



My Labor and OSHA Recommendations for 2016 Resolutions

Insights

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I try not to rely on *“the sky is falling”* marketing. So please seriously consider my following *“New Year’s Resolutions”*. I prefer to prevent problems. I’ve linked to Rich Meneghello’s excellent [Article and list](#), which includes additional subjects and recommendations.

With no further ado, here are my recommended 2016 Labor, OSHA, and Employment Law Resolutions:

1. Revise all Employee Handbooks and Rules and Procedures to comply with the hundred-plus recent NLRB decisions.
2. Downsize Employee Handbooks and put “general” rules into sections dealing with Customer Service, No Harassment, No Discrimination, No Bullying and Workplace Violence.
3. Revise Employee Agreements, including confidentiality provisions, to comply with NLRB decisions. Revisit how to deal with employees going to competitors. ([LINK to Post](#))
4. Determine where you use Temporary Employees and make sure that you are properly using them, ensure that they receive the same training and safety protections as full time employees, and train supervisors about the differences.
5. Recognize the coordinated attack by the NLRB, OSHA, the U.S. DOL-Wage Hour Division, and tax authorities on contractors and franchisees as “joint employers” and restructure as needed.
6. Regardless of your industry, take the following OSHA steps:
 - a. Train employers who evaluate and record workplace injuries about OSHA’s new 2015 reporting requirements to avoid *“over-reporting.”*
 - b. Teach supervisors that *“routine”* compliance items are what generate most reported six-figure OSHA citations for multi-location employers.
 - c. Retrain managers at every site on how to handle OSHA inspections and disasters. ([Preparing for Disasters When Disasters Seem to be Changing.](#)) ([Do You Really Know How to Manage OSHA Inspections](#))

- d. Update (or draft) your Employee Action Plan (EAP), provide fire extinguisher training, update Job Safety Analysis (JSA), and conduct your annual Lock Out (LOTO) Evaluation as applicable.
- e. Review workplace security, especially for workers in isolated settings, and take steps.
- f. Make sure that you have documented basis for your Respiratory Protection selections and Hearing Protection Engineering changes.
- g. Implement some form of regular self-inspections and document corrections, so as to prevent violations and also be able to prove to OSHA that management did not know of violations and that, based on the employer's safety processes, they were not foreseeable.
- h. Prepare for third parties and unions using safety to attack your company. The fast food attacks were not the first time, safety and OSHA claims have been used to pressure employers. [[UNITE-HERE Attacks Hotels](#)]. As the November 2015 "*Cyber Monday*" protests showed, the problem will only increase. [See Article](#).
7. If you are a [hospital](#), in [poultry processing](#), warehousing, logistics, or distribution, use proven ergonomic experts to analyze your injury history and develop strategies and evidence to defend your actions to limit ergonomic injuries and illnesses.
8. Even though the US-DOL has [delayed implementation of the new Wage-Item Salary Tests of exemption from overtime](#), evaluate frontline supervisory and administrative positions which the employers has treated as exempt from the overtime requirements of the Fair Labor Standards Act (FLSA).
9. Improve and better document timekeeping.
10. Better educate frontline supervision about how to handle employee reports and potential disability conditions under the ADA, and the importance of going through the individualized analysis and interaction.
11. Make sure you are in compliance with the Fair Credit Reporting Act (FCRA).
12. Make sure your hiring practices don't violate the 19 or so new ["Ban the Box" Laws](#) limiting criminal record inquiries.
13. Be aware that the EEOC focused much of its 2015 efforts and resources on "systemic" claims of discrimination. (Read [more](#))

Related People





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