

10 Biggest Myths of OSHA Inspections & Litigation

written by Lauri Moon | February 11, 2020

You know safety and health requirements for your workplace. You know how to keep your employees safe. But do you know what happens when OSHA knocks and demands to investigate your workplace for alleged OSHA infractions? Do you know what OSHA can and can't do, what your rights are, and what happens if OSHA issues you citations? As safety professionals, you have probably heard a lot about OSHA inspections and the litigation process from colleagues, from newspapers, and maybe even from OSHA. But in this era of "fake news," is what you've heard true, or is it myth?

This webinar will explore the 10 biggest and most common myths surrounding the OSHA investigation and litigation process so that if OSHA knocks, you know what to do.

Speaker



Travis Vance, Partner, Fisher Phillips

Travis Vance is a partner in the firm's Charlotte office. He has tried matters across several industries and various subject matters, including employment litigation, business disputes and matters prosecuted by the Mine Safety and Health Administration (MSHA) and Occupational Safety and Health Administration (OSHA). Travis has emerged as a thought leader in the field of workplace safety. His writing and interviews are followed closely by experts in the safety arena and have been featured in premiere publications such as *Business Insurance*, *EHS Today*, and the *Wall Street Journal*.

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OSHA Inspections: Understanding Your Rights & Navigating the Process to Minimize Your Citation Risk

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Every employer dreads a knock on the door from an OSHA inspector. But an inspection doesn't need to be your worst nightmare. If you take proactive steps to find and fix hazards, develop a detailed plan for handling an inspection, understand and exercise your rights, and operate in good faith throughout the process, you can significantly reduce your chances of damaging citations and fines.

While OSHA and its state counterparts cannot inspect every facility, that doesn't mean you can afford to be complacent about the risk of an inspection. The facilities

that receive visits from OSHA are far from random, and the combination of your industry, your history of violations, and your injury and illness rates can significantly raise your inspection risk. With a single willful or repeat violation now carrying a maximum penalty of \$132,598, being unprepared for an OSHA inspection can be more costly than ever.

Join us for an informative webinar on October 10 that will provide guidance on planning for an OSHA inspection, navigating the inspection process, and proactively managing safety compliance to reduce your chances of citations and fines.

You'll learn:

- The factors that can increase your risk of an inspection—and what you can do to influence them for the better
- The enforcement impact of OSHA's Site-Specific Targeting Program
- Your rights—and your employees' rights—during an OSHA inspection
- Who should be present during an OSHA inspection and what their roles are
- How to strike the right balance between providing requested information and protecting your interests
- Tips for navigating the process from opening to closing conference and beyond
- And much more!

Speaker

 **Emily Scace, Senior Content Specialist, Safety, BLR**

Emily Scace is a Senior Content Specialist for BLR's safety publications. She writes and edits detailed regulatory analysis, newsletters, training content, special reports, white papers, news articles, and other materials to help businesses understand and follow OSHA and DOT compliance obligations. Emily also researches and writes about occupational safety and health regulations, enforcement trends, safety-related best practices, and safety culture; delivers webinars and presentations on a variety of workplace safety topics; and more.

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Allowing Safety Reporting to Improve Your Safety Culture

written by Lauri Moon | February 11, 2020

Achieving and maintaining a culture of accurate injury reporting in the workplace can be challenging. A case study of success will be reviewed including a discussion of things you can do to help, or hurt, this effort. Also, OSHA recently updated the Recordkeeping Rule and this session will cover the updated requirements and guidance from OSHA related to electronic injury reporting.

You will learn what is required, what can work, and what to avoid to improve injury reporting and the safety culture where you work.

- Summarize the latest guidance from OSHA on electronic reporting of injuries and illnesses
- Identify how to promote complete and accurate reporting of injuries and illnesses to improve your safety culture
- Examine what not to do - avoiding retaliation with your incentive, disciplinary, and drug testing programs

Speaker

 **Paul Hart, Director of Health & Safety Services, CTEH**

Paul is the Director of Health & Safety Services for CTEH, a company that helps people prepare for, respond to, and recover from threats to their environment. Paul has a Bachelor's degree in Safety from Murray State University and a Master's degree in Industrial Hygiene from the University of Oklahoma Health Sciences Center. He has worked in the oil and gas, retail, manufacturing, and consulting industries in his 21 year career. Paul is married with three children. He enjoys biking and working on cars. His family is also a foster family in Arkansas, providing a safe place for foster children to live and be loved as they transition to their forever family.

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Safety Incentives, Motivation and

Discipline: Balancing Legal and Practical Considerations to Boost Engagement and Drive Safety Culture

written by Lauri Moon | February 11, 2020

Employee engagement in safety is a frequent pain point among employers, and many employers turn to safety incentive programs in an effort to gain buy-in and motivate employees to prioritize safety on the job. When done well, such programs can make a positive contribution to an organization's safety culture. However, poorly designed incentive programs are not only ineffective and harmful to safety culture—in some cases, they can even provoke scrutiny and citations from OSHA.

