

OSHA

ENFORCEMENT & PENALTIES

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New provisions aim to prevent retaliation against employees who report injuries and illnesses.

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An employee fell to his death shortly after OSHA cited his employer for fall protection violations.

New Anti-retaliation Provisions to Take Effect Nov. 1, 2016

As part of its new [electronic reporting requirements](#), OSHA has introduced provisions to prevent employers from retaliating against employees who report injuries and illnesses in the workplace. Although the anti-retaliation provisions are being challenged in court, they are expected to come into force on Nov. 1, 2016.

The new provisions include two main requirements:

- Employers must inform employees that they have the right to report work-related injuries and illness without fear of retaliation.
- Employers must adopt reasonable procedures that employees can use to report injuries and illnesses.

Additionally, OSHA is expected to take a more proactive role when investigating retaliations, as the agency will be able to investigate an employer that retaliates against an employee at any time. Under current provisions, OSHA can only investigate if an employee files a complaint within 30 days of a retaliation taking place.

OSHA has stated that instead of using the threat of retaliation, employers should use incentive programs to encourage their employees to report injuries and illnesses and to promote safety in the workplace. To request our compliance bulletin on the new provisions, contact us today.

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Shipyard Faces Nearly \$1.4 Million in Fines

According to OSHA, Fraser Shipyards Inc., a Wisconsin-based company, has ignored numerous safety standards and exposed workers to significant hazards, including lead, asbestos, arsenic and more.

Samples taken by OSHA inspectors showed that 14 workers had lead levels of up to 20 times the exposure limit. OSHA also conducted blood tests on 120 other employees, and 75 percent of those employees were shown to have elevated lead levels. Overexposure to lead can lead to severe health issues, such as brain damage, anemia, kidney disease and more.

For these violations, OSHA issued Fraser Shipyard 14 “willful egregious” citations with proposed penalties totaling just under \$1.4 million. Additionally, the company was issued five “willful” citations for the following:

- Failing to provide training on lead and asbestos hazards
- Failing to conduct monitoring to assess employee exposure to lead
- Failing to implement lead compliance or respiratory protection programs

OSHA stated that Fraser Shipyards was aware of the safety issues, but failed to inform its employees or take steps to ensure their safety. The agency has also placed the company in its Severe Violator Enforcement Program.

OSHA Cites Employer; Employee Falls to His Death 4 Months Later

Despite receiving a citation from OSHA for failing to provide employees with fall protection, Material Handling Systems/MHS Technical Services failed to install adequate protection—which led to an employee falling 22 feet to his death four months later. The company, which installs high-speed conveyor systems, has been cited for violations relating to fall protection five times since 2009.

An OSHA inspection following the fatality led to three “egregious willful” citations for exposing employees to falls of up to 22 feet as they hoisted heavy conveyor equipment on raised surfaces. Additionally, employees were allowed to use combustible materials as welding curtains, which created serious fire hazards. The proposed penalties for Material Handling Systems/MHS Technical Services total \$320,400.

According to the Bureau of Labor Statistics, preventable falls account for nearly 40 percent of all deaths in the construction industry—including 337 deaths in 2014. In order to promote fall protection, OSHA has partnered with the National Institute for Occupational Safety and Health (NIOSH) in an ongoing [Fall Prevention Campaign](#). For more resources to protect your employees and stay in compliance with OSHA regulations, contact us at (303) 867-2055 today.