

## GROCERY CHAIN PAYS \$400,000 IN FINES FOR SAFETY HAZARDS



A grocery chain with stores in Massachusetts and New Hampshire has recently agreed to rectify purported hazards and work towards enhancing safety and health procedures for all of its employees, as well as paying a total of 400,000 dollars in fines. This was in response to litigation brought against DeMoulas Super Markets, Inc., by the U.S. Department of Labor (DOL). In October 2011, the DOL's Occupational Safety and Health Administration (OSHA) cited fines totaling nearly 600,000 dollars, after inspections led to the discovery of "widespread fall and laceration hazards" at the chain's stores. DeMoulas owns more than 60 Market Basket stores. The company initially contested the OSHA's citations to the independent Occupational Safety and Health Review Commission. The DOL's regional solicitor's office responded by filing a complaint with the Commission, requesting that the company correct hazards at all of its stores. The company agreed to the corrections as part of the settlement, as well as taking preventative measures. "This enterprise-wide settlement is significant because DeMoulas has agreed not only to correct the hazards cited during OSHA's inspections, but also to enact effective and ongoing systemic changes that will benefit all its employees," Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels said in a DOL press release. According to the stipulations of the Occupational Safety and Health Act of 1970, employers are required to provide safe and healthful workplaces for all employees. The OSHA was designed to guarantee such conditions for workers by setting and enforcing standards, as well as providing training, education and any necessary assistance. The Act states that employers must afford every employee employment and workplaces that are "free from recognized hazards that are causing or are likely to cause death or serious physical harm" to employees. Both employers and employees alike are



required to comply with the Act's provisions. A director with complete authority and responsibility in developing, implementing, monitoring and enforcing the company's safety and health program; a written safety and health program for all stores that will necessitate inspections to monitor and evaluate the program's efficiency, as well as provisions to help identify, record and correct any hazards or potential violations; a written disciplinary program for all stores and store employees, including management; a safety and health liaison for all departments of each store; formal training in safety and health for all new and existing employees on an annual basis; and the addition of a safety and health evaluation in the annual performance reviews of every store and department manager. Michael Felsen, the DOL's regional solicitor for New England, added, "DeMoulas has agreed to a comprehensive and responsible settlement that corrects past hazards and paves the way for improvements which, effectively implemented and maintained, will significantly minimize hazards and enhance workplace safety and health for employees throughout the company."

DeMoulas agreed to the following improvements: a full-time safety and health

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