



## Tired Of Playing Catch-Up In Employment Law Matters?

Insights

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Until they receive an inspection, suit or citations many employers didn't know they had problems or that current or former management dropped the ball. I realize that *"to err is human,"* but I'd rather see clients fix problems before OSHA comes on site or a union tries to organize employees. They save money and I feel as if maybe my preventive assistance helped. We all want to avoid headlines like the one I saw yesterday, *"GM executive is the latest to see the light about safety."* Sometimes a mea culpa is not enough.

Most executives genuinely want to do right and think that their company is doing a good job maintaining compliance, guaranteeing a safe workplace, and engaging and responding to employee concerns. Quite often this assumption is unfounded and all it takes is a "spark" to ignite problems. Call it providence, luck or karma, there is no rational explanation for why many employers have not yet been sued or hammered with OSHA citations. Regrettably, we tend to pat ourselves on the backs for our adroit management and compliant programs when the truth is that Murphy simply hasn't yet found our address. Let me share some common scenarios.

A company acquires a new company and begins integrating its locations, but of course, this takes time. Also, the employer may want to allow the newly acquired company's sites to continue operating in the same manner that made them an appealing partner. OSHA comes on site and you suddenly find out that despite a modest number of workplace injuries, they haven't conducted annual lockout evaluations, addressed guarding issues, or stayed on top of respiratory protection issues. Cursing, you wish that you had moved faster to evaluate the site's safety compliance. Or you didn't realize that behind a location's problems meeting numbers was a failure to communicate with employees or respond to legitimate concerns. Let's face it. Poor employee management is common. You wish you had gotten around to evaluating the site's management team.

No one other than my Labrador retriever is perfect, but we should be better at catching problems before they occur. Sometimes it is because we look at safety, HR, and labor relations as ancillary functions and not part of the production process. That's a bad idea. If you treat these functions as a nuisance, you may spend more time with my ilk than you might prefer.

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