

# Eleven Workers' Compensation Issues Sure To Impact 2011

When the U.S. Department of Occupational Safety and Health Administration (OSHA) announced its preliminary report of the top 10 most-frequent workplace safety violations in 2009 at the annual National Safety Council's (NSC) Congress and Expo, the report revealed that the top violations had risen almost 30 percent. For four decades, OSHA has struggled to enforce workplace safety standards. Due to the agency's limited enforcement capabilities and personnel shortages, many called for reform.

As recently as last month, Congress has reviewed proposed legislation, known as the Protecting America's Workers Act geared toward improving the enforcement and inspection authorities of OSHA. However, in the absence of reform, OSHA presented its 2010 violation figures and is preparing for new challenges in 2011.

At the 2010 annual NSC Congress, OSHA presented its new list of most-cited violations. Scaffolding, fall protection, hazard communication and respiratory protection retained the top four spots. While the list contained similar concerns from the previous year, the significant change related to rankings. Almost 100,000 violations were issued in the last fiscal year, and construction hazards dominated the list.

Significant non-legislative changes have helped OSHA in its mission of improving worker health and safety. In 2009, the agency received increased funding to aid its enforcement efforts. Compliance incentives and higher penalties for violations also became part of OSHA's strategic plan to improve workplace environments. As a result, many businesses, including some companies in Pennsylvania, were cited and fined.

In the case of S.G. Printing, OSHA cited the company for 13 hazardous materials violations. Other Pennsylvania companies, including Northeast Energy Management Inc. and Bridon-American Corporation, have been cited for violations regarding hazardous materials, unguarded machinery, electrical hazards and lack of fall protection. Still, some Pennsylvania companies such as Dal-Tile Corporation have earned OSHA's prestigious "star" for success in keeping injury and illness rates significantly below industry rates.

Despite the fact that OSHA reform might stall in Congress, the agency's ability to hold employers accountable for worker safety has greatly improved. With a tougher OSHA monitoring the nation's workplaces, businesses-small and large-struggling in a weak economy face serious challenges when it comes to ensuring worker safety.