

## **INFORMAL CONFERENCE SUGGESTIONS**

1. BE SURE TO CALENDAR THE DATE BY WHICH YOU MUST FILE YOUR WRITTEN NOTICE OF CONTEST/APPEAL – IT IS A VERY SHORT TIMEFRAME (IN FEDERAL CASES, IT IS 15 BUSINESS DAYS FROM THE DATE OF THE COMPANY'S RECEIPT OF THE OSHA CITATIONS). IF YOU HAVE NOT COMPLETED ANY SETTLEMENT OF THE CASE BEFORE THAT DEADLINE, A WRITTEN NOTICE OF CONTEST/APPEAL MUST BE FILED ON OR BEFORE THE DEADLINE!
2. HAVE YOU POSTED THE CITATIONS/SAFETY ORDERS?
3. HAVE YOU POSTED THE INFORMAL CONFERENCE NOTICE ADVISING EMPLOYEES OF THE DATE/TIME OF THE INFORMAL CONFERENCE?
4. AS YOU DISCUSS EACH SAFETY ORDER ITEM, TRY TO FIRST BRING UP OR FOCUS ON ACTIONS TAKEN TO DEAL WITH THE ALLEGED HAZARD. THIS SETS AN OVERALL POSITIVE TONE ON THE DISCUSSIONS AND INDICATES THE EMPLOYER'S WISH TO IMPROVE SAFETY, EVEN THOUGH IT MAY NOT AGREE WITH ALL OF THE CITATIONS AND PENALTIES.
5. THE GOAL IS TO REACH A MUTUALLY ACCEPTABLE RESOLUTION. NOT THE TIME TO PICK A FIGHT.
6. CONSIDER GROUPING CITATIONS UNDER ONE OR MORE SAFETY ORDER ITEMS TO REDUCE PENALTIES.
7. REQUEST DELETION OF SAFETY ORDER ITEMS OR ALLEGATIONS WHICH ARE UNSUPPORTED BY THE FACTS OR LAW.
8. BE WARY OF BEING TOO FOCUSED ONLY ON PENALTY REDUCTIONS. SHORT-TERM FINANCIAL SAVINGS MAY RESULT IN LONG-TERM ISSUES IF YOU ACCEPT SAFETY ORDER ITEMS (THAT CAN FORM THE BASIS OF FUTURE WILLFUL/KNOWING, REPEATED, OR FAILURE TO ABATE CITATIONS).
9. TYPICALLY, INFORMAL MEANS WITHOUT COUNSEL. BUT SEEK COUNSEL AHEAD OF TIME. ATTENDANCE OF COUNSEL AT THE INFORMAL CONFERENCE MAY BE ADVISABLE IN SOME CASES INVOLVING SUBSTANTIAL PENALTIES, SIGNIFICANT ABATEMENT ISSUES, FATALITIES, ETC.

10. PRESENT ABATEMENT (OR SAFETY IMPROVEMENT ACTION) INFORMATION EARLY IN THE CONFERENCE TO DEVELOP GOOD WILL AND SET THE STAGE FOR REQUESTING PENALTY/OTHER RELIEF.
11. IF YOU HAVE ABATED OR RESPONDED TO THE ALLEGED SAFETY ISSUES, HAVE YOU PROPERLY COMPLETED THE "CERTIFICATION OF CORRECTIVE ACTION WORKSHEET"?
12. CAN YOU ABATE THE ALLEGED HAZARD(S), AS REQUIRED BY OSHA? IF NOT, SEEK RELIEF FROM UNREASONABLE ABATEMENT EXPECTATIONS AND BE SURE TO CONFIRM IN WRITING ANY AGREEMENT ON ABATEMENT MATTERS.
13. CONSIDER SENDING SUPERVISORS TO OSHA COMPLIANCE PROGRAMS OR OTHER TRAINING COURSES. IF NECESSARY TO SECURE A FAIR RESOLUTION, MAKE PART OF SETTLEMENT AGREEMENT.
14. SET INFORMAL CONFERENCE AT LEAST THREE TO FOUR DAYS BEFORE PETITION FOR REVIEW IS DUE TO ALLOW FOR DELAYS.
15. CONFIRM PETITION OR NOTICE OF CONTEST DATE AT INFORMAL CONFERENCE OR, PREFERABLY, DURING TELEPHONE CALL TO SET INFORMAL CONFERENCE.
16. INFORMAL CONFERENCE IS NOT THE LAST OPPORTUNITY TO SETTLE.
17. DO NOT FORGET TO REQUEST RELIEF FROM UNREASONABLE ABATEMENT DATES.