

“Regulation by Shaming:”
Deterrence Effects of Publicizing Violations of Workplace Safety
Laws

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Why Should Enforcement Agencies Publicize Violations?

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“Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants, electric light the most efficient policemen.”

–Justice Louis Brandeis (1913)

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 - Employers less motivated to invest in compliance if unobservable to workers, customers, etc.

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- Why only publicize the bad actors (i.e., “shaming”?)
 - Increase salience, potential media-take-up
 - Ripple effects: activate broader employer reputational concerns (**general deterrence**)

OSHA's experiment in "Regulation by Shaming"

- In 2009, OSHA began issuing press releases if issued penalties \geq \$40,000

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OSHA News Release - Region 5

Region 5 News Release: 11-966-CHI

June 29, 2011

Contact: Scott Allen Rhonda Burke

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Email: allen.scott@dol.gov burke.rhonda@dol.gov

\$426,000 in penalties

cites Quality Stamping Products for including failing to report amputations, placed in OSHA's severe violator program

CLEVELAND – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Quality Stamping Products for two amputations, including one willful violation for lack of proper chemical hazard communication and training. The company

Two amputations

Quality Stamping Products

alleged safety and health violations that occurred at the company's required hazard

"blatant disregard for the safety of its workers"

Company-specific procedures to control hazardous energy to prevent amputation injuries, demonstrates a blatant disregard for the safety of its workers, said OSHA's Chicago Area Administrator in Chicago. "Employers also are responsible for ensuring that proper chemical hazard communication and training is provided to workers to protect themselves from injuries and illnesses on the job."

Two employees received the injuries while operating mechanical power presses in the plant prior to OSHA's January inspection. As a result, the company was cited for a total of nine willful safety violations, which also included failing to train press operators in safe work methods, ensure the flywheels on the mechanical power presses were adequately guarded, provide and ensure pullout devices were properly adjusted for press operators. Three of the nine willful safety violations were for failing to provide adequate training, including not developing and utilizing machine-specific procedures to control hazardous energy, train workers in proper lockout/tagout procedures, and ensure that only authorized workers performed lockout/tagout.

Violation...for lack of proper chemical hazard communication and training

One willful

violation and training. A willful violation is one committed with intentional knowing or voluntary disregard for the

Local News Often Covered OSHA's Press Releases



OSHA News Release - Region 4

U.S. Department of Labor

Please note: As of January 20, 2017, information in some news releases may be out of date or not reflect current policies.

Region 4 News Release: 09-369-ATL (096)

April 16, 2009

Contact: Michael Wald

Phone: 404-562-2078

U.S. Department of Labor's OSHA cites Gainesville, Ga., poultry processor with 22 workplace safety and health violations

ATLANTA – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) is proposing 22 safety and health violations with fines of \$73,275 against Fieldale Farms Poultry LLC.

A January inspection of the company's processing plant in Gainesville, Ga., has resulted in the agency proposing two repeat violations with \$27,500 in proposed penalties, 18 serious violations with \$45,775 in proposed penalties, and two other-than-serious violations with no monetary penalties.

"To prevent workplace injuries, companies must incorporate good safety practices into their culture and not leave safety to chance," said Gei-Thae Breezley, director of OSHA's Atlanta-East Area Office.

The two repeat violations are for the company's failure to provide standard guardrails for open-sided platforms, and using flexible cords and cables as a substitute for fixed wiring. OSHA issues repeat violations when it finds, following an initial violation, a substantially similar violation of any standard, regulation, rule or order at any other of a company's facilities in federal enforcement states.

Serious violations alleged include the company's failure to annually train employees on hazards related to bloodborne pathogens and to make the Hepatitis B vaccine available to employees exposed to bloodborne pathogens. Safety training was not provided to all employees, exit routes were obstructed, and workers were exposed to noise and electrical hazards. The company failed to provide personal safety equipment and did not have machine guards on equipment. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The two other-than-serious citations were for the company's failure to certify that all hazards of the permit required confined space had been eliminated, bloodborne pathogen training had been conducted and employees who declined the Hepatitis B vaccine had signed a declination form. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

The screenshot shows the Gainesville Times website. The header includes the logo "gainesvilletimes.com" with the tagline "Your news. Your Times". Below the header is a navigation menu with categories: NEWS, SPORTS, LIFE, GET OUT, DAILY DEAL, and LOCALLY OWNED. A secondary menu lists: Local, Elections, Obituaries, Business, Video, Viewpoint, Columnists, News Services, and Nation/world. There is a "Home > Local" link. At the bottom of the navigation area are social media and utility icons: ALERTS, E-MAIL, PRINT, Like (0), Tweet (0), +1 (0), and Share.

