



ACRISURE

RISK RESOURCES

KNOWLEDGE ON DEMAND LIBRARY

How To Interact with An OSHA Inspector

Calm Down

The best way to avoid paying fines for violating Occupational Health and Safety Administration (OSHA) standards is to always be prepared for an inspection. Since an OSHA officer has no obligation to inform an employer of the inspection ahead of time, the visit will usually be unannounced or may even occur via phone.

Since the pandemic, healthcare facilities have been vulnerable to an OSHA inspection. Planning for an inspection before it happens will make it go more smoothly, allow you to be in control and create a positive impression on the OSHA officer, all of which will result in avoidance of or a lesser citation.

To be fully prepared, it is important to decide in advance who will be designated to do the following:

- ✓ Greet the inspector.
- ✓ Guide the inspector during the walk-around of your facility.
- ✓ Document and photograph any alleged violations.

Prepare

Make sure you have your OSHA logs (300, 300A, & 301) for the previous five years, organized and ready for inspector review, in case he or she requests it. Failure to produce these, or any other document, requested by the OSHA inspector could result in fines. You should also have your Covid-19 Log from June 2021 to the current date, a complete respiratory protection program including all recordkeeping, a CMS vaccination matrix, and your Covid-19 prevention and control program.

When an OSHA Inspector Arrives

Greet the Officer

Cordially ask to see the individual's credentials right away if he or she does not immediately present them. It is not enough that the officer produces credentials – be sure to verify them by calling the nearest federal or state OSHA office.

Assemble the Team

Notify the leadership team and Acrisure Risk Resources of the officer's arrival and gather those available for an "opening conference" with the compliance officer. You have the right to know why the inspector is visiting your facility, so if he or she does not specify, be sure to politely ask. Also, establish whether the inspection is to cover the entire facility or only the areas involving a particular complaint.

What Are the Benefits of a *Light-Duty Program* in Workers' Compensation Insurance?

Employee Representation

If applicable, have the designated employee representative assist you and the OSHA officer during the inspection. A selected representative may attend the walk-through on behalf of employees. Ensure that the inspector minimizes any work interruptions during the inspection.

Tip: U.S. Department of Labor | August 29, 2023

Department of Labor announces proposed changes to clarify regulations on authorized employee representation during workplace inspections. Specifically, the proposed rule clarifies that employees may authorize an employee, or they may authorize a non-employee third party if the compliance officer determines the third party is reasonably necessary to conduct an effective and thorough inspection. Acrisure Risk Resources can assist with this rule.

Control the Inspection

Show only the sections of the facility that the officer came to inspect. Be aware that if an officer sees a violation of OSHA standards in open view, he or she can legally expand the inspection beyond the previously established boundaries.

Correct Violations

Attend to any apparent violations detected by the officer immediately and on the spot. The officer will record this and take your good faith actions into account when assessing citations and fines.

Be Courteous

Work with the officer professionally, but only produce documents or information when they are requested and cleared by your leadership team before submission, and respectfully insist that the inspector not wander off alone, for their safety and the safety of your workers and those you serve.

Keep Good Records

Note all the inspector's observations and take photos of the alleged violations, especially when they take pictures. Do not argue with the officer on-site as to whether something is in violation of OSHA standards. Concisely answer what is asked in a professional manner.

Employee Involvement

Understand, the officer is required to talk to a reasonable number of employees, can decide disputes about designation of employee representatives and can include others, such as union staff and technical experts in the inspection. An employee cannot be forced to have a private one-on-one interview. These interviews are totally voluntary. If the employee declines to be interviewed (and the employee need not give any reason for the decision) the agency will have to obtain a subpoena to require the interview. Do not coach employees other than telling them to answer all questions honestly and to the best of their ability.

The "Closing Conference"

The compliance officer will conduct a "closing conference", which may occur on a day separate from the onsite inspection or phone inspection. The closing conference must be attended by facility leadership. Acrisure Risk Resources can also assist. At this point, he or she will give the facility a list of all unsafe or unhealthy conditions found during the inspection. The officer will tell the facility which violations he or she will recommend as citations, and this is your opportunity to discuss how much time you would need

What Are the Benefits of a *Light-Duty Program* in Workers' Compensation Insurance?

to correct these hazardous conditions. However, it is not appropriate to ask about fines or penalties currently, as only the OSHA area director has the authority to assign penalties after receiving the officer's full report, after the closing conference.

Understanding Fines

If you receive a citation, please provide that citation immediately to the leadership team. The organization can either accept it or contest it (in full or in part). After accepting the citation your facility will be required to pay the fine and correct the problem which will be directed by the leadership team and Acrisure Risk Resources.

For More Information, Contact



Brad Hunt, MBA, MGA, P&C Agent

Chief Risk Officer

Leverity Insurance Group

Acrisure Risk Resources

- Cell: (330) 301-3262
- Email: brad@leverity.com

Acrisure's risk resources team offers on-demand, virtual and live training tools to help you elevate your organization's performance and profitability and gain more control over the cost of your insurance and risk.

For more information, please contact your Acrisure agent or email riskresources@acrisure.com

These materials are intended for general reference and must be adopted to the specific circumstances of each business. They should not be used without review by and advice of company legal counsel. These materials are presented with the understanding that Acrisure is not engaged in rendering legal services. The information about any providers and services contained herein does not constitute endorsement or recommendation by Acrisure.