

Occupational safety and health review commission

[Law](#)



The author of the paper shows the idea behind this defense is that the issue has been created by an employee and these activities could not be prevented under any circumstances and may not arise again. For example in the case of Secretary of Labor Vs. Shanshka Koch Inc, a fine of \$3500 was levied on the employer because, during the construction of a bridge in New York, an employee fell down as complete safety measures were not taken (OSHARC, 2012). The employer defended this fine by stating that this case was a case of employee misconduct and the employer was not to be held responsible. The second defense that can be established by an employer to counter a citation is that the nature of work is such that it can not comply with the standards set by OSHA. Another defense that can be used by the employer is that if the employer complies with the standards of OSHA, it would result in creating a hazard that is much more dangerous in nature than hazard created due to failure to comply with standards.