

What to do when OSHA shows up

1. To better prepare, keep these facts in mind before you meet the Compliance Officer.
 - a. Do not leave them alone at any time during their visit.
 - b. Remember there are no Miranda Rights for your business. Whatever they see or hear WILL be used against you.
 - c. Listen closely and answer their questions. Do not ramble on or make statements just because you think it will put you in a better light with the Compliance Officer. It's crucial to keep quiet and let them do the talking.
 - d. Cooperate with the Compliance Officer. Do not make any comments or harsh statements.

2. Verify that the Compliance Officer is really from OSHA. Generally they will show you their federal ID.

3. Take the Compliance Officer to a neutral location like a conference room where you can talk. Try not to allow them into the facility until you meet with them privately. Determine the purpose of their visit. Most frequently it is due to an employee complaint or a programmed inspection.
 - a. Obtain a copy of the complaint.
 - b. You have the right to tell the Compliance Officer to leave. However, this will prompt them to get a search warrant. It is recommended that you do not do this unless it is for good reason. If you do, contact your attorney.
 - c. The Compliance Officer will ask if the employees are represented. If so, you will need to inform the Union Steward or Business Agent as they will be allowed to accompany OSHA during the visit.

4. Once the purpose of their visit is determined, get other managers involved if needed. If appropriate, ask the Compliance Officer to stay in the conference room while you go and get the others in the management team. (Note: Do not take too long; it will appear as if you are trying to hide or cover things up.)

5. If the Compliance Officer asked to see documentation (OSHA 300 Log, Safety Program, etc.), go and locate this information. You will also want to obtain any additional supporting documentation at this time. OSHA has the right to make copies of any documentation that is related to their investigation. If there is a trade secret, inform OSHA of this fact so they keep the information confidential.

6. Inspections

- a. Under no circumstances should you offer a plant tour. OSHA inspectors can cite any violations they see in "plain view."
- b. The Compliance Officer will most likely want to inspect the facility anyway; do not leave the Compliance Officer alone.
- c. Prior to starting the facility tour/inspection, you will need the following items:
 - i. Bring a pad of paper and pen to take detailed notes.
 - ii. Bring a camera to document any findings.
 - iii. Get a maintenance person to come with you so that they can quickly address any repairs or fix hazards identified.
- d. The Compliance Officer must keep their focus on the purpose of their visit. If they are here due to a specific machine or process, take them the most direct route to the area or the route that will show them as little as possible along the way. Remember, while they are here to inspect a particular machine or process, anything they see along the way is fair game for citation and may cause the purpose of their investigation to be expanded.

- e. If the Compliance Officer takes photograph(s), you should take the same photograph(s). Try to take additional angles as well.
- f. If a violation is alleged, remember it is just an allegation. They still have to prove it.
 - i. Correct the hazard/alleged violation immediately or control the hazard.
 - ii. If you cannot correct the hazard immediately, get your maintenance person to fix it ASAP. If the Compliance Officer is still on-site when it is fixed, show the Compliance Officer the correction before he/she leaves.

7. Employee Interviews

- a. Management may sit in on an OSHA interview if the employee is a member of management (e.g. foreman, supervisor, department head, vice presidents, etc.). Inform OSHA if the person they wish to interview is a member of management and that management will be sitting in on the interview.
- b. OSHA has the right to interview employees privately.
 - i. Employees have the right to speak freely with the Compliance Officer.
 - ii. Employees also have the right to deny speaking with the Compliance Officer; however, this MUST be the employee's decision. Do NOT influence, intimidate, or coerce your employee. Employees should tell the truth and stick to the facts.
 - iii. Debrief your employee after the interview to determine the scope of the Compliance Officers investigation.

8. Closing Conference

- a. Some OSHA visits result in industrial hygiene evaluations or other on-going investigation requiring them to return to the business at a later date. If this is needed, the Compliance Officer will alert you to this need.
- b. At the Closing Conference, the Compliance Officer will listen to your explanation of the findings, discuss different hazards/alleged violations, promote OSHA programs, etc.
- c. Abatement dates may be discussed at this time. Ask for extended abatement dates if needed.

OSHA Inspections - Quick Reminder Checklist

1. Restrict admittance until management personnel are on-site.
2. Determine the reason for the inspection and view their identification.
3. Obtain a copy of the complaint.
4. If you deny access, the Compliance Officer will obtain a search warrant.
5. Be calm, cordial and professional with the Compliance Officer.
6. Distinguish whether the inspection is related to safety or industrial hygiene.
7. Designate an employee representative.
8. Answer their questions cohesively and let them do the talking. Don't elaborate unless you know for a fact that it is right.
9. Bring a paper, pen, camera and a maintenance person if an inspection is needed.
10. Limit the scope of an inspection if possible; try not to expand the focus of their inspection. Only show them what you have too.
11. Have injury and illness logs, safety programs, training records, exposure records, etc. ready for review. Only show them if requested.
12. Take the same photographs and videos as the OSHA inspector.
13. Have company representatives present during interviews with management employees and debrief other employees following OSHA interviews.
14. Correct existing hazards as soon as you can, immediately if possible.
15. Obtain realistic abatement dates for any alleged violations.