

Are You Ready For A Visit From OSHA?

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It can be stressful when agents from the Occupational Safety and Health Administration ("OSHA") appear at your facility unannounced. Do you have a game plan? Have you discussed it internally? Have you identified a designated company official ("DCO") to take charge when OSHA arrives? Is your team ready? Being prepared for an OSHA visit can help reduce the risk of a violation and equip a company to dispute a potential citation.

A. Arrival

Having a one-page summary of your company plan will help your employees make wise decisions when OSHA shows up. First, ask for government identification and business cards and have the OSHA inspector wait until the DCO is available. Companies have the right to refuse to an inspection, but refusal to cooperate may invite a search warrant.

B. The Opening Conference

When the DCO arrives there will be an informal meeting referred to as an Opening Conference. Company representative(s) should take detailed notes and record and/or video the Opening Conference. During the Opening Conference the OSHA inspector will explain why he is there and whether their inspection will be partial or comprehensive.

Having safety manuals, recordkeeping logs, workers' compensation claims, verifications of training, training logs and the names and addresses of employees at your fingertips will help move things along.

The overriding objective of the Opening Conference from the company perspective is to listen and learn, but the DCO should be prepared to discuss the company's safety program and its components.

C. Inspection

An inspection will follow the Opening Conference. Have a designated camera to photograph and/or video everything the OSHA inspector photographs and videos. This evidence will help the company negotiate with OSHA in the event it issues a citation for an alleged violation.

The agent may ask your employees a series of questions about their dates of employment, what type of work they do, whether they have been trained, where logs are located, whether the company has written safety manuals, what happens if someone violates a safety guideline and whether compliance with safety guidelines is being enforced. Your employees should be honest. After the inspection there will be a Closing Conference.

ATTORNEYS

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CAPABILITIES

Emerging Companies

Employment

D. Closing Conference

During the Closing Conference, the OSHA inspector will provide an overview of what he discovered, advise you of your rights and the right to contest a citation should one be issued. Again, record everything discussed during the Closing Conference. Don't be surprised if OSHA does not immediately issue a citation because it has six months to do so. Beware; there is a 15-day deadline from receipt of a citation for the company to contest OSHA's findings.

E. Good Habits

Doing these things on a regular basis can help minimize the stress associated with an OSHA visit:

1. Review your safety plan at least once a year. The OSHA On-site Consultation Program for small businesses can help small companies confidentially gauge their level of compliance. [OSHA Small Business Assistance | On-site Consultation](#).
2. Have essential documents organized and easily accessible.
3. Have a one-page summary of the company's OSHA response protocol for the receptionist and/or your employees with key contacts names and numbers.
4. Enforce discipline for safety violations consistently.
5. Designate a company official who is accessible and/or flexible to meet with OSHA on short notice.
6. Be prepared to document, record and shadow the investigator throughout the entire process so that the company has a record of everything that takes place.

W. Brett Mason authored the OSHA update.