Similarly, although disciplinary policies are an essential component of an effective safety program, an overreliance on discipline to manage safety or a disciplinary policy that is inconsistently applied can harm employee engagement and morale, deter injury and illness reporting, and even trigger retaliation claims from OSHA. Therefore, it's critical for organizations to carefully design and implement both incentives and discipline, balancing practical and legal considerations with effective strategies that motivate employees and contribute to a strong culture of safety.

Join us for an informative webinar on August 22 that will provide guidance on developing effective, compliant incentives and disciplinary strategies that strengthen safety, boost engagement, and stay on the right side of the law. You'll learn:

- The impact of OSHA's evolving guidance on rate-based incentive programs and how to adjust your programs in response
- Which incentives and disciplinary strategies can raise red flags with OSHA and how to avoid them
- How to strike the right balance between incentives and discipline to boost employee engagement in safety without deterring reporting

- Strategies to identify and implement effective incentives that strengthen your safety culture
- And much more!

Speaker

 **Emily Scace, Senior Content Specialist, Safety, BLR**

Emily Scace is a Senior Content Specialist for BLR’s safety publications. She writes and edits detailed regulatory analysis, newsletters, training content, special reports, white papers, news articles, and other materials to help businesses understand and follow OSHA and DOT compliance obligations. Emily also researches and writes about occupational safety and health regulations, enforcement trends, safety-related best practices, and safety culture; delivers webinars and presentations on a variety of workplace safety topics; and more.

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What Really Happens During an OSHA Inspection

written by Lauri Moon | February 11, 2020

During this lively webinar presentation, you'll hear about some of the biggest mistakes made by an employer, managers, supervisors and other company representatives during an OSHA inspection. For instance, you do have the right to set the ground rules for any inspection, but it's probably not in your best interest to demand a search warrant before allowing an inspection.

If safety leaders have an understanding of what their company's rights are during an OSHA inspection, they'll be more effective in defending OSHA citations and protecting workers. This webinar will discuss OSHA inspections, including the government's tactics during inspections, including walkarounds, witness interviews, and document requests, and employers' rights. You'll learn how to act, how to react, and how to be proactive before OSHA even arrives.

After attending this webinar, attendees will:

- The tactics used by OSHA to get the citations they are seeking.
- What your rights are when it comes to OSHA inspectors coming onto your property and into your facility.
- Know how to respond to an accident to prepare for an OSHA inspection and third-party claim.
- Have a plan in place to prepare for an OSHA inspection.
- Understand the ramifications of issues, including matters relating to employee testimony, arising during an OSHA inspection.
- Be able to put procedures in place to enhance employee safety.

Speaker

 **Travis Vance, Partner, Fisher Phillips**

Travis Vance is a partner in the firm's Charlotte office. He has tried matters across several industries and various subject matters, including employment litigation,

business disputes and matters prosecuted by the Mine Safety and Health Administration (MSHA) and Occupational Safety and Health Administration (OSHA). Travis has emerged as a thought leader in the field of workplace safety. His writing and interviews are followed closely by experts in the safety arena and have been featured in premiere publications such as *Business Insurance*, *EHS Today*, and the *Wall Street Journal*.

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Machine Risk Assessment Essentials

written by Lauri Moon | February 11, 2020

Industrial machinery can expose personnel to multiple hazards resulting in a range of risks. If not properly recognized and mitigated, these risks can lead to injuries, lost production or loss of life. By law, every employer must complete a workplace hazard assessment. A thorough risk assessment includes identification of hazards, frequency of exposure, probability of injury, severity of injury and methods for reducing risk. This webinar teaches you how to assess risks associated with fixed industrial machinery and establish a risk level based on ANSI/RIA risk assessment

methods. After completing this webinar, attendees will become familiar with the machine risk assessment process and understand important questions to ask.

Objectives:

- Address the importance of machine safety
- Review OSHA requirements for machine safeguarding
- Provide an overview of the many codes and standards that may be included in a machine safety and risk assessment
- Provide basic methods and tools for getting started with machine safety and risk assessments

In today's highly competitive environment, understanding your risk is essential to good business practices. Machinery hazards can be identified, assessed, and mitigated to limit exposure to risk. Learn workplace safety requirements and U.S. machine safety regulations from the experts at UL.

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Don't Let Your Supply Chain Put You at Risk

written by Lauri Moon | February 11, 2020

The headlines are full of companies whose reputations have been threatened and damaged—sometimes irreversibly—by supply chain mismanagement. It's not enough any more to have your own house in order. Your risk management strategy needs to ensure that every aspect of your supply chain is protected against avoidable situations, and that you can recover from unpredictable disasters. OSHA can conduct an inspection at your worksite in the event of an injury to another company's employee—would you be prepared if OSHA comes calling?

