

Settling OSHA Citations: It's Not Just About OSHA

Location

Orlando World Center Marriott
8701 World Center Dr
Orlando, FL 32821

Date & Time

Start Date: 09/19/2023
Start Time: 1:00 pm
End Time: 1:30 pm EDT

John Ho will discuss OSHA citations at the Safety Leadership Conference. OSHA citations can be expensive but often the cost of litigation, even if successful, exceeds the cost of the penalties. However, businesses should be aware that OSHA citations and OSHA's investigative file are frequently used as damaging evidence in collateral litigation such as third party claims and/or to escape workers' compensation particularly when a fatality or serious injury is involved. Such collateral litigation almost always exposes businesses to significantly greater damages such as punitive damages in tort claims arising from the injury. Accordingly, businesses must be careful to understand how an OSHA settlement, e.g., classification of penalty, alleged violation description, exculpatory clauses and abatement of cited conditions can affect such litigation before settling OSHA citations and what settlement terms may help alleviate these concerns. John will discuss these considerations and also explore related OSHA litigation and settlement issues such as protecting confidential and trade secret documents submitted to OSHA from public disclosure, limiting supervisory admissions, impact of citations on operations, and likelihood of repeat and willful citations after settling citations particularly for multi-facility organizations.

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