

Discuss and assess  
the potential for  
multiplied penalties  
for egregious  
violation...

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Egregious Violations Egregious Violations Egregious violations are defined as “ those in which the employer has demonstrated one or more of the following characteristics: 1) persistently high rates of illness/injury or fatalities; 2) extensive history of prior violations; 3) intentional disregard of health and safety responsibilities; or 4) bad faith (a plain indifference to standards or requirements)” (Stanley, 2010).

The Occupational Safety and Health Administration (OSHA) rules on egregious violations might result in multi-million penalties for employers because instead of combining the violations and issuing an aggregate penalty for such violations, the OSHA now issues separate penalties per violation (Penewell, 2010). Some companies are crying foul because according to them it was practically issuing multiple citations and penalties for the same violation (MacArthur, 1995). Furthermore, since the OSHA provision is for prevention of the same hazards from occurring again, it is improper to multiply the penalties by the number of employees harmed by a violation. There is no need to multiply the penalty because the same hazard can be remedied with the “ identical abatement method” (MacArthur, 1995). If OSHA is allowed to execute these multiplied penalties, they might go overboard and start issuing penalties on a per day or per hour basis on every violation made. This is definitely unreasonable and unacceptable to employers. OSHA should view the matter in the proper perspective focusing on the fact that if the hazard can be corrected just once, then there is no need for multiplied penalties. However, if different hazards represent different violations, then the penalties should be multiplied because it cannot be corrected by a single action.

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Egregious violations are serious violations. It is but proper that penalties be imposed. Proper guidelines however must be in place so as not to over penalize companies committing such violations.

#### References

MacArthur, M. (1995, December 1). Commission clarifies OSHAs " egregious violations" policy. Retrieved June 27, 2012, from pffc-online. com: <http://pffc-online.com/ar/2049-paper-commission-clarifies-oshas>

Penewell, T. (2010, August 17). OSHAs egregious violations. Retrieved June 27, 2012, from mrsoshasafety. com: <http://www.mrsoshasafety.com/blog/oshas-egregious-violation/>

Stanley, J. (2010, September). OSHA issuing more egregious violations, but they may not hold up. Retrieved June 27, 2012, from fdrsafety. com: <http://www.fdrsafety.com/WorkersCompAlert9-10-Egregious.pdf>