



What is a VSSR?

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You may be asking yourself what a VSSR is and how it affects you as an Ohio employer. The Ohio Revised Code states that a violation of a specific safety requirement (VSSR) is the responsibility of every Ohio employer to provide a safe workplace for their employees and adhere to all safety rules. If an employer is not adhering to one of the safety requirements, they could be hit with a VSSR. And, if the VSSR is found to be valid, an injured employee would be eligible for additional compensation—paid directly out of the employer’s pocket!

How is it determined that a VSSR has occurred?

Three requirements must be met before it is determined that an injury was the result of a VSSR. In order to collect an additional award, an investigation is performed by the Bureau of Workers’ Compensation (BWC) and then the injured worker must prove that:

- The safety requirement was both specific and applicable;
- The employer was not in compliance with the safety requirement when the accident occurred; and
- The employer’s non-compliance with the requirement was the proximate cause of the injury.

Remember that the burden of responsibility is not entirely on the employer. Workers are also expected to properly use safety equipment provided by the employer. If a worker does not properly use safety equipment, then the BWC may not find the employer at fault for the injury.

What penalties are associated with a VSSR

If the employer is found to be at fault for a VSSR, it will result in significant costs. The Industrial Commission will grant the injured worker an additional monetary award, which can range from 15 to 50 percent of the total compensation paid in the claim. And, as mentioned above, this is paid directly—not through the workers' compensation claim.

Further, if the company has been charged with two or more VSSRs within a 24 month period, an additional penalty could be assessed. That additional penalty can be up to \$50,000.

How has Ohio H.B. 81 changed the VSSR process?

Effective September 15, 2020, the time requirement for filing a VSSR is one year from the date of injury. Prior to this legislative change implemented through H.B. 81, and for claims filed prior to the above effective date, injured workers had two years to file an application for a VSSR award.

What can your business do about VSSRs?

Employers should crack down on potential violations. It is also imperative to adhere to safety requirements and create safer environments for your employees.

Authors

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