

Editor's Note: Safety Group Program Monthly Newsletter Article — Aug. 2020
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Everything you need to prepare for an OSHA investigation

Occupational Safety and Health Administration investigations monitor how businesses manage everyday risks for their workers.

The COVID-19 pandemic has highlighted risk management as a priority for many businesses. No matter what their industry, employers are evaluating workplace safety protocol and becoming more proactive about improving it.

Investigations prioritize worker safety and address worker complaints or referrals. Taking the time to prepare for an investigation will make it go smoother and faster. Businesses can follow these tips for a productive OSHA investigation.

Before the OSHA investigation

Plan for the investigation by choosing an authorized representative to handle and coordinate responses for every part of the investigation. OSHA can show up at any time, so also pick a backup representative in case the point person is not available. The representative's responsibilities may include:

- Going to opening and closing conferences.
- Accompanying the OSHA inspector around the workplace.
- Documenting everything the inspector says.
- Photographing everything the inspector photographs.
- Sitting in on supervisor interviews and advising workers of their rights.
- Correcting any potential hazards observed.
- Exercising the company's legal rights politely but firmly.

Use our [OSHA investigation checklist](#) to assist with preparation. If the investigation occurs following a workplace fatality, read Pinnacol's [Employer's Guide to Fatal Incidents](#) for guidance.

During the OSHA investigation

Authorized representatives and workers can follow these best practices:

- Inform supervisors that OSHA is on-site.
- Request the purpose of the inspection to learn why OSHA is investigating.
- Establish the areas or conditions that are to be inspected by OSHA.
- Ask for the investigator's name and credentials.
- Answer questions truthfully without volunteering additional details.

- Offer any documentation the OSHA inspector asks for.
- Say “I don’t know” if you can’t answer a question.

Also keep in mind a few don’ts:

- Don’t give out information that is not requested.
- Don’t guess the answer to a question or provide opinions.
- Don’t argue whether something constitutes a violation.
- Don’t acknowledge something is a violation.

After the OSHA inspection

During the closing conference, the representative will have a chance to discuss any observed violations. The representative can ask questions, such as what standard was violated or the amount of a penalty if one is assessed. The investigator may offer information on informal settlement conference options.

Businesses should immediately correct violations not addressed during the walk-around and post copies of the violations, per OSHA regulations. Within 15 working days of receiving the violation, a company can file a notice of intent to contest.

COVID-19 and OSHA inspections

While cleaning and disinfecting have become greater concerns in the COVID-19 era, OSHA has not indicated that businesses will encounter stepped-up enforcement. Employers should [review their hazard communication program](#) and continue to focus on policies that will help [control the spread of COVID-19](#).

Have questions? [Contact a Pinnacol safety consultant](#) to learn more about getting ready for an OSHA investigation.

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