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WHAT WOULD YOU DO IF OSHA SHOWS UP?

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Possibly the scariest words for the unprepared are: "OSHA is at the front door!" Why are they here? There are just so many possibilities as to why a Compliance Safety and Health Officer from the Occupational Safety and Health Administration (OSHA) might be at your operation.

The biggest safety obstacle for most clubs is that they are small businesses and just cannot afford a safety professional to guide them on what OSHA requires you to do.

This article will offer ideas, share some insights and raise your awareness on what should you do.



OSHA'S Inspection Priorities

OSHA has established a safety hierarchy that protects employees in dangerous situations first and then progresses to lower-risk concerns. In order of priority, those concerns are:

- Imminent danger
- Catastrophes
- Worker complaints and referrals
- Targeted inspections - high injury/illness rates, severe violators
- Follow-up inspections

These priorities also imply that if a representative from OSHA is driving by your operation and they see a situation deemed to be an imminent danger to an employee, they can stop whatever work processes are occurring.

Might You Have to Call OSHA to Come to Your Operation?

Yes, if you have an employee fatality or a catastrophe (an incident that requires the hospitalization of three or more employees), you have to call OSHA (1-800-321-OSHA ext. 6742) within eight hours.

Does OSHA only show up or are there other Modes of Inquiry?

OSHA does show up for on-site inspections. For low-risk complaints, they conduct phone/fax and email investigations. Do know that OSHA employees cannot give advance notice of a visit, though.

If they are at the door, do you have to let them in?

No, it is your right to refuse entry, but recognize that they will come back with a court order and/or possibly even with a Sheriff to gain access.

What is OSHA required to do when they come on site?

- Show identification
- Have an opening conference
- Possibly interview employees
- Have a closing conference
- Citations, fines and possible penalties will not be immediately issued.

So what should you do if they are at the door?

Hopefully, you have already instructed your

receptionist/gatekeeper/security department to contact senior management before the opening conference or inspection process commences.

It is recommended that you request a copy of the complaint.

What might they ask for?

Some of the documents that are often asked for are your OSHA 300/300A logs. These logs are the listing/summary of the various injuries/illnesses that occurred at your facility.

OSHA regulations allow you four hours to produce your OSHA 300A logs (your injury illness summary logs). You are required to maintain/retain these records for the previous five years.

If you have not been compiling these logs, you can open the form in [Excel spreadsheet format](#).

Note: According to Federal OSHA standards, Athletic/City/University clubs are exempt from recordkeeping requirements. If your state administers its own OSHA program, you may have to maintain your 300/300A logs.

Other questions/requests will involve your existing policies, procedures and training records related to the reason why they are there.

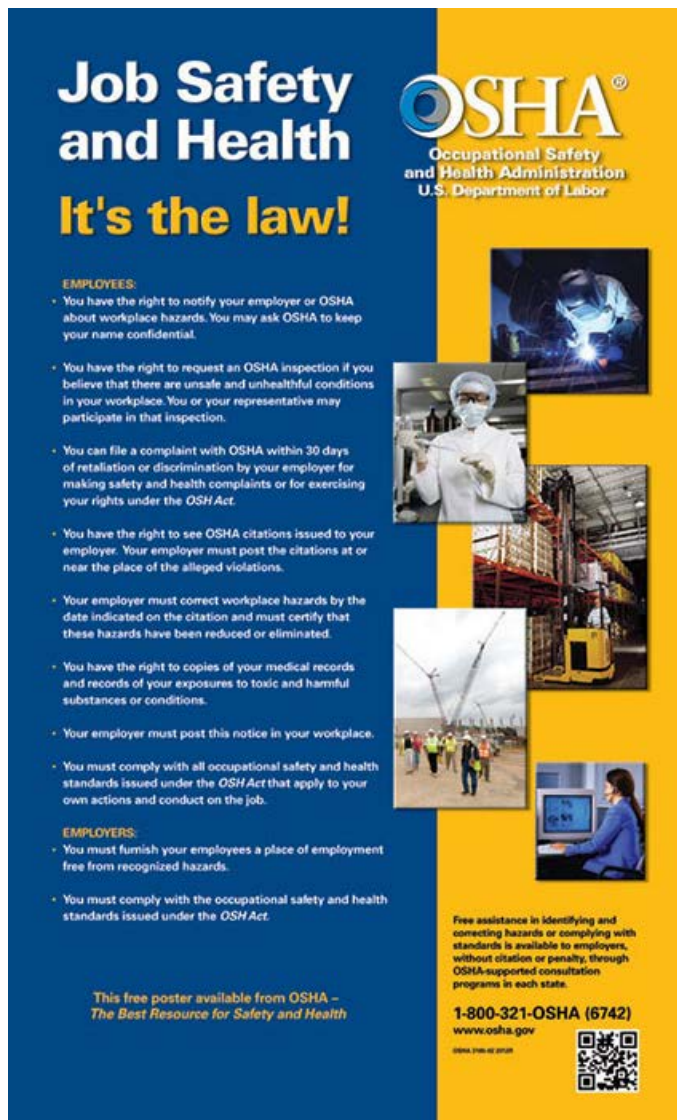
Make copies of all requested items, do not give the originals!

