



State of Vermont
Department of Labor

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January 15, 2020

In the 2017 Legislative session, both the Vermont House and Senate passed § 210, the act that updated the Vermont Occupational Safety and Health Administration's (VOSHA) penalty structure. In addition to this update, a provision was also passed that allowed for annual adjustments of these penalties annually. The annual adjustment is to take place in December and the final penalties for the upcoming year are to be published by January 1st of that year. The final penalties are a calculation by the Federal Department of Labor and are based on the annual Consumer Price Index and are effective January 1st.

For the 2020 year, VOSHA was informed that based on the Consumer Price Index as calculated prior to January 1, 2020, the multiplier is 1.01764%. VOSHA is publishing the newly calculated penalties and these adjustments will be effective on February 1, 2020.

Small employers are highly encouraged to contact Vermont Project WorkSAFE and schedule a consultative visit. Project WorkSAFE can be contacted via the Vermont Department of Labor website at <http://labor.vermont.gov/project-worksafe/> or by calling toll free 1-888-723-3937.

Any questions about penalty adjustments should be forwarded to:

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VOSHA Penalty Adjustments for 2020

Background

§ 210. PENALTIES

(9) (A) As provided under the federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and the Act, the penalties provided in subdivisions (1), (2), (3), (4), (5), and (8) of this subsection shall annually, on January 1, be adjusted to reflect the increase in the Consumer Price Index, CPI-U, U.S. City Average, not seasonally adjusted, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous December 1.

(B) The Commissioner shall calculate and publish the adjustment to the penalties on or before January 1 of each year, and the penalties shall apply to fines imposed on or after that date.

VOSHA Gravity Based Penalties; Effective February 1, 2019


Sev./Prob.	Penalty	# of employees				
		1 25; 70%	26 50; 40%	51 100; 30%	101 250; 10%	251+; 0%
High/Greater	\$13,260	\$3,978	\$7,956	\$9,282	\$11,934	\$13,260
Med./Greater	11,366	3,409	6,820	7,956	10,229	11,366
Low/Greater	\$9,472	\$2,841	\$5,683	\$6,630	\$8,525	\$9,472
High/lesser	\$9,472	\$2,841	\$5,683	\$6,630	\$8,525	\$9,472
Med./Lesser	\$7,557	\$2,273	\$4,547	\$5,304	\$6,820	\$7,557
Low/Lesser	\$5,683	\$1,705	\$3,410	\$3,978	\$5,115	\$5,683

**Note: These are the “old” penalty amounts effective February 1, 2019
For Reference only**

VOSHA Gravity Based Penalties for Serious Willful; Effective February 1, 2019

Serious Willful	Penalty	# Of Employees							
		1 10;80%	11 25;70%	26 30;50%	31 40; 40%	41 50;30%	51 100;20%	101 250;10%	251+;0%
High Gravity	\$132,598	\$26,520	\$39,779	\$66,299	\$79,559	\$92,819	\$106,078	\$119,338	\$132,598
Moderate Gravity	\$113,652	\$24,947	\$34,096	\$56,826	\$68,190	\$79,556	\$90,922	\$102,286	\$113,652
Low gravity	\$94,753	\$18,950	\$28,425	\$47,376	\$56,851	\$66,327	\$75,802	\$85,278	\$94,753

**Note: These are the “old” penalty amounts effective February 1, 2019
For reference only**



Federal Penalty cost of living multiplier for 2020 of 1.01764, reflects increases in the Consumer Price Index calculated prior to January 1, 2020



NOTICE!

**PENALTY ADJUSTMENTS FOR THE CALENDAR YEAR 2020, WILL GO INTO
AFFECT ON FEBRUARY 1, 2020**

VOSHA Gravity Based Penalties; Effective February 1, 2020

Sev./Prob.	Penalty	# of employees				
		1 25; 70%	26 50; 40%	51 100; 30%	101 250; 10%	251+; 0%
High/Greater	\$13,494	\$4,048	\$8,096	\$9,446	\$12,145	\$13,494
Med./Greater	\$11,566	\$3,470	\$6,940	\$8,096	10,409	\$11,566
Low/Greater	\$9,639	\$2,892	\$5,783	\$6,747	\$8,675	\$9,639
High/lesser	\$9,639	\$2,892	\$5,783	\$6,747	\$8,675	\$9,639
Med./Lesser	\$7,711	\$2,313	\$4,627	\$5,398	\$6,940	\$7,711
Low/Lesser	\$5,783	\$1,735	\$3,470	\$4,048	\$5,205	\$5,783

Note: These penalty amounts will be effective February 1, 2020

VOSHA Gravity Based Penalties for Serious Willful; Effective February 1, 2020

Serious Willful	Penalty	# Of Employees							
		1 10;80%	11 25;70%	26 30;50%	31 40; 40%	41 50;30%	51 100;20%	101 250;10%	251+;0%
High Gravity	\$134,937	\$26,987	\$40,482	\$67,469	\$80,961	\$94,455	\$107,949	\$121,443	\$134,937
Moderate Gravity	\$115,657	\$23,131	\$34,697	\$57,840	\$69,393	\$80,959	\$92,526	\$104,091	\$115,657
Low gravity	\$96,386	\$19,278	\$28,915	\$48,193	\$57,831	\$67,471	\$77,109	\$86,748	\$96,386

Note: These are the penalty amounts effective February 1, 2020

Note: Failure to Abate and Repeat citations up to \$134,937 per citation

How To Avoid VOSHA Penalties

- ▶ The best way for employers to avoid exposure to increased VOSHA penalties is to proactively address workplace hazards **before** a VOSHA inspector arrives at the work site:
- ▶ **CONTACT THE CONSULTATION SERVICES DIVISION, Project WorkSAFE**

Project WorkSAFE

- ▶ The Vermont Department of Labor offers **free On-Site Consultation Services** to help employers better understand and voluntarily comply with VOSHA standards. Priority is given to high hazard workplaces with **250 or fewer employees** and all services are offered to employers at no cost.
- ▶ On-Site Consultation Services helps employers identify and correct potential safety and health hazards through walk-through surveys (**without citations or penalties**), provide abatement advice, provide on-site training, and provide **program assistance to develop safety and health programs.**
- ▶ Additional information about On-Site Consultation Services can be obtained by contacting the Vermont Department of Labor, Project WorkSAFE at <https://labor.vermont.gov/project-worksafe> or by calling toll free 1 (888) 723-3937



For More Information on VOSHA Penalties Contact

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