OSHA Reminds Employers to Continue Assessing Employee Safety Regarding COVID-19 Hazards, While Also Not Neglecting Common Workplace Hazards

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As employers continue to implement and maintain the current health and safety guidance to prevent the spread of COVID-19 in the workplace, they should also be mindful not to forget their other safety obligations. On June 15, 2020, the U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") issued a News Release specifically reminding employers that workers need to be protected from both coronavirus and common workplace hazards.

OSHA noted that as employers go through each phase of reopening, they "need to plan for potential hazards related to the coronavirus, as well as those stemming from routine workplace processes." Specifically, employers should be aware that the coronavirus pandemic might increase employee stress, fatigue and distractions. Accordingly, OSHA advises that employers should consider these factors in planning their employees' return to work to ensure operations resume in a safe and healthful manner. According to the agency, careful planning is critical before employers attempt to increase production or ramp up tasks or processes to make up for any downtime due to the pandemic and to avoid exposing workers to additional safety and health hazards.

As part of their reopening plans, OSHA recommends that employers provide workers with "refreshers" on safety and health training and address any maintenance issues that may have been deferred during a shutdown. It is also recommended that employers revisit and update standard operating procedures and be mindful that exposures to hazards may increase during shutdown and start-up periods. Among other things, it is important for employers to review and address process safety issues, such as stagnant or expired chemicals, as part of their reopening effort.

In its News Release, OSHA also reminded employers that Section 11(c) of the Occupational Safety and Health Act, 29 U.S.C. 660(c), prohibits employers from retaliating against workers for raising concerns about safety and health conditions. Accordingly, employers should encourage workers to report any health and safety concerns not just COVID-19-related, but also those related to routine workplace processes, and remind workers about the procedure in the workplace to report such concerns. Thus, it may be prudent to train managers on how to appropriately handle such complaints.

In sum, OSHA expects that employers will follow the current health and safety guidance to prevent the spread of COVID-19 in the workplace, while also remaining vigilant to ensure that the safety controls against common workplace hazards remain robust. We discussed OSHA-specific items to review with reopening plans in this previous alert located here. Additionally, employers should audit compliance with other safety programs that may have been dormant or impacted by COVID-19.

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