In this webinar, you'll learn how to protect your company from incidents caused by under-qualified or untrustworthy contractors or suppliers. Don't put yourself at risk—financially or legally—for injuries, damaged goods, late or missed deliveries, machinery repair, insurance claims and any other problems that result from your vendors and contractors. Discover how to focus on supplier risk management; how to gather the information you need to identify potential safety and health risks; and how to work with your supply chain partners to develop policies and procedures that protect them, that protect you, and that protect every employee involved.

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The Top 6 Employee Training Topics: Requirements and Best Practices to Protect Employee Safety

written by Lauri Moon | February 11, 2020

Employee training is often required by regulation but providing training in non-mandatory topics can help better protect your employees and your company's bottom line. Your overall goal should be ensuring the safety, welfare, and productivity of your workers, not merely satisfying a particular compliance obligation. All training should help employees protect themselves and avoid hazards, so providing training in additional areas (even if not required) gives employees more information to remain safe — and helps protect your business as well.

This presentation will focus on six topics that often cause problems even when employers do provide training. They include:

- Hazard Communication, which consistently appears in OSHA's top 10 list of most-violated regulations;
- Powered Industrial Trucks, another in OSHA's top 10 list, where training includes operator evaluations;
- Active Shooter/Bullying, which is not required by law, but bullying occurs in nearly every workplace, and preventing violence should be an employer priority;
- Control of Hazardous Energy (Lockout/Tagout), also in the top 10 violations list, which creates the potential for serious injuries and fatalities;
- Bloodborne Pathogens, which impacts many employers - any company with

designated first aid responders must provide this training annually; and

- Sexual Harassment, which many employers provide to new hires — but the continued prevalence in workplaces suggests that training could be more effective.

Speakers

 **Edwin Zalewski, Editor, J. J. Keller & Associates, Inc.**

Edwin Zalewski has been an editor at J. J. Keller & Associates, Inc. since 1999. He researches and creates content for a number of workplace safety and employee-related subjects. As the Manager of the Workplace Safety & Human Resources Publishing Team, Edwin contributes to a variety of products and delivers presentations around the country. He specializes in discrimination and harassment, overtime, forklift safety, injury recordkeeping, and many other topics.

 **Ann Potratz, Associate Editor - Human Resources Publishing, J. J. Keller & Associates, Inc.**

Ann Potratz is an associate editor on the human resources publishing team at J. J. Keller & Associates, Inc. She creates content on employment law issues and best practices for HR professionals, writing and editing a number of HR newsletters and manuals for employers. Ann specializes in topics such as sexual harassment, hiring issues, discrimination laws, disciplinary actions, and terminations.

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Common Indoor Air Quality Issues for Manufacturing or Processing Facilities

written by Lauri Moon | February 11, 2020

Many manufacturing and processing facilities face air quality issues. Wet or dry particles can become airborne when food, metal, chemicals or pharmaceutical products are produced or when paper or wood are processed. If left to accumulate in the air, this dust and mist causes numerous safety hazards for operators and the facility.

This webinar will discuss common causes of contaminated air, health & safety risks related to poor air quality, specific issues associated with fine dust and mist, and OSHA regulations governing facility air quality. It will also present ways to improve air quality and ensure quality return air using high efficiency filtration.

Speaker

 **Chris Fluharty, Northeast Regional Manager, Camfil Air Pollution Control**

Chris Fluharty, Northeast Regional Manager, has been with Camfil Air Pollution Control since 2011 and has 21 years of experience in the filtration industry. His career has included managing all of the filtration products for a variety of large automotive manufacturing facilities, managing a filtration products rep firm and the last 8 years with Camfil APC.

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How ISO 45001 Can Help You Lead with Safety

written by Lauri Moon | February 11, 2020

Are you looking to gain executive support to implement ISO 45001 standards? Understanding how ISO 45001 will impact your business, let alone building a business case or convincing executive teams to care, can be hard. However, once implemented it has the power to supercharge your safety programs and drastically increase the safety of your workforce. Our host, Chris J. Ward, is a former HSE regulator with extensive knowledge on what regulators are looking for, how companies who adhere to ISO 45001 gain a competitive advantage, and the downfalls of failing to comply.

By listening to this webinar, you will:

- Better understand how you can improve your safety programs with ISO 45001
- Learn how to quantify the business impact of those changes, and

- Learn how to articulate the benefits of ISO 45001 to your executive team to drive organizational action.

Speaker

 **Chris J. Ward, Former HSE regulator**

Chris Ward is an ex-UK regulator (Health and Safety Executive) principal inspector. He is a member of the British Standards Institute committee responsible for OHSAS 18001 and the development of ISO 45001, a fatal accident investigator, OHSMS consultant and provider of ISO 45001 assessment scheme.

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