



Regulatory Compliance

## OSHA: What to Expect When You're Inspected

Sara Cutcliffe | Jan 16, 2020

Are you prepared for an OSHA inspection? Learn more about what's at stake when an inspector knocks at your door.

OSHA infractions are common in manufacturing.

Creating a safe workplace is complicated. Despite your best efforts, an Occupational Safety and Health Administration compliance officer could still surprise you and show up at your workplace.

That's why it's vital that you understand what happens during an on-site *OSHA inspection*—and why you must be prepared.

**Don't let it be about ego. Really think seriously about what is and what isn't worth fighting for.**

Debby Shewitz  
Environmental and Safety Expert

### What Leads to an OSHA Inspection

First, it's helpful to recognize what might prompt an inspection. The federal agency has *six main inspection priorities* that include known hazards that could put workers in imminent danger, worker complaints and follow-up visits for previous violations.

To keep your workers safe and avoid fines, review OSHA's *annual list of major violations*.

This will tell you what OSHA views as the biggest areas of noncompliance based on citations for the previous 12 months.

Of course, if you've experienced a major accident at your workplace, expect an OSHA inspection.

Otherwise, the odds are relatively low. Nevertheless, it's important to have a response procedure in place, says Debby Shewitz, owner of Shewitz Consulting and an environmental and safety expert with more than 30 years of field experience.

“Don’t get caught totally flat-footed,” she says.

## Cheat Sheet: The 4 OSHA Penalty Levels

There are four general types of OSHA *workplace violations*:

- **Willful:** The employer either knowingly failed to comply with a legal requirement or acted with plain indifference to employee safety.
- **Serious:** The workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, and the employer knew, or should have known, of the hazard.
- **Repeated:** A violation occurred that is the same or similar to a previous violation.
- **Other-Than-Serious:** A violation that has a direct relationship to job safety and health transpired but would not likely cause serious injury or death.

*OSHA penalty fines* depend on a violation’s severity and extent. Serious and other-than-serious fines start at \$13,260. Willful or repeated violation penalties mount quickly and start at \$132,598.

## OSHA Inspection Tip No. 1: Prepare Your Team for What to Do During an Inspection

The first order of business: Create a document for your reception staff or security team—the folks most likely to be the first line of contact with an OSHA compliance officer. The document should include the ideal primary contact for the inspector, such as a site safety manager or human resources manager, and also include backup options, in case your primary contact is not available.

Behavior matters.

Always be polite, open and professional when dealing with your inspector.

That said, while you should be cooperative, don’t volunteer information beyond what you’ve been asked, Shewitz advises.

Technically, you can slow down the process by asking your OSHA officer to procure a warrant before continuing on with the inspection. Experts caution against taking this step.

“It will look like you have something to hide,” Shewitz says. “There is no point in antagonizing your inspector.”

Your inspector will tell you the reason for the visit during the opening conference, a brief meeting held at the beginning of the visit.

## OSHA Inspection Tip No. 2: Listen Closely and Take Good Notes

Understanding the scope of the investigation is key. Your inspector, who will have researched your site beforehand, will tell you if the visit is a programmed inspection, a follow-up meeting for a prior violation, or if there has been a safety complaint.

Typically, you'll be asked to provide employer documents, including OSHA injury and illness *logs*, and training information.

Make note of all documents you share. Use your notes afterward to respond to additional questions from inspectors but also to plan how to correct problems and improve safety going forward.



*Improve your compliance through training. Get a safety assessment and find out about services to foster a culture of safety at your business.*

### **OSHA Inspection Tip No. 3: Preplan the Walkaround Route**

The second component of an investigation is a worksite walkaround. Once you understand the ask, give some thought to the route you would like your inspector to take so that you limit the tour to the relevant areas.

Of course, your workplace should always be compliant with *OSHA posting requirements*. There may also be a state version of the federal poster; keep tabs on *what your state requires*.

Remember, it's legitimate to try to manage your risk.

"There is no such thing as being in 100 percent compliance, 100 percent of the time," Shewitz says. "A label comes off a container. An employee takes shortcuts on a procedure."

During the walkaround, your inspector will take notes and may pull out a camera. If so, have someone from your team take a photo from the same angle.

During the inspection, your OSHA officer may interview some workers privately about workplace safety and safety procedures. Allow your inspector to interview the workers he or she chooses. If your inspector asks you for recommended names, you can offer up employees you believe will be reasonable.

### **OSHA Inspection Tip No. 4: Be Patient with the Process**

How long will the inspection take? It could be a day or a month, depending on several factors, including the size of your worksite or what the inspector finds, as well as the initial scope.

Good fortune also plays a role.

"The sad truth is there is a certain amount of the luck of the draw," Shewitz says.

Once the inspection is complete, your OSHA officer will schedule a closing conference to discuss the findings and possible courses of action, which can include an informal conference where you can get a better explanation of the violation and learn how to correct the situation.

### **OSHA Inspection Tip No. 5: Correct Any Problems, Pay Any Fines, and Move On**

Penalties vary greatly and depend on the severity of the violation.

In the end, you can accept the citations, correct the conditions and pay a penalty, or contest the citations in writing within 15 working days.

Shewitz advises employers to proceed with caution. "Don't let it be about ego," she says. "Really think seriously about what is and what isn't worth fighting for. Paperwork? A record-keeping thing? A minor citation? It might be worth just saying OK."

*Have you ever faced an OSHA inspection? Share your story.*

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