

SEPTEMBER 28, 2020 | EVENTS

## [Webinar Recording] Attorney-Client Privileged Audits and Investigations and OSHA's Self-Audit Policy

In September 2020, [Kate McMahon](#), [Micah Smith](#) and [Nick Scala](#) of Conn Maciel Carey presented a webinar regarding [Attorney-Client Privileged Audits and Investigations and OSHA's Self-Audit Policy](#).

Safety and health audits and accident or near-miss investigations are invaluable tools to identify hazards at a workplace and improve safety, but what happens when a government regulator demands copies of the reports and/or recommendations from the audit or investigation? When not done carefully or under attorney-client privilege, audit and investigation reports can serve as admissions and/or a roadmap for OSHA and MSHA investigators or plaintiffs' attorneys regarding areas of non-compliance. This in turn can create a disincentive for employers to audit their facilities.



### Attorney-Client Privileged Incident Investigations and Safety Audits

September 22, 2020

**Kate McMahon, Micah Smith, and Nick Scala**  
Conn Maciel Carey LLP's Workplace Safety (OSHA/MSHA) Practice

This webinar explored the benefits of conducting audits and investigations at the direction of counsel so as to improve safety and compliance while also protecting the company and management from adverse use by 3rd party litigants or regulators. We reviewed audit and investigation and report-writing strategies and best practices. We also reviewed OSHA's policy on self-audits and the reality of OSHA's use of voluntary self-audits during inspections. And we reviewed best practices to manage MSHA's unlimited lookback period for enforcement.

Participants in this webinar learned about:

- Implementing attorney-client privileged audit programs and investigations
- Maintaining privilege over results of audits and investigations, while still effectively implementing findings
- How OSHA, MSHA or 3rd party litigants can use self-audits and inspections against an employer
- OSHA and MSHA statute of limitations and policies on lookback for audit and incident and/or near miss reports

We are pleased to share links to [a copy of the slides](#) and [a recording of the webinar](#). Let us know if you have questions about OSHA/MSHA incident investigations and audits, or any other OSHA/MSHA law issues. We would love to be a resource for you.

This was the 9th regularly scheduled webinar in the [2020 OSHA Webinar Series](#). Click [here](#) to view our full schedule, detailed program descriptions, and individual registration pages for the remaining webinars in the [2020 OSHA Webinar Series](#). To register for all of Conn Maciel Carey's OSHA webinars, [click here to send an email request](#), and we will get you automatically registered.



If you missed any of our past webinars in our annual OSHA Webinar Series, here is a link to [Conn Maciel Carey's webinar archive](#).

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For additional employer resources on issues related to COVID-19, please visit Conn Maciel Carey's COVID-19 FAQ Page for an [extensive index of frequently asked questions](#) with our answers about HR, employment law, and OSHA regulatory related developments and guidance. Likewise, subscribe to our [Employer Defense Report](#) blog

and [OSHA Defense Report](#) blog for regular updates about COVID-19 and other important Labor & Employment and OSHA issues. Conn Maciel Carey's COVID-19 Task Force is monitoring federal, state, and local developments closely and is continuously updating these blogs and the FAQ page with the latest news and resources for employers.



## **COVID-19 FAQs for Employers**