

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

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Title 21 : Labor

Chapter 003 : Safety

Subchapter 004 : GENERAL PROVISIONS

(Cite as: 21 V.S.A. § 210)

§ 210. Penalties

(a) Upon issuance of a citation under this chapter, the Review Board is authorized to assess civil penalties for grounds provided in this subsection. In assessing civil penalties, the Review Board shall follow to the degree practicable the federal procedures prescribed in rules adopted under the Act. The Review Board shall give due consideration to the appropriateness of the penalty with respect to the size of the business or operation of the employer being assessed, the gravity of the violation, the good faith of the employer, and the history of previous violations. Civil penalties shall be paid to the Commissioner for deposit with the State Treasurer, and may be recovered in a civil action in the name of the State of Vermont brought in any court of competent jurisdiction. The Commissioner shall not reduce the assessed penalties in any fiscal year by more than 50 percent.

(1) Any employer that willfully or repeatedly violates the requirements of this Code or any standard or rule adopted, or order issued pursuant to this Code may be assessed a civil penalty of not more than \$126,749.00 for each violation, but not less than \$5,000.00 for each willful violation.

(2) Any employer that has received a citation for a serious violation of the requirements of this Code, or any standard or rule adopted, or order issued pursuant to this Code, shall be assessed a civil penalty of up to \$12,675.00 for each violation.

(3) Any employer that has received a citation for a violation of the requirements of this Code, or any standard or rule adopted, or order issued pursuant to this Code, if the violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$12,675.00 for each such violation.

(4) Any employer that fails to correct a violation for which a citation has been issued within the period permitted for its correction, which period shall not begin to run until the date of the final order of the Review Board, in the case of any review proceeding under

section 226 of this title initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than \$12,675.00 for each day during which the failure or violation continues.

(5) Any employer that willfully violates any standard or rule adopted, or order issued pursuant to this Code, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than \$126,749.00 or by imprisonment for not more than one year, or by both.

(6) Any person who gives advance notice of any inspection to be conducted under this Code, without authority from the Commissioner or Director or designees, shall, upon conviction, be punished by a fine of not more than \$ 1,000.00 or by imprisonment for not more than six months, or by both.

(7) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Code shall, upon conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than six months, or by both.

(8) Any employer that violates any of the posting requirements, as prescribed under the provisions of this Code, shall be assessed a civil penalty of up to \$12,675.00 for each violation.

(9)(A) As provided under the federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and the Act, the penalties provided in subdivisions (1), (2), (3), (4), (5), and (8) of this subsection (a) shall annually, on January 1, be adjusted to reflect the increase in the Consumer Price Index, CPI-U, U.S. City Average, not seasonally adjusted, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous December 1.

(B) The Commissioner shall calculate and publish the adjustment to the penalties on or before January 1 of each year, and the penalties shall apply to fines imposed on or after that date.

(b) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use, in such place of employment unless the employer did not and could not, with the exercise of reasonable diligence, know of the presence of the violation. (Added 1971, No. 205 (Adj. Sess.), § 1; amended 1973, No. 214 (Adj. Sess.), § 11; 1985, No. 150 (Adj. Sess.), § 2; 1991, No. 23, § 1, eff. May 3, 1991; 2003, No. 66, § 74; 2017, No. 69, § D.1, eff. June 8, 2017.)