OSHA cites Fieldale Farms for safety violations

By Harris Blackwood

harrisblackwood@gmail.com

POSTED: April 16, 2009 10:58 p.m.

Federal officials are proposing a \$73,275 fine against Fieldale Farms Corp. following a January inspection that turned up 22 violations.

The U.S. Department of Labor's Occupational Safety and Health Administration announced Thursday that the Hall County poultry processing company was being cited for two repeat violations and 18 new violations that were determined to be serious. There were two other violations that did not carry any monetary penalties.

"To prevent workplace injuries, companies must incorporate good safety practices into their culture and not leave safety to chance," Gei-Thae Breezley, director of OSHA's Atlanta-East Area Office, said in a statement.

Gus Arrendale, an executive vice president of Fieldale, said the company was working to correct any violations.

The two repeat violations are for the company's failure to provide standard guardrails for open-sided platforms, and using flexible cords and cables as a substitute for fixed wiring. The agency has proposed fines of \$27,500 for the repeat offenses.

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Did OSHA's press releases improve employers' compliance?

How Can We Find Out?

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- OSHA did not publicly announce the policy change to issue press releases
- A press release was likely seen by other facilities. . .
 - . . . in same region (local news)
 - . . . in same industry (trade pubs)
- Can measure outcomes with OSHA's **administrative data** on inspections

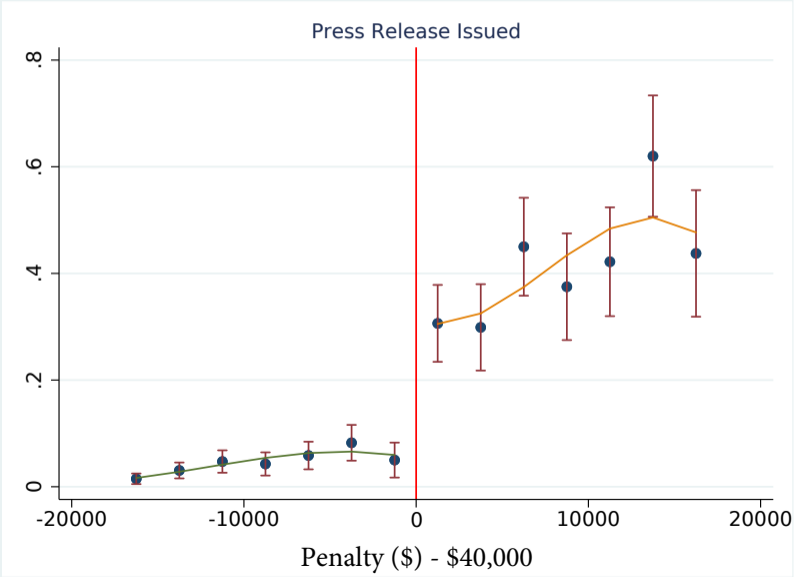
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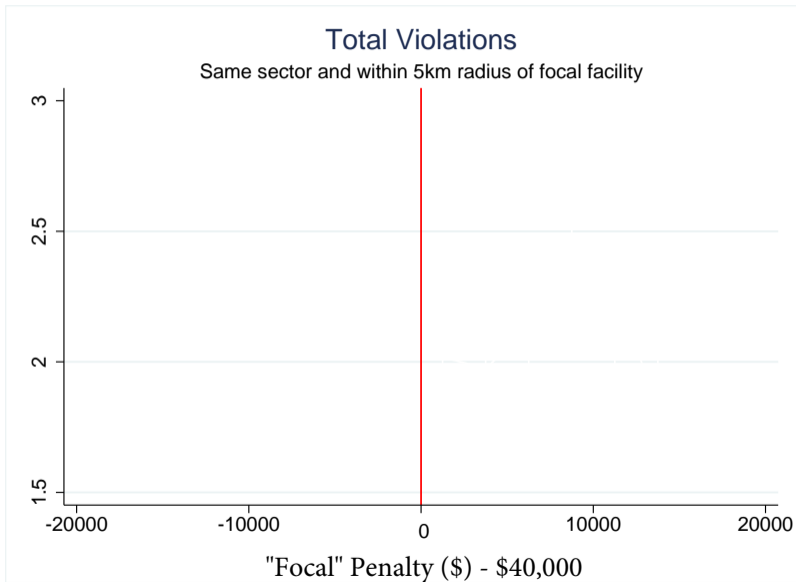
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- Ideal experiment: have OSHA *randomly assign* press releases to subset of violators
- \$40,000 **cutoff rule** → some press releases “**as good as**” **randomly assigned**

