

Violations and Penalties

PENALTY TABLE				
PROBABILITY	SEVERITY	PROBABILITY	SEVERITY	
	OTHER THAN SERIOUS (OTS)		SERIOUS	
			SERIOUS PHYSICAL HARM	DEATH
LOW	0	LOW	\$300	\$2,100
HIGH	\$300	MEDIUM	\$500	\$3,500
		HIGH	\$1,250	\$7,000

No base or adjusted penalty amount greater than \$7,000 may be imposed for a non-repeat or non-willful violation.

SIZE ADJUSTMENT TABLE	
NUMBER OF EMPLOYEES	PERCENT REDUCTION
1-25	60
26-90	40
91-130	30
131-175	20
176-250	10
251 or more	No adjustment

Size adjustments are based on state-wide peak employment.

ADJUSTED PENALTY TABLE						
ADJUSTMENT	PENALTY IN DOLLARS					
+30%	390	650	1,625	2,730	4,550	7,000
+20%	360	600	1,500	2,520	4,200	7,000
+10%	330	550	1,375	2,310	3,850	7,000
Base Penalty	300	500	1,250	2,100	3,500	7,000
-10%	270	450	1,125	1,890	3,150	6,300
-20%	240	400	1,000	1,680	2,800	5,600
-30%	210	350	875	1,470	2,450	4,900
-40%	180	300	750	1,260	2,100	4,200
-50%	150	250	625	1,050	1,750	3,500
-60%	120	200	500	840	1,400	2,800
-70%	90/100*	150	375	630	1,050	2,100
-80%	60/100*	100	250	420	700	1,400
-90%	30/100*	100*	125	210	350	700
-100%	100*	100*	100*	100*	100*	100*

***The minimum adjusted penalty for a serious violation is \$100.**

PENALTIES FOR REPEAT VIOLATIONS		
	SERIOUS	OTS
1st repeat	x 2	\$200
2nd repeat	x 5	\$500
3rd repeat	x 10	\$1,000
4th repeat	x 15	
5th repeat	x 20	
Additional repeats	Discretion of Administrator	
Willful	x 25	

Maximum penalty of \$70,000

Minimum penalty of \$200

Apply size penalty adjustment only

**For complete rules, see
OAR 437-001-0135 through 437-001-0203**

Penalty Information Summary

For this type of adjustment:	Oregon OSHA will consider:	Base penalty adjusted as follows:
Good Faith Effort	<ul style="list-style-type: none"> • Existence of an overall safety and health program is evident. • Safety and health policies are effectively communicated to employees. • Efforts put forth prior to an inspection to promote safety and health in the workplace. • Demonstrations of employee involvement in the safety and health program are apparent. • Management’s commitment and level of involvement to safety and health is apparent. • Analysis of worksite hazards conducted. • Employees and managers alike are held accountable for safety and health. 	<ul style="list-style-type: none"> • Good – 20% reduction • Average – no adjustment • Poor – +20% increase
Size – based on state-wide peak employment (Applies to all inspection types)	<ul style="list-style-type: none"> • 1-25 employees • 26-90 • 91-130 • 131-175 • 176-250 • 251 or more 	<ul style="list-style-type: none"> • -60% reduction • -40% reduction • -30% reduction • -20% reduction • -10% reduction • No adjustment
History	<ul style="list-style-type: none"> • Trends in injuries (types of WC claims) or enforcement history. (look-back 3 years) • Injury and illness DART rate for company. (Below state-wide average) • Mod or EMR rate is around 1. (A typical EMR is between 0.9 and 1.0) 	<ul style="list-style-type: none"> • -10% reduction for positive history • 0% for average history • +10% increase for negative history
Immediate Correction	<ul style="list-style-type: none"> • Immediate corrections (abatement) of violations or other unsafe conditions identified during the inspection provided that such corrective action is permanent and substantial and not temporary or superficial. 	<ul style="list-style-type: none"> • -10% reduction