

CONSTRUCTION BLOG

For Contractors, OSHA is at it again!

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The anti-business Occupational Safety and Health Administration continues its onslaught of burdensome regulations on American business. The “stick it to the company” philosophy is no more evident than with its new increased penalties.

As of August 1, 2016, OSHA penalties will be as follows:

Offense

Serious:

Other-Than-Serious:

Repeat violations:

Willful violations:

Failure to Abate

Old Maximum Penalty

\$7,000 per violation

\$7,000 per violation

\$70,000 per violation

\$70,000 per violation

\$7,000 per day beyond the abatement date

New Maximum Penalty

\$12,471 per violation

\$12,471 per violation

\$124,709 per violation

\$124,709 per violation

\$12,471 per day beyond the abatement date

OSHA Get Ready. Not to be outdone, OSHA's new anti-retaliation provisions included in the revised recordkeeping regulation, 29 CFR Part 1904, will go into effect on November 1, 2016. The new recordkeeping regulation will include provisions prohibiting employers from retaliating against employees for reporting work-related injuries or illnesses. 29 C.F.R. § 1904.35(b)(1)(iv). OSHA identifies post-accident drug testing and safety

incentive plans as programs that may result in impermissible retaliation against employees who report injuries.

Employer Actions: Given the increased penalties and the expansion of retaliatory conduct it is more important than ever to make sure your company's work place safety policies are updated. Employers already are required to have reporting procedures, but the final rule clarified that to be reasonable, such reporting procedures must not discourage employees from reporting injuries or illnesses. Also, it is essential to have proper protocols and processes in in place to establish certain defenses to ward off costly OSHA citations.

For more information, please contact **Timm Schowalter** at tschowalter@sandbergphoenix.com, (314)-425-4910 or another member of Sandberg Phoenix & von Gontard, P.C.'s Labor and Employment Law Team