

OSHA 29 CFR 1903 – OSHA INSPECTIONS, CITATIONS, PENALTIES

OSHA CHSOs (Compliance Health & Safety Officers)

Are responsible for conducting inspections

PRIORITY OF INSPECTIONS

1. Imminent Danger (*Normally a complaint or in plain sight*)
2. Fatality or Catastrophe
3. Complaint or Referral
4. Scheduled Inspections

STEPS IN OSHA INSPECTIONS

1. Present Credentials
2. Opening Conference
3. Walkaround/Inspection
4. Closing Conference

OSHA does not have to give advance notice; they can show up.
On rare occasions, they may provide advanced notice if the report involves imminent danger and OSHA wants it stopped immediately.

FOCUS INSPECTIONS VS. GENERAL INSPECTIONS

OSHA FOCUS INSPECTIONS

Focused Inspections Initiative enables OSHA to focus on the leading hazards that cause 90% of the injuries & deaths

1. Falls
2. Struck By
3. Caught By
4. Electrocution

These are the OSHA Focus 4 aka Fatal 4 Hazards

OSHA GENERAL INSPECTIONS

Inspects the whole workplace.
Often called a General Inspection or a Wall-to-Wall

MULTI-EMPLOYER WORKSITES HAVE 4 CATEGORIES

- ☐ Creating Employer
- ☐ Exposing Employer
- ☐ Correcting Employer
- ☐ Controlling Employer

VIOLATION SEVERITY & CURRENT PENALTIES

Willful (<i>Intentional Disregard</i>)	Up to \$161,323 (The Worst)
Repeat	Up to \$161,323
Serious	Up to \$ 16,131
Other Than Serious	Up to \$ 16,131
De Minimis	Up to \$ 16,131

Willful & Repeat penalties are multiplied by up to 5 & 10 times since the employer willfully or repeatedly exposed workers to the hazard(s).

WHAT TO EXPECT

- ☐ No citation is issued at the time of the inspection
- ☐ It can take up to 6 months to issue citations
- ☐ Citations must be posted for at least 3 working days or as long as it takes to correct the hazard(s)
- ☐ The employer has 15 working days to pay penalties, go to an informal conference or file an appeal
- ☐ OSHA will provide a date by which each citation must be abated
- ☐ Each citation must be individually abated & the employer must report the abatement to OSHA within 10 calendar days
- ☐ Citations (like a ticket) may not be issued in good faith corrections that are made on the spot
- ☐ Penalties (fines) may be reduced for good faith

OSHA 29 CFR 1904 REPORTING & RECORDKEEPING

REPORTING REQUIREMENTS

Certain severe incidents must be reported directly to OSHA within specific timeframes via OSHA's toll-free number, by calling the nearest OSHA office, or using OSHA's online reporting tool.

Must be reported within 8 hours

Fatalities

Must be reported within 24 hours

In-Patient Hospitalizations, Amputations, or Loss of an Eye

Designed to ensure that employers systematically track work-related injuries and illnesses. This tracking allows OSHA to monitor workplace safety and identify areas where improvements are needed. The data collected helps in identifying hazards and developing safety standards.

OSHA RECORDKEEPING FORMS AND TIPS FOR REMEMBERING YOUR 301, 300, 300A

Employers with more than 10 employees must complete and maintain OSHA 301, 300, and 300A forms.

- ☐ **OSHA 301** Injury and Illness Incident Report
is the 1st thing you do
- ☐ **OSHA 300** Log of Work-Related Injuries and Illnesses
Where all recordable injuries must be logged
There is a 00 in log
- ☐ **OSHA 300A** Summary of Work-Related Injuries & Illnesses
A for Annual for Annual Summary

EMPLOYERS MUST

- ☐ Maintain all forms for the current year and previous 5 years
- ☐ Update the 300 Log within 7 days of becoming aware of a recordable workplace injury, illness, or fatality
- ☐ Provide copies within 4 business hours up OSHA's request
- ☐ Provide copies by the end of the next business day on request of current or former employees or their representatives

ANTI-RETALIATION

- ☐ Employers cannot retaliate against employees for reporting an injury or illness. OSHA can take enforcement action if retaliation occurs.
- ☐ Employers must inform employees about their right to report injuries and illnesses and how to do so.
- ☐ For certain privacy-sensitive cases (e.g., injuries involving intimate body parts or mental illness), employers are not required to enter the employee's name on Form 300. Instead, they should write "privacy case" and maintain a separate, confidential list with the employee's name.

INSPECTION AND ENFORCEMENT

- ☐ OSHA inspectors may review injury and illness records during workplace inspections.
- ☐ Inaccuracies or failures to maintain proper records can result in citations and penalties.
- ☐ The OSHA 300A form must be posted in the workplace for all of February, March, and April.
- ☐ Failure to properly complete and post Form 300A can also lead to penalties
- ☐ A company executive must sign the summary to verify its accuracy

OSHA RECORDABLE VS. FIRST AID CASE

WHAT MUST BE RECORDED ON THE OSHA 300?

