



Indiana Raises Penalties To Over \$132K For Knowing Violations Resulting In Death

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On April 24, 2019, Indiana Governor Holcomb signed a [bill raising the maximum fines](#) for “Knowing” (aka “Willful”) safety violations resulting in death of an employee to \$132,598. This represents nearly a 90% increase over the prior maximum of \$70,000.

This increase is limited only to “Knowing” safety orders (or citations) which can “reasonably be determined to have contributed to an employee fatality.” This matches the current maximum penalty in effect for federal OSHA “Willful” citations.

Indiana left unchanged the maximum penalties for all other safety orders including “Other-than-Serious” (\$7,000), “Serious” (\$7,000) and “Knowing/Repeat” (\$70,000), despite the fact that federal OSHA increased the maximum penalties of its citations nearly 80% in 2016 and also implemented inflationary increases every January 1 since then.

State plan states like Indiana are required to have health and safety standards “at least as effective” as federal OSHA but a number of state plans have not increased their maximum fines to match those of federal OSHA, as it requires legislative approval.

The Indiana bill was originally introduced after an employee was crushed to death by a machine which had safeguards removed by company employees in January 2018. According to the Bureau of Labor Statistics, Indiana’s

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workplace fatalities have increased 20% from 2015 (115 fatalities) to 2017 (138 fatalities).

