



Employers Take Note: OSHA Provides Details On Most Common COVID-19 Citations

Insights

11.10.20

The Occupational Safety and Health Administration (OSHA) just issued guidance and an accompanying one-page summary outlining which standards are most frequently cited during coronavirus-related inspections. OSHA based these documents on data gleaned from citations issued as the result of complaints, referrals, and fatalities related to COVID-19. According to OSHA, most of these citations were issued to industries such as hospitals and healthcare, nursing homes and long-term care facilities, and meat/poultry processing plants. However, all employers should take note in order to avoid similar pitfalls.

Summary Of Key Data Points

The guidance makes it clear that the most commonly cited standards related to COVID-19 involve respiratory protection and personal protective equipment (PPE). Based on the data provided by OSHA, it is evident that many employers are issuing respirators to employees without the required medical evaluation and without establishing and implementing a written respiratory protection program.

This is important to note so you can avoid similar citations. You should not just hand employees a respirator. Instead, you should carefully review OSHA's Respiratory Protection standard to ensure that you are complying with each requirement, from fitment to training.

OSHA's guidance also highlights the importance of reviewing OSHA's Personal Protective Equipment standard. You should ensure that you have assessed your workplace to determine if COVID-19 hazards are present which will require the use of PPE. If additional PPE is required, you should properly train workers to safely use all new PPE.

You should continue to keep the required records of all work-related fatalities, injuries, and illnesses. OSHA's existing injury and illness recording and reporting requirements do apply to COVID-19, if the case is a confirmed case of COVID-19 and is work-related. For any fatality that occurs within 30 days of a work-related incident, the fatality must be reported to OSHA within eight hours of the employer becoming aware of the fatality. For a work-related incident resulting in an employee being hospitalized, the hospitalization must be reported to OSHA within 24 hours of the employer becoming aware of the hospitalization.

What Should You Do?

- You should review the guidance issued by OSHA to avoid receiving similar citations.
- If you have not already done so, you should assess your workplace to determine if additional PPE is required to protect against COVID-19 related hazards.
- If any additional PPE is required, you must train your employees on proper use.
- Finally, if you are requiring employees to wear a face covering that meets the definition of a respirator, you should ensure that you have completed proper medical evaluations and have properly trained your employees.

Do not hesitate to reach out to your Fisher Phillips workplace safety lawyer with compliance questions or how to develop an effective PPE and respiratory protection program. Also, be aware that if OSHA initiates an inspection at your worksite, it will review your overall compliance with workplace safety regulations, not just COVID-19-related issues.

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