Analyze the case of SeaWorld of Florida v. Perez, 2014 U.S.

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1. The legal issues in the case of SeaWorld of Florida v. Perez, 2014 is to determine whether SeaWorld violated the general Duty Clause under the Occupational Safety and Health Administration Act. It also determines whether the company was involved in abatement process to minimize the danger without involving the fundamental essence of the SeaWorld business. However, the appeals soundly made a determination that SeaWorld did infringe on the clause of the General Duty and therefore, there were evidence to prove that the company was involved in the abatement processes to reduce the hazards and therefore, changing the fundamental essence of the process of business (Racic, 2016).
2. **Explain how the elements of a valid claim were satisfied under the OSH Act.**

Establishing a violation under the General Duty Clause of the OSH Act was essential for the determination of the case. Therefore, the plaintiff establishes the action which occurred in the employer’s place of operation to produce a risk to a work. It is also stated that SeaWorld agreed that both water and dry work were of danger to employees because of orca whales. The employer also agreed that the condition is perilous (Caselaw, 2014). It was established that the industry is of danger and there have been other related incidences around the world from the same industry. The risk expected produces a serious injury to the worker. The SeaWorld agreed or acknowledged that while some danger is very inherent in occupational responsibilities, the danger cannot result to an established risk, which was very ineffective.

1. **How does OSHA enforce workplace safety and health standards?**

The OSHA enforces the safety and health standard at workplace by ensuring that all the necessary requirement are in place to limit the risk. First, it makes sure that employer put in place necessary mechanism to avoid hazard at workplace. It also ensure that there are feasible and the best way to correct any hazard. It conduct supervision on the safety standard at workplace to make sure that the condition at workplace meets the criteria set to avoid any unnecessary hazard which can cause danger to workers. OSHA also keeps updating the policies and laws needed to be followed by companies in their operation and what should be observe when setting up a workplace environment (Walsh, 2016).

1. **Do you agree with the court’s decision? Should or could SeaWorld have done more to abate the hazard? Support your position**.

Yes. I absolutely agreed with the court decision. The trainer would have been protected against the killer whale. The SeaWorld violated the OSHA Act by failing to protect the trainer from the whale. Under the General Duty clause and safety standard, there ought to be a barrier between the killer whale and the public to ensure that nobody could come close the killer whale and therefore, failure to place the barrier exposed the trainer to the killer whale and therefore, the company is liable for the death of the trainer. It is also evidence that SeaWorld did not put a clear notice at the workplace when approaching the place where the killer whale was placed to inform the public of the danger of the killer whale. The SeaWorld would have done more to abate the hazard. First, the company would have ensured that the killer whale is place far away from the public. The company should have place notices informing all trainers not to move close to the killer whale. The public awareness of the hazard or danger ought to have been done to limit the chances of hazard.

# References

Caselaw. (2014). SEAWORLD OF FLORIDA LLC v. PEREZ - Cases and Codes. *https://caselaw.findlaw.com/us-dc-circuit/1663286.html* , 2-34.

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