Prairie Island Indian Community

Tribal Occupational Safety & Health

TOSHA Compliance Inspection Procedure

Subject: Procedure for planning and conducting workplace compliance inspections.

Policy Owner (Department): Occupational Safety

Effective Date: 05/2026

Revision Number: 000

Revision Date:

Policy:

Each employer shall furnish to each employee a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to the employees and comply with the regulations and orders in accordance with the requirements of the Tribal Occupational Safety and Health Ordinance ("PIIC-TOSHA").

Purpose:

The purpose of the TOSHA Compliance Inspection procedure is to provide guidance when conducting workplace inspections.

Scope:

Employers with at least one employee engaged in any business within the jurisdiction of the Community.

Procedures:

Compliance Inspection Priorities

1. The Tribal Occupational Safety and Health Administrator ("TOSHA") will focus inspections on the most hazardous risks in the following order of priority:
   a. Imminent danger situations – hazards that could cause death or serious physical harm receive top priority. These hazards must be corrected immediately and until corrected, endangered employees must be removed.
   b. Severe injuries and illnesses – employers must report all work-related fatalities, inpatient hospitalizations, amputations, or losses of an eye to the TOSHA consistent with the TOSHA-P02 Incident, Injury, and Illness Reporting Requirements.
   c. Worker complaints – allegations of hazards or violations reported by workers.
   d. Scheduled inspections – inspections at specific high-hazard areas or individual workplaces that have experienced high rates of injuries.
   e. Follow-up inspections – check for abatement of violations cited during previous inspections and notice of non-compliance.

Annual Inspection Planning

2. During annual planning the inspection priority list is reviewed, and the preliminary inspection schedule is developed. Seasonality of operations and event schedules are considered when planning.

On-Site Inspection Process

3. The TOSHA is authorized to enter without delay and at all reasonable times the worksite where work is performed is to inspect or investigate during regular working hours.

a. Preparation – before conducting an inspection, TOSHA will research the inspection history of the worksite and gather appropriate personal protective equipment and testing instruments to measure potential hazards.
b. Opening Conference – TOSHA will explain the worksite was selected for inspection and describe the scope of the inspection, walkaround procedures, employee representation and employee interviews.
    i. Employers select a representative to accompany TOSHA during the inspection.
    ii. A representative of the employees, if any, also has a right to accompany TOSHA.
    iii. TOSHA will consult privately with a reasonable number of employees during the inspection.
c. Walkaround – TOSHA and the representatives will walk through the portions of the workplace covered by the inspection, inspecting for hazards that could lead to employee injury or illness. During the walkaround, TOSHA will:
    i. Review of worksite injury and illness records
    ii. Identify locations of required TOSHA postings
    iii. Recommend where violations can be corrected immediately; however, the hazard will still be cited. Prompt correction is a sign of good faith.
    iv. Attempt to reduce work interruptions during the inspection
    v. Keep confidential all trade secrets observed in the workplace
d. Closing Conference – After the walkaround, TOSHA will hold a closing conference with the employer and the employee representatives to discuss the findings. At or before the closing conference, Employers and employee representatives may notify the TOSHA of the following:
    i. Of their interest in Discussing possible courses of action the employer may take
    ii. That they would like an informal conference with TOSHA
    iii. That they are contesting citations and proposed penalties
    iv. That they are requesting consultation services regarding the alleged violations and/or the employees' rights

Inspection Results

4. When TOSHA finds violations or serious hazards, citation and fines may be issued.
    a. Citations and penalties must be issued within six months of the violation's occurrence.
    b. Citations must describe standards allegedly violated, list any proposed penalties, and give a deadline for correcting the alleged hazards.
    c. Violations are categorized as willful, serious, other-than-serious, de minimis, failure to abate, and repeat.
    d. TOSHA has a policy to reduce penalties for small employers and those acting in good faith.
    e. For serious violations, TOSHA may also reduce penalties based on the gravity of the alleged violation.
    f. No good faith adjustment will be made for alleged willful violations.