



# Department of Labor Provides OSHA Interim Enforcement Response Plan For COVID-19

Insights

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The Department of Labor's Occupational Safety and Health Administration just issued an interim enforcement response plan to OSHA area offices on how to handle COVID-19-related complaints, referrals, and severe illness reports. And the plan means that healthcare and emergency response employers need to be more vigilant than ever when it comes to workplace safety.

## How Will COVID-19-Related Complaints Be Handled?

The response plan indicates complaints from non-healthcare and non-emergency response establishments will be considered "non-formal phone/fax," and follow the non-formal complaint and referral procedures. This will significantly reduce the likelihood of an inspection stemming from a complaint for non-healthcare and non-emergency response establishments. It also indicates that OSHA intends to focus a significant amount of their investigatory time on healthcare and emergency response establishments.

## Do Not Forget To Report "Reportable Incidents"

The guidance reminds employers of their duty to report incidents resulting in a fatality, in-patient hospitalization, amputation, and loss of an eye that was the result of a work-related incident. Employers must report a fatality within eight hours after they learn of the fatality, and must report an in-patient hospitalization, an amputation, or a loss of an eye within 24 hours of learning of the incident. Employers should note that injuries and illnesses, including COVID-19, that result in an in-patient hospitalization are only reportable if the hospitalization occurs within 24 hours of the work-related incident (i.e. contracting the virus).

The response plan directs Area Directors to determine whether to conduct an inspection or a Rapid Response Investigation and encourages Area Directors to opt for a Rapid Response Investigation whenever possible. Area Directors are also directed to evaluate the risk of exposure to COVID-19 at a workplace prior to any inspection. They are encouraged to maximize the use of electronic means of communication, including holding phone interviews, video conferences, and email transmittals of documents.

## Conclusion

This interim enforcement response plan provides guidance on the priorities of OSHA in dealing with COVID-19 related complaints and inspections. Healthcare and emergency response establishments

should pay particular attention to the response plan, as it indicates OSHA will prioritize employee complaints from those particular industries.

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