



# Kentucky OSHA is Shutting Down Employers for Lack of Social Distancing

Insights

4.27.20

Kentucky OSHA (KOSH) has been tasked with enforcing Governor Beshear's Executive Orders (EO) regarding essential businesses and social distancing. See Executive Order 2020-257. For those essential businesses who are now allowed to operate, the EO requires employers "ensure physical separation of employees and customers by at least six feet when possible ... ." Employees, customers, family members or members of the general public who observe violations of social distancing can lodge a complaint with the Kentucky Labor Cabinet that will result in a visit from KOSH. If the KOSH Compliance Officer observes violations of social distancing, then the Compliance Officer signs and issues an Order to Cease Operations. The order is issued "on the spot" and is immediately effective. Employers must then work with the Kentucky Labor Cabinet to get re-opened. We recommend utilizing counsel experienced with the Labor Cabinet to assist you.

The Keys to avoiding a shutdown are pretty straightforward:

1. Have a written social distancing and hygiene plan in place that addresses, at a minimum, cleaning and disinfecting, social distancing throughout the facility or worksite, and the use of PPE (including facemasks or cloth face coverings where appropriate);
2. Train your employees on the plan; and
3. Enforce your plan, especially as to social distancing.

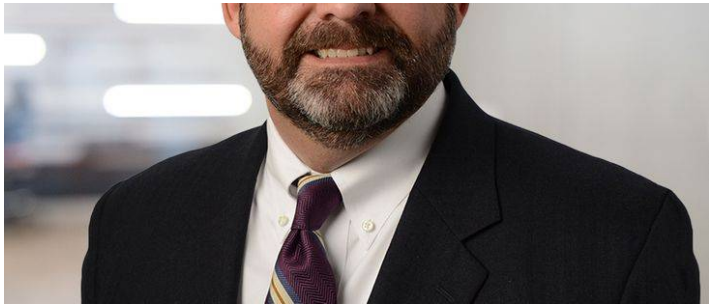
Fisher Phillips is happy to assist you with the development and/or review of your social distancing and hygiene plan, and with your interactions with KOSH.

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