

## Violations and Penalties – Penalty Adjustment Calculations

FOR THIS TYPE OF ADJUSTMENT	OREGON OSHA WILL CONSIDER	BASE PENALTY ADJUSTED AS FOLLOWS
<p><b>Good faith effort</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Existence of an overall safety and health program is evident.</li> <li>● Safety and health policies are effectively communicated to employees.</li> <li>● Efforts put forth before an inspection to promote safety and health in the workplace.</li> <li>● Demonstrations of employee involvement in the safety and health program are apparent.</li> <li>● Management’s commitment and level of involvement to safety and health is apparent.</li> <li>● Analysis of worksite hazards conducted.</li> </ul>	<ul style="list-style-type: none"> <li>● Good: -20% reduction</li> <li>● Average: no adjustment</li> <li>● Poor: +20% increase</li> </ul>
<p><b>Size</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● 1-10 employees statewide</li> <li>● 11-25</li> <li>● 26-90</li> <li>● 91-130</li> <li>● 131-175</li> <li>● 176-250</li> <li>● 251 or more</li> </ul>	<ul style="list-style-type: none"> <li>● -75% reduction</li> <li>● -60% reduction</li> <li>● -40% reduction</li> <li>● -30% reduction</li> <li>● -20% reduction</li> <li>● -10% reduction</li> <li>● No size reduction</li> </ul>
<p><b>History</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Trends in injuries and illnesses (types of workers’ compensation claims) or enforcement history (previous three years).</li> <li>● Injury and illness DART rate for company (below statewide average).</li> <li>● Mod rate (experience modification rating) is around 1.</li> </ul>	<ul style="list-style-type: none"> <li>● -10% reduction for positive history</li> <li>● No reduction for average history</li> <li>● +10% increase for negative history</li> </ul>
<p><b>Immediate correction</b> <i>(Applies only to all first instance violations)</i></p>	<ul style="list-style-type: none"> <li>● Immediate correction (abatement) of violations identified during the inspection, provided that such corrective action is permanent and substantial and not temporary or superficial.</li> </ul>	<ul style="list-style-type: none"> <li>● -10% reduction</li> </ul>

## Violations and Penalties – First Instance Violations

FIRST INSTANCE PENALTY TABLE		
Other than serious-rated violation		
Probability	Severity	
	Other than serious	
Low	\$0	
High	\$300	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$3,458	\$11,528
Medium	\$6,916	\$13,833
High	\$9,222	\$16,138

EMPLOYER SIZE ADJUSTMENT TABLE	
Number of employees	Adjustment reduction
1-10	-75%
11-25	-60%
26-90	-40%
91-130	-30%
131-175	-20%
176-250	-10%
251 or more	No size adjustment

Size adjustments are based on statewide peak employment and only apply to first instance violations.

FIRST INSTANCE SERIOUS PENALTY TABLE						
To be used to calculate penalty adjustments						
Adjustment	Penalty in dollars					
	Low Serious	Medium serious	High Serious	Low Death	Medium Death	High Death
30%	\$4,495	\$8,990	\$11,989	\$14,987	\$16,138**	\$16,138**
20%	\$4,149	\$8,299	\$11,066	\$13,834	\$16,138**	\$16,138**
10%	\$3,804	\$7,607	\$10,144	\$12,681	\$15,217	\$16,138**
<b>Initial Penalty</b>	<b>\$3,458</b>	<b>\$6,916</b>	<b>\$9,222</b>	<b>\$11,528</b>	<b>\$13,833</b>	<b>\$16,138</b>
-10%	\$3,112	\$6,224	\$8,300	\$10,375	\$12,450	\$14,524
-20%	\$2,766	\$5,533	\$7,378	\$9,223	\$11,067	\$12,910
-30%	\$2,420	\$4,841	\$6,455	\$8,070	\$9,683	\$11,296
-40%	\$2,075	\$4,149	\$5,533	\$6,917	\$8,300	\$9,683
-50%	\$1,729	\$3,458	\$4,611	\$5,764	\$6,917	\$8,069
-60%	\$1,383	\$2,766	\$3,689	\$4,611	\$5,533	\$6,455
-70%	\$1,153*	\$2,075	\$2,767	\$3,458	\$4,150	\$4,841
-75%	\$1,153*	\$1,729	\$2,305	\$2,882	\$3,458	\$4,034
-80%	\$1,153*	\$1,383	\$1,844	\$2,306	\$2,767	\$3,228
-85%	\$1,153*	\$1,153*	\$1,383	\$1,729	\$2,075	\$2,421
-90%	\$1,153*	\$1,153*	\$1,153*	\$1,153*	\$1,383	\$1,614
-95%	\$1,153*	\$1,153*	\$1,153*	\$1,153*	\$1,153*	\$1,153*

\* The minimum-adjusted penalty for a serious-rated violation is \$1,153.

