



Cal/OSHA Increasing COVID-19 Enforcement Activities – What Should Employers Do To Prepare?

Insights

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Cal/OSHA recently cited 11 employers in the food processing, meatpacking, health care, agriculture, and retail industries for not protecting employees from potential exposure to COVID-19. The state safety enforcement agency targeted these industries after several employee complaints and a spike in infection rates. It then initiated a number of strategic enforcement efforts to ensure all employers have adequate workplace safety plans to address COVID-19-specific hazards.

This initial group of 11 employers were cited for various violations, including some that were classified as serious, with proposed penalties ranging from \$2,025 to \$51,190. Many of the alleged violations are tied to Cal/OSHA's contention that the employer failed to adequately implement their Injury and Illness Prevention Program and identify hazards in accordance with Title 8, Section 3203 of the California Code of Regulations. Cal/OSHA has promised there are many more citations on the horizon.

Even though Cal/OSHA says it has targeted specific industries where it believes employees have been disproportionately affected, employers in any industry should take note of Cal/OSHA's guidance and endeavor to minimize the risk of a potential Cal/OSHA inspection and COVID-19 related citations. Existing regulations require employers to implement effective measures to protect employees from worksite hazards, including identifying and recognizing health hazards such as COVID-19 and providing effective training. You must continue to take steps to:

- Monitor employees for compliance with appropriate social distancing practices (at least six feet) to limit the spread of COVID-19. Strategies include, but are not limited to:
 - Creating barriers, such as shields – even establish directional walkways; and
 - Using signs, tape marks, or other visual cues placed six feet apart to indicate where to stand in areas where congregation is likely
- Personal hygiene for employees is critical:
 - Provision of handwashing facility or hand-sanitizer;
 - Consider eye and hand protection; and
 - Sanitizing surfaces regularly;
- Provide employees with cloth face coverings or allow them to use their own.

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- Screen workers for COVID-19 symptoms before they start work; and
- Have workers stay home if they feel ill and inform them about applicable sick leave benefits.

Furthermore, if your employees interact with the public, you must follow the latest public health orders and ensure they are maintaining a safe workspace to protect both workers and customers. Workers and customers should use face coverings, and if you are moving worksites outdoors that had previously been indoors, you must account for new hazards such as heat illness and moving vehicles.

With increased Cal/OSHA enforcement efforts, all employers should review their Injury and Illness Prevention Programs to ensure they adequately account for COVID-19 related issues. In doing so, you are encouraged to keep in mind the existing requirements and guidance and see what works for your specific worksites.

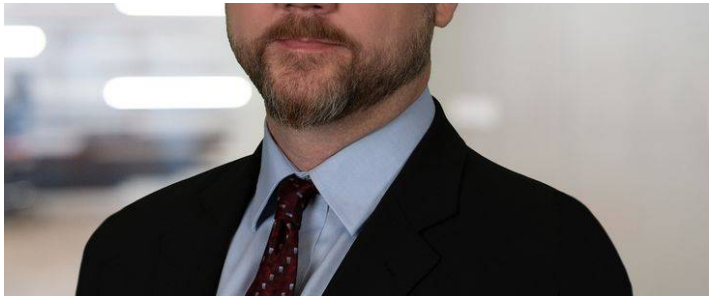
Do not hesitate to reach out to your Fisher Phillips workplace safety lawyer with compliance questions or how to develop an effective plan. Also, be aware that if Cal/OSHA initiates an inspection at your worksite, it will not only be looking at COVID-19 specific issues, but your overall compliance with workplace safety regulations.

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