

HIOSH Inspection

HIOSH is committed to strong, fair, and effective enforcement of safety and health requirements in the workplace.

HIOSH inspectors, called Compliance Safety and Health Officers, are experienced, well-trained inspectors whose goal is to assure compliance with HIOSH requirements and help employers and workers reduce on-the-job hazards and prevent injuries, illnesses, and deaths in the workplace. Normally, HIOSH conducts inspections without advance notice.

Employers have the right to require compliance officers to obtain an inspection warrant before entering the worksite.

Key Takeaways

- **Inspection Priorities.** HIOSH focuses its inspection efforts on the most hazardous workplaces.
- **Inspection Steps.** Inspections involve preparation, presentation of credentials, an opening conference, walkaround to identify hazards, and closing conference to review findings and next steps.
- **Outcomes.** Inspections may result in citations, penalties, or required corrective actions, with a focus on hazard elimination and compliance.

Inspection Priorities

Generally, HIOSH has jurisdiction over private businesses, and local and state government agencies. The agency seeks to focus its inspection resources on the most hazardous workplaces in the following order of priority:

1. Imminent danger situations—hazards that could cause death or serious physical harm receive top priority. Compliance officers will ask employers to correct these hazards immediately or remove endangered employees.

2. Severe injuries and illnesses—employers must report:

- All work-related fatalities within 8 hours.
- All work-related inpatient hospitalizations, amputations, losses of an eye, or excess property damage of \$25,000 within 24 hours.

3. Worker Complaints—allegations of hazards or violations also receive a high priority. Employees may request anonymity when they file complaints.

4. Referrals of hazards from other federal, state or local agencies, individuals, organizations or the media receive consideration for inspection.

5. Targeted inspections—inspections aimed at specific high-hazard industries or individual workplaces that have experienced high rates of injuries and illnesses also receive priority.

6. Follow-up inspections—checks for abatement of violations cited during previous inspections are also conducted by the agency in certain circumstances.

Phone/Fax Investigations

HIOSH carefully prioritizes all complaints it receives based on their severity.

For lower-priority hazards, with permission of a complainant, HIOSH may telephone the employer to describe safety and health concerns, following up with a fax providing details on alleged safety and health hazards.

The employer must respond in writing within five working days, identifying any problems found and noting corrective actions taken or planned.

If the response is adequate and the complainant is satisfied with the response, HIOSH generally will not conduct an on-site inspection.

On-Site Investigations

Preparation—Before conducting an inspection, HIOSH compliance officers research the inspection history of a worksite using various data sources, review the operations and processes in use and the standards most likely to apply.

They gather appropriate personal protective equipment and testing instruments to measure potential hazards.

Presentation of credentials—The on-site inspection begins with the presentation of the compliance officer's credentials, which include both a photograph and a serial number.

Opening Conference—The compliance officer will explain why HIOSH selected the workplace for inspection and describe the scope of the inspection, walkaround procedures, employee representation and employee interviews. The employer then selects a representative to accompany the compliance officer during the inspection. An authorized representative of the employees, if any, also has the right to accompany an

inspector. The compliance officer will consult privately with a reasonable number of employees during the inspection.

Walkaround—Following the opening conference, the compliance officer and the representatives will walk through the portions of the workplace covered by the inspection, inspecting for hazards that could lead to employee injury or illness.

The compliance officer will also review worksite injury and illness records and the posting of the official HIOSH poster.

During the walkaround, compliance officers may point out some apparent violations that can be corrected immediately. While the law requires that these hazards must still be cited, prompt correction is a sign of good faith on the part of the employer.

Compliance officers try to minimize work interruptions during the inspection and will keep confidential any trade secrets observed.

Closing Conference—After the walkaround, the compliance officer holds a closing conference with the employer and the employee representatives to discuss the findings.

The compliance officer discusses possible courses of action an employer may take following an inspection, which could include an informal conference with HIOSH or contesting citations and proposed penalties.

The compliance officer also discusses consultation services and employee rights.

Results

When an inspector finds violations of HIOSH standards or serious hazards, HIOSH may issue citations and fines.

Citations describe HIOSH requirements allegedly violated, list any proposed penalties

and give a deadline for correcting the alleged hazards.

Violations are categorized as willful, serious, other-than-serious, failure to abate, and repeated. In settling a penalty, HIOSH has a policy of reducing penalties for small employers and those acting in good faith.

For serious violations, HIOSH may also reduce the proposed penalty based on the gravity of the alleged violation. No good faith adjustment will be made for alleged willful violations.

Contest

When HIOSH issues a citation to an employer, it also offers the employer an opportunity for an informal conference with the HIOSH Branch Manager to discuss citations, penalties, abatement dates, or any other information pertinent to the inspection.

The agency and the employer may work out a settlement agreement to resolve the matter and to eliminate the hazard.

HIOSH's primary goal is correcting hazards and maintaining compliance rather than issuing citations or collecting penalties.

Alternatively, employers have 20 calendar days after receipt of citations and proposed penalties to formally contest the alleged violations and/ or penalties by sending a written notice to the Branch Manager.

HIOSH forwards the contest to the Hawaii Labor Relations Board (HLRB) for independent review.

Alternatively, citations, penalties, and abatement dates that are not challenged by the employer or settled become a final order.



Workers Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the HIOSH standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
- File a safety and/or health complaint asking HIOSH to inspect their workplace if they believe there is a serious hazard or that their employer is not following HIOSH's rules. HIOSH will keep all identities confidential.
- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or HIOSH.

How to Contact HIOSH

Under the Hawai'i Occupational Safety and Health Law, **employers are responsible for providing safe and healthful workplaces for their employees.**

HIOSH's mission is to assure Hawai'i's workers have safe and healthful working conditions free from unlawful retaliation.

HIOSH carries out its mission by setting and enforcing standards; enforcing anti-retaliation provisions of the HIOSH Law; providing and supporting training, outreach, education, and assistance.

For more information, call HIOSH at **(808) 586-9100** or visit www.labor.hawaii.gov/hiosh.



This is one in a series of informational fact sheets highlighting HIOSH programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of HIOSH standards or regulations, refer to Title 12, Subtitle 8 of the Hawai'i Administrative Rules.

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-9116

