

When the Occupational Safety and Health Act of 1970 became law, employers were mandated to provide a safe and healthful workplace for their employees. At the same time OSHA had the role to assure these conditions were being met by setting and enforcing standards, and providing training, education and assistance. Many of us are not aware of the various violations and classifications that an employer may be cited when they do not provide their employees with a safe and healthful workplace. Below is a brief description of OSHA's workplace violation classification.

- Other-Than-Serious Violations - This type of violation shall be cited where a very serious injury or illness would probably result due to a noted hazardous condition. While such an incident may not have occurred, the condition, in itself, is considered to have a direct and immediate relationship to employee safety and health.
- Serious Violations - A serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition, or from one or more practice, means, method, operation, or process which has been adopted or are in use, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.
- Willful Violations - A willful violation exists under the Act where the evidence shows either an intentional violation of the Act or plain indifference to its requirements.
- Criminal/Willful Violations - This occurs when an employer willfully violates any standard, rule, order or regulation, and that violation caused death to an employee. Upon conviction, "the employer shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than \$20,000 or by imprisonment for not more than one year, or by both."
- Repeated Violations - An employer may be cited for a repeated violation if that employer has been cited previously for a substantially similar condition.
- Repeated vs. Willful - Repeated violations differ from willful violations in that they may result from an inadvertent, accidental or ordinarily negligent act. Where a repeated violation may also meet the criteria for willful but not clearly so, a citation for a repeated violation shall normally be issued.
- Repeated vs. Failure to Abate - A failure to abate situation exists when an item of equipment or condition previously cited has never been brought into compliance and is noted at a later inspection. If, however, the

violation was not continuous (i.e., if it had been corrected and then reoccurred), the subsequent occurrence is a repeated violation.

- De Minimis Violations - De Minimis violations are violations of standards which have no direct or immediate relationship to safety or health and shall not be included in citations. The employer should be verbally notified of the violation and OSHA should note it in the inspection case file.