



Here Comes the Sun: Legal Obligations and Practical Considerations for Employers of Outdoor Workers

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There are more than one million new cases of skin cancer reported each year in the United States according to the National Cancer Institute (NCI). According to these estimates, 40 to 50 percent of Americans who live to age 65 will have skin cancer at least once. Overexposure to the sun is the leading cause of skin cancer, and there are higher rates of skin cancer reported in states where the sun is stronger.

Outdoor workers' chances of developing some type of skin cancer, or other sun-exposure related disease, in their lifetime is much greater than the average person because of the potential overexposure of sun from being outside the majority of each day. If an employee smokes, his or her chances of developing a squamous cancer or facing poorer prognoses for surviving a melanoma¹ also increase, especially in men. Laborers, who smoke at twice the national average and primarily work outside, have a significantly higher risk of developing skin cancer. There are additional occupational factors that can increase the likelihood of skin cancer as well, including exposure to radiation, coal tar, pitch, creosote, and arsenic.

Some examples of jobs involving a significant amount of outdoor activity include, but are certainly not limited to, laborers in construction and transportation; athletic field and golf course maintenance; hotel and country club pool staff; restaurant patio servers; landscapers; messengers; fishermen; and certain environmental jobs.

The Occupational Safety and Health Act does not specifically have a regulation addressing an employer's obligation to protect employees from the hazards created by sun exposure. Such a requirement, however, is addressed indirectly by the Act's Personal Protective Equipment (PPE)

Educate outdoor workers who are exposed to the sun's radiation in overall skin cancer prevention and identification, the importance of self-checks, and the importance of regular visits with a dermatologist. Skin cancers that are caught and treated early are associated with less cost and a greater chance of overall survival. Before the summer months set in, evaluate your company's need for a sun smart program and take the steps to implement such a program if you have employees regularly exposed to the sun.

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