Employers must record each work-related injury or illness that meets certain criteria, including:

- ☐ **Death:** Any work-related fatality
- ☐ **Days Away from Work:** Cases where the employee is unable to work for one or more days beyond the date of the incident
- ☐ **Restricted Work or Job Transfer:** Incidents that result in restricted work activity or transfer to another job
- ☐ **Medical Treatment Beyond First Aid:** Cases requiring treatment beyond first aid, such as stitches, prescription medications, or therapy
- ☐ **Loss of Consciousness:** Any work-related incident that causes an employee to lose consciousness
- ☐ **Significant Injuries or Illnesses:** Conditions diagnosed by a healthcare professional as significant, such as fractures, cancer, or chronic diseases
- ☐ Any **needlestick** injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material
- ☐ Any case requiring an employee to be **medically removed** under the requirements of an OSHA health standard such as chemical exposure levels, radiation levels, etc.
- ☐ **Tuberculosis infection** is evidenced by a positive skin test or diagnosis by a physician or other licensed health-care professional after exposure to a known case of active tuberculosis.
- ☐ An employee's **hearing test** (audiogram) reveals 1) that the employee has experienced a **Standard Threshold Shift (STS)** in hearing in one or both ears averaged at **2000, 3000, and 4000 Hz** and 2) the employee's total hearing level is 25 decibels (dB) or more above audiometric zero also averaged at 2000, 3000, and 4000 Hz in the same ear(s) as the STS.

WHAT IS FIRST AID?

If the incident required only the following types of treatment, consider it first aid. Do NOT record the case if it involves only:

- ☐ Using non-prescription medications at non-prescription strength
- ☐ Administering tetanus immunizations
- ☐ Cleaning, flushing, or soaking wounds on the skin surface
- ☐ Using wound coverings, such as bandages, BandAids™, gauze pads, etc., or using SteriStrips™ or butterfly bandages
- ☐ Using hot or cold therapy
- ☐ Using any totally non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.
- ☐ Using temporary immobilization devices while transporting an accident victim, such as stretchers, splints, slings, neck collars, or backboards
- ☐ Drilling a fingernail or toenail to relieve pressure, or draining fluids from blisters
- ☐ Using eye patches
- ☐ Using simple irrigation or a cotton swab to remove foreign bodies not embedded in or adhered to the eye
- ☐ Using irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye
- ☐ Using finger guards
- ☐ Using massages
- ☐ Drinking fluids to relieve heat stress

WHAT IS AN OCCUPATIONAL ILLNESS?

Any abnormal condition or disorder resulting from a non-instantaneous event or exposure in the work environment.

OSHA 29 CFR 1904 ILLNESSES, COUNTING DAYS, PRIVACY

DECIDING IF THE CASE INVOLVED RESTRICTED WORK?

Restricted work activity occurs when, as the result of a work-related injury or illness, an employer or health care professional keeps, or recommends keeping, an employee from doing the routine functions of his or her job or from working the full workday that the employee would have been scheduled to work before the injury or illness occurred.

WHAT IS MEANT BY "ROUTINE FUNCTIONS"?

An employee's routine functions are those work activities the employee regularly performs at least once per week.

COUNTING DAYS OF RESTRICTED WORK ACTIVITY OR THE NUMBER OF DAYS AWAY FROM WORK?

- ☐ Count the number of calendar days the employee was on restricted work activity or was away from work as a result of the recordable injury or illness.
- ☐ Do not count the day on which the injury or illness occurred in this number. Begin counting days from the day after the incident occurs. If a single injury or illness involved both days away from work and days of restricted work activity, enter the total number of days for each.
- ☐ Employers may stop counting days of restricted work activity or days away from work once the total of either or the combination of both reaches 180 days.

EXAMPLE 1: DAYS AWAY FROM WORK

A worker injures their back on Tuesday, March 1, and cannot return to work until Monday, March 7.
Count March 2, 3, 4, 5 & 6, resulting in 5 days away from work.

EXAMPLE 2: RESTRICTED WORK ACTIVITY

A worker sprains their wrist on Friday, May 6, and is placed on restricted duty and resumes regular work on Friday, May 13.
Count May 7, 8, 9, 10, 11, & 12, resulting in 6 days of restricted work activity.

ARE THERE SITUATIONS WHERE I DO NOT PUT THE EMPLOYEE'S NAME ON THE FORMS FOR PRIVACY?

- ☐ Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log.
- ☐ Instead, enter "privacy case" in the space normally used for the employee's name.
- ☐ This protects the privacy of the injured or ill employee when other employees, former employees, or an authorized employee representative is provided access to the OSHA 300 Log.
- ☐ You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

NEED TO KNOW BASIS

Only personnel with a responsibility to help manage the injury or illness should have access to the employee's injury, illness, and recovery information.

This includes managers, supervision, human resources, safety, and insurance personnel on a need-to-know-basis.

COUNTING DAYS AWAY, RESTRICTED, AND TRANSFERRED (DART)

- ☐ Begin counting the day after the injury or illness occurs.
- ☐ Count calendar days (not just workdays) regardless of whether the employee was scheduled to work on those days.
- ☐ Stop counting if the total reaches 180 days, even if the worker has not returned.
- ☐ Include weekends, holidays, and other days the employee would not have worked if they had not been injured.
- ☐ Stop counting when the employee returns to full duty or if there is a permanent job transfer.