



Can You Take Me High Enough? OSHA Increases Maximum Penalties

Insights

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The Department of Labor just published its increases to the maximum civil penalties that can be assessed against employers by federal agencies, and it includes some moderate increases in the area of workplace safety. Following an inspection of your workplace, the Occupational Safety and Health Administration ([OSHA](#)) may issue citations and penalties for alleged violations of the OSH Act. With yesterday's news, the amount of these penalties you may face will slightly increase from the previous level.

These increases, while disappointing and disruptive to your business, are not a big surprise. In 2015, the Federal Penalties Inflation Adjustment Act of 2015 (also known as the "Inflation Act") was passed to adjust monetary penalties assessed by OSHA and other agencies. The aim of this law was to adjust these penalties for inflation and to continue to deter violations of federal laws intended to protect workers.

Effective immediately, all penalties assessed after January 15, 2020 are increased as follows:

Violation	2019 Penalty	2020 Penalty
Serious		
Other than Serious	\$13,260 per violation	\$13,494 per violation
Posting Requirements		
Failure to Abate	\$13,260 each day beyond the abatement date	\$13,494 each day beyond the abatement date
Willful or Repeat	\$132,598 per violation	\$134,937 per violation

In the wise words of Damn Yankees' hit, *High Enough*, "yesterday's just a memory." The penalties will apply to all citations issued by OSHA after today, including for employers who have an open inspection with OSHA. Going forward, you can count on OSHA continuing to increase civil penalties in January of each year. If you do business in a state where a state agency enforces the OSH Act, civil penalty amounts may differ. Before paying any fine assessed by OSHA or a state agency, contact your Fisher Phillips counsel for guidance.

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