

## The Saiber Construction Law Column: April 2024

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*Source: MetroBuilders' Construction Law Column*

As set forth on its website, the Occupational Safety and Health Administration (“OSHA”) was created in 1970 “to ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education and assistance.” OSHA is part of the United States Department of Labor.

Under the law, employers are required to provide employees with a place of employment “free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.” The statute further provides that employers are required to comply with safety and health standards established by the Secretary of Labor. Employers who willfully or repeatedly violate the statute or any rule promulgated pursuant to the statute may be assessed significant civil and/or criminal penalties, depending on the circumstances. For example, “willful or repeated violations” can result in a civil penalty of up to \$70,000 for each violation. An employer cited for a “serious violation” can be assessed a civil penalty of up to \$7,000 per violation. The failure to correct a violation could result in a civil penalty of up to \$7,000 for each day that the violation continues.

On February 12, 2024, OSHA cited a Paterson, New Jersey contractor with six willful violations for a lack of fall protection and failure to ensure the use of eye protection, and four serious violations for unsafe scaffolds and failure to provide hard hats for overhead hazards. The construction company faces a proposed penalty of \$1,017,248 for the violations. The company was also added to OSHA’s list of severe violators. OSHA’s news release about this contractor may be [read here](#).

Contractors therefore should be familiar with OSHA’s regulations and stay in compliance with those standards. Failure to do so could result in serious injury or death to an employee as well as significant civil and/or criminal penalties for the contractor.

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Each issue’s Saiber Construction Law Column will discuss a recent decision by New Jersey courts or courts from other states which may be of interest to people in the construction industry.

The information in each article is not intended to be legal advice and may not be used as legal advice. Legal advice must be tailored to the specific circumstances of each case. Every effort has been made to ensure this information is up-to-date. The article is not intended to be a full and exhaustive explanation of the law in any area, nor should it be used to replace the advice of your own legal counsel.



For any question relating to this article, please contact Robert B. Nussbaum, Esq. at Saiber LLC at [rnussbaum@saiber.com](mailto:rnussbaum@saiber.com).