What written policies/employee training is applicable?

You have to conduct the following safety training for all workers in a language and vocabulary they can understand (* denotes annual employee training required).

- Emergency Action Plan*
- Hazard Communication Plan* (An updated revised policy was required as of December 1, 2013)
- Blood Borne Pathogen Policy*
- Personal Protective Equipment Policy
- Lockout Tagout Policy* (if applicable)
- Respiratory Protection Policy
- Hearing Conservation Program
- Workplace Hazard Assessment

Also know that an inspector will look to ensure your OSHA regulatory poster is posted.



Job Safety and Health
It's the law!

OSHA
Occupational Safety and Health Administration
U.S. Department of Labor

EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

EMPLOYERS:







- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster available from OSHA –
The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA (6742)
www.osha.gov

OSHA 3090-02-0000



Accompanying the OSHA Representative on the Tour

Before you start the tour, ensure that you define the needs and areas that the OSHA representative wants to see. Escort (and stay with) the OSHA inspector to the area(s) they want to see and recognize that if he/she see an additional violation along the way that you can be cited for that as well. Take the same pictures, videos and samples that OSHA takes.

If employees are interviewed (OSHA may ask to interview employees in private), debrief the employees after the event so you may prepare other employees.

What Not to Say

Do not lie, I strongly recommend being honest! If you do not know something, say so. If you do not have a policy, say so.

As difficult as it may be while being questioned by a government representative, attempt to stay on-topic and attempt to avoid voluntarily offering more information than asked for; some operations have learned the hard way that saying too much resulted in additional fines.

What would you do differently if you knew they were on their way?

Would you do more employee training?

Would you implement more policies?

Have you already had an OSHA visit? Might they be coming back?

Did you choose a construction contractor who has had a previous OSHA citation? Is OSHA coming in to inspect their work? Are you doing a construction project? Do you know about OSHA's [multi-employer worksite citation](#)?

Whistle-Blower Act

"The OSH Act prohibits employers from discriminating against their employees for exercising their rights under the OSH Act. These rights include filing an OSHA complaint, participating in an inspection or talking to an inspector, seeking access to employer exposure and injury records, and raising a safety or health complaint with the employer. If workers have been retaliated or discriminated against for exercising their rights, they must file a complaint with OSHA within 30 days of the alleged adverse action." (Source: <http://www.whistleblowers.gov/index.html>)

Closing Thoughts

This brief article attempted to cover a wide range of potential concerns, yet do recognize every club is as different as the skill sets of the employees. What may be applicable at the club down the road might not even be a consideration for your operation.

The last questions to be asked are: What are you going to do now to better protect your employees? What are you going to do to ensure OSHA does not come knocking at your door?

Other information:

[Severe Violator Enforcement Program](#) - If an operation has a catastrophe/fatality, the citations and monetary fines under this directive are significant. Six figure fines have been issued.

[Workplace Violence](#) - OSHA has a specific directive for workplace violence. Incidents would be categorized or cited under the General Duty Clause.

Alan E. Achatz, CCM, CHE is a former club manager who assists clubs with safety matters including emergency action planning & implementation, crisis management, OSHA compliance, behind the scenes safety audits and food safety. Alan has written extensively about safety concerns for clubs. He may be reached at 716-565-9122 or at www.clubsafetysolutions.com

