



## BRIEFLY...

### OSHA NEEDS TO BETTER ADDRESS COMPLAINTS AND REFERRALS FOR INCREASED WORKER SAFETY

March 6, 2023

#### WHY OIG CONDUCTED THE AUDIT

The Occupational Safety and Health Administration (OSHA) is responsible for ensuring safe and healthful working conditions for millions of workers nationwide and does so partly by conducting inquiries and inspections of potential hazards. For Fiscal Year (FY) 2019 and FY 2020, inspections from complaints and referrals were slightly greater than 40 percent of OSHA's total inspections.

A complainant expressed concern that OSHA may not be adequately considering the statements of complainants and witnesses when responding to complaints and referrals. If OSHA does not adequately consider complainant or witness statements, hazardous conditions may go unidentified and unabated, further endangering workers.

#### WHAT OIG DID

The OIG contracted with the independent certified public accounting firm of The Lopez Group, LLP (Lopez) to conduct an audit to answer the following question:

To what extent did OSHA ensure complaints and referrals were adequately and timely addressed?

To answer this question, Lopez reviewed 100 complaint and referral cases. These cases were opened and closed between FY 2019 and FY 2020, 76 were initiated from a complaint, and 70 resulted in an inspection.

#### WHAT OIG FOUND

Lopez concluded OSHA did not consistently ensure complaints and referrals were adequately addressed nor regularly enforce hazard abatement timelines. Specifically, Lopez found OSHA did not consistently involve the complainant and/or witnesses in the investigation or inspection process. OSHA has no policy requiring Compliance Safety and Health Officers to interview or otherwise involve the complainant after the complaint is filed, yet that person may have key insights to ensure alleged hazards are being addressed. Of the 76 complaint cases reviewed, OSHA interviewed the complainant in 38 instances (50 percent). In all sampled cases where OSHA interviewed the complainant and/or witnesses, each person was only interviewed once.

Lopez also found OSHA's files did not contain clear reasoning as to why it did not conduct an inspection for 11 out of 30 sampled cases where a complaint or referral met its criteria for conducting an inspection. Further, OSHA did not regularly ensure safety and health violations from complaints and referrals were corrected in a timely manner.

OSHA lacks: (1) a methodology to determine when complainants and witnesses should be interviewed and the appropriate amount of their involvement, (2) a process for documenting supervisory reviews and decision approvals within case files, and (3) controls to ensure enforcement of abatement deadlines for employers. As a result, OSHA may have conducted incomplete inspections and workers may have been exposed to hazardous working conditions for an extended period of time.

#### WHAT OIG RECOMMENDED

Lopez made three recommendations to OSHA to strengthen the agency's processes to ensure it adequately addresses complaints and referrals. OSHA generally disagreed with the recommendations but agreed that it can improve its documentation, customer service, and training.

#### READ THE FULL REPORT

<https://www.oig.dol.gov/public/reports/oa/2023/02-23-001-10-105.pdf>