



Employer Obligations For Outdoor Workers

Publication

6.09.09

Outdoor workers run a greater risk of developing some type of skin cancer or other sun exposure-related disease than the average person because of the potential overexposure of sun from being outside the majority of each day.

Add smoking to that exposure and an employee's chances of developing a cancer or facing poorer prognoses for surviving a melanoma also increase. This is especially true for men. Laborers smoke at twice the national average and primarily work outside. That combination results in a significantly higher risk of developing skin cancer in a country where the National Cancer Institute (NCI) reports more than one million new cases of skin cancer each year.

Additional occupational factors can increase the likelihood of skin cancer as well, such as exposure to radiation, coal tar, pitch, creosote and arsenic.

Examples of jobs involving a significant amount of outdoor activity include 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. However, such a requirement is addressed indirectly by the act's Personal Protective Equipment (PPE) rule.

There are practical issues for employers to consider, beyond OSHA requirements, if they employ outdoor workers. We are heading into the hot summer months so this is a good time to evaluate your company's need for a sun-smart program. Take the steps to implement such a program if you have employees regularly exposed to the sun.

This article appeared in the June 9, 2009 issue of [*Employment Law360*](#).