\*\* The maximum-adjusted penalty amount for a serious-rated violation is \$16,138



Oregon OSHA adopted changes to its penalty rules in response to Senate Bill 592 on November 22, 2023, effective January 1, 2024. Oregon OSHA published the 1-2024 Annual Adjustments to Penalties Bulletin on November 28, 2023, effective January 1, 2024. This sheet summarizes the changes. For more information on the adopted rules and the published bulletin, please visit: [osha.oregon.gov/Pages/topics/violations-and-penalties.aspx](https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx)

## Violations and Penalties – Repeat Violations

REPEAT TABLE		
Repeat occurrence	Other than serious	First Instance serious initial penalty
1 <sup>st</sup> repeat	\$11,528	x 4 base penalty
2 <sup>nd</sup> repeat	\$11,528	x 6 base penalty
3 <sup>rd</sup> repeat	\$11,528	x 8 base penalty
<b>Additional repeats</b>	<b>Discretion of administrator</b>	

REPEAT 51 OR GREATER EMPLOYEES								
Other than serious-rated violation		Serious-rated violation						
Probability	Severity	Probability	Severity			Death		
	Other than serious		Serious Physical Harm			Death		
			First	Second	Third	First	Second	Third
All	\$11,528*	Low	\$13,831	\$20,747	\$27,663	\$46,113	\$69,169	\$92,226
		Medium	\$27,663	\$41,494	\$55,326	\$55,334	\$83,001	\$110,668
		High	\$36,888	\$55,332	\$73,776	\$64,551	\$96,826	\$129,101

A civil penalty reduction based on size will be applied to employers with 50 or fewer employees. A reduction of \$7,230 will be applied to civil penalties for repeat violations as shown in the table below.

**Repeat violation:** An employer’s second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years, will be cited as a repeat violation.

REPEAT 50 OR FEWER EMPLOYEES								
Other than serious-rated violation		Serious-rated violation						
Probability	Severity	Probability	Severity			Death		
	Other than serious		Serious Physical Harm			Death		
			First	Second	Third	First	Second	Third
All	\$11,528*	Low	\$11,528	\$13,517	\$20,433	\$38,883	\$61,940	\$84,996
		Medium	\$20,433	\$34,265	\$48,096	\$48,104	\$75,771	\$103,438
		High	\$29,658	\$48,102	\$66,546	\$57,321	\$89,596	\$121,872

\* The minimum-adjusted penalty for any repeat violation is \$11,528.

## Violations and Penalties – Caused or Contributed to a Work-Related Death and Willful Violations

WILLFUL TABLE		
Other than serious-rated violation		
First	\$11,528	
Additional repeats	Discretion of Administrator	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$25,820	\$77,461
Medium	\$36,148	\$103,281
High	\$51,641	\$134,265

\* Minimum willful penalty of \$11,528

**Willful violation:** A violation that is committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

WILLFUL THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	\$51,641	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$67,133	\$175,578
Medium	\$98,117	\$201,398
High	\$129,101	\$253,038

REPEAT THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	\$51,641	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$56,805	\$165,250
Medium	\$87,789	\$191,070
High	\$118,773	\$242,710

SERIOUS THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Probability	Severity	
	Serious Physical Harm	Death
Low	\$20,656	\$30,984
Medium	\$23,755	\$38,214
High	\$26,853	\$44,411

**Caused or contributed to a work-related fatality violation:**

The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

*For complete rule requirements, refer to OAR 437-001-0135 through 437-001-0203.*

440-5632 (11/23/COM)



Oregon OSHA adopted changes to its penalty rules in response to Senate Bill 592 on November 22, 2023, effective January 1, 2024. Oregon OSHA published the 1-2024 Annual Adjustments to Penalties Bulletin on November 28, 2023, effective January 1, 2024. This sheet summarizes the changes. For more information on the adopted rules and the published bulletin, please visit: [osha.oregon.gov/Pages/topics/violations-and-penalties.aspx](https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx)