

Occupational Safety and Health Administration (OSHA) and Workers Safety in the Event of COVID-19 Exposure in the Workplace

As business reopen OSHA is committed to ensure safe and healthy conditions for working men and women. The elimination of COVID-19 hazards from the work environment is a top priority for OSHA (Updated Interim Enforcement Response Plan for COVID-19. COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. OSHA has updated their response plan for Coronavirus disease.

Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and employers are responsible for recording cases of COVID-19, if:

1. The case is a confirmed case of COVID-19, as defined by the Centers for Disease Control and Prevention (CDC);^[2]
2. The case is work-related as defined by 29 CFR § 1904.5;^[3] and
3. The case involves one or more of the general recording criteria set forth in 29 CFR § 1904.7.^[4] (Revised Enforcement Guidance for Recording Cases of COVID-19).

As we know confirmed cases of COVID-19 have been found in nearly all parts of the country, and outbreaks among workers in industries other than healthcare, emergency response, or correctional institutions have been identified. OSHA will enforce the recordkeeping requirements of 29 CFR 1904 for employee COVID-19 illnesses for all employers according to the guidelines below.

Employers can be reassured that the act of Recording a COVID-19 illness does not, of itself, mean they have violated any OSHA standard (Revised Enforcement Guidance for Recording Cases of COVID-19).

In accordance with the existing regulations, employers with 10 or fewer employees and certain employers in low hazard industries have no recording obligations; they need only report work-related COVID-19 illnesses that result in a fatality or an employee's in-patient hospitalization, amputation, or loss of an eye.

https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19#_ftn5

OSHA Inspection Process Changes Since COVID-19: After OSHA receives an employer report of a fatality, in-patient hospitalization, amputation, or loss of an eye as a result of a work-related incident. The OSHA inspection process may change depending on the geographic areas COVID-19 exposure and available resources. For additional guidance, refer to Rapid Response Investigations Enforcement Procedures at Rapid Response Investigations Enforcement Procedures at

www.osha.gov/memos/2016-03-04/revised-interim-enforcement-procedures-reporting-requirements-under-29-cfr-190439.

General Enforcement Guidance: As states take steps to reopen their economies and workers are returning to their workplaces, OSHA has prepared for complaints with an Updated Interim Enforcement Response Plan for COVID-19. This guidance addresses how OSHA will handle complaints filed due to exposures of COVID-19. The guidance includes rules for inspections, protection of compliance officers, the potential additional applicable OSHA standards and enforcement discretion recommendations for Compliance Safety and Health Officers (CSHO).

The following attachments are part of the Updated Interim Enforcement Response Plan for COVID-19 and can be viewed in full at the Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 OSHA website.

Attachment 1 Specific Guidance for COVID-19 Enforcement:

Workplace Risk Levels

Complaints, Referral, and Rapid Response Investigations (RRIs)

Inspection Scope, Scheduling and Procedures

Additional Guidance for Certain OSHA Standards

Enforcement Discretion

Coding and Point of Contact.

Attachment 2. Sample Employer Letter for COVID-19 Activities.

Attachment 3. Sample Hazard Alert Letter for COVID-19 Inspection.

Attachment 4. Sample Alleged Violation Description for Citing the General Duty Clause.

Attachment 5. Additional COVID-19 Related References.

(Updated Interim Enforcement Response Plan for COVID-19)

References:

Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19) May 19, 2020

<https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>

Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19) May 19, 2020

<https://www.osha.gov/memos/2020-05-19/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>

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