



OSHA in 2014:  
Boldly Going Where No Federal  
Agency Has Gone Before

BURR • • • FORMAN LLP

*results matter*



# OSHA Targets Automotive Industry

- Local Emphasis Program in Region IV
- Letters mailed late January/early February 2014
- Inspections will be wall-to-wall
- Inspections are expected to begin immediately

# OSHA Targets Automotive Industry

- What is OSHA likely to inspect???
  1. OSHA 300 Logs
  2. Temporary Employee Issues (training/injury reporting on logs)
  3. Machine Guarding/Amputation Hazards
  4. Lockout/Tagout Documentation and Training
  5. PPE
  6. Safety Training

# OSHA's SHARP Program

- Carried out by Safe State in Alabama
- Certification Exempts Employer from “Programmed Inspections”
- Certification can last up to 2 years and be renewed thereafter
- The program is *free*...

# SHARP Certification Requirements

- Comprehensive Safe State Inspection
- Inspection must involve employees (interviews)
- ALL Identified Hazards Must be Corrected
- Maintain Injury & Illness Program
- DART Rate and Total Recordable Case below national average
- Agree to notify Safe State before making significant workplace or process changes



# OSHA Says Union Reps Can Represent Non-Unionized Employees During Inspections

- Interpretation Letter Released in April 2013
- Contradicts All Previous Precedent and OSHA Guidance
- OSHA's Field Manual and Regulations Say Only "Employees" Can Represent Non-Unionized Employees During Inspection
- Does OSHA's Interpretation Violate the NLRA?

# Possible Defenses...

- Require Warrant for Entry
- Create “Safety Team”



# OSHA Focuses on Temps

- OSHA Directs Inspectors to Focus on Temps During Inspections
- 12% of All Workplace Fatalities Were Temps in 2012
- Bham OSHA office published notice on temps in March 2013

# What is OSHA Looking For?

- Training
- PPE
- Injury Reporting on Logs

# Captain's Log

- OSHA Boldly Going Where No Agency Has Gone Before
- Remember:
  - Automotive Industry Local Emphasis Program
  - OSHA Contends Union Reps Can Represent Employees During Inspections
  - OSHA Focusing on Temps

# New Whistleblower System

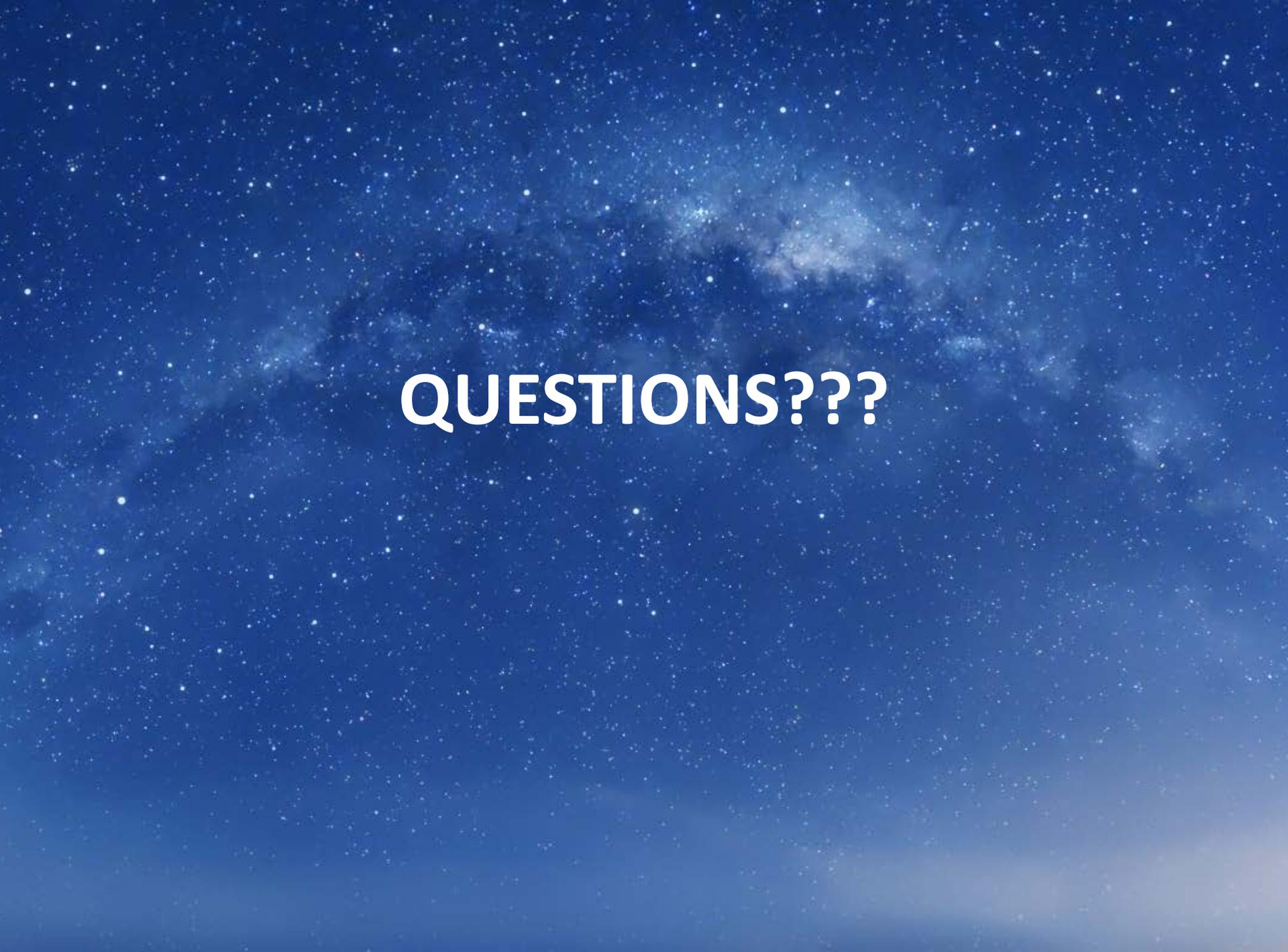
- New System on December 5, 2013
- Complaints used to be called in on phone
- Now OSHA receives complaints online too
- Complaints can be made anonymously
- Expected to increase complaints and resulting inspections

# Proposed Rule: Public Disclosure of Injuries

- Rule proposed November 8, 2013
- Employers with more than 250 employees
- Duty to maintain injury/illness logs unchanged
- Electronic submission
- OSHA would post results online
- Attempt to shame employers into safety?

# Proposed Rule: Enterprise Reporting and Relief

- Rule proposed November 8, 2013
- Would require employers with multiple worksites to report injury/illness info “enterprise” wide
- No longer limited to “establishments”
- ALJ rejected OSHA attempt to impose “enterprise” wide relief in October 2013

A deep blue night sky filled with numerous stars of varying brightness. In the center, there is a large, diffuse, glowing nebula or galaxy structure, possibly the Milky Way, with a brighter core and wispy, ethereal arms extending outwards. The overall tone is a rich, dark blue, creating a sense of vastness and cosmic wonder.

**QUESTIONS???**