

What You Need to Know When OSHA's Knocking at the Door

Since OSHA inspectors usually show up unannounced to conduct workplace inspections for safety and health violations, employers need to be prepared and know their rights — in advance. This inspection guide is designed to inform employers of their most important rights and enable employers to manage an OSHA inspection with confidence and control.

Before OSHA Shows Up

Get your house in order

- Establish written work rules consistent with OSHA standards and communicate rules to employees.
- Provide necessary training and maintain records.
- Conduct inspections and self-audits to identify any hazards or violations of safety program.
- Create a progressive disciplinary program and share written program with employees.
- Ensure compliance with applicable OSHA standards, including any program or plan requirements.
- Prepare an OSHA response team and inspection protocol.
- Train employees on their rights and responsibilities in the event of an OSHA inspection.

Critical Employer Rights

And how to exercise them

- Designate a company representative to accompany the OSHA inspector at all times.
- Ask the inspector questions.
- Take side-by-side photographs, record videos, and conduct the same tests and sampling as OSHA.
- Have an attorney or company representative present for management interviews.
- Prepare all employees for OSHA interviews.
- Insist that any document demands be put in writing.
- Do not disclose any documents to OSHA ("on the spot" (unless SDS sheets or 300 logs)
- Ensure that the inspection remains limited to its proper scope and consistent with any agreed-upon protocol.

- Take measures to protect any trade secrets.
- Identify inspection routes and interview/document protocols in advance of the walkthrough.

When OSHA Shows Up

Understand the inspection process

- The 4th Amendment applies, so OSHA needs a warrant or your consent to enter and inspect. Consenting is usually advisable, but only after negotiating (and insisting upon) a proper scope and protocol for the inspection.
- If additional time is needed for a critical member of management to arrive, request that the inspection be delayed. Inspectors will usually wait up to one hour.
- Understand the main parts of an OSHA inspection:
 - I. The Opening Conference
 - II. The walkthrough (physical inspection)
 - III. Document demands
 - IV. Interviews
 - V. The Closing Conference
- Understand that the OSHA inspector has the right to:
 - Perform a walkthrough of the facility (**limited to the scope of the inspection**)
 - Talk privately with non-management employees
 - Request documents, including 300 logs, written programs and plans, and SDS sheets
 - Take photographs, record videos, and conduct tests and sampling

REMEMBER: This guide is solely meant to provide suggestions and an overview of those most important rights. Each inspection will have its own unique aspects; based on the facts and circumstances of any particular inspection or business, additional considerations may be warranted. **In the event of an OSHA inspection, immediately call your locations EHS Representative or the Director of EHS by phone.**

For more information, contact:

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