



## ACCESSING SAFETY KNOWLEDGE (ASK) SHEET: *Do's and Don'ts When OSHA is at a Jobsite*

The best way to avoid OSHA citations and fines is to have an effective safety program in place. Additionally, a contractor's safety plan should include knowledge of legal rights and responsibilities during an OSHA inspection. Following are some quick tips on things contractors should do or avoid during an OSHA inspection.

- Have a plan for when an inspection occurs. Communicate this plan with all field employees, including such things as expectations for supervisors, strategy regarding warrants, exact steps to be followed during an inspection and anything else appropriate for the contractor's line of work.
- Get the individual(s) in charge of safety to the jobsite as soon as possible. Most OSHA Compliance Officers (inspectors) may allow up to one hour for this purpose as a courtesy.
- Ask for the inspector's identification, even if others already have. Call the OSHA Area Office to confirm the inspector's identity if there is any doubt. Get a business card or note the inspector's name.
- Always accompany the inspector during the inspection walk-through. This is not only a contractor's legal right, but it can also be a very educational experience. Carry a camera, pad and pencil or pen. If the Inspector takes a picture of anything on the job, try to take the exact picture, from the same angle. Take applicable notes.
- Contractors should gather evidence during the inspection. For instance, if a tool appears to be unsafe, the contractor should lock- it; tag-it, but keep it. This is evidence that may be needed later.
- Ask questions about the inspector's background and experience covered by any apparent violation mentioned. Make sure the inspector is not misunderstanding the task or the procedure.
- Ask for the means and methods of abatement for each apparent violation mentioned by the inspector.
- Correct all observed hazards as soon as possible after being identified. However, for those hazards that might take longer, begin correction as soon as possible, but avoid giving estimates of time, methods, materials or personnel needed for abatement of the deficiency, unless absolutely sure of the accuracy of these estimates.
- Do not let OSHA interfere with productivity. Inspectors have a legal right to stop an activity in the event of a life threatening situation. Otherwise, contractors have a right to continue normal work activity during the course of the inspection.
- Contractors are not legally required to conduct any demonstrations for OSHA's benefit such as operating tools or equipment that are not in use or operation at the time of the inspection. Demonstrations could lead to mistakes caused by stress.
- Avoid saying or doing anything under the possible stress of the inspection that leads to compromising rights under the law.
- OSHA Compliance Officers do not write citations or issue fines. They make recommendations to the Area Directors and their assistants who make these decisions. Therefore, arguing with an inspector is unwise and fruitless.
- Keep all publications and documents handed out by OSHA, and note on each the name of the inspector who gave it and the date of its receipt.
- If OSHA came in to the job site with a warrant, ask the G.C. Supervisor if the warrant extends to looking at records.
- Inspectors may legally access applicable company documents at the job site. However, giving up a contractor's only jobsite copy may lead to a violation of OSHA Standards and leave site employees without that information.
- The closing conference should be a time to obtain, rather than give information.

Again, the best way for contractors to stay out of OSHA citations and fines trouble is to pay attention to and have a plan for safety and health before OSHA shows up on the jobsite.

Recommended references available at no cost from local OSHA offices or the web:

[Employer Rights and Responsibilities \(Publication #3000-2005\)](#)  
[Employee Workplace Rights \(Publication #3021-01R 2005\)](#)  
[OSHA's Field Operations Manual](#)

*All About OSHA* (Publication #3302-2006) [\(English\)](#) [\(Spanish\)](#)  
*It's The Law - Job Safety and Health Poster* [\(English\)](#), [\(Spanish\)](#)

PROVIDED BY ASA-HOUSTON CHAPTER SAFETY COMMITTEE – OCTOBER 2009

P.O. Box 924943 • Houston, Texas 77292 • 281.679.1877 • [asahouston.org](http://asahouston.org)

American Subcontractors Association-Houston Chapter is a collective voice for a diverse membership committed to quality, safety, and ethics in construction. ASA-HC advocates for legislative reform and provides educational opportunities for the subcontracting community.