

OSHA Violations - Companies with Multiple Locations Considered Repeat Offenders

March 12, 2015

The Occupational Safety and Health Administration continues to enforce its policy of assessing safety violations on a company-wide basis. OSHA has assessed repeat violation penalties when a multi-location employer has been cited for the same or similar violation of a standard, regulation, rule or order at two or more of its locations within the last five years.

In the past, OSHA would issue citations and assess penalties only for repeat violations occurring at the same facility. Regardless of criticism, OSHA has remained unwavering in defending the need for this enforcement practice.

OSHA's Policy on repeat violations should be of great concern to multi-location companies. A repeat violation will carry a mandatory fine of up to \$70,000 for each OSHA violation, and this will apply no matter the size or scope of the company's geographical presence and the breadth of the company's products or service lines. OSHA's policy concerning repeat violations has allowed the agency to assess repeat violation penalties against multi-location companies if it has found the same or similar unsafe condition at any of the company's other locations within the previous five years.

Recently, OSHA proposed a penalty of \$66,000 against a company for a repeat OSHA violation at the company's "A" location, and a penalty of \$70,000 for the repeat OSHA violation at their "B" location. An OSHA Regional Administrator said, "It is unacceptable for this company to continue repeating these violations, which are common in this industry, and put workers at serious risk. Management has a legal responsibility to inspect their locations, identify potential hazards and quickly eliminate them to ensure worker safety health."

To help avoid and eliminate repeat violations, multi-location companies can use a well-defined education and communication plan. Safety regulations and information must be properly communicated in a timely manner horizontally to all locations, and vertically through all departments. It is of the utmost importance to take affirmative action across all of the company's locations. Consider the following:

- ✓ Incorporate a safety director to coordinate training, communication and compliance initiatives
- ✓ If appropriate, designate regional safety officers to evaluate the facilities in their region, regularly confer with each other and report to the national safety director



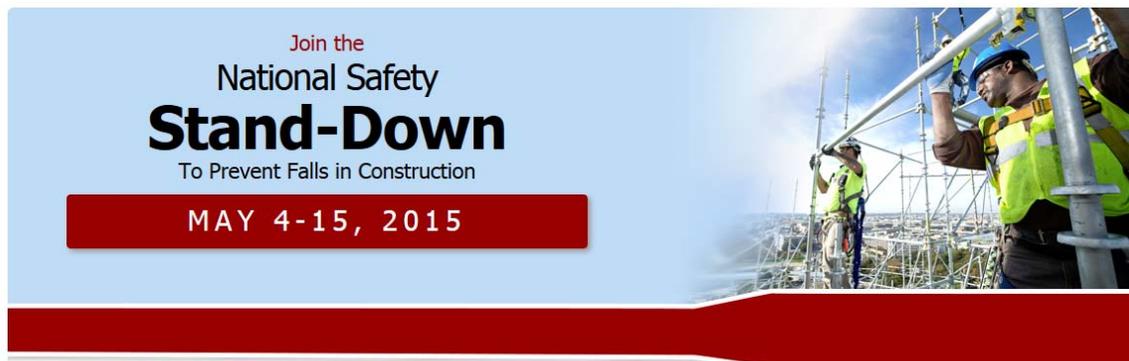
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- ✓ Assign a safety rep at each location to routinely monitor operations for safety compliance and report routinely to the company's regional safety officers
- ✓ Immediately share safety information regarding safety issues horizontally and vertically within the organization, especially arising from an OSHA inspection or citation, in order to immediately address and eliminate the potential or already existing hazards at other locations
- ✓ Make available real-time electronic databases, training and reporting to create transparency for the purpose of timely training, standardization, corrections and improvements with the goal of abating serious injuries and complaints to OSHA

As you've seen, multiple location citations from OSHA can be very costly. Implementing procedures like those listed above will help reduce accidents and injuries while reducing the likelihood of receiving heavy fines.

Ref. <http://blog.wisebusinessware.com/safetyinsiderblog/osha-violations-companies-with-multiple-locations-considered-repeat-offenders>



OSHA to host 2nd Annual Construction Fall Safety Stand-Down

Two-week event scheduled for May 4-15

Falls are the leading cause of death in the construction industry, as hundreds of workers die each year and thousands more suffer catastrophic, debilitating injuries. Yet, lack of proper fall protection remains the most frequently cited violation by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA). To recognize this often fatal hazard, tens of thousands of employers and more than a million workers across the country joined OSHA in 2014 for a weeklong Fall Safety Stand-Down, the largest occupational safety event ever held. OSHA hopes to triple these numbers during this year's Fall Safety Stand-Down from May 4-15, 2015.

Building on last year's widespread participation, OSHA has made this year's Stand-Down a two-week event. From May 4-15, employers and workers will pause during their workday for topic talks, demonstrations and training on how to use safety harnesses, guard rails and other means to protect workers from falls. Underscoring the importance of this effort, industry and business leaders, including universities, labor organizations, and community and faith-based groups, have already begun scheduling 2015 stand-downs in all 50 states and around the world.

The National Fall Safety Stand-Down is part of OSHA's fall prevention campaign, launched three years ago with the National Institute for Occupational Safety and Health, NIOSH's National Occupational Research Agenda, and the Center for Construction Research and Training. Additional partners for this year's event include: American Society for Safety Engineers, National Safety Council, National Construction Safety Executives, the United States Air Force, OSHA-approved state plans, state consultation programs, and OSHA Training Institute Education Centers.

Ref. <https://www.osha.gov/StopFallsStandDown/index.html>

Florida based, Ringling Bros. to enhance safety for all aerial acts after settlement agreement - 9 employees injured in May 2014 fall in Providence, Rhode Island

BOSTON -- Ringling Bros. and Barnum & Bailey Circus, will implement ongoing safety enhancements in aerial acts to protect employees against injuries like those sustained by its aerialists during a May 4, 2014, performance in Providence, Rhode Island. Feld Entertainment Inc., headquartered in Palmetto, Florida, owns the circus.

The proactive measures are part of a settlement agreement with the U.S. Department of Labor concerning a citation issued to the circus by the department's Occupational Safety and Health Administration in connection with a 2014 incident in which eight employees were badly hurt. They were performing an act called a "Hair Hang" when the carabiner used to support them failed and they fell more than 15 feet to the ground. The aerialists, along with a ninth employee who was struck by the falling workers, sustained serious injuries.

OSHA's inspection determined that the carabiner used to lift performers was not loaded according to manufacturer's instructions. The agency cited the circus for one serious violation of occupational safety standards and proposed the maximum fine of \$7,000. The circus initially contested its citation and penalties to the independent Occupational Safety and Health Review Commission.

"This agreement goes beyond this one case. It commits Ringling Bros. to continual, effective and detailed corrective action that will address and enhance safety for all its aerial acts, so that catastrophic incidents, such as the Providence fall and the needless worker injuries that resulted, never happen again," said Patrick Griffin, OSHA's area director in Rhode Island.

Ref: <https://www.osha.gov/newsrelease/reg1-20150423.html>

Free resources on the web

General Industry Toolbox topics:

- <http://toolboxtopics.com/Gen%20Industry/Gen%20Indus%20Contents.htm>
- <http://safetytoolboxtopics.com/Toolbox-Talks/>

National Safety Council

- <http://www.nsc.org/pages/home.aspx>