



What is a VSSR? Is your company prepared for it?

April 3, 2018

Unfortunately, most employers don't know a lot about a Violation of Specific Safety Requirement (VSSR) until one is filed against them by an injured employee.

And most employers think that because they are OSHA compliant, they are covered – not true. The specific safety requirements of the Bureau of Workers' Compensation (BWC) are set forth in the Ohio Administrative Code and, are many times, stricter than OSHA.

So, what is a VSSR anyway? In addition to "regular" workers' compensation benefits, an injured employee may be eligible for a VSSR award if the injury, illness or death was caused by the employer's failure to comply with specific safety requirements. If, after an investigation by the Industrial Commission, the VSSR is determined to be valid, the employer pays a dollar-for-dollar penalty that is 15 to 50 percent of the maximum allowable weekly compensation rate.

Also, if this is the company's second (or more) violation in a period of 24 months, it could be fined an additional \$50,000!

It gets worse. Employers fighting a VSSR are not protected from civil suits or third-party lawsuits in civil court. The bottom line is that VSSRs are dangerous for your most valued investment – your employees – and expensive for your company, too.

There is good news, though! Although VSSRs can be stressful and damaging, the majority of VSSRs are defensible or at least manageable with effective legal counsel.

How do you know if a VSSR challenge may be headed your way? Here are some examples of when employers typically see a VSSR

challenge:

- Fall from a roof
- Ladder injury
- Amputation
- Machine guard violations
- Crush injuries
- Machine malfunction
- Construction site injuries
- PPE violations

If you are an Ohio employer, now is a good time to review your safety program to ensure you are compliant with all safety requirements for your industry.

Authors



Sue A. Roudebush

Partner & Workers' Compensation Chair

Columbus

614.227.7744

sroudebush@bricker.com