to require a penalty for workplace fatalities of \$100,000 per employee killed. House Bill 1341, authored by GOP lawmaker Martin Carbaugh, was filed on January 14, 2019. The new bill reads: "If an employer willfully violates any standard, rule, order, or this chapter and the violation results in the death of an employee, the commissioner shall assess a civil penalty of one hundred thousand dollars (\$100,000) for each employee whose death results from the violation." The proposed penalty would be a new penalty for fatalities that does not specifically exist under the current penalty structure.

Indiana has not yet increased its penalties to match the Federal OSHA penalties that were increased in 2015 and which automatically increase each January 1. Currently, Indiana's penalty structure includes a maximum penalty of \$7,000 for each Serious violation and \$70,000 for a Willful or Repeat violation. In contrast, the 2019 increase to Federal OSHA penalties includes a \$13,260 penalty for each Serious violation and up to \$132,598 for a willful or repeat violation, regardless of whether there is a fatality.

Interestingly, the remainder of HB 1341, maintains all of Indiana's penalties at the prior structure (\$7,000 & \$70,000), but adds the new penalty of \$100,000 for a fatality resulting from a willful violation.

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