

EMPLOYER OBLIGATIONS AND RIGHTS

Consultative services are provided at no cost to the employer and are supported by Federal and State funds. The Consultation Program is independent of Federal or State OSHA enforcement. Consultants do not issue citations or propose penalties. The following information summarizes the employer's obligations and rights associated with the consultation process:

Employer Obligations

- Employee participation is required on all on-site visits involving hazard identification.
- The employer must correct all serious hazards in accordance with mutually agreed upon correction due dates and provide to the Consultation Project Manager documentation of the action taken to eliminate or control the hazards. Failure to do so will result in referral to enforcement.
- The employer must correct imminent danger situations immediately or remove employees from the danger area. Failure to remove employees from an imminent danger area will result in immediate referral to enforcement.
- The employer must agree to post the List of Hazards, as it was received from the Consultation Project, for either 3 working days or until the hazards identified on the list are corrected, whichever is later.
- No consultation visit may take place while an enforcement inspection is in progress [i.e., from the time the compliance officer initially seeks entry into the workplace till enforcement inspection activity at the worksite is final, and any cited item(s) have become final orders].
- The employer may be exempt from programmed enforcement inspections for a period of two years if that employer satisfies all of the conditions required to participate in an exemption program such as the Safety and Health Achievement Recognition Program (SHARP). Contact the Consultation Project Manager for more information on this program.

Employer Rights

- The employer has the right to modify the scope of the visit or terminate participation in the visit at any time, including termination of the hazard survey before its completion. The employer is responsible for correcting any serious hazards identified up to the point of termination and except in situations where imminent danger or serious hazards are not corrected as agreed upon, the employer's name and the results of the onsite visit will remain confidential.
- The employer has the right to disagree with the correction schedules and may, within 15 working days of receipt of the Written Report to the Employer, appeal to the Consultation Project Manager for amendment of the correction date(s) or any other substantive findings of the Report. Disagreement over or amendment of the correction schedule or report findings does not relieve the employer of the responsibility to correct serious hazards identified.
- If an enforcement inspection occurs after the conclusion of the consultation visit, the employer is not required to inform the PEOSH compliance officer of the consultation onsite visit or furnish a copy of the results, except to the extent that disclosure of information contained in such a report is required by 29 CFR 1910.1020 (Access to Employee Exposure & Medical Records) or other standards. The other exceptions would be failure to eliminate imminent danger and failure to eliminate serious hazards.
- The employer has the right to request a private meeting with the consultant to discuss matters that he or she may wish not to discuss in the presence of the employee representative.