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# OSHA Affirms Family Role, Rights during Fatality Investigations

The Occupational Safety and Health Administration (OSHA) is taking steps to improve its dealings with family members of victims of workplace fatalities.

A new directive from the agency, [Communicating OSHA Fatality Inspection Procedures to a Victim's Family](#), provides instructions for keeping family members in the loop during incident investigations. The guidance ensures that OSHA representatives speak to the victim's family early in the inspection process, establish a point of contact and maintain an ongoing relationship.

Per the directive, OSHA representatives contact the victim's family to explain the investigation process and timeline and provide updates as the investigation unfolds. When citations and penalties are proposed, OSHA field offices notify the victim's family "immediately after notice of violations is given to the employer." OSHA will provide copies of the citation(s) to the family. Once the investigation is closed – it could take up to six months – OSHA will explain findings to the family and address any questions.

OSHA's experience has shown that victims' families often provide important information to help the agency make the case for a citation. However, OSHA also has noticed that while many area offices do an excellent job reaching out to family members, others are not as conscientious. The agency adopted the policy to ensure uniformity across the country and to make sure that all OSHA investigations treat family members with the dignity, respect and inclusion that they deserve.

"OSHA is committed to working with families to explain the circumstances surrounding the deaths of their loved ones," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels in a statement

released by OSHA. "This directive ensures that OSHA receives the necessary information from the family to assist in the investigation and keeps the family informed throughout the investigation and settlement process."

Union and workplace safety advocates generally supported the new protocol. While commending OSHA for improving its policy, Tammy Miser, founder of **United Support and Memorial for Workplace Fatalities** (USMWF), the leading U.S. advocacy group for family-member victims of workplace tragedies, expressed disappointment that accommodation was not made for inclusion of family representatives in "informal conferences" where an OSHA area director and the employer discuss citations and penalties. She pointed out that most OSHA citations are settled during these meetings, and penalties are often reduced in exchange for promises to correct hazards, a fact that can dismay survivors. Despite her concern, she noted that some state OSHAs already have written policies that provide stronger family rights than federal OSHA and expressed eagerness to see how other state OSHAs respond to the new directive.

*[Janet Lubman Rathner]*