Getting Penalized More than \$40,000 Raised the Probability OSHA Would Write A Press Release

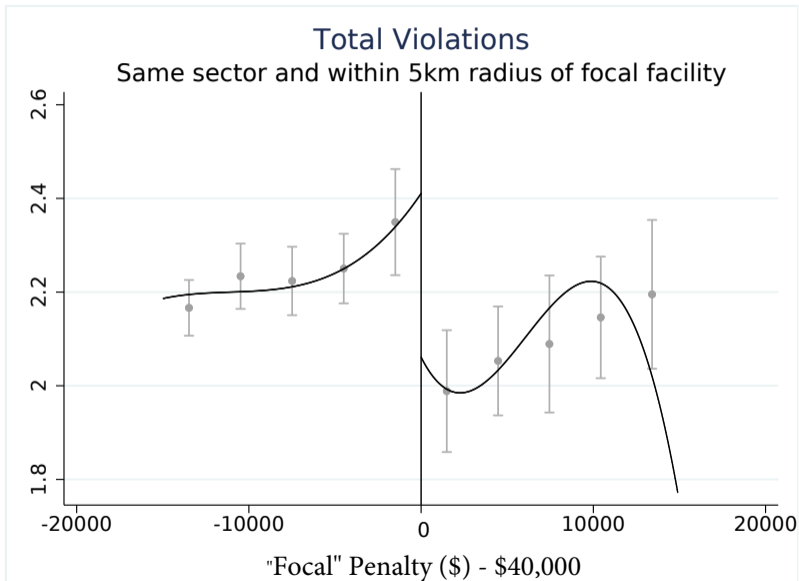


When OSHA issued a press release, did other facilities in same area and industry subsequently improve compliance?

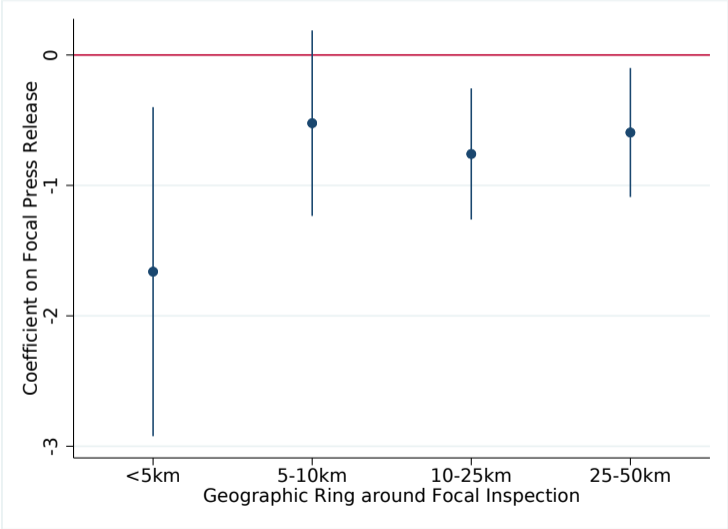
Press Releases Improved Compliance of Peer Employers



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Press Releases Improve Compliance for Employers up to 50 km Away



Press Releases Had a Really Big Impact!

- A press release leads peer facilities within 50 km to improve **75% as much** as if OSHA inspected each one
- One press release deters as many violations as **> 200 inspections**

Final Thoughts

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 - Local newspapers more likely to cover press releases than the *New York Times*

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- OSHA's press releases also led to **fewer worker injuries**
- Larger effects on compliance in areas with robust **local newspapers**
 - Local newspapers more likely to cover press releases than the *New York Times*
- *Much* larger effect on compliance in areas with higher **labor union presence**
 - Workers can leverage publicity when have power to act on it

